



Victoria Government Gazette

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No. G 38 Thursday 22 September 2005

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GENERAL

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As from 22 September 2005

The last Special Gazette was No. 180 dated 21 September 2005.

The last Periodical Gazette was No. 1 dated 16 June 2005.

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- 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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VICTORIA GOVERNMENT GAZETTE

Subscribers and Advertisers

Please note that the principal office of the Victoria Government Gazette, published and distributed by The Craftsman Press Pty Ltd, has changed from 28 July 2005.

The new office and contact details are as follows:

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Melbourne, Victoria 3000

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JENNY NOAKES
Government Gazette Officer

PRIVATE ADVERTISEMENTS

Re: ROBERT THOMPSON SLEETH, late of 95 Berry Avenue, Edithvale, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 5 June 2005, are required by the trustees, Jacob Franklin Okno of 6 Kilrush Street, Brighton Beach, Victoria, and Anthony Richard Elliott Place of 5 Gaynor Court, Malvern, Victoria, to send particulars to the trustees c/- Alan Wainwright J. Okno & Co., solicitors, of 3/170 Queen Street, Melbourne, Victoria, by 1 December 2005, after which date the trustees may convey or distribute the assets having regard only to the claims of which the trustees have notice.

ALAN WAINWRIGHT J. OKNO & CO.,
lawyers,
3/170 Queen Street, Melbourne.

LUKE PATRICK CRONIN, late of 387 Barry Road, Broadmeadows, in the State of Victoria, assistant manager, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 August 2004, are required by the executor, Philip Cronin, care of Arthur J. Dines & Co., solicitors, 2A Highlands Road, Thomastown, in the said State, to send particulars to him by 25 November 2005, after which date the executor may convey or distribute the assets having regard only to the claims of which he has notice.

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

Re: Estate of CLAIRE JEANNE COOPER, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of CLAIRE JEANNE COOPER, late of South Road, Nullawil, in the State of Victoria, farmer, deceased, who died on 28 June 2005, are to send particulars of their claim to the executors care of the undermentioned legal practitioners by 23 December 2005, after which date the executors will distribute the assets having regard only to the claims of which they then have notice.

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

Re: LORNA KATHLEEN ASHWELL, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of LORNA KATHLEEN ASHWELL, late of Willandra Hostel, Judge Book Retirement Village, Diamond Street, Eltham, Victoria, retired shorthand typist, deceased, who died on 30 June 2005, are to send particulars of their claims to the executors care of the undermentioned solicitors by 2 December 2005, after which date the executors will distribute the assets, having regard only to the claims of which they then have notice.

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

Creditors, next-of-kin and others who have claims in respect of the estate of MABEL MARRIOTT, late of 26 Warde Street, Bairnsdale, in the State of Victoria, deceased, who died on 5 May 2005, are to send particulars of their claims to the administrators care of Engel & Partners Pty of 109 Main Street, Bairnsdale, by 22 December 2005, after which date it will distribute the assets having regard only to the claims of which it then has notice.

ENGEL & PARTNERS PTY, legal practitioners,
109 Main Street, Bairnsdale.

Creditors, next-of-kin and others having claims in respect of the estate of STEVEN ALEXANDER CARLISLE, late of 29 Masons Road, Blackburn, Victoria, deceased, who died on 29 September 2004, are required to send particulars of their claims to Equity Trustees Limited, ACN 004 031 298, of 575 Bourke Street, Melbourne, Victoria, the administrator of the estate of the deceased, by 30 November 2005, after which date the administrator may distribute the assets, having regard only to the claims of which it then has notice.

EQUITY TRUSTEES LIMITED,
ACN 004 031 298
Level 2,
575 Bourke Street, Melbourne, Vic. 3000.

Creditors, next-of-kin or others having claims in respect of the estate of the late JEAN MARY HAMILTON, late of 43 Coburn Avenue, McCrae, in the State of Victoria, deceased, who died on 21 May 2005, are to send particulars of their claims to the executors care of the undermentioned solicitors by 24 November 2005 after which date the executors will distribute the assets having regard only to the claims of which they then have notice.

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

Re: KATHLEEN LILY HENDER, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 June 2005, are required by the trustee, Noel Leonard James Hender, to send particulars to him care of the undersigned by 23 November 2005, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

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

Re: JOYCE GLADYS GREEN, late of "Eden Terrace", 65A Glasgow Avenue, Reservoir, in the State of Victoria. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 9 May 2005, are required by the trustee, Priscilla Kopp, to send particulars to her by 30 November 2005, after which date she may convey or distribute the assets, having regard only to the claims of which she then has notice.

GLENISTER STEINFORT & CO., solicitors,
1/47 Burgundy Street, Heidelberg 3084.
Telephone: 9459 5566.

DOMENICO TESTA, late of 58 Shorts Road, North Coburg 3058, in the State of Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 6 November 2004, are required by Giovanna Gamberale, the executrix of the said estate, to send particulars by 30 November 2005 to her solicitors, Gullaci & Gullaci of 158 Bell Street, Coburg, after which

date the executrix may convey or distribute the assets, having regard only to the claims of which she then has notice.

Dated 19 September 2005

GULLACI & GULLACI, solicitors,
158 Bell Street, Coburg, Victoria 3058.

ELLEN JANETTE VOOGD, also known as Ellen Janet Voogd, late of 18 Sunray Avenue, Cheltenham, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 29 July 2005, are required by the trustee, care of Harris & Chambers lawyers of 338 Charman Road, Cheltenham 3192 to send particulars to them by 23 November 2005, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

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

Re: DOROTHY GLADYS KRAETZER, late of Unit 85, Peppertree Hill, 15 Fulham Road, Rowville, Victoria, widow, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 April 2005, are required by the executor, Equity Trustees Limited, ACN 004 031 298, of Level 2, 575 Bourke Street, Melbourne, Victoria, to send particulars of their claims to the executor care of James Higgins & Co., 443 Little Collins Street, Melbourne by 21 November 2005, after which date the executor may convey or distribute the assets having regard only to the claims of which the executor then has notice.

JAMES HIGGINS & CO., solicitors,
443 Little Collins Street, Melbourne.

KEVIN LINDSAY SHORT, late of White Star Road, Wandiligong, Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 30 January 2005, are required by the trustee, Warren Ross Short care of Leddra Westmore & Co., 5A Station Street, Mooroolbark, Victoria, to send particulars to him by 24 November 2005, after which date the trustee

may convey or distribute the assets having regard only to the claims of which he then has notice.

LEDDRA WESTMORE & CO.,
legal practitioners,
5A Station Street, Mooroolbark.

JOSEPH TAGGART, late of St John's Park, 14 Reay Road, Mooroolbark, Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 19 July 2005, are required by the trustee, Martin John Leddra, care of Leddra Westmore & Co., 5A Station Street, Mooroolbark, Victoria, to send particulars to him by 2 December 2005, after which date the trustee may convey or distribute the assets having regard only to the claims of which he then has notice.

LEDDRA WESTMORE & CO.,
legal practitioners,
5A Station Street, Mooroolbark.

Creditors, next-of-kin and others having claims in respect of the estate of LINDSAY JOHN PEARSE, late of 7 Latrobe Crescent, Traralgon, Victoria, electrical supervisor, deceased, who died on 30 July 2005, are to send their claims to the trustee, Reginald George Pearse of 39 Grubb Avenue, Traralgon, Victoria, care of the belowmentioned solicitors by 22 November 2005, after which date he will distribute the assets of the deceased having regard only to the claims of which he then has notice.

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

DANIEL McLERNON, late of 10 Fairfield Street, Morwell, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 10 June 2005, are required by the trustee, Emedio Martini, in the Will called Emedio Martini, of 8 Hourigan Road, Morwell, Victoria, retired, to send particulars to the trustee care of the belowmentioned solicitors by 25 November 2005, after which date the trustee may convey or distribute the assets, having

regard only to the claims of which the trustee has notice.

McDONOUGH & CO., solicitors,
68 Seymour Street, Traralgon 3844.

Re: MARJORIE JEAN BLAIR, late of Corowa Court Nursing Home, 752 Esplanade, Mornington, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 March 2005, are required by the trustee, Gwendoline Jean Daddo, to send particulars to trustee care of the undermentioned solicitors by 21 November 2005, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

Creditors, next-of-kin and others having claims in respect of the estate of ELIZABETH LUCY TRAINOR, deceased, late of 14 Douglas Road, Mount Macedon, home duties, who died on 18 June 2004, are requested to send particulars of their claims to the executor, Dianne Elderfield of 365 Pigdon Street, North Carlton, care of the undersigned solicitors by 1 December 2005, after which date they will distribute the assets having regard only to the claims of which they then have notice.

SECOMBS, solicitors,
100 Paisley Street, Footscray.

SIDNEY DAVID KENT, late of 10 Acheron Avenue, Tootgarook, Victoria, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 23 May 2005, are required by the executors, Michael Leslie Kent of 33 Chestnut Avenue, Ferntree Gully, Victoria, and Wendy Bangs of 18 Lawson Court, Mornington, Victoria, to send particulars to them by 26 November 2005, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

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

Re: NINA HARRIET JANET FINLAYSON, late of 49 Lynden Street, Camberwell, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 18 July 2005, are required by the executors, Helen Margaret Young and Edward Michael Young, both of 16 Eileen Street, Mount Waverley, to send particulars to the executors by 24 November 2005, after which date the executors intend to convey or distribute the assets of the estate, having regard only to the claims of which the executors may have notice.

WISEWOULDS, solicitors,
459 Collins Street, Melbourne.

Re: ALEX MARGALIT, late of 33 Carpenter Street, Brighton, Victoria, retired engineer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 25 March 2005, are required by the executors, Charles Isaac New, of 1 James Street, Brighton and Nurith Krieser, of 24 Wrixon Avenue, Brighton East, to send particulars to the executors by 24 November 2005, after which date the executors intend to convey or distribute the assets of the estate, having regard only to the claims of which the executors may have notice.

WISEWOULDS, solicitors,
459 Collins Street, Melbourne.

Re: PETER GARRY STURGESS, late of 156 Highfield Road, Camberwell, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on the 15 July 2005, are required by the executors, Garry Ellis Sturgess, of 3/793 Malvern Road, Toorak, and Paula Hoffman of 33 Phyllis Street, Bayswater North, to send particulars to the executors by 24 November 2005, after which date the executors intend to convey or distribute the assets of the estate, having regard only to the claims of which the executors may have notice.

WISEWOULDS, solicitors,
459 Collins Street, Melbourne.

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

On Wednesday 19 October 2005 at 2.30 p.m. at the Sheriff's Office, 8-20 King Street, Oakleigh (unless process be stayed or satisfied).

All the estate and interest (if any) of Robert Noel Burnham of 14 Loller Street, Brighton, proprietor of an estate in fee simple in the land described on Certificate of Title Volume 10501, Folio 684 upon which is erected a dwelling known as Lot 209, 28 Tanner Street, Richmond.

Registered Mortgage Nos. AB613774R and AC830548F and Covenant No. PS426578P affect the said estate and interest.

Terms – Cash/Eftpos
(Debit Cards only. No Credit Cards)
GST plus 10% on fall of hammer price

SW-05-001472-0

Dated 15 September 2005

V. PARKIN
Sheriff's Office

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

On Wednesday 19 October 2005 at 2.30 p.m. at the Sheriff's Office, 8-20 King Street, Oakleigh (unless process be stayed or satisfied).

All the estate and interest (if any) of Robin Hanley of 20 Sweet Wattle Place, Somerville, as shown on Certificate of Title as Robin Andrew Hanley, joint proprietor with Debbie Catherine Hanley of an estate in fee simple in the land described on Certificate of Title Volume 10382, Folio 389 upon which is erected a dwelling known as 20 Sweet Wattle Place, Somerville.

Registered Mortgage Nos. X951282P and AD650441T, Caveat No. AD524454P and Covenant W842259Y affect the said estate and interest.

Terms – Cash/Eftpos
(Debit Cards only. No Credit Cards)
SW-04-008479-2

Dated 15 September 2005

V. PARKIN
Sheriff's Office

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

On Wednesday 19 October 2005 at 2.30 p.m.
at the Sheriff's Office, 8-20 King Street,
Oakleigh (unless process be stayed or satisfied).

All the estate and interest (if any) of William
Lanting of 11 Tambo Court, Pakenham, joint
proprietor with Karen Lanting of an estate in fee
simple in the land described on Certificate of
Title Volume 10687, Folio 259 upon which is
erected a dwelling known as 11 Tambo Court,
Pakenham.

Registered Mortgage No. AD078914P and
Covenant No. AC179768T affect the said estate
and interest.

Terms – Cash/Eftpos
(Debit Cards only. No Credit Cards)
SW-05-003734-7

Dated 15 September 2005

V. PARKIN
Sheriff's Office

PROCLAMATIONS

ACTS OF PARLIAMENT

Proclamation

I, Marigold Southey, Lieutenant-Governor of Victoria, as the Governor's deputy, with the advice of the Executive Council, declare that I have today assented in Her Majesty's name to the following Bills:

No. 58/2005	Fisheries (Abalone) Act 2005
No. 59/2005	Land (Miscellaneous Matters) Act 2005
No. 60/2005	National Parks (Otways and Other Amendments) Act 2005
No. 61/2005	Pipelines Act 2005
No. 62/2005	Radiation Act 2005
No. 63/2005	Residential Tenancies (Further Amendment) Act 2005
No. 64/2005	Royal Victorian Institute for the Blind and other Agencies (Merger) Act 2005
No. 65/2005	Sustainability Victoria Act 2005

Given under my hand and the seal of Victoria at
Melbourne on 20 September 2005.

(L.S.) MARIGOLD SOUTHEY
Lieutenant-Governor,
as the Governor's deputy
By His Excellency's Command

STEVE BRACKS MP
Premier

No. 58/2005	(1)	This section and sections 1 and 11 come into operation on the day on which this Act receives the Royal Assent.
	(2)	The remaining provisions of this Act come into operation on a day or days to be proclaimed.
	(3)	If a provision referred to in sub-section (2) does not come into operation before 1 April 2006, it comes into operation on that day.
No. 59/2005	(1)	This Act, except Part 2, comes into operation on the day after the day on which it receives the Royal Assent.
	(2)	Subject to sub-section (3), Part 2 comes into operation on a day to be proclaimed.
	(3)	If Part 2 does not come into operation before 31 December 2006, it comes into operation on that day.
No. 60/2005	(1)	Sections 1, 12, 21, 22, 29, 30, 31 and this section come into operation on the day after the day on which this Act receives the Royal Assent.
	(2)	Subject to sub-sections (3) and (4), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
	(3)	If a provision of Part 4 does not come into operation before 31 December 2008, it comes into operation on that day.
	(4)	If a provision of this Act (other than a provision of Part 4) does not come into operation before 30 June 2006, it comes into operation on that day.
No. 61/2005	(1)	This Act comes into operation on a day or days to be proclaimed.
	(2)	If a provision of this Act does not come into operation before 1 July 2007, it comes into operation on that day.

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- | | | |
|-------------|-----|---|
| No. 62/2005 | (1) | Section 1, section 146 and this section come into operation on the day after the day on which this Act receives the Royal Assent. |
| | (2) | The remaining provisions of this Act come into operation on 1 September 2007. |
| No. 63/2005 | (1) | This Act (except sections 7, 9, 10, 11, 12 and 13) comes into operation on the day on which it receives the Royal Assent. |
| | (2) | Subject to sub-section (3), sections 7, 9, 10, 11, 12 and 13 come into operation on a day to be proclaimed. |
| | (3) | If a provision referred to in sub-section (2) does not come into operation before 1 December 2005, it comes into operation on that day. |
| No. 64/2005 | | This Act comes into operation on the day after the day on which it receives the Royal Assent. |
| No. 65/2005 | (1) | Section 1 and this section come into operation on the day after the day on which this Act receives the Royal Assent. |
| | (2) | The remaining provisions of this Act come into operation on a day or days to be proclaimed. |
| | (3) | If a provision referred to in sub-section (2) does not come into operation before 1 July 2006, it comes into operation on that day. |
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**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES**



**MORNINGTON
PENINSULA**
Shire Council

Proposed Renaming of part of
Cosmos Street, Dromana to “Centella Street, Dromana”

That Council, having undertaken the statutory process pursuant to Schedule 10, Clause 5 of the **Local Government Act 1989** and having no objections, hereby determines to re-name part of Cosmos Street to “Centella Street”, Dromana, as depicted on the plan below.



Dr MICHAEL KENNEDY
Chief Executive Officer



**MORNINGTON
PENINSULA**
Shire Council

Renaming of Road –
Part of Devonport Drive, Fingal
(Browns Road end) to “Springs Lane, Fingal”

That Council, having undertaken the statutory process pursuant to Schedule 10, Clause 5 of the **Local Government Act 1989**, hereby determines to name part of Devonport Drive, Fingal (Browns Road end) to “Springs Lane, Fingal”, as depicted on the plan below.

PROPOSAL TO RENAME PART OF DEVONPORT DR
TO SPRINGS LANE, FINGAL



Dr MICHAEL KENNEDY
Chief Executive Officer

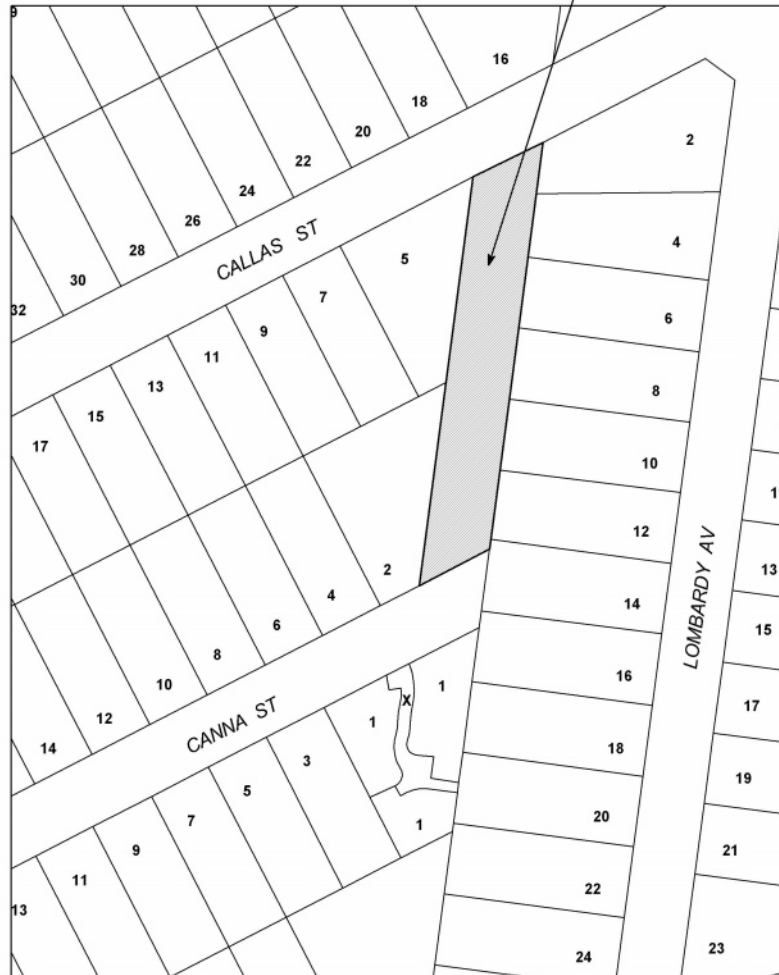


**MORNINGTON
PENINSULA**
Shire Council

Renaming of Road –
Part of Canna Street, Dromana
(End of Callas and Canna Streets) to “Clematis Street, Dromana”

That Council, having undertaken the statutory process pursuant to Schedule 10, Clause 5 of the **Local Government Act 1989**, hereby determines to name part of Canna Street, Dromana (end of Callas and Canna Streets) to “Clematis Street, Dromana”, as depicted on the plan below.

PROPOSAL TO RENAME PART OF CANNA ST
TO CLEMATIS ST, DROMANA



Dr MICHAEL KENNEDY
Chief Executive Officer

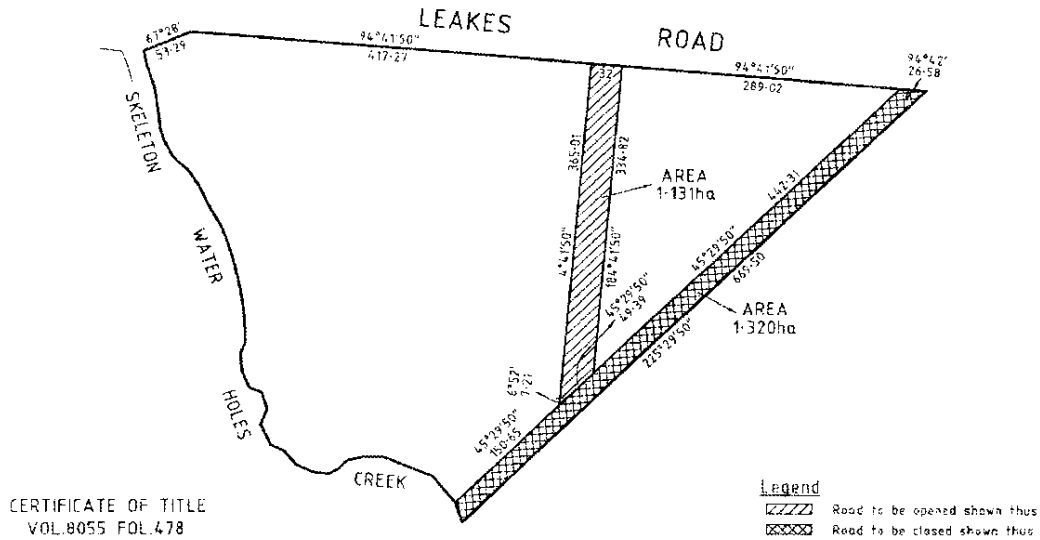
WYNDHAM CITY COUNCIL
ERRATUM

Road Discontinuance, Deviation and Exchange Victoria Government Gazette G36
 8 September 2005 – page 1986

Notice is given that the above Notice was incorrect. The Notice below replaces that previously published.

Under section 207E and Clause 2 of Schedule 10 of the **Local Government Act 1989** and having obtained the consent of the Minister administering the **Land Act 1958**, Wyndham City Council has resolved to –

- discontinue the road on Crown land shown cross-hatched on the plan below;
- deviate the road through and acquire the private land shown hatched on the plan below; and
- exchange the hatched land with the cross-hatched land.



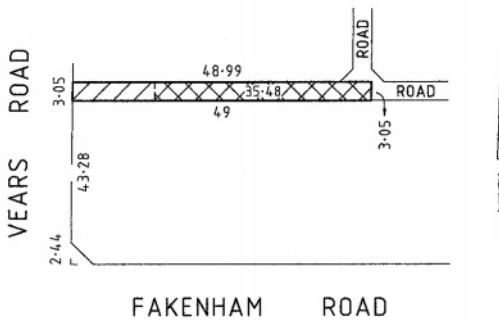
IAN ROBINS
 Chief Executive Officer

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 at the rear of 67 to 71 Fakenham Road and adjacent 17 Vears Road, Ashburton and shown by hatching and 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 owners.

The section of road shown cross-hatched is to be sold subject to the right, power or interest held by Yarra Valley Water Limited, in the road in connection with any sewers, drains or pipes under the control of that authority in or near the road.

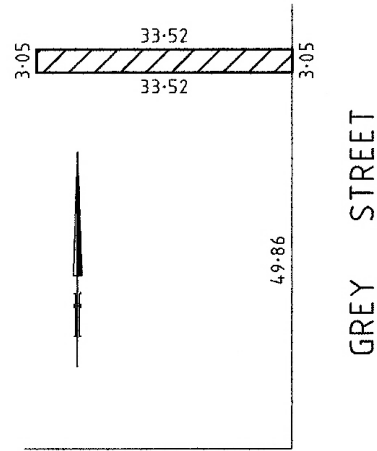


PETER JOHNSTONE
Chief Executive Officer

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 at the rear of 19 & 21 Gordon Street and adjacent 2 Grey Street, Balwyn and shown by hatching on the plan below, is not reasonably required as a road for public use and resolved to discontinue the road and to sell the land from the road by private treaty to the abutting property owners.



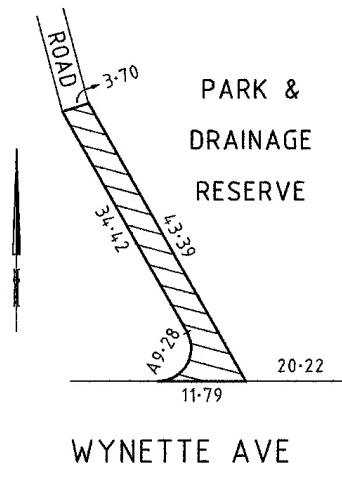
GORDON STREET

PETER JOHNSTONE
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 adjacent 11 Wynette Avenue and the Council reserve in Wynette Avenue, Balwyn and shown by hatching on the plan below, is not reasonably required as a road for public use and resolved to discontinue the road and to transfer the land to itself.

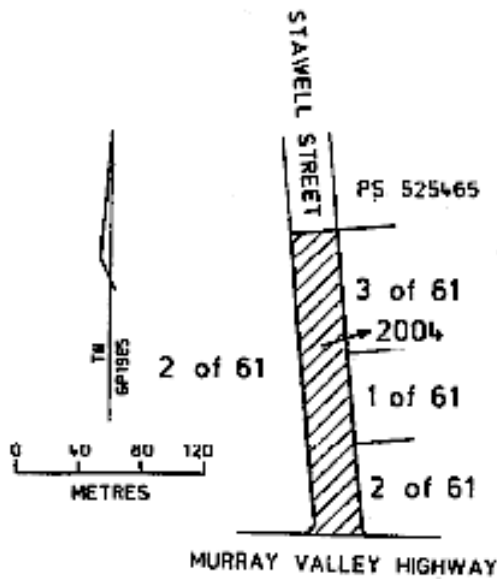


WYNETTE AVE

PETER JOHNSTONE
Chief Executive Officer

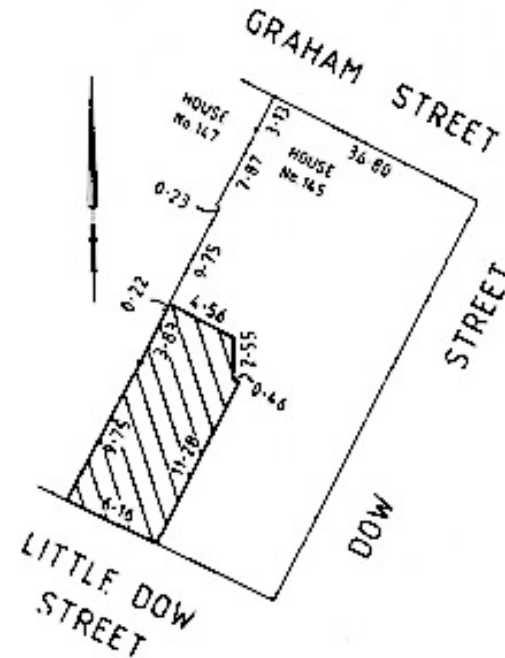
CAMPASPE SHIRE COUNCIL
Road Discontinuance

Under Section 206 and Schedule 10 Clause 3 of the **Local Government Act 1989**, the Campaspe Shire Council has resolved to discontinue the road shown hatched on the plan below.



WAYNE HARVEY
Chief Executive Officer

discontinued road be sold by private treaty to the owners of the land abutting the road.



DAVID SPOKES
Chief Executive Officer



Discontinuance of Road

Notice is hereby given that the Port Phillip City Council at its ordinary meeting on 30 May 2005, formed the opinion that the section of road shown hatched on the plan below, is not reasonably required as a road for public use and resolved to discontinue the road, and having advertised and served notices regarding the proposed discontinuance and hearing submissions under Section 223 of the **Local Government Act 1989**, orders that the road at the rear 145 Graham Street, Port Melbourne be discontinued pursuant to Section 206 and Schedule 10, Clause 3 of the said Act, and the land of the



Discontinuance of Road

Notice is hereby given that the Port Phillip City Council, at its ordinary meeting on 30 May 2005, formed the opinion that the section of road shown hatched on the plan below is not reasonably required as a road for public use and resolved to discontinue the road, and having advertised and served notices regarding the proposed discontinuance and hearing submissions under Section 223 of the **Local Government Act 1989**, orders that the road abutting 13 Ashworth Street, Albert Park be discontinued pursuant to Section 206 and Schedule 10, Clause 3 of the said Act, and the land of the discontinued road be sold by private treaty to the owners of the land abutting the road.



DAVID SPOKES
Chief Executive Officer

Amendments to the Road Management Plan together with the updated Register of Public Roads is available for review and can be inspected at one of Council's Service Centres at: 9-13 Flintoff Street, Greensborough; 275 Upper Heidelberg Road, Ivanhoe; 44 Turnham Avenue, Rosanna, or Contact Council on 9490 4222, or visit 'Our Services' or 'What's On' in Council's website at www.banyule.vic.gov.au.

Any person who wishes to comment on the proposed amendments to the Road Management Plan may make a submission. Submissions should be sent to the Co-ordinator, Asset Management, PO Box 51, Ivanhoe 3079. Submissions will close on Friday 28 October 2005.

DOUG OWENS
Chief Executive

BANYULE CITY COUNCIL

Notice of Intention to make Amendments to the Road Management Plan and the Register of Public Roads

The Banyule City Council proposes to make amendments to the Road Management Plan and Road Register in accordance with Section 54 of the **Road Management Act 2004**.

The amendments are of a minor nature and:

- revise three timeframes to action permanent repair works;
- clarify the definition of Programmed Risk Inspections and the defects that will be identified for maintenance works;
- revise adjustments to tables to make them easier to read;
- revise minor word changes and corrections where required; and
- update the Banyule Road Register with new roads and minor corrections.

The amendments build on the existing Road Management Plan that established a management system for Council for the discharge of its duty to inspect, maintain and repair its public roads based on policy and operational objectives as well as available resources.

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

GREATER SHEPPARTON CITY COUNCIL

Amendment No. 1 to Local Law No. 7

Asset Protection for Council Land, Public Places and Building Sites

At the Greater Shepparton City Council Ordinary Meeting held on 6 September 2005, Council, under Section 119 of the **Local Government Act 1989**, resolved to give public notice of Amendment No. 1 to Local Law No. 7 and consider any submissions received in accordance with the provisions of Section 223 of the **Local Government Act 1989**.

The purpose of Local Law No 7 is to:

- (a) provide for the peace, order and good government of the municipal district of the Greater Shepparton City Council;
- (b) provide for those matters which require a Local Law under the **Local Government Act 1989**, and any other Act;
- (c) provide for the administration of Council powers and functions, and for the issue of permits and infringement notices;
- (d) prohibit, regulate and control physical works, construction activities, practices and behaviour so that no detriment is caused to the amenity and environment of the municipal district;
- (e) enhance public safety and community amenity; and
- (f) protect assets vested in the Council.

Amendment No. 1 of the Local Law provides for additional public safety and community amenity in public places relating to:

- (a) storage of Private Property on Roads,
- (b) damage to Council Property,
- (c) behaviour in Public Places; and
- (d) camping.

Any person affected by the amendment may make a submission under Section 223 of the **Local Government Act 1989**. Submissions must be made in writing and addressed to the Chief Executive Officer, Greater Shepparton City Council, Locked Bag 1000, Shepparton, 3632. Submissions must be received by 5.00 pm on 13 October 2005. It should be noted that Council must make available to the public, upon request, details of all submissions made including details of the person(s) making the submission.

Any person who has made a written submission to the Council and requested that they be heard in support of their submission is entitled to appear in person, or may be represented by a person acting on their behalf.

Copies of Amendment No. 1 to Local Law No. 7 can be inspected at the Council Office or available from the Council Website www.greatershepparton.vic.gov.au.

YARRA RANGES SHIRE COUNCIL

Making of Streets and Roads Local Law 2005 (No. 1 of 2005)

The Yarra Ranges Shire Council at its meeting on 13 September 2005 resolved to make the Streets and Roads Local Law 2005 (No. 1 of 2005). The Local Law came into operation on that date.

The purpose and general purport of this local law is to:

- (a) provide for public safety and amenity;
- (b) regulate roadside trading;
- (c) recover costs for use of public land which would otherwise be payable by ratepayers;
- (d) establish a mechanism for registration or identification of traders for the benefit of purchasers, having in mind consumer protection legislation;

- (e) regulate the exhibition of merchandise on pavements and Council land;
- (f) regulate the exhibition of advertising signs, and directional and pointer signs on roads and Council land;
- (g) regulate the placement of seats, tables, chairs and other furniture on pavements;
- (h) regulate the exhibition of merchandise and advertising signs on vehicles left standing on roads;
- (i) regulate the protrusion of verandahs and awnings into the airspace above pavements;
- (j) regulate the deposit of shopping trolleys in streets, car parks and other public places;
- (k) regulate the use of skateboards on Council land;
- (l) prohibit the painting of vehicles on roads;
- (m) regulate the dismantling of vehicles on roads;
- (n) prohibit the destruction or removal of, or damage to, Council assets on roads;
- (o) regulate the identification of premises;
- (p) regulate the growth of trees and other plants so as to prevent accidents;
- (q) regulate the planting of trees and other plants on roads;
- (r) regulate the impact on roads of building works on adjacent property;
- (s) prohibit the deposit on roads of material emanating from adjacent property;
- (t) prohibit obstructions;
- (u) provide for the construction and maintenance of permanent and temporary vehicle crossings; and
- (v) the provision of sanitary conveniences on building sites in order to control amenity, visual pollution, public safety and public liability.

A copy of the Local Law may be inspected at or obtained from the Shire Office, Anderson Street, Lilydale or from the Yarra Ranges Community Links at Healesville, Monbulk, Upwey or Yarra Junction.

ROBERT HAUSER
Chief Executive Officer

Planning and Environment Act 1987
BOROONDARA PLANNING SCHEME
Notice of Preparation of Amendment
Amendment C57
Authorisation A0047

The City of Boroondara has prepared Amendment C57 to the Boroondara Planning Scheme.

In accordance with section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the City of Boroondara as planning authority to prepare the Amendment.

The land affected by the Amendment is located at 96–152 and 87–137 Auburn Road, and 549–669 and 574–608 Burwood Road, Hawthorn.

The Amendment proposes to include the Auburn Village Precinct (comprising the abovementioned properties) in a Heritage Overlay to the Boroondara Planning Scheme. Associated changes will be made to the Advertising Signs Policy (Clause 22.01), and introduction of the Auburn Village Heritage Guidelines 2005 as a policy reference to the Heritage Policy (Clause 22.05).

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at Council's Camberwell Office, Planning Department, First Floor, 8 Inglesby Road, Camberwell; or at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne.

This can be done during office hours and is free of charge.

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

The closing date for submissions is Monday 24 October 2005.

A submission must be sent to: Amendment C57, Strategic Planning Department, City of Boroondara, Private Bag 1, Camberwell 3124.

SHIRAN WICKS
Acting Manager
Strategic Planning

Planning and Environment Act 1987
GREATER SHEPPARTON
PLANNING SCHEME
Notice of Preparation of Amendment
Amendment C27
(Authorisation No. A77)

The Greater Shepparton City Council has prepared Amendment C27 to the Greater Shepparton Planning Scheme.

The land affected by the Amendment is land bounded by Channel Road and McPhees Road, Shepparton and comprises CA 151 (part), Section D, Parish of Shepparton. This land is contained in Certificate of Title Volume 9347, Folio 124 and is known as 80 Channel Road.

The Amendment proposes to:

- rezone the subject land from Rural Zone (RUZ) to Residential 1 Zone (R1Z);
- delete the Development Plan Overlay (DPO1) from the subject land; and
- include the land in the Development Plan Overlay with an associated new Schedule (DPO10).

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: at the office of the planning authority, 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, Ground Floor, 8 Nicholson Street, East Melbourne.

This can be done during office hours and is free of charge.

Any person who may be affected by the Amendment may make a submission to the planning authority. The closing date for submissions is 25 October 2005. A submission must be sent to the Greater Shepparton City Council, Locked Bag 1000, Shepparton 3632.

GREG HUGHES
Senior Strategic Planner

Planning and Environment Act 1987MORNINGTON PENINSULA
PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C74

Authorisation A0097

The Mornington Peninsula Shire Council has prepared Amendment C74 to the Mornington Peninsula Planning Scheme.

In accordance with section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Mornington Peninsula Shire Council as planning authority to prepare the Amendment.

The land affected by the Amendment is: 1, 2, 3, 4, 5, 6, 8 and 10 Brandary Place, Hastings; 13 and 15 Dylan Drive, Hastings; 23 and 29 Bass Street, Flinders; 87 Warrawee Road, Balnarring; Sorrento Golf Course, Sorrento; 3 Queen Street, Mornington; 212 Bittern–Dromana Road, Merricks North; 214 Bittern–Dromana Road, Merricks North; 19 Franklin Road, Portsea; 2 Queen Street, Mornington; Flinders Foreshore, Flinders and part of Western Port; 120 Collins Road, Dromana; and 13–15 Wattle Place, McCrae.

The Amendment proposes to:

- (1) update the heritage listing of Sorrento Golf Course; 87 Warrawee Road, Balnarring; and 3 Queen Street, Mornington;
- (2) propose heritage listings for the Flinders Foreshore, Flinders and the abutting part of Western Port and 13–15 Wattle Place, McCrae and includes the abutting part of Western Port in a Public Conservation and Resource Zone;
- (3) remove anomalies for 19 Franklin Road, Portsea; 2 Queen Street, Mornington; and 212 and 214 Bittern–Dromana Road, Merricks North;
- (4) rezone 120 Collins Road, Dromana from Public Use Zone to Low Density Residential Zone;
- (5) Remove the heritage listing from 23 and 29 Bass Street, Flinders; and
- (6) remove the heritage listing from 1, 2, 3, 4, 5, 6, 8 and 10 Brandary Place, Hastings and 13 and 15 Dylan Drive, Hastings.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: at the offices of the planning authority, the Mornington Peninsula Shire Council, at Besgrove Street, Rosebud; Queen Street, Mornington; Marine Parade, Hastings; and at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne.

This can be done during office hours and is free of charge.

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

The closing date for submissions is 25 October 2005. A submission must be sent to the Manager – Strategic Planning, Mornington Peninsula Shire Council, Private Bag 1000, Rosebud 3939.

Signature for the Planning Authority
LYNTON SHEDDEN
Manager – Strategic Planning
Mornington Peninsula Shire Council

Planning and Environment Act 1987

WHITEHORSE PLANNING SCHEME

Notice of Preparation of an Amendment

Amendment C62

Authorisation No. A0056

The City of Whitehorse has prepared Amendment C62 to the Whitehorse Planning Scheme.

In accordance with section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Whitehorse City Council as planning authority to prepare the amendment.

The Amendment proposes to include land at 520 Mitcham Road, Mitcham in a Heritage Overlay on a permanent basis.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the office of the planning authority, Whitehorse City Council and at the Department of Sustainability and Environment at the following addresses: The City of Whitehorse, Planning Office Service Centre, 379 Whitehorse Road, Nunawading; and

Department of Sustainability and Environment, Planning Information Centre, Ground floor area, 8 Nicholson Street, Melbourne.

The Amendment can also be inspected at the Service Centre at Forest Hill and on the Internet at www.whitehorse.vic.gov.au.

This can be done during office hours and is free of charge.

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

Any submission about the Amendment must be made in writing, giving the submitter's name, address and, if practicable, a phone number for contact during office hours; set out the views on the Amendment that the submitter wishes to put before Council and indicate what changes (if any) the submitter wishes to be made to the amendment; state whether the person/s making the submission wishes to be heard in support of their submission.

The closing date for submissions is 24 October 2005. A submission must be sent to: Fiona Stevens, Senior Urban Planner, City of Whitehorse, Locked Bag 2, Nunawading Delivery Centre, Vic. 3110.

Privacy Statement

Any personal information you may include in any submission to Council on the Amendment is collected for planning purposes in accordance with the **Planning and Environment Act 1987** (the Act). The public may view the submission whilst the Amendment is being considered. In accordance with the "Improving Access to Planning Documents" Practice Note dated December 1999, a copy of your submission may be made upon request. If you fail to provide this information your comments may not be considered. You may access this information by contacting Council on 9262 6315.

Mr PETER PANAGAKOS
Manager, Planning and Building

Planning and Environment Act 1987 WHITTLESEA PLANNING SCHEME

Notice of Amendment
Amendment C75
Authorisation No A 34

The City of Whittlesea has prepared Amendment C75 to the Whittlesea Planning Scheme. The City of Whittlesea is also the planning authority for the Amendment.

The Amendment affects part of the land described as part Crown Allotments 5, 7, 11, 12 and 13, Section 6A, Parish of Wollert, and part of Lots 26 and 27, LP 5187. The land is further described as being part of 490 Cooper Street, Epping.

The Amendment proposes to rezone the land from Public Use Zone 6 (Local Government) and Special Use Zone Schedule 4 (Extractive Industry) to Industrial 1 Zone and rezone further land from Special Use Zone Schedule 4 (Extractive Industry) to Public Use Zone 6 (Local Government).

The Amendment is required to facilitate the use and development of land for the purpose of a regional animal welfare precinct for use by the City of Whittlesea, the Royal Society for the Protection of Animals (RSPCA) and the Cat Protection Society.

The Amendment and supporting documents can be inspected free of charge during office hours at: Department of Sustainability & Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne; and City of Whittlesea Civic Centre, Ferres Boulevard, South Morang, Vic. 3752.

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions to the Amendment must be sent to: The Chief Executive Officer, City of Whittlesea, Locked Bag 1, Bundoora, Vic. 3083 by 27 October 2005.

Signed
GRAEME BRENNAN
Chief Executive Officer

STATE TRUSTEES LIMITED
ACN 064 593 148

Section 79

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

GEORGE ARTHUR BATLEY, late of 28 Killara Street, Sunshine, Victoria, retired storeman, deceased, who died on 11 July 2005 leaving a Will dated 4 June 1968.

RUBY ALMA WELLINGS, late of Surrey Hills Private Nursing Home, 16-18 Florence Road, Surrey Hills, Victoria, pensioner,

deceased, who died on 24 July 2005 leaving a Will dated 3 November 1978.

Creditors, next-of-kin and others having claims against the abovementioned estates are required pursuant to Section 33 of the **Trustee Act 1958** to send particulars of their claims against the abovementioned estates to State Trustees Limited, 168 Exhibition Street, Melbourne, Victoria, on or before 23 November 2005, after which date State Trustees Limited, ACN 064 593 148, may convey or distribute the assets of the abovementioned estates having regard only to the claims of which it then has notice.

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 23 November 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.

EVANS, Leanne Christina, late of 31 Clingin Street, Reservoir, Victoria 3073, who died on 22 September 2004.

SOMERS, Peggy, late of Unit 7, 326 Walker Street, Ballarat North, Victoria 3350, retired, and who died on 20 August 2005.

SUGGETT, Eric, late of Hillcrest Nursing Home, 288 Pakington Street, Newtown, Victoria 3220, who died on 23 June 2005.

WILLIAMS, Kathleen, late of Waverley Valley Aged Care, 29–33 Chesterville Road, Glen Waverley, Victoria 3150, pensioner, and who died on 2 September 2005.

Dated 15 September 2005

Executor and Trustee Services

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 28 November 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.

COUCH, Edna Alvina, late of 35 Stephenson Street, Springvale, Victoria 3171, widow, and who died on 22 June 2005.

HILL, William Edward, late of Belvedere Aged Care, 41–43 Fintonia Road, Noble Park, Victoria 3174, pensioner, and who died on 18 May 2005.

HORNER, Evelyn Viola, late of Templeton Lodge, 41 Thompson Street, Maidstone, Victoria 3012, pensioner, and who died on 27 June 2005.

PRITCHARD, James Alfred, late of 20 Lerina Street, Oakleigh East, Victoria 3166, retired, and who died on 1 June 2005.

WELLINGS, Colin Ernest, late of 20 Barwon Street, Box Hill, Victoria 3128, who died on 18 July 2005.

WILLIAMS, Kathleen, late of Waverley Valley Aged Care, 29–33 Chesterville Road, Glen Waverley, Victoria 3150, pensioner, and who died on 2 September 2005.

WILLIS, Helen Mary, formerly of 31 Orchard Street, North Brighton, Victoria 3186, but late of 1 Lake Road, Blackburn, Victoria 3130, retired, and who died on 13 June 2005.

Dated 20 September 2005

Executor and Trustee Services

EXEMPTION

Application No. A178/2005

The Victorian Civil and Administrative Tribunal has considered an application pursuant to Section 83 of the **Equal Opportunity Act 1995** by Royal Melbourne Institute of Technology for exemption from Sections 37, 42, 100 and 195 of that Act. The application for exemption is to enable the applicant to offer to eligible female undergraduate students in its science engineering and technology portfolio 9 scholarships comprising 3 scholarships in 2005, 3 scholarships in 2006 and 3 scholarships in 2007, and to advertise those scholarships.

Upon reading the material submitted in support of the application and upon hearing submissions from Ms L. McCarthy, Ms M. Fels

and Ms J. Frazer and for the Reasons for Decision given by the Tribunal on 13 September 2005, the Tribunal is satisfied that it is appropriate to grant an exemption from Sections 37, 42, 100 and 195 of the Act to enable the applicant to offer to eligible female undergraduate students in its science engineering and technology portfolio 9 scholarships comprising 3 scholarships in 2005, 3 scholarships in 2006 and 3 scholarships in 2007, and to advertise those scholarships.

The Tribunal hereby grants an exemption to the applicant from the operation of Sections 37, 42, 100 and 195 of the **Equal Opportunity Act 1995** to enable the applicant to offer to eligible female undergraduate students in its science engineering and technology portfolio 9 scholarships comprising 3 scholarships in 2005, 3 scholarships in 2006 and 3 scholarships in 2007, and to advertise those scholarships.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 21 September 2008.

Dated 13 September 2005

C. McKENZIE
Deputy President

EXEMPTION

Application No. A235/2005

The Victorian Civil and Administrative Tribunal has considered an application pursuant to Section 83 of the **Equal Opportunity Act 1995** by Ballarat Health and Fitness Pty Ltd for exemption from Sections 13, 42, 100 and 195 of that Act. The application for exemption is to enable the applicant to operate an exercise and fitness studio for men only, to employ men only to staff that studio and to advertise those matters.

Upon reading the material submitted in support of the application and upon hearing submissions from Ms M. Tempest and for the Reasons for Decision given by the Tribunal on 19 September 2005, the Tribunal is satisfied that it is appropriate to grant an exemption from Sections 13, 42, 100 and 195 of the Act to enable the applicant to operate an exercise and fitness studio for men only, to employ men only to staff that studio and to advertise those matters.

The Tribunal hereby grants an exemption to the applicant from the operation of Sections 13, 42, 100 and 195 of the **Equal Opportunity Act 1995** to enable the applicant to enable the applicant to operate an exercise and fitness studio for men only, to employ men only to staff that studio and to advertise those matters.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 21 September 2008.

Dated 19 September 2005

C. McKENZIE
Deputy President

EXEMPTION

Application No. A244/2005

The Victorian Civil and Administrative Tribunal has considered an application pursuant to Section 83 of the **Equal Opportunity Act 1995** by Domestic Violence Victoria Inc for exemption from Sections 13, 100 and 195 of that Act. The application for exemption is to enable the applicant to employ women only and to advertise for that employment.

Upon reading the material submitted in support of the application and upon hearing submissions from Ms A. Davies and Ms F. McCormack and for the Reasons for Decision given by the Tribunal on 14 September 2005, the Tribunal is satisfied that it is appropriate to grant an exemption from Sections 13, 100 and 195 of the Act to enable the applicant to employ women only and to advertise for that employment.

The Tribunal hereby grants an exemption to the applicant from the operation of Sections 13, 100 and 195 of the **Equal Opportunity Act 1995** to enable the applicant to employ women only and to advertise for that employment.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 21 September 2008.

Dated 14 September 2005

C. McKENZIE
Deputy President

Equal Opportunity Act 1995

EXEMPTION

Application No. A249 of 2005

The Victorian Civil and Administrative Tribunal grants an exemption to Netball Victoria from the operation of section 65 of the **Equal Opportunity Act 1995** to enable it to conduct netball competitions for girls only, if the competition is organised for persons who are 12 years or 13 years. This exemption remains in force for a period of three years from the date this notice is published.

Dated 12 September 2005

STUART MORRIS
President

Adoption Act 1984

Under the functions and powers assigned to me by the Secretary to the Department of Human Services under Section 10(2) of the **Community Services Act 1970** in relation to Section 5 of the **Adoption Act 1984**.

I, Carolyn Gale, approve the following person under Section 5(1) and Section 5(2) of the **Adoption Act 1984** as approved counsellor for the purposes of Section 87 of the **Adoption Act 1984**.

Josephine Das

Dated 19 September 2005

CAROLYN GALE
Manager, Community Care
Southern Metropolitan Region

Children and Young Persons Act 1989APPOINTMENT OF
HONORARY PROBATION OFFICERS

I, Valerie Callister (Regional Director) of Gippsland Region of the Department of Human Services, under Section 34(4) of the **Children and Young Persons Act 1989** appoint the undermentioned persons as Honorary Probation Officers for the Children's Court in the State of Victoria for the period ending 31 December 2007.

Athalie Mason, 77 Wolseley Street, Orbost;
John Ireland, 460 Bellbird Road, Clifton Creek
via Bairnsdale.

Dated 9 September 2005

VALERIE CALLISTER
Regional Director

Mineral Resources Development Act 1990EXEMPTION FROM EXPLORATION
LICENCE OR MINING LICENCE

I, Kathy Hill, Acting Executive Director Minerals and Petroleum, pursuant to section 7 of the **Mineral Resources Development Act 1990** and under delegation by the Minister for Energy Industries and Resources –

1. hereby exempt all that Crown land situated within the boundaries of exploration licence application 4906 that have been excised from the application, from being subject to an exploration licence or mining licence.
2. Subject to paragraph 3, this exemption applies until the expiration of 2 years after the grant of the licence (if the licence is granted), or until the expiration of 28 days after the application lapses or is withdrawn or refused.
3. This exemption is revoked in respect of any land that ceases to lie within the boundaries of the application or licence, at the expiration of 28 days after the said land ceases to lie within the boundaries of the application or licence.

Dated 14 September 2005

KATHY HILL
Acting Executive Director
Minerals and Petroleum

Penalty Interest Rates Act 1983

SECTION 2

The penalty interest rate fixed by the Attorney-General under the **Penalty Interest Rates Act 1983** is 11.0% per annum with effect on and from 1 October 2005. The rate was previously fixed at 11.5%.

ROB HULLS MP
Attorney-General

Plant Health and Plant Products Act 1995

NOTICE OF REVOCATION

Order Declaring a Restricted Area at Walpa
for the Control of Asparagus Stem Blight

I, Bob Cameron, Minister for Agriculture, revoke the Order made under section 20 of the **Plant Health and Plant Products Act 1995** on 9 May 2005 (notice of which was published in

Government Gazette G20 on 19 May 2005) declaring a restricted area for the control of the exotic disease, Asparagus Stem Blight at Walpa. Dated 14 September 2005

BOB CAMERON
Minister for Agriculture

Retirement Villages Act 1986

SECTION 47

Extinguishment of Charge

I hereby declare that the charge No. AD323781T pursuant to section 29 of the **Retirement Villages Act 1986**, registered on 21 December 2004 on Certificate of Title Volume 08967, Folio 360 under the **Transfer of Land Act 1958**, is extinguished.

Dated 30 August 2005

DR DAVID COUSINS
Director,
Consumer Affairs Victoria

Retirement Villages Act 1986

SECTION 48

Cancellation of Retirement Village Notice

I hereby declare that the Retirement Village Notice No. AD302760V pursuant to section 9 of the **Retirement Villages Act 1986**, registered on 10 December 2004 on Certificate of Title Volume 08967, Folio 360 under the **Transfer of Land Act 1958**, is cancelled.

Dated 30 August 2005

DR DAVID COUSINS
Director,
Consumer Affairs Victoria

Retirement Villages Act 1986

SECTION 39

Cancellation of Retirement Village Notice

I hereby declare that the Retirement Village Notice No. AB206765N pursuant to section 9 of the **Retirement Villages Act 1986**, registered on 10 April 2002 on Certificate of Title Volume 07923, Folio 006 under the **Transfer of Land Act 1958**, is cancelled.

Dated 29 August 2005

DR DAVID COUSINS
Director,
Consumer Affairs Victoria

Retirement Villages Act 1986

SECTION 32

Extinguishment of Charge

I hereby declare that the charge No. AB206767J pursuant to section 29 of the **Retirement Villages Act 1986**, registered on 10 April 2002 on Certificate of Title Volume 07923, Folio 006 under the **Transfer of Land Act 1958**, is extinguished.

Dated 29 August 2005

DR DAVID COUSINS
Director,
Consumer Affairs Victoria

Retirement Villages Act 1986

SECTION 39

Cancellation of Retirement Village Notice

I hereby declare that the Retirement Village Notice No. V230K pursuant to section 9 of the **Retirement Villages Act 1986**, registered on the 23 September 1997 on Certificate of Title Volume 3247, Folio 359 under the **Transfer of Land Act 1958**, is cancelled.

Dated 29 August 2005

DR DAVID COUSINS
Director,
Consumer Affairs Victoria

Retirement Villages Act 1986

SECTION 32

Extinguishment of Charge

I hereby declare that the charge No. V231 pursuant to section 29 of the **Retirement Villages Act 1986**, registered on 23 September 1997 on Certificate of Title Volume 3247, Folio 359 under the **Transfer of Land Act 1958**, is extinguished.

Dated 29 August 2005

DR DAVID COUSINS
Director,
Consumer Affairs Victoria



GIPPSLAND
WATER

Water Act 1989

CONSULTATION OF PROPOSED PERMANENT WATER SAVING MEASURES

Gippsland Water is proposing to introduce permanent water saving measures for all water supply systems across the region from 1 December 2005. Permanent Water Saving Rules are designed to secure water supplies to sustain our cities and towns over the next 50 years and form part of the initiative of the Victorian State Government White Paper released in June 2004.

Below is a summary of the proposed water saving measures.

1. Watering Gardens and Lawns – including Public Gardens, Sporting Grounds and Recreational Areas.
 - A hand held hose fitted with a trigger nozzle, watering can or bucket can be used at any time.
 - A manual watering system can only be used between 8.00 pm and 10.00 am daily.
 - An automatic water system can only be used between 8.00 pm and 10.00 am daily. After 1 June 2006, a system must not be used unless it is fitted with a rain or soil moisture sensor (or equivalent device) as part of the control system.
 2. Water Fountains.
 - Only water fountains that recirculate water can be operated.
 - Topping up is permitted at any time provided that no more water than is necessary for that purpose is used.
 3. Cleaning Paved Areas.
 - Hosing down driveways, footpaths, timber decking, concrete and other paved areas is not permitted. This does not apply in the event of an accident, health or safety hazard or other emergency.
 4. Garden Nurseries – Commercial and Council.
 - Plants and turf grown for sale or council use can be watered at any time.
 5. Swimming Pools and Spas.
 - A pool or spa with a capacity greater than 2000 litres must not be filled from empty, unless an application for approval from Gippsland Water is made. The application must outline the volume of water required to fill the pool or spa.
 - The application has been approved by Gippsland Water and any conditions imposed by Gippsland Water are complied with.
 6. Vehicle Cleaning.
 - Cars, boats and other vehicles can be cleaned using a hand-held hose fitted with a trigger nozzle, a bucket, watering can or a high pressure cleaning unit at any time.
 - Boat motors can be flushed with a hose in accordance with the manufacturer's advice.
 7. Construction Industry.
 - All hoses must be in good condition, leak free, and fitted with a trigger nozzle.
- Gippsland Water invites you to submit your views on the proposed Permanent Water Saving Plan. A full copy of the Plan can be found on Gippsland Water's website www.gippswater.com.au. Alternatively customers are able to contact Gippsland Water on toll free 1800 066 401 to obtain a copy.
- Written submissions providing comment on the Permanent Water Saving Measures should be returned to Gippsland Water, PO Box 348, Traralgon 3844 by 21 October 2005.



Water Act 1989

Wannon Water is currently proposing a new Permanent Water Saving Plan in line with the Victorian State Government's regulatory requirements.

A copy of the draft Water Saving Plan can be downloaded from Wannon Water's website at www.wannonwater.com.au or obtained from Wannon Water offices in Camperdown, Hamilton, Portland and Warrnambool.

We invite you to comment on the draft plan by Monday 10 October 2005.

Please forward your response to Wannon Water, PO Box 1158, Warrnambool 3280.

For all enquiries please contact Lisa Baldock at Wannon Water on phone: 5522 3513.

The development of this plan is an opportunity for Wannon Water customers to develop further the culture of water use efficiency in our region. Your ideas and thoughts may be a catalyst for future water savings in the south west.

**Commonwealth Games
Arrangements Act 2001**

**COMMONWEALTH GAMES
PROJECT ORDER**

In accordance with section 15 of the **Commonwealth Games Arrangements Act 2001** ("the Act"), as the Minister administering the Act, I declare the construction of the footpath to be built in the area shaded on plan of survey LEGL./05-155 between Royal Park Station and the Zoological Gardens (the Royal Park Footpaths) a project to develop facilities at a Commonwealth Games venue to be a project to which the Act applies and I authorise the development of that project for the period commencing 31 August 2005 to 15 February 2006.

In accordance with section 17 of the Act I specify the City of Melbourne as the body responsible for managing or developing the Commonwealth Games project to which this Order applies.

This Order shall take effect from the date of its publication in the Government Gazette.

Dated 9 September 2005

Responsible Minister
JUSTIN MADDEN MLC
Minister for Commonwealth Games

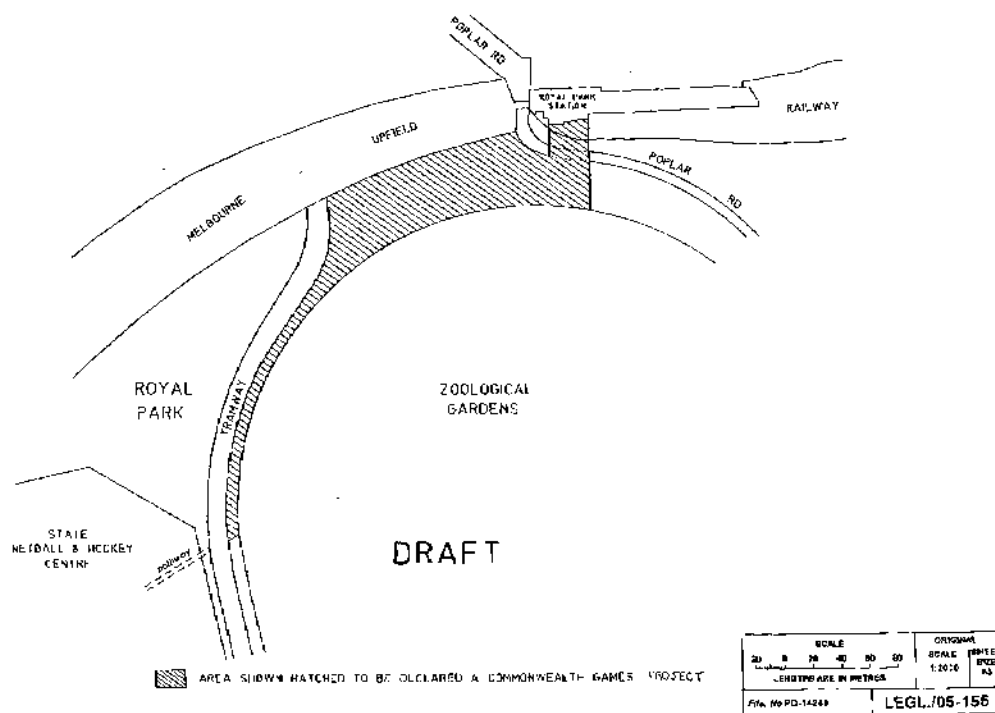
**Commonwealth Games
Arrangements Act 2001**

**COMMONWEALTH GAMES
VENUE ORDER**

In accordance with section 14 of the **Commonwealth Games Arrangements Act 2001** ("the Act"), as the Minister administering the Act, I declare the following area of land to be a permanent Commonwealth Games venue to which the Act applies:

the whole of the area of the "Royal Park Stations Environs" defined and shown hatched on the plan numbered LEGL./05-155 and attached to this venue Order.

This Order shall take effect from the date of its publication in the Government Gazette.



Dated 9 September 2005

Responsible Minister
JUSTIN MADDEN MLC
Minister for Commonwealth Games

Freedom of Information Act 1982

STATEMENT OF REASONS FOR SEEKING LEAVE TO APPEAL

1. Introduction

- 1.1. On 16 August 2005 the Victorian Civil and Administrative Tribunal ("VCAT") constituted by his Honour Justice Morris, the President of VCAT, made a decision in the matter of Re Osland and Department of Justice (2005) VCAT 1648.
- 1.2. The decision of Justice Morris was to grant the applicant access to 9 documents, despite the fact that they were exempt from disclosure under section 32 of the **Freedom of Information Act 1982** ("FOI Act"). That section exempts a document from disclosure if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege.
- 1.3. Access was granted on the basis that although the documents were exempt from disclosure under section 32, the public interest nevertheless required disclosure under section 50(4) of the FOI Act.
- 1.4. For the reasons set out in this statement the public interest is served by the Government appealing from the decision of Justice Morris to grant access to the 9 documents the subject of legal professional privilege.
- 1.5. As the decision was made by the President of VCAT, any appeal from his Honour's orders must be to the Court of Appeal of the Supreme Court of Victoria¹. An appeal may be brought only "on a question of law" and may only be commenced if leave to appeal is given by the Court of Appeal².

¹ Section 148(1)(a), **Victorian Civil and Administrative Tribunal Act 1998** ("VCAT Act").

² Section 148(1), VCAT Act.

- 1.6. On 13 September 2005, I caused to be lodged with the Court of Appeal a Summons seeking leave to appeal the decision of Justice Morris.
- 1.7. This notice sets out a brief statement of reasons for seeking leave to appeal and is provided in accordance with section 64AB(1) of the FOI Act.

2. Statement of Reasons for Seeking Leave to Appeal

- 2.1. For the following reasons the public interest is served by the Government appealing from the decision of Justice Morris in *Re Osland and Department of Justice (2005) VCAT 1648* to grant access to 9 documents the subject of legal professional privilege.
 - 2.1.1. The public interest is served by ensuring that Courts and Tribunals apply the correct test of legal professional privilege in the interests of the administration of justice.
 - (a) His Honour mischaracterised and wrongly applied the doctrine of legal professional privilege. He distinguished between privileged documents which contain legal advice “of historical interest” only and privileged documents which are “under active consideration”.
 - (b) His Honour wrongly treated legal professional privilege as susceptible of degrees and failed to apply the correct legal principle that once legal professional privilege attaches to a document, it attaches for all time and in all circumstances.
 - 2.1.2. The public interest is served by ensuring that VCAT correctly applies section 50(4) of the FOI Act in considering whether the public interest “requires” disclosure of documents held by it to be exempt from access under the FOI Act.
 - (a) His Honour wrongly applied the test in section 50(4) of the FOI Act known as the public interest override. For example, he equated public interest with matters in which the public has an interest. In forming the opinion that the public interest requires disclosure of exempt document, it is important and in the public interest that the correct test be applied.
 - (b) In applying the public interest override his Honour wrongly asserted that a decision made in the exercise of the wholly personal and discretionary prerogative power of mercy should be subject to the same principles of transparency and scrutiny as is attributable to the judicial process.
 - (c) In applying the public interest override his Honour wrongly considered, in effect, that the Attorney-General should provide reasons for his decision to recommend that the respondent’s petition for mercy be denied, when the Attorney is under no statutory or common law obligation to do so.
 - (d) In applying the public interest override his Honour conflated the public interest which might lie in the scrutiny and transparency of the criminal justice process with the public interest in the scrutiny and transparency of the exercise of the prerogative of mercy, despite the fact that a decision made in the exercise of the prerogative of mercy is an act of the Executive taken when the legal process has been exhausted.

Dated 15 September 2005

PENNY ARMYTAGE
Secretary to the Department of Justice

Geographic Place Names Act 1998

NOTICE OF INTENTION TO REGISTER A GEOGRAPHIC NAME

The Registrar of Geographic Names hereby gives notice of intention to register the undermentioned place name(s). Any objections to the proposal should be made in writing (stating the reasons therefore) and lodged with the Registrar within 30 days of publication of this notice. If no objections are lodged within this period, the proposed name becomes the official name and will be registered in the Register of Geographic Names.

File No.	Naming Authority	Place Name	Location
GPN 669	Darebin City Council	Bundoora Metropolitan Fire Brigade	Tram stop located on Plenty Road opposite the Bundoora MFB station between Bundoora Park and the old site of the Larundel Rehab Hospital, Bundoora.
LA/12/0035	Glenelg Shire Council	Corndale, Dunrobin	As on version 4.4 of the plan showing the town and rural district names and boundaries within the municipality. Copies of this plan may be inspected at the municipal offices or at the office of the Registrar of Geographic Names.

Office of the Registrar of Geographic Names

c/- **LAND VICTORIA**

15th Floor
570 Bourke Street
Melbourne 3000

JOHN E. TULLOCH
Registrar of Geographic Names

Health Practitioners (Special Events Exemption) Act 1999

MELBOURNE 2006 COMMONWEALTH GAMES
SPECIAL EVENT ORDER

I, Bronwyn Pike, Minister for Health and Minister responsible for the administration of the **Health Practitioners (Special Events Exemption) Act 1999** ("the Act"):

1. am of the opinion that the event listed in Column 1 of the Schedule below will attract a significant number of participants from other countries and that this event—
 - (a) is to take place in the State; and

- (b) will have classes of visiting health practitioners (dentists, medical practitioners, nurses, optometrists, physiotherapists, podiatrists and psychologists) appointed, employed, contracted or otherwise engaged to provide health care services to visitors participating in those events;
2. under section 6(1) of the Act, accordingly declare and specify by this Order the event listed in Column 1 of the Schedule to be a special event for the purposes of the Act;
3. under section 7 of the Act, specify the period listed in Column 2 of the Schedule as the exemption period which has effect in respect of this special event;
4. under section 8 of the Act, specify that, for the purposes of section 4(c) of the Act, the organisation included in Column 3 of the Schedule is required to notify in writing the Secretary to the Department of Human Services, Victoria, of the following information:
- (a) the names of the visiting health practitioners who intend to provide health care services to a visitor within Victoria at the special event included in Column 1 of the Schedule; and
- (b) the name of the team, group or persons to whom the visiting health practitioners will be providing health care services within Victoria;
5. under section 10(1)(a) and (b) of the Act, authorise those visiting health practitioners referred to in item 4 who are medical practitioners to, in the course of providing health care services to visitors-
- (a) prescribe, write prescriptions for or supply Schedule 4 poisons or Schedule 8 poisons to visitors; and
- (b) sell or supply Schedule 2 poisons or Schedule 3 poisons to visitors; and
- (c) obtain any Schedule 2 poison, Schedule 3 poison, Schedule 4 poison or Schedule 8 poison by wholesale from the Commonwealth Games Village polyclinic pharmacy;
6. under section 10(1)(c) of the Act, authorise a pharmacist who is registered under the **Pharmacy Practice Act 2004** (Vic) and who is providing pharmacy services from the Commonwealth Games Village polyclinic pharmacy, to sell or supply to a visitor a Schedule 4 poison or Schedule 8 poison on production of a prescription written by a visiting health practitioner who is a medical practitioner;
7. under section 10(1)(d) of the Act, authorise a pharmacist who is licensed or otherwise authorised under the **Drugs, Poisons and Controlled Substances Act 1981** (Vic) and who is providing pharmacy services from the Commonwealth Games Village polyclinic pharmacy, to sell or supply by wholesale any Schedule 2 poison, Schedule 3 poison, Schedule 4 poison or Schedule 8 poison to a visiting health practitioner who is a medical practitioner.

SCHEDULE		
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Melbourne 2006 Commonwealth Games	25 February 2006 to 29 March 2006 inclusive	Melbourne 2006 Commonwealth Games Corporation

Dated 7 September 2005

By Order:
HON BRONWYN PIKE MP
Minister for Health

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

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

Any person desiring to object to any of such applications must—

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

<i>Full Name of Applicant or in the case of a Firm or Corporation, of the Nominee</i>	<i>Place of Abode of Applicant or Nominee</i>	<i>Name of Firm or Corporation</i>	<i>Address for Registration</i>	<i>Type of Licence</i>	<i>Date of Hearing of Application</i>
Mifsud Patrick Gerard	54A Gillingham Crescent, Craigieburn		54A Gillingham Crescent, Craigieburn	Individual Commercial Agent	17.10.05

Dated at Broadmeadows 14 September 2005

KEVIN HUSSEY
Deputy Registrar of the
Magistrates' Court of Victoria

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

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

Any person desiring to object to any of such applications must—

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

<i>Full name of Applicant or in the case of a Firm or Corporation, of the Nominee</i>	<i>Place of Abode of Applicant or Nominee</i>	<i>Name of Firm or Corporation</i>	<i>Address for Registration</i>	<i>Type of Licence</i>
Diana Dimitrievska	15 Hick Street, Spotswood 3015	Australian Receivables Ltd	363 King Street, Melbourne Vic. 3000	Commercial Sub-Agents Licence
Robyn Van Ryn	7 Gerald Street, Werribee, Vic. 3030	Australian Receivables Ltd	363 King Street, Melbourne Vic. 3000	Commercial Sub-Agents Licence
Chris Tzellios	11 Sier Avenue, Hoppers Crossing 3029	Australian Receivables Ltd	363 King Street, Melbourne Vic. 3000	Commercial Sub-Agents Licence
Marta Brus	4 Albert Crescent, St Albans 3021	Australian Receivables Ltd	363 King Street, Melbourne Vic. 3000	Commercial Sub-Agents Licence
Christopher A. Chant	534 Rathdown Street, Carlton North 3054	Australian Receivables Ltd	363 King Street, Melbourne Vic. 3000	Commercial Sub-Agents Licence

Dated at Melbourne 15 September 2005

GRAEME J. HORSBURGH
Principal Registrar
Magistrates' Court of Victoria

Private Agents Act 1966

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

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

Any person desiring to object to any of such applications must:—

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

<i>Full name of Applicant or in the case of a Firm or Corporation, of the Nominee</i>	<i>Place of Abode of Applicant or Nominee</i>	<i>Name of Firm or Corporation</i>	<i>Address for Registration</i>	<i>Type of Licence</i>
Lee Michelle Van Ryn	14 Trentham Close, Hoppers Crossing 3029	Australian Receivables Ltd	363 King Street, Melbourne Vic. 3000	Commercial Sub-Agents Licence
Grant William Paterson	7 Rolano Avenue, Strathmore, 3041	Australian Receivables Ltd	363 King Street, Melbourne Vic. 3000	Commercial Sub-Agents Licence

Dated at Melbourne 15 September 2005

GRAEME J. HORSBURGH
Principal Registrar
Magistrates' Court of Victoria

Psychologists Registration Act 2000

FEES PAYABLE TO THE BOARD: 2006

In accordance with section 92 of the **Psychologists Registration Act 2000** the Board has fixed the following registration and other fees for the period 1 January 2006 to 31 December 2006.

The following fees are payable to the Board:

- on application for general registration as a psychologist \$320.00
- on application for probationary registration \$160.00 per annum
- on application for specific registration as a psychologist \$320.00
- for the annual renewal of general registration as a psychologist \$320.00
- application extension (continuous) of probationary registration \$160.00
- for late application for renewal of general registration (renewal fee plus 50% of registration fee) \$480.00
- for restoration to the register (renewal fee plus late fee plus 20% of renewal fee) \$540.00
- for application and registration as a psychologist under the Mutual Recognition (Victoria) Act \$320.00
- for registration certificate replacement (per copy) \$20.00
- for additional registration certificates (per copy) \$20.00
- for a copy of the register \$500.00
- for an extract of the register \$50.00

Notes: Probationary Psychologists are now required to pay their fee annually.

Probationary psychologists who have already renewed for 2006/7 will not be required to make further payment this year.

A 5% discount will apply to all fees for 2006 paid online or by direct debit before 31 December 2005.

Melbourne City Link Act 1995

NOTICE UNDER SECTION 71(1)

Under section 71(1)(b) of the **Melbourne City Link Act 1995** ("the Act"), CityLink Melbourne Limited ABN 65 070 810 678 (the relevant corporation in relation to the Link road) hereby fixes tolls which are payable in respect of the use of vehicles (as set out herein) on toll zones on the Link road.

For the purposes of this Notice, the following definitions apply:

Boulton Parade includes the off-ramp connecting the rest of the Link road to Boulton Parade;

Burnley Tunnel means the eastbound tunnel between Sturt Street and Burnley Street;

Bus is a Motor Vehicle having more than 12 seating positions (including that of the driver);

Car is a Motor Vehicle, other than:

- (a) a Motor Cycle;
- (b) a Light Commercial Vehicle;
- (c) a Heavy Commercial Vehicle; or
- (d) a Taxi;

even if such a Motor Vehicle is towing a trailer or caravan;

Domain Tunnel means the westbound tunnel between Punt Road and Sturt Street;

Full Link road is the road included within both the Link road and the Extension road;

Full Link Taxi Trip is a Trip by a Taxi on:

- (a) one or more of the toll zones described in this Notice as toll zones 1, 2 and 3; and
- (b) one or more of the toll zones described in this Notice as toll zones 4, 5, 6, 7, 8, 9, 10 and 11;

Half Link Taxi Trip is a Trip by a Taxi on:

- (a) one or more of the toll zones described in this Notice as toll zones 1, 2 and 3; or
- (b) one or more of the toll zones described in this Notice as toll zones 4, 5, 6, 7, 8, 9, 10 and 11,

and no other toll zone;

Heavy Commercial Vehicle or **HCV** is a Motor Vehicle, other than a Taxi, which is:

- (a) a rigid Truck with three or more axles;
- (b) an articulated Truck;
- (c) a Bus; or
- (d) a two axle rigid Truck having a gross vehicle mass which exceeds 4.5 tonnes;

Light Commercial Vehicle or **LCV** is a Motor Vehicle, other than a Taxi, which is a two axle rigid Truck having a gross vehicle mass which exceeds 1.5 tonnes, but does not exceed 4.5 tonnes;

Motor Cycle is a two wheeled Motor Vehicle (and includes such a Motor Vehicle even if it has a trailer, fore car or side car attached) other than a Taxi;

Motor Vehicle is a vehicle which is used or intended to be used on a highway or in a public place and which has its own motive power (other than human or animal power) but does not include:

- (a) a vehicle intended to be used on a railway or tramway; or
- (b) a motorised wheel chair capable of a speed of not more than 10 kilometres per hour which is used solely for the conveyance of an injured or disabled person;

Swan Street Intersection means the intersection between Swan Street and Batman Avenue;

Taxi is, at any particular time, a Motor Vehicle in relation to which a commercial passenger vehicle licence (issued under the **Transport Act 1983**) then subsists, being a licence allowing for the operation of the Motor Vehicle as a Taxi-Cab (within the meaning of the **Transport Act 1983**);

the Agreement has the same meaning as in the Act;

the Integration and Facilitation Agreement has the same meaning as in the Act;

Trip is the passage of a vehicle on one or more toll zones:

- (a) uninterrupted by exit and subsequent re-entry; or
- (b) if so interrupted, the interruption consists only of travel directly between:
 - (i) that part of the Link road between Bulla Road and the West Gate Freeway; and
 - (ii) that part of the Link road between Sturt Street and Glenferrie Road;

Truck is a Motor Vehicle other than a Bus which has a cab-chassis construction and a gross vehicle mass which exceeds 1.5 tonnes; and

vehicle has the same meaning as in the Act.

Under section 71(1)(b) of the Act and in accordance with the Agreement, the tolls listed in Table One are payable in respect of the use of vehicles on toll zones on the Link road, where those vehicles are a Car, a LCV or a HCV:

Table One			
Toll Zone	Toll		
	Car	LCV	HCV
1. That part of the Link road between Moreland Road and Brunswick Road.	\$1.43	\$2.29	\$2.72
2. That part of the Link road between Racecourse Road and Dynon Road.	\$1.43	\$2.29	\$2.72
3. That part of the Link road between Footscray Road and the West Gate Freeway.	\$1.79	\$2.87	\$3.41
4. That part of the Link road being the Domain Tunnel and that part of the Link road leading into that Tunnel between the eastern portal of that Tunnel and Punt Road, other than that part of the Link road – (a) being the eastbound carriageways of the Link road; (b) between Punt Road and the exit to Boulton Parade; and (c) comprising Boulton Parade.	\$1.79	\$2.87	\$3.41
5. That part of the Link road being the Burnley Tunnel and that part of the Link road leading out of that Tunnel between the eastern portal of that Tunnel and Burnley Street.	\$3.23	\$5.16	\$6.13
6. That part of the Link road being the eastbound carriageways between Punt Road and Burnley Street other than that part of the Link road being the Burnley Tunnel and that part of the Link road leading out of that Tunnel between the eastern portal of that Tunnel and Burnley Street.	\$1.43	\$2.29	\$2.72

<p>7. That part of the Link road between Burnley Street and Punt Road and including that part of the Link road –</p> <p>(a) between Punt Road and the exit to Boulton Parade, other than the eastbound carriageways; and</p> <p>(b) comprising Boulton Parade, other than:</p> <p>(i) the eastbound carriageways between Burnley Street and Punt Road; and</p> <p>(ii) that part of the Link road being the Burnley Tunnel and that part of the Link road leading out of that Tunnel between the eastern portal of that Tunnel and Burnley Street.</p>	\$1.43	\$2.29	\$2.72
<p>8. That part of the Link road being the eastbound carriageways between Burnley Street and Glenferrie Road.</p>	\$1.43	\$2.29	\$2.72
<p>9. That part of the Link road between Glenferrie Road and Burnley Street, other than the eastbound carriageways.</p>	\$1.43	\$2.29	\$2.72
<p>10. That part of the Link road being the eastbound carriageways between Swan Street Intersection and Punt Road, other than –</p> <p>(a) that part of the Link road being the Burnley Tunnel; and</p> <p>(b) that part of the Link road comprising Boulton Parade.</p>	\$0.90	\$1.43	\$1.70
<p>11. That part of the Link road between Punt Road and Swan Street Intersection, other than–</p> <p>(a) the eastbound carriageways;</p> <p>(b) that part of the Link road being the Burnley Tunnel;</p> <p>(c) that part of the Link road:</p> <p>(1) between Punt Road and the exit to Boulton Parade; and</p> <p>(2) comprising Boulton Parade; and</p> <p>(d) that part of the Link road being the Domain Tunnel and that part of the Link road leading into that Tunnel between the eastern portal of that Tunnel and Punt Road.</p>	\$0.90	\$1.43	\$1.70

For the avoidance of doubt, a reference in this Notice to the specification of a toll zone by reference to Burnley Street refers to that point on the Link road where Burnley Street would cross the Link road if Burnley Street continued in a straight southerly direction from its southernmost extremity. For the avoidance of doubt, a reference in this Notice to “eastbound” means in a general easterly direction from the eastern end of the West Gate Freeway towards Glenferrie Road.

Notwithstanding anything to the contrary in Table One, under section 71(1) (b) of the Act and in accordance with the Agreement, the maximum tolls payable in respect of the use of a vehicle on a toll zone on the Link road where that vehicle is a Car, a LCV or a HCV for a Trip are as listed in Table Two:

Trip Cap	Toll		
	Car	LCV	HCV
1. Where the passage of the vehicle on the last toll zone comprising the Trip before exiting the Full Link road occurs between 6 am and 8 pm on the same day.	\$5.38	\$7.17	\$7.17
2. Where the passage of the vehicle on the last toll zone comprising the Trip before exiting the Full Link road occurs between 8 pm on the one day and 6 am on the next.	\$5.38	\$5.38	\$5.38

Under Section 71(1)(b) of the Act, and in accordance with the Agreement, the tolls listed in Table Three are payable in respect of the use of vehicles on toll zones on the Link road where those vehicles are Taxis:

Taxis	Toll
Each Half Link Taxi Trip	\$2.20
Each Full Link Taxi Trip	\$3.85

For the avoidance of doubt, this Notice does not set Charge Tolls, Maximum Charge Tolls or Taxi Tolls for the purposes of Schedule 3 (the Toll Calculation Schedule) of the Agreement, or Schedule 4 (the Toll Calculation Schedule) of the Integration and Facilitation Agreement.

For the avoidance of doubt, this Notice also:

- (i) revokes or repeals; or, in the alternative
- (ii) amends –

the NOTICE UNDER SECTION 71(1) dated 7 June 2005 and published in the Victoria Government Gazette No. G 25 (pages 1311 to 1315), dated 23 June 2005 (“the Last Notice”).

This notice takes effect on 1 October 2005 and for the avoidance of doubt, the Last Notice ceases to have effect when this Notice takes effect, and the revocation, repeal, amendment or ceasing to have effect of the Last Notice shall not:

- (a) revive anything not in force or existing at the time at which the revocation, repeal, amendment or ceasing to have effect becomes operative;

- (b) affect the previous operation of the Last Notice or anything duly done or suffered under the Last Notice;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Last Notice;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed relating (directly or indirectly) to or in respect of the Last Notice; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as is mentioned in paragraphs (c) and (d) –

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Last Notice had not been revoked or repealed or amended or had not expired, lapsed or otherwise ceased to have effect.

For the avoidance of doubt, the revocation, repeal, amendment or ceasing to have effect of the Last Notice does not in any way affect the direct amendments made in or by the Last Notice to, or the operation or effect of those amendments to, any NOTICE UNDER SECTION 71(1) published in the Victoria Government Gazette prior to the publication of the Last Notice.

Dated 13 September 2005

The common seal of
CITYLINK MELBOURNE LIMITED
is fixed to this document by:

M. A. LICCIARDO
Company Secretary
CityLink Melbourne Limited
(ABN 65 070 810 678)

P. G. B. O'SHEA
Director
CityLink Melbourne Limited
(ABN 65 070 810 678)

Melbourne City Link Act 1995

NOTICE UNDER SECTION 71(1)

Under section 71(1)(b) of the **Melbourne City Link Act 1995** (“the Act”), City Link Extension Pty Limited ABN 40 082 058 615 (the relevant corporation in relation to the Extension road) hereby fixes tolls which are payable in respect of the use of vehicles (as set out herein) on the toll zone on the Extension road.

For the purposes of this Notice, the following definitions apply:

Bus is a Motor Vehicle having more than 12 seating positions (including that of the driver);

Car is a Motor Vehicle, other than:

- (a) a Motor Cycle;
- (b) a Light Commercial Vehicle;
- (c) a Heavy Commercial Vehicle; or
- (d) a Taxi;

even if such a Motor Vehicle is towing a trailer or caravan;

Heavy Commercial Vehicle or **HCV** is a Motor Vehicle, other than a Taxi, which is:

- (a) a rigid Truck with three or more axles;
- (b) an articulated Truck;
- (c) a Bus; or
- (d) a two axle rigid Truck having a gross vehicle mass which exceeds 4.5 tonnes;

Light Commercial Vehicle or **LCV** is a Motor Vehicle, other than a Taxi, which is a two axle rigid Truck having a gross vehicle mass which exceeds 1.5 tonnes, but does not exceed 4.5 tonnes;

Motor Cycle is a two wheeled Motor Vehicle (and includes such a Motor Vehicle even if it has a trailer, fore car or side car attached) other than a Taxi;

Motor Vehicle is a vehicle which is used or intended to be used on a highway or in a public place and which has its own motive power (other than human or animal power) but does not include:

- (a) a vehicle intended to be used on a railway or tramway; or
- (b) a motorised wheel chair capable of a speed of not more than 10 kilometres per hour which is used solely for the conveyance of an injured or disabled person;

Taxi is, at any particular time, a Motor Vehicle in relation to which a commercial passenger vehicle licence (issued under the **Transport Act 1983**) then subsists, being a licence allowing for the operation of the Motor Vehicle as a Taxi-Cab (within the meaning of the **Transport Act 1983**);

the Extension Agreement has the same meaning as in the Act;

the Integration and Facilitation Agreement has the same meaning as in the Act;

Truck is a Motor Vehicle other than a Bus which has a cab-chassis construction and a gross vehicle mass which exceeds 1.5 tonnes; and

vehicle has the same meaning as in the Act.

Under section 71(1)(b) of the Act and in accordance with the Extension Agreement, the tolls listed in Table One are payable in respect of the use of vehicles on the toll zone on the Extension road, where those vehicles are a Car, a LCV or a HCV:

Toll Zone	Toll		
	Car	LCV	HCV
12. The Extension road	\$0.90	\$1.43	\$1.70

For the avoidance of doubt, this Notice does not set Charge Tolls for the purposes of Schedule 1 (the Toll Calculation Schedule) of the Extension Agreement, or Schedule 4 (the Toll Calculation Schedule) of the Integration and Facilitation Agreement.

For the avoidance of doubt, this Notice also:

- (i) revokes or repeals; or, in the alternative
- (ii) amends –

the NOTICE UNDER SECTION 71(1) dated 7 June 2005 and published in the Victoria Government Gazette No. G 25 (pages 1316 to 1317), dated 23 June 2005 (“the Last Notice”).

This Notice takes effect on 1 October 2005, and for the avoidance of doubt, the Last Notice ceases to have effect when this Notice takes effect, and the revocation, repeal, amendment or ceasing to have effect of the Last Notice shall not:

- (a) revive anything not in force or existing at the time at which the revocation, repeal, amendment or ceasing to have effect becomes operative;
- (b) affect the previous operation of the Last Notice or anything duly done or suffered under the Last Notice;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Last Notice;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed relating (directly or indirectly) to or in respect of the Last Notice; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as is mentioned in paragraphs (c) and (d) –

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Last Notice had not been revoked or repealed or amended or had not expired, lapsed or otherwise ceased to have effect.

For the avoidance of doubt, the revocation, repeal, amendment or ceasing to have effect of the Last Notice does not in any way affect the direct amendments made in or by the Last Notice to, or the operation or effect of those amendments to, any NOTICE UNDER SECTION 71(1) published in the Victoria Government Gazette prior to the publication of the Last Notice.

Dated 13 September 2005

The common seal of
CITYLINK EXTENSION PTY LIMITED
is fixed to this document by:

M. A. LICCIARDO
Company Secretary
CityLink Extension Pty Limited
(ABN 40 082 058 615)

P. G. B. O’SHEA
Director
CityLink Extension Pty Limited
(ABN 40 082 058 615)

Melbourne City Link Act 1995

NOTICE UNDER SECTION 71(1)

Under section 71(1)(b) of the **Melbourne City Link Act 1995** (“the Act”), CityLink Melbourne Limited ABN 65 070 810 678 (the relevant corporation in relation to the Link road) (“CityLink Melbourne”) hereby fixes tolls which are payable in respect of the use of vehicles on toll zones on the Link road where those vehicles are the subject of a CityLink Pass for that use.

For the purposes of this Notice, the following definitions apply:

Bus is a Motor Vehicle having more than 12 seating positions (including that of the driver);

Car is a Motor Vehicle, other than a Motor Cycle, a Light Commercial Vehicle, a Heavy Commercial Vehicle or a Taxi even if such a Motor Vehicle is towing a trailer or caravan;

CityLink Pass is a 24 Hour Pass, a Tulla Pass or a Weekend Pass;

Full Link road is the road included within both the Link road and the Extension road;

Heavy Commercial Vehicle or **HCV** is a Motor Vehicle, other than a Taxi, which is:

- (a) a rigid Truck with three or more axles;
- (b) an articulated Truck;
- (c) a Bus; or
- (d) a two axle rigid Truck having a gross vehicle mass which exceeds 4.5 tonnes;

Light Commercial Vehicle or **LCV** is a Motor Vehicle, other than a Taxi, which is a two axle rigid Truck having a gross vehicle mass which exceeds 1.5 tonnes, but does not exceed 4.5 tonnes;

Motor Cycle is a two wheeled Motor Vehicle (and includes such a Motor Vehicle even if it has a trailer, fore car or side car attached) other than a Taxi;

Motor Vehicle is a vehicle which is used or intended to be used on a highway or in a public place and which has its own motive power (other than human or animal power) but does not include:

- (a) a vehicle intended to be used on a railway or tramway; or
- (b) a motorised wheel chair capable of a speed of not more than 10 kilometres per hour which is used solely for the conveyance of an injured or disabled person;

Taxi is, at any particular time, a Motor Vehicle in relation to which a commercial passenger vehicle licence (issued under the **Transport Act 1983**) then subsists, being a licence allowing for the operation of the Motor Vehicle as a Taxi-Cab (within the meaning of the **Transport Act 1983**);

the Agreement has the same meaning as in the Act;

the Integration and Facilitation Agreement has the same meaning as in the Act;

Trip is the passage of a vehicle on one or more toll zones:

- (a) uninterrupted by exit and subsequent re-entry; or
- (b) if so interrupted, consists only of travel directly between:
 - (i) that part of the Link road between Bulla Road and the West Gate Freeway; and
 - (ii) that part of the Link road between Sturt Street and Glenferrie Road;

Truck is a Motor Vehicle other than a Bus which has a cab-chassis construction and a gross vehicle mass which exceeds 1.5 tonnes;

Tulla Pass is an agreement with CityLink Melbourne for CityLink Melbourne to register a Car or Light Commercial Vehicle under Part 4 of the Act for use only on that part of the Link road being the Tullamarine Freeway Upgrade, between Bulla Road and Flemington Road including the toll zone between Moreland Road and Brunswick Road, for a fixed 24 hour period commencing at the time of the first Tulla Trip by that Car or Light Commercial Vehicle on a specified day;

Tulla Trip is the passage of a Car or Light Commercial Vehicle on that part of the Link road being the toll zone between Moreland Road and Brunswick Road;

24 Hour Pass is an agreement with CityLink Melbourne to register a vehicle (other than a Taxi) under Part 4 of the Act for use of any or all toll zones comprising the Full Link road for a fixed 24 hour period commencing at the time of the first Trip by the vehicle on a specified day;

vehicle has the same meaning as in the Act; and

Weekend Pass is an agreement with CityLink Melbourne to register a Car or Light Commercial Vehicle under Part 4 of the Act for use of any or all toll zones comprising the Full Link road for a fixed period commencing at 12.00 pm on the Friday immediately before a specified Saturday and ending at midnight on the Sunday immediately following that specified Saturday. The fact that CityLink Melbourne also registers a Car or Light Commercial Vehicle for an additional period at no extra charge does not prevent the agreement from being a Weekend Pass.

Under section 71(1)(b) of the Act and in accordance with the Agreement, the tolls listed in Table One are payable in respect of the use of vehicles on toll zones on the Link road where the vehicle is the subject of a 24 Hour Pass for that use.

Table One			
24 Hour Pass	Toll		
	Car	LCV	HCV
	\$10.30	\$16.50	\$19.55

Under section 71(1)(b) of the Act and in accordance with the Agreement, the tolls listed in Table Two are payable in respect of the use of vehicles on toll zones on the Link road where the vehicle is the subject of a Weekend Pass for that use.

Table Two		
Weekend Pass	Toll	
	Car	LCV
	\$10.30	\$16.50

Under section 71(1)(b) of the Act and in accordance with the Agreement, the tolls listed in Table Three are payable in respect of the use of Cars or Light Commercial Vehicles on the toll zone, consisting of that part of the Link road between Moreland Road and Brunswick Road, where the Car or Light Commercial Vehicle is the subject of a Tulla Pass for that use.

Table Three		
Tulla Pass	Toll	
	Car	LCV
	\$3.65	\$5.85

For the avoidance of doubt, this Notice does not set Charge Tolls or Day Tolls for the purpose of Schedule 3 (the Toll Calculation Schedule) of the Agreement or Schedule 4 (the Toll Calculation Schedule) of the Integration and Facilitation Agreement.

For the avoidance of doubt, this Notice also:

- (i) revokes or repeals; or, in the alternative
- (ii) amends –

the NOTICE UNDER SECTION 71(1) dated 7 June 2005 and published in the Victoria Government Gazette No. G 25 (pages 1318 to 1320), dated 23 June 2005 (“the Last Notice”).

This Notice takes effect on 1 October 2005, and for the avoidance of doubt, the Last Notice ceases to have effect when this Notice takes effect, and the revocation, repeal, amendment or ceasing to have effect of the Last Notice shall not:

- (a) revive anything not in force or existing at the time at which the revocation, repeal, amendment or ceasing to have effect becomes operative;
- (b) affect the previous operation of the Last Notice or anything duly done or suffered under the Last Notice;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Last Notice;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed relating (directly or indirectly) to or in respect of the Last Notice; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as is mentioned in paragraphs (c) and (d) –

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Last Notice had not been revoked or repealed or amended or had not expired, lapsed or otherwise ceased to have effect.

For the avoidance of doubt, the revocation, repeal, amendment or ceasing to have effect of the Last Notice does not in any way affect the direct amendments made in or by the Last Notice to, or the operation or effect of those amendments to, any NOTICE UNDER SECTION 71(1) published in the Victoria Government Gazette prior to the publication of the Last Notice.

Dated 13 September 2005

The common seal of
CITYLINK MELBOURNE LIMITED
is fixed to this document by:

M. A. LICCIARDO
Company Secretary
CityLink Melbourne Limited
(ABN 65 070 810 678)

P. G. B. O’SHEA
Director
CityLink Melbourne Limited
(ABN 65 070 810 678)

Melbourne City Link Act 1995

NOTICE UNDER SECTION 71(1)

Under section 71(1)(b) of the **Melbourne City Link Act 1995** ("the Act"), City Link Extension Pty Limited ABN 40 082 058 615 (the relevant corporation in relation to the Extension road) hereby fixes tolls which are payable in respect of the use of vehicles on the toll zone on the Extension road where those vehicles are the subject of a CityLink Pass for that use.

For the purposes of this Notice, the following definitions apply:

Bus is a Motor Vehicle having more than 12 seating positions (including that of the driver);

Car is a Motor Vehicle, other than a Motor Cycle, a Light Commercial Vehicle, a Heavy Commercial Vehicle or a Taxi even if such a Motor Vehicle is towing a trailer or caravan;

CityLink is CityLink Melbourne Limited ABN 65 070 810 678, the relevant corporation for the purposes of section 73C of the Act;

CityLink Pass is a 24 Hour Pass or a Weekend Pass;

Full Link road is the road included within both the Link road and the Extension road;

Heavy Commercial Vehicle or **HCV** is a Motor Vehicle, other than a Taxi, which is:

- (a) a rigid Truck with three or more axles;
- (b) an articulated Truck;
- (c) a Bus; or
- (d) a two axle rigid Truck having a gross vehicle mass which exceeds 4.5 tonnes;

Light Commercial Vehicle or **LCV** is a Motor Vehicle, other than a Taxi, which is a two axle rigid Truck having a gross vehicle mass which exceeds 1.5 tonnes, but does not exceed 4.5 tonnes;

Motor Cycle is a two wheeled Motor Vehicle (and includes such a Motor Vehicle even if it has a trailer, fore car or side car attached) other than a Taxi;

Motor Vehicle is a vehicle which is used or intended to be used on a highway or in a public place and which has its own motive power (other than human or animal power) but does not include:

- (a) a vehicle intended to be used on a railway or tramway; or
- (b) a motorised wheel chair capable of a speed of not more than 10 kilometres per hour which is used solely for the conveyance of an injured or disabled person;

Taxi is, at any particular time, a Motor Vehicle in relation to which a commercial passenger vehicle licence (issued under the **Transport Act 1983**) then subsists, being a licence allowing for the operation of the Motor Vehicle as a Taxi-Cab (within the meaning of the **Transport Act 1983**);

the Extension Agreement has the same meaning as in the Act;

the Integration and Facilitation Agreement has the same meaning as in the Act;

Trip is the passage of a vehicle on one or more toll zones:

- (a) uninterrupted by exit and subsequent re-entry; or
- (b) if so interrupted, consists only of travel directly between:
 - (i) that part of the Link road between Bulla Road and the West Gate Freeway; and
 - (ii) that part of the Link road between Sturt Street and Glenferrie Road;

Truck is a Motor Vehicle other than a Bus which has a cab-chassis construction and a gross vehicle mass which exceeds 1.5 tonnes;

24 Hour Pass is an agreement with CityLink to register a vehicle (other than a Taxi) under Part 4 of the Act for use of any or all toll zones comprising the Full Link road for a fixed 24 hour period commencing at the time of the first Trip by the vehicle on a specified day;

vehicle has the same meaning as in the Act; and

Weekend Pass is an agreement with CityLink to register a Car or Light Commercial Vehicle under Part 4 of the Act for use of any or all toll zones comprising the Full Link road for a fixed period commencing at 12.00 pm on the Friday immediately before a specified Saturday and ending at

midnight on the Sunday immediately following that specified Saturday. The fact that CityLink also registers that Car or Light Commercial Vehicle for an additional period at no extra charge does not prevent the agreement from being a Weekend Pass.

Under section 71(1)(b) of the Act and in accordance with the Extension Agreement, the tolls listed in Table One are payable in respect of the use of vehicles on the toll zone on the Extension road where the vehicle is the subject of a 24 Hour Pass for that use.

Table One			
24 Hour Pass	Toll		
	Car	LCV	HCV
	\$10.30	\$16.50	\$19.55

Under section 71(1)(b) of the Act and in accordance with the Extension Agreement, the tolls listed in Table Two are payable in respect of the use of vehicles on the toll zone on the Extension road where the vehicle is the subject of a Weekend Pass for that use.

Table Two		
Weekend Pass	Toll	
	Car	LCV
	\$10.30	\$ 16.50

For the avoidance of doubt, this Notice does not set Charge Tolls or Day Tolls for the purpose of Schedule 1 (the Toll Calculation Schedule) of the Extension Agreement or Schedule 4 (the Toll Calculation Schedule) of the Integration and Facilitation Agreement.

For the avoidance of doubt, this Notice also:

- (i) revokes or repeals; or, in the alternative
- (ii) amends –

the NOTICE UNDER SECTION 71(1) dated 7 June 2005 and published in the Victoria Government Gazette No. G 25 (pages 1321 to 1323), dated 23 June 2005 (“the Last Notice”).

This Notice takes effect on 1 October 2005, and for the avoidance of doubt, the Last Notice ceases to have effect when this Notice takes effect, and the revocation, repeal, amendment or ceasing to have effect of the Last Notice shall not:

- (a) revive anything not in force or existing at the time at which the revocation, repeal, amendment or ceasing to have effect becomes operative;
- (b) affect the previous operation of the Last Notice or anything duly done or suffered under the Last Notice;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Last Notice;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed relating (directly or indirectly) to or in respect of the Last Notice; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as is mentioned in paragraphs (c) and (d) –

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Last Notice had not been revoked or repealed or amended or had not expired, lapsed or otherwise ceased to have effect.

For the avoidance of doubt, the revocation, repeal, amendment or ceasing to have effect of the Last Notice does not in any way affect the direct amendments made in or by the Last Notice to, or the operation or effect of those amendments to, any NOTICE UNDER SECTION 71(1) published in the Victoria Government Gazette prior to the publication of the Last Notice.

Dated 13 September 2005

The common seal of
CITYLINK EXTENSION PTY LIMITED
is fixed to this document by:

M. A. LICCIARDO
Company Secretary
CityLink Extension Pty Limited
(ABN 40 082 058 615)

P. G. B. O'SHEA
Director
CityLink Extension Pty Limited
(ABN 40 082 058 615)

Melbourne City Link Act 1995

NOTICE UNDER SECTION 71(1A)

Under section 71(1A) of the **Melbourne City Link Act 1995** ("the Act"), CityLink Melbourne Limited ABN 65 070 810 678 (the relevant corporation in relation to the Link road and the Extension Road) hereby fixes Toll Administration Fees which are payable to it and specifies the circumstances in which they are payable.

For the purposes of this Notice, the following definitions apply:

Addressee means the person named on a Request for Payment or Further Request for Payment.

Extension road has the same meaning as in the Act.

Further Request for Payment means a further Request for Payment sent to an Addressee following the sending of a Request for Payment to that Addressee in relation to any or all of the Trips the subject of that Request for Payment.

Link road has the same meaning as in the Act.

Request for Payment means, in relation to a Trip or Trips, a request for payment of the tolls in respect of that Trip or Trips (as the case may be) and the Toll Administration Fee, within the meaning of section 77(1)(a) or sections 77(1)(b) and 78(1) of the Act (as the case may be).

the Agreement has the same meaning as in the Act.

the Extension Agreement has the same meaning as in the Act.

the Integration and Facilitation Agreement has the same meaning as in the Act;

Toll Administration Fee means a toll administration fee within the meaning of section 71(1A) of the Act.

Trip is the passage of a vehicle on one or more toll zones:

- (a) uninterrupted by exit and subsequent re-entry; or
- (b) if so interrupted, the interruption consists only of travel directly between:
 - (i) that part of the Link road between Bulla Road and the West Gate Freeway; and
 - (ii) that part of the Link road between Sturt Street and Glenferrie Road.

vehicle has the same meaning as in the Act.

Under section 71(1A) of the Act and in accordance with the Agreement or the Extension Agreement (as the case requires):

- (a) a Toll Administration Fee of \$10.50 is payable when a Request for Payment is sent to an Addressee; and
- (b) a Toll Administration Fee of \$20.00 is payable when a Further Request for Payment is sent to an Addressee.

This notice takes effect on the day that it is published in the Government Gazette.

This notice is also a notice for the purposes of:

- (a) schedule 3 of the Agreement;
- (b) schedule 1 of the Extension Agreement and in that capacity is given by CityLink Melbourne Limited as agent for City Link Extension Pty Limited (ABN 40 082 058 615); and
- (c) schedule 4 of the Integration and Facilitation Agreement and in that capacity is given by CityLink Melbourne Limited for itself and as agent for City Link Extension Pty Limited.

For the avoidance of doubt, this Notice also:

- (i) revokes or repeals; or, in the alternative
- (ii) amends –

the NOTICE UNDER SECTION 71(1A) dated 9 August 2005 and published in the Victoria Government Gazette No. S 146 (pages 1 to 2), dated 9 August 2005 ("the Last Notice").

This notice takes effect on 1 October 2005 and for the avoidance of doubt, the Last Notice ceases to have effect when this Notice takes effect, and the revocation, repeal, amendment or ceasing to have effect of the Last Notice shall not:

- (a) revive anything not in force or existing at the time at which the revocation, repeal, amendment or ceasing to have effect becomes operative;
- (b) affect the previous operation of the Last Notice or anything duly done or suffered under the Last Notice;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Last Notice;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed relating (directly or indirectly) to or in respect of the Last Notice; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as is mentioned in paragraphs (c) and (d) –

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Last Notice had not been revoked or repealed or amended or had not expired, lapsed or otherwise ceased to have effect.

Dated 13 September 2005

The common seal of
CITYLINK MELBOURNE LIMITED
is fixed to this document by:

M. A. LICCIARDO
Company Secretary
CityLink Melbourne Limited
(ABN 65 070 810 678)

P. G. B. O'SHEA
Director
CityLink Melbourne Limited
(ABN 65 070 810 678)

Planning and Environment Act 1987
VICTORIA PLANNING PROVISIONS

Notice of Approval of Amendment
 Amendment VC34

The Minister for Planning has approved Amendment VC34 to the Victoria Planning Provisions and all planning schemes in Victoria, except the Port of Melbourne Planning Scheme.

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

The Amendment changes the Victoria Planning Provisions (VPP) and planning schemes by:

- including a new Clause 12 in the State Planning Policy Framework (SPPF) that sets out the objectives and strategies for Metropolitan Melbourne in Melbourne 2030.
- Making other consequential changes to the SPPF, as result of introducing Clause 12, to remove superseded provisions and update references.
- Updating Clause 15.07–2 to make reference to the Requirements for Water Supplies and Access for Subdivisions in Residential 1 and 2 and Township Zones (CFA 2004).
- Amending Clauses 15.13–2 and 15.13–3 to make reference to the Alpine Resorts 2020 Strategy.
- Updating Clause 18.09–2 to make reference to the Guidelines for Environmental Management – Septic Tanks Code of Practice (EPA 2003).
- Amending Clause 19.03–2 to include safety in the list of design principles that planning and responsible authorities must have regard to and amending Clause 19.03–3 to make reference to the Safer Design Guidelines for Victoria.
- Amending Clause 19.03–3 to make reference to the Activity Centre Design Guidelines.
- Amending the green wedge zones and the Rural Conservation Zone, (Clauses 35.04–3, 35.05–3 and 35.06–03) to exclude subdivision applications resulting in minimum size lots from a requirement for a Section 173 Agreement concerning re-subdivision.
- Making Wind energy facility a discretionary use in the Rural Conservation Zone, Clause 35.06, in conformity with other zones, except on Metropolitan Green Wedge Land (Clause 57.01–1) where the current prohibition is maintained.
- Amending Clause 36.01–7 to make the advertising sign controls for railway corridors consistent with the controls applying to the adjoining land.
- Amending Clauses 43.05–3, 55 and 56 to confirm that these clauses apply to the Residential 3 Zone.
- Expanding the range of minor buildings and works that do not require a permit in the Special Building Overlay, Clause 44.05.
- Introducing exemptions from notice and review for permit applications under the following overlays:
 - Clause 44.01: Erosion Management Overlay
 - Clause 44.02: Salinity Management Overlay
 - Clause 44.03: Floodway Overlay
 - Clause 44.04: Land Subject to Inundation Overlay
 - Clause 44.05: Special Building Overlay
 - Clause 45.01: Public Acquisition Overlay
 - Clause 45.02: Airport Environs Overlay
 - Clause 45.05: Restructure Overlay.
- Clarifying the purpose, application and notice requirements of the extractive industry provisions in Clauses 52.09 and 66.05.
- Clarifying permit and notice requirements for private tennis courts in Clauses 52.21 and 66.05.
- Amending Clauses 56.03, 74 and 75 to replace the term “light rail” with “tram” and include a new definition of “Tramway”.
- Including a definition in Clause 72 for “Metropolitan Melbourne” by specifying the relevant planning schemes it comprises.
- Correcting Clause 74 to confirm that “retirement village” is included in the “accommodation” nesting.
- Including the Activity Centres and Principal Public Transport Network Plan, 2003 as an incorporated document at Clause 81.

A copy of the amendment can be inspected, free of charge, during office hours, at all municipal council offices in Victoria and at: Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne 3002; Department of Sustainability and Environment, Port Phillip Region, 30 Prospect Street, Box Hill 3128; Department of Sustainability and Environment, North East Region, 35 Sydney Road, Benalla 3672; Department of Sustainability and Environment, Gippsland Region, 71 Hotham Street, Traralgon 3844; Department of Sustainability and Environment, North West Region, 1 Taylor Street, Epsom 3551; Department of Sustainability and Environment, South West Region – Geelong, 4th Floor, State Government Offices, corner of Fenwick and Little Malop Streets, Geelong 3220; and Department of Sustainability and Environment, South West Region – Ballarat, 88 Learmonth Road, Wendouree 3355.

GENEVIEVE OVERELL
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

MELBOURNE PLANNING SCHEME

Notice of Lapsing of Amendment

Amendment C59

The Melbourne City Council has resolved to abandon Amendment C59 to the Melbourne Planning Scheme.

The Amendment proposed to change the schedule to the Business 1 Zone to require a planning permit to establish or expand a restaurant in some parts of Lygon Street and Elgin Street, Carlton; and make changes to the existing Lygon and Elgin Street Shopping Centre local policy at Clause 22.15 to provide decision making guidelines to be used to assess planning applications.

The Amendment lapsed on 24 May 2005.

GENEVIEVE OVERELL
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

GREATER GEELONG PLANNING SCHEME

Notice of Lapsing of Amendment

Amendment C77

The Greater Geelong City Council has resolved to abandon Amendment C77 to the Geelong Planning Scheme.

The Amendment proposed to rezone part of the Geelong Golf Club, north of Ballarat Road and west of Thompson Road, North Geelong from Special Use Zone to Residential 1 zone and apply a Development Plan Overlay to the site. It also proposed to apply an Environmental Audit Overlay to ensure any potential contamination of the land through the use of pesticides is adequately treated prior to use for residential purposes.

The Amendment lapsed on 13 July 2004.

GENEVIEVE OVERELL
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

ORDERS IN COUNCIL

Dangerous Goods Act 1985

ORDER UNDER SECTION 9B(1A) AND
9B(1B) DECLARING CERTAIN
DANGEROUS GOODS TO BE HIGH
CONSEQUENCE DANGEROUS GOODS
AND DECLARING LAWFUL NEEDS FOR
ACCESS TO HCDG

Order in Council

The Governor in Council, under section 9B(1A) of the **Dangerous Goods Act 1985** (the Act) and on the recommendation of the Minister for WorkCover, declares the following dangerous goods (not in solution and not a chemical or substance that is a class 1 explosive listed in Appendix 1 or 2 of chapter 9 of the Australian Code for the Transport of Explosives by Road and Rail, 2nd edition, published March 2000, as amended from time to time) to be HCDG for the purposes of the Act:

- Ammonium nitrate;
- Calcium ammonium nitrate containing more than 45 percent ammonium nitrate;
- Ammonium nitrate emulsions containing more than 45 percent ammonium nitrate (including dangerous goods identified in the Australian Dangerous Goods Code, as amended from time to time, as UN numbers 3375 and 3139);
- Ammonium nitrate mixtures containing more than 45 percent ammonium nitrate (including dangerous goods identified in the Australian Dangerous Goods Code, as amended from time to time, as UN numbers 1942, 2067, 2068, 2069, 2070, 2071 and 2072).

The Governor in Council, under section 9B(1B)(a) of the Act and on the recommendation of the Minister for WorkCover, declares that the following needs for access to the above substances will be treated as lawful needs for the purposes of an HCDG licence:

- use in commercial production processes;
- use in commercial mining processes;
- use in commercial quarrying processes;
- use in commercial agriculture by primary producers;
- manufacture of fertilizer;

- manufacture of explosives;
- educational, research and laboratory use;
- services for transportation, distribution and use of the dangerous goods.

The Governor in Council, under section 9B(1B)(b) of the Act and on the recommendation of the Minister for WorkCover, declares that the following needs for access to the above substances will not be treated as lawful needs for the purposes of an HCDG licence:

- the fertilisation of recreational facilities, such as playing fields and ovals;
- household or domestic use.

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

Dated 13 September 2005

Responsible Minister:
JOHN LENDERS MP
Minister for WorkCover

RUTH LEACH
Clerk of the Executive Council

Flora and Fauna Guarantee Act 1988

ADDING OF ITEMS TO THE LIST OF TAXA AND
COMMUNITIES OF FLORA AND FAUNA WHICH ARE THREATENED

The Lieutenant-Governor as the Governor's deputy, with the advice of the Executive Council, under section 10(1) of the **Flora and Fauna Guarantee Act 1988** adds the items listed in the Schedule to the list of taxa and communities of flora and fauna which are threatened.

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

Schedule

**ITEMS TO BE ADDED TO THE LIST OF TAXA AND
COMMUNITIES OF FLORA AND FAUNA WHICH ARE THREATENED**

Taxon	Common Name
<i>Acacia daviesii</i>	Timbertop Wattle
<i>Antipodia atralba</i>	Diamond Sand-skipper Butterfly
<i>Cardamine tryssa</i>	Dainty Bitter-cress
<i>Crinum flaccidum</i>	Murray Lily
<i>Grevillea microstegia</i>	Mt Cassell Grevillea
<i>Hibbertia humifusa</i> subsp. <i>debilis</i>	Dergholm Guinea-flower
<i>Hypocysta adiante</i>	Orange Ringlet Butterfly
<i>Lepilaena marina</i>	Sea Water-mat
<i>Pimelea pagophila</i>	Grampians Rice-flower
<i>Poa sallacustris</i>	Salt-lake Tussock-grass
<i>Prostanthera galbraithiae</i>	Wellington Mint-bush
<i>Telicota eurychlora</i>	Southern Sedge-darter Butterfly

Community

Western Basalt Plains (River Red Gum) Grassy Woodland (Floristic Community 55-04)

Dated 20 September 2005

Responsible Minister:

JOHN THWAITES

Minister for Environment

RUTH LEACH
Clerk of the Executive Council

Electricity Industry Act 2000

ORDER UNDER SECTION 7AA

Order in Council

The Lieutenant-Governor as the Governor's deputy, with the advice of the Executive Council, acting under section 7AA of the **Electricity Industry Act 2000** ("the Act") makes the following Order:

1. Objective

The objective of this Order is to declare:

- (a) a licensee to be a specified retailer; and
 - (b) classes of persons to be small retail customers,
- for the purposes of section 36A of the Act.

2. Term

This Order commences on 1 October 2005.

3. Specified Retailer

For the purposes of section 36A of the Act, a licensee is a specified retailer if the licensee is the holder of a licence to sell electricity and:

- (a) in respect of an electricity distribution area, the licensee is the local retailer; or
- (b) if the licensee is not the local retailer in respect of an electricity distribution area, the licensee has an offer to sell electricity which is generally available for acceptance by persons within a class of persons declared to be small retail customers by clause 4 of this Order.

4. Small Retail Customer

For the purposes of section 36A of the Act:

- (a) small domestic customers who take electricity from a supply point located in the same electricity distribution area and whose consumption of electricity is measured by the same meter type, each form a class of persons who are small retail customers; and
- (b) small business customers who take electricity from a supply point located in the same electricity distribution area and whose consumption of electricity is measured by the same meter type, each form a class of persons who are small retail customers.

5. Determination by the Essential Services Commission

The Essential Services Commission may make a determination as to whether a person is or is not a specified retailer or within a class of small retail customer within the meaning of this Order.

6. Definitions

In this Order:

“distribution company” means a licensee who is the holder of a licence to distribute electricity;

“electricity distribution area” means an area in which a distribution company is licensed to distribute and supply electricity;

“licensee” means the holder of a licence issued under Part 2 of the Act;

“local retailer” means:

- (a) AGL Electricity Limited (ABN 82 064 651 083) where the distribution company in relation to the electricity distribution area is AGL Electricity Limited;
- (b) Origin Energy Electricity Limited (ABN 33 071 052 287) where the distribution company in relation to the electricity distribution area is Citipower Pty (ACN 064 651 056);
- (c) TRUenergy Pty Ltd (ABN 99 086 014 968) where the distribution company in relation to the electricity distribution area is SPI Electricity Pty Ltd (ABN 91 064 651 118);
- (d) Origin Energy Electricity Limited where the distribution company in relation to the electricity distribution area is Powercor Australia Limited (ACN 064 651 109); and
- (e) AGL Victoria Pty Ltd (ABN 88 090 538 337) where the distribution company in relation to the electricity distribution area is United Energy Ltd (ACN 064 651 029).

“meter” means, in respect of a small domestic customer or small business customer, the device which measures and records the consumption of electrical energy consumed at the customer's supply point;

“**meter type**” means either:

- (a) a single rate meter;
- (b) a two rate meter (including a single rate meter and dedicated circuit meter); or
- (c) a time of use meter or other meter;

“**small business customer**” means any person:

- (a) who is not a small domestic customer; and
- (b) unless, in relation to a supply of electricity from a supply point, the person’s aggregate consumption of electricity taken from the supply point has been or, in the case of a new supply point is likely to be, more than 20 megawatt hours in any calendar year.

“**small domestic customer**” means any person:

- (a) who purchases electricity principally for personal, household or domestic use at the relevant supply point; and
- (b) unless, in relation to a supply of electricity from a supply point, the person’s aggregate consumption of electricity taken from the supply point has been or, in the case of a new supply point is likely to be, more than 20 megawatt hours in any calendar year.

“**supply point**” means the point where electricity leaves the distribution system before being supplied to the person, whether or not the electricity passes through facilities owned or operated by any other person after that point and before being so supplied.

Dated 20 September 2005

Responsible Minister:

THEO THEOPHANOUS

Minister for Energy Industries

RUTH LEACH

Clerk of the Executive Council

Gas Industry Act 2001

ORDER UNDER SECTION 7A

Order in Council

The Lieutenant-Governor as the Governor’s deputy, with the advice of the Executive Council, acting under section 7A of the **Gas Industry Act 2001** (“the Act”) makes the following Order:

1. Objective

The objective of this Order is to declare:

- (a) a licensee to be a specified gas retailer; and
 - (b) classes of persons to be small retail customers,
- for the purposes of section 43A of the Act.

2. Term

This Order commences on 1 October 2005.

3. Specified Retailer

For the purposes of section 43A of the Act, a licensee is a specified gas retailer if the licensee is the holder of a licence to sell gas by retail and the licensee has an offer to sell gas which is generally available for acceptance by persons within a class of persons declared to be small retail customers by clause 4 of this Order.

4. Small Retail Customer

For the purposes of section 43A of the Act:

- (a) small domestic customers who take gas from a supply point or ancillary supply point located in the same gas distribution area, each form a class of persons who are small retail customers; and
- (b) small business customers with a meter/regulator capacity up to 100m³, who take gas from a supply point or ancillary supply point located in the same gas distribution area, each form a class of persons who are small retail customers.

5. Determination by the Essential Services Commission

The Essential Services Commission may make a determination as to whether a person is or is not a specified gas retailer or within a class of small retail customer within the meaning of this Order.

6. Definitions

In this Order:

“ancillary supply point” has the meaning given in the **Gas Industry (Residual Provisions) Act 1994**;

“distribution company” means a licensee who is the holder of a licence to distribute gas;

“gas distribution area” means an area in which a distribution company is licensed to distribute gas;

“licensee” means the holder of a licence issued under Part 3 of the Act;

“new supply point or ancillary supply point” means a supply point or ancillary supply point which is to be used for the first time or an existing supply point or ancillary supply point to be used to supply a new customer from that supply point or ancillary supply point;

“small business customer” means any person:

- (a) who is not a small domestic customer; and
- (b) unless, in relation to a supply of gas from a supply point or ancillary supply point, the person’s aggregate consumption of gas taken from the supply point or ancillary supply point has been or, in the case of a new supply point or ancillary supply point is likely to be, more than 150 gigajoules in any calendar year.

“small domestic customer” means any person:

- (a) who purchases gas principally for personal, household or domestic use at the relevant supply point; and
- (b) unless, in relation to a supply of gas from a supply point or ancillary supply point, the person’s aggregate consumption of gas taken from the supply point or ancillary supply point has been or, in the case of a new supply point or ancillary supply point is likely to be, more than 150 gigajoules in any calendar year.

“supply point” has the meaning given in the **Gas Industry (Residual Provisions) Act 1994**.

Dated 20 September 2005

Responsible Minister:

THEO THEOPHANOUS

Minister for Energy Industries

RUTH LEACH
Clerk of the Executive Council

Electricity Industry Act 2000
TEMPORARY LICENCE EXEMPTION – PENTRIDGE PIAZZA
Order in Council

The Lieutenant-Governor as the Governor's deputy, with the advice of the Executive Council under section 17 of the **Electricity Industry Act 2000** ("the Act") makes the following Order:

1. In this Order:
 - "ESC" means the Essential Services Commission.
 - "General Exemption Order" means the order under section 17 of the Act published in Government Gazette S73 on 1 May 2002, as amended from time to time.
 - "Occupier at Pentridge Piazza" means:
 - a) A person who is the registered proprietor of a lot on plan of subdivision no. PS501198H and includes his or her legal personal representatives, successors and assigns and, in the case of joint tenants or tenants in common, includes each of them and the legal personal representatives, successors and assigns of each of them; or
 - b) A person who is a lessee or tenant of such a lot or part of such a lot.
 - "Pentridge Piazza" means the Pentridge Piazza development in Coburg located on the site of the former Pentridge Prison.
 - "PPPPL" means Pentridge Piazza Power Pty Ltd (ACN 114 062 190) and includes its administrators, successors, liquidators and assigns.
2. This Order comes into effect on the day on which it is published in the Government Gazette and continues in effect for one year, unless sooner revoked.
3. PPPPL is exempt from the requirement under section 16 of the Act to obtain a licence for the distribution, supply and sale of electricity to a person who is an occupier at Pentridge Piazza.
4. This exemption is subject to the following conditions:
 - a. PPPPL must comply with the conditions and limitations in respect of distribution or supply of electricity and in respect of sale of electricity set out in sections 2 and 3 of Part A of the Schedule to the General Exemption Order in all respects as if the occupiers were long term residents within the meaning of that Order.
 - b. Despite paragraph (a), PPPPL is not required to comply with a provision of the Retail Code within the meaning of the General Exemption Order if the ESC has in writing advised PPPPL that compliance with that provision is not required.
 - c. PPPPL must comply with any directions from time to time issued to it by the ESC and must resolve any concerns raised with it by the ESC to the ESC's satisfaction.
 - d. PPPPL must provide, whether or not through an agent, to the Minister or the ESC any information requested by the Minister or the ESC respectively that either may from time to time require for the reasonable administration of this Order.
 - e. Without limiting paragraph (d), PPPPL must give written notice to the ESC of any material change of circumstance relating to the activities to which this Order applies and must do so before the change takes effect or, if this is not possible, as soon as is reasonably practicable afterwards.
 - f. In the case of sale of a lot at Pentridge Piazza, as soon as possible after PPPPL becomes aware of the sale, PPPPL must give written notice to the purchaser of the following:
 - i. that PPPPL is the distributor and supplier of electricity to the lot and that concerns about supply should be raised with PPPPL;

- ii. that an occupier may choose to purchase electricity from a licensed retailer of his or her choice; and
- iii. that, unless an occupier enters into an agreement to purchase electricity from a licensed retailer, PPPPL is the seller of electricity to the occupier and concerns about purchase of electricity should be raised with PPPPL.
- g. In the case of a lease or tenancy of a lot or part of a lot at the Pentridge Piazza, as soon as possible after PPPPL becomes aware of the lease or tenancy being entered into, PPPPL must give written notice to the lessee or tenant of the following:
 - i. that PPPPL is the distributor and supplier of electricity to the lot and that concerns about supply should be raised with PPPPL;
 - ii. that an occupier may choose to purchase electricity from a licensed retailer of his or her choice; and
 - iii. that, unless an occupier enters into an agreement to purchase electricity from a licensed retailer, PPPPL is the seller of electricity to the occupier and concerns about purchase of electricity should be raised with PPPPL.
- h. That, as soon as is reasonably practicable after it becomes aware of any issues regarding the quality or reliability of supply of electricity to its supply point, PPPPL must raise those issues with the network provider or retailer.
- i. That, as soon as is reasonably practicable after it becomes aware that any person who resides at Pentridge Piazza has a life support system, oxygen concentrator or haemodialysis machine or may otherwise be adversely affected by interruptions to electricity supply, PPPPL must give written notice to the network provider accordingly.

Dated 20 September 2005

Responsible Minister:
THEO THEOPHANOUS
Minister for Energy Industries

RUTH LEACH
Clerk of the Executive Council

Gas Industry Act 2001

TEMPORARY LICENCE EXEMPTION – PENTRIDGE PIAZZA

Order in Council

The Lieutenant-Governor as the Governor's deputy, with the advice of the Executive Council under section 24 of the **Gas Industry Act 2001** (the "Act") makes the following Order:

1. In this Order:
 - "Energy Retail Code" means the Energy Retail Code from time to time approved by the ESC.
 - "ESC" means the Essential Services Commission.
 - "Occupier at Pentridge Piazza" means:
 - a) A person who is the registered proprietor of a lot on plan of subdivision no. PS501198H and includes his or her legal personal representatives, successors and assigns and, in the case of joint tenants or tenants in common, includes each of them and the legal personal representatives, successors and assigns of each of them; or
 - b) A person who is a lessee or tenant of such a lot or part of such a lot.
 - "Pentridge Piazza" means the Pentridge Piazza development in Coburg located on the site of the former Pentridge Prison.

“PPPPL” means Pentridge Piazza Power Pty Ltd (ACN 114 062 190) and includes its administrators, successors, liquidators and assigns.

“Victorian Gas Distribution System Code” means the Victorian Gas Distribution System Code from time to time approved by the ESC.

2. This Order comes into effect on the day on which it is published in the Government Gazette and continues in effect for one year, unless sooner revoked.
3. PPPPL is exempt from the requirement under section 24 of the Act to obtain a licence for the provision of services by means of a distribution pipeline, and the sale of gas by retail, either as principal or agent, to a person who is an occupier at Pentridge Piazza.
4. This exemption is subject to the following conditions:
 - a. PPPPL must observe all applicable provisions of the Victorian Gas Distribution System Code and the Energy Retail Code as if PPPPL was a licensed natural gas distributor and retailer;
 - b. Despite paragraph (a), PPPPL is not required to comply with a provision of the Retail Code if the ESC has in writing advised PPPPL that compliance with that provision is not required.
 - c. PPPPL must not set the price or range of prices at which natural gas and related services may be supplied and sold to an occupier at a higher rate than the tariff that would apply to the occupier, if the occupier purchased the gas and related services pursuant to an offer made under section 42 of the Act;
 - d. In the event of a dispute concerning the provision of services by means of a distribution pipeline or the sale of gas by retail to a resident of the precinct, and in the absence of any determination of the Victorian Civil and Administrative Tribunal (the “Tribunal”), PPPPL must:
 - i. make reasonable endeavours to resolve the dispute;
 - ii. advise the person to whom the gas is distributed, supplied or sold, of his or her right to have a matter heard by the Tribunal; and
 - iii. continue to distribute, supply or sell gas to that person.
 - e. PPPPL must comply with any directions from time to time issued to it by the ESC and must resolve any concerns raised with it by the ESC to the ESC’s satisfaction.
 - f. PPPPL must provide, whether or not through an agent, to the Minister or the ESC any information requested by the Minister or the ESC respectively, that either may from time to time require for the reasonable administration of this Order.
 - g. Without limiting paragraph (f), PPPPL must give written notice to the ESC of any material change of circumstance relating to the activities to which this Order applies and must do so before the change takes effect or, if this is not possible, as soon as is reasonably practicable afterwards.
 - h. In the case of sale of a lot at Pentridge Piazza, as soon as possible after PPPPL becomes aware of the sale, PPPPL must give written notice to the purchaser of the following:
 - i. that PPPPL is the distributor and supplier of gas to the lot and that concerns about supply should be raised with PPPPL;
 - ii. that an occupier may choose to purchase gas from a licensed retailer of his or her choice; and
 - iii. that, unless an occupier enters into an agreement to purchase gas from a licensed retailer, PPPPL is the seller of gas to the occupier and concerns about purchase of gas should be raised with PPPPL.

- i. In the case of a lease or tenancy of a lot or part of a lot at the Pentridge Piazza, as soon as possible after PPPPL becomes aware of the lease or tenancy being entered into, PPPPL must give written notice to the lessee or tenant of the following:
 - i. that PPPPL is the distributor and supplier of gas to the lot and that concerns about supply should be raised with PPPPL;
 - ii. that an occupier may choose to purchase gas from a licensed retailer of his or her choice; and
 - iii. that, unless an occupier enters into an agreement to purchase gas from a licensed retailer, PPPPL is the seller of gas to the occupier and concerns about purchase of gas should be raised with PPPPL.
- j. That, as soon as is reasonably practicable after it becomes aware of any issues regarding the quality or reliability of supply of gas to its supply point, PPPPL must raise those issues with the network provider or retailer.
- k. That, as soon as is reasonably practicable after it becomes aware that any person who resides at Pentridge Piazza has a life support system, oxygen concentrator or haemodialysis machine or may otherwise be adversely affected by interruptions to gas supply, PPPPL must give written notice to the network provider accordingly.

Dated 20 September 2005

Responsible Minister:

THEO THEOPHANOUS

Minister for Energy Industries

RUTH LEACH
Clerk of the Executive Council

Parliamentary Committees Act 2003

LAW REFORM
 COMMITTEE OF PARLIAMENT
 INQUIRY INTO
 COUNTY COURT APPEALS
 REFERRAL OF TERMS OF REFERENCE
 Order in Council

The Lieutenant-Governor as the Governor's deputy, with the advice of the Executive Council under section 33 of the **Parliamentary Committees Act 2003** refers Terms of Reference requiring the Law Reform Committee of Parliament to inquire into County Court Appeals and report to Parliament by 31 March 2006.

The Terms of Reference are attached.

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

Dated 20 September 2005

Responsible Minister:
 HON JOHN THWAITES MP
 Acting Premier

RUTH LEACH
 Clerk of the Executive Council

LAW REFORM
 COMMITTEE OF PARLIAMENT
 TERMS OF REFERENCE
 INQUIRY INTO
 COUNTY COURT APPEALS

To inquire into and report to Parliament on County Court Appeals with a particular regard to the following:

1. the historical justifications for appeals from the Magistrate's Court to the County Court being heard de novo and whether such justifications continue to exist;
2. the effects of the 1999 changes to County Court Appeals and the extent to which the procedures are applied in practice;
3. the desirability or otherwise of any change having regard to any changes to the seriousness of offences heard by the Magistrates Court;
4. the effect on the number of appeals should the current rights of appeal be changed;
5. if that number would be reduced, the savings to the County Court which would follow;

6. whether any proposed change would affect the way in which hearings in the Magistrates Court are conducted;
7. if so, whether any anticipated gains in the County Court from the proposed change would be outweighed by additional costs in the Magistrates Court;
8. in general, how the Magistrates Court and the County Court operate as one system, and what if any changes to that system will produce the best outcomes for the justice system.

This will be with a view to making recommendations on whether appeals from the Magistrate's Court to the County Court should continue to be hearings de novo, or whether they should be heard in some other way, and if so, what.

The Committee is to make its final report to Parliament no later than 31 March 2006.

Parliamentary Committees Act 2003

LAW REFORM
 COMMITTEE OF PARLIAMENT
 INQUIRY INTO THE LAW OF
 CONTEMPT OF COURT
 REFERRAL OF TERMS OF REFERENCE
 Order in Council

The Lieutenant-Governor as the Governor's deputy, with the advice of the Executive Council under section 33 of the **Parliamentary Committees Act 2003** refers Terms of Reference requiring the Law Reform Committee of Parliament to inquire into the law of Contempt of Court and report to Parliament by the last sitting day of Spring 2006.

The Terms of Reference are attached.

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

Dated 20 September 2005

Responsible Minister:
 HON JOHN THWAITES MP
 Acting Premier

RUTH LEACH
 Clerk of the Executive Council

**LAW REFORM
COMMITTEE OF PARLIAMENT
TERMS OF REFERENCE
INQUIRY INTO THE LAW OF
CONTEMPT OF COURT**

To inquire into and report to Parliament on the law of Contempt of Court with a particular regard to the following:

1. what are the aims of the law of Contempt of Court;
2. what conduct amounts, under the existing law, to Contempt of Court;
3. what are the features of the law of Contempt of Court which distinguish it from other laws;
4. where such features exist, is there a clear justification for them;
5. are the principles of the law of Contempt of Court sufficiently certain, or can criticism justifiably be made that they are inappropriately vague;
6. are the procedures currently adopted in relation to allegations of Contempt of Court fair, and do they comply with internationally recognised standards of fairness for such proceedings;
7. are the provisions of the law of Contempt of Court effective in achieving their ostensible aims.

This will be with a view to making recommendations on whether the existing law of Contempt of Court is adequate or whether any reform is required, and if so, what.

The Committee is to make its final report to Parliament no later than the last sitting day of Spring 2006.

Committees Act 2003 amends the Terms of Reference issued on 1 February 2005 requiring the Economic Development Committee of Parliament to inquire into the Viability of the Thoroughbred/Standardbred Breeding Industries and report to Parliament by 30 September 2005, by substituting for the date of 30 September 2005 a reporting date of 31 March 2006.

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

Dated 20 September 2005

Responsible Minister:
STEVE BRACKS
Premier

RUTH LEACH
Clerk of the Executive Council

Parliamentary Committees Act 2003
ECONOMIC DEVELOPMENT COMMITTEE
OF PARLIAMENT
INQUIRY INTO THE VIABILITY OF THE
THOROUGHbred/STANDARDbred
BREEDING INDUSTRIES
AMENDMENT OF TERMS OF REFERENCE

Order in Council

The Lieutenant-Governor as the Governor's deputy, with the advice of the Executive Council under section 33 of the **Parliamentary**

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

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

- | | |
|---|--|
| <p>107. <i>Statutory Rule:</i> County Court (Chapter I Amendment No. 16) Rules 2005</p> <p><i>Authorising Act:</i> County Court Act 1958</p> <p><i>Date of making:</i> 15 September 2005</p> | <p>113. <i>Statutory Rule:</i> Health Services (Private Hospitals and Day Procedure Centres) (Fees) Regulations 2005</p> <p><i>Authorising Act:</i> Health Services Act 1988</p> <p><i>Date of making:</i> 20 September 2005</p> |
| <p>108. <i>Statutory Rule:</i> Estate Agents (General, Accounts and Audit) (Amendment) Regulations 2005</p> <p><i>Authorising Act:</i> Estate Agents Act 1980</p> <p><i>Date of making:</i> 20 September 2005</p> | <p>114. <i>Statutory Rule:</i> Health (Medical Radiation Technologists) (Fees) Regulations 2005</p> <p><i>Authorising Act:</i> Health Act 1958</p> <p><i>Date of making:</i> 20 September 2005</p> |
| <p>109. <i>Statutory Rule:</i> Residential Tenancies (Amendment) Regulations 2005</p> <p><i>Authorising Act:</i> Residential Tenancies Act 1997</p> <p><i>Date of making:</i> 20 September 2005</p> | <p>115. <i>Statutory Rule:</i> Health (Pest Control) (Fees) Regulations 2005</p> <p><i>Authorising Act:</i> Health Act 1958</p> <p><i>Date of making:</i> 20 September 2005</p> |
| <p>110. <i>Statutory Rule:</i> Victorian Institute of Teaching (Elections) (Amendment) Regulations 2005</p> <p><i>Authorising Act:</i> Victorian Institute of Teaching Act 2001</p> <p><i>Date of making:</i> 20 September 2005</p> | <p>116. <i>Statutory Rule:</i> Health (Radiation Safety) (Fees) Regulations 2005</p> <p><i>Authorising Act:</i> Health Act 1958</p> <p><i>Date of making:</i> 20 September 2005</p> |
| <p>111. <i>Statutory Rule:</i> Mental Health (Fees) Regulations 2005</p> <p><i>Authorising Act:</i> Mental Health Act 1986</p> <p><i>Date of making:</i> 20 September 2005</p> | <p>117. <i>Statutory Rule:</i> Drugs, Poisons and Controlled Substances (Fees) Regulations 2005</p> <p><i>Authorising Act:</i> Drugs, Poisons and Controlled Substances Act 1981</p> <p><i>Date of making:</i> 20 September 2005</p> |
| <p>112. <i>Statutory Rule:</i> Health Services (Supported Residential Services) (Fees) Regulations 2005</p> <p><i>Authorising Act:</i> Health Services Act 1988</p> <p><i>Date of making:</i> 20 September 2005</p> | <p>118. <i>Statutory Rule:</i> Tobacco (Grands Prix Events) Regulations 2005</p> <p><i>Authorising Act:</i> Tobacco Act 1987</p> <p><i>Date of making:</i> 20 September 2005</p> |

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