



# Victoria Government Gazette

By Authority of Victorian Government Printer

**No. G 1 Thursday 6 January 2005**

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**GENERAL**

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**TABLE OF PROVISIONS**

Private Advertisements		Government and Outer Budget Sector	
Moorabbin Airport Corporation Pty Ltd	4	Agencies Notices	9
Dissolution of Partnership		Orders in Council	66
Asian Garden Cafe	4	Acts:	
GWP Aarons & Co.	4	Victoria Grants Commission	
Estates of Deceased Persons			
A. B. Natoli Pty	4		
Aitken Walker & Strachan	4		
Andrew P. Melville	4		
Arthur J. Dines & Co.	4		
Ashfords	5		
Biggs & Co.	5		
Borchard & Moore	5		
Clancy & Triado	5		
Dwyer Mahon & Robertson	5		
Frank Plata	6		
Mason Sier Turnbull	6		
Mills Oakley	6		
Peter Gardiner	6		
Roberts Beckwith Partners	6		
White Cleland Pty	7		
Unclaimed Moneys			
Clayton Utz Lawyers	8		

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**Advertisers Please Note**

As from 6 January 2005

The last Special Gazette was No. 2 dated 5 January 2005.

The last Periodical Gazette was No. 2 dated 23 September 2004.

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between 8.30 am and 5.30 pm Monday to Friday
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**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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**PUBLICATION OF THE VICTORIA GOVERNMENT GAZETTE (GENERAL)  
AUSTRALIA DAY WEEK (Thursday 27 January 2005)**

**Please Note:**

The Victoria Government Gazette for Australia Day week (G4/05) will be published on **Thursday 27 January 2005**.

**Copy deadlines:**

Private Advertisements **9.30 am on Friday 21 January 2005.**

Government and Outer  
Budget Sector Agencies Notices **9.30 am on Monday 24 January 2005.**

Where urgent gazettal is required after hours, arrangements should be made with the Government Gazette Officer on 0419 327 321.

JENNY NOAKES  
Government Gazette Officer

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## PRIVATE ADVERTISEMENTS

### **Aerodrome Landing Fees Act 2003**

Moorabbin Airport Corporation Pty Ltd gives notice that, under the **Aerodrome Landing Fees Act 2003**, the following fees have been fixed and operate at Moorabbin Airport from 1 January 2005.

- A fee for airport access being \$7.40 per 1,000 kilos MTOW per day for an aircraft or helicopter not engaged in RPT operations. This charge includes GST.

Discounts exist for pre-payment and for certain categories of aircraft and certain waivers exist for visiting aircraft. These are listed in Moorabbin Airport Conditions of Use – Airport Access Charges 2005, which can be obtained from Moorabbin Airport Corporation Pty Ltd, Bundora Parade, Mentone Vic. 3194 or from [www.moorabbinairport.com.au/access.htm](http://www.moorabbinairport.com.au/access.htm).

### **DISSOLUTION OF PARTNERSHIP**

In accordance with section 41 of the **Partnership Act 1958, Victoria**, Wei Min Luo hereby provides public notification of his retirement from the partnership trading as the Asian Garden Cafe at 246 Springvale Road, Springvale, Victoria.

### **DISSOLUTION OF PARTNERSHIP**

Notice is hereby given that the partnership of Robert Gartside, Peter Efklides and Mark Waters trading under the business name GWP Aarons & Co. was dissolved on 5 January 2005.

Re: LISETTE VIVIENNE McNAMARA, late of 317 George Street, Doncaster, Victoria, hospitality employee, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 March 2004, are required by the trustee, Michael Francis McNamara, of 1 Carinda Road, Canterbury, Victoria, business consultant, father, to send particulars to the trustee by a date not later than two months from the date of 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.

A. B. NATOLI PTY, solicitors,  
24 Cotham Road, Kew 3101.

Re: KATHLEEN DOROTHY COLLINS, late of Apartment 6, Oak Tree Lifestyle Apartments, 55 Viewmount Road, Glen Waverley, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 August 2004, are required by the surviving trustee, Philip Edginton Aitken of 4 Daphne Street, Canterbury, Victoria, gentleman, to send particulars to the trustee by 7 March 2005, 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.

Re: LINDSAY GORDON YELLAND, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of LINDSAY GORDON YELLAND, late of Unit 9, 14 Douglas Street, Rutherglen, retired, who died on 9 November 2004, are required to send particulars of their claims to Merlin William Yelland, care of Andrew P. Melville, solicitors of 110 Main Street, Rutherglen 3685, the personal representative, on or before 31 March 2005, after which date Merlin William Yelland may convey or distribute the assets having regard only to the claims of which he then has notice.

ANDREW P. MELVILLE,  
barristers & solicitors,  
110 Main Street, Rutherglen 3685.

ALEKOS POPALIS, late of 12 Reserve Road, Hoppers Crossing, in the State of Victoria, pensioner, 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 executrix, Mary Popalis, care of Arthur J. Dines & Co., solicitors, 2A Highlands Road, Thomastown, in the said State, to send particulars to her by 28 February 2005, after which date the executrix may convey or distribute the assets having regard only to claims to which she has notice.

Dated 20 December 2004

ARTHUR J. DINES & CO., solicitors,  
2A Highlands Road, Thomastown 3074.

MARIA LA BANCA, late of 59 Hunter Street, Brunswick West, retired, deceased, who died on 8 October 2004.

Creditors, next-of-kin and all others having claims in respect of the estate of the deceased are required by the executor, Anna Conti of 20 Mattingly Crescent, Brunswick West, to send particulars of their claims to her in the care of the undermentioned solicitors prior to 8 March 2005, after which date she will distribute the assets of the estate having regard only to the claims of which she then has notice.

ASHFORDS, lawyers,  
Level 50, 101 Collins Street, Melbourne 3000.

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Re: Estate of the late MURIEL GRACE CAVEY, deceased.

Creditors, next-of-kin and all persons having claims against the estate of MURIEL GRACE CAVEY, late of Regis Grange Nursing Home, 1 Wyuna Street, Rosebud West, Victoria, deceased, who died on 30 October 2004, are required to send particulars to the executor, Mavis Linore Langford-Jones, care of Biggs & Co., 2273 Point Nepean Road, Rye, Victoria 3941, on or before 31 March 2005 after which date she will distribute the assets having regard only to the claims of which she shall then have notice.

BIGGS & CO., solicitors,  
2273 Point Nepean Road, Rye, Victoria 3941.

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Re: EILEEN ANN COATES, late of 150 Tucker Road, Bentleigh, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 October 2004, are required by the trustee, William Thomas Miles, of 6 Norlane Street, Keysborough, Victoria, salesman, to send particulars to the trustee by 17 March 2005, 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.

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Re: NANCY BARBARA POULSON, late of 2 Shepreth Avenue, Noble Park, Victoria, retired school teacher, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 26 October 2004, are required by the trustees, Rodney John Poulson of RMB 1093 Howes Creek Road, Mansfield, Victoria, paramedic, and Marilyn Jean Murphy of 7 Gurners Lane, Mount Martha, Victoria, home duties, to send particulars to the trustees by 11 March 2005, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

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

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Re: JOHN GRAHAM KELLY, in the Will called JACK GRAHAM KELLY, late of 10 Cummins Road, Brighton East, Victoria, but formerly of 360 Huntingdale Road, South Oakleigh, Victoria, company manager, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 April 2004, are required by the trustee, Christine Louise Harper, in the Will called Christine Louise Kelly, of 21 Malakoff Street, North Caulfield, Victoria, company director, the daughter, to send particulars to the trustee by 15 March 2005, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

CLANCY & TRIADO, solicitors,  
8 Prospect Hill Road, Camberwell 3124.

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Re: Estate of GWENYTH MARGARET MOLONEY.

Creditors, next-of-kin and others having claims in respect of the estate of GWENYTH MARGARET MOLONEY, late of 80 Cumming Avenue, Birchip in the State of Victoria, gentlewoman, deceased, who died on 5 December 2004, are to send particulars of their claim to the executrices care of the undermentioned legal practitioners by 25 March 2005 after which they 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.

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Creditors, next-of-kin or others having claims in respect of the estate of CHERYL KAYE CALLIL, late of 20A Alder Street, Caulfield South, Victoria, deceased, who died on 15 September 2004, are to send particulars of their claims to the executor care of the undermentioned solicitor by 7 March 2005 after which date the executor will distribute the assets having regard only to the claims of which he then has notice.

FRANK PLATA, solicitor,  
14 Verdon Street, Williamstown 3016.

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Re: MAVIS DOROTHEA AUDREY DODD (also known as AUDREY MAVIS DOROTHEA DODD, AUDREY DODD and AUDREY MAVIS DODD), late of Melaleuca Lodge, 1 Watchorn Road, Cowes, Phillip Island, Victoria, but formerly of 6 Broadwater Court, Cowes, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 October 2004, are required by the trustees, Tahni Melissa Cann and John Anthony Boreham, to send particulars to the trustees care of the undermentioned solicitors by 7 March 2005 after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

MASON SIER TURNBULL, solicitors,  
315 Ferntree Gully Road, Mount Waverley 3149.

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LOIS JUNE HICKEY, late of 14 Kingsley Parade, Carnegie, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 December 2004, are required by the executor, ANZ Executors & Trustee Company Limited (ACN 006 132 332) of 530 Collins Street, Melbourne, to send particulars to it by 10 March 2005, after which date it may convey or distribute the assets having regard to the claims of which it then has notice.

MILLS OAKLEY, lawyers,  
121 William Street, Melbourne.

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Re: ERNEST WILLIAM RALPH HORNSEY, also known as William Ralph Hornsey, late of 23 Kurrawa Avenue, Mermaid Waters, Queensland, retired business proprietor, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 December 2004, are required by the executor, ANZ Executors and Trustee Company Limited (ACN 006 132 332) of 530 Collins Street, Melbourne, to send particulars to it by 10 March 2005 after which date it may convey or distribute the assets having regard to the claims of which it then has notice.

MILLS OAKLEY, lawyers,  
121 William Street, Melbourne.

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Creditors, next-of-kin and others having claims against the estate of ANTHONY PHILIP SIMPSON, late of 18 Lynette Avenue, Warrandyte, in the State of Victoria, accountant, deceased, who died on 27 September 2004, are required to send particulars of the claims to the executrix, Judith Narelle Simpson, care of the undermentioned solicitor by 15 March 2005, after which date she will distribute the estate of the deceased, having regard only to the claims of which she then has notice.

PETER GARDINER, solicitor,  
Office 1, 2 Colin Avenue, Warrandyte 3113.

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Re: LORIS DOREEN KENTWELL, late of 111 Country Club Drive, Safety Beach, but formerly of 18A Albert Street, Mornington, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 October 2004, are required by the trustees, Stephen Alister Kentwell and Philip Charles Kentwell, both of Australian Embassy, 2-1-14 Mita, Minato-Ku, Tokyo, Japan, public servants, sons, to send particulars to the trustees by 6 March 2005 after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

ROBERTS BECKWITH PARTNERS,  
solicitors,  
216 Main Street, Mornington 3931.

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Re: CLARENCE BROOKS WARLIMONT,  
late of 10 Parer Street, Mount Martha,  
gentleman, deceased.

Creditors, next-of-kin and others having  
claims in respect of the estate of the deceased,  
who died on 9 September 2004, are required by  
the trustees, Colin Graham Simpson of 56  
Patrick Street, Stawell, Victoria, retired,  
nephew, and Anne Roberts of 16 Bay Road,  
Mount Martha, Victoria, retired solicitor, to send  
particulars to the trustees by 6 March 2005 after  
which date the trustees may convey or distribute  
the assets, having regard only to the claims of  
which the trustees have notice.

ROBERTS BECKWITH PARTNERS,  
solicitors,  
216 Main Street, Mornington 3931.

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Re: IAN ROBERT HUGH WADE, late of  
Parkhill Gardens, 160 Tyabb Road, Mornington,  
Victoria, retired, deceased.

Creditors, next-of-kin and others having  
claims in respect of the estate of the deceased,  
who died on 2 August 2004, are required by the  
trustees, Lindy Elizabeth Matters and Barry  
John Matters, both of 75 Fulton Road, Mount  
Eliza, Victoria, to send particulars to the trustees  
by 6 March 2005 after which date the trustees  
may convey or distribute the assets, having  
regard only to the claims of which the trustees  
then have notice.

WHITE CLELAND PTY, solicitors,  
Level 3, 454 Nepean Highway, Frankston 3199.

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**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>
CLAYTON UTZ, LAWYERS			
	\$		
Information Advantage Inc. Level 21, 201 Miller Street, North Sydney, NSW	1,120.00	Cheque	08/08/03

04285

CONTACT: ANGELA WAGSTAFF, PHONE: (03) 9286 6695.

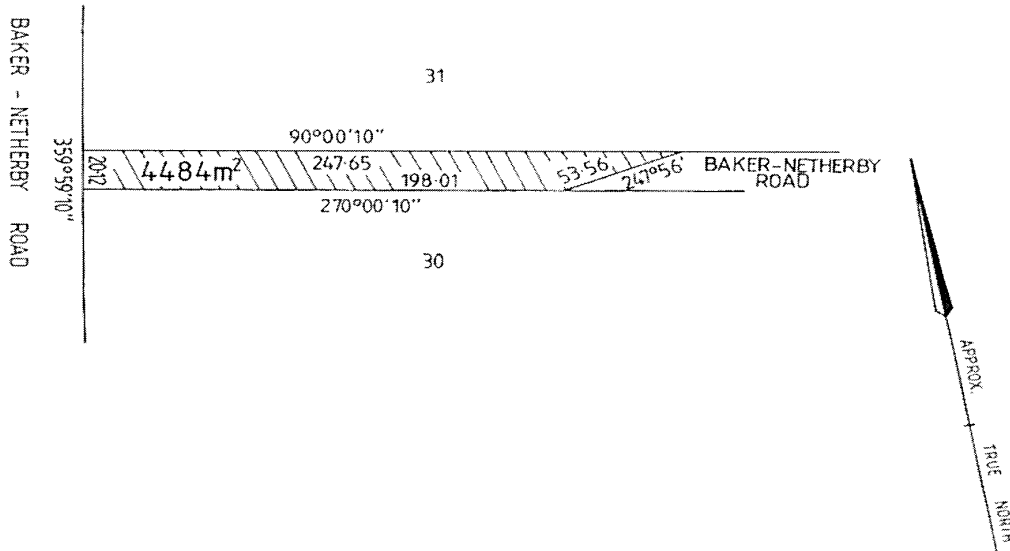


**GOVERNMENT AND OUTER BUDGET  
SECTOR AGENCIES NOTICES**



Road Discontinuance

Pursuant to Section 206 and Schedule 10, Clause 3 of the **Local Government Act 1989** (“the Act”), the Hindmarsh Shire Council at its meeting held on 19 September, 2001, formed the opinion that the roads in the Netherby District, and shown by hatching on the plan below, are not reasonably required as roads for public use and resolved to discontinue the roads and to sell the land from the roads by private treaty to the abutting property owners. Ministerial approval for the closure and sale of the land was given on 7 December 2004.

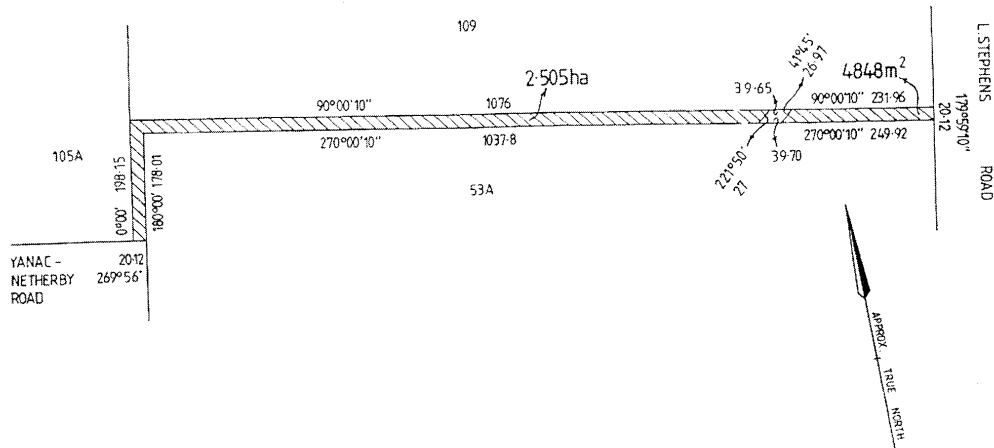


NEIL JACOBS  
Chief Executive Officer



Road Discontinuance

Pursuant to Section 206 and Schedule 10, Clause 3 of the **Local Government Act 1989** (“the Act”), the Hindmarsh Shire Council at its meeting held on 19 September, 2001, formed the opinion that the roads in the Netherby District, and shown by hatching on the plan below, are not reasonably required as roads for public use and resolved to discontinue the roads and to sell the land from the roads by private treaty to the abutting property owners. Ministerial approval for the closure and sale of the land was given on 7 December, 2004.

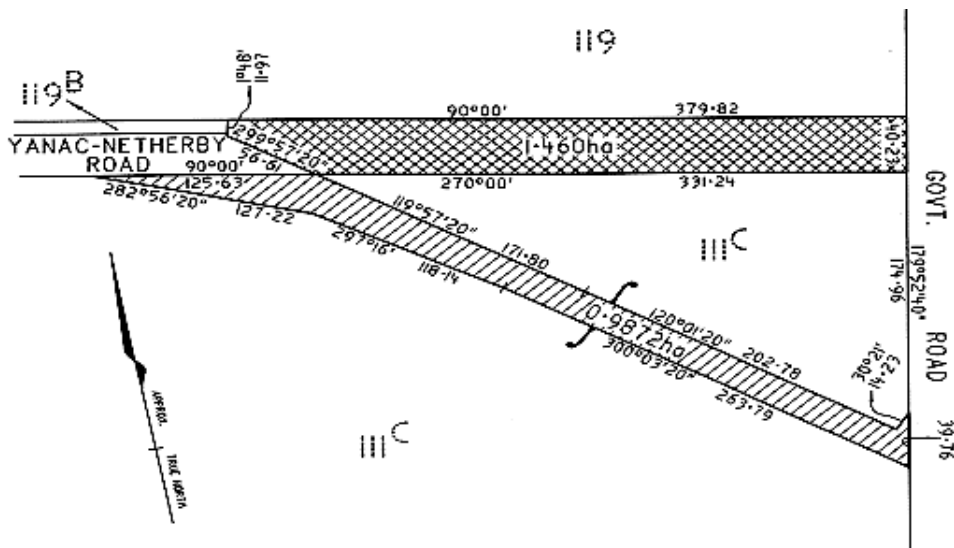


NEIL JACOBS  
Chief Executive Officer



Road Discontinuance

Pursuant to Section 206 and Schedule 10, Clause 3 of the **Local Government Act 1989** ("the Act"), the Hindmarsh Shire Council at its meeting held on 19 September, 2001, formed the opinion that the road in the Netherby District, and shown by cross 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 owner. Ministerial approval for the closure and sale of the land was given on 7 December, 2004.



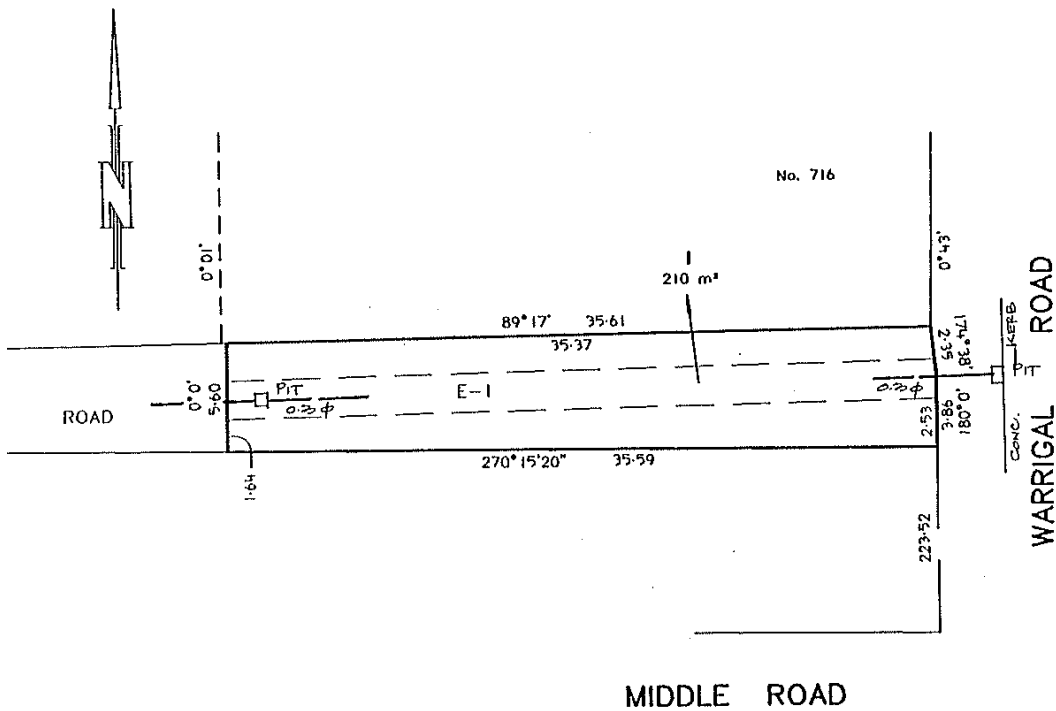
NEIL JACOBS  
Chief Executive Officer



Road Discontinuance

At its meeting on 3 November 2004 and acting under clause 3 of schedule 10 to the **Local Government Act 1989** Stonnington City Council resolved to discontinue the road shown as lot 1 on the plan below.

The road is to be sold subject to any right, power or interest held by Stonnington City Council, as to the land marked "E-1", in the road in connection with any sewers, drains or pipes under the control of that authority in or near the road.



Mr HADLEY SIDES  
Chief Executive Officer

MANSFIELD SHIRE COUNCIL  
**Local Government Act 1989**  
**Domestic (Feral and Nuisance) Animals Act 1994**  
NOTICE OF COMMUNITY LOCAL LAW

Mansfield Shire Council (Council) gives notice that it has, pursuant to Part 5 of the **Local Government Act 1989** and Part 3 of the **Domestic (Feral and Nuisance) Animals Act 1994**, adopted the following Community Local Law 2004 at its Ordinary meeting held on 21 December 2004.

**PART 1 - PRELIMINARY****1.1 Objectives**

The objectives of this Local Law are to provide for:—

- a) the peace, order and good government of the municipality;
- b) a safe and healthy environment so that the community within the municipality can enjoy a quality of life that meets its expectations;
- c) the safe and fair use and enjoyment of public places;
- d) the protection and enhancement of the amenity and environment of the municipality;
- e) a fair and reasonable use and enjoyment of private land; and
- f) a uniform and fair administration of this Local Law.

**1.2 Commencement**

This Local Law will commence on a date to be determined by the Council.

**1.3 Revocation of Local Law**

On the commencement of this Local Law, the following Local Laws made by Delatite Shire Council will be revoked within the municipal boundaries of Council;

Environment Local Law 1 – 97

Streets and Roads Local Law 3 – 97

Municipal Places Local Law 4 – 97

Livestock Local Laws 5 – 97

**1.4 Application of Local Law**

1.4.1 This Local Law applies throughout the municipality.

1.4.2 This Local Law does not apply where any act or thing is authorised by any Act, Rule, Regulation or Planning Scheme.

1.4.3 The provisions of this Local Law do not apply to Council contractors, agents or employees to the extent that the proper discharge of their obligations constitute a breach of this Local Law.

**1.5 Definitions**

In this Local Law –

“**authorised officer**” means a person appointed by Council under section 224 of the **Local Government Act 1989**;

“**Council**” means the Mansfield Shire Council;

“**dangerous dog**” has the same meaning as in the **Domestic (Feral and Nuisance) Animals Act 1994**;

“**designated area**” means an area designated as a consumption of liquor free zone, and includes the Mansfield Aquatic Centre;

“**dwelling**” means place of residence;

“**high country**” means Crown land in North East Victoria on which livestock are seasonally grazed in accordance with a lease or licence;

“**liquor**” means a beverage, or other prescribed substance, intended for human consumption with an alcoholic content greater than 0.5% by volume at a temperature of 20 degrees Celsius;

“**livestock**” has the same meaning as in the **Impounding of Livestock Act 1994**;

“**movement of livestock**” means individual or regular movement of livestock from one area within the municipality to another area within the municipality, where the area concerned are owned or occupied by the same person and the movement is part of the one farming enterprise undertaken within one day;

“**municipality**” means the municipal district of the Council;

“**occupied building**” means a building used for business or storage but excludes a dwelling;

“**penalty unit**” has the same meaning as in the **Monetary Units Act 2004**;

“**private land**” means any land other than a public place or Crown land;

“**public place**” means –

- a) a road; or
- b) a road related area; or
- c) land which is owned, occupied or managed by Council;

“**restricted breed dogs**” has the same meaning as in the **Domestic (Feral and Nuisance) Animals Act 1994**;

“**road**” includes –

- a) a street;
- b) a right of way;
- c) any land reserved or proclaimed as a street or road under the **Crown Land (Reserves) Act 1978** or the **Land Act 1958**;
- d) a passage;
- e) a cul de sac;
- f) a by-pass;
- g) a bridge or ford;
- h) a footpath, bicycle path or nature strip; and
- i) any culvert or kerbing or other land or works forming part of the road;

“**road related area**” has the same meaning as in Road Rules Victoria; and

“**Waste Collection Conditions of Service**” means the document of that name adopted by Council.

## **PART 2 – ANIMALS**

### **2.1 Keeping of Animals on Non-Rural Land**

Without a permit, an owner or occupier of land, except for land designated Rural Zone or Rural Living Zone under the Mansfield Planning Scheme, must not keep or allow to be kept on that land –

- a) more than 4 different types of animals;
- b) more than the following number of animals –
  - 1) 2 dogs;
  - 2) 4 cats;
  - 3) 10 chickens;
  - 4) 2 ducks, geese, pheasants, turkeys or pigeons;
  - 5) 10 rabbits;
  - 6) 10 guinea pigs;
  - 7) 4 ferrets; or
- c) any sheep, goats, horses or cattle except if the land is more than 0.5 hectares, in which case the number that may be kept without a permit is 2; or
- d) a beehive in a residential area or on land of less than 1 hectare; or
- e) any pigs or roosters.

**2.2 Restricted Breed Dogs and Dangerous Dogs**

Owners of restricted breed dogs or dangerous dogs or a combination of the two are restricted to 2 dogs in total on any land.

**2.3 Keeping of Dogs and Cats on Rural Land**

Without a permit, an owner or occupier of land designated Rural Zone under the Mansfield Planning Scheme must not keep or allow to be kept on that land more than –

- a) 5 working dogs and/or 4 dogs; and
- b) 5 cats.

**2.4 Dogs on Leads**

A person in charge of a dog on any road or in any public place must ensure that the dog is secured by a chain, cord or leash in any area zoned under the Mansfield Planning Scheme as Township, Residential (including low density residential) or Business or Industrial, unless it is an off leash area designated and signposted for the purpose.

**2.5 Unleashed Dogs**

A person may unleash a dog in an area designated by Council and sign posted for the purpose except that:

- a) a person who unleashes a dog must keep the dog under effective control; and
- b) the provisions of this clause do not apply to greyhounds, dangerous dogs or restricted breed dogs.

**2.6 Dog Excrement**

A person in charge of a dog must –

- a) not allow any part of the dog's excrement to remain on any road or road related area or in any public place; and
- b) carry a facility for the effective removal of excrement that may be deposited by the dog when accompanied by the dog on any road, or road related area or in any public place.

**2.7 Wasp nests**

An owner or occupier of land who is aware that there is a wasp nest on the land must:

- a) takes steps to cause it to be removed; or
- b) treat the wasp nest to the satisfaction of an authorised officer.

**2.8 Fencing**

An owner or occupier of land on which livestock is kept must ensure that the land is adequately fenced so as to prevent the livestock's escape from the land.

**2.9 Droving**

- a) Without a permit a person must not drive any livestock on a road.
- b) Clause 2.9a) does not apply to a farming enterprise that is moving livestock from their home location to the high country provided that all the provisions of the Road Safety (Road Rules) Regulations 1999 are complied with and the farming enterprise holds a current public liability insurance policy indemnifying Council from any actions relating to this activity on terms approved by Council.

**2.10 Regular Movement of Livestock**

- a) Without the need for a permit, livestock may be moved on Council roads, provided that all the provisions of the Road Safety (Road Rules) Regulations 1999 are complied with and the farming enterprise holds a current public liability insurance policy indemnifying Council from any actions relating to this activity on terms approved by Council.

- b) Where an authorised officer believes on reasonable grounds that a farming enterprise should not be moving livestock on the road, the authorised officer may by written notice revoke the right to move under clause 2.10 a). An authorised officer must take into consideration risk to community safety and animal welfare.

### **2.11 Roadside Grazing**

Without a permit a person must not allow livestock onto a road or road related area for the purposes of grazing.

## **PART 3 - ENVIRONMENT**

### **3.1 Waste Disposal**

Each owner and occupier of land must comply with Council's Waste Collection Conditions of Service.

### **3.2 Dilapidated Premises**

- a) An owner or occupier of land on which there is a building must not allow or permit the building to be dilapidated.
- b) Where a building is dilapidated, Council may serve a Notice to Comply on the owner or occupier of the land specifying the works required to correct the dilapidated state, or that the building be removed or demolished.

### **3.3 Dangerous and Unsightly Land**

An owner or occupier of land must not allow or permit the land to be dangerous, unsightly or detrimental to the amenity of the neighbourhood, and must not allow or permit:

- a) undergrowth or other material to grow or accumulate on the land so as to constitute a hazard;
- b) excavation or waste material to accumulate on the land which has not been suitably contained, fenced, screened or landscaped; or
- c) unconstrained rubbish to be present on the land

Where the land has become dangerous, unsightly or detrimental to the amenity of the neighbourhood, Council may serve a Notice to Comply on the owner or occupier of the land specifying the works to correct the dangerous, unsightly or detrimental condition of the land.

### **3.4 Machinery, materials, goods or vehicles on land.**

Unless permitted under the Planning Scheme, a person must not, without a permit, use any land for the;

- a) storage or use of shipping containers, temporary buildings, or other similar structures;
- b) assembly or dismantling of machinery, materials, or goods unless for personal or recreational use of the owner or occupier of the land and not for financial gain;
- c) storage of unregistered vehicles or parts of vehicles;
- d) storage of caravans and trailers in a dilapidated condition;
- e) storage, assembly or dismantling of machinery or vehicles;
- f) storage of building materials; or
- g) storage of buildings in the process of being re-located, including removable houses.

### **3.5 Camping**

Without a permit a person must not establish or make use of a campsite either on Council or public land in a caravan, tent, motor home or any other temporary or makeshift structure unless all of the following conditions are met:

- a) no Council or other official signs are displayed in the general area or at an approach road or access road prohibiting camping;

- b) the site and proposed use complies with any Council or other official signs in the areas regulating standards for such use;
- c) the site is not within a residential area;
- d) sufficient space exists at the proposed location to allow for the following:
  - 1) the primary purpose of the area not being restricted or inconvenienced in any way;
  - 2) a minimum setback of 30 metres existing from the near bank of any river, stream, lake or other water course to the camp site;
  - 3) where public toilet facilities are not provided, the camp occupier providing his or her own toilet system which is designed to hold wastes and be sealed closed for transportation to another place for proper disposal;
  - 4) where public toilet facilities are not provided and on site disposal is proposed for toilet wastes, a distance of not less than 100 metres being available from the near bank or any river, stream, lake high water mark or other water source for such parcel of land occupied by the camp site (not being divided by any road, fence, or other physical structure) and being suitable in all respects for nightsoil disposal; and
  - 5) adequate space being available for the disposal of all other waste water so as not to cause any detriment to the environment;

Notwithstanding the above the location of any camp site shall be as directed by an authorised officer or other public authority controlling the land and may be subject to the payment of a camping fee.

The occupier of a camp site shall:

- a) keep the camp site in a clean, sanitary and tidy condition and upon vacating the site shall remove all refuse, litter and garbage therefrom;
- b) observe proper standards of hygiene; and
- c) ensure that the standards specified in sub clause 3.5 (d) are observed.

### **3.6 Camping on private land**

#### **3.6.1 Storage**

Without a permit, a person must not store on private land any caravan, mobile home or tent unless:

- a) there is a dwelling on the land; and
- b) the caravan, mobile home, or tent is not set up for the ready use of an occupant for overnight accommodation; and
- c) an annex is not attached to a caravan or mobile home; and
- d) the caravan, mobile home, or tent is not within six metres of the front of the property or is stored in a carport or garage.

#### **3.6.2 Accommodation**

Without a permit, a person must not place for accommodation on any private land any caravan, mobile home or tent unless:

- a) there is a dwelling on the land;
- b) the occupation does not exceed 28 days in any calendar year;
- c) no rent, licence fee or charge is paid by any person in respect of the occupation;
- d) the toilet, bathing and laundry facilities provided in the dwelling are made available without charge to the occupant/s of the caravan, mobile home or tent;



- e) waste water disposal from the caravan, mobile home or tent do not cause a nuisance or an offensive condition; and
- f) the caravan, mobile home or tent is not within a distance of 6 metres of the frontage of the property or within 1.2 metres of any other boundary of the property and not more than 20 metres from the dwelling, and no closer than 30 metres to a watercourse.

### **3.7 Recreational Vehicles**

- a) Without a permit a person must not use a recreational vehicle on any Council land or reserve, or private land zoned under the Mansfield Planning Scheme as Township, Residential (including low density residential), Business or Industrial.
- b) A person must not use a recreational vehicle on any other land so as to cause detriment to the amenity of the neighbourhood, whether by the emission of dust or constant noise or otherwise.
- c) A person must not use a recreational vehicle on a day of Total Fire Ban.

### **3.8 Open Air Burning**

Without a permit an owner or occupier of land must not light a fire in the open air, including in an incinerator, in any area zoned under the Mansfield Planning Scheme as Township, Residential (including Low Density Residential), Business or Industrial, unless the fire is lit for purpose of preparing food or for heating when contained in a fire drum.

### **3.9 Filling or Excavation of Land**

Without a permit a person must not –

- a) place earth or other fill material on land; or
- b) excavate material from land to a greater depth than 200 millimetres except where such filling or excavation is approved by a building permit issued under the **Building Act 1993**.

A planning permit may be required for any land within the environment significance overlay or significant landscape overlay under the Mansfield Planning Scheme.

### **3.10 Building Sites**

- a) A person undertaking building works on a building site must provide on the building site:
  - 1) adequate toilet facilities for the use of site workers; and
  - 2) suitable receptacles for the containment of litter from the building site.
- b) A person undertaking building works must not store materials on any road or road related area without a permit.
- c) The owner of a building site must prevent the depositing of soils, mud, clay, litter or debris on any road or road related area, generated as a result of the building works.

In this clause “person” includes a person managing or carrying out any building works on a building site.

### **3.11 Protection of Roads and Public Infrastructure**

An owner or occupier of land on which construction or other works are being carried out must ensure that no damage occurs within roads, road related areas and public places adjoining or near the land as a result of or in connection with the construction or works.

### **3.12 Works on Council Roads or Land**

Without a permit a person must not undertake any works that may cause an impact on traffic or pedestrian flow or a safety hazard on a road.

**PART 4 – PUBLIC PLACES – GENERAL****4.1 Behaviour**

A person must not behave in a public place in such a manner as to –

- a) interfere with another person's reasonable use and enjoyment of that public place; or
- b) endanger or be likely to endanger health, life or property.

**4.2 Council Signs**

A person must comply with any sign erected in a public place by Council.

**4.3 Consumption of Liquor**

Without a permit a person must not carry in an open container or consume any liquor –

- a) at any time on a road or road related area; or
- b) at any time in a designated area; or
- c) in any other public place between 11pm and 6am.

**4.5 Trees on Roads**

Without a permit a person must not cut down, remove or damage live or standing dead trees on a road.

**4.6 Prohibition of Animals in a Public Place**

Council may place restrictions or prohibitions on all animals, or class of animals from any public place during public events or any other time deemed appropriate by Council.

**PART 5 – PUBLIC PLACES – PERMIT REQUIRED****5.1 Noise from Business or Industrial Premises**

Without a permit an owner or occupier of premises in a Business or Industrial zone under the Mansfield Planning Scheme must not –

- a) emit or allow to be emitted from the premises any amplified speech, music or other similar sounds; or
- b) spruik or call out from the premises for the purpose of attracting customers to the premises from a road.

**5.2 Noise in a public place**

Without a permit a person must not in a public place –

- a) sing or play a musical instrument or perform any other kind of entertainment for the public;
- b) deliver a public address; or
- c) use any sound amplification equipment.

**5.3 Itinerant Traders**

Without a permit a person must not sell or offer for sale goods or services from a temporary location, from place to place, or from a vehicle.

**5.4 Advertising Signs, Displays and Sale of Goods**

Without a permit a person must not place on a road –

- a) any advertising sign; or
- b) any goods for display or sale.

**5.5 Roadside Trading**

Without a permit a person must not –

- a) place any structure on a road for the purpose of selling goods or services; or
- b) sell any goods or services from private land or a public place adjacent to a road to any person on that road or in that public place.

**5.6 Outdoor Eating Facilities**

Without a permit a person must not place on a road any tables or chairs, or any associated equipment, for the purpose of allowing food and drink to be consumed by customers.

**5.7 Street Collections**

Without a permit a person must not solicit or collect any gifts of money in any public place.

**5.8 Handbills**

Without a permit a person must not distribute any handbills or other printed material, or any goods, gifts or advertising material in a public place.

**5.9 Use of Roads and Reserves**

Without a permit a person must not use any road or public place for a public meeting or event.

**PART 6 – ADMINISTRATION****6.1 Permit**

6.1.1 An application for a permit under this Local Law must be in a form approved by Council or in the form of Schedule 1 and be accompanied by the appropriate fee prescribed by Council.

6.1.2 Council may require an applicant to supply additional information or to give public notice of the application.

6.1.3 Permit applications should be made a minimum of 28 days prior to the commencement of the activity or thing which is the subject or matter of the application.

6.1.4 In considering whether to issue a permit and the conditions, to which the permit shall be subject, the Council or its authorised officer shall give regard to any adopted policy which is relevant to the matter being considered.

6.1.5 Council may cancel a permit if it considers that:

- a) there has been a serious ongoing breach of the conditions of the permit; or
- b) a notice to comply has been issued, but not complied with within seven days after the time specified in the notice for compliance; or
- c) there was a significant error or misrepresentation in the application for the permit; or
- d) in the circumstances, the permit should be cancelled.

Before it cancels a permit, the Council must provide to the permit holder an opportunity to make comment on the proposed cancellation.

6.1.6 The Council may correct a permit in relation to:

- a) an unintentional error or an omission; or
- b) an evident material miscalculation or an evident material mistake of description of a person, thing or property.

The Council must notify the permit holder in writing of any correction.

6.1.7 The Council may by written notice exempt any person or class of persons from the requirement to have a permit, either generally or at a specified times.

An exemption may be granted subject to conditions and a person must comply with the conditions of the exemption.

An exemption may be cancelled or corrected as if it were a permit.

6.1.8 A person who makes a false representation or declaration, or who intentionally omits relevant information in an application for a permit or exemption is guilty of an offence.

**6.2 Direction of an Authorised Officer**

An authorised officer may, either as an alternative or in addition to an infringement notice, serve a Notice to Comply on an owner or occupier of land or other person responsible for a breach of this Local Law to direct such owner, occupier or other person to:

- a) comply with this Local Law;
- b) within a specified time stop the conduct constituting the breach of the Local Law;
- c) deliver to a specified person or location any item or property constituting the breach of this Local Law;
- d) carry out specified works within a specified time; or
- e) comply with any lawful and reasonable direction of an authorised officer.

A Notice to Comply must be in writing and state the time and the date by which the thing must be remedied and generally accord with Schedule 2.

A person served with a Notice to Comply must comply with the Notice to Comply.

### **6.3 Power of Authorised Officer – Urgent Circumstances**

An authorised officer may act to remedy any circumstance which threatens a person's life, health or property, or an animal, without serving a Notice to Comply, provided that –

- a) the circumstance arises out of a person's use of a public place or failure to comply with a provision of this Local Law;
- b) the action taken is no more than the minimum reasonably necessary to remedy the urgent circumstance; and
- c) the person on whom a Notice to Comply would have otherwise been served is as soon as possible notified of the urgent circumstance and the action taken to remedy it.

### **6.4 Impounding**

6.4.1 Council may –

- a) impound any item that encroaches or obstructs the free use of a public place; road or road related area;
- b) release the item to its owner on payment of a fee determined by Council, which is not to exceed an amount that reasonably represents the cost to Council of impounding, keeping and releasing the item; and
- c) sell, destroy, dispose of or give away the impounded item if the owner of the item has not paid the fee within 14 days of service of the notice under clause 6.4.2 or having complied with clause 6.4.3.

6.4.2 If Council impounds an item under clause 6.4.1 it must serve on the owner a notice in a form approved by Council as soon as possible after the impoundment.

6.4.3 If the identity or whereabouts of the owner of an item impounded under clause 6.4.1 are unknown, Council must take reasonable steps to ascertain the owner's identity and or whereabouts prior to exercising its powers under clause 6.4.1.

6.4.4 Council is entitled to retain out of the proceeds of sale of any impounded item its reasonable costs incurred in impounding, keeping and selling the item

### **6.5 Rural road/street numbers**

6.5.1 For each property that has been allocated a rural road or street number under this Local Law, the owner or occupier must clearly mark the property with the numbers allocated.

6.5.2 A property is marked with a number in a clear manner if the number:

- a) is of sufficient size (with a minimum height of 75mm);
- b) is displayed accurately and completely;
- c) is in good repair;
- d) is distinct from its background;
- e) is free from obstruction; and

- f) can be clearly read under all normal lighting conditions from the road immediately adjacent to the front boundary

6.5.3 Council may make changes to rural road or street numbers

## **PART 7 – ENFORCEMENT**

### **7.1 Offences**

A person is guilty of an offence if the person –

- a) does something which a provision of this Local Law prohibits to be done;
- b) fails to do something which a provision of this Local Law requires to be done;
- c) engages in activity without a current permit where a provision of this Local Law requires that person to obtain a permit before engaging in that activity;
- d) breaches or fails to comply with a condition of a permit issued under this Local Law;  
or
- e) fails to comply with a Notice to Comply under clause 6.2.

### **7.2 Infringement Notice**

7.2.1 Where an authorised officer reasonably believes that a person has committed an offence against this Local Law, the authorised officer may issue to that person an infringement notice, in a form approved by Council or in a form which generally complies with Schedule 3, as an alternative to a prosecution for the offence.

7.2.2 A person to whom an infringement notice has been issued may pay to Council the amount specified in the infringement notice within 28 days.

7.2.3 The amount to be paid under an infringement notice is 1 penalty unit.

7.2.4 If the amount specified in the infringement notice is paid within 28 days, the authorised officer must ensure that there is no prosecution for the offence.

### **7.3 Penalties**

A person guilty of an offence under this Local Law is subject to the following penalties:

- a) First offence – 4 penalty units; and
- b) Second offence – 20 penalty units.

### **7.4 Appeals**

7.4.1 A person may appeal to Council or a Council delegate for a review of an order, direction or notice made in relation to her or him under this Local Law within 14 days of the order, direction or notice being made.

7.4.2 Where an appeal is to be heard under this clause the person appealing must do all that is necessary to cooperate in the prompt and speedy hearing of the appeal.

### **7.5 Evidentiary Provisions**

In any proceedings for an offence against this Local Law, proof is not required as to any of the following matter until evidence is given to the contrary-

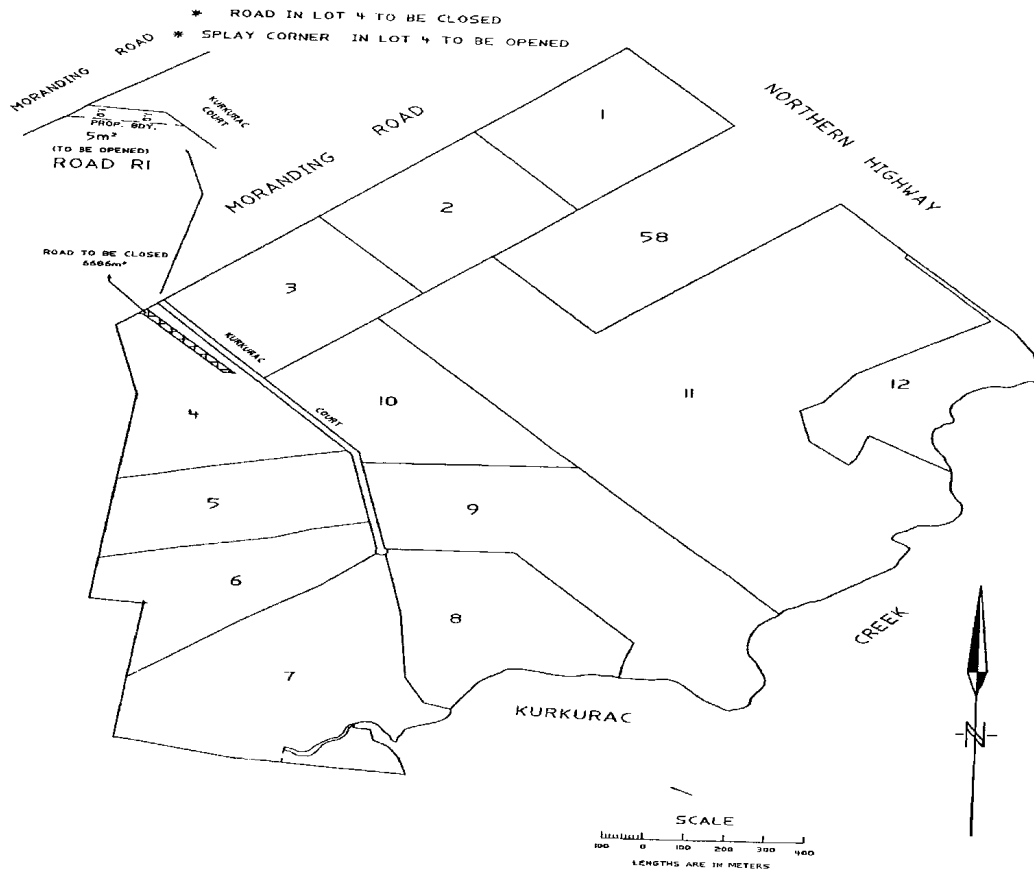
- a) the appointment and authority of any delegate to Council to perform any act or
  - b) make any decision pursuant to this Local Law; and
  - c) the authority and appointment of members of the police force or any person or member of the staff of the Council to perform any act or make any decision
  - d) pursuant to this Local Law.
-



Road Closure

Kurkurac Court, Kilmore

The Council, at its meeting on 19 January 2004, resolved pursuant to the provisions of Section 206 and Clause 3, Schedule 10 of the **Local Government Act 1989** to close Kurkurac Court, Kilmore in the manner shown hatched on the plan below.

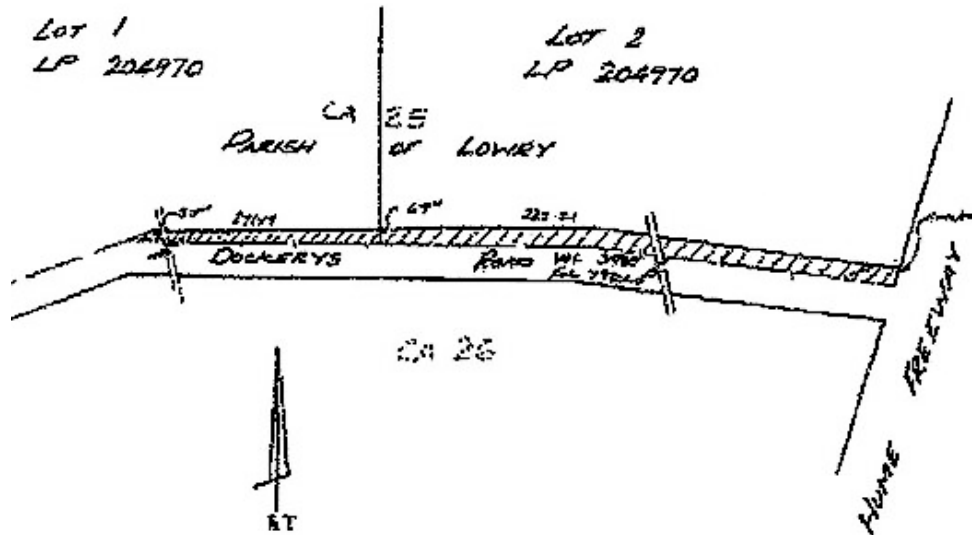


Road Closure

Dockerys Road, Tallarook

The Council, at its meeting on 13 December 2004, resolved pursuant to the provisions of Section 206 and Clause 3, Schedule 10 of the **Local Government Act 1989** to close Dockerys Road, Tallarook in the manner shown hatched on the plan below.

PROPOSED LAND TRANSFER  
PART OF DOCKERTYS ROAD TALLAROOK



CARDINIA SHIRE COUNCIL

Notice of Making of a Road Management Plan

Notice is hereby given that pursuant to Section 55 of the **Road Management Act 2004** the Cardinia Shire Council has made a Road Management Plan.

Copies of the Road Management Plan can be obtained from or inspected at the Shire Office, Henty Way, Pakenham or from the Council's website at [www.cardinia.vic.gov.au](http://www.cardinia.vic.gov.au).

Further notice is given that the Codes of Practice and any incorporated documents may be inspected at the Shire Office.

DON WELSH  
Chief Executive Officer

GOLDEN PLAINS SHIRE COUNCIL

Notice of Creation of a Road Management Plan

Pursuant to Section 55 of the **Road Management Act 2004**, notice is given that on 16th December 2004, Golden Plains Shire Council adopted a Road Management Plan.

Copies of the Road Management Plan may be inspected at the Bannockburn Customer Service Centre, 2 Pope Street, Bannockburn, Victoria 3331, the Linton Customer Service Centre, 68 Sussex Street, Linton, VIC 3360 and on Council's website at [www.goldenplains.vic.gov.au](http://www.goldenplains.vic.gov.au) under Council > Publications.

The code of practice, any incorporated document, or any amendment to an incorporated document, as the case may be, may be inspected at the Council's Customer Service Centres at Bannockburn and Linton.

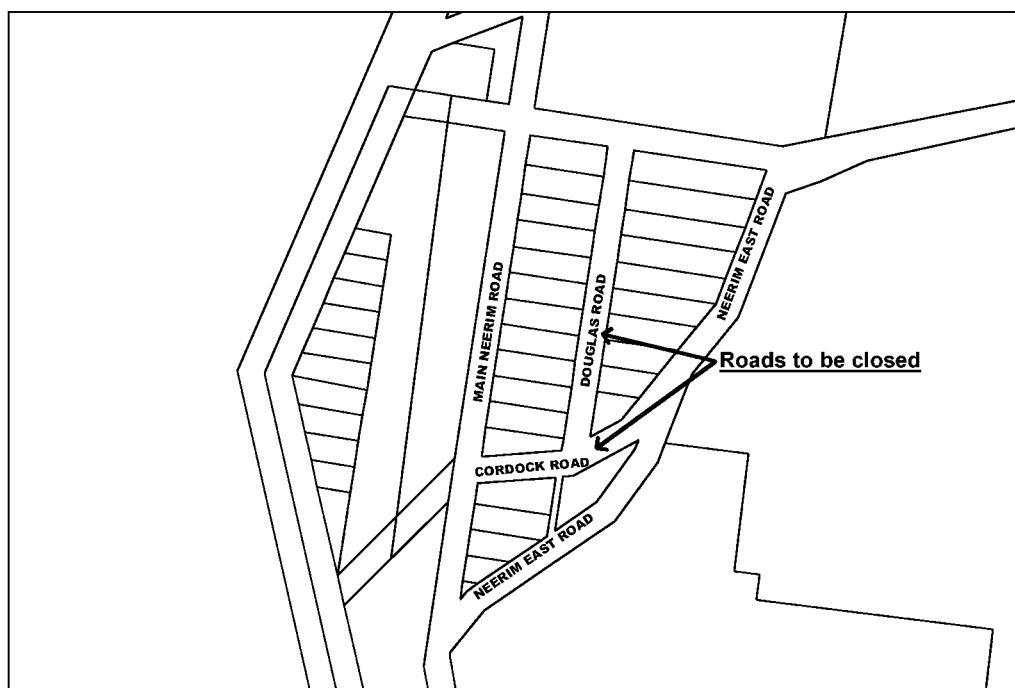
ROD NICHOLLS  
Chief Executive Officer

## BAW BAW SHIRE COUNCIL

## Road Discontinuance

At its meeting on 10 November 2004 and in accordance with the powers set out in clause 3 schedule 10 of the **Local Government Act 1989**, the Baw Baw Shire Council resolved to discontinue the roads created on LP3924 shown hatched in the plan below.

The road is to be transferred to the abutting landowner.



## MOORABOOL SHIRE COUNCIL

## Local Law 2 2004

## Consumption of Liquor in Public Places

Notice is hereby given pursuant to section 119(3) of the **Local Government Act 1989** that at a meeting of Moorabool Shire Council held on 21 December 2004 the Council made a local law titled Local Law 2 2004 Consumption of Liquor in Public Places.

**Purposes of the Local Law**

The purpose of the Local Law is to amend General Local Law 2000 3.3 to include 24 hour total prohibition of alcohol in unsealed containers in declared public places and to enable local police to issue infringement notices to offenders as required.

**General Purport of the Local Law**

The Local Law will provide for improved control of alcohol related offences in Moorabool Shire.

A copy of the Local Law may be inspected at or obtained from Council offices located at 15 Stead Street, Ballan and 197 Main Street, Bacchus Marsh during business hours of 8.30am to 5.00pm.

Enquiries should be directed to Rhonda Taylor, Compliance Co-ordinator on 5366 7100.

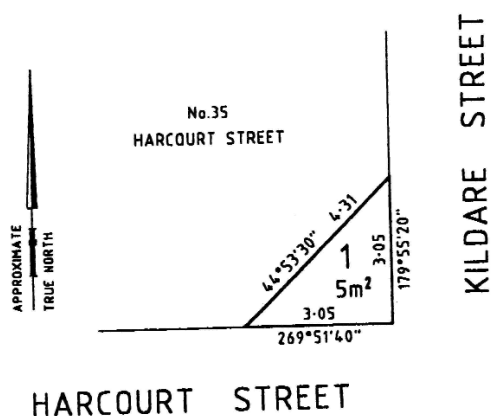
ROBERT DOBRZYNSKI  
Chief Executive Officer



## BOROONDARA CITY COUNCIL

## Road Discontinuance

Pursuant to section 206 and schedule 10, clause 3 of the **Local Government Act 1989**, the Boroondara City Council has formed the opinion that the road splay adjoining 35 Harcourt Street, Hawthorn East, shown as Lot 1 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.



PETER JOHNSTONE  
Chief Executive Officer

## MONASH CITY COUNCIL

## Notice of Making of a Local Law

## Local Law No.3 (2005)

At its meeting on 14 December 2004 Monash City Council (Council) made a new local law, to be referred to as Local Law No. 3 (2005) (the local law). The following information about the local law is provided in accordance with section 119(2) of the **Local Government Act 1989**.

**Purpose of the Local Law**

The purpose of the local law is to:

- promote a physical and social environment free from hazards to health, in which the residents of the municipal district can enjoy a quality of life that meets the general expectations of the community; and
- prevent and suppress nuisances which may adversely affect the enjoyment of life within the municipal district or the health, safety and welfare of persons within the municipal district.

**General Purport of the Local Law**

The local law:

- regulates municipal places;
- creates offences concerning:
  - use of and behaviour in a municipal place;
  - behaviour in reserves and public libraries;
  - interference with drains, sewers and other assets;
  - vehicle crossings;
  - the carrying out of some building work and the management of building sites;
  - works and other acts on Council land and roads;
  - use of recreational vehicles on Council land;
  - unsightly or dangerous land, dilapidated buildings and the application of graffiti;
  - the keeping of bulk shipping containers;
  - the storage, assembly or dismantling of second hand machinery, goods or vehicles;
  - the occupation of caravans, tents and other structures;
  - overhanging vegetation;
  - vermin and noxious weeds;
  - property numbering;
  - the emission of noise during specified times, and the use of intruder alarms;
  - fires and incinerators;
  - the removal of dog excrement from roads and Council land;
  - leaving shopping trolleys in specified places;
  - the display or sale of goods and moveable advertising signs on roads and Council land;
  - bulk rubbish containers;
  - behaviour on roads and Council land and in public places (including spitting on or fouling a road, Council land or public place);
  - the consumption of alcohol, or possession of any unsealed container of alcohol, in specified places;
  - the keeping of animals; and
  - Council's waste collection services, and trade waste; and
- facilitates its administration and enforcement by, among other things,

specifying what permits may require, enabling persons to be exempt from the application of the local law, and enabling various items to be impounded and Notices to Comply and Infringement Notices to be served.

#### Commencement and Availability of the Local Law

The local law will commence on 1 February 2005.

A copy of the local law may be inspected at Council's office at 293 Springvale Road, Glen Waverley.

DAVID CONRAN  
Chief Executive Officer



#### CITY OF CASEY

##### Road Management Plan

At its meeting on 21 December 2004, Casey City Council formally adopted its Road Management Plan which detailed how Council will manage its road network.

The Road Management Plan has been developed in accordance with the **Road Management Act 2004**.

Copies of the Road Management Plan and the Register of Public Roads can be viewed at the Council Offices located on the corner of Magid Drive and Princes Highway, Narre Warren 3805.

Further information regarding the Road Management Plan can be obtained from David Richardson, Council's Manager of Engineering and Environmental Services on 9705 5200.

#### WYNDHAM CITY COUNCIL

##### Notice of Intention to Make a Local Law

Notice is hereby given pursuant to Section 119 of the **Local Government Act 1989** that Council, at its meeting of 20 December 2004, resolved to intend to make a new local law entitled – Local Law 1 – Governance Local Law.

The purpose and general purport of the proposed local law is to:

- (a) provide a mechanism to facilitate the good government of Wyndham City Council through its formal meeting procedure to ensure effective and efficient Council decisions are made in a manner which promotes the effectiveness of local government in the Wyndham community and within the Australian system of government;
- (b) promote and encourage community leadership by Wyndham City Council consistent with the community's views and expectations;
- (c) promote and encourage community participation in local government; and
- (d) incorporate by reference –
  - (i) Wyndham's Meeting Procedure Protocol;
  - (ii) Procedure for Election of Mayor;
  - (iii) Code of Conduct;
  - (iv) Audit & Ethics Committee Charter
  - (v) Protocol for Suspending Standing Orders;
  - (vi) Protocol for Hearing Submissions; and
  - (vii) Guidelines for Submitters on Making Presentations to Council Meetings; and
- (e) regulate and control the use of the Common Seal; and
- (f) revoke Council's Use of the Common Seal Local Law No. 1 and Meeting Procedure Local Law No. 2.

In accordance with Section 223 of the **Local Government Act 1989**, written submissions may be made by any person affected by the proposed local law. Any person making a submission may request to be heard in support of their submission at a meeting of the Council. Where a person wishes to be heard by Council they must advise of such in their written submission. Submissions must be received by Council within 14 days of publication of this notice and should be addressed to the Chief Executive Officer, Wyndham City Council, PO Box 197, Werribee 3030.

Copies of the proposed local law may be obtained by contacting Joy Painter on 9742 0743.

IAN ROBINS  
Chief Executive Officer

## WYNDHAM CITY COUNCIL

Notice of Amendment to Local Law No. 3 –  
Protection of Council Assets and  
Control of Building Sites

Notice is hereby given that the Wyndham City Council, at its Ordinary Meeting held on 20 December 2004, resolved to amend Local Law No. 3 – Protection of Council Assets and Control of Building Sites, pursuant to the provisions of Section 119 of the **Local Government Act 1989**.

The purpose of the amendment is to improve the effectiveness of the local law by including additional measures during development on building sites. These measures aim to minimise damage to Council assets and reduce the impact of builders' refuse on the environment.

Essentially, the amendment calls for the following:

- The removal of all polystyrene foam material from building sites by 5.00 pm on the day of the slab pour; and
- The placement of temporary fencing around all building sites.

Another important addition to the local law is the increase in penalties for offences under the local law.

Copies of Local Law No. 3 are available from the Civic Centre Reception Desk, Wyndham City Council, 45 Princes Highway, Werribee, or by contacting 9742 0818.

IAN ROBINS  
Chief Executive Officer



Notice is hereby given pursuant to Section 119(3) of the **Local Government Act 1989** that at the Ordinary Meeting of 22 December 2004, Melton Shire Council resolved to adopt Meeting Procedure Local Law 2004.

The purpose of the Meeting Procedure Local Law 2004 is to generally provide for the administration of Council's power and functions and to provide generally for the peace, order and good government of the municipal district. The purport of the Meeting Procedure Local Law

2004 is to regulate and control procedures governing conduct and proceedings at Council Meetings and other Council Committee Meetings, to regulate and control the election of the mayor and deputy mayor, to regulate and control the use of the Council seal and to provide a mechanism to facilitate good government of the Council through its formal meeting procedure.

A copy of the Meeting Procedure Local Law 2004 can be inspected at the Civic Centre, 232 High Street, Melton, during business hours.

NEVILLE SMITH  
Chief Executive



Colac Otway  
SHIRE

Formal Adoption of the Colac Otway Shire  
Road Management Plan 2004

In accordance with Division 5 of the **Road Management Act 2004**, the Colac Otway Shire gives public notice that the Road Management Plan 2004 has been prepared and formally adopted at its Ordinary Council Meeting of 27 October, 2004.

Copies of the Road Management Plan 2004, the Code of Practice, any incorporated document or any amendment to an incorporated document, may be inspected or obtained from Council's Customer Service Centres located at 2-6 Rae Street, Colac and 69-71 Nelson Street, Apollo Bay.

TRACEY SLATTER  
Chief Executive Officer

**Planning and Environment Act 1987**GREATER SHEPPARTON  
PLANNING SCHEMENotice of the Preparation of  
an Amendment to a Planning Scheme and  
Notice of an Application for Planning Permit  
Amendment C54

Application 2004-329

The land affected by the Amendment is 2 Rudd Road, 50 Rudd Road, 100 Rudd Road, 5 Kittles Road, 260 Wanganui Road, 1 The

Boulevard, 2 Kittles Road, 22 Kittles Road, 38 Kittles Road, Part LP215856 and 205 Wanganui Road, Shepparton.

The land affected by the application is the same as the land affected by the Amendment. The application reference number is 2004-329.

The Amendment proposes to:

- rezone land at 2 Rudd Road, 50 Rudd Road, 100 Rudd Road, 5 Kittles Road and 260 Wanganui Road, from Rural Zone (RUZ) and Urban Floodway Zone (UFZ) to Residential 1 Zone (R1Z);
- rezone land at 205 Wanganui Road (part), LP215856 (part), 1 The Boulevard, 2 Kittles Road, 22 Kittles Road and 38 Kittles Road from Rural Zone (RUZ) to Urban Floodway Zone (UFZ);
- include land at 205 Wanganui Road (part), LP215856 (part), 1 The Boulevard, 2 Kittles Road, 22 Kittles Road and 38 Kittles Road in the Development Plan Overlay (DPO1);
- delete the Floodway Overlay (FO) from land at 50 Rudd Road, 100 Rudd Road and 5 Kittles Road;
- delete the Land Subject to Inundation Overlay (LSIO) from land at 50 Rudd Road, 100 Rudd Road and 5 Kittles Road.

The application is for a permit to develop a multi-lot residential subdivision of land, works within the urban Floodway Zone, Floodway Overlay and Land Subject to Inundation Overlay, and the removal/pruning of native vegetation.

The person who requested the Amendment and the applicant for the permit is Coomes Consulting on behalf of the landowners.

You may inspect the Amendment and the application, any documents that support the Amendment and application, the explanatory report about the Amendment and application, and the development plan during office hours and free of charge at the offices of the Greater Shepparton City Council, 90 Welsford Street, Shepparton; at the Regional Office of the Department of Sustainability and Environment, 35 Sydney Road, Benalla; and at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne.

Any person who may be affected by the Amendment or by the granting of the permit

may make a submission to the planning authority.

The closing date for submissions is 7 February 2005. A submission must be sent to Manager Planning, Greater Shepparton City Council, Locked Bag 1000, Shepparton, Vic. 3632.

The Boulevard Concept Plan is also being exhibited in conjunction with this Amendment. Submissions may also be made about the concept plan.

For further information, please contact the Planning department on 5832 9799.

COLIN KALMS  
Manager – Planning

### **Planning and Environment Act 1987**

#### **GREATER SHEPPARTON PLANNING SCHEME**

#### **Notice of Preparation of Amendment C61**

The Greater Shepparton Council has prepared Amendment C61 to the Greater Shepparton Planning Scheme.

The land affected by the Amendment is 135 Daldy Road, Shepparton (Lot 2 LP61460). The Amendment proposes to apply a Public Acquisition Overlay over the land (PAO5).

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, during office hours, free of charge at the offices of the Greater Shepparton City Council, 90 Welsford Street, Shepparton; at the Regional Office of the Department of Sustainability and Environment, 35 Sydney Road, Benalla; and at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne.

Any person who may be affected by the Amendment may make a submission to the planning authority.

The closing date for submissions is 7 February 2005. A submission must be sent to the Greater Shepparton City Council, Locked Bag 1000, Shepparton, Vic. 3632.

For further information, please contact the Planning department on 5832 9799.

COLIN KALMS  
Manager – Planning

**Planning and Environment Act 1987**GREATER SHEPPARTON  
PLANNING SCHEME

## Notice of Preparation of Amendment C57

The Greater Shepparton Council has prepared Amendment C57 to the Greater Shepparton Planning Scheme.

The land affected by the Amendment is approximately 30 hectares of land in and adjacent to Marlboro Drive, Kialla. The Amendment proposes to:

- rezone part of the subject site currently zoned Rural Use Zone (RUZ) to the Residential 1 Zone (R1Z);
- exclude the land from Development Plan Overlay Schedule 1 (DPO1) and include it in a new Development Plan Overlay Schedule 8 (DPO8).

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, during office hours, free of charge at the offices of the Greater Shepparton City Council, 90 Welsford Street, Shepparton; at the Regional Office of the Department of Sustainability and Environment, 35 Sydney Road, Benalla; and at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne.

Any person who may be affected by the Amendment may make a submission to the planning authority.

The closing date for submissions is 7 February 2005. A submission must be sent to the Greater Shepparton City Council, Locked Bag 1000, Shepparton, Vic. 3632.

The Marlboro Drive Concept Plan is also being exhibited in conjunction with this Amendment. Submissions may also be made about the concept plan.

For further information, please contact the Planning department on 5832 9799.

COLIN KALMS  
Manager – Planning

**Planning and Environment Act 1987**

## LATROBE PLANNING SCHEME

Notice of Amendment C32 to  
Latrobe Planning Scheme and  
Notice of Planning Permit Applications  
04189, 04190, 04191 and 04192

## Extension of Opportunity to Lodge Submission

On 29 October 2004 Justice Stuart Morris (VCAT Reference No. P2257/2004) ordered that the Panel appointed by the Minister for Planning to hear submissions in relation to Amendment C32 to the Latrobe Planning Scheme and planning permits 04189, 04190, 04191 and 04192 must now consider the issue of greenhouse gas emissions from the power station arising from the burning of brown coal from Phase 2 of the Hazelwood Mine.

In response to Justice Morris' order, and the request made by International Power Hazelwood, the Panel now extends the opportunity to interested persons and organisations to lodge submissions in relation to the above planning scheme Amendment and planning permit applications addressing the environmental impact of greenhouse gas emissions from the power station.

**The Planning Scheme Amendment and Planning Permit Applications**

The Amendment proposes the following changes:

- a) Rezone the Strzelecki Highway between the proposed Wilderness Creek Diversion, Driffield and Drilling Depot Road, Morwell from Road Zone Category 1 to Special Use Zone 1 – Brown Coal; and include a Road Closure Overlay over the same land, except for that part to be retained south of Wilderness Creek Diversion;
- b) Rezone Brodribb Road between Strzelecki Highway, Driffield and Yinnar Road, Hazelwood from Road Zone Category 2 to Special Use Zone 1 – Brown Coal; and include a Road Closure Overlay over the same land;
- c) Introduce a Road Closure Overlay over a number of roads including
  - Marretts Road, Driffield, south of Buckleys Track
  - Deans Road, Driffield, east of proposed Strzelecki Highway Deviation



- Golden Gully Road, Driffield, east of the proposed Strzelecki Highway Deviation
  - Amiets Road, Driffield
  - Vinals Road, Driffield
  - Homestead Road, Hazelwood and
  - Applegates Road, Hazelwood;
- d) Include a Public Acquisition Overlay (PAO2: Strzelecki Highway Deviation) in favour of VicRoads over the proposed Strzelecki Highway Deviation between Morwell–Thorpdale Road, Driffield and Drilling Depot Road, Morwell.
- e) Delete the Land Subject to Inundation Overlay over the existing Morwell River floodplain from where the Morwell River is being diverted.

**The applications are for a planning permit for**

- a) works outside the existing and proposed mining licence area to accommodate the diversion of the Morwell River, Wilderness Creek and Eel Hole Creek;
- b) two lot subdivision of Lot 2 LP34494 to accommodate land acquisition for road deviation and river diversion associated with brown coal mining purposes;
- c) two lot subdivision of Lot 2 LP217517S to accommodate land acquisition for road deviation and river diversion associated with brown coal mining purposes;
- d) two lot subdivision of Lot 1 TP320675T to accommodate land acquisition for creek diversion associated with brown coal mining purposes.

**Who has requested the planning scheme Amendment and who is the applicant for the planning permits**

International Power Hazelwood has requested the Amendment and is the applicant for the planning permits.

The Amendment and planning permit applications form part of the West Field Project – phase 2 of the West Field development of Hazelwood Mine. International Power Hazelwood proposes to divert the Morwell River and Strzelecki Highway to enable the Hazelwood Mine to extend westwards within the area of their existing mining licence, and to further extend the Hazelwood Mine beyond the

existing mining licence boundary, to allow continuity of coal supply for the commercial operating life of the Hazelwood Power Station. The proposed works to enable the extension of the mine (West Field) are known as the ‘West Field Project’ – Phase 2 of the West Field Development of Hazelwood Mine.

In addition to the Amendment documents (including the West Field Phase 2 Environment Effects Statement) the following additional documents relating to the issue of greenhouse gases will be placed on exhibition:

- A report which will form the basis of a presentation to be given by Dave Quinn, CEO of International Power Hazelwood, to the panel hearings to be held in 2005 to consider the impact of greenhouse gas emissions from the Hazelwood Power Station;
- Strategic Assessment Guidelines from Andrew Clarke of Matrix Planning Australia Pty Ltd and further comments on the Strategic Assessment Guidelines from Latrobe City;
- Copy of the International Power Hazelwood’s Annual Report on the Environment, Health & Safety and Community 2003;
- Report prepared by CSIRO in response to a request for reconsideration of the Commonwealth Minister for the Environment’s decision that the proposed West Field mine expansion is a “controlled action” under the **Environment Protection and Biodiversity Conservation Act 1999** (Cth) on the basis of new information, and an accompanying report in relation to the same issue prepared by Enesar Consulting Pty Ltd; and
- DSE brochure entitled “Climate Change in West Gippsland”, prepared by CSIRO (Atmospheric Research) on behalf of the Victorian Government.

These documents can be inspected during office hours from Tuesday 5 January 2005 to Thursday 20 January 2005 at: Latrobe City Council, municipal offices – 34–38 Kay Street, Traralgon, and 63 Elgin Street, Morwell; Regional Office of the Department of Sustainability and Environment – 71 Hotham Street, Traralgon; Department of Sustainability

and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; and PowerWorks Centre, Ridge Road, Morwell.

The additional documents listed above may also be accessed on the International Power Hazelwood website – [www.hazelwoodpower.com.au](http://www.hazelwoodpower.com.au).

Interested persons and organisations wishing to comment on the issue of greenhouse gas emissions from the power station arising from burning of brown coal from Phase 2 of the Hazelwood Mine, in relation to Planning Scheme Amendment C32 and/or Planning Permit Applications 04189, 04190, 04191 and 04192 are invited to make written submissions by 5pm 20 January 2005.

Submissions should be forwarded to: Latrobe City Council, PO Box 345, Traralgon Vic. 3844; email: [garych@latrobe.vic.gov.au](mailto:garych@latrobe.vic.gov.au).

Copies of submissions will be provided to International Power Hazelwood and will be treated as public documents.

The Panel will reconvene hearings at the PowerWorks Centre on 24 and 25 January, and 1 and 2 February 2005. Any submitters who wish to be heard by the Panel should give notice in their submission. Scheduling of those who wish to be heard will be done as the first item of business at the hearing on 24 January, at 10am.

PAUL BUCKLEY  
Chief Executive Officer

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 3 March 2005 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.

BETTS, Nancy Charlotte, late of 24 Evans Street, Parkdale, widow, and who died on 16 October 2004.

BRISTOW, Robert Henry, late of Rose Lodge, 225 Graham Street, Wonthaggi, retired, and who died on 12 December 2004.

BRITTON, Phillip James, late of 28 Stubbs Avenue, North Geelong, Victoria, pensioner, and who died on 22 June 2004.

CONNOR, Edna, formerly of 3/16 Petrie Street, Frankston, but late of Deloraine Private Nursing Home, 18 Adeline Street, Greensborough, and who died on 14 December 2004.

DAVIDSON, Maureen Margaret, late of 10 Mansfield Avenue, Mulgrave, Victoria 3170, pensioner, and who died on 11 September 2004.

DREW, Doreen, late of Unit 4, 51 Victoria Street, Box Hill, home duties, and who died on 27 September 2004.

FITZ-GERALD, Angela Olive, late of Homewood Residential Aged Care, 8 Young Road, Hallam, pensioner, and who died on 13 October 2004.

MARKEY, Eileen Jean, late of 109 South Dudley Road, Wonthaggi, and who died on 5 September 2004.

MITCHELL, Edward John, late of 12 Howell Drive, Mount Waverley, retired, and who died on 1 November 2004.

RICHMOND, Hilda Barbara, formerly of Heathlands, 15 Hawthorn Road, Caulfield North, but late of Room 8, Warrawe House, 4/854A Centre Road, Bentleigh East, widow, and who died on 3 October 2004.

ROBBINS, Alan James, late of Lakeview Nursing Home, 35A Lakeview Drive, Lakes Entrance, and who died on 3 October 2004.

SLAVENTENA, Frank, also known as Francisek Slawenta, late of 49 Regent Avenue, Springvale, retired, and who died on 17 August 2004.

STEARN, Ruth Lily, also known as Ruth Lily Hull, late of 6/8 Bank Street, Meadowbank, NSW, retired, and who died on 17 March 2002.

Dated 23 December 2004

DAVID BAKER  
Manager  
Executor and Trustee Services

#### EXEMPTION

Application No. A485/2004

The Victorian Civil and Administrative Tribunal (the Tribunal) has considered an application pursuant to Section 83 of the **Equal**

**Opportunity Act 1995** (the Act), by Fairhills High School (the applicant). The application for exemption is to enable the applicant to advertise for and employ a male teacher's aide.

Upon reading the material submitted in support of the application, including the affidavit of Harvey Wood, the Tribunal is satisfied that it is appropriate to grant an exemption from Sections 13, 14, 100 and 195 of the Act to enable the applicant to advertise for and employ a male teacher's aide.

In granting this exemption the Tribunal noted:

- the applicant requires an aide to care for and provide constant supervision of a male integration student with a disability that results in challenging unpredictable, and occasionally violent behaviour;
- to provide appropriate constant supervision the aide needs to be a male to provide supervision with visiting the toilet, and when the student leaves the classroom and to prevent or intervene in situations involving physical violence.

The Tribunal hereby grants an exemption to the applicant from the operation of Sections 13, 14, 100 and 195 of the Act to enable the applicant to advertise for and employ a male teacher's aide.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 30 December 2007.

Dated 22 December 2004

Mrs A. COGHLAN  
Deputy President

#### EXEMPTION

Application No. A465/2004

The Victorian Civil and Administrative Tribunal has considered an application pursuant to Section 83 of the **Equal Opportunity Act 1995** (the Act), by the State of Victoria (Corrections Victoria) (the applicant). The application for exemption is to enable the applicant to place advertisements, specifically directed to women, for Prison Officers to work in correctional facilities for which the applicant is responsible and/or to work in the applicant's

security and emergency services group, and where a female and male applicant of equal merit compete for appointment to the same position so advertised, to appoint the female to that position.

Upon reading the material submitted in support of the application, including the affidavit of Kelvin John Anderson and on hearing Ms Young of counsel, the Tribunal is satisfied that it is appropriate to grant an exemption from Sections 13, 14, 100 and 195 of the Act to enable the applicant to place advertisements, specifically directed to women, for Prison Officers to work in correctional facilities for which the applicant is responsible and/or to work in the applicant's security and emergency services group, and where a female and male applicant of equal merit compete for appointment to the same position so advertised, to appoint the female to that position.

The Tribunal hereby grants an exemption to the applicant from the operation of Sections 13, 14, 100 and 195 of the Act to enable the applicant to place advertisements, specifically directed to women, for Prison Officers to work in correctional facilities for which the applicant is responsible and/or to work in the applicant's security and emergency services group, and where a female and male applicant of equal merit compete for appointment to the same position so advertised, to appoint the female to that position.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 30 December 2007.

Dated 22 December 2004

Mrs A. COGHLAN  
Deputy President

#### **Aboriginal Lands Act 1970 (Victoria)**

##### SUB-SECTION 23B(6)

Whereas, in accordance with the provisions of sub-section 23B(6) of the **Aboriginal Lands Act 1970**, the Minister for Aboriginal Affairs may appoint a person to be an Administrator of the Lake Tyers Aboriginal Trust;

I, Gavin Jennings, Minister for Aboriginal Affairs, hereby appoint the following person to



be an Administrator of the Lake Tyers Aboriginal Trust. This appointment applies for a period of twelve (12) months, unless revoked sooner, from 6 January 2005.

Mr Bobby Edred Brewster, of 15 Taylor Court, Waratah North, Victoria 3959.

Dated 30 December 2004

GAVIN JENNINGS MLC  
Minister for Aboriginal Affairs

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**Gas Industry Act 2001**

VICTORIA ELECTRICITY PTY LTD

Notice of Grant of Licence

The Essential Services Commission gives notice under section 39 of the Act that it has, pursuant to section 23 of the Act, issued a licence to Victoria Electricity Pty Ltd ABN 69 100 528 327 to retail gas for supply and sale in Victoria.

A copy of the licence is available on the Commission's website located at <http://www.esc.vic.gov.au> or a copy can be obtained by contacting the Commission's reception on (03) 9651 0222.

Dated 22 December 2004

JOHN C. TAMBLYN  
Chairperson

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**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 9 February 2005.

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 3 February 2005.

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

John H. Major. Application for variation of conditions of tow truck licence numbers TOW313 and TOW317 which authorise the licensed vehicles to be managed, controlled and operated from a depot situated at 174 Torquay Road, Grovedale, to change the depot address to 10 Riversdale Road, Newtown.

**Note:** These licenses are under consideration for transfer to Lo Ciuro Enterprises Pty Ltd.

Dated 6 January 2005

STEVE STANKO  
Director

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**Essential Services Commission Act 2001**

NOTICE OF DETERMINATION

The Essential Services Commission ("Commission") gives notice under section 35(2) of the **Essential Services Commission Act 2001 (Vic)** that it has, pursuant to section 68(8)(b)(ii) of the **Electricity Industry Act 2000 (Vic)**, made a determination in respect of the acquisition of the

electricity generation businesses of Edison Mission Energy Australia Limited (EME) – (1) Loy Yang B and (2) 60 percent of Valley Power Generating facilities by a consortium in which Mitsui & Co Ltd (ARBN 001 855 465) of Japan (Mitsui) is a partner.

The Commission has determined that it is satisfied that the Australian Competition and Consumer Commission (ACCC) has considered the acquisition of EME – (1) Loy Yang B and (2) 60 percent of Valley Power by the consortium and that the ACCC has notified Mitsui that it does not intend to take action in relation to the acquisition under section 50 of the **Trade Practices Act 1974 (Cth)**.

The effect of this determination is that the acquisition of EME – (1) Loy Yang B and (2) 60 percent of Valley Power by the consortium would not represent a prohibited interest held by Mitsui under section 68 of the **Electricity Industry Act 2000**.

The ACCC has notified Mitsui that its agreement not to take action under section 50 of the TPA in regard to the acquisition of EME is subject to the ACCC's acceptance of certain undertakings at section 87B of the TPA by Mitsui. The Commission has therefore noted in correspondence to Mitsui that, pursuant to section 75(4) of the **Electricity Industry Act 2000**, the Commission may revoke or vary the determination by notice in writing served on Mitsui. The Commission may exercise this power if circumstances change such that the information on which the determination was based is no longer considered sufficient by the Commission.

The determination takes effect on and from the date on which this notice is published in the Government Gazette.

A copy of the determination is available on the Commission's website located at <http://www.esc.vic.gov.au> or a copy can be obtained by calling Mr Richard Bunting on (03) 9651 0222.

JOHN C. TAMBLYN  
Chairperson

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### **Flora and Fauna Guarantee Act 1988**

The **Flora and Fauna Guarantee Act 1988** enables members of the public to nominate species, communities and potentially threatening processes for listing under the Act. Nominations under the Act are considered by a Scientific Advisory Committee, which makes recommendations to the Minister.

The Committee has made a number of final and preliminary recommendations. A short Recommendation Report has been prepared for each final and preliminary recommendation. Copies of the reports can be obtained from the Head Office and major country offices of the Department of Sustainability and Environment (DSE). The **Flora and Fauna Guarantee Act 1988** and the Flora and Fauna Guarantee Regulations 2001 can be viewed at these offices.

Submissions supplying evidence that confirm or contradict the preliminary recommendations will be accepted until 11 February 2005. Please note that the Scientific Advisory Committee considers only nature conservation issues.

There is no public comment period for final recommendations. Submissions marked CONFIDENTIAL should be sent to: Scientific Advisory Committee, C/- Dept. Sustainability and Environment, 2/8 Nicholson Street (PO Box 500), East Melbourne 3002.

For inquiries regarding the **Flora and Fauna Guarantee Act 1988**, please contact Martin O'Brien (03) 9637 9869. For information on specific items please contact flora and fauna staff at DSE offices.

MARTIN O'BRIEN  
Executive Officer, Scientific Advisory Committee

## FINAL RECOMMENDATIONS OF THE SCIENTIFIC ADVISORY COMMITTEE

The Scientific Advisory Committee has made final recommendations on the evidence available, in accordance with Section 15 of the Act, that the nominations for listing of the following items be supported or not supported in accordance with Section 11 of the **Flora and Fauna Guarantee Act 1988**.

<b>Items supported for listing</b>		<b>Criterion/ criteria satisfied</b>
713 <i>Euphrasia eichleri</i>	Bogong Eyebright	1.2.1
715 <i>Grevillea celata</i>	Nowa Nowa Grevillea	1.2.1, 1.2.2
716 <i>Grevillea montis-cole</i> ssp. <i>brevistyla</i>	Langi Ghiran Grevillea	1.2.1
718 <i>Podolepis muelleri</i>	Small Podolepis	1.2.1, 1.2.2
720 <i>Ralpharia coccinea</i>	stalked hydroid species	1.2.1
731 <i>Actinotus forsythii</i>	Ridge Flannel-flower	1.2.1

The reason that the nominations are supported is that the items satisfy at least one primary criterion of the set of criteria maintained under Section 11 of the Act and stated in Schedule 1 of the Flora and Fauna Guarantee Regulations 2001.

**Item not supported for listing**

714 <i>Grevillea bedgoodiana</i>	Enfield Grevillea
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The reason that the nomination is not supported is the item does not satisfy at least one primary criterion of the set of criteria maintained under Section 11 of the Act.

## PRELIMINARY RECOMMENDATIONS OF THE SCIENTIFIC ADVISORY COMMITTEE

The Scientific Advisory Committee has made preliminary recommendations on the evidence available, in accordance with Section 14 of the Act, that the nominations for listing of the following items be supported in accordance with Section 11 of the **Flora and Fauna Guarantee Act 1988**.

<b>Items supported for listing</b>		<b>Criterion/ criteria satisfied</b>
708 <i>Callistemon nyallingensis</i>	Boggy Creek Bottlebrush	1.2.1
712 <i>Eucalyptus strzeleckii</i>	Strzelecki Gum	1.2.1, 1.2.2
721 <i>Bazzania hochstetteri</i>	Caducous Whipwort	1.2.1
722 <i>Orthotrichum hortense</i>	Gardener's Bristle-moss	1.2.1, 1.2.2

The reason that the nominations are supported is that the items satisfy at least one primary criterion of the set of criteria maintained under Section 11 of the Act and stated in Schedule 1 of the Flora and Fauna Guarantee Regulations 2001.

## PREPARATION OF ACTION STATEMENTS

Under Section 19 of the **Flora and Fauna Guarantee Act 1988**, the Secretary to the Department of Sustainability and Environment is required to prepare an Action Statement (or management plan) for each listed item. Action Statements set out what has been done and what is intended to be done to conserve or manage that item.

Groups or individuals wishing to comment on a particular action statement at the draft stage, if and when the above items are listed by the Governor in Council on the recommendation of the Minister, should express their interest to: Rod Gowans, Executive Director Biodiversity and Natural Resources Division, Dept. Sustainability and Environment, PO Box 500, East Melbourne 3002.

**Local Government Act 1989 – Section 193(5D)**

## ENTREPRENEURIAL POWERS

## Ministerial Guideline

**Background**

The **Local Government (Democratic Reform) Act 2003** (the Democratic Reform Act) was passed by the Parliament in late November 2003. Section 89 of the Democratic Reform Act amended section 193 of the **Local Government Act 1989** (the LG Act), introducing a new requirement that councils undertake certain risk management processes when proposing to engage in entrepreneurial ventures.

Section 89 of the Democratic Reform Act was proclaimed on 29 October 2004.

Section 193(5D) of the LG Act (as amended) provides that the Minister for Local Government may make Guidelines on:

- the total investment involved and the total risk exposure; and
- the risk assessment report (including appropriate reporting arrangements) prepared by an appropriately qualified person.

The purpose of these Guidelines is to guide compliance with respect to the determination of the total investment involved and the total risk exposure, and the need for a Risk Assessment Report. In particular, the Guidelines cover the following:

- Assessment of the proposed entrepreneurial venture (the enterprise) to determine if it falls within the scope of section 193 of the LG Act.
- Assessment of the total investment involved and the total risk exposure (for the purposes of the Guidelines, this sum will be referred to as the 'Value of Enterprise').
- Determination of the types of qualifications and skills the person preparing the Risk Assessment Report or the Appropriately Qualified Person should hold/have.
- The contents of the Risk Assessment Report.

Councils should be aware that these Guidelines do not address the other legal requirements in section 193 of the LG Act (for example issues of retrospectivity, audit requirements, exemptions from other provisions of the LG Act, etc) or other legislation, both Victorian (for example **Associations Incorporation Act 1981**, **Trustee Act 1958**, **Trustee Companies Act 1984**, **Partnership Act 1958**, **Corporations (Victoria) Act 1990**, etc), and Commonwealth (for example **Corporations Act 2001**, **Income Tax Assessment Act 1997**, etc).

**Types of Entrepreneurial Ventures**

Section 193 of the LG Act is broad with a wide variety of enterprises falling within its scope. The types of enterprises varies from low risk – participation in incorporated associations - to high risk ventures such as the establishment of wholly owned subsidiary companies, land development joint ventures and the like. The structure of these enterprises has also varied:

- incorporated associations;
- proprietary limited and publicly listed companies;
- incorporated and unincorporated joint ventures;
- charitable trusts;
- profit share arrangements;
- companies limited by guarantee with or without a shareholding; and
- companies with a limited liability with or without a shareholding.

**Participating in the Enterprise**

Once a council has determined that its proposed enterprise falls within the scope of section 193 of the LG Act, it needs to determine the following before it participates in the enterprise:

- the Value of Enterprise;
- if it needs to consider a Risk Assessment Report prepared by an appropriately qualified person; and
- if the approval of the Minister for Local Government or the approval of both the Minister for Local Government and the Treasurer is needed.

### **Value of Enterprise**

The determination of the 'Value of Enterprise' is an important step as this will determine what process the council needs to follow in order to participate in its proposed enterprise (see the next section – 'Need for a Risk Assessment Report').

The Value of Enterprise comprises the total investment involved. Where the proposed enterprise involves both an investment and a risk exposure, the Value of Enterprise will need to include the value of the total risk exposure.

#### *Total Investment*

It is envisaged that the total investment might include:

- any net expenditures on preparatory activities including legal fees, financial/commercial consultant fees, patent/copyright costs, etc that may not be recouped from the enterprise at a later stage;
- in-kind contributions towards preparatory activities including staff time, other council resources, etc, where they are relevant to the proposed enterprise; would otherwise be avoidable; and are material or significant enough to influence the decision making process;
- the proposed initial capital contribution to the enterprise;
- any on-going committed recurrent monetary contributions; and
- any committed recurrent in-kind contributions including staff time, other council resources, etc.

In instances where the proposed enterprise will involve contributions over a period of more than one year, the total investment should be determined on a 'Present Value' basis, using an appropriate discount rate.

#### *Total Risk Exposure*

Total risk exposure might include:

- losses (potential and realised) arising from failures during the concept design and/or development stages of the proposed enterprise;
- in the case where the proposed enterprise includes a design, construction and operation of a facility – risks associated with design, construction (e.g. cost/timelines underestimated), performance (e.g. poor performance of sub-contractors), operating (e.g. underestimation of cost of service provision), termination (e.g. default of facility operator), technology (e.g. technological change/asset obsolescence), residual value (e.g. assets procured specifically for a contract which are no longer required at the end of the contract), and so on;
- financial and/or commercial liabilities or losses as a result of the enterprise performing below expectations or projections;
- any future committed contingency capital contributions;
- financial and/or commercial liabilities or loss as result of failure of the enterprise including the loss of any capital not already accounted for, accrued trading losses, trade debtors, unpaid creditors, legal action taken against the enterprise and/or councils, etc;
- environmental risks; and
- expenditures that may be incurred as a result of the wind-up of the enterprise, for example legal costs, guarantees, limited liabilities etc.

It is advisable for councils to also refer to best practice guidance to assist with the identification of risk, determination of the value of the risk exposure, consideration of unquantifiable aspects of risk, and the transfer of risk to parties better placed to manage these risks.

**Need for a Risk Assessment Report**

Councils only need to consider a Risk Assessment Report where the 'Value of Enterprise' exceeds whichever is the greater of \$100,000 or 1% of the council's revenue from rates in the preceding financial year.

Where the 'Value of Enterprise' is less than whichever is the greater of \$100,000 or 1% of the council's revenue from rates in the preceding financial year, then the decision to proceed with the enterprise is wholly the responsibility of that council. It will be reasonable to expect that in these cases, councils will have a formal internal mechanism to assess the risk it will be exposing itself to by participating in the proposed enterprise.

*Preparation of a Risk Assessment Report*

The LG Act requires that a Risk Assessment Report must be considered by the council where the 'Value of Enterprise' exceeds whichever is the greater of \$100,000 or 1% of the council's revenue from rates in the preceding financial year.

Although the LG Act does not specify who may prepare a Risk Assessment Report, it does specify that this report must be prepared by an appropriately qualified person.

Generally, a council's participation in an enterprise will expose it to varying degrees of commercial, financial and non-financial risk. It would thus be prudent that the person selected by the council to prepare the Risk Assessment Report will hold qualifications, expertise, and experience relevant to the type of the proposed enterprise. The types of qualifications, expertise, and experience may include (but are not limited to):

- financial and commercial business planning and reporting;
- financial, commercial, legal and other risk assessment and management;
- project planning and management; and
- specific areas of expertise relevant to the particular enterprise.

*Contents of a Risk Assessment Report*

The Risk Assessment Report should be viewed as a tool that will assist a council to make a fully informed decision in relation to a proposed enterprise.

In preparing the Risk Assessment Report, consideration should be given to the type of enterprise, the 'Value of Enterprise' and the level of risk to the council. The breadth of the content and complexity of the Risk Assessment Report should be commensurate with the size of the council's overall investment and level of risk to which the council will be exposed.

The Risk Assessment Report, as the name suggests, should be a report to the council in which the risk to the council is assessed. It is therefore reasonable to expect that a Risk Assessment Report should address a variety of matters, including assessments of:

- the objectives of the proposed enterprise (including but not limited to economic, technological, social, planning, financial, environmental, and ecological value it can add), its alignment with the council's own long term strategic direction and plans (including the Council Plan);
- the legal structure of the proposed enterprise, its capacity to reduce exposure to the risks associated with the proposed enterprise, and how well placed it is to deliver the objectives of the proposed enterprise;
- the methodology used to determine the 'Value of Enterprise' (i.e. the sum of the total investment involved and the total risk exposure);
- the governance arrangements for the proposed enterprise including (but not limited to) the appropriateness of existing council expertise and resources, delegations of authority, financial governance, project management, procurement policies and plans, audit (internal and external) arrangements, probity issues (including conflict of interests), etc in the context of the proposed enterprise;
- the business plan for the proposed enterprise (including any financial, resource allocation, design and development, marketing plans) and in particular the underlying assumptions (including critical risks, revenue/trading projections) related to project viability (financial, economic and otherwise), proposed management team, timelines, the capacity of the council to fund the project proposal and net impact on the council's financial position;



- the analysis of the viability of the project proposal, for example sensitivity analysis, SWOT analysis, cost-benefit analysis, etc and how robust these analyses and their underlying assumptions might be, an analysis of the impact of different procurement options might have on the viability of the proposed enterprise;
- the risk aversion, mitigation and management strategies including whether the level of any insurances for public liability, professional indemnity, employers liability, motor vehicle, product liability, fire insurances, general risks, guarantees, etc is appropriate in the context of the proposed enterprise, and alternative procurement options if these can transfer risks to other parties better suited to managing these risks more effectively;
- the framework for on-going monitoring and evaluation of risk management strategies and their implementation, where relevant;
- the criteria/thresholds that have been developed to define what constitutes the success or failure of the proposed enterprise, and an assessment of the likelihood and impact of this occurring;
- the framework for monitoring and evaluating performance against pre-determined objectives including the appropriateness and objectivity of key performance indicators developed to evaluate – the achievement of the objectives of the proposed enterprise, the performance against the business plan, the appropriateness of the performance evaluation cycle;
- compliance with legislation (including but not limited to Best Value principles, investment powers of councils, procurement, sale of land, freedom of information, taxation), State/Commonwealth Government protocols (including but not limited to borrowings and Australian Loan Council) and policy (including but not limited to National Competition Policy);
- any exemptions from other provisions of the LG Act sought by the council (bearing in mind that such exemptions are only available in instances where the council is required to seek the approval of the Minister for Local Government, and the Treasurer if necessary, prior to participating in the proposed enterprise);
- the accountability framework which would include a reporting regime, i.e. the form of reports (internal and external) – triple bottom line reports, financial statements, reports of operations including qualitative and quantitative assessments of performance, the role of the audit committee in overseeing the operations and performance of the proposed enterprise, and the frequency of reporting to the council, the community and the Minister for Local Government;
- the proposed exit strategy should the council decide to divest itself of its investment in the proposed enterprise should it fail to perform as anticipated or should the proposed enterprise itself fail and be wound-up; and
- where necessary, the community/public consultation undertaken in the context of the proposed enterprise including the council's response to any wider community concerns.

#### **Approval of the Minister for Local Government and the Treasurer**

In addition to considering a Risk Assessment Report, councils will need the approval of the Minister for Local Government for any proposed enterprise where the 'Value of Enterprise' exceeds whichever the greater of \$500,000 or 5% of the council's revenue from rates in the preceding financial year. In addition to the Minister for Local Government's approval, councils will also require the approval of the Treasurer where the 'Value of Enterprise' exceeds \$5 million.

In these circumstances, councils will be expected to formally seek ministerial approval. Local Government Victoria, in conjunction with the Department of Treasury and Finance, has developed a standard application form to the Minister/s. The standard application form includes a list (not exhaustive) of the types of documents that councils will be expected to append to the application form. Detailed explanatory notes have also been prepared to assist councils to complete the application form.

Completed application forms are to be submitted to Local Government Victoria.

Copies of the standard application form and explanatory notes are available from Local Government Victoria.

CANDY BROAD MLC  
Minister for Local Government

**Subordinate Legislation Act 1994**  
GUIDELINES UNDER SECTION 26  
Effective 17 January 2005

Responsible Minister:  
S. P. BRACKS  
Premier

**CONTENTS**

**Part One** Guidelines as to the types of matters appropriate for inclusion in statutory rules rather than in Acts or in instruments which are not of a legislative character.

**Part Two** Guidelines as to alternative means of achieving the objectives sought to be achieved by a proposed statutory rule such as self regulation or voluntary codes of conduct.

**Part Three** Guidelines as to the appropriate cases in which a proposed statutory rule should set performance standards rather than prescribing detailed requirements.

**Part Four A** Guidelines as to procedures to be adopted to ensure that the need for the statutory rule can be justified.

**Part Four B** Guidelines as to procedures to be adopted to ensure that the objectives of a proposed statutory rule are formulated and included in any proposed statutory rule.

**Part Five – Consultation**

**Part Five A** Guidelines as to the procedures to be adopted to ensure that an agency preparing or considering a proposed statutory rule identifies and consults any other agency relevant to the subject matter of the proposed statutory rule.

**Part Five B** Guidelines as to the procedures to be adopted to ensure that where appropriate, independent advice is obtained as to the nature and content of the proposed statutory rule.

**Part Five C** Guidelines as to the procedures to be adopted to ensure that proper consultation takes place with any sector of business or of the public which may be affected by the proposed statutory rule.

- Section 6(b)
- Certificates of consultation under section 6(c)
- Rules excepted from the RIS process under section 8
- Rules exempted from the RIS process under section 9
- Premier’s Certificates
- Provision of Certificates to SARC
- Consideration of submissions

**Part Five D** Guidelines as to the procedures to be adopted to ensure that proper consultation takes place in circumstances where consultation is required under section 6.

**Part Six** Guidelines as to circumstances in which a statutory rule imposes an appreciable cost or burden on a sector of the public.

**Part Seven** Guidelines as to the application, adoption or incorporation of matter in a statutory rule.

**Part Eight** Guidelines as to the style and language to be used in drafting statutory rules.

**Part Nine** Guidelines as to the printing and submission of statutory rules to the Governor in Council and the provision of statutory rules to SARC.

**Part Ten** Publication of Notices

**Part Eleven** Sunsetting and Extension of Statutory Rules



## INTRODUCTION

The **Subordinate Legislation Act 1994** (“the Act”) governs the preparation and making of statutory rules in Victoria. Section 26 (1) of the Act provides that Guidelines may be made for or with respect to:

- the preparation, content, publication and availability of statutory rules; and
- the procedures to be implemented and the steps to be undertaken for the purpose of ensuring consultation, coordination and uniformity in the preparation of statutory rules.

Sub-section (2) of section 26 requires Guidelines to be made dealing with the matters set out in Schedule 1 to the Act.

The Guidelines are intended to advise and assist Ministers in exercising their responsibilities under the Act and officers responsible for the preparation of statutory rules and regulatory impact statements to comply with the Act. The Act imposes certain obligations on Ministers to comply with the Guidelines in matters such as consultation and in preparation of the regulatory impact statement. Thus, it is necessary for officers to familiarise themselves with both the Act and the Guidelines in order to properly inform their Minister of his or her responsibilities under the Act.

Failure to comply with the Act and the Guidelines may result in an adverse report from the Scrutiny of Acts and Regulations Committee (also referred to as “SARC”) or may result in a finding by the Courts that the statutory rule is invalid. Ultimate responsibility for all decisions concerning statutory rules and regulatory impact statements lies with the responsible Minister.

In exercising responsibilities and making judgements under the Act, officers should also draw on other relevant material such as the Victorian Guide to Regulation and reports of the Scrutiny of Acts and Regulations Committee.

## DEFINITIONS

The definitions set out in section 3 of the Act apply to terms used in these Guidelines. For example “statutory rule” is defined in section 3 of the Act. In particular, the distinction between “the Minister”, meaning the Minister administering the Act, currently the Premier, and “the responsible Minister” being the Minister administering the authorising Act under which a statutory rule is proposed to be made, should be borne in mind when reading both the Act and these Guidelines to ensure that the appropriate Minister complies with both as required.

The term “agency” has been adopted in these Guidelines in preference to the term “department”. Although in the majority of cases it will be officers within government departments who are concerned with making statutory rules, there are a number of statutory bodies responsible for the formulation of instruments which are statutory rules for the purposes of the Act. The term “agency” has, therefore, been chosen to cover all such bodies as well as government departments.

It should be noted that those instruments which had been included in the Subordinate Legislation Act 1962 as statutory rules pursuant to section 2(1)(d) of that Act, have been deemed, by virtue of the consequential amendments made in Schedule 2 to the Subordinate Legislation Act 1994, to be statutory rules and are subject to the requirements imposed under that Act.

## Mandatory and Good Practice Requirements

The Act imposes some mandatory requirements on Ministers, such as the requirement for consultation under section 6 and the requirement to prepare a regulatory impact statement under section 7 (unless one of the exception or exemption provisions apply). In such cases appropriate language to indicate the mandatory nature of the requirement has been used in the Guidelines. Other matters are included as matters of good practice which should be adopted by drafting officers.

## Further Assistance

If you have any queries in relation to the Guidelines and the Act, please contact the Legal Branch of the Department of Premier and Cabinet.

**PART ONE:****Guidelines as to the types of matters appropriate for inclusion in statutory rules rather than in Acts or in instruments which are not of a legislative character.**

- 1.01 Statutory rules can be an effective policy tool. They can be used by government to achieve a range of policy objectives. Some of the rationales for regulating activity include:
- to control the way in which government agencies exercise power;
  - to prevent or reduce activity which is harmful to business, the environment or to other people;
  - to control the activities of companies or individuals that are in a position to exercise market power (but not so as to protect groups from competition);
  - to ensure that people engaged in some occupations possess a requisite level of knowledge and competence;
  - to protect consumers against harmful products;
  - to define rights, entitlements or obligations.
- 1.02 The impetus for a statutory rule may come from the agency responsible for a particular area as a solution to a perceived problem. Suggestions may also come from business and community groups. Regulations may not be new initiatives but rather suggestions for alteration to existing regimes either on the basis of over regulation or remedying a deficiency in the regulatory regime.
- 1.03 There are a number of different methods of regulating activities. These are:
- primary legislation (Acts);
  - subordinate legislation (eg statutory rules, Orders in Council, Proclamations and Notices);
  - voluntary codes of conduct or self regulation; and
  - administrative practices.
- 1.04 There are a number of different levels within those methods of regulation, for example:
- a total prohibition may be imposed on an activity;
  - the carrying out of an activity may be restricted by regulating those who may engage in the activity or by imposing conditions and limitations on the activity;
  - an obligation to do something may be created;
  - organisations and individuals may be encouraged to consider the impact of their activities on the community and the environment and to modify their activity in that regard; and
  - provision may be made for a code of practice for the conduct of an activity.
- 1.05 In considering the most appropriate vehicle for a particular regulatory objective, agencies should consider not only primary or secondary legislation but whether a legislative instrument is appropriate at all.
- 1.06 Primary legislation is usually drafted in general rather than specific terms with a view to avoiding the need to make frequent changes. Matters of detail liable to frequent change should, where possible, be dealt with by subordinate legislation rather than primary legislation. However, the general rule is that matters of policy, general principle and the like should be reserved to primary legislation.
- 1.07 Significant matters should not be included in subordinate legislation although that subordinate legislation may deal with the same issue in terms of enforcement or related matters of administration or implementation. Subordinate legislation must be consistent with the general objectives of the authorising Act. Statutory rules can complete the details of a legislative scheme but cannot add new aims or ideas unless expressly authorised so to do.

Statutory rules cannot alter anything in the Act under which they are made unless the Act expressly authorises a statutory rule to do so but this is a power seldom conferred and not desirable.

1.08 The following are all matters which should be in primary rather than subordinate legislation:

- matters of substance or important procedural matters (particularly where they also affect individual rights and liberties, eg provisions that reverse the onus of proof, or certify evidentiary matters);
- matters relating to a significant question of policy in that they introduce new policy or fundamentally change existing policy;
- matters which have a significant impact on individual rights and liberties (eg powers of entry and search, arrest warrants, seizure and forfeiture), or which deal with property rights or traditional liberties and freedoms;
- matters imposing significant criminal penalties (such as fines exceeding 20 penalty units or imprisonment); and
- provisions imposing taxes.

1.09 By contrast, the following are more appropriately dealt with by subordinate legislation:

- matters relating to detailed implementation of policy, general principles and standards (rather than the policy, principle or standard itself);
- prescribing fees to be paid for various services;
- prescribing forms (if it is necessary that they be prescribed) for use in connection with legislation;
- prescribing processes for the enforcement of legal rights and obligations; and
- times within which certain steps should be taken.

## **PART TWO:**

### **Guidelines as to alternative means of achieving the objectives sought to be achieved by a proposed statutory rule such as self regulation or voluntary codes of conduct.**

2.01 As a means of regulation, statutory rules have a number of advantages and disadvantages. They are usually quicker to implement than primary legislation. On the other hand, they are more inflexible than codes of conduct or administrative controls.

2.02 There are numerous alternatives to subordinate legislation as a means of dealing with a particular problem. These include:

- providing better information to affected groups to make them more aware of their rights and or obligations;
- introducing voluntary codes of practice;
- expanding the coverage of existing law;
- encouraging organisations and individuals to consider the impact of their activities on the community and the environment;
- establishing a code of practice for the conduct of an activity; and
- taking action to develop efficient markets where these would deal with the issue.

2.03 In considering alternative means of achieving a policy objective, self-regulation, voluntary codes of conduct or otherwise, must be considered. Agencies should refer to the characteristics of good regulatory design set out in Chapter 3 of the Victorian Guide to Regulation to determine the appropriate form of regulation.

2.04 Where the authorising Act dictates the form of subordinate legislation required, for example where the authorising legislation provides for fees to be prescribed by statutory rule, there is no discretion to set those fees by another method.

- 2.05 Codes of practice are usually employed to incorporate large bodies of technical specifications or to provide guidance in ensuring compliance with generally worded “performance based” regulation. They can be voluntary or compulsory in nature.
- 2.06 Whilst the community can benefit from increased government regulation, statutory rules can add to business costs which may produce disadvantages for consumers. Effective self-regulatory codes have the potential to educate and provide information to both consumers and traders about their rights and responsibilities while retaining service standards and consumer confidence.

**PART THREE:****Guidelines as to the appropriate cases in which a proposed statutory rule should set performance standards rather than prescribing detailed requirements.**

- 3.01 Drafting officers must have regard to the terms of the enabling Act, to see whether the Act itself allows performance based standards or requires prescriptive standards. Where the enabling Act allows either approach, consideration should be given to the advantages and disadvantages of either approach as discussed in Chapter 3 of the Victorian Guide to Regulation.
- 3.02 In considering the type or level of statutory rule which may be appropriate, a realistic consideration of the relationship between the cost of different regulatory structures and their effectiveness in achieving the identified objective should be paramount.
- 3.03 Agencies will generally be aware of the nature of the industry covered by their Minister or portfolio responsibilities and the risks involved in each of the options detailed above. Consultation with industry groups will generally identify the advantages and disadvantages flowing from each course of action.

**PART FOUR:****(A) Guidelines as to procedures to be adopted to ensure that the need for the statutory rule can be justified.**

- 4.01 The initial question that policy officers should address is, does the authorising Act permit the matter to be dealt with by way of statutory rule. It must be remembered that a statutory rule can only cover matters which are permitted by its authorising Act and must be consistent with the purpose and objective of that Act. Such matters are those which are either:
- authorised by the authorising Act, for instance by use of the word “prescribed”;
  - referred to in the regulation-making powers set out in the authorising Act; or
  - within the scope of a general regulation-making or prescription power of the authorising Act and necessary to enable the effective operation of that Act.
- 4.02 Where a proposed statutory rule is of a type which requires completion of a RIS, that process should ensure the economic, social and environmental costs and benefits are properly assessed. However, even for proposed rules which do not require a RIS, agencies should still be conscious of the need to ensure that the regulatory option can be justified. Policy Officers should also keep in mind the principles of good regulatory design in any case.

**PART FOUR:****(B) Guidelines as to procedures to be adopted to ensure that the objectives of a proposed statutory rule are formulated and included in any proposed statutory rule.**

- 4.03 Before proceeding with a proposed statutory rule, the objectives sought to be achieved and the reasons justifying those objectives, should be defined and formulated clearly. Those objectives must be checked to ensure that:
- they are reasonable and appropriate to the level of regulation sought to be achieved;
  - they are capable of being clearly and succinctly set out;
  - they accord with the objectives, principles, spirit and intent of the authorising Act;

- they are not inconsistent with the objectives of other legislation, statutory rules and stated government policies; and
  - their achievement would not involve costs or disadvantages which are greater than the benefits or advantages sought to be achieved.
- 4.04 A clear statement of the objectives of the statutory rule is required so that Parliamentary Counsel can ensure that a certificate under section 13 of the Act can be given on what appears on the face of the statutory rule.
- 4.05 Section 10(1)(a) of the Act requires a statement of the objective of a proposed rule to be included in a RIS and all proposed rules which require a RIS must comply with this requirement. In addition, all proposed rules, whether these require a RIS or not, must contain in the text of that rule, a statement of its intent and objectives. A clear statement of the effect of a proposed statutory rule must also be included in the Explanatory Memorandum which must accompany any proposed rule which is to be submitted to the Governor in Council, the form of which is discussed in Part Eight of these Guidelines.

## **PART FIVE:**

### **Consultation**

#### **5(a) Guidelines as to the procedures to be adopted to ensure that an agency preparing or considering a proposed statutory rule identifies and consults any other agency relevant to the subject matter of the proposed statutory rule.**

- 5.01 Under section 6(a) of the Act, the responsible Minister must ensure that there is consultation in accordance with these guidelines with any other Minister whose area of responsibility may be affected by a proposed statutory rule. The aim of the consultation is to avoid any overlap or conflict with any other existing or proposed statutory rule or legislation.
- 5.02 Agencies considering a new regulatory initiative, a change to an existing regulatory regime or the re-enactment of that regime should seek the views of any other agency that may be affected by the proposal or the policy position it represents.
- 5.03 In the early stages of policy development, agencies should identify areas of responsibility of another agency or statutory body which may be affected by the proposed regulation. Consultation on any areas so identified should occur early in the development of policy options and, in any event, must take place before external consultation is undertaken and before notice of a RIS is given under section 11 of the Act.
- 5.04 Any areas of significant disagreement between agencies should be referred to Ministers for resolution or brought to Cabinet, or the appropriate committee of the Cabinet, for consideration.

#### **5(b) Guidelines as to the procedures to be adopted to ensure that where appropriate, independent advice is obtained as to the nature and content of the proposed statutory rule.**

- 5.05 Where the proposed rule is of the type which requires a RIS, section 10(3) of the Act requires the responsible Minister to ensure that independent advice on the adequacy of the RIS is obtained and considered.
- 5.06 The Government established the Victorian Competition and Efficiency Commission ("VCEC") on 1 July 2004. One of the VCEC's core functions is to review RISs. The VCEC is to undertake all independent assessments of the adequacy of RIS, as required by Section 10(3). Contractors and consultants can only be engaged to undertake independent assessments where VCEC is not available. This will ensure consistent, high quality independent assessments.
- 5.07 In all cases it needs to be remembered that it is the responsible Minister proposing the making of the proposed rule who must certify to the Governor in Council and to the Parliament under section 10(4) of the Act that the RIS complies with the requirements of the Act.

- 5.08 It is for the Minister to determine at what stage he or she seeks expert advice on the development of a regulatory proposal. In some circumstances, where there is a major regulatory initiative it may be appropriate that the services of a suitably qualified consultant be engaged early in the policy development process.
- 5.09 Contractors and consultants may be engaged to prepare regulatory impact statements but should not undertake independent assessments. If engaging consultants external to government, agencies should also consult the policies concerning engaging and managing consultants issued by the Victorian Government Purchasing Board ('VGPB'). For further information and to obtain a copy of its policies, refer to the VGPB's website.
- 5.10 The RIS must not be released for public comment until the Minister has received independent advice from the VCEC regarding the adequacy with which that the statement addresses the matters required to be included in the Statement by reason of section 10 of the Act. If the advice of the VCEC is that it considers the statement is inadequate, the Minister may determine it is appropriate to release the statement, but in that case the VCEC advice must be attached.
- 5.11 Copies of independent assessments of RISs together with other relevant regulation materials are to be forwarded to SARC as soon as practicable after the statutory rule is made. This will promote a more transparent and accountable regulatory system.
- 5(c) Guidelines as to the procedures to be adopted to ensure that proper consultation takes place with any sector of business or of the public which may be affected by the proposed statutory rule.**
- 5.12 In considering the appropriate level of consultation, agencies should remember that the emphasis of the Act is on the responsibility of Ministers to the Parliament in exercising the legislative powers delegated to them by Parliament.
- 5.13 Appropriate consultation is important in deciding whether a statutory rule should be made and, if so, in formulating that rule. Consultation may be within government, between different agencies, and with sectors of the business and the wider community potentially affected by the rule or in whose interests the proposed rule is directed. The nature and degree of consultation that is appropriate for any particular rule will vary with the nature of that rule.
- 5.14 Consultation should occur prior to the advertisement of RISs and as a result of a RISs publication. Preliminary consultation may occur through conducting focus groups and briefing sessions with key stakeholders before deciding that a regulatory proposal is the most appropriate response to an issue. Peak industry bodies should be notified during the development of regulatory proposals. Issues papers can also be used as a preliminary vehicle for communication. Agencies should note that consultation that occurs prior to a RISs publication, does not take the place of the consultation required by the Act following the publication of a RIS.
- 5.15 There are many benefits of effective consultation with business and members of the public who are affected by a proposed statutory rule. For example, they can:
- have an important role in identifying and considering alternative methods of achieving the stated objectives. People involved in a particular industry can build up a wealth of knowledge about its historical development, current operation and future direction and the interrelationships with other industries and economic activities;
  - greatly assist in the identification of innovative techniques for dealing with the particular community concerns about the industry. Submissions that provide further relevant information on alternatives to a regulatory proposal should always be considered carefully; and
  - have extensive knowledge about the costs of regulatory proposals. For example a firm may be able to estimate the impact of a new statutory rule on the cost of its operations. This kind of information greatly assists in evaluating the alternatives.



- 5.16 The RIS process gives the business and wider community an opportunity to communicate to government any concerns it may have about regulations affecting its activities. One of the aims of the RIS and the consultation process is to provide a mechanism whereby it is possible to draw on information and comment from the widest possible sources thereby exposing any subjectivity or faulty reasoning in the regulatory proposal and ensuring that competing interests are recognised and considered.
- 5.17 If the RIS and the consultation process is properly undertaken any resulting statutory rule should represent the most balanced, cost effective and least intrusive solution to an actual problem.

#### **Consultation requirements under section 6(b)**

- 5.18 Under section 6(b) of the Act, the responsible Minister must ensure that there is consultation in accordance with these guidelines with any sector of the public on which an appreciable economic or social burden may be imposed by a proposed statutory rule. The aim of the consultation is to ensure that the need for and the scope of the proposed statutory rule is considered.
- 5.19 If the proposed statutory rule is likely to impose any appreciable burden, cost or disadvantage on any sector of the public, consultation must take place with that sector, eg business groups, community groups, special interest groups. The consultation should include discussion of the need for and method of the proposed regulation.
- 5.20 In formulating a proposed statutory rule it is important that all relevant costs and benefits are identified. This is particularly the case with indirect costs and benefits which may not be readily apparent. To assist in ensuring that all effects are identified it is helpful to consider in turn the impact of the proposed statutory rule on:
- individuals directly affected by the regulation;
  - particular industries directly affected; and
  - the economy and the community at large.
- 5.21 It is only possible to state that the proposed rule will yield the maximum net benefit if all the relevant effects have been identified and assessed.

#### **Certificates of consultation under section 6(c)**

- 5.22 Section 6(c) requires that the responsible Minister must ensure that where the Guidelines require consultation a certificate of consultation is given to SARC in accordance with the Guidelines as soon as practicable after the statutory rule is made. A consultation certificate should provide details of who was consulted. An example form of certificate is included in Appendix D to the Victorian Guide to Regulation.
- 5.23 A certificate of consultation should be prepared even where the responsible Minister concludes that a rule will not impose an appreciable burden and, therefore, justifies an exemption from the RIS process under section 9(1)(a).

#### **Rules Excepted from the RIS Process under Section 8**

- 5.24 Section 8(1)(a) provides an exception to the RIS process where the proposed statutory rules which increase fees in respect of a financial year by an annual rate that does not exceed the annual rate approved by the Treasurer in relation to the State Budget for the purposes of that section.
- 5.25 It is acceptable to make a statutory rule setting a package of fees. This is known as the 'basket approach'. However, the exception available in section 8(1)(a) does not apply if any individual fee component in the package exceeds the Treasurer's annual rate. It does not matter if the average fee increase across the package is less than the annual rate. If any individual fee is increased above the annual rate, a RIS process needs to be undertaken as the fee increase may have a significant and adverse impact on the community and business.



- 5.26 Where a proposed rule does no more than effect an increase in accordance with that annual rate, then the level of consultation required under section 6(b) may only be that which may be undertaken by the Treasurer and the Department of Treasury and Finance in the normal process of overall budget development. The Budget strategy sets out the financial plan for the State for a twelve month period. The integrated nature of that strategy should not be disturbed except by subsequent government decision. Any specific consultation about an individual statutory rule which implements part of that strategy would be of little benefit. However, increases in fees outside the percentage allowed for in the Budget are subject to the RIS and consultation processes.
- 5.27 When a statutory rule is made setting new fees, a table is to be prepared comparing the new and old fees, including an indication of the percentage increase or decrease for each fee. A copy of the comparative table is to be sent to SARC together with other relevant regulation materials.
- 5.28 Section 8(1)(b) excepts a proposed statutory rule which relates only to a court or tribunal or the procedure, practice or costs of a court or tribunal. Where such rules are made by a court, consultation is not required unless the Judges or Magistrates of that Court determine that there should be consultation. In other cases falling under this sub-section, sufficient consultation should take place with the courts, representative bodies of the legal profession and other relevant interest groups to ensure that the rule is the most effective option available.
- 5.29 Section 8(1)(c) excepts a proposed statutory rule which only prescribes an equalisation factor for the purposes of the Land Tax Act 1958. If a proposed rule does no more than set such a factor, no consultation is required under section 6(b).
- 5.30 Section 8(1)(d)(i) and (ii) except proposed rules to be made under section 4(1)(a) or (b) which relate to the declaration of instruments as falling within or without the definition of statutory rule. In the case of such rules, no consultation is required save for consultation with the relevant responsible Minister or the body responsible for the rule and that required under section 4 with SARC.
- 5.31 Section 8(1)(d)(iii) excepts a proposed statutory rule which extends the life of a sunseting statutory rule under section 5(4) of the Act. In such a case the proposed rule can only continue an existing regulatory regime. Given that the purpose of the extension is to allow time for the RIS process to be completed, no consultation is required under section 6(b).

**Rules exempted from the RIS Process under Section 9**

- 5.32 Section 9(1)(a) allows the relevant responsible Minister to exempt a particular statutory rule from the RIS process if in his or her opinion the rule would not impose an appreciable economic or social burden on a sector of the public. Consultation should be undertaken under section 6(b) in order for the Minister to obtain sufficient evidence to form a view as to whether the proposed rule imposes an appreciable burden. The level and nature of the consultation required in each case is a matter for the relevant responsible Minister. Where consultation takes place, the Minister must provide SARC with a certificate of consultation under section 6(c). For further information regarding consultation certificates, see paragraphs 5.22–5.23 above.
- 5.33 The Minister must include in the exemption certificate detailed reasons as to why the proposed rule does not impose an appreciable economic or social burden on a sector of the public under section 9(2). It will not be sufficient to simply assert that there is no appreciable economic or social burden on a sector of the public in the exemption certificate.
- 5.34 Section 9(1)(b) allows the relevant responsible Minister to exempt a proposed statutory rule from the RIS process if he or she is of the opinion that the proposed rule is required under a national uniform legislation scheme and an assessment of costs and benefits has been undertaken under that scheme.

- 5.35 In the case of such a rule, the Minister should take care to ensure that the impact of the scheme, particularly on Victorian business, has been properly assessed and should be satisfied that there has been adequate consultation with the business community. This consultation may take place during the development of the national scheme and the decision as to Victoria's entry into that scheme. Under the Act the responsible Minister should still satisfy him or herself that the level of scrutiny and consultation required by the Act has been met. If this is the case, then the requirement for consultation under section 6(b) is satisfied. However, the responsible Minister is still required to provide a certificate of consultation to SARC under section 6(c).
- 5.36 Section 9(1)(c) allows the relevant responsible Minister to exempt a proposed statutory rule from the RIS process if he or she is of the opinion that the proposed rule is fundamentally machinery or declaratory in nature. In the case of such a rule no consultation is required under section 6(b) as consultation on instruments of a minor machinery nature would be of little benefit or value in light of the limited nature of the matters allowed under this exemption.
- 5.37 Sections 9(1)(d) and (da) allow the relevant responsible Minister to exempt a proposed statutory rule from the RIS process if he or she is of the opinion that the proposed rule deals with the administration or procedures within or as between departments or declared authorities within the meaning of the **Public Sector Management and Employment Act 1998\*** or within or as between departments within the meaning of the **Parliamentary Officers Act 1968\***. In the case of such a rule, consultation is required under section 6(b) with the Commissioner for Public Employment (and, in the case of a statutory rule proposed under the **Parliamentary Officers Act 1968**, with relevant Parliamentary Officers)\*, but otherwise the level and nature of the consultation required is a matter for the responsible Minister. (\*or its successor)
- 5.38 Section 9(1)(e) allows the relevant responsible Minister to exempt a proposed statutory rule from the RIS process if he or she is of the opinion that notice of the proposed rule would render the rule ineffective or would unfairly advantage or disadvantage any person likely to be affected by the proposed rule. This exemption relates to situations such as the requirement for urgent environmental or species protection statutory rule where notice would allow a scarce resource to be exploited pending operation of the proposed statutory rule. In such cases there is no requirement for consultation under section 6(b) if the Minister does not believe that it is appropriate.
- 5.39 If the Minister is of the opinion that one of the five grounds of exemptions in section 9(1) of the Act applies to a proposed statutory rule, then in making the written certification of his or her opinion, the Minister must also specify the reasons for that opinion.
- 5.40 The Act does not set out any form for the certificate that is to be provided to SARC under section 9 but an example form of certificate is included in Appendix D to the Victorian Guide to Regulation. Ministers and agencies should take care to ensure in each case that the certificate covers the following:
- One: the name of the proposed statutory rule;
  - Two: the subsection of 9(1) under which the exemption is made;
  - Three: an outline of the nature and effect of the proposed rule including the proposed operative date and, if relevant, the reason for that date;
  - Four: the reason why the proposed rule falls within the relevant exemption, ie. what is it about the nature and effect of the rule, including the operative date of the rule, which corresponds with the matters covered by the exemption.
- 5.41 Agencies should note the requirement under section 9(5) and 9(6) that a copy of the exemption certificate be given to SARC as soon as practicable after the rule is made and that a copy of the certificate must be laid before each House of the Parliament at the same time as the statutory rule is so laid under section 15 of the Act.

- 5.42 Agencies should remember that section 9 does not require a Minister to exempt any given proposed statutory rule from the RIS process but only enables a Minister to do so. The RIS process must still be undertaken if the Minister believes that it is appropriate or desirable.

#### **Premier's Certificates**

- 5.43 Section 9(3) of the Act gives the Premier the power to exempt a proposed statutory rule from the RIS process where the Premier is of the opinion that, in the special circumstances of the particular case, the public interest requires that the proposed statutory rule be made without complying with the RIS process under section 7 of the Act. This power is for use in cases of emergency or overriding public interest.
- 5.44 Agencies should not seek the Premier's views as to the granting of an exemption certificate unless there are overwhelming grounds on which the Premier could reach the opinion that in the special circumstances of the particular case the public interest requires that the proposed rule be made without complying with the RIS process.
- 5.45 Agencies should not make requests for Premier's certificates lightly. It must be remembered that the Premier's power to grant exemptions is not intended to operate as an alternative means of making statutory rules. The purpose of the exemption is to ensure that matters of genuine public interest can be made without delay. There is a need in each case to balance the public interest in the consultation and cost assessment involved in the RIS process and the need to make regulations without delay in emergency situations.
- 5.46 The Legal Branch of the Department of Premier and Cabinet should be consulted as soon as agencies believe a rule may require a Premier's certificate. After consultation with the Legal Branch has occurred, the responsible Minister may request in writing that the Premier issue a certificate under section 9(3). Note that a request for a Premier's certificate will not be considered unless the request is made in writing by the responsible Minister at least 14 days before the date on which it is sought to have the proposed rule made.
- 5.47 The Premier is required to form an opinion that at the time the statutory rule is proposed to be made, the special circumstances of the particular case require that the rule be made without completing the RIS process. Certificates can only be granted for statutory rules that have been finalised and not for draft or potential rules. A copy of the settled rule should be provided with the request for the certificate together with a copy of the advice provided by Chief Parliamentary Counsel under section 13 of the Act. The application for a certificate must set out evidence of the public interest so as to enable the Premier to form the requisite opinion. There are no set criteria for determining the public interest and each case must be argued on its merits.
- 5.48 The agency must forward to SARC a copy of the reasons given to the Premier when seeking a Premier's certificate together with other relevant regulation materials. This is to improve transparency of the use of this exemption. In particular cases involving emergency or private and public interest, where the publication of reasons is inappropriate due to sensitivity or security issues, the agency may not be required to forward details to SARC.
- 5.49 If a Premier's certificate is granted, agencies will need to commence and complete a RIS process during the lifetime of the certificate. Agencies should note that only in exceptional circumstances will more than one certificate be granted. Moreover, the duration of the certificate will be the shortest possible period necessary to enable the RIS process to be undertaken unless exceptional circumstances are involved. Accordingly, in considering whether to make a request for a Premier's certificate in any case, agencies should not expect that the twelve month period will automatically be the period allowed. In practice, a six month period is often the maximum period granted.
- 5.50 Subject to section 5(2) of the Act, statutory rules will sunset on the tenth anniversary of their making. Agencies should therefore maintain accurate records of the sunset dates for all statutory rules administered by the Ministers to whom the agency reports and allow sufficient time for the review of the continuing appropriateness of the regulations and for the completion of the RIS process if they are to be made in whole, part or in modified form.

Note that the Premier cannot grant a certificate unless the proposed statutory rule is to expire on or before 12 months after its commencement date under section 9(4) of the Act.

#### **Provision of Certificates to SARC**

- 5.51 All certificates required under the Act are to be signed and dated with the date of the day of signing. Copies of all certificates prepared in the course of making statutory rules are to be forwarded to SARC within 7 days of the making of the statutory rule, or within 7 days of the establishment of SARC (whichever is the longer period of time).

#### **Consideration of Submissions**

- 5.52 It should be remembered that Ministers have a duty to consult in appropriate cases at the initial stages and at the RIS stage. Under section 11(3) of the Act the responsible Minister is required to consider all submissions and comments received on a draft statutory rule where a RIS has been prepared. If the agency does not adequately address valid criticisms and suggestions made, this omission may be highlighted later by SARC which, under section 11(3)(b) of the Act must be provided with a copy of all comments and submissions received in relation to the RIS.
- 5.53 In the interests of greater transparency of decisions, agencies should provide reasons for the direction taken in final regulations that broadly address any general issues raised in submissions. Statements of reasons are to be published on a government website and available in hard copy so that people who provide feedback on RISs can see how their comments were addressed in the final version of the statutory rule.

#### **5(d) Guidelines as to the procedures to be adopted to ensure that proper consultation takes place in circumstances where consultation is required under section 6.**

- 5.54 The level of consultation required under section 6 is dependent on the proposed statutory rule, and is a matter for the responsible minister. Factors to be taken into account when determining the appropriate level of consultation include:
- is the rule being introduced into a previously unregulated area?
  - what is the nature of the industry the rule will affect – does it have peak bodies that can or should be consulted?
  - is the proposed rule replacing an existing regime eg voluntary code of conduct?
  - will the proposed rule impose criminal or civil penalties?
- 5.55 The procedures to be adopted will vary with the nature of the proposed rule. Where the area was previously unregulated, consultation may take the form of the issue of a discussion paper calling for a response from interested groups, or where the proposed rule is only fine tuning, minimal consultation may be required.

#### **PART SIX:**

#### **Guidelines as to circumstances in which a statutory rule imposes an appreciable cost or burden on a sector of the public.**

- 6.01 An understanding of when a statutory rule imposes an appreciable economic or social burden on a sector of the public is important for consultation processes under section 6(b) and exemption from the RIS process under section 9(1)(a).
- 6.02 In considering whether a proposed rule imposes an appreciable cost or burden on a sector of the public, an agency must consider two aspects:
- whether the proposed rule has the requisite impact on a “sector of the public”; and
  - whether the proposed rule imposes “an appreciable cost or burden” on that sector of the public.
- 6.03 In considering the first aspect, whether a sector of the public is involved, the rule must have an impact on the whole community or on groups of people. The question of how many people constitute a sector of the public is a matter of judgement and degree in each case depending on the nature of the proposed regulations.

- 6.04 “Burden” is variously defined as:
- a load, weight; that which is grievous, oppressive, or difficult to bear; an obligation: any restriction, limitation or encumbrance affecting person or property (Chambers 20th Century Dictionary – New Edition, 1983)
  - that which is carried; a load; that which is borne with difficulty; the duty to discharge an obligation or responsibility; that part of the cost of manufacture which is not directly productive oncost; to load heavily; to load oppressively; oppress (Macquarie Dictionary, 1981)
  - that which is borne, a load; an obligatory expense; a load as a measure of quantity (The New Shorter Oxford English Dictionary, 1993)
- 6.05 “Appreciable” is variously defined as:
- capable of being estimated; perceptible; considerable (The Australian Concise Oxford Dictionary – 7th edition)
  - capable of being appreciated, valued, or recognised by the mind; perceptible, sensible (The Shorter Oxford English Dictionary – 2nd edition)
  - capable of being perceived or estimated, noticeable (Macquarie Dictionary, 1981)
  - worth esteeming; able to be estimated or judged; perceptible, considerable (The New Shorter Oxford English Dictionary, 1993)
  - capable of being estimated, perceptible (Chambers 20th Century Dictionary – New Edition, 1983)
- 6.06 Although the definitions suggest that a relatively small burden would be sufficient to be termed “appreciable”, it is also clear from those definitions that the burden needs to be something real and more than just theoretical. There must be an actual impact.
- 6.07 In considering whether a particular proposed statutory rule imposes an appreciable burden, agencies should consider factors such as:
- does it impose significant penalties for non-compliance?
  - does it impact on individual rights and liberties?
  - will business, community groups or individuals have to spend funds or devote time to compliance activities, change current practices or seek external advice?
- 6.08 If a fee or charge is imposed by the rule, agencies should consider the level of the fee, the impact it may have on an individual and the overall size of the particular revenue base involved in relation to the particular fee imposed. Although, statutory rules which impose fees or charges may generally impose an appreciable burden within the meaning of the Act, there may be cases where a very minor fee, such as a photocopying charge is imposed, or only a small group is involved.
- 6.09 Statutory rules which reduce existing fees or charges payable do not usually impose an appreciable burden so as to require the preparation of a RIS if they do nothing else which would warrant the preparation of a RIS. However, there are exceptions where a reduction on fees would impose an appreciable burden requiring the preparation of a RIS, for example, where costs are redistributed to other sectors. Rules being remade, but re-imposing an existing fee or charge at the same level, do impose a burden and require a RIS to ensure review of the continuing appropriateness of the fee and the level of that fee.
- 6.10 The decision as to whether an appreciable burden is imposed should not be one made in isolation from the policy objectives and consultation that has taken place. It is an integral part of the policy development process. If the conclusion is reached that there is no appreciable burden imposed, there is no need to prepare an RIS but under section 9 of the Act the Minister must certify with reasons that this is the case.

**PART SEVEN:****Guidelines as to the application, adoption or incorporation of matter in a statutory rule.**

- 7.01 Regulations can refer to and apply documents which are widely used but are not themselves of a legislative character, such as Australian Standards published by the Standards Association of Australia. This is a drafting practice known as “incorporation by reference”.
- 7.02 Without it the substance of the documents to be adopted would have to be repeated in full in subordinate legislation. This would often be cumbersome as the documents referred to may be thousands of pages in length. Properly used, incorporation by reference can be a sound drafting technique which is consistent with plain English drafting. It can be particularly important as a means of ensuring national uniformity of regulations where that is an important and desirable consideration.
- 7.03 Section 32 of the **Interpretation of Legislation Act 1984** prescribes the procedural requirements which must be fulfilled whenever a statutory rule applies, adopts or incorporates material by reference. Section 32(5) of the **Interpretation of Legislation Act 1984** provides that a failure to comply with the tabling requirements does not affect the validity, operation or effect of a statutory rule but agencies should nevertheless ensure compliance with the requirements of section 32 as amended by the **Subordinate Legislation Act 1994**.
- 7.04 When considering whether to incorporate a particular document in a statutory rule it should be remembered:
- that the provisions of the rule will only refer to the incorporated material and members of the public affected by the rule must see the incorporated document before they can understand the contents and effect of the rule;
  - that the incorporated material may not be readily available at a reasonable cost;
  - that the procedures set out in section 32 are designed to facilitate Parliamentary oversight of incorporation of material and to ensure that such material is publicly available so that members of the public affected by the rule can have access to the rules with which they must comply.
- 7.05 It needs to be remembered that the incorporated material may not be a single document. The problem is exacerbated by the drafting style adopted by the Standards Association of Australia as these standards are frequently not self contained but adopt the provisions of other standards. This can create a chain of material incorporated by reference leading to the possibility that the need to table a particular document will be overlooked.
- 7.06 Consideration should also be given in drafting statutory rules as to whether the reference to an Australian Standard should be to a specific standard (eg AS 1234) or to a specific version of a standard by reference to its date (eg AS 1234, 1997). The latter approach means that if a later amended version of a standard is to be adopted it will require the amendment of the statutory rule and the undertaking of the RIS process. The former approach may result in significant changes to the effect of the statutory rule with no automatic mechanism to review the changes to the costs and benefits of the statutory rule
- 7.07 The aim of the procedures set out in section 32 of the Interpretation of Legislation Act 1984 is to guarantee the availability of any material which is incorporated into a statutory rule by reference, to ensure that citizens may have access to the laws with which they must comply.
- 7.08 In deciding whether to incorporate material by reference, agencies need to take care to balance the drafting convenience with ease of access to the incorporated material and understanding of it by those affected by it or required to comply with it. Agencies should reserve the use of incorporated detailed and extensive technical material to regulations concerning industries familiar with and using the material. The use of the material then has the benefit of removing duplication. In such cases agencies should also consider whether performance standards are the more appropriate means of regulation.



- 7.09 Agencies need to remember that section 32 requires that the material must be kept available for inspection during normal office hours by members of the public without charge at the department of the Minister administering the Act under which the rule is made, or some other appropriate public office specified by the Minister in a notice published in the Government Gazette.
- 7.10 Where it is proposed that a statutory rule incorporates material, all material necessary to ensure compliance should be tabled. This includes not only primary references but references to documents at a secondary or tertiary level unless such references are irrelevant to the substance of the regulation, are unnecessary or merely comprise a reference back to the primary reference material. Unless all relevant material is tabled, the regulation does not apply, adopt or incorporate the material effectively.

**PART EIGHT:****Guidelines as to the style and language to be used in drafting statutory rules.**

- 8.01 Agencies must consult the Office of Chief Parliamentary Counsel in drafting statutory rules.
- 8.02 The Office of Chief Parliamentary Counsel plays two roles in the statutory rule making process. First, it provides general assistance to agencies in setting the form and content of statutory rules. Settling of the proposed rule is an essential element in the process. Chief Parliamentary Counsel's assistance must be sought before a draft copy of a proposed rule is included in a RIS under section 10(1)(g) of the Act.
- 8.03 In addition, under Section 13 of the Act, a proposed statutory rule that is to be made by, or with the consent or approval of the Governor in Council must be submitted to the Chief Parliamentary Counsel for the issue of a certificate by Chief Parliamentary Counsel concerning the criteria set out in that section.
- 8.04 Agencies have an interest in ensuring statutory rules are accurately and clearly drafted as, apart from making the rules more accessible to the public, this will reduce their vulnerability to adverse review in a court of law as being in excess of the power set out in the authorising Act.
- 8.05 If the statutory rule refers to any other statutory rule, the rule must contain a foot note or end note identifying the rule referred to and all other rules which amend the rule referred to. If a statutory rule identified in a footnote or end note has been reprinted in accordance with section 18 of the Act, the footnote or end note may refer to that reprint, the last statutory rule incorporated in the reprint and any statutory rule which has amended the reprinted statutory rule after it was reprinted.
- 8.06 All statutory rules must be expressed:
- in language that is clear and unambiguous;
  - in a way which ensures that its meaning is certain and there are no inconsistencies between provisions;
  - in language that gives effect to its stated purpose;
  - consistently with the language of the empowering Act; and
  - in accordance with plain English drafting standards.
- 8.07 A statutory rule should:
- not duplicate, overlap or conflict with other statutory rules or legislation; and
  - always reflect the intention and promote the purpose of the authorising statute.
- 8.08 A statutory rule must—
- not conflict with the letter and intent of the authorising Act;
  - clearly set out as part of its text;
  - the objectives of the rule;
  - the precise provision authorising the rule; and
  - not deal with matters outside the scope of its objectives.



- 8.09 An Explanatory Memorandum must be prepared to accompany any statutory rule it is proposed to put to the Governor in Council. This Memorandum should set out the nature and extent of any changes effected by the new statutory rule and the reason for the changes particularly in cases where no RIS has been prepared. The Explanatory Memorandum is particularly important where the proposed rule contains complex or detailed technical information.
- 8.10 The Explanatory Memorandum should take the following form:
- a brief outline of each provision;
  - an explanation of the changes effected by each provision;
  - a statement of the reasons for making the rule;
  - where applicable, the reasons why no regulatory impact statement was prepared;
  - a statement as to whether consultation has taken place, and if it has not taken place, an explanation as to why a decision was made not to consult.

**PART NINE:****Guidelines as to the printing and submission of statutory rules to the Governor in Council and the provision of statutory rules to the Scrutiny of Acts and Regulation Committee.**

- 9.01 The Notes for the Guidance of Legislation Officers prepared by the Office of the Chief Parliamentary Counsel provide the most authoritative and up to date information on these matters and must be complied with.

**PART TEN:****Publication of Notices**

- 10.01 If a RIS has been prepared, the responsible minister must ensure that in accordance with section 11 of the Act:
- a notice is published in the Government Gazette, a daily newspaper circulating generally throughout Victoria, and if the responsible minister considers it appropriate, any trade, professional or public interest publications as the responsible minister determines.
  - the notice sets out:
    - (i) the reason for, and the objective of, the proposed statutory rule;
    - (ii) a summary of the results of the RIS;
    - (iii) the locations (including the Government website) where a copy of the RIS and the proposed statutory rule can be obtained; and
    - (iv) an invitation for public comments or submissions within a specified time not less than 28 days from the publication of the notice.
- 10.02 The RIS must be available in electronic form from a government website and in hard copy.
- 10.03 Section 12 of the Act requires the relevant Minister to publish a notice confirming whether or not a proposed statutory rule is to be made, in the Government Gazette and in a daily newspaper circulating throughout Victoria. A copy of the notice published in the Government Gazette and a copy of the advertisement published in the newspaper are to be sent to SARC together with other relevant regulatory material.

**PART ELEVEN:****Sunset and Extension of Statutory Rules**

- 11.01 Agencies should be mindful that one of the aims of the Act is to ensure that outdated and unnecessary regulation is automatically repealed. This aim is embodied in section 5 which provides that, subject to section 5(2) and (4) of the Act, statutory rules will sunset on the tenth anniversary of their making. It is the responsibility of the agency to maintain accurate records of the sunset dates for all statutory rules administered by the Ministers to whom the agency reports. It is essential that an agency allow sufficient time for the review of the continuing appropriateness of the regulations and for the completion of the RIS process if they are to be made in whole, part or in a modified form.

- 11.02 The Office of Chief Parliamentary Counsel notifies agencies of statutory rules that are due to sunset and works together with agencies for the orderly sunsetting of rules. Ministers should nominate an officer to be responsible for notifying the Office of the Minister's intentions about remaking any statutory rule that is due to sunset and should notify the Office at least 6 months before the sunset date so that the Office is in a position to provide timely advice in settling the proposed new rule.
- 11.03 Should a situation arise where insufficient time has been allowed for the completion of the RIS process in relation to a sunsetting regulation, section 5(4) of the Act allows the responsible Minister, if he or she is satisfied that there are special circumstances, to extend the life of a sunsetting statutory rule for a further period of up to twelve months during which time the regulatory impact statement will be completed. This will avoid the need to make interim regulations. Agencies should note that only one such extension can be made and that a request for a Premier's certificate will not be considered in such cases as the Minister has the power to extend the regulations.
- 11.04 However, agencies should note that Ministers are required to certify under section 5(3) of the Act that there are special circumstances and that the Governor in Council relies on the certificate and recommendation of the responsible Minister. Therefore, it is the responsibility of each agency to ensure that the Minister is properly advised as to why special circumstances exist which justify the extension of regulations which would otherwise sunset. The Governor in Council will need to be advised as to what the special circumstances are. This will involve setting out the circumstances in the Explanatory Memorandum.
- 11.05 What are "special circumstances" which justify the extension of regulations which would otherwise sunset? The Act itself does not provide any definition of "special circumstances", however the type of circumstances envisaged would be cases where a review of the operation of the whole area of the regulations is proposed or being undertaken or where a national scheme is being negotiated. Administrative oversight should not be considered to be a "special circumstance". The scheme of the Act is to ensure that the regulatory process is undertaken and in cases where it is not, to make the reasons for not undertaking the process clear. The responsible Minister elaborates in the certificate required under section 8(1)(d)(iii).
- 11.06 Agencies should note the requirement under section 8(3) and 8(4) that a copy of the section 8(1)(d)(iii) certificate be given to SARC as soon as practicable after the rule is made and that a copy of the certificate must be laid before each House of the Parliament at the same time as the statutory rule is so laid under section 15 of the Act. Agencies should also note that the Act requires both a section 5 certificate and a section 8 certificate when a statutory rule is made under section 5(4).

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### **Road Management Act 2004**

#### **ROAD DECLARATIONS**

VicRoads, pursuant to Sections 11 and 14 of the **Road Management Act 2004**, upon publication of this notice revokes and declares the roads described in the Schedule and on the plans attached.

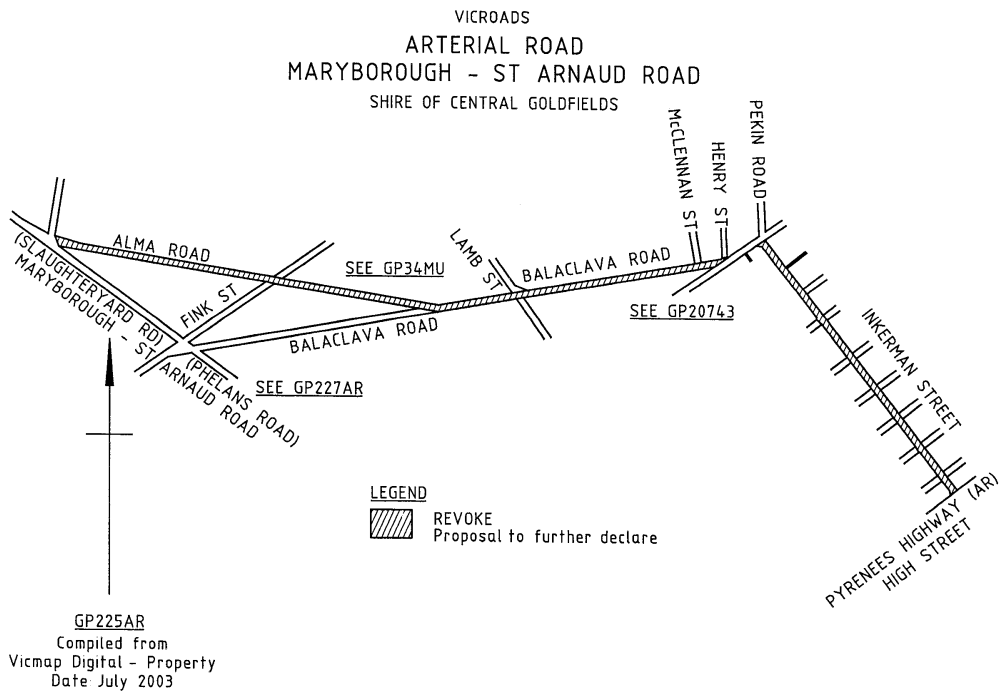
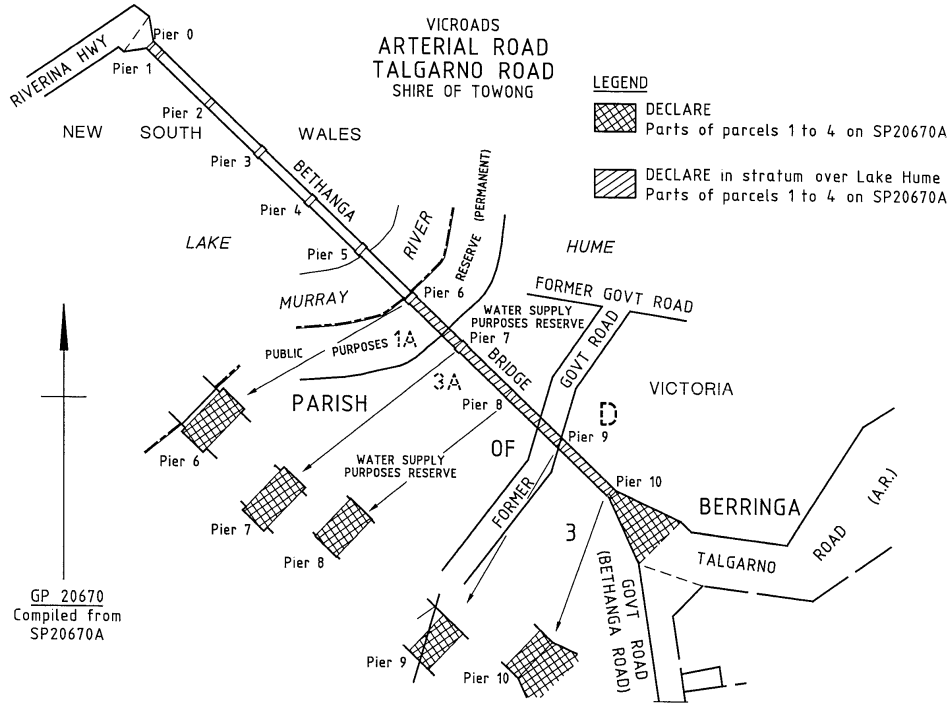
#### **SCHEDULE**

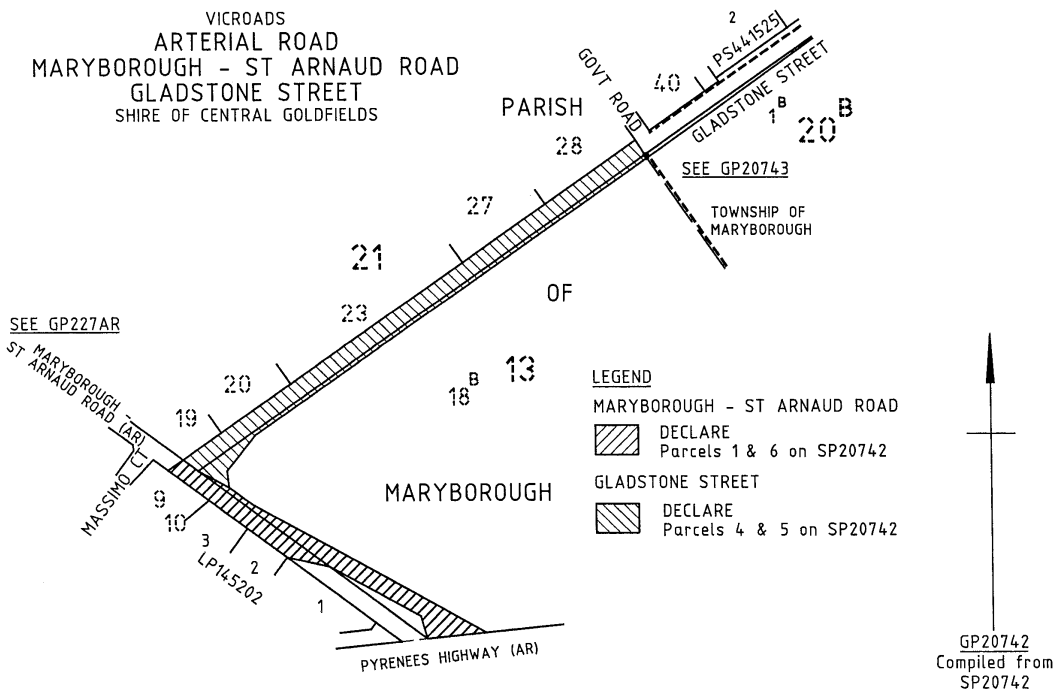
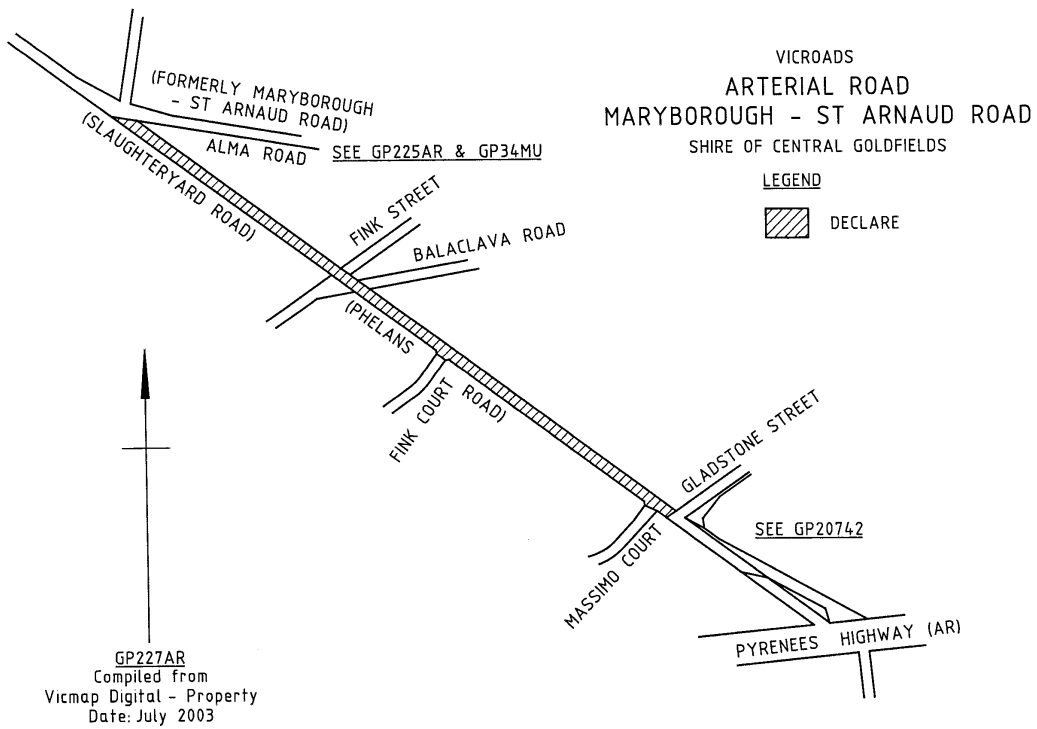
##### **ARTERIAL ROAD**

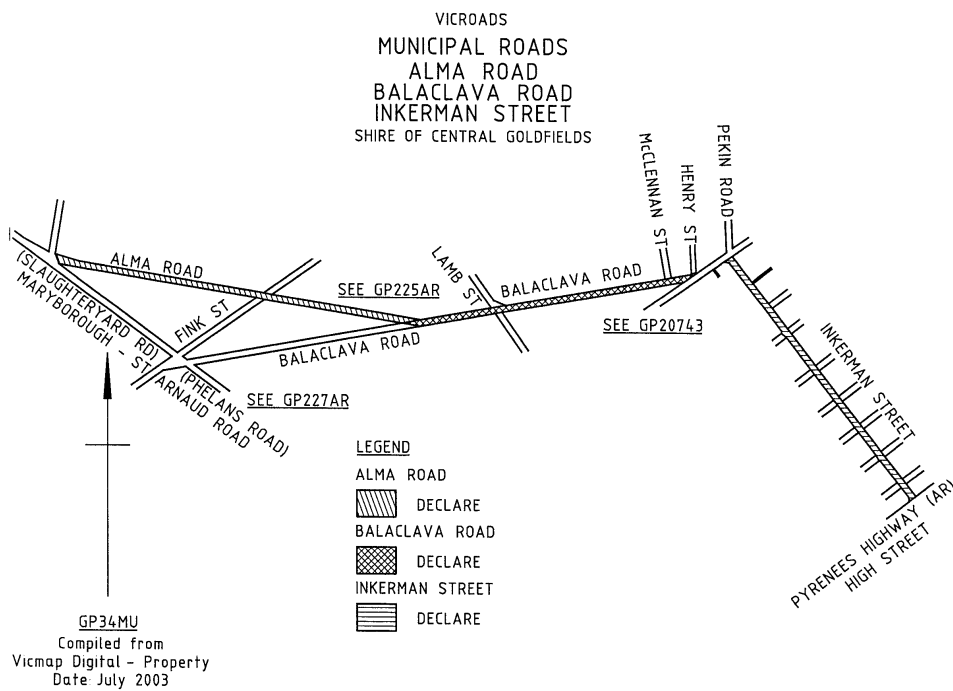
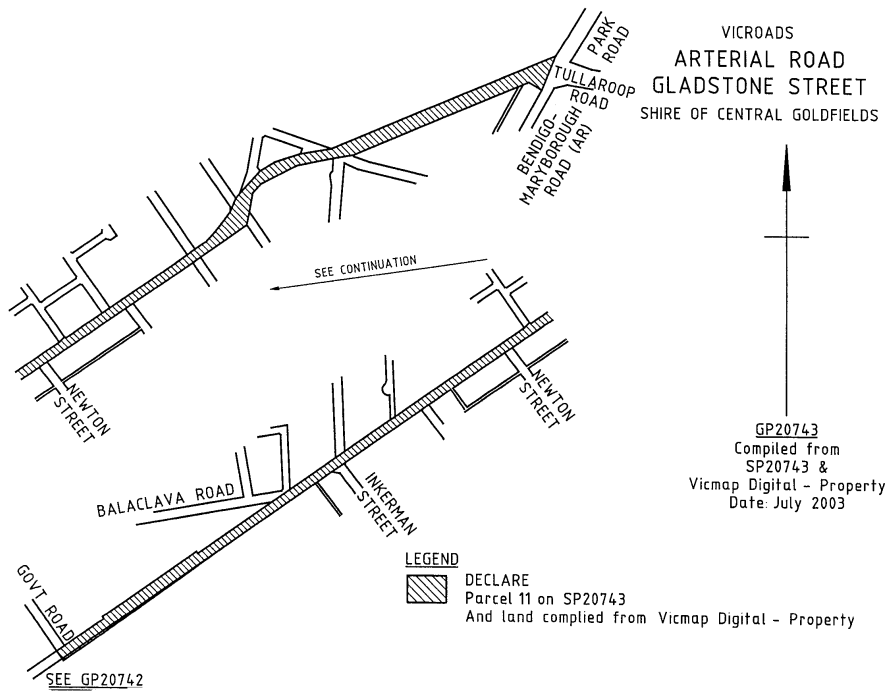
- a) That part of Talgarno Road identified by hatching on the plan numbered GP 20670 is declared as described in the legend in the said plan.
- b) Those parts of Maryborough–St Arnaud Road identified by hatching on the plans numbered GP 225AR, GP 227AR, GP 20742 are revoked or declared as described in the legend in the said plans.
- c) Those parts of Gladstone Street identified by hatching on the plans numbered GP 20742 and GP 20743 are declared as described in the legend in the said plans.

MUNICIPAL ROAD

d) Those parts of Alma Road, Balaclava Road and Inkerman Street identified by hatching on the plan numbered GP 34MU are declared as described in the legend in the said plan.







Dated 23 December 2004

DAVID ANDERSON  
Chief Executive  
VicRoads

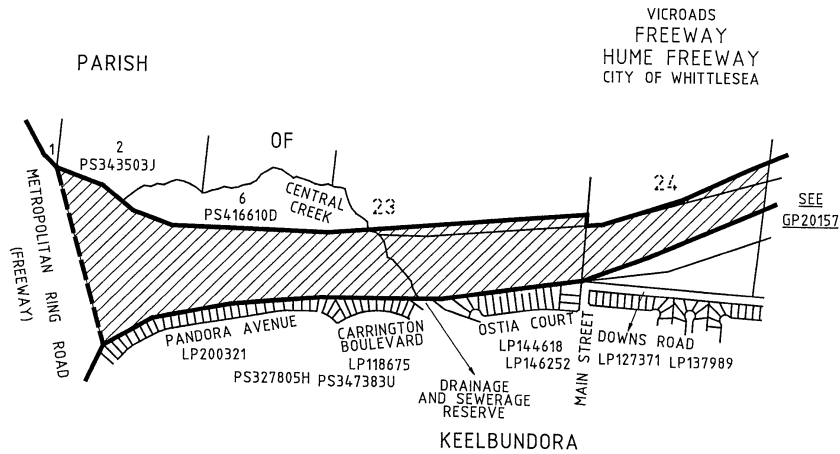
**Road Management Act 2004**  
**ROAD DECLARATIONS**

VicRoads, pursuant to Sections 11 and 14 of the **Road Management Act 2004**, upon publication of this notice declares the roads described in the Schedule and on the plans attached.

**SCHEDULE**

**FREEWAY**

a) Those parts of Hume Freeway identified by hatching on the plans numbered GP 20155, GP 20157 and GP 20160, are declared as described in the legend in the said plans.

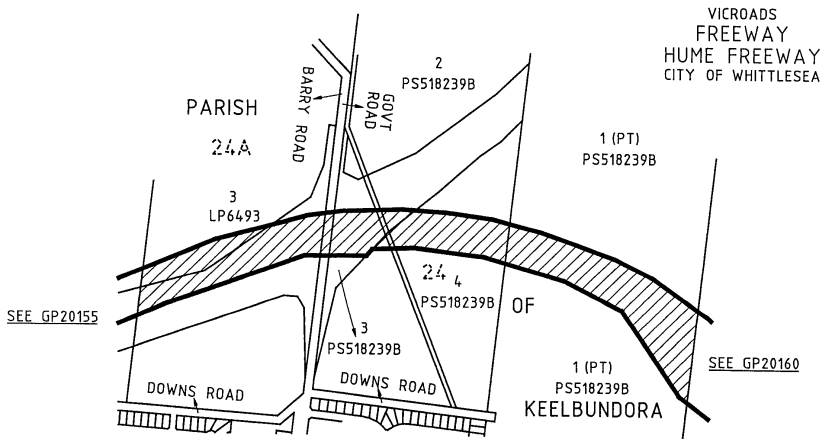


**LEGEND**

- DECLARE  
 Parcel 1 on SP20155  
 Parcels 2, 3, 3A, 4 & 5 on SP20156

NOTE : THE HEAVIEST LINE INDICATES  
 1 A RESTRICTION OF ACCESS  
 2 THE LIMITS OF THE FREEWAY RESERVATION

GP 20155  
 Compiled from  
 SP20155 &  
 SP20156



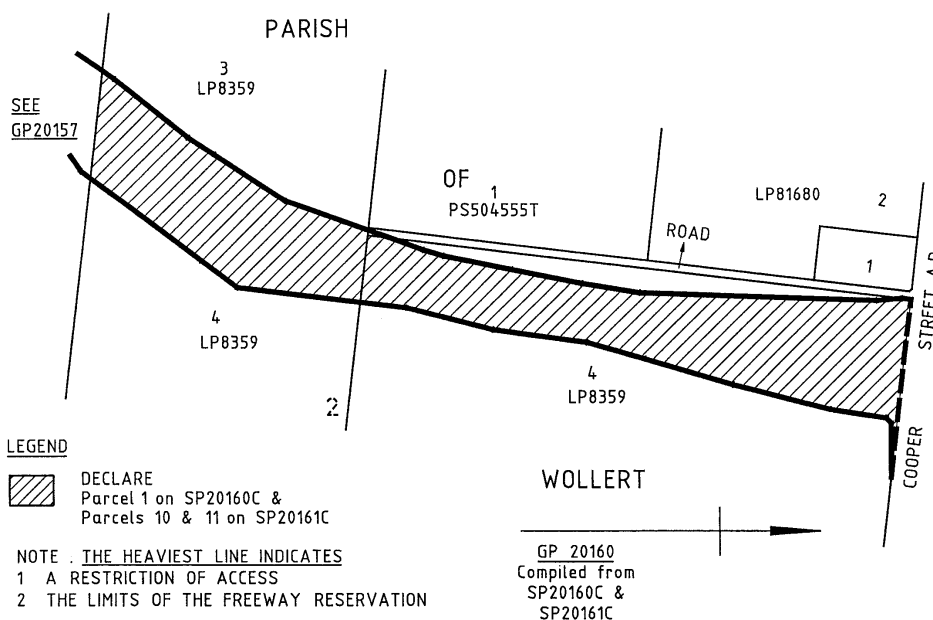
**LEGEND**

- DECLARE  
 Parcels 6 to 10 on SP20157A  
 Parcels 11 to 15 on SP20158

NOTE : THE HEAVIEST LINE INDICATES  
 1 A RESTRICTION OF ACCESS  
 2 THE LIMITS OF THE FREEWAY RESERVATION

GP 20157  
 Compiled from  
 SP20157A &  
 SP20158

VICROADS  
**FREEWAY**  
**HUME FREEWAY**  
 CITY OF WHITTLESEA



Dated 23 December 2004

DAVID ANDERSON  
 Chief Executive  
 VicRoads

**Transport Act 1983**

DETERMINATION OF FEE

Issue of Metropolitan Hire Car Licences

I, Peter Batchelor, Minister for Transport, pursuant to the provisions of section 142(3) of the **Transport Act 1983**, determine that the following fee shall apply in respect of a commercial passenger vehicle licence for the operation of a metropolitan hire car issued under section 142 of the **Transport Act 1983** on or after 6 January 2005:

Item	\$
Issue of licence to operate a commercial passenger vehicle classified as a Metropolitan Hire Car	60,500*

\*Licence issue fee includes GST

PETER BATCHELOR MP  
 Minister for Transport

**Planning and Environment Act 1987**

ALPINE RESORTS PLANNING SCHEME

Notice of Approval of Amendment

Amendment C5

The Minister for Planning has approved Amendment C5 to the Alpine Resorts Planning Scheme.

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

The Amendment revises the Local Planning Provisions that apply to Falls Creek Alpine Resort. The Amendment replaces the Falls Creek Local Planning Policy with the Falls Creek Strategic Statement and introduces Local Policies relating to Car Parking and Aboriginal Heritage. The Amendment also introduces an Environmental Significance Overlay for *Burrmys parvus*, a vegetation Protection



Overlay and a Design and Development Overlay. The Amendment also introduces a minor zone change in the zoning adjacent to Howman's Gap to include the existing light industrial/service area in a Comprehensive Development Zone – Schedule 2.

The Amendment also reflects the recent name change of the Department of Natural Resources and Environment to the Department of Sustainability and Environment. The name change has been updated in the Environmental Significance Overlays Schedule 1.

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; Regional Office – Benalla, 35 Sydney Road, Benalla, the offices of the Falls Creek Alpine Resort Management Board, corner Bogong High Plains Rd and Slalom Street, Falls Creek and the Alpine Shire Council, Great Alpine Road, Bright.

KEVIN LOVE  
Acting Deputy Secretary  
Built Environment  
Department of Sustainability  
and Environment

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**Planning and Environment Act 1987**

**BALLARAT PLANNING SCHEME**

Notice of Approval of Amendment  
Amendment C71

The Minister for Planning has approved Amendment C71 to the Ballarat Planning Scheme.

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

The Amendment modifies the Schedule to the Rural Living Zone to include the land at 185 Millers Road, Invermay within the 2 hectare minimum subdivision area.

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 Ballarat City Council, Phoenix Office, 25 Armstrong Street South, Ballarat.

KEVIN LOVE  
Acting Deputy Secretary  
Built Environment  
Department of Sustainability  
and Environment

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**Planning and Environment Act 1987**

**BALLARAT PLANNING SCHEME**

Notice of Approval of Amendment  
Amendment C73 Part 1

The Minister for Planning has approved Amendment C73 Part 1 to the Ballarat Planning Scheme.

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

The Amendment rezones land at 201 Gillies Street, Wendouree, (Crown Allotment 10B Section 3, Parish of Dowling Forest) from Public Use Zone 4 to Industrial 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 Department of Sustainability and Environment, South West Region Office, 402-406 Mair Street Ballarat; and the offices of the Ballarat City Council, The "Phoenix" Building, 25 Armstrong Street South, Ballarat.

KEVIN LOVE  
Acting Deputy Secretary  
Built Environment  
Department of Sustainability  
and Environment

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**Planning and Environment Act 1987**

**BOROONDARA PLANNING SCHEME**

Notice of Amendment  
Amendment C60

The Minister for Planning has approved Amendment C60 to the Boroondara Planning Scheme.

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

The Amendment alters the Schedules to Clauses 52.03 and 81 of the Boroondara Planning Scheme to allow the use and development of a flying fox campsite on land comprising a 26 hectare section of Yarra Bend Park, Fairfield being part of Crown Allotment 113E Parish of Jikka Jikka and part of Crown Allotment 59L Parish of Boroondara.

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 Boroondara City Council, 8 Inglesby Road, Camberwell.

KEVIN LOVE  
Acting Deputy Secretary  
Built Environment  
Department of Sustainability  
and Environment

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**Planning and Environment Act 1987**

MILDURA PLANNING SCHEME

Notice of Approval of Amendment

Amendment C26

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

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

The Amendment rezones land known as Lots 1 and 2, Plan of Subdivision 513709R, Pine Plains Road, Patchewollock from Public Conservation and Resource Zone to Environmental Rural 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 and the North West Regional Office, corner of

Taylor Street and Midland Highway, Epsom and at the offices of the Mildura Rural City Council, 108–116 Madden Avenue, Mildura and 79 Oke Street, Ouyen.

KEVIN LOVE  
Acting Deputy Secretary  
Built Environment  
Department of Sustainability  
and Environment

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**Planning and Environment Act 1987**

MURRINDINDI PLANNING SCHEME

Notice of Approval of Amendment

Amendment C10

The Minister for Planning has approved Amendment C10 to the Murrindindi Planning Scheme.

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

The Amendment rezones various parcels of land in the municipality to make corrective changes to reflect land ownership and use; reduces the use of the Environmental Significance Overlay in townships and public use sites; removes the Erosion Management Overlay from public land east of the Toolangi township; makes minor changes to four Clause 22 policies to reflect current strategies, requirements and department procedures; replaces the schedules to the Environmental Significance Overlay, Vegetation Protection Overlay, Erosion Management Overlay and both schedules to the Significant Landscape Overlay to reduce minor planning permit requirements and referrals, and replaces Schedule 1 to the Development Plan Overlay to introduce performance based decision guidelines for subdivision, design and development in the 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, North East Regional office, 35 Sydney Road,

Benalla and at the offices of Murrindindi Shire Council, Perkins Street, Alexandra.

KEVIN LOVE  
Acting Deputy Secretary  
Built Environment  
Department of Sustainability  
and Environment

**Planning and Environment Act 1987**

**SURF COAST PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C21

The Minister for Planning has approved Amendment C21 to the Surf Coast Planning Scheme.

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

The Amendment:

- rezones part of the land known as 1595 Surf Coast Highway, Torquay (Lot 1, PS437243) from Public Conservation and Recreation Zone to Residential 1 Zone;
- rezones all of the land known as 314 Great Ocean Road, Fairhaven (L/P 14011, Lot 32) from Road Zone to Environmental Rural Zone;
- rezones part of the east boundary of Painkalac Creek, Aireys Inlet, from Environmental Rural Zone to Public Conservation and Resource Zone;
- rezones part of the east boundary of Painkalac Creek, Aireys Inlet, from Public Conservation and Resource Zone to Environmental Rural Zone;
- rezones part of the land known as 185 Bimbadeen Drive, Aireys Inlet, from Public Conservation and Resource Zone to Environmental Rural Zone;
- rezones land at 62 George Street, Lorne (Lot 8, L/P 15115) from Residential 1 Zone to Commonwealth Authority;
- rezones land at 64 George Street, Lorne, (Lot 7, L/P 15115) from Commonwealth Authority to Residential 1 Zone;
- applies the Significant Landscape Overlay Schedule 2 to part of the land known as 1595

Surf Coast Highway, Torquay (Lot 1, PS437243);

- applies the Significant Landscape Overlay Schedule 1 to land at 314 Great Ocean Road, Fairhaven (L/P 14011, Lot 32);
- deletes the Significant Landscape Overlay Schedule 1 from the Public Conservation and Resource Zone on the east boundary of Painkalac Creek, Aireys Inlet;
- deletes the Significant Landscape Overlay Schedule 1 from 62 George Street, Lorne (Lot 8, L/P 15115);
- applies the Wildfire Management Overlay to land at 185 Bimbadeen Drive, Aireys Inlet, and land on the east boundary of Painkalac Creek, Aireys Inlet;
- applies the Wildfire Management Overlay to land on the east boundary of Painkalac Creek, Aireys Inlet;
- deletes the Wildfire Management Overlay from the Public Conservation and Resource Zone on the east boundary of Painkalac Creek, Aireys Inlet; and
- deletes the Wildfire Management Overlay from land at 62 George Street, Lorne (Lot 8, L/P 15115).

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 Surf Coast Shire Council, Surf Coast Shire Offices, 25 Grossmans Road, Torquay 3228.

KEVIN LOVE  
Acting Deputy Secretary  
Built Environment  
Department of Sustainability  
and Environment

**Planning and Environment Act 1987**

**YARRA PLANNING SCHEME**

Notice of Amendment

Amendment C90

The Minister for Planning has approved Amendment C90 to the Yarra Planning Scheme.

The Amendment comes into operation on the

date this notice is published in the Government Gazette.

The Amendment alters the Schedules to Clauses 52.03 and 81 of the Yarra Planning Scheme to allow the use and development of a flying fox campsite on land comprising a 26 hectare section of Yarra Bend Park, Fairfield being part of Crown Allotment 113E Parish of Jikka Jikka and part of Crown Allotment 59L Parish of Boroondara.

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 City Council, Richmond Town Hall, 333 Bridge Road, Richmond.

KEVIN LOVE  
Acting Deputy Secretary  
Built Environment  
Department of Sustainability  
and Environment

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### **Planning and Environment Act 1987**

#### **GLEN EIRA PLANNING SCHEME**

##### **Notice of Lapsing of Amendment**

##### **Amendment C23**

The Minister for Planning has refused to approve Amendment C23 to the Glen Eira Planning Scheme.

The Amendment proposed to insert a new Schedule to Clause 36.01 of the Glen Eira Planning Scheme to specify that land comprising a railway bridge adjacent to 109A Nepean Highway, Elsternwick is in Category 2 for the purpose of advertising signage and to allow for the granting of a planning permit for an internally illuminated major promotion sign.

The Amendment lapsed on 8 December 2004.

KEVIN LOVE  
Acting Deputy Secretary  
Built Environment  
Department of Sustainability  
and Environment

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**ORDERS IN COUNCIL**

**Victoria Grants Commission Act 1976**

APPOINTMENT OF A CHAIRPERSON TO THE VICTORIA GRANTS COMMISSION

Order in Council

The Governor in Council under sections 3 and 6 of the **Victoria Grants Commission Act 1976** appoints:

Mr Paul Slape as Chairperson of the Victoria Grants Commission.

The terms and conditions of the appointment are contained in the attached Schedule.

Dated 21 December 2004

Responsible Minister  
CANDY BROAD MLC  
Minister for Local Government

DIANE CASEY  
Clerk of the Executive Council

**Victoria Grants Commission Act 1976**

APPOINTMENT OF A CHAIRPERSON TO THE VICTORIA GRANTS COMMISSION

Schedule to the Order in Council

**1. Appointment Arrangements**

The appointment is on a part-time basis.

**2. Period of Appointment**

From 17 January 2005 to 31 October 2009 (both dates inclusive).

**3. Duties and Responsibilities of the position**

The Victoria Grants Commission's primary function is to allocate general revenue assistance provided by the Commonwealth Government to municipal councils in Victoria in accordance with the **Local Government (Financial Assistance) Act 1995** and the approved national distribution principles.

Section 3(3) of the **Victoria Grants Commission Act 1976** provides that at least two members of the Victoria Grants Commission have an association with local government.

**4. Termination Arrangements**

The Governor in Council may suspend a member from office and Section 7 of the **Victoria Grants Commission Act 1976** provides for this.

**5. Payment Provisions**

\$35,640 per year.

**6. Travel and Personal Expenses Arrangements**

Travelling and other allowances will be paid in accordance with the Guidelines for the Provision of Allowances for Travelling and Personal Expenses in the Victorian Public Service.

**7. Leave Arrangements**

Section 8 of the **Victoria Grants Commission Act 1976** provides that members may be absent from duty for fourteen days consecutively or twenty-eight days in twelve months.

**8. Prior Service**

Section 3(4) of the **Victoria Grants Commission Act 1976** provides that a member of the Commission shall be eligible for reappointment by the Governor in Council.

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**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:

180. *Statutory Rule:* County Court  
(Chapter I  
Amendment  
No. 14) Rules 2004

*Authorising Act:* County Court Act  
1958

*Date first obtainable:* 23 December 2004

*Code A*

181. *Statutory Rule:* County Court  
(Chapter I  
Amendment  
No. 15) Rules 2004

*Authorising Act:* County Court Act  
1958

*Date first obtainable:* 23 December 2004

*Code C*

182. *Statutory Rule:* Electricity Safety  
(Electric Line  
Clearance)  
(Interim)  
Regulations 2004

*Authorising Act:* Electricity Safety  
Act 1998

*Date first obtainable:* 23 December 2004

*Code A*

183. *Statutory Rule:* Electricity Safety  
(Equipment  
Efficiency)  
(Further  
Amendment)  
Regulations 2004

*Authorising Act:* Electricity Safety  
Act 1998

*Date first obtainable:* 23 December 2004

*Code C*

184. *Statutory Rule:* Road Safety  
(Vehicles)  
(Concession Fees  
No. 2)  
Regulations 2004

*Authorising Act:* Road Safety  
Act 1986

*Date first obtainable:* 23 December 2004

*Code A*



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