



# Victoria Government Gazette

By Authority of Victorian Government Printer

**No. G 24 Thursday 12 June 2008**

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**GENERAL**

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**Advertisers Please Note**

As from 12 June 2008

The last Special Gazette was No. 151 dated 10 June 2008.

The last Periodical Gazette was No. 2 dated 26 October 2007.

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**VICTORIA GOVERNMENT GAZETTE**

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JENNY NOAKES  
Government Gazette Officer

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## PRIVATE ADVERTISEMENTS

### DISSOLUTION OF PARTNERSHIP

Notice is hereby given that the partnership between Justin Noel Perry and Jason Andrew Bratuskins and known as the Anglesea Pharmacy Partnership was dissolved on 1 May 2008.

CLARENDON LAWYERS, solicitors,  
Level 17, North Rialto Tower, 525 Collins Street,  
Melbourne 3000.

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Re: Estate of DONATO CARATTI,  
deceased.

Creditors, next-of-kin and others having claims in respect of the estate of DONATO CARATTI, late of 182 Highbury Road, Mount Waverley, in the State of Victoria, driver, who died on 27 November 2007, are required by Donald John Caratti and Stephen Gregory Caratti, the executors of the Will of the deceased, to send particulars of their claim to Andrew McMullan & Co., solicitors, 64–66 Kingsway, Glen Waverley, in the said State, solicitors for the executors of the said estate, within 90 days from the date of this advertisement, after which time the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

ANDREW McMULLAN & CO., solicitors,  
64 Kingsway, Glen Waverley, Victoria 3150.

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RISTO MITRESKI, in the Will called Risto Mitrevski, late of 46 Sherwood Drive, Thomastown, in the State of Victoria, boner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 September 2007, are required by the executrix, Velika Mitreski, in the Will called Velika Mitrevski, care of Arthur J. Dines & Co., solicitors, 2A Highlands Road, Thomastown, in the said State, to send particulars to her by 13 August 2008, after which date the executrix may convey or distribute the assets, having regards only to claims to which she has notice.

Dated 3 June 2008

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

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Re: Estate KATHLEEN JULIE BRERETON,  
deceased.

In the estate of KATHLEEN JULIE BRERETON of Cohuna Nursing Home, King George Street, Cohuna, in the State of Victoria, widow, deceased. Creditors, next-of-kin and all other persons having claims against the estate of the said deceased are required by Valmai Lorraine Cross, the executor of the Will of the said deceased, to send particulars of such claims to her, in care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date she will distribute the assets, having regard only to the claims of which she then has notice.

BASILE & CO. PTY LTD, legal practitioners,  
46 Wellington Street, Kerang, Victoria 3579.

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Re: Estate RONALD JAMES DUNN,  
deceased.

In the estate of RONALD JAMES DUNN of Cohuna Retirement Village, 38 Augustine Street, Cohuna, in the State of Victoria, retired, deceased. Creditors, next-of-kin and all other persons having claims against the estate of the said deceased, are required by Pauline Emily Osbrough, in the Will called Pauline Emily Osbrough, and Ronald Arthur Dunn, the executors of the Will of the said deceased, to send particulars of such claims to them, in care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date they will distribute the assets, having regard only to the claims of which they then have notice.

BASILE & CO. PTY LTD, legal practitioners,  
46 Wellington Street, Kerang, Victoria 3579.

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Re: Estate JAMES GREENWOOD  
WESTLAND, deceased.

In the estate of JAMES GREENWOOD WESTLAND of 1/45 Scoresby Street, Kerang, in the State of Victoria, retired, deceased. Creditors, next-of-kin and all other persons having claims against the estate of the said deceased are required by Kelvin Maurice Jeffery and Julie Anne Westland, in the Will called Anne Westland, the executors of the Will of the said deceased, to send particulars of such claims to them, in care of the undermentioned solicitors

within two months from the date of publication of this notice, after which date they will distribute the assets, having regard only to the claims of which they then have notice.

BASILE & CO. PTY LTD, legal practitioners,  
46 Wellington Street, Kerang, Victoria 3579.

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Re: KEVIN PETER BLAKE, late of 1/171 Lower Heidelberg Road, Ivanhoe East, retired.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 4 April 2008, are required by the executors, Ross McKenzie Robson and Christopher Tucker, to send particulars of their claim to the executors, care of the undermentioned solicitors, by 12 August 2008, after which date the said executors may distribute the assets, having regard only to the claims of which they then have notice.

COLLINS HOUSE LEGAL, solicitors,  
Level 34, 360 Collins Street, Melbourne 3000.

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Re: ANNUNZIATA LA TORRE, late of 114 Stewart Street, Brunswick, Victoria, retired machinist, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 April 2007, are required by the trustee, Francesco La Torre, to send particulars to the trustee, care of the undermentioned solicitors, within sixty days from the publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

DE MARCO LAWYERS, solicitors,  
794A Pascoe Vale Road, Glenroy 3046.

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Re: MARIA SCALISE, late of 6 Wheatshaf Road, Glenroy, Victoria, secretary, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 5 March 2008, are required by the trustee, Annunziata Scalise, to send particulars to the trustee, care of the undermentioned solicitors, within sixty days from the publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

DE MARCO LAWYERS, solicitors,  
794A Pascoe Vale Road, Glenroy 3046.

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Re: Estate of MARGARET RANDALL DAVIES, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of MARGARET RANDALL DAVIES, late of 75 Splatt Street, Swan Hill, in the State of Victoria, secretary, deceased, who died on 20 March 2008, are to send particulars of their claim to the executor, care of the undermentioned legal practitioners, by 23 August 2008, after which the executor will distribute the assets, having regard only to the claims of which he then has notice.

DWYER MAHON & ROBERTSON,  
legal practitioners,  
Beveridge Dome, 194–208 Beveridge Street,  
Swan Hill 3585.

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MADELEINE HELEN HOLMES, late of 260 Kooyong Road, Caulfield, clerical worker, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 February 2008, are required by the trustee, care of Harris & Chambers Lawyers of 338 Charman Road, Cheltenham 3192, to send particulars to them by 13 August 2008, 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.

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LOUISE BERKELEY KIDMAN, late of Unit 173, 130 McLeod Road, Patterson Lakes, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 April 2008, are required by the trustees, care of Harris & Chambers Lawyers of 338 Charman Road, Cheltenham 3192, to send particulars to them by 13 August 2008, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees then have notice.

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

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VALERIE ELIZABETH MASSEY, late of 209 Bay Street, Brighton, nurse, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 August 2007, are required by the trustee, care of Harris & Chambers Lawyers of 338 Charman Road, Cheltenham 3192, to send particulars to them by 13 August 2008, 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.

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MELVILLE ELLEN MEALY, late of 34 Pyingerra Crescent, Cheltenham, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 April 2008, are required by the trustees, care of Harris & Chambers Lawyers of 338 Charman Road, Cheltenham 3192, to send particulars to them by 13 August 2008, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees then have notice.

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

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MADGE NUNN, late of 43–45 Herbert Street, Parkdale, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 April 2008, are required by the trustees, care of Harris & Chambers Lawyers of 338 Charman Road, Cheltenham 3192, to send particulars to them by 13 August 2008, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees then have notice.

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

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Creditors, next-of-kin and others having claims against the estate of EDNA ALICE COOK, late of Betheden Nursing Home, 1 Wahgoo Road, Murrumbena, Victoria, who died on 3 March 2008, are required by the executor, Equity Trustees Limited, ACN 004 031 298, of Level 2, 575 Bourke Street, Melbourne, to send detailed particulars of their claims to the said

executor, care of Hassall & Byrne, solicitors of 216 Charman Road, Cheltenham 3192, by 12 August 2008, after which date it will proceed to distribute the said estate, having regard only to the claims of which it then has notice.

HASSALL & BYRNE, solicitors,  
216 Charman Road, Cheltenham 3192.

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Creditors, next-of-kin and others having claims in respect of the estate of Ronald Colin Yeates, late of 46 Stocks Road, Mount Waverley, in the State of Victoria, widower, deceased, who died on 17 November 2007, are required by the personal representative of the deceased, Janette Mary Yeates, to send particulars to her, care of the undermentioned solicitors, by 12 August 2008, after which date she will distribute the assets, having regard only to the claims of which she then has notice.

HWL EBSWORTH, solicitors,  
Level 41, 600 Bourke Street, Melbourne 3000.  
(RF 95605)

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Creditors, next-of-kin and others having claim in respect of the estate of HEINZ GUNTHER GRADTKE, late of 38 MacGregor Street, East Malvern, gentleman, deceased, who died on 3 December 2007, are to send particulars of their claim to the executors of the estate, Eric Charles Tarkse and Cheryl Lorraine Tarkse, care of the undersigned, by 11 August 2008, after which date they will distribute the assets of the estate, having regard only to the claims of which they then have notice.

LOBB & KERR, solicitors,  
262 Stephenson's Road, Mount Waverley 3149.

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Re: HELEN ALICE GIBSON, late of Knoxville Residential Aged Care Services, 428 Scoresby Road, Knoxfield, Victoria, but formerly of "Meringo", 20 Mount Morton Road, Belgrave South, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 September 2007, are required by the trustee, Susan Buchanan, to send particulars to her solicitors at the address below, by 15 August 2008, 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, lawyers,  
315 Ferntree Gully Road,  
Mount Waverley 3149.

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Re: CLARICE JEAN GRIBBLE, late of Broughtonlea Nursing Home, 9–17 Broughton Road, Surrey Hills, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 September 2007, are required by the trustee, Geoffrey Arthur Park of Level 11, 575 Bourke Street, Melbourne, Victoria, solicitor, to send particulars to the trustee, care of the undermentioned solicitors, by 13 August 2008, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

McKEAN PARK, lawyers,  
Level 11, 575 Bourke Street, Melbourne 3000.

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Re: AUDREY DOROTHY HENSTRIDGE, late of Salford Park Retirement Village, 100 Harold Street, Wantirna, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 May 2008, are required by the trustee, Geoffrey Arthur Park of Level 11, 575 Bourke Street, Melbourne, Victoria, solicitor, to send particulars to the trustee, care of the undermentioned solicitors, by 15 August 2008, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

McKEAN PARK, lawyers,  
Level 11, 575 Bourke Street, Melbourne 3000.

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RONALD BARRY EVANS, late of 11/131 Hotham Street, East Melbourne, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 9 March 2007, are required by the trustees, Andrea Nan Evans and Ian Russell Davis, care of Minter Ellison of 525 Collins Street, Melbourne, to send particulars to them by 15 August 2008, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

MINTER ELLISON, lawyers,  
525 Collins Street, Melbourne 3000.  
Tel: 8608 2000,  
Ref: DAB LTH IRD 30–5490059

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Re: CHARLES ASHBY BARNETT, late of 18 Mill Street, Toora, Victoria, gentleman, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 December 2007, are required by the trustees, Charles Peter Mitchell, gentleman, brother-in-law, and Elizabeth Margaret Mitchell, home duties, sister-in-law, to send particulars to the trustees, care of Oakleys White, solicitors, of 65 Main Street, Foster 3960, by 15 August 2008, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

OAKLEYS WHITE, lawyers,  
65 Main Street, Foster 3960.

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Re: MARGARET LLOYD CONNELL, late of 2065 Portarlington Road, Drysdale 3222, but formerly of 34 Tanti Avenue, Mornington 3931, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 30 March 2008, are required by the trustee, Raewyn Connell, in the Will called Robert William Connell, to send particulars of such claims to him, in care of the undermentioned solicitors, by 11 August 2008, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

ROBERTS BECKWITH PARTNERS, lawyers,  
16 Blamey Place, Mornington 3931.

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Re: HERBERT WILLIAM LEYSHON MILBURN, late of 1 Britain Street, Eaglehawk, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 22 August 2007, are required by the trustee, Timothy Afric Rogers, to send particulars to him, care of the undermentioned solicitors, by 14 August 2008, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

ROGERS & EVERY, solicitors,  
71 Bull Street, Bendigo 3550.

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Re: JOAN HYDE DAVIES, late of Deloraine Nursing Home, 18 Adeline Street, Greensborough, Victoria, home duties, deceased.

Creditors, next-of-kin and all other persons having claims against the estate of the said deceased are required by Rosemary Joan Isaac and John William Davies, the executors of the estate of the said deceased, to send particulars of such claims to them, care of the undermentioned solicitors, by the date being two calendar months from the date of this advertisement, after which date they will distribute the estate, having regard only to the claims of which they then have notice.

RYAN, MACKEY & McCLELLAND, solicitors,  
65 Main Street, Greensborough 3088.

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Re: LUCY RAFFERTY, late of Kingston Gardens Aged Care, 201 Clarke Road, Springvale South, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 March 2008, are required by the executor, Brian John Cuthbert, to send particulars to him, care of the undermentioned solicitors, by 18 August 2008, after which date the executor may convey and distribute the assets, having regard only to the claims of which he then has notice.

TRAGEAR & ASSOCIATES PTY, solicitors,  
1/23 Melrose Street, Sandringham 3191.

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Re: INGRID GWENDOLINE WHITEHEAD, late of 26 Dalsten Grove, Mount Eliza, Victoria, retired social worker, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 October 2007, are required by the trustees, William McKenzie Cleland and Malcolm James Russell Taylor, both care of the undermentioned solicitors, to send particulars to the trustees by 12 August 2008, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees then have notice.

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

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Re: RUTH CONSTANCE MASON, late of 20 Rusden Street, Brighton, Victoria, retired, deceased.

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased, who died on 20 January 2008, are required by the executors, Brian Rex Lowe and Caroline Louise Lowe, to send particulars to them, care of Wisewoulds of 419–425 Collins Street, Melbourne, by 15 August 2008, 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,  
419–425 Collins Street, Melbourne 3000.

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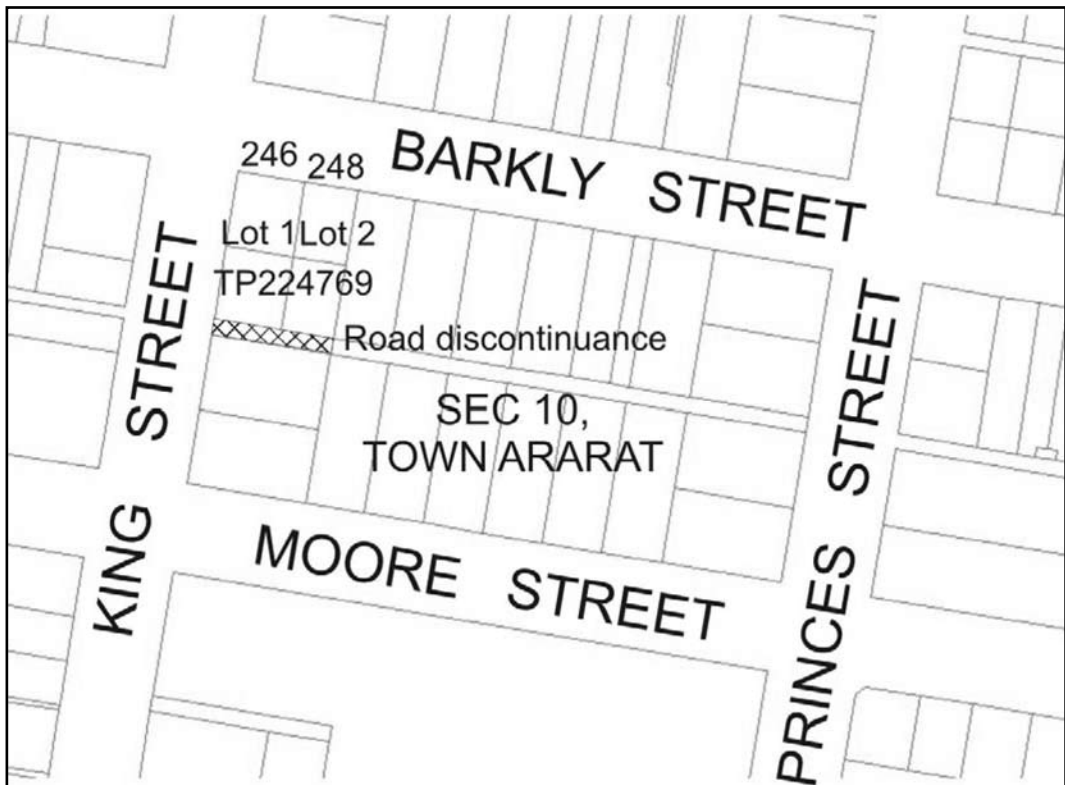


**GOVERNMENT AND OUTER BUDGET  
SECTOR AGENCIES NOTICES**



Ararat Rural City  
Road Discontinuance

At the Council meeting held 20 May 2008, acting under section 206 and schedule 10, clause 3 of the **Local Government Act 1989**, the Ararat Rural City Council formed the opinion that the road shown hatched on the plan below located to the south of Lots 1–2, TP224769, Town of Ararat (246–248 Barkly Street), is not reasonably required as a road for public use and resolved to discontinue the road.



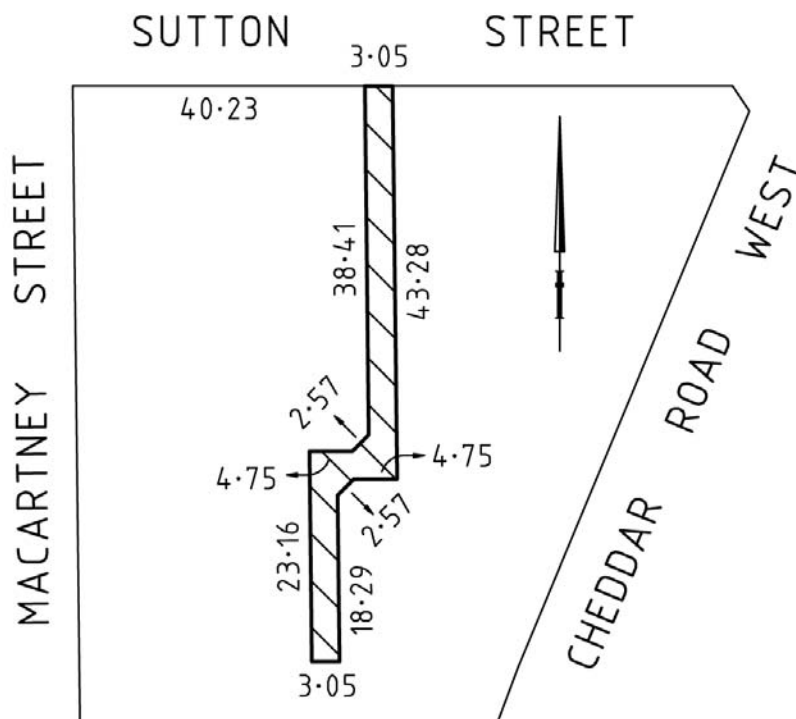
STEPHEN CHAPPLE  
Chief Executive Officer

## DAREBIN CITY COUNCIL

## Road Discontinuance

Pursuant to section 206 and schedule 10, clause 3 of the **Local Government Act 1989**, the Darebin City Council at its ordinary meeting held on 2 June 2008, formed the opinion that the road at the rear of 7A to 11A Cheddar Road West and 8 to 12 Macartney Street, Reservoir, 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.

The road is to be sold subject to the right, power or interest held by Darebin City Council and Yarra Valley Water Limited in the road in connection with any sewers, drains or pipes under the control of those authorities in or near the road.



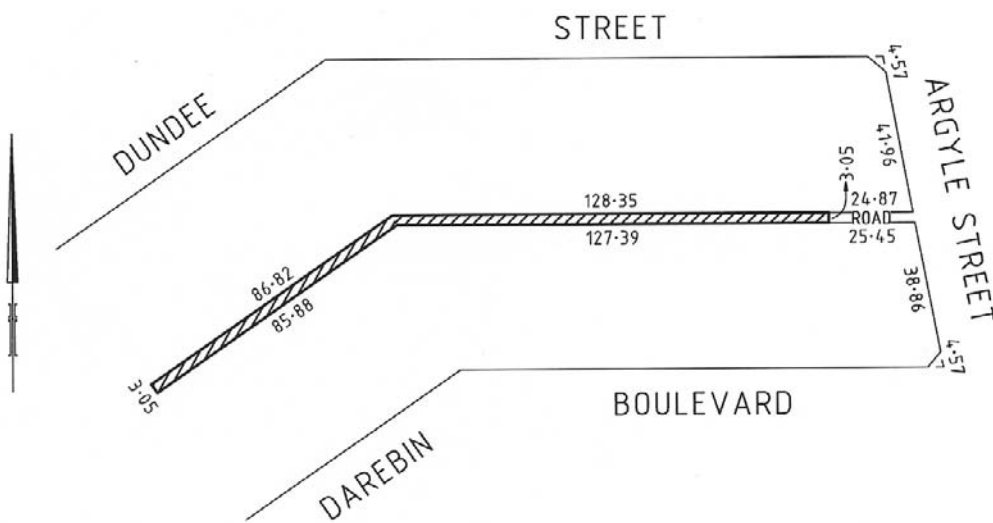
MICHAEL ULBRICK  
Chief Executive Officer

## DAREBIN CITY COUNCIL

## Road Discontinuance

Pursuant to section 206 and schedule 10, clause 3 of the **Local Government Act 1989**, the Darebin City Council at its ordinary meeting held on 2 June 2008, formed the opinion that the road at the rear of 40 to 64 Dundee Street and 27 to 45 Darebin Boulevard, Reservoir, 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.

The road 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.



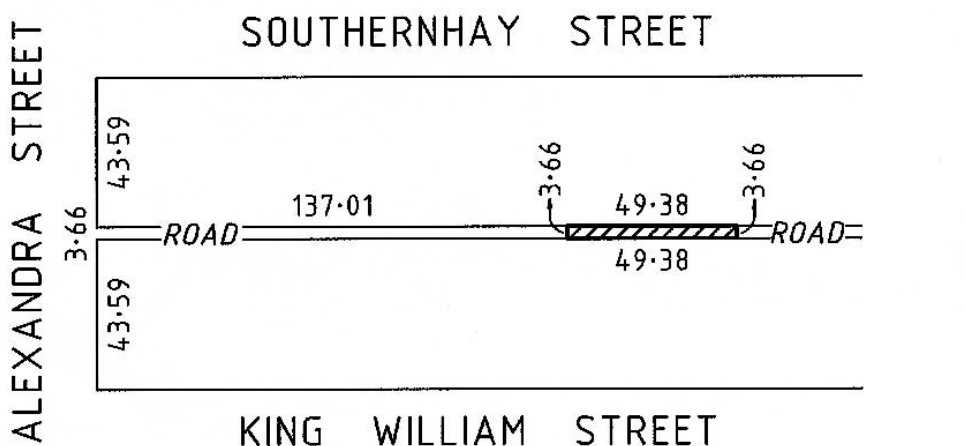
MICHAEL ULBRICK  
Chief Executive Officer

DAREBIN CITY COUNCIL

Road Discontinuance

Pursuant to section 206 and schedule 10, clause 3 of the **Local Government Act 1989**, the Darebin City Council at its ordinary meeting held on 2 June 2008, formed the opinion that the road at the rear of 31 to 35 Southernhay Street and 32 to 36 King William Street, Reservoir, 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.

The road 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.

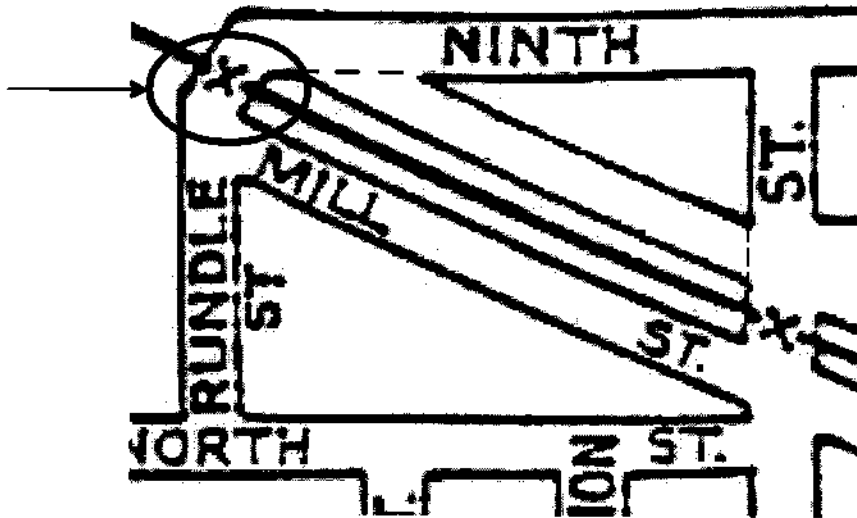


MICHAEL ULBRICK  
Chief Executive Officer



Road Discontinuance – Rundle Street

Under its powers of Schedule 10(3) of the **Local Government Act 1989**, Gannawarra Shire Council resolved at its meeting on 28 May 2008 to discontinue Rundle Street, Kerang, at the Bendigo/Swan Hill railway line (shown on the plan below).



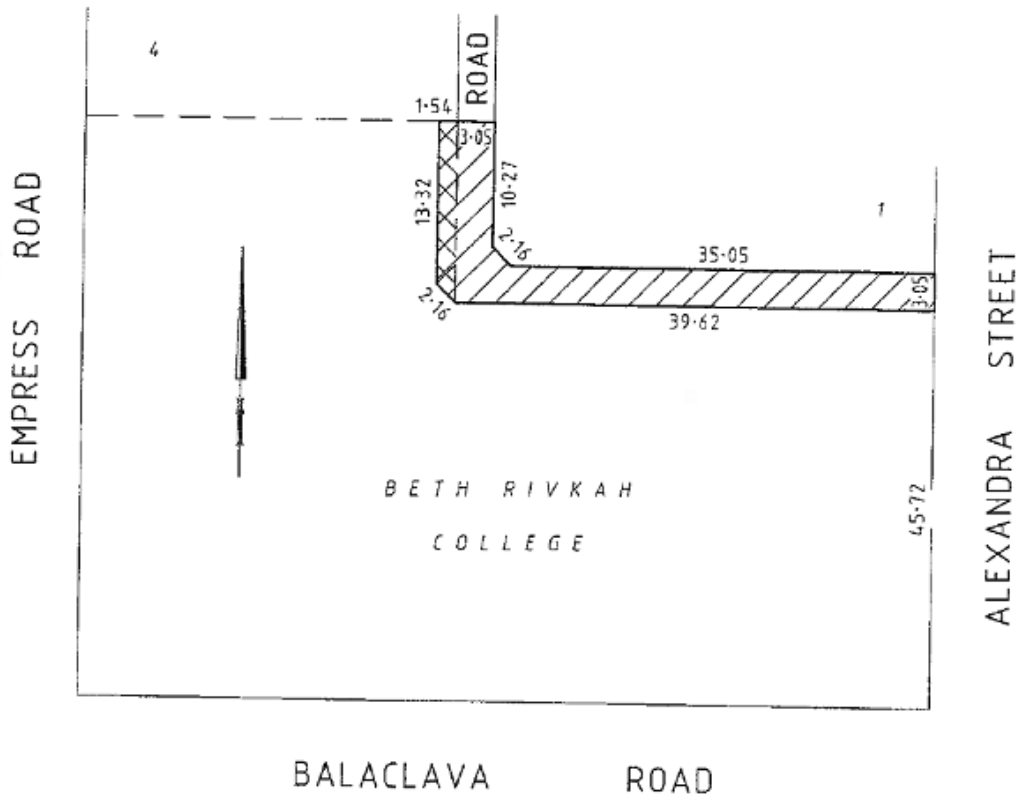
ROSANNE KAVA  
Chief Executive Officer  
Gannawarra Shire Council  
PO Box 287  
Kerang, Vic. 3579

GLEN EIRA CITY COUNCIL

Road Discontinuance

At its meeting on 12 December 2005 and acting under clause 3 of schedule 10 to the **Local Government Act 1989**, Glen Eira City Council resolved to discontinue the road shown hatched on the plan below.

The whole of the road is to be sold subject to any right, power or interest held by Glen Eira City Council and South East Water Ltd, in connection with any sewers, drains or pipes under the control of those authorities in or near the road.



ANDREW NEWTON  
Chief Executive Officer



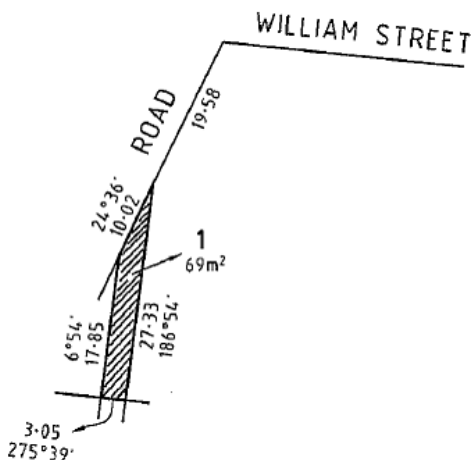
## Erratum

## Road Discontinuance

This advertisement corrects an error in the advertisement placed in the Government Gazette on Page 2144 on 20 September 2007.

At its meeting held on Wednesday 5 September 2007, Moorabool Shire Council, acting under the provisions of section 206 and clause 3 of schedule 10 of the **Local Government Act 1989**:

1. formed the opinion that the portion of un-named laneway at the rear of No. 17 William Street, township of Bacchus Marsh, (being 69.0 m<sup>2</sup> of land shown by arrow and hatched on the plan below) is not reasonably required as a road for public use; and
2. resolved to discontinue the portion of un-named laneway and transfer the land to the abutting property owner subject to any easements being in favour of Western Water.



ROBERT DOBRZYNSKI  
Chief Executive Officer

MACEDON RANGES SHIRE COUNCIL  
Adoption of Macedon Ranges Shire Council  
Road Management Plan

Notice is hereby given, pursuant to section 55(1) of the **Road Management Act 2004**, that Macedon Ranges Shire Council, at its meeting of 28 May 2008 adopted an amended Road Management Plan.

The purpose of the Road Management Plan is to:

- provide a description of those road and related assets for which Council is responsible;
- describe a system for Council to discharge its duty to inspect, maintain and repair those roads and related assets for which Council is responsible;
- describe the standards that apply to the management of those assets; and
- provide a mechanism for reviewing the Register of Roads and related assets for which Council is responsible.

The Road Management Plan and the Register of Roads may be inspected or obtained during office hours at Council's Service Centres in Kyneton, Gisborne, Woodend and Romsey, or on Council's website [www.macedon-ranges.vic.gov.au](http://www.macedon-ranges.vic.gov.au)

PETER JOHNSTON  
Chief Executive Officer



## Tree Protection Local Law 2008 No. 14

Notice is given pursuant to section 119(3) of the **Local Government Act 1989** that Frankston City Council, at its meeting held on 2 June 2008, resolved to make Tree Protection Local Law 2008 No. 14.

The Local Law makes provision or better provision for:

- the peace, order and good government of the municipality;
- the protection and enhancement of the amenity and environment of the municipality;
- the protection of trees (as defined) growing in the municipality; and
- a minimum standard of tree pruning within the municipality for the protection of trees (as defined) and public safety.

The Local Law provides:

- (i) that without a permit, it is an offence to remove, damage, kill or destroy or direct, authorise or allow to be removed, damaged, killed or destroyed a tree (as defined);
- (ii) that without a permit, it is an offence to carry out, or direct, authorise or allow to

- be carried out any works near a tree (as defined) where any part of the works takes place within the tree protection zone;
- (iii) that without a permit, it is an offence in defined circumstances to prune, cut, trim, top or direct, authorise or allow to be pruned, cut, topped or trimmed a tree (as defined);
  - (iv) procedures for applying for permits and issue of permits;
  - (v) for impoundment of any item being used to undertake works in contravention of the local law and introduces release and disposal provisions for an impounded item;
  - (vi) penalties for offences under the local law; and
  - (vii) for revocation of Council's Tree Protection Local Law – Local Law No. 6.

Copies of the Local Law are available for inspection at the Civic Centre, Davey Street, Frankston.

GEORGE MODRICH  
Acting Chief Executive Officer

#### MANNINGHAM CITY COUNCIL

##### Doncaster Hill Local Law

Council has introduced a new Local Law titled Manningham's Doncaster Hill Local Law 2007.

The purpose of the Local Law is to:

- Complement the Manningham Planning Scheme protecting the amenity of Doncaster Hill;
- Ensure the health and safety of persons residing or working in Doncaster Hill; and
- Set appropriate standards for the appearance of properties in Doncaster Hill.

A copy of the Local Law is available at Council's Municipal Offices located at 699 Doncaster Road, Doncaster, or by logging on to [www.manningham.vic.gov.au](http://www.manningham.vic.gov.au)

This Local Law was endorsed by Council on 29 April 2008 and comes into effect on 1 July 2008. For further information contact Council on 9840 9333.

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

##### CENTRAL GOLDFIELDS PLANNING SCHEME

##### Notice of Preparation of Amendment

##### Amendment C18

##### Authorisation A974

The Central Goldfields Shire Council has prepared Amendment C18 to the Central Goldfields Planning Scheme.

In accordance with section 8A(3) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Central Goldfields Shire Council as planning authority to prepare the Amendment.

The land affected by the Amendment is 19–35 Palmerston Street, Maryborough (CA 2023 TP 914543B & CA 2024 TP 914586G) known as the former Maryborough High School, 60–62 Gillies Street, Maryborough (CA 2011 TP 91455R & CA 2024 TP 914586G) known as the former Maryborough East Primary School, 65–71 Inkerman Street (CA 2026 TP 914544Y) known as the former Maryborough Primary School, 65 Inkerman Street, Maryborough (CA 2019 TP 914544Y) known as the former 4th Wesleyan Church, 65 Victoria Street, Maryborough (CA 2015 TP 914542D), 59–63 Victoria Street North, Maryborough (CA 2015 TP 914542D), 1 Tuaggra Street (CA 3, Section 50A, Parish of Maryborough), 5–7 Tuaggra Street (CA 1, 1 (pt) and 2 Section 50A, Parish of Maryborough) and 63 Inkerman Street (Lot 2 PS542819).

The Amendment proposes to:

- rezone the former Maryborough High School and part of the former Maryborough Primary School from the Public Use 6 Zone to the Residential 2 Zone;
- rezone the former 4th Wesleyan Church and part of the Maryborough Primary School from the Public Use 6 Zone to the Business 5 Zone;
- rezone 63 Inkerman Street, Maryborough from the Residential 2 Zone to the Business 5 Zone;
- rezone the former Maryborough East Primary School from the Public Use 6 Zone to the Residential 1 Zone;
- rezone 65 Victoria Street and 59–63 Victoria Street North, Maryborough from the Public Use Zone 6 to the Mixed Use Zone;

- rezone 1 Tuaggra Street, Maryborough from the Residential 1 Zone to the Mixed Use Zone;
- apply the Development Plan Overlay, Schedule 2 'Maryborough Urban Prospects' to the land known as the former Maryborough High School, former Maryborough Primary School and the former Maryborough East Primary School;
- apply the Development Plan Overlay, Schedule 3 'Railway Station Precinct' to 65 Victoria Street, 59–63 Victoria Street North, 1 Tuaggra Street and 5–7 Tuaggra Street;
- apply the Environmental Audit Overlay to the land known as 65 Victoria Street; and
- introduce Local Planning Policy Clause 22.06 'Maryborough Urban Prospects'.

A request to approve a development plan was made by Havilah Hostel Inc. for land known as the former Maryborough High School and NDH Developments P/L for land known as the Maryborough East Primary School.

You may inspect the Amendment, any documents that support the Amendment, the explanatory report about the Amendment and the development plans, free of charge, at the following locations: during office hours, at the office of the planning authority, Central Goldfields Shire Council, 2 Neill Street, Maryborough; and at the Department of Planning and Community Development web site [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection)

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

The closing date for submissions is 14 July 2008. A submission must be sent to the Central Goldfields Shire Council, PO Box 194, Maryborough, Victoria 3465.

MARK W. JOHNSTON  
Chief Executive Officer

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

GREATER DANDENONG  
PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C81

Authorisation A0516

The Greater Dandenong City Council has prepared Amendment C81 to the Greater Dandenong Planning Scheme.

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

The land affected by the Amendment is all land covered by the Greater Dandenong Planning Scheme.

The Amendment proposes to:

- replace the existing Municipal Strategic Statement (MSS) – Clause 21 of the Local Planning Policy Framework (LPPF) with a revised MSS – Clause 21; and
- updates the existing Local Policies and associated maps with current information relating to Zone boundaries/Zone provisions where appropriate.

You may inspect the Amendment, the explanatory report about the Amendment and any documents that support the Amendment at the following locations: Department of Planning and Community Development website at: [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection); City of Greater Dandenong website at [www.greaterdandenong.com](http://www.greaterdandenong.com) and at Council offices at: 39 Clow Street, Dandenong; 397–407 Springvale Road, Springvale; and Shop 7A Parkmore Shopping Centre, Keysborough.

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 Friday 15 August 2008. Submissions must be in writing and must be sent to The Manager, Planning & Design, City of Greater Dandenong, PO Box 200, Dandenong 3175.

JODY BOSMAN  
Manager Planning & Design

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

GREATER GEELONG PLANNING SCHEME

Breakwater Road Realignment

Notice of Preparation of Amendment

Amendment C117

Authorisation A0326

VicRoads has prepared Amendment C117 to the Greater Geelong Planning Scheme. In accordance with section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning has authorised VicRoads as planning authority to prepare the Amendment.



The land affected by the Amendment is along the alignment of a proposed deviation of Breakwater Road, Belmont (Option 1 – northern alignment). The proposed road commences on Breakwater Road approximately 110 m east of the Barwon Heads Road intersection, deviates to the north to cross the Barwon River on a new bridge structure, continues to the Tucker Street/Fellmongers Road intersection and then along Fellmongers Road to Tanner Street, Breakwater.

Amendment C117 proposes to:

- introduce a Public Acquisition Overlay (PAO3) over land required for the proposed road and bridge works;
- delete the area of land which is not required for the road and bridge works from the existing Public Acquisition Overlay (PAO3);
- amend the boundary of the Heritage Overlay (HO1756) to coincide with the northern boundary of the new road and bridge alignment;
- amend the boundary of the Environmental Significance Overlay – Schedule 2 (ESO2) to coincide with the northern boundary of the new road and bridge alignment;
- amend the schedule to Clause 44.03, the Floodway Overlay (FO), to exempt VicRoads from permit requirements for the Breakwater Road project;
- amend the schedule to Clause 44.04, the Land Subject to Inundation Overlay (LSIO), to exempt VicRoads from permit requirements for the Breakwater Road project; and
- amend the schedule to Clause 52.17 to exempt VicRoads from permit requirements for the Breakwater Road project.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: during office hours, at the office of the planning authority, VicRoads, Business Information Centre, Ground Floor, 60 Denmark Street, Kew; during office hours, at VicRoads, South West Region, 180 Fyans Street, Geelong South; during office hours, at the City of Greater Geelong, Ground Floor, 131 Myers Street, Geelong; and at the Department of Planning and Community Development web site [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection)

Any person who may be affected by the Amendment may make a submission to the planning authority. Please be aware that submissions are made available to any person as part of the planning process.

The closing date for submissions is Thursday 24 July 2008. A submission must be sent to the Manager Planning Investigations, Network and Asset Planning, VicRoads, Locked Bag 23, Camberwell, Victoria 3124.

CLIVE MOTTRAM  
Manager Planning Investigations  
VicRoads

#### OTHER ALIGNMENT OPTIONS FOR BREAKWATER ROAD PROJECT

Section 151 Advisory Committee under  
**Planning and Environment Act 1987**

The Minister for Planning has appointed an independent Advisory Committee to assess the overall merits of two road realignment options between Belmont and Breakwater. The Advisory Committee will undertake an assessment of the merits of these VicRoads non-preferred options for the proposed realignment of Breakwater Road, that being Option 2 (generally along the existing alignment) and Option 3 (southern alignment – extension of Leather Street). The Advisory Committee will, in conjunction with the planning panel for Amendment C117 (VicRoads preferred Option 1) consider the options and make a recommendation to the Minister.

The technical documents prepared for VicRoads are available for public inspection, free of charge during office hours, at the following locations: VicRoads, Business Information Centre, Ground floor, 60 Denmark Street, Kew; VicRoads, South West Region, 180 Fyans Street, Geelong South; City of Greater Geelong, Ground Floor, 131 Myers Street, Geelong; and Department of Planning and Community Development, South West Region Office, Level 4, State Government Offices, corner Little Malop and Fenwick Streets, Geelong.

The closing date for submissions is Thursday 24 July 2008. A submission must be sent to the Manager Planning Investigations, Network and Asset Planning, VicRoads, Locked Bag 23, Camberwell, Victoria 3124.



**Planning and Environment Act 1987**

MELTON PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C69

Authorisation A0980

The Melton Shire Council has prepared Amendment C69 to the Melton Planning Scheme.

In accordance with section 8A(3) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Melton Council as planning authority to prepare the Amendment.

The land affected by the Amendment is 2–40 Old Calder Highway, Diggers Rest.

The Amendment proposes to rezone the land from Residential 1 to Mixed use Zone, restrict the permitted 'shop' floor space for the site to 2,200 sqm, and introduce a new Development Plan Overlay (DPO16) specific to the site.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: during office hours, at the office of the planning authority, Melton Shire Council; and at the Department of Planning and Community Development web site [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection)

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

The closing date for submissions is 14 July 2008. A submission must be sent to the Planning Services Manager, Shire of Melton at 232 High Street, Melton 3337.

**Planning and Environment Act 1987**

MOONEE VALLEY PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C86

Authorisation A1000

The Moonee Valley Council has prepared Amendment C86 to the Moonee Valley Planning Scheme.

In accordance with section 8A(3) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Moonee Valley Council as planning authority to prepare the Amendment.

The Amendment affects the Moonee Valley Racecourse.

The Amendment proposes to amend Schedule 2 of the Special Use Zone to include the land use definition 'retirement village' as a Section 2 use.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following location: the office of the planning authority, Moonee Valley City Council, 9 Kellaway Avenue, Moonee Ponds.

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

The Amendment documents are available on the Department of Planning and Community Development's website [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and also on Council's website [mvcc.vic.gov.au](http://mvcc.vic.gov.au)

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

The closing date for submissions is 5.00 pm, 14 July 2008. A submission must be sent to the Moonee Valley City Council, PO Box 126, Moonee Ponds, Victoria 3032.

RASIAH DEV  
Chief Executive Officer

**Planning and Environment Act 1987**

SURF COAST PLANNING SCHEME

Preparation of Amendment C43

Authorisation A998

The Surf Coast Shire Council has prepared Amendment C43 to the Surf Coast Planning Scheme.

In accordance with section 8A(3) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Surf Coast Shire Council as planning authority to prepare the Amendment.

The land affected by the Amendment is:

- 21A Glengarry Drive and 1505 Surf Coast Highway (described as Lot 2 PS511662C and Lot 1 PS315795);

- 1535 Surf Coast Highway (described as Lot 1 LP133629);
- 1445 Surf Coast Highway (described as Lot 2 LP206421);
- 110 South Beach Road (described as Lot 1 LP206421);
- 90 South Beach Road (described as Lot 1 LP123661); and
- 1095 Horseshoe Bend Road (described as Part Lot d PS522136N).

The Amendment proposes to:

- rezone the land from Farming Zone to Residential 1 Zone to enable the land to be developed for residential purposes;
- apply the Design and Development Overlay (Schedule 1) to the land to be zoned Residential 1, to trigger a planning permit requirement for buildings greater than 7.5 metres in height consistent with controls that apply to residential land elsewhere in Torquay;
- create a new schedule (Schedule 8) to the Development Plan Overlay (DPO8) and apply this to the land to be rezoned Residential 1 to co-ordinate the actions of each landholder and ensure a well integrated residential subdivision;
- apply the Environmental Audit Overlay to all of the subject land, except for a 20 ha parcel of land at 1445 Surf Coast Highway which is being purchased by the Surf Coast Shire Council for a civic precinct. Council is satisfied based on an environmental assessment of this site that the land is suitable for a sensitive use;
- amend clause 21.09 of the Local Planning Policy Framework to delete reference to the potential for rural residential development on the east side of the Surf Coast Highway;
- amend clause 21.20 of the Local Planning Policy Framework to:
  - delete reference to the Torquay North and Torquay West Outline Development Plans which are now superceded;
  - delete reference to the potential for rural residential development immediately east of the Surf Coast Highway; and
  - change the Torquay Jan Juc Framework Plan to acknowledge the residential status of the balance of land in the Torquay North area.

Council and the Proponents of the Amendment intend to enter into an agreement under section 173 of the **Planning and Environment Act 1987** whereby the developers of each parcel of land will commit to the payment of development contributions to the satisfaction of the Council. A copy of the draft agreement is exhibited with the Amendment.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: during office hours, at the office of the planning authority, Surf Coast Shire Council, 25 Grossmans Road, Torquay; and at the Department of Planning and Community Development web site [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection)

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

The closing date for submissions is Monday 14 July 2008. A submission must be sent to the Co-ordinator Strategic Planning, Surf Coast Shire Council, PO Box 350, Torquay, Victoria 3228.

BRYDON KING  
Planning & Development Manager

**Planning and Environment Act 1987**  
YARRA RANGES PLANNING SCHEME  
Notice of Preparation of Amendment  
Amendment C73  
Planning Permit application YR2008/708  
Authorisation A0925

The Yarra Ranges Shire Council has prepared Amendment C73 to the Yarra Ranges Planning Scheme.

In accordance with section 8A(3) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Yarra Ranges Shire Council as planning authority to prepare the Amendment.

The land affected by the Amendment is 261 Mt Dandenong Tourist Road, Ferny Creek (corner of Hilton Road and Mt Dandenong Tourist Road).

The Amendment proposes to insert a provision in Clause 52.03 allowing consideration of a planning permit application to use the existing building on the subject land as a restaurant, with a concurrent planning permit application to use the site as a restaurant.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: the following Yarra Ranges Community Link Centres: Lilydale – Anderson Street, Lilydale; Monbulk – 94 Main Street, Monbulk; Healesville – 276 Maroondah Highway, Healesville; Upwey – 40 Main Street, Upwey; Yarra Junction – Warburton Highway/Hoddle Street, Yarra Junction; and at the Department of Planning and Community Development web site [www.dpcd.vic.gov.au/planning](http://www.dpcd.vic.gov.au/planning)

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

The closing date for submissions is 14 July 2008. A submission must be sent to the Shire of Yarra Ranges, PO Box 105, Lilydale 3140.

DAMIAN CLOSS  
Manager Strategic Planning

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 14 August 2008, 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.

CULAFIC, Radoslav, late of Springtime Nursing Home, 41 Manchester Drive, Sydenham, Victoria 3037, pensioner, who died on 20 March 2008.

DARCY, Edwin Michael, late of RSD E836, Ballarat, Victoria 3350, who died on 23 October 2007.

EASTWOOD, Kathleen Mary, formerly of 60 May Street, McLeod, but late of 269–271 Lower Plenty Road, Rosanna, Victoria 3084, who died on 20 February 2008.

GARDNER, Ernest Sylvester, late of 4 Legana Court, Patterson Lakes, Victoria 3197, retired, who died on 3 October 2007.

McLENNAN, Christina Margaret, formerly of Donath, 18/160 Waterdale Road, Ivanhoe, Victoria 3079, but late of Amity At South

Morang, 18–22 McGlynn Avenue, South Morang, Victoria 3752, who died on 14 March 2008.

PETRIE, Reginald James, late of Amity Care, 18–22 McGlynn Avenue, South Morang, Victoria 3752, retired, who died on 28 February 2008.

PEARSON, James Rowan, late of Bonbeach Residential Aged Care, 440 Station Street, Bonbeach, Victoria 3196, retired, who died on 12 April 2008.

PYMAN, Marjorie Etheldreda, late of Unit 9 Coronella Retirement Village, 163–165 Central Road, Nunawading, Victoria 3131, retired medical secretary, who died on 6 April 2008.

ROSS, Frank Ronald, late of Unit 58, 25 King Street, Prahran, Victoria 3181, pensioner, who died on 4 October 2006.

WALLER, Nellie Florance, late of Somercare Hostel, 22 Graf Road, Somerville, Victoria 3912, pensioner, who died on 31 December 2007.

ZUPAN, Alojz, late of 23 Kent Street, Moe, Victoria 3825, who died on 15 December 2007.

Dated 5 June 2008

MARY AMERENA  
Manager  
Executor and Trustee Services

#### EXEMPTION

Application No. A131/2008

The Victorian Civil and Administrative Tribunal has considered an application, pursuant to section 83 of the **Equal Opportunity Act 1995**, by Courts and Tribunals, Department of Justice. The application for exemption is to enable the applicant to advertise and employ Koori persons to positions as Koori Court Officers in the Courts at Shepparton, Broadmeadows, Warrnambool, Mildura, Moe/Latrobe and Bairnsdale (the exempt conduct). Koori persons:–

- are descended from an Aborigine or Torres Strait Islander; and/or
- identify as an Aborigine or Torres Strait Islander; and/or

- are accepted as an Aborigine or Torres Strait Islander by an Aboriginal or Torres Strait Island community.

Upon reading the material submitted in support of the application, including an affidavit of Ms Jo Metcalf, Director, Courts and Tribunals Unit, 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 engage in the exempt conduct.

In granting this exemption, the Tribunal noted:

- A similar previous exemption for the employment of Koori Court Officers in the Children's Court was granted (A105/2006).
- The Victorian Aboriginal Justice Agreement (VAJA), a joint initiative between the Department of Justice, the Department of Human Services, the Aboriginal and Torres Strait Islander Commission and the Victorian Aboriginal Justice Advisory Committee, maximises Aboriginal participation in the development of policies and programs in all areas of the justice system.
- The VAJA aims to:
  - Address the ongoing issue of Aboriginal over-representation within all levels of the criminal justice system;
  - Improve Aboriginal access to justice related services; and
  - Promote greater awareness in the Aboriginal community of their civil, legal and political rights.
- A key initiative of the VAJA was the establishment of an adult Koori Court in Victoria. The establishment of the Children's Koori Court is an extension of that program. The County Koori Court is also an extension of that program.
- Indigenous people, both youth and adult, remain over-represented in the Victorian criminal Justice system. The establishment of the first County Koori Court is an expansion to tackle adult over representation by providing a forum where the Indigenous community has input into the sentencing process.

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 engage in the exempt conduct.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 1 June 2011.

Dated 4 June 2008

HER HONOUR JUDGE HARBISON  
Vice President

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

Tenders close Wednesday 2 July 2008 at 2.00 pm at the offices of the Department of Treasury and Finance, Mail Centre, Basement, 1 Treasury Place, Melbourne.

**Reference:** 97/02620.

**Address of Property:** Westall Road, Springvale.

**Crown Description:** Crown Allotment 1A, Parish of Mordialloc.

**Terms of Sale:** 1% on lodgement, 9% on acceptance, Balance payable in 120 days or earlier by mutual agreement.

**Area:** 3.12 hectares.

**Officer Co-ordinating Sale:** Julie Gould, Land & Property Services, Commercial Division, Department of Treasury and Finance, 5/1 Treasury Place, Melbourne, Vic. 3002.

**Selling Agent:** Ray Abley Real Estate, Shop 12, Mountain Gate Shopping Centre, Ferntree Gully, Vic. 3158.

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

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

Tenders close Wednesday 2 July 2008 at 2.00 pm at the offices of the Department of Treasury and Finance, Mail Centre, Basement, 1 Treasury Place, Melbourne.

**Reference:** 06/564.

**Address of Property:** Waringa Drive Wendouree.

**Crown Description:** Crown Allotment 21E, Parish of Dowling Forest.

**Terms of Sale:** 1% on lodgement, 9% on acceptance, Balance payable in 60 days or earlier by mutual agreement.

**Area:** 3.079 hectares.

**Officer Co-ordinating Sale:** Julie Gould, Land & Property Group, Commercial Division, Department of Treasury and Finance, 5/1 Treasury Place, Melbourne, Vic. 3002.

**Selling Agent:** Booth & Lee, 37 Lydiard Street South, Ballarat, Vic. 3353.

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

given under section 601AA(4) of the Act, as applied by section 316 of the **Co-operatives Act 1996**, that, at the expiration of two months from the date of this notice, the name of the co-operative listed above will, unless cause is shown to the contrary, be removed from the register of co-operatives and its registration will be dissolved.

Dated at Melbourne 12 June 2008

MELANIE SABA  
Assistant Registrar of Co-operatives  
Consumer Affairs Victoria

### Associations Incorporation Act 1981

#### SUB-SECTION 36E(5)

Notice is hereby given that the incorporation of the association mentioned below is cancelled in accordance with section 36E(5) of the **Associations Incorporation Act 1981**.

Door & Window Repair Technicians Association Inc.

DR DAVID COUSINS  
Registrar of Incorporated Associations  
PO Box 4567  
Melbourne, Victoria 3001

### Cemeteries and Crematoria Act 2003

#### SECTION 41(1)

#### Notice of Approval of Cemetery Trust Fees and Charges

I, Pauline Ireland, as Delegate of the Secretary to the Department of Human Services for the purposes of section 40(2) of the **Cemeteries and Crematoria Act 2003**, give notice that I have approved the scale of fees and charges fixed by the public cemetery trust listed in this notice. The approved scale of fees and charges will take effect from 1 July 2008 and will be published on the internet.

The Necropolis Springvale

PAULINE IRELAND  
Assistant Director  
Food Safety and Regulatory Activities

### Co-operatives Act 1996

#### KEILOR VILLAGE CLUB CO-OPERATIVE LTD

On application under section 601AA(2) of the **Corporations Act 2001** (the Act), by the co-operative named above, notice is hereby

### Education and Training Reform Act 2006

#### NOTIFICATION OF SUSPENSION OF REGISTRATION TO TEACH

Pursuant to section 2.6.46 of the **Education and Training Reform Act 2006** (the Act), the Victorian Institute of Teaching (the Institute) may find a teacher has engaged in serious misconduct, has been seriously incompetent and/or is not fit to teach and may make a determination pursuant to subsection 2.6.46(2) including impose conditions on the registration of a teacher.

On 21 April 2008, Gavin Frederick Dore, born 25 April 1961, was found guilty of serious misconduct.

On 21 April 2008, the Panel determined that the registration of Gavin Frederick Dore be suspended from 21 April 2008 until 31 December 2008. This means that Gavin Frederick Dore is unable to apply to be registered as a teacher until 1 January 2009.

This determination was made on 21 April 2008 and is effective from 21 April 2008.

SUSAN HALLIDAY  
Chairperson  
Disciplinary Proceedings Committee  
Victorian Institute of Teaching



Heritage  
VICtoria

### Heritage Act 1995

#### NOTICE OF REGISTRATION

As Executive Director for the purpose of the **Heritage Act 1995**, I give notice under section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 2160 in the category described as Heritage Object.

Merklin–Schütze Pipe Organ  
158 Colchester Road  
Kilsyth  
Yarra Ranges Shire

## EXTENT:

The object described as the Merklin–Schütze Organ, currently in storage at 158 Colchester Road, Kilsyth, the storage facility used by the organ builder Ian Wakeley (of 17 Hayride Lane, Chirnside Park).

Dated 6 June 2008

RAY TONKIN  
Executive Director

Former Military Quarters  
4–4A Camp Crescent  
Castlemaine  
Mount Alexander Shire

## EXTENT:

1. All the land marked L1 on Diagram 2162 held by the Executive Director, being all of the land described in Certificate of Title Volume 8939 Folio 261.
2. All of the building marked B1 on Diagram 2162 held by the Executive Director.

Dated 6 April 2008

RAY TONKIN  
Executive Director



**Heritage**  
VICTORIA

## Heritage Act 1995

## NOTICE OF REGISTRATION

As Executive Director for the purpose of the **Heritage Act 1995**, I give notice under section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 2181 in the category described as Heritage Object.

Moyle Organ  
19 Glyndon Avenue  
Merlynston  
Moreland City

## EXTENT

The object described as the Moyle Organ, currently located in St Linus' Anglican Church, 19 Glyndon Avenue, Merlynston.

Dated 6 April 2008

RAY TONKIN  
Executive Director



**Heritage**  
VICTORIA

## Heritage Act 1995

## NOTICE OF REGISTRATION

As Executive Director for the purpose of the **Heritage Act 1995**, I give notice under section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 2161 in the category described as Heritage Place.

Former Municipal Stables  
67–73 Surrey Road  
South Yarra  
Stonnington City

## EXTENT:

1. All of the land marked L1 on Diagram 2161 held by the Executive Director, being part of the land described in Certificate of Title Volume 10998 Folio 722 and part of the right of way to the north.
2. All of the building marked B1 on Diagram 2161 held by the Executive Director. This includes the 1910 building and the 1936–7 addition to the west.

Dated 6 April 2008

RAY TONKIN  
Executive Director



**Heritage**  
VICTORIA

## Heritage Act 1995

## NOTICE OF REGISTRATION

As Executive Director for the purpose of the **Heritage Act 1995**, I give notice under section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 2162 in the category described as Heritage Place.



**Heritage**  
VICTORIA

## Heritage Act 1995

## NOTICE OF REGISTRATION

As Executive Director for the purpose of the **Heritage Act 1995**, I give notice under section 46

that the Victorian Heritage Register is amended by including the Heritage Register Number 463 in the category described as Heritage Place.

Former Customs House  
3 Gilles Street  
Warrnambool  
Warrnambool City

EXTENT:

1. All the land marked L1 on Diagram 463 held by the Executive Director, being all of the land described in Certificates of Title Volume 5747 Folio 306.
2. All the buildings and structures marked B1 on Diagram 463 held by the Executive Director:  
B1 Customs House.

Dated 6 April 2008

RAY TONKIN  
Executive Director



**Heritage Act 1995**

NOTICE OF REGISTRATION

As Executive Director for the purpose of the **Heritage Act 1995**, I give notice under section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 543 in the category described as Heritage Place.

Orderly Room and Residence  
Kepler Street and Part 197–205 Timor Street  
(fronts Kepler Street)  
Warrnambool  
Warrnambool City

EXTENT:

1. All of the land marked L1 on Diagram 543 held by the Executive Director, being all of the land described in Certificates of Title Volume 08882 Folio 115 and Certificates of Title Volume 08273 Folio 235.
2. All of the buildings marked B1 and B2 on Diagram 543 held by the Executive Director:  
B1 Orderly Room  
B2 Residence.

Dated 6 April 2008

RAY TONKIN  
Executive Director



**Heritage**  
VICTORIA

**Heritage Act 1995**

NOTICE OF REGISTRATION

As Executive Director for the purpose of the **Heritage Act 1995**, I give notice under section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1604 in the category described as Heritage Object.

Geelong Railway Station  
1 Railway Terrace  
Geelong  
Greater Geelong City

EXTENT:

1. All of the buildings marked as follows on Diagrams 1604a, 1604b, 1604c held by the Executive Director:  
B1 Station building associated platforms  
B2 Bluestone steps with lamp frame and wrought iron palisade fence  
B3 'B' Signal Box  
B4 'C' Signal Box  
B5 'A' Signal Box  
B6 Bluestone retaining wall to cutting.
2. All of the land marked as L1 and L2 on Diagrams 1604a, 1604b, 1604c held by the Executive Director, being part of Crown Land vested in Victorian Rail Track.

Dated 6 June 2008

RAY TONKIN  
Executive Director

**Pipelines Act 2005**

SECTION 67

Notice of Minor Alteration to the  
Authorised Route of Pipeline Licence 122

On 23 May 2008, the authorised route of Pipeline Licence 122 held by GasNet Australia (Operations) Pty Ltd was altered to include an additional offtake and the custody transfer meter number M154 in accordance with Drawing Number A6–122–1 Rev A.

Dated 23 May 2008

TERRY MCKINLEY  
Manager Petroleum Regulation  
Delegate of the Minister



**Victorian Managed Insurance  
Authority Act 1996**

HEIDE MUSEUM OF MODERN ART

Pursuant to section 25A of the **Victorian Managed Insurance Authority Act 1996**, I direct the Victorian Managed Insurance Authority (VMIA) to provide insurance to the Heide Museum of Modern Art.

This direction is effective for one year, from 1 July 2008 to 30 June 2009 (both dates inclusive), with the VMIA to determine the premium payable by the Heide Museum of Modern Art. All other existing terms and conditions should continue.

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

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**Victorian Managed Insurance  
Authority Act 1996**

PUBLIC TRANSPORT INDUSTRY  
OMBUDSMAN

Pursuant to section 25A of the **Victorian Managed Insurance Authority Act 1996**, I direct the Victorian Managed Insurance Authority (VMIA) to provide insurance to the Public Transport Industry Ombudsman.

This direction is effective for one year, from 1 July 2008 to 30 June 2009 (both dates inclusive), with the VMIA to determine the premium payable by the Public Transport Industry Ombudsman. All other existing terms and conditions should continue.

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

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**Victorian Managed Insurance  
Authority Act 1996**

PUBLIC HEALTHCARE PROGRAM

Pursuant to section 25A of the **Victorian Managed Insurance Authority Act 1996**, I direct the Victorian Managed Insurance Authority (VMIA) to provide insurance to the Public Healthcare Program.

This direction is effective for one year, from 1 July 2008 to 30 June 2009 (both dates inclusive), with the VMIA to determine the premium payable by the Public Healthcare Program. All other existing terms and conditions should continue.

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

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**Victorian Managed Insurance  
Authority Act 1996**

VICTORIA'S SPECIAL TRADE ENVOYS

Pursuant to section 25A of the **Victorian Managed Insurance Authority Act 1996**, I direct the Victorian Managed Insurance Authority (VMIA) to provide insurance for Victoria's Special Trade Envoys. This direction is effective from 1 July 2008 to 30 June 2009 (both dates inclusive).

The type of insurance to be provided should be determined through discussions between the VMIA and the Department of Innovation, Industry and Regional Development.

The VMIA should determine the premium payable for this insurance. All other existing terms and conditions should continue.

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

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**Victorian Managed Insurance  
Authority Act 1996**

THE EMERGENCY RESOURCE  
PROVIDERS SUPPORT SCHEME

Pursuant to section 25A of the **Victorian Managed Insurance Authority Act 1996**, I direct the Victorian Managed Insurance Authority (VMIA) to provide insurance for the Emergency Resource Providers Support Scheme (EmRePSS). This direction is effective from 1 July 2008 to 30 June 2009 (both dates inclusive).

The VMIA should determine the premium payable for this insurance. All other existing terms and conditions should continue.

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

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**Victorian Managed Insurance  
Authority Act 1996**

INSURANCE OF BURNET INSTITUTE  
INVESTMENTS PTY LTD  
IN RESPECT OF ALFRED CENTRE AND  
BURNET TOWER

Pursuant to section 25A of the **Victorian Managed Insurance Authority Act 1996**, I direct the Victorian Managed Insurance Authority (VMIA) to provide Burnet Institute Investments Pty Ltd (Burnet) with the following insurance in respect of the Alfred Centre and Burnet Tower:

Alfred Centre Stage 2

(i) principal controlled contract works and public liability during the construction period of the redevelopment; (ii) industrial special risks (property) and consequential loss; and (iii) public and products liability.

Burnet Tower

(ii) industrial special risks (property) and consequential loss; and (iii) public and products liability.

The VMIA may, at its sole discretion, also provide Burnet with (i) industrial special risks (property) and consequential loss; and (ii) public and products liability insurance in respect of the Alfred Centre Stage 1.

The VMIA's insurance cover may at its sole discretion extend to contractors and sub-contractors and consultants engaged by Burnet during the Alfred Centre Stage 2 construction.

The VMIA shall charge Burnet a commercial premium for the insurance provided in accordance with this direction. The VMIA shall provide the insurance on its usual terms, conditions and exclusions, subject to any deductibles, amendments or variations the VMIA agrees or deems necessary.

This direction is effective from 1 July 2008 to 30 June 2009 (both dates inclusive).

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

Authority (VMIA) to provide Directors' and Officers' insurance to Ms Johanna Barker, the independent Chairperson of the Royal Melbourne Showgrounds Joint Venture (UJV).

This direction is effective for one year, from 1 July 2008 to 30 June 2009 (both dates inclusive), with the VMIA to determine the premium payable by UJV. All other existing terms and conditions should continue.

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

**Victorian Managed Insurance  
Authority Act 1996**

AUSTRALIAN SYNCHROTRON PROJECT

Pursuant to section 25A of the **Victorian Managed Insurance Authority Act 1996**, I direct the Victorian Managed Insurance Authority (VMIA) to provide insurance to Australian Synchrotron Holding Company Pty Ltd (ASHCo) and Australian Synchrotron Company Limited (ASCo). This direction is effective from 1 July 2008 to 30 June 2009 (both dates inclusive).

The type of insurance to be provided should be determined through discussions between the VMIA and the Department of Innovation, Industry and Regional Development.

The VMIA should determine the premium payable for this insurance. All other existing terms and conditions should continue.

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

**Victorian Managed Insurance  
Authority Act 1996**

INSURANCE FOR MS JOHANNA BARKER,  
THE INDEPENDENT CHAIRPERSON  
OF THE ROYAL MELBOURNE  
SHOWGROUNDS JOINT VENTURE

Pursuant to section 25A of the **Victorian Managed Insurance Authority Act 1996**, I direct the Victorian Managed Insurance

**Conveyancers Act 2006**MINISTERIAL ORDER PURSUANT TO  
SECTION 41(3) OF THE **CONVEYANCERS ACT 2006**

I, Tony Robinson MP, Minister for Consumer Affairs, make the following order under section 41(3) of the **Conveyancers Act 2006**.

## Part A – Introductory

**1 Purpose and effect of this Order**

- 1.1 This order specifies the required insurance for licensees under the **Conveyancers Act 2006** and the conditions and requirements that the insurance is to satisfy.
- 1.2 This order applies to all licensees under the Act.

**2 Commencement**

This Order takes effect on 1 July 2008.

**3 Definitions**

In this Order:

**the Act** means the **Conveyancers Act 2006**

**Insurer** means Resource Underwriting Pacific Pty Ltd (ABN 51051374228)

**master policy** means the master contract of professional indemnity insurance number 08STH-071-12213 with the Insurer.

## Part B – Conveyancers Professional Indemnity Insurance

**4 Required professional indemnity insurance**

Every licensee under the Act must be covered by the master policy of the Insurer.

**5 Conditions and requirements the insurance must satisfy**

The minimum conditions and requirements of the professional indemnity insurance cover included in the master professional indemnity insurance policy are:

- i) the Insurer holds an A- financial strength rating or better.
- ii) the limit of indemnity is at least \$1.5 million per claim, unlimited in the aggregate for each policy year and is exclusive of defence costs and expenses.
- iii) the excess applicable under the policy will be exclusive of defence costs and expenses.
- iv) an excess per claim of no greater than \$2,500 or \$5,000 where the conveyancer is acting for both parties.
- v) covers for civil liability of the licensee and each person who is an employee of the conveyancing business.
- vi) Run Off cover for a period of not less than 7 years for a licensee who ceases being a licensee, however the limit of indemnity will be \$1.5 million in the aggregate for the period of Run Off.

Dated 5 June 2008

HON TONY ROBINSON MP  
Minister for Consumer Affairs

**Livestock Disease Control Act 1994****NOTICE OF FIXING FEES**

I, Joe Helper, Minister for Agriculture, under section 48(2)(b) of the **Livestock Disease Control Act 1994** (the Act), fix the fees for registration or renewal of registration as a beekeeper set out in the Table below. The fees applicable to the Items in the Table are fixed in relation to the specific class of case as set out below. The fees are fixed as at the date of publication in the Government Gazette and shall remain in force until revoked.

The notice made on 3 September 2006 under section 48(2)(b) of the Act, and published in Government Gazette G36 on 7 September 2006 (p1888) is revoked.

<b>Item</b>	<b>Fee</b>	<b>Application Fee</b>
1	Where a person keeps at least one but not more than 60 hives and who participates in the American Foulbrood (AFB) Smart honey testing program.	\$15.00
2	Where a person keeps more than 60 hives and who participates in the American Foulbrood (AFB) Smart honey testing program.	25 cents per hive
3	Where a person keeps at least one but not more than 60 hives and who has not participated in the American Foulbrood (AFB) Smart honey testing program.	\$23.00
4	Where a person keeps more than 60 hives and who has not participated in the American Foulbrood (AFB) Smart honey testing program.	38 cents per hive

**Specified Class of Case to which Fee at Item 1 and 2 Applies**

The fee for the Certificate of Registration as a Beekeeper at items 1 and 2 only applies to an applicant who:

- Certifies on the DPI approved 'Application for Renewal of Registration as a Beekeeper' form, that their honey has been, or is being, tested by an approved Veterinary Pathology Laboratory, or
- Certifies on the DPI approved 'Application for Renewal of Registration as a Beekeeper' form, that he or she has only commenced beekeeping in the last four months and that no honey has been extracted.

**Specified Class of Case to which Fee at Item 3 and 4 Applies**

The fee for Certificate of Registration as a Beekeeper at items 3 and 4 only applies to an applicant who does not satisfy any of the criteria on the DPI approved application form and who has not participated in the American Foulbrood (AFB) Smart honey testing program.

Note: All fees shown in column marked 'Application fee' are exempt from the GST.

Dated 2 June 2008

JOE HELPER  
Minister for Agriculture

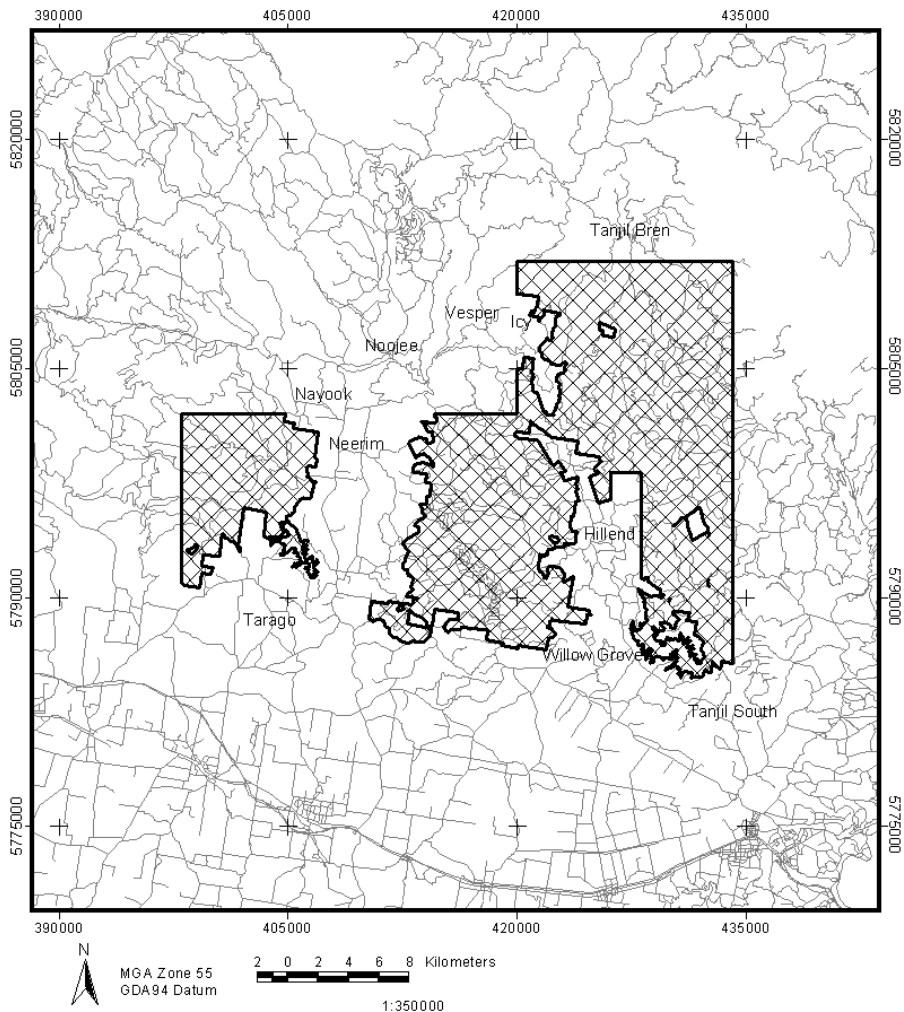
**Mineral Resources (Sustainable Development) Act 1990**

DEPARTMENT OF PRIMARY INDUSTRIES

Notice of Revocation of Exemption from Mining and Exploration Licences  
(Section 7 – MRSD Act 1990)

I, Richard Aldous, Executive Director Minerals and Petroleum, pursuant to section 7 of the **Mineral Resources (Sustainable Development) Act 1990**, and under delegation by the Minister for Energy Industries and Resources, hereby give notice that the exemption from being subject to exploration or mining licences over the part area of crown land within exploration licence EL4989 shown cross-hatched on the attached plan, is revoked on 13 June 2008. Mining or exploration licence applications may be made on or after 13 June 2008.

**Schedule A**



Dated 3 June 2008

RICHARD ALDOUS  
Executive Director  
Minerals and Petroleum

**Plant Health and Plant Products Act 1995****ORDER DECLARING A RESTRICTED AREA AT BARNAWARTHA FOR THE CONTROL OF QUEENSLAND FRUIT FLY**

I, Joe Helper, Minister for Agriculture, under section 20 of the **Plant Health and Plant Products Act 1995** make the following Order declaring a restricted area for the control of Queensland Fruit Fly and specifying the prohibitions, restrictions and requirements which are to operate in the restricted area.

Dated 28 May 2008

JOE HELPER  
Minister for Agriculture

**1. Objective**

The objective of this Order is to declare a restricted area for the control of Queensland Fruit Fly at Barnawartha, and to specify the prohibitions, restrictions and requirements which are to operate in the restricted area.

**2. Authorising provisions**

This Order is made under section 20 of the **Plant Health and Plant Products Act 1995**.

**3. Definition**

In this Order –

‘**accreditation program**’ means any program under which a person is permitted to issue an assurance certificate, including any procedures available under the Interstate Certification Assurance (ICA) Scheme;

‘**Act**’ means the **Plant Health and Plant Products Act 1995**;

‘**authorised person**’ means a person authorised by the Department of Primary Industries;

‘**inspector**’ means a person authorised as an inspector under the Act;

‘**Manager Plant Standards**’ means the person for the time being occupying or acting in the position of Manager, Plant Standards in the Department of Primary Industries;

‘**Queensland fruit fly**’ means the exotic pest *Bactrocera tryoni* (Froggatt); and

‘**Queensland fruit fly host material**’ means any fruit or vegetable listed in Schedule 1.

**4. Restricted area for the control of Queensland fruit fly**

The restricted area for the control of Queensland Fruit Fly is declared to be the area described in Schedule 2.

**5. Prohibitions, restrictions and requirements**

- (1) The removal from the restricted area into any part of Victoria of any Queensland fruit fly host material is prohibited.
- (2) Subclause (1) does not apply if the Queensland fruit fly host material is –
  - (a) packed, labelled and certified in accordance with any conditions prescribed by the accreditation program, administered by the Department of Primary Industries; or
  - (b) accompanied by a plant health declaration issued by an authorised person declaring that the host material has been treated in a manner approved by the Manager Plant Standards; or
  - (c) accompanied by a plant health certificate issued by an inspector certifying that the host material has been treated in a manner approved by the Manager Plant Standards.
- (3) The owners and occupiers of land described in Schedule 3 must give an inspector access to such land for the purposes of inspection, deployment of any lures or traps, application of any treatment or performance of any other actions which are necessary for the eradication or prevention of spread of the pest.

- (4) The owners and occupiers of land described in Schedule 3 must, on instruction from an inspector, strip Queensland Fruit Fly host materials from plants, collect and dispose of waste material, or treat the material in a manner approved by the Manager Plant Standards.

## 6. Verification of Consignments

- (1) Any Queensland fruit fly host material removed from the restricted area in accordance with clause 5(2), and the accompanying certificate or declaration, must be:
- (a) presented to an inspector for inspection; or
  - (b) verified by a person accredited to do so by the Department of Primary Industries.

### Schedule 1

Abiu	Eggplant	Orange
Acerola	Feijoa	Passionfruit
Apple	Fig	Pawpaw
Apricot	Granadilla	Peach
Avocado	Grape (table grapes only)	Peacharine
Babaco	Grapefruit	Pear
Banana	Grumichama	Pepino
Black Sapote	Guava	Persimmon
Blackberry	Hog Plum	Plum
Blueberry	Jaboticaba	Plumcot
Boysenberry	Jackfruit	Pomegranate
Brazil Cherry	Jew Plum	Prickly Pear
Breadfruit	Ju jube	Pummelo
Caimito (Star Apple)	Kiwifruit	Quince
Cape Gooseberry	Lemon	Rambutan
Capsicum	Lime	Raspberry
Carambola (Starfruit)	Loganberry	Rollinia
Cashew Apple	Longan	Santol
Casimiroa (White Sapote)	Loquat	Sapodilla
Cherimoya	Lychee	Shaddock
Cherry	Mandarin	Soursop
Chilli	Mango	Strawberry
Citron	Mangosteen	Sweetsop (Sugar Apple)
Cumquat	Medlar	Tamarillo
Custard Apple	Miracle Fruit	Tangelo
Date	Mulberry	Tomato
Dragon Fruit (Than Lung)	Nashi	Wax jambu (Rose Apple)
Durian	Nectarine	

### Schedule 2

The area of land bounded by a line commencing at the intersection of the area of land bounded by a line commencing at the intersection of the Murray River and McFarlands Road, then in a southerly direction along McFarlands Road to the intersection of McFarlands Road and Old Barnawartha Road, then in a straight line in a southerly direction to the intersection of Plunkets Road and Probyns Road, then in a southerly direction along Probyns Road to the intersection of Probyns Road and Coyles Road, then in a straight line in a southerly direction to the intersection of Felltimber Creek Road and McGaffins Road, then in a straight line in a south-westerly direction to the intersection of Gilberts Road and Huon Creek Road, then in a straight line in a south-westerly direction to the intersection of Long Gully Road and Brewers Road, then in a straight line in a south-westerly direction to the intersection of Indigo Creek Road and McSweens Road, then in a straight line in a

generally south-westerly direction to the intersection of Reece Road and McGuinness Road, then in a straight line in a generally north-westerly direction to the intersection of Barambogie Road and Water Trust Road, then in a straight line in a generally north-westerly direction to the intersection of Orchard Lane, Gilmours Road and Rodgers Lane, then in a northerly direction along Gilmours Road to the intersection of Gilmours Road and the Hume Freeway, then in a straight line in a north-westerly direction to the intersection of Taylors Lane and Back Springhurst Road, then in a northerly direction along Taylors Lane to the intersection of Taylors Lane and Hotson Road, then in a straight line in a northerly direction to the intersection of Wallace Consul Road and Chiltern Valley Road, then in a north-westerly direction along Chiltern Valley Road to the intersection of Chiltern Valley Road and Stillards Lane, then in a northerly direction along Stillards Lane to the intersection of Stillards Lane and Cornishtown Road, then in an easterly direction along Cornishtown Road to the intersection of Cornishtown Road and Green Lane, then in a northerly direction along Green Lane to the intersection of Green Lane and the Murray Valley Highway, then in an easterly direction along the Murray Valley Highway to the intersection of the Murray Valley Highway and Falkiners Lane, then in a straight line in a north-easterly direction to the intersection of Cornishtown Road and Green Lane, then in a northerly direction along Green Lane to the intersection of Green Lane and Murray Valley Highway, then in a straight line in a north-easterly direction to the intersection of Mt Ochertyre Road and Hogans Road, then in an easterly direction along Hogans Road to the intersection of Hogans Road and Popes Road, then in a northerly direction along Popes Road to the intersection of Popes Road and Weidners Road, then in an easterly direction along Weidners Road to the intersection of Weidners Road and Chiltern–Howlong Road, then in a northerly direction along Chiltern–Howlong Road to the intersection of Chiltern–Howlong Road and the Murray River, then in a south-easterly direction along the Murray River to the point of commencement.

### Schedule 3

The area of land in Victoria within a radius of one and a half kilometres of the outbreak epicentre at 146.67222° East, 36.10660° South.

Note: Section 21 of the **Plant Health and Plant Products Act 1995** provides that a person is guilty of an offence and liable for a penalty not exceeding 50 penalty units in the case of a natural person, and 100 penalty units in the case of a body corporate, for moving any host material from a restricted area contrary to any restrictions, unless authorised to do so by a permit issued by an Inspector.

## Petroleum (Submerged Lands) Act 1982

### STATE OF VICTORIA

#### Consent to Surrender of Exploration Permit for Petroleum VIC/P41(V)

I, the Delegate of the Minister, pursuant to the provisions of section 104 of the **Petroleum (Submerged Lands) Act 1982** hereby consent to the surrender of Exploration Permit for Petroleum VIC/P41(V) of which Origin Energy Resources Ltd is the registered holder.

### DESCRIPTION OF BLOCKS

Hamilton Map Sheet SJ54

BLOCK NO.	BLOCK NO.	BLOCK NO.	BLOCK NO.	BLOCK NO.
1764 (part)	1765 (part)	1836 (part)	1837 (part)	1838 (part)
1839 (part)	1910 (part)	1911 (part)	1912 (part)	1983 (part)
1984 (part)	1985 (part)			

Assessed to contain 12 blocks.

Dated 4 June 2008

PHILIP ROBERTS  
Director, Minerals and Petroleum Regulation  
Delegate of the Minister



**Private Agents Act 1966****NOTICE OF RECEIPT OF APPLICATIONS FOR LICENCES  
UNDER THE PROVISIONS OF THE PRIVATE AGENTS ACT 1966 – 7494**

I, the undersigned, being the Registrar of the Magistrates' Court at Melbourne 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/her 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>Name of Firm or Corporation</i>	<i>Address for Registration</i>	<i>Type of Licence</i>
Anthony Peter Stein	The ARMS Global Group P/L	Level 5, 520 Collins Street, Melbourne, Vic. 3000	Commercial Sub-Agents
Noel John Wyett	Australian Receivables Ltd	363 King Street, Melbourne, Vic. 3000	Commercial Agents
Maria Gioras	Australian Receivables Ltd	363 King Street, Melbourne, Vic. 3000	Commercial Sub-Agents
Danny Leo Martinov	Australian Receivables Ltd	363 King Street, Melbourne, Vic. 3000	Commercial Sub-Agents
Linh Hong Nguyen	Australian Receivables Ltd	363 King Street, Melbourne, Vic. 3000	Commercial Sub-Agents

Dated at Melbourne 6 June 2008

TREVOR RIPPER  
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 – 7494**

I, the undersigned, being the Registrar of the Magistrates' Court at Melbourne 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/her 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>Name of Firm or Corporation</i>	<i>Address for Registration</i>	<i>Type of Licence</i>
Fiona Louise Brennan	Willmot Forests Ltd	249 Park Street, South Melbourne, Vic. 3205	Commercial Sub-Agents
Souopuava Evo Fa' amausli	Australian Receivables Ltd	363 King Street, Melbourne, Vic. 3000	Commercial Agents
Peter George Kowarsky	Australian Receivables Ltd	363 King Street, Melbourne, Vic. 3000	Commercial Sub-Agents
Abdul Sadiq Ahmed	Probe Group P/L	214 Balaclava Road, Caulfield North, Vic. 3161	Commercial Sub-Agents
Prarthi Pandey	Probe Group P/L	214 Balaclava Road, Caulfield North, Vic. 3161	Commercial Sub-Agents

Dated at Melbourne 6 June 2008

TREVOR RIPPER  
Registrar  
Magistrates' Court of Victoria

**Water Act 1989****BULK ENTITLEMENT (OMEEO) CONVERSION ORDER 2008**

I, Tim Holding, as Minister administering the **Water Act 1989**, make the following Order –

**1. CITATION**

This Order may be cited as the Bulk Entitlement (Omeo) Conversion Order 2008.

**2. EMPOWERING PROVISIONS**

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

**3. COMMENCEMENT**

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

**4. DEFINITIONS**

In this Order –

‘**Act**’ means the **Water Act 1989**;

‘**annual entitlement**’ means the total amount of water which the Corporation may take from the waterway in any year;

‘**Corporation**’ means the East Gippsland Region Water Corporation;

‘**Department**’ means the Department of Sustainability and Environment;

‘**entitlement holder**’ means a person holding a bulk entitlement under the Act;

‘**Goulburn–Murray Water**’ means Goulburn–Murray Rural Water Corporation

‘**licence**’ means any licence granted under Part 4 of the Act;

‘**Management Plan**’ means a management plan prepared for an area of the waterway under s32A of the Act;

‘**Minister**’ means the Minister administering the Act and in relation to any provision, includes any person authorised by the Minister to act on the Minister’s behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under section 306 of the Act;

‘**offtake**’ means the point on the waterway from which the Corporation takes water under this Order;

‘**Upper Murray Basin Water Accounts**’ means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Upper Murray Basin, with the terms of their bulk entitlements or licences;

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

- (a) prepare the Upper Murray Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Upper Murray Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Upper Murray Basin; and
- (d) investigate and mediate disputes between entitlement holders in the Upper Murray Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Upper Murray Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 33AAA of the Act;

‘**Victorian Storage Operator**’ means the person appointed by the Minister to be responsible for water storage and supply costs in the Murray Basin;

‘**specified point**’ means immediately upstream of the offtake on the waterway;

‘**waterway**’ means Butchers Creek;

‘**year**’ means the 12 months commencing 1 July.

## 5. **CONVERSION TO A BULK ENTITLEMENT**

All of the Corporation’s entitlement to take water from the waterway to supply water to the Omeo Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

## 6. **BULK ENTITLEMENT**

The Corporation may take up to 77 ML of water from the waterway in any year subject to the flow sharing arrangements specified in clause 7.

## 7. **SHARE OF FLOW**

7.1 The Corporation may take a share of the flow in the waterway passing the specified point, calculated as follows:

- (a) when  $F \leq 1.3$  ML/day,  
E =  $0.5 \times F$ , and
- (b) when  $F > 1.3$  ML/day,  
E = 0.66 ML/day,

where –

‘E’ means the Corporation’s entitlement; and

‘F’ means the flow past the specified point less water which is the subject of a transfer under sub-clause 7.2.

7.2 The Corporation is not entitled to any flow past the specified point, as part of its bulk entitlement, which is the subject of a transfer by the holder of any other bulk entitlement or licence held by another person to a transferee pursuant to the Act.

7.3 The flow sharing arrangements set out in sub-clause 7.1 apply unless changes, recommended as part of a streamflow management plan, are approved by the Minister.

## 8. **MANAGEMENT PLANS**

8.1 The Corporation will participate in good faith in developing Management Plans for the waterway, including negotiation of any changes to flow sharing arrangements.

8.2 In the event that the Minister approves a Management Plan the Corporation will apply to the Minister to amend this Order under section 44 of the Act to implement the recommendations of the Management Plan.

## 9. **MAKING ALLOWANCES**

9.1 In calculating water available to the Corporation under this Order at any point downstream of the specified point, allowance must be made for –

- (a) any losses of water incurred between that point and the specified point; and
- (b) the time taken by the flow to reach that point from the specified point.

9.2 If the Corporation proposes to divert water under this Order from a point on the waterway other than the specified point, it must, after consultation with Goulburn–Murray Water, North East Catchment Management Authority, and the Department, propose to the Minister –

- (a) fair, reasonable and representative means for calculating the allowances required by sub-clause 9.1; and
- (b) details of the proposed location and amount of extraction; and
- (c) details of the operational requirements of the Resource Manager; and
- (d) the results of an assessment of the likely effects of the proposed taking of water on the environment and other entitlement holders on the waterway.

- 9.3 The Minister may –
- (a) approve a proposal made under sub-clause 9.2; or
  - (b) require the Corporation to amend the proposal; and
  - (c) require the Corporation –
    - (i) to review all or part of any proposal approved by the Minister if, in the Minister's opinion, it is, at any time, no longer fair, reasonable or representative; and
    - (ii) to make an amended proposal to the Minister.
- 9.4 The Corporation must –
- (a) advise the Resource Manager in writing within 14 days of any proposal approved by the Minister under sub-clause 9.3; and
  - (b) provide the Resource Manager with such other information concerning the proposed diversion as the Resource Manager may, from time to time, require.

## 10. ENVIRONMENTAL OBLIGATIONS

- 10.1 The Corporation, in consultation with the North East Catchment Management Authority and the Department, must propose to the Minister within 12 months of the date of this Order, a program to manage the environmental effects of the Corporation's works to take water under this bulk entitlement which includes –
- (a) impacts on the bed and banks of the waterway in the vicinity of the Corporation's works;
  - (b) the effects on aquatic biota in the waterway;
  - (c) operational practices to:
    - (i) remove silt from works;
    - (ii) provide the flows in the waterway specified in clause 7 passing downstream of the offtake; and
    - (iii) manage the water quality in the works, and in the waterway.
- 10.2 The Minister may –
- (a) approve the program proposed under sub-clause 10.1; or
  - (b) require the Corporation to amend the proposed program; and
  - (c) require the Corporation –
    - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
    - (ii) to propose an amended program to the Minister.
- 10.3 The Corporation, must at its cost –
- (a) implement the approved program; and
  - (b) keep a record of all work undertaken under paragraph (a).
- 10.4 The Minister may, from time to time, require the Corporation to report in writing on the implementation of any program approved under sub-clause 10.2.

## 11. METERING PROGRAM

- 11.1 The Corporation must propose to the Minister, within 12 months of the date of this Order, a metering program to determine the amount of water taken by the Corporation under this bulk entitlement, and the flow in the waterway below the offtake, for the purpose of assessing whether or not the Corporation complies with this bulk entitlement.

- 11.2 The metering program prepared under sub-clause 11.1 must include details of any agreement between the Corporation and any other person for measuring and calculating in stream flows.
- 11.3 The Minister may –
- (a) approve the program proposed under sub-clause 11.1; or
  - (b) require the Corporation to amend the proposed program; and
  - (c) require the Corporation –
    - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
    - (ii) to propose an amended program to the Minister.
- 11.4 The Corporation must, at its cost, and in accordance with any guidelines issued from time to time by the Minister –
- (a) implement and maintain the approved metering program; and
  - (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, if rating curves are used to calculate flows, ensure that these curves are regularly checked and, if necessary, revised; and
  - (c) keep a record of all work undertaken under paragraph (b).

## 12. REPORTING REQUIREMENTS

- 12.1 The Corporation may be required to report on all or any of the following matters, as provided in this clause:
- (a) the daily amount of water taken by the Corporation from the waterway;
  - (b) the daily flow in the waterway below the offtake;
  - (c) the approval, amendment and implementation of programs and proposals under clauses 8, 10 and 11;
  - (d) the annual amount of water taken under this bulk entitlement;
  - (e) any temporary or permanent transfer of all or part of this bulk entitlement;
  - (f) any bulk entitlement or licence in respect of the waterway temporarily or permanently transferred to the Corporation with respect to the Omeo Water Supply System;
  - (g) any amendment to this bulk entitlement;
  - (h) any new bulk entitlement granted to the Corporation with respect to the Omeo Water Supply System;
  - (i) any failure by the Corporation to comply with any provision of this bulk entitlement;
  - (j) any difficulties experienced or anticipated by the Corporation in complying with this bulk entitlement and any remedial action taken or proposed.
- 12.2 The Minister may require the Corporation to report on any of the matters set out in sub-clause 12.1, except paragraph (g) and (h) of sub-clause 12.1 –
- (a) in writing, or in such electronic form as may be agreed between the Corporation and the Minister; and
  - (b) within 14 days of receiving the Minister's written request.
- 12.3 The Corporation must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 12.1, except paragraphs (a), (b) and (c) of sub-clause 12.1.

- 12.4 The Resource Manager may require the Corporation to report to it, from time to time, on all or any of the matters set out in sub-clause 12.1.
- 12.5 Any report under sub-clause 12.4 must be made –
- (a) in such form as may be agreed between the Corporation and the Resource Manager; and
  - (b) unless the Corporation and the Resource Manager agree otherwise –
    - (i) within 24 hours of the Corporation receiving a request for a report on any matter set out in paragraph (a) of sub-clause 12.1; or
    - (ii) within 14 days of the Corporation receiving a request for a report on any matter set out in paragraphs (c) to (j) of sub-clause 12.1.

**13. WATER RESOURCE MANAGEMENT COSTS**

- 13.1 Subject to sub-clause 15.1, the Corporation must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to –
- (a) prepare the Upper Murray Basin Water Accounts; and
  - (b) monitor whether entitlement holders in the Upper Murray Basin comply with the conditions of their bulk entitlements; and
  - (c) direct the release of any water set aside for maintaining water quality in the Upper Murray Basin; and
  - (d) investigate and mediate disputes between entitlement holders in the Upper Murray Basin; and
  - (e) investigate and deal with significant unauthorised uses of water in the Upper Murray Basin; and
  - (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 33AAA of the Act.
- 13.2 The proportion of the costs referred to in sub-clause 13.1 is to be determined by the Resource Manager under sub-clause 15.3.

**14. SALINITY MANAGEMENT COSTS**

- 14.1 The Corporation must pay to the Victorian Storage Operator, a portion of the cost of salinity mitigation schemes along the River Murray operated by Victoria, commensurate with the extent to which the Corporation and its customers contribute to the need for these schemes.

**15. DUTY TO KEEP ACCOUNTS AND FIX PROPORTIONS**

- 15.1 The Corporation is not obliged to make any payment to the Resource Manager, under clause 13 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.
- 15.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to sub-clause 13.1.
- 15.3 The Resource Manager must, by 1 February in any year, determine for the Corporation, in respect of the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 13.1 and provide the Corporation with estimates of the amount payable.
- 15.4 Accounts required to be kept under this clause must be made available for inspection by the Corporation upon request.

**16. DUTY TO MAKE PAYMENTS**

- Any amount payable by the Corporation under sub-clause 13.1 must be paid in arrears, within 28 days of the Corporation receiving an invoice, unless the Corporation and Resource Manager agree otherwise.

**17. DATA**

- 17.1 Subject to clause 11.4, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Corporation to comply with this bulk entitlement are made available to the Corporation.
- 17.2 The Corporation must make available data collected for the purpose of the metering program and reporting under clauses 11 and 12 to any person, subject to the person paying any fair and reasonable access fee imposed by the Corporation, to cover the costs of making the data available.

**18. DISPUTE RESOLUTION**

- 18.1 If any difference or dispute arises between the Corporation, the Minister and, with its consent, the Resource Manager, or any of them (the 'parties') concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.
- 18.2 The independent expert will be either –
  - (a) a person agreed on by the parties to the difference or dispute; or
  - (b) if those parties cannot agree, a person nominated by the Minister.
- 18.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
- 18.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 18.5 In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.
- 18.6 The Minister must consider any recommendation made under paragraph 18.5 before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.
- 18.7 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 18.8 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Dated 2 June 2008

TIM HOLDING  
Minister administering the **Water Act 1989**

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**Water Industry Act 1994**AMENDMENT TO STATEMENTS OF OBLIGATIONS UNDER  
SECTION 8 OF THE **WATER INDUSTRY ACT 1994**

Yarra Valley Water Limited, City West Water Limited and South East Water Limited

I, Tim Holding, Minister for Water, as Minister administering the **Water Industry Act 1994**, after –

- (a) consultation with the Treasurer and the Essential Services Commission; and
- (b) giving the licensees notice in writing of the proposed amendment or variation; and
- (c) considering any written submission made by the licensees in response to the notice variation –

amend the Statements of Obligations issued to Yarra Valley Water Limited, City West Water Limited and South East Water Limited as follows –

- (1) These amendments will take effect from the day they are published in the Government Gazette.
- (2) For clause 7.1 of each of the Statements of Obligations, substitute –  
‘7.1 The *Licensee* must develop a *Water Plan* that complies with the requirements of this *Statement* for the purpose of enabling the *Commission* to make a decision with respect to *Prices* for *Prescribed Services* in respect of the one year *Regulatory Period* commencing 1 July 2008.’
- (3) For clause 7.2 of each of the Statements of Obligations, substitute –  
‘7.2 The *Licensee* must deliver the *Water Plan* to the *Commission* by 13 June 2008 or such other date as approved by the *Commission*.’
- (4) For clause 7.3 of each of the Statements of Obligations, substitute –  
‘7.3 The *Licensee* must include in the *Water Plan*: the proposed *Prices* to be charged for each of the *Licensee*’s *Prescribed Services*.’
- (5) For clause 7.4 of each of the Statements of Obligations, substitute –  
‘7.4 The proposed *Prices* to be charged for each of the following services or charges, as defined in the *Water Industry Regulatory Order* must conform with the following requirements:
  - (a) Real *Prices* for each retail water service, each retail sewerage service (including trade waste) must not increase by an annual increase of more than 14.8 per cent from 2007/08 *Prices* and there is to be no change to the tariff structure of those *Prices*.
  - (b) Real *Prices* for each retail recycled water service must comply with the *Commission*’s decision on recycled water pricing in the *Commission*’s 2008 Water Price Review.
  - (c) Real *Prices* for developer charges must comply with the *Commission*’s decision on developer charges in the *Commission*’s 2008 Water Price Review.
  - (d) Real *Prices* for miscellaneous charges must comply with the *Commission*’s decision on miscellaneous charges in the *Commission*’s 2008 Water Price Review.’
- (6) Clause 8 of each of the Statements of Obligations is revoked.
- (7) In Schedule A of each of the Statements of Obligations for the definition of ‘Regulatory Period’, substitute –  
‘**Regulatory Period**’ means the one year period commencing on 1 July 2008.

Dated 5 June 2008

TIM HOLDING MP  
Minister for Water

**Water Industry Act 1994**  
 AMENDMENT TO STATEMENT OF OBLIGATIONS UNDER  
 SECTION 8 OF THE **WATER INDUSTRY ACT 1994**

Melbourne Water Corporation

I, Tim Holding, Minister for Water, as Minister administering the **Water Industry Act 1994**, after –

- (a) consultation with the Treasurer and the Essential Services Commission; and
- (b) giving Melbourne Water Corporation notice in writing of the proposed amendment or variation; and
- (c) considering any written submission made by Melbourne Water Corporation in response to the notice variation –

amend the Statement of Obligations issued to Melbourne Water Corporation as follows –

- (1) These amendments will take effect from the day they are published in the Government Gazette.
- (2) For clause 7.1 of the Statement of Obligations, substitute –
 

‘7.1 The *Authority* must develop a *Waterways Water Plan* that complies with the requirements of this *Statement* for the purpose of enabling the *Commission* to make a decision with respect to *Prices* for metropolitan drainage services and diversion services, as defined in the Water Industry Regulatory Order in respect of the five year *Regulatory Period* commencing 1 July 2008.

The Water Plan submitted to the Commission on 19 December 2007 is to be taken to be the *Waterways Water Plan*.’
- (3) For clause 7.2 of the Statement of Obligations substitute –
 

‘7.2 The *Authority* must develop a *Bulk Services Water Plan* that complies with the requirements of this *Statement* for the purpose of enabling the *Commission* to make a decision with respect to *Prices* for *Prescribed Services*, other than metropolitan drainage services and diversion services, in respect to a one year period commencing 1 July 2008.’
- (4) For clause 7.3 of the Statement of Obligations, substitute –
 

‘7.3 The *Authority* must deliver the *Bulk Services Water Plan* to the *Commission* by 13 June 2008 or such other date as approved by the *Commission*.’
- (5) After clause 7.3 of the Statement of Obligations, insert –
 

‘7.4 The *Authority* must include the proposed *Prices* to be charged for each of the *Authority*’s *Prescribed Services*, other than metropolitan drainage services and diversion services, in the *Bulk Services Water Plan*.

7.5 The proposed *Prices* to be charged for each of the following services or charges, as defined in the Water Industry Regulatory Order, must conform with the following requirements:

  - (a) Real *Prices* for each storage operator and bulk water service and for each bulk sewerage service for Yarra Valley Water, City West Water and South East Water must not increase by an annual increase of more than 23.5 per cent from 2007/08 *Prices* and there is to be no change to the tariff structure of those *Prices*.
  - (b) Real *Prices* for services for Western Water and Gippsland Water must comply with the *Commission*’s decision in the *Commission*’s 2008 Water Price Review.
  - (c) Real *Prices* for bulk recycled water services must comply with the *Commission*’s decision on recycled water pricing in the *Commission*’s 2008 Water Price Review.’
- (6) Clause 8 of the Statement of Obligations, is revoked.

Dated 5 June 2008

TIM HOLDING MP  
 Minister for Water

**Wildlife Act 1975**  
**WILDLIFE (PORT PHILLIP BAY WHALE (DOLPHIN) SWIM TOUR AREA)**  
**ORDER 2008/2010**

I, Peter Harris, Secretary to the Department of Sustainability and Environment, make the following Order:

**Objective**

1. The objective of this Order is –
  - (a) to proclaim the Port Phillip Bay Whale (Dolphin) Swim Tour Area as a whale swim tour area;
  - (b) to invite applications for whale swim tour permits in respect of dolphins in the area;
  - (c) to specify the permit fees and the maximum number of permits in respect of dolphins in the area;
  - (d) to specify the procedures and criteria for the making and assessment of applications for permits.

**Authorising provision**

2. This Order is made under section 83F of the **Wildlife Act 1975**.

**Commencement**

3. This Order operates from 12 June 2008 until 30 June 2010.

**Definition**

4. In this Order –
  - ‘**dolphin**’ means any member of the family *Delphinidae* of the sub-order *Odontoceti* of the order *Cetacea*;
  - ‘**Port Phillip Bay Whale (Dolphin) Swim Tour Area**’ means the whale swim tour area proclaimed under clause 5.

**Proclamation of Port Phillip Bay Whale (Dolphin) Swim Tour Area**

5. The area described in Schedule 1 is proclaimed to be a whale swim tour area.

**Applications for whale swim tour permits**

6. Applications for whale swim tour permits for the Port Phillip Bay Whale (Dolphin) Swim Tour Area are invited to conduct whale swim tours involving dolphins.
7. The holder of an existing whale swim tour permit may apply for a permit.
8. Applications in writing must be received by 2.00 pm on Wednesday 16 July 2008 and addressed to: Confidential, 2008/2010 Whale (Dolphin) Swim Tour Permit Application E1231, Tender Box – Reception, Parks Victoria, Level 10, 535 Bourke Street, Melbourne, Victoria 3000.
9. Applications must include the information specified in the ‘Information Kit for Applicants for Whale (Dolphin) Swim Tour Permits on Port Phillip Bay’ in Schedule 2.

**Criteria to be used for assessment of applications**

10. Applications for whale swim tour permits will be assessed according to the criteria set out in the ‘Information Kit for Whale (Dolphin) Swim Tour Permits on Port Phillip Bay’ in Schedule 2.

**Maximum number of whale swim tour permits**

11. The maximum number of whale swim tour permits to be granted for the Port Phillip Bay Whale (Dolphin) Swim Tour Area is four (4).

**Fee for whale swim tour permits**

12. The fee for a whale swim tour permit is the fee prescribed in Regulation 8(2) of the Wildlife (Whales) Regulations 1998.

Dated 4 June 2008

PETER HARRIS  
Secretary to the Department of Sustainability and Environment

**SCHEDULE 1**

All the waters of Port Phillip Bay that are more than 100 metres seaward of the low water mark of Port Phillip Bay, except the waters of the following areas that are declared as fisheries reserves for aquaculture purposes under section 88 of the **Fisheries Act 1975**<sup>1</sup>:

Grassy Point Aquaculture Fisheries Reserve

Clifton Springs Aquaculture Fisheries Reserve

Kirk Point–Werribee Aquaculture Fisheries Reserve

Bates Point Aquaculture Fisheries Reserve

Beaumaris Aquaculture Fisheries Reserve

Mount Martha Aquaculture Fisheries Reserve

Dromana Aquaculture Fisheries Reserve

Pinnacle Channel Aquaculture Fisheries Reserve

**NOTES**

<sup>1</sup> These fisheries reserves were declared by Orders in Council published in the Government Gazette G 10 on 6 March 2003 at pages 399–407. The Orders define the boundaries of each fisheries reserve (map below).

Section 83I of the **Wildlife Act 1975** provides that the holder of a whale swim tour permit must comply with the conditions of the permit. Penalty: 100 penalty units or 6 months imprisonment or both the fine and imprisonment.



**SCHEDULE 2**

**INFORMATION KIT FOR APPLICANTS  
FOR  
WHALE (DOLPHIN) SWIM TOUR PERMITS  
ON PORT PHILLIP BAY**

**2008/10 SEASON**

INFORMATION KIT FOR APPLICANTS FOR WHALE (DOLPHIN) SWIM TOUR PERMITS  
ON PORT PHILLIP BAY FOR THE 2008/10 SEASON

Parks Victoria, on behalf of the Department of Sustainability and Environment, is inviting applications for Whale (Dolphin) Swim Tour Permits for the period 1 July 2008 to 30 June 2010.

These permits will apply only to dolphins in Port Phillip Bay.

Throughout this Information Kit and the Application Form, the permits are referred to as 'dolphin swim tour permits'.

## 1. BACKGROUND

Victoria's Port Phillip Bay supports a small but highly significant resident population of inshore bottlenose dolphins.

Dolphins are wildlife protected under Victoria's **Wildlife Act 1975** and the Wildlife (Whales) Regulations 1998.

In 2002, the Wildlife Act was amended to allow a particular area to be declared by the Department of Sustainability and Environment to be 'a whale swim tour area' and for the number of tour permits and the level of tour activity in that area to be managed within an ecologically sustainable threshold. Under the Act, that threshold must be determined according to the best available information as to the effect that the conduct of activities is likely to have on individual whales or groups of whales in the area.

To assist in the determination of this threshold, the (then) Department of Natural Resources and Environment funded the Dolphin Research Institute based at Hastings, to analyse data on dolphin interactions with tour and recreational vessels in Port Phillip Bay. This data has been gathered over several years with the assistance of tour operators.

The Cooperative Research Centre for Sustainable Tourism was subsequently engaged to undertake the review of this and other local and international research, the principal reviewer being Dr Peter Hale of the University of Queensland. The objective of the review was to determine within a triple bottom line framework (ecological, social and economic) whether the current level of activity is sustainable and, if not, what action should be taken.

The review has identified that:

- *The Port Phillip Bay dolphin population is small and distinct from adjacent bottlenose dolphin populations in Bass Strait.*
- *This population is vulnerable to extinction due to its size, female natal philopatry (see below), restricted home range and the large amount of human activity within the home range that is likely to be having an adverse impact.*
- *Breeding females are a critical population parameter. Females stay at or near their birth site and if they perish they are unlikely to be replaced by females from other distant populations.*
- *Dolphin tour boats account for far more interaction with dolphins than do private recreational boats.*
- *The proximity of tour boats is the key disturbance factor posed by boating interaction with dolphins in Port Phillip Bay. Avoidance behaviour (diving, changing direction) in response to tour boats and other motorised vessels is the major indicator of disturbance that needs to be monitored and minimised. While not categorical, evidence of stress 'avoidance behaviour' is a recognised indicator of change in natural cetacean behaviour.*
- *The cumulative time that tour boats spend in close proximity to dolphins (within 100 m) is high and has increased over the last two seasons.*

## 2. ADMINISTRATION OF PERMITS

Parks Victoria manages the administration of the tour operator licensing system for public land and waters under delegation from the Department of Sustainability and Environment (DSE). This licensing system includes land-based tour operators in parks and forests, tour operators in marine parks and marine sanctuaries and permits for swim and sightseeing dolphin tour operators in Port Phillip Bay.

Parks Victoria will manage the application and assessment process for the dolphin swim permits with support and advice from DSE. Parks Victoria will also provide ongoing advice for operators on permit issues.

### 2.1 Issuing of Dolphin Swim Tour Permits for 2008/10

Applications for Dolphin Swim Tour Permits via a competitive allocation process have been invited by a series of newspaper advertisements placed during June 2008.

Four Dolphin Swim Tour Permits will be made available for the two-year permit period 1 July 2008 to 30 June 2010.

In accordance with the Section 83C of the **Wildlife Act 1975**, permits will be issued in the name of a natural person, not a corporate or business name.

Only one permit will be issued per person. Applicants may nominate other natural persons as 'tour supervisors'. Tour supervisors will be permitted to conduct tours in the absence of the permit holder, but the permit holder retains overall responsibility for all activities conducted under the permit. Applicants must ensure that such nominees are aware of and understand the relevant regulations and permit conditions.

The permit will only be applicable to vessels nominated in the application.

As dolphin swim tour permits are issued to individuals rather than businesses there is no legal impediment to two individuals in the same business each having a permit. However, in deciding whether to grant a permit to a person in the same business as an existing permit holder, the assessment panel will consider the potential impact on competition and entry to the market for new operators, as set out in the criteria below, in addition to any other relevant factors.

The application and assessment process for the 2008/10 season, and future seasons, will be via a competitive process.

Permits will be awarded to the most suitable applicants on the basis of applicants meeting mandatory and weighted criteria.

### 2.2 Application process

Applicants will be required to provide:

A completed 2008/10 Whale (Dolphin) Swim Tour Permit Application; including:

- Documentation providing evidence of compliance with the 'mandatory' criteria listed in Section 3.1; and
- A written submission (and supporting documentation) that addresses the 'weighted' selection criteria outlined in Section 3.2 of this document.

Applicants are to lodge their completed 2008/10 Whale (Dolphin) Swim Tour Permit Application as per the instructions outlined in Section 5 (Submission of Applications).

### 2.3 Assessment process

An assessment panel comprising representatives from Parks Victoria, DSE, Tourism Victoria and Marine Safety Victoria will consider each application on its merits, according to specified criteria. Successful applicants must meet the mandatory criteria and demonstrate a satisfactory performance in each of the weighted criteria.

Parks Victoria and DSE are under no obligation to issue all available permits.



The panel may choose to interview shortlisted applicants as part of the assessment process.

Where there are more than four satisfactory applications, the applicants best able to demonstrate their conduct in relation to environmental protection of the dolphin, safety of participants and a quality interpretive experience will be granted permits.

Recommendations will then be provided to the senior manager at Parks Victoria who has the statutory delegation to issue the permits.

### 3. SELECTION CRITERIA

Applicants will be assessed on the basis of their demonstrated ability to meet the following mandatory and weighted selection criteria.

Applicants must demonstrate their previous experience and performance in relation to each of the criteria, as well as proposed operations for the forthcoming season.

Where an applicant has been found guilty of an offence under the **Wildlife Act 1975** or the Wildlife (Whales) Regulations 1998, or a similar offence in another jurisdiction, or has failed to comply with the Act, regulations or conditions of past permits, the application may be refused.

The criteria are designed to ensure the highest levels of professional conduct for environmental protection of the dolphins, safety of participants and interpretation of wildlife and ecosystem values.

#### 3.1 Mandatory Criteria

Applicants must be able to demonstrate:

1. Current public liability insurance cover to the value of \$10 million with an insurer approved by the Australian Prudential Regulation Authority (APRA).
2. Compliance of the applicant's nominated vessel and staff with the requirements of the **Marine Act 1988** and Marine Regulations 1999 including:
  - Valid and up-to-date Certificate of Survey for the nominated vessel;
  - Current Certificates of Competency for the nominated master(s) and crew of the vessel, appropriate to the vessel class, length and operational area.

To demonstrate the mandatory criteria, copies of appropriate schedules, certificates and qualifications must be attached to the Application Form.

#### 3.2 Weighted Criteria

A written submission must be provided, with attached supporting documentation where necessary, addressing past performance and proposed action in relation to each of the following criteria:

1. Environmental Awareness
2. Visitor Experience and Understanding
3. Safety
4. Business Capacity and Resources

The following table provides some indication of the scope of each of these criteria as well as suggestions of ways in which applicants could demonstrate their ability to meet these criteria. The table is a guide only – applicants may include other relevant information that they feel would support their submission.

Criteria	Please demonstrate how you meet the below criteria
<p><b>1. Environmental Awareness</b></p> <ul style="list-style-type: none"> <li>● Understanding of dolphin behaviour and biology;</li> <li>● Understanding of dolphin/human interaction including dolphin stress factors;</li> <li>● Commitment to co-operating with on-going research and monitoring;</li> <li>● Understanding of Wildlife (Whale) Regulations 1998 including compliance history where relevant.</li> </ul>	<ul style="list-style-type: none"> <li>● Previous experience in the dolphin swim industry;</li> <li>● Previous experience in other related activities;</li> <li>● Proposed methods to minimise disturbance to dolphins;</li> <li>● Interpretive messages (to be) delivered;</li> <li>● Previous NRE/DSE report card or other indicator of past performance;</li> <li>● Ecotourism certification Program (formerly NEAP) certification or equivalent;</li> <li>● Brochure or web content;</li> <li>● Evidence of sustainable practices incorporated into vessel and activity operations.</li> </ul>
<p><b>2. Visitor Experience &amp; Understanding</b></p> <ul style="list-style-type: none"> <li>● Education and interpretation program and skills;</li> <li>● Broad-based product i.e. an itinerary and commentary focussed on more than the dolphins.</li> </ul>	<ul style="list-style-type: none"> <li>● Experience, qualifications and role of support staff;</li> <li>● Interpretive messages delivered/ outline of commentary;</li> <li>● An Interpretation Plan;</li> <li>● Eco certification Program (formerly NEAP) or equivalent accreditation;</li> <li>● Client testimonials or satisfaction surveys;</li> <li>● Brochure or web content;</li> <li>● Staff to client ratios.</li> </ul>
<p><b>3. Activity Safety</b></p> <ul style="list-style-type: none"> <li>● Risk mitigation;</li> <li>● Emergency response capability.</li> </ul> <p>(Note: This section refers to activity safety and the staff that supervise the activity. This is separate from 3.1.2 which refers to the vessel operation crew).</p>	<p>Provide Operating procedures which address each of the following in line with the Victorian Snorkelling (scuba diving, and wildlife swims) Adventure Activity Standard (AAS),</p> <ul style="list-style-type: none"> <li>● A Risk Assessment Checklist (AAS 1.3)</li> <li>● An Emergency Strategy (AAS 1.4)</li> <li>● Experience, qualifications and role of activity staff (AAS 2.1 &amp; 2.2, 2.4, 2.5)</li> <li>● Supervision of activities (AAS 2.6, 2.7)</li> <li>● Equipment (AAS 3)</li> </ul> <p>And also address</p> <ul style="list-style-type: none"> <li>● Occupational Health &amp; Safety policies and/or training</li> <li>● Provide safety history for past five years.</li> </ul>
<p><b>4. Business Capacity &amp; Resources</b></p> <ul style="list-style-type: none"> <li>● Capacity to deliver service including vessel and staff;</li> <li>● Commitment and skills relevant to business capacity such as quality customer service and accreditation.</li> <li>● Potential impact on competition.</li> </ul>	<ul style="list-style-type: none"> <li>● Business plan;</li> <li>● Better Business (or equivalent) accreditation;</li> <li>● A Staff Development Plan</li> <li>● Brochure/ web site – advertised or proposed schedule;</li> <li>● Vessel specifications and facilities;</li> <li>● Membership of local and regional tourism industry associations.</li> <li>● Whether the applicant's business already holds a permit in the swim tour area.</li> </ul>

#### 4. PERMIT CONDITIONS

##### 4.1 Whale (Dolphin) Swim Tour Area

The Wildlife (Port Phillip Bay Whale (Dolphin) Swim Tour Area) Order 2008/2010 gazetted all the waters more than 100 metres seaward of the low water mark of Port Phillip Bay as a Whale (Dolphin) Swim Tour Area. The Whale (Dolphin) Swim Tour Area includes marine national parks and sanctuaries under the **National Parks Act 1975**, but excludes Aquaculture Fisheries Reserves under section 88 of the **Fisheries Act 1975**. (See Appendix A)

##### 4.2 Acts and Regulations

Swims are to be conducted in accordance with the **Wildlife Act 1975** and the Wildlife (Whales) Regulations 1998, and permit conditions.

Section 83I of the **Wildlife Act 1975** provides that the holder of a whale (dolphin) swim tour permit must comply with the conditions of the permit. The penalty for breach of this provision is 100 penalty units or 6 months imprisonment or both fine and imprisonment.

Section 83J of the **Wildlife Act 1975** states that an authorising officer may direct the holder of a whale (dolphin) swim tour permit to immediately cease any activity being carried out under the permit, if the authorised officer reasonably believes that the activity is detrimental to the welfare of any whale. The penalty for breach of this provision is 50 penalty units or 3 months imprisonment or both fine and imprisonment.

Vessel Operating and Zoning Rules for Victorian Waters (Notice 1 under Section 15(2) of the **Marine Act 1988**) and Harbour Masters Directions under the **Port Services Act 1995**, also apply. See Marine Safety Victoria for copies of these requirements.

During the next 12–18 months the Department of Sustainability and Environment, in consultation with stakeholders, will be developing a new set of Regulations for the management of marine mammals in Victoria. These regulations will replace the existing Wildlife (Whales) Regulations 1998 and will come into effect in late 2009.

##### 4.3 Permit Term

The permits being allocated for 2008/10 are non-renewable and will be allocated for the period until 30 June 2010.

Upon expiry of the permit, previous holders will need to apply through a new application process, along with all other interested parties.

##### 4.4 General Conditions

Permits are not transferable and cannot be traded on the open market. Parks Victoria and DSE may decide to assign the remainder of the two year permit to a prospective purchaser of a dolphin swim business, providing they meet all of the selection criteria, or may choose to readvertise for a new application.

A full list of general conditions is included in the 2008/10 Whale (Dolphin) Swim Tour Permit Application. General Conditions include compliance with the industry developed AAS for Snorkelling (scuba diving, and wildlife swims). A copy of this AAS is available on the Outdoor Recreation Centre website – [www.orc.org.au](http://www.orc.org.au)

##### 4.5 Permit Fee

For 2008/10, the required fee for a dolphin swim tour permit is \$794.50, as specified in regulation 8(2) of the Wildlife (Whale) Regulations 1998.

Section 83G of the **Wildlife Act 1975** requires a person who is granted a whale (dolphin) swim tour permit to pay the required fee on the grant of the permit. However the applicant may choose to enclose a cheque or provide credit card details with the Application Form.

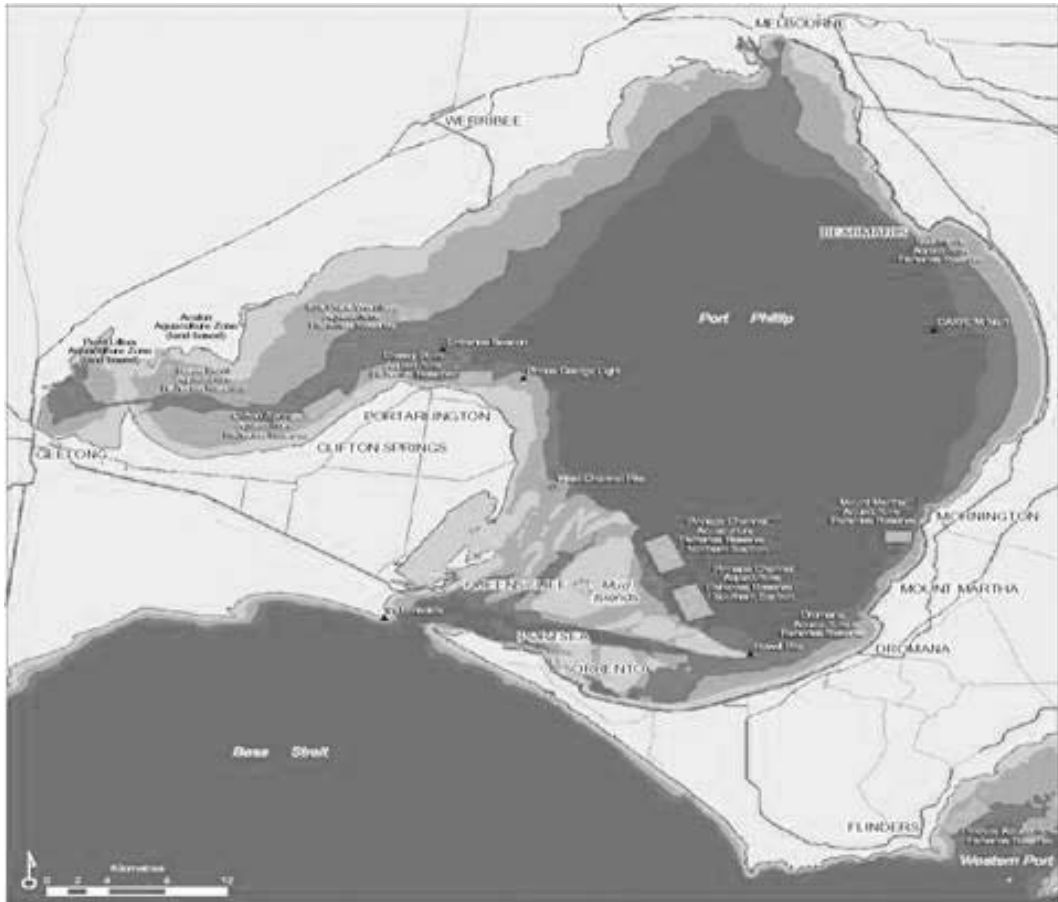
#### 5. SUBMISSION OF APPLICATIONS

Five (5) copies of the application must be received by Parks Victoria no later than 2.00 pm on Wednesday 16 July 2008.

Applications must be marked: Confidential, 2008/10 Whale (Dolphin) Swim Tour Permit Application E1231, and be delivered to Tender Box – Reception, Parks Victoria, Level 10, 535 Bourke Street, Melbourne, Victoria 3000.

Late applications will not be considered.

**APPENDIX A –  
MAP OF PORT PHILLIP BAY SHOWING FISHERIES RESERVES**



**Map Notes**

Port information sourced from Victorian Coastal Authority  
 Bathymetry sourced from SDE MFRS  
 Base information DSE CGCS  
 Map Projection  
 Horizontal Datum AGD1984 (MGA Zone 56)

**Legend**

Aquaculture Sites	Freeway	NAV AIDS
0-5 metres	Highway	WCH NAV AIDS
5- 10 metres	Main road	
10 - 15 metres	Other Road	
> 15 metres		

Victoria  
The Place To Be

# 2008/10 WHALE (DOLPHIN) SWIM TOUR PERMIT APPLICATION

**This application is for a Permit to conduct (Whale) Dolphin Swim Tours in Port Phillip Bay**

Complete the steps below and forward your application to Parks Victoria for assessment.

CHECKLIST (Please complete to ensure application is processed in a timely manner)	(please ✓ tick)
1 Read and understood the attached "Information Kit for Applicants"	
2 Applicant details and proposed tour schedules complete	
3 Read and understood all Permit Conditions (see page 8)	
4 Addressed the mandatory selection criteria (see page 7)	
5 Addressed the weighted selection criteria (see page 7)	
6 Attached appropriate Public Liability Insurance certificate of currency (see pages 7, 10 & 11)	
7 Read, understood and signed Insurance and Indemnity provisions (see page 10-11)	
8 Attached current Certificate of Survey for your vessel	
9 Attached relevant Certificate of Competency for nominated tour supervisors	
10 Signed the permit application authorisation below	
11 Attached relevant permit fees (all cheques made payable to Parks Victoria)	

<p>Whale (Dolphin) Swim Tour Permit applications will be assessed only when complete.</p> <p>Applications should be forwarded to:  <b>Tender Box – Reception,</b>  <b>Parks Victoria,</b>  <b>Level 10, 535 Bourke Street,</b>  <b>Melbourne VIC 3000</b></p>	<h3 style="margin: 0;">Authorisation</h3> <p>By completing this application form for a Whale (Dolphin) Swim Tour Permit, the applicant undertakes to comply with the conditions set out in Parts 4 and 6 of this form.</p> <p>Surname: <input style="width: 100%;" type="text"/></p> <p>Given name: <input style="width: 100%;" type="text"/></p> <p>Position: <input style="width: 100%;" type="text"/></p> <p>Company/Association: <input style="width: 100%;" type="text"/></p> <p>Signed: <input style="width: 150px; height: 30px;" type="text"/> Date: <input style="width: 60px; height: 20px;" type="text"/></p>
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**Whale (Dolphin) Swim Tour Permits are whale swim tour permits (under the provisions of the Wildlife Act 1975 and Wildlife (Whale) Regulations 1998) and only apply to:**

- the "Port Phillip Bay Whale (Dolphin) Swim Tour Area" as proclaimed by the Wildlife (Port Phillip Bay Whale (Dolphin) Swim Tour Area) Order 2007/2008 or any Order made under section 83F of the Wildlife Act that replaces it from time to time.
- dolphins (ie any member of the family *Delphinidae* of the sub-order *Odontoceti* of the order *Cetacea*).

Whale (Dolphin) Swim Tour Permit holders do not require a separate licence to conduct dolphin swim tours in marine parks and marine sanctuaries within the Port Phillip Bay Whale (Dolphin) Swim Tour Area.

**Whale (Dolphin) Swim Tour Permits are:**

- not transferable\* (for example, to another individual or entity)
- not renewable. Upon expiry of the Permit on 30 June 2010, previous permit holders will need to apply through a new application process along with all other interested parties
- for the use of the applicant specified in this form only
- issued on the basis that the Permit Holder accepts and undertakes to comply with the permit conditions.
- issued pursuant to *Wildlife Act 1975*.

**Industry Contact information:**

Listed below are contact details of industry organisations you may find useful.

• Marine Safety Victoria	1800 223 022	<a href="http://www.marinesafety.vic.gov.au">www.marinesafety.vic.gov.au</a>
• Tourism Alliance Victoria	03 9650 8399	<a href="http://www.tourismalliance.com.au">www.tourismalliance.com.au</a>
• Tourism Victoria	03 9653 9777	<a href="http://www.tourism.vic.gov.au">www.tourism.vic.gov.au</a>
• Food Safety Victoria	1300 364 352	<a href="http://www.health.vic.gov.au/foodsafety/">www.health.vic.gov.au/foodsafety/</a>
• Consumer Affairs Victoria – liquor licensing	1300 558 181	<a href="http://www.consumer.vic.gov.au">www.consumer.vic.gov.au</a>
• Business Victoria	132 215	<a href="http://www.business.vic.gov.au">www.business.vic.gov.au</a>
• Victorian Taxi Directorate	03 9655 6666	<a href="http://www.taxi.vic.gov.au">www.taxi.vic.gov.au</a>
• Worksafe Victoria	1800 136 089	<a href="http://www.workcover.vic.gov.au">www.workcover.vic.gov.au</a>

**Please Note:**

- If you are planning to talk to your tour participants about known Aboriginal sites, places or folklore (beyond information contained in the current Parks Victoria Park Notes), it is advisable to contact the relevant Aboriginal people for their input and endorsement.

\* "Transfer" means to give, sell or otherwise assign a permit to another person, company or association, whether for cost, a reward or for free and includes any sale, change of control or other assignment as a result of sale of the entity holding the licence.

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## PART 1 – APPLICANT DETAILS

### 1A Permit to be issued to an INDIVIDUAL

Family name:

Given name:

Business and/or Trading name/s:


Registered for GST: (please  tick) Yes  No

Australian Business Number (ABN) if applicable:

Address for correspondence or registered office address:


Street address:


Telephone (Bus hours):

Telephone (After hours):

Mobile:

Fax number:

Email:

Website:

Parks Victoria is collecting the information on this form so that your application for a Whale (Dolphin) Swim Tour Permit can be considered. Parks Victoria will also use this information to assess your compliance with permit conditions. This information will be stored on a database held by Parks Victoria and may be disclosed to other government bodies such as the Department of Sustainability and Environment (DSE).

Whale (Dolphin) Swim Tour Permit Holders are automatically listed on Parks Victoria's website ([www.parkweb.vic.gov.au](http://www.parkweb.vic.gov.au))

Please  tick if you DO NOT want your contact details available on the Parks Victoria website

### Vessel used to conduct Whale (Dolphin) Swim Tours:

VESSEL

Name:

Class:

Length:

Note: A current Certificate of Survey for the nominated vessel must be included with this application.

### Alternate Vessel

VESSEL

Name:

Class:

Length:

Note: A current Certificate of Survey for the nominated vessel must be included with this application.

### Nominated Tour Supervisors:

- 1.
- 2.
- 3.
- 4.

Note: Certificates of competency for nominated master(s) and crew of the vessel must be appropriate to the vessel class, length and operational area.







## PART 3 – SELECTION CRITERIA

**Whale (Dolphin) Swim Tour Permit applicants will be assessed on the basis of their demonstrated ability to meet the mandatory and weighted selection criteria outlined below.**

The criteria are designed to ensure the highest levels of professional conduct for protection of the dolphins, safety of participants and interpretation of wildlife and ecosystem values.

### Mandatory Criteria

Applicants must be able to demonstrate:

1. Current public liability insurance to the value of \$10 million with an insurer approved by the Australian Prudential Regulation Authority (APRA). A list of approved insurers can be found on the APRA website ([www.apra.gov.au](http://www.apra.gov.au)).
2. Compliance of the applicant's nominated vessel and staff with the requirements of the Marine Act 1988 and Marine Regulations 1999 including:
  - a) Valid and up to date Certificate of Survey for nominated vessel: and
  - b) Current Certificates of Competency for nominated master(s) and crew of the vessel appropriate to the vessel class, length and operational area.

**To demonstrate the mandatory criteria, copies of appropriate schedules, certificates and qualifications must be attached to the application form.**

### Weighted Criteria

**A written submission should be provided**, with attached supporting documentation where necessary, addressing past performance and proposed action in relation to each of the following criteria:

1. Environmental awareness;
2. Visitor experience and understanding;
3. Safety;
4. Business capacity and resources.

The table in Section 3 of the Information Kit provides some indication of the scope of each of these criteria as well as suggestions of ways in which applicants could demonstrate their ability to meet these criteria. Applicants may include any information they feel would support their submission.

## PART 4 – PERMIT CONDITIONS

### CONDITIONS

Note: Any reference to Parks Victoria includes DSE.

- 1 This permit applies only to dolphins (ie any member of the family Delphinidae of the sub-order Odontoceti of the order Cetacea).
- 2 This permit only applies to the "Port Phillip Bay Whale (Dolphin) Swim Tour Area" as proclaimed by the Wildlife (Port Phillip Bay Whale (Dolphin) Swim Tour Area) Order 2007/2008 or any Order made under section 83F of the Wildlife Act that replaces it from time to time.
- 3 The Permit Holder must comply with the Wildlife (Whales) Regulations 1998 and any conditions, determined by the Secretary, that are specified or referred to in the permit.
- 4 The Permit Holder must not undertake dolphin swim tours in fisheries reserves declared under Section 88 of the Fisheries Act 1995 that have been declared for the purpose of aquaculture.
- 5 The Permit Holder acknowledges that:
  - 5.1 the law which governs the use of the location or area requires the Permit Holder not to damage the location or engage in any use of the location which conflicts with the purpose for which the land or water has been reserved;
  - 5.2 offences may be created, and penalties may be imposed, by the legislation which governs the use of the location.
  - 5.3 this permit does not exempt the Permit Holder from complying with all legislation applicable to the Port Phillip Bay Whale (Dolphin) Swim Tour Area.
- 6 The Permit Holder and the Permit Holder's employees, agents and clients will obey all reasonable directions given by an authorised officer at the site/s.
- 7 The Permit Holder must notify the appropriate DSE or Parks Victoria Officer of any natural or other disaster, injury, illness or delay that may impact on the tour group.
- 8 Only Dolphin Swim Tours are allowed to be conducted on any tour.
- 9 Except as expressly authorised by this permit, the Permit Holder must not damage, destroy, disrupt or remove any native flora (live or dead) or any native fauna from the site or the park. (This includes Marine National Parks and Marine Sanctuaries)
- 10 Except as expressly authorised by this permit, the Permit Holder must not damage, deface, remove or otherwise interfere with any built asset, natural feature or cultural heritage place.
- 11 Feeding or handling of wildlife is not permitted.
- 12 Permit Holders must maintain a current Certificate of Survey as required by the *Marine Act 1988* (Vic) in respect of all nominated vessels.
- 13 All nominated master(s) and crew of the vessel must hold a valid Certificate of Competency appropriate to the vessel class, length and operational area as required by the *Marine Act 1988* (Vic).
- 14 Permit Holders must operate their vessels in accordance to the Vessel Operating and Zoning Rules for Victorian Waters under the *Marine Act 1988* and Harbour Masters Directions under the *Port Services Act 1995*.
- 15 The permit only applies to vessels nominated in the application. If a Permit Holder wishes to change the vessel(s) used, he or she must apply to Parks Victoria for a variation to their permit.
- 16 Permit Holders must:
  - 16.1 make all clients aware **before the tour commences** of:
    - (a) all potential hazards and conditions which may be encountered during the tour. These may include, but are not limited to, heights, exposure to weather, rapid flowing water, fauna and flora; and
    - (b) the experiences clients may encounter during the tour.
  - 16.2 ensure procedures are in place to minimise the risk of potential hazards to clients. These procedures may include, but are not limited to, pre-tour briefings, safety equipment and head counts.
  - 16.3 ensure that all guides and employees have the relevant competencies and skills for leading and guiding an activity.
  - 16.4 ensure that supervision is appropriate to the differing clients' experiences and abilities.
- 17 The Permit Holder is required to submit trip return documentation to Parks Victoria at the conclusion of the Dolphin Swim Tour season (April 2008 and April 2009).
- 18 Parks Victoria may cancel the permit for breach of the terms and conditions of the permit.
- 19 If a conflict arises from, or connected with, the Permit, the Permit Holder agrees to utilise, and participate in, a conflict resolution procedure established with the Victorian Tourism Operators Association.
- 20 Whale (Dolphin) Swim Tour Permit Holders must comply with the industry developed Adventure Activity Standard for Snorkelling (scuba diving, and wildlife swims). A copy of this is available at the Outdoor Recreation Centre website at [www.orc.org.au](http://www.orc.org.au)
- 21 The Licence Holder must effect and maintain throughout the term of the licence an appropriate public liability insurance policy with an insurer approved by Parks Victoria.

## PART 5 – FEES: 2008/10

### TAX INVOICE

Parks Victoria ABN 95 337 637 697  
Level 10, 535 Bourke Street, Melbourne VIC 3000

The fee for a Whale (Dolphin) Swim tour permit is \$794.50 as specified under Section 8(2) of the Wildlife (Whales) Regulations 1998. The fee is inclusive of GST.

### Payment Amount

Permit fee

\$794.50

### Payment Method (please ✓ tick)

Cheque (please make cheque payable to Parks Victoria)

OR

Credit Card

Credit card type:  Visa  Mastercard

Card Number:

Expiry date:   /

Name on card:

Signature:

Date:

## PART 6 – INSURANCE AND INDEMNITY

In this Part:

**“Insured”** means the Permit Holder (Permit Number eg. PV 5005), including the Permit Holder’s officers, employees, agents, contractors, subcontractors, invitees and their successors and assigns.

**“Other Relevant Parties”** means the Minister for Environment and Climate Change, Minister for Planning, the Secretary to the Department of Sustainability and Environment, Parks Victoria, the Director of National Parks and any other body delegating its powers to Parks Victoria.

**“Permit Holder”** means the applicant for the permit specified in the permit application form.

**“Term”** means the period of operation of the permit.

**“Site/s”** means the Port Phillip Bay Whale (Dolphin) Swim Tour Area as proclaimed by the Wildlife (Port Phillip Bay Whale (Dolphin) Swim Tour Area) Order 2007/2008 or any Order made under section 83F of the Wildlife Act that replaces it from time to time.

### 1 INSURANCE

- 1.1 The Permit Holder must effect and maintain throughout the Term with an insurer approved by Parks Victoria which approval shall not be unreasonably withheld:
- (a) a public, and if relevant, products liability insurance policy for not less than \$10 million (or any greater amount required by Parks Victoria) in respect of any single claim arising out of the activities of the Insured, covering all third party claims arising out of:
    - (i) loss, including financial loss, destruction or damage to real or personal property and ensuing loss of use of that property;
    - (ii) death, injury to, or disease of persons; and
  - (b) an employers liability and workers’ compensation policy which covers any damage, loss or liability suffered or incurred by any person engaged by the Permit Holder arising:–
    - (i) by virtue of any statute relating to workers’ or accident compensation or employers’ liability; or
    - (ii) at common law,
 such policies referred to collectively as “the Policy”.
- 1.2 The Permit Holder must effect and maintain the Policy in the name of the Insured, and noting the interests of the Other Relevant Parties.
- 1.3 The Permit Holder must ensure that the Policy contains provisions under which Parks Victoria is to be notified of any changes to the Policy.
- 1.4 The Permit Holder must provide Parks Victoria with:
- (a) a certificate of currency for the Policy which clearly confirms the requirements of the preceding clause 1.2–
    - (i) prior to the Licence commencement date;
    - (ii) within 14 days of each anniversary of the commencement date throughout the term and any renewed terms (if applicable); and
    - (iii) at any other time upon request by Parks Victoria;
  - (b) a copy of the Policy upon request by Parks Victoria. Parks Victoria shall have the right to insist on any amendments to the policy wording or limits as it reasonably requires.
- 1.5 The Permit Holder must promptly notify Parks Victoria if:
- (a) an event occurs which may give rise to a claim under or prejudice the policy; or
  - (b) the Policy is cancelled.
- 1.6 The Permit Holder must not do anything or allow anything to be done which may:
- (a) prejudice any insurance held in connection with the Site/s; or
  - (b) increase the premium payable for any insurance held in connection with the Site/s.
- 1.7 The Permit Holder must effect and maintain all other insurances in a manner and to such extent which is reasonable and customary for an organisation engaging in activities of the kind referred to and permitted by the Licence.
- 1.8 The Permit Holder shall deliver upon request to Parks Victoria copies of any policies required to be entered into by it pursuant to clause 1.7 and Parks Victoria shall have the right to insist on any amendments to the policy wording or limits as it reasonably requires.
- 1.9 If there is any damage or destruction to any building or improvement in the Park or on the Licence Area (caused by the Permit Holder or their clients), the Permit Holder must pay on demand to the Licensor the costs reasonably incurred by the Licensor in rectifying any such damage or destruction.

**2 RELEASE**

- 2.1 The Permit Holder agrees that it:
  - (a) occupies and uses the Site/s at its own risk;
  - (b) has inspected the Site/s and is of the opinion that the Site/s is safe and suitable for the activities of the Permit Holder.
- 2.2 The Permit Holder releases Parks Victoria and Other Relevant Parties from:
  - (a) all claims and demands resulting from any accident, damage, death or injury occurring at the Site/s or any other area used by the Permit Holder in connection with this Licence; and
  - (b) all loss, cost, damage, liability or other detriment (whether direct or consequential) suffered or incurred by the Permit Holder, as a direct or indirect result of the Permit Holder's occupation and use of the Site/s or other areas used in connection with this licence or the cancellation, amendment or suspension of the Licence, except to the extent caused or contributed to by the negligence of Parks Victoria.
- 2.3 References in this clause to the Permit Holder, Parks Victoria and the Other Relevant Parties include their respective officers, employees, agents, contractors, subcontractors, invitees and their successors and assigns.

**3 INDEMNITY**

- 3.1 The Permit Holder indemnifies and agrees to keep indemnified Parks Victoria and Other Relevant Parties

against all actions, claims, demands, losses, damages, costs and expenses (whether direct or consequential) for which any of Parks Victoria or Other Relevant Parties is or may be or become liable concerning:

- (a) the default of the Permit Holder under this Licence;
  - (b) the Permit Holder's use of the Site/s or any other area used by the Permit Holder in connection with this Licence;
  - (c) loss, damage, or injury to property or persons caused or contributed by the Permit Holder's act, omission, default or negligence, except to the extent caused or contributed to by the negligence of Parks Victoria.
- 3.2 References in this clause to the Permit Holder, Parks Victoria and the Other Relevant Parties include their respective officers, employees, agents, contractors, subcontractors and invitees.
  - 3.3 This clause is intended to operate for the benefit of Parks Victoria and the Other Relevant Parties. However, if required by Parks Victoria or the Other Relevant Parties at any time after the execution of this Licence, the Permit Holder will enter into a separate deed of indemnity or release – which is applicable with the Other Relevant Parties in substantially the same terms as this clause.
  - 3.4 The Permit Holder must ensure that Parks Victoria and the names of the 'Other Relevant Parties' are included in their insurance policies in accordance with clause 1.2 and also documented in any certificate of currency for such insurance.

**I have read and understood the permit conditions relating to insurance, release and indemnity.**

Printed Name:

Position:

Company/ Association:

Signed:

Date:

**Please ensure you have completed the checklist on page 1 and attached all mandatory and supporting documentation.**

AGREEMENT FOR THE MELBOURNE CITY LINK AND  
AGREEMENT FOR THE EXHIBITION STREET EXTENSION PROJECT

Notice under Schedule 4 of the Agreement for Integrating and Facilitating the Project and the Exhibition Street Extension Project between the Crown in right of the State of Victoria, CityLink Melbourne Limited, Transurban Infrastructure Management Limited and City Link Extension Pty Limited (the 'IFA') (as substituted for (and as if incorporated in lieu of) Schedule 3 of the Agreement for the Melbourne City Link between the Crown in right of the State of Victoria, CityLink Melbourne Limited and Transurban Infrastructure Management Limited (the 'Concession Deed') and Schedule 1 of the Agreement for the Exhibition Street Extension Project between the Crown in right of the State of Victoria and City Link Extension Pty Limited ('the ESEP Deed')).

CityLink Melbourne Limited, ABN 65 070 810 678, (for itself and as agent of City Link Extension Pty Limited, ABN 40 082 058 615) ('CityLink Melbourne') gives notice of the following Charge Tolls, Maximum Charge Tolls, Day Tolls, Taxi Tolls and Taxi Day Tolls for the Melbourne City Link and the Exhibition Street Extension:



**Schedule of Charge Tolls and Maximum Charge Tolls**

**Charge Tolls (\$/vehicle)**

<b>Category of Vehicle</b> <b>Tollable Section</b>	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
Tullamarine Freeway Upgrade, between Moreland Road and Brunswick Road	\$1.63	\$2.61	\$3.10	\$0.82
Western Link Section 1, between Racecourse Road and Dynon Road	\$1.63	\$2.61	\$3.10	\$0.82
Western Link Section 2, between Footscray Road and West Gate Freeway	\$2.04	\$3.26	\$3.87	\$1.02
Domain Tunnel and that part of the Southern Link leading into that Tunnel between the eastern portal of that Tunnel and Punt Road, other than that part of Southern Link Section 1: (a) between Punt Road and the exit to Boulton Parade; and (b) comprising Boulton Parade	\$2.04	\$3.26	\$3.87	\$1.02
Burnley Tunnel and that part of the Southern Link leading out of that Tunnel between the eastern portal of that Tunnel and Burnley Street	\$3.67	\$5.87	\$6.97	\$1.83
Southern Link Section 1, between Burnley Street and Punt Road and including that part of Southern Link Section 1: (a) between Punt Road and the exit to Boulton Parade; and (b) comprising Boulton Parade	\$1.63	\$2.61	\$3.10	\$0.82
Southern Link Section 5, between Punt Road and Burnley Street other than that part of the Southern Link leading out of the Burnley Tunnel between the eastern portal of that Tunnel and Burnley Street	\$1.63	\$2.61	\$3.10	\$0.82
Southern Link Section 1, between Glenferrie Road and Burnley Street	\$1.63	\$2.61	\$3.10	\$0.82
Southern Link Section 5, between Burnley Street and Glenferrie Road	\$1.63	\$2.61	\$3.10	\$0.82
Exhibition Street Extension	\$1.02	\$1.63	\$1.94	\$0.51

Category of Vehicle Tollable Section	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
Southern Link Section 1, between Punt Road and Swan Street Intersection, other than: (a) that part of Southern Link Section 1: (i) between Punt Road and the exit to Boulton Parade; and (ii) comprising Boulton Parade; and (b) that part of the Southern Link leading into the Domain Tunnel between the eastern portal of that Tunnel and Punt Road	\$1.02	\$1.63	\$1.94	\$0.51
Southern Link Section 5, between Swan Street Intersection and Punt Road	\$1.02	\$1.63	\$1.94	\$0.51

## Notes:

1. When travelling on Southern Link Section 1 between Burnley Street and Punt Road and then onto Batman Avenue, the Tollable Sections may be combined for the purposes of levying Tolls.
2. When travelling on Southern Link Section 1 and into the Domain Tunnel, the Tollable Sections may be combined for the purposes of levying Tolls.
3. A reference in the description of a Tollable Section to a part of the Southern Link between a particular street or road and Burnley Street, includes that part of the Southern Link between that particular street or road and where Burnley Street would cross the Southern Link if Burnley Street continued in a straight southerly direction from its southernmost extremity.
4. In this table:  
' Boulton Parade ' includes the off-ramp connecting the rest of the Southern Link to Boulton Parade;  
' Burnley Tunnel ' means the eastbound tunnel between Sturt Street and Burnley Street;  
' Domain Tunnel ' means the westbound tunnel between Punt Road and Sturt Street; and  
' Swan Street Intersection ' means the intersection between Swan Street and Batman Avenue.

**Maximum Charge Tolls (\$/vehicle)**

<b>Category of Vehicle</b>	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
Trips where the passage of the Vehicle on the last Tollable Section comprising the Trip before exiting the Total Link occurs between 6.00 am and 8.00 pm	\$6.12	\$8.15	\$8.15	\$3.06
Trips where the passage of the Vehicle on the last Tollable Section comprising the Trip before exiting the Total Link occurs between 8.00 pm and 6.00 am	\$6.12	\$6.12	\$6.12	\$3.06

**Day Tolls (\$/vehicle)**

<b>Category of Vehicle</b>	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
Day Toll	\$11.70	\$18.75	\$22.25	\$5.85

**Taxi Tolls (\$/Taxi)**

<b>Trip</b>	<b>Taxi Toll</b>
Trips involving use of any or all of the Tollable Sections which comprise the Western Link* and no other Tollable Sections	\$3.70
Trips involving use of any or all of the Tollable Sections which comprise the Southern Link** and/or Exhibition Street Extension*** and no other Tollable Sections	\$3.70
Trips involving use of Tollable Sections which comprise both the Western Link* and either or both of the Southern Link** and the Exhibition Street Extension***	\$5.70

\* The Western Link comprises the following three Tollable Sections:

1. Tullamarine Freeway Upgrade, between Moreland Road and Brunswick Road.
2. Western Link Section 1, between Racecourse Road and Dynon Road.
3. Western Link Section 2, between Footscray Road and West Gate Freeway.

\*\* The Southern Link comprises the following eight Tollable Sections:

1. Domain Tunnel and that part of the Southern Link leading into that Tunnel between the eastern portal of that Tunnel and Punt Road, other than that part of Southern Link Section 1:
  - (a) between Punt Road and the exit to Boulton Parade; and
  - (b) comprising Boulton Parade.

2. Southern Link Section 1, between Burnley Street and Punt Road and including that part of Southern Link Section 1:
  - (a) between Punt Road and the exit to Boulton Parade; and
  - (b) comprising Boulton Parade.
3. Southern Link Section 5, between Punt Road and Burnley Street other than that part of the Southern Link leading out of the Burnley Tunnel between the eastern portal of that Tunnel and Burnley Street.
4. Burnley Tunnel and that part of the Southern Link leading out of that Tunnel between the eastern portal of that Tunnel and Burnley Street.
5. Southern Link Section 1, between Glenferrie Road and Burnley Street.
6. Southern Link Section 5, between Burnley Street and Glenferrie Road.
7. Southern Link Section 1, between Punt Road and Swan Street Intersection, other than:
  - (a) that part of Southern Link Section 1:
    - (i) between Punt Road and the exit to Boulton Parade; and
    - (ii) comprising Boulton Parade; and
  - (b) that part of the Southern Link leading into the Domain Tunnel between the eastern portal of that Tunnel and Punt Road.
8. Southern Link Section 5, between Swan Street Intersection and Punt Road.

\*\*\* The Exhibition Street Extension comprises the following Tollable Section:

1. Exhibition Street Extension.

**Taxi Day Tolls (\$/Taxi)**

<b>Taxi</b>	<b>Taxi Day toll</b>
Metropolitan Taxi	\$11.70
A Taxi not being a Metropolitan Taxi	\$7.00

CityLink Melbourne intends that each Charge Toll, Maximum Charge Toll, Day Toll, Taxi Toll and Taxi Day Toll specified above will first apply in the quarter ending 30 September 2008.

Capitalised terms in this notice that are defined in:

- (a) the Concession Deed have, subject to paragraph (b), that meaning in this notice;
- (b) the ESEP Deed have that meaning in this notice, but only to the extent that the provision applies to the ESEP Deed,

subject to the provisions of the IFA.

E. M. MILDWATER  
 Company Secretary  
 CityLink Melbourne Limited  
 (ABN 65 070 810 678)

J. C. BRANT  
 Director  
 CityLink Melbourne Limited  
 (ABN 65 070 810 678)

**AGREEMENT FOR THE EXHIBITION STREET EXTENSION PROJECT**

Notice under Schedule 1 of the Agreement for the Exhibition Street Extension Project between the Crown in right of the State of Victoria and City Link Extension Pty Limited (the 'ESEP Deed').

City Link Extension Pty Limited, ABN 40 082 058 615 ('Clepeco'), gives notice of the following Charge Tolls for the Exhibition Street Extension:

**Charge Tolls (\$/vehicle)**

<b>Category of Vehicle</b>	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
<b>Tollable Section</b>				
Exhibition Street Extension	\$1.02	\$1.63	\$1.94	\$0.51

Clepeco intends that these Charge Tolls will first apply in the quarter ending 30 September 2008.

Capitalised terms in this notice that are defined in the ESEP Deed have the same meaning as given by the ESEP Deed.

E. M. MILDWATER  
 Company Secretary  
 City Link Extension Pty Limited  
 ABN 40 082 058 615

J. C. BRANT  
 Director  
 City Link Extension Pty Limited  
 ABN 40 082 058 615

**AGREEMENT FOR THE MELBOURNE CITY LINK**

Notice under Schedule 3 of the Agreement for the Melbourne City Link between the Crown in right of the State of Victoria, CityLink Melbourne Limited and Transurban Infrastructure Management Limited (the 'Concession Deed').

CityLink Melbourne Limited, ABN 65 070 810 678 ('CityLink Melbourne'), gives notice of the following Charge Tolls, Maximum Charge Tolls, Day Tolls, Taxi Tolls and Taxi Day Tolls for the Melbourne City Link:

**Charge Tolls (\$/vehicle)**

<b>Category of Vehicle</b> <b>Tollable Section</b>	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
Tullamarine Freeway Upgrade, between Moreland Road and Brunswick Road	\$1.63	\$2.61	\$3.10	\$0.82
Western Link Section 1, between Racecourse Road and Dynon Road	\$1.63	\$2.61	\$3.10	\$0.82
Western Link Section 2, between Footscray Road and West Gate Freeway	\$2.04	\$3.26	\$3.87	\$1.02
Domain Tunnel and that part of the Southern Link leading into that Tunnel between the eastern portal of that Tunnel and Punt Road, other than that part of Southern Link Section 1: (a) between Punt Road and the exit to Boulton Parade; and (b) comprising Boulton Parade	\$2.04	\$3.26	\$3.87	\$1.02
Burnley Tunnel and that part of the Southern Link leading out of that Tunnel between the eastern portal of that Tunnel and Burnley Street	\$3.67	\$5.87	\$6.97	\$1.83
Southern Link Section 1, between Burnley Street and Punt Road and including that part of Southern Link Section 1: (a) between Punt Road and the exit to Boulton Parade; and (b) comprising Boulton Parade	\$1.63	\$2.61	\$3.10	\$0.82

<b>Category of Vehicle</b> <b>Tollable Section</b>	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
Southern Link Section 5, between Punt Road and Burnley Street other than that part of the Southern Link leading out of the Burnley Tunnel between the eastern portal of that Tunnel and Burnley Street	\$1.63	\$2.61	\$3.10	\$0.82
Southern Link Section 1, between Glenferrie Road and Burnley Street	\$1.63	\$2.61	\$3.10	\$0.82
Southern Link Section 5, between Burnley Street and Glenferrie Road	\$1.63	\$2.61	\$3.10	\$0.82
Southern Link Section 1, between Punt Road and Swan Street Intersection, other than: (a) that part of Southern Link Section 1: (i) between Punt Road and the exit to Boulton Parade; and (ii) comprising Boulton Parade; and (b) that part of the Southern Link leading into the Domain Tunnel between the eastern portal of that Tunnel and Punt Road	\$1.02	\$1.63	\$1.94	\$0.51
Southern Link Section 5, between Swan Street Intersection and Punt Road	\$1.02	\$1.63	\$1.94	\$0.51

## Notes:

1. When travelling on Southern Link Section 1 between Burnley Street and Punt Road and then onto Batman Avenue, the Tollable Sections may be combined for the purposes of levying Tolls.
2. When travelling on Southern Link Section 1 and into the Domain Tunnel, the Tollable Sections may be combined for the purposes of levying Tolls.
3. A reference in the description of a Tollable Section to a part of the Southern Link between a particular street or road and Burnley Street, includes that part of the Southern Link between that particular street or road and where Burnley Street would cross the Southern Link if Burnley Street continued in a straight southerly direction from its southernmost extremity.
4. In this table:  
‘Boulton Parade’ includes the off-ramp connecting the rest of the Southern Link to Boulton Parade;  
‘Burnley Tunnel’ means the eastbound tunnel between Sturt Street and Burnley Street;  
‘Domain Tunnel’ means the westbound tunnel between Punt Road and Sturt Street; and  
‘Swan Street Intersection’ means the intersection between Swan Street and Batman Avenue.

**Maximum Charge Tolls (\$/vehicle)**

<b>Category of Vehicle</b>	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
Trips where the passage of the Vehicle on the last Tollable Section comprising the Trip before exiting the Link occurs between 6.00 am and 8.00 pm	\$6.12	\$8.15	\$8.15	\$3.06
Trips where the passage of the Vehicle on the last Tollable Section comprising the Trip before exiting the Link occurs between 8.00 pm and 6.00 am	\$6.12	\$6.12	\$6.12	\$3.06

**Day Tolls (\$/vehicle)**

<b>Category of Vehicle</b>	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
Day Toll	\$11.70	\$18.75	\$22.25	\$5.85

**Taxi Tolls (\$/Taxi)**

<b>Trip</b>	<b>Taxi Toll</b>
Trips involving use of any or all of the Tollable Sections which comprise the Western Link* and no other Tollable Sections	\$3.70
Trips involving use of any or all of the Tollable Sections which comprise the Southern Link** and no other Tollable Sections	\$3.70
Trips involving use of Tollable Sections which comprise both the Western Link* and the Southern Link**	\$5.70

\* The Western Link comprises the following three Tollable Sections:

1. Tullamarine Freeway Upgrade, between Moreland Road and Brunswick Road.
2. Western Link Section 1, between Racecourse Road and Dynon Road.
3. Western Link Section 2, between Footscray Road and West Gate Freeway.

\*\* The Southern Link comprises the following eight Tollable Sections:

1. Domain Tunnel and that part of the Southern Link leading into that Tunnel between the eastern portal of that Tunnel and Punt Road, other than that part of Southern Link Section 1:



- (a) between Punt Road and the exit to Boulton Parade; and
  - (b) comprising Boulton Parade.
2. Southern Link Section 1, between Burnley Street and Punt Road and including that part of Southern Link Section 1:
    - (a) between Punt Road and the exit to Boulton Parade; and
    - (b) comprising Boulton Parade.
  3. Southern Link Section 5, between Punt Road and Burnley Street other than that part of the Southern Link leading out of the Burnley Tunnel between the eastern portal of that Tunnel and Burnley Street.
  4. Burnley Tunnel and that part of the Southern Link leading out of that Tunnel between the eastern portal of that Tunnel and Burnley Street.
  5. Southern Link Section 1, between Glenferrie Road and Burnley Street.
  6. Southern Link Section 5, between Burnley Street and Glenferrie Road.
  7. Southern Link Section 1, between Punt Road and Swan Street Intersection, other than:
    - (a) that part of Southern Link Section 1:
      - (i) between Punt Road and the exit to Boulton Parade; and
      - (ii) comprising Boulton Parade; and
    - (b) that part of the Southern Link leading into the Domain Tunnel between the eastern portal of that Tunnel and Punt Road.
  8. Southern Link Section 5, between Swan Street Intersection and Punt Road.

**Taxi Day Tolls (\$/Taxi)**

<b>Taxi</b>	<b>Taxi Day toll</b>
Metropolitan Taxi	\$11.70
A Taxi not being a Metropolitan Taxi	\$7.00

CityLink Melbourne intends that each Charge Toll, Maximum Charge Toll, Day Toll, Taxi Toll and Taxi Day Toll specified above will first apply in the quarter ending 30 September 2008.

Capitalised terms in this notice that are defined in the Concession Deed have the same meaning as given by the Concession Deed.

E. M. MILDWATER  
 Company Secretary  
 CityLink Melbourne Limited  
 (ABN 65 070 810 678)

J. C. BRANT  
 Director  
 CityLink Melbourne Limited  
 (ABN 65 070 810 678)

**Planning and Environment Act 1987**

## ARARAT PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C16

The Ararat Rural City Council approved Amendment C16 to the Ararat Planning Scheme on 20 May 2008.

The Amendment amends the Schedule to the Rural Living Zone by reinserting Maps 2, 3, 4 and 6; deletes two areas of VPO1 (53), re-inserts VPO1 (53) into the Schedule to the Significant and Remnant Vegetation Overlay; re-instates bolding to the words 'Chatsworth – Wickliffe Road' and 'Woorndoo – Streatham Road' in the Schedule to the Roadsides Vegetation Protection Area Overlay; and re-instates an area of Township Zone (TZ) in Lake Bolac.

The Amendment was approved by the Ararat Rural City Council in accordance with authorisation given by the Minister under section 11(1) of the **Planning and Environment Act 1987** on 14 August 2007. The authorisation has not been withdrawn.

A copy of the Amendment can be inspected, free of charge, during office hours, at the offices of the Ararat Rural City Council, corner Vincent and High Streets, Ararat, and free of charge at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection)

GENEVIEVE OVERELL  
Acting Executive Director  
Planning Policy and Reform  
Department of Planning and  
Community Development

**Planning and Environment Act 1987**

## BAW BAW PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C18

The Minister for Planning has approved Amendment C18 to the Baw Baw Planning Scheme.

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

The Amendment is to:

- replace the current Rural Floodway Overlay, Land Subject to Inundation Overlay and Urban Floodway Zone with new maps which are based upon updated flood mapping data;
- rename the Rural Floodway Overlay to Floodway Overlay; and
- rezone land into the surrounding zoning where Urban Floodway Zone is removed.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Baw Baw Shire Council, 61 Smith Street, Warragul, Young Street, Drouin and the Baw Baw Technology Centre, Princes Highway, Trafalgar.

GENEVIEVE OVERELL  
Executive Director  
Planning Policy and Reform  
Department of Planning and  
Community Development

**Planning and Environment Act 1987**

## GREATER BENDIGO

## PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C77

The Minister for Planning has approved Amendment C77 to the Greater Bendigo Planning Scheme.

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

The Amendment rezones land at 41–43 Mundy Street, Bendigo, from a Business 4 Zone to a Business 2 Zone and amends the Schedule to the Business 2 Zone to limit the maximum combined floor area for shop to 500 m<sup>2</sup> for the land.

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

Permit No. DC/578/2006.

Description of land: 41–43 Mundy Street, Bendigo.

A copy of the Amendment and permit can be inspected, free of charge, at the Department of Planning and Community Development website: [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours at the office of the City of Greater Bendigo Council, City of Greater Bendigo, Planning Services, Hopetoun Mill, 15 Hopetoun Street, Bendigo.

GENEVIEVE OVERELL  
Acting Executive Director  
Planning and Policy Reform  
Department of Planning and  
Community Development

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

#### HUME PLANNING SCHEME

##### Notice of Approval of Amendment

##### Amendment C97

The Minister for Planning has approved Amendment C97 to the Hume Planning Scheme.

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

The Amendment:

- rezones part of 700 Hume Highway, Craigieburn, from a Farming Zone Schedule 1 to Business 3 Zone;
- rezones part of Amaroo Road, Craigieburn, from a Road Zone 1 to a Business 3 Zone;
- introduces the Development Plan Overlay Schedule 16 (DPO16) to the site;
- introduces the Environmental Significance Overlay Schedule 8 to the Amaroo Conservation Reserve and the bio-retention wetland area;
- amends Clause 22.01-1 (Industrial Policy) to exclude the site covered by DPO16;
- amends the schedule to Clause 34.03 (Business 3 Zone) to apply a 4,000 m<sup>2</sup> maximum combined leasable floor area for office;
- amends the schedule to Clause 35.07 (Farming Zone) to allow for a minimum subdivision of 18.05 hectares of the site to create the Amaroo Conservation Reserve;
- replaces the schedule to Clause 52.03 with a new schedule to include the Amaroo Conservation Reserve; and

- replaces the schedule to Clause 81.01 to introduce the 'Amaroo Conservation Reserve – 700 Hume Highway, December 2007' as an incorporated document into the Hume Planning Scheme.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Hume City Council, 1079 Pascoe Vale Road, Broadmeadows.

GENEVIEVE OVERELL  
Acting Executive Director  
Planning Policy and Reform  
Department of Planning and  
Community Development

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

#### YARRA PLANNING SCHEME

##### Notice of Approval of Amendment

##### Amendment C87

The Minister for Planning has approved Amendment C87 to the Yarra Planning Scheme.

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

The Amendment implements the Yarra Open Space Strategy 2006 by amending the Schedule to clause 52.01 to introduce a public open space contribution for residential subdivision, referencing the strategy at clause 21.05-5 and introducing a new clause 22.12 Public Open Space Contribution to indicate where land is preferred over cash as a public open space contribution.

A copy of the Amendment can be inspected, free of charge at the Department of Planning and Community Development website [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and at the offices of the Yarra City Council, 333 Bridge Road, Richmond, during office hours.

GENEVIEVE OVERELL  
Acting Executive Director  
Planning and Policy Reform  
Department of Planning and  
Community Development

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## ORDERS IN COUNCIL

### Education and Training Reform Act 2006

#### APPOINTMENT OF MEMBERS TO THE VICTORIAN SKILLS COMMISSION

##### Order in Council

The Governor in Council, under section 3.1.7(1)(e) and clause 2(1) to Schedule 2 of the **Education and Training Reform Act 2006**, appoints Mr Peter Coyne, Mr Julius Roe and Ms Megan Lilly as members of the Victorian Skills Commission.

The terms and conditions of these appointments are set out in the attached Schedule.

Dated 10 June 2008

Responsible Minister

JACINTA ALLAN, MP

Minister for Skills and

Workforce Participation

RYAN HEATH

Clerk of the Executive Council

### Education and Training Reform Act 2006

#### APPOINTMENT OF MEMBERS TO THE VICTORIAN SKILLS COMMISSION SCHEDULE TO THE ORDER IN COUNCIL

##### 1. Appointment Arrangements

These appointments are part-time.

##### 2. Period of Appointment

The appointment of Mr Peter Coyne, Mr Julius Roe and Ms Megan Lilly is from the date of this Order to 31 March 2011 (inclusive).

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

The functions of the Commission are set out in section 3.1.2 of the Act. The Commission advises the Minister and the Government on post compulsory education and training. It is the State Training Agency and executes responsibility for the State training system within the context of its broader role. The Commission has a lead role in monitoring the outcomes of post compulsory education and training policy to ensure that those programs meet the needs of government, industry and individuals.

##### 4. Termination Arrangements

Clause 2(3) to Schedule 2 of the Act, states that a position may become vacant if a member becomes bankrupt; or if a member is found guilty of an offence which is, or which would if committed in Victoria be, an indictable offence; or the member is absent from 3 consecutive meetings of Authority without the leave of the chairperson, or in the case of the chairperson without the Minister's leave.

##### 5. Payment Provisions

Mr Peter Coyne, Mr Julius Roe and Ms Megan Lilly as members of the Commission are eligible to receive \$14,270 per annum.

##### 6. Superannuation Obligations

Superannuation will be paid in accordance with the Commonwealth's **Superannuation Guarantee (Administration Act) 1992**.

##### 7. Travel and Personal Expenses Arrangements

All members of the Commission are eligible for reimbursement of reasonable out-of-pocket expenses in accordance with the policy of the Commission.

##### 8. Leave Arrangements

There are no leave provisions for these part-time statutory positions.

##### 9. Prior Service

Not applicable

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### Local Government Act 1989

#### ALTERATION OF ELECTORAL STRUCTURE OF THE QUEENSCLIFFE BOROUGH COUNCIL

##### Order in Council

The Governor in Council under section 220Q(n) of the **Local Government Act 1989** alters the number of councillors assigned to the Queenscliffe Borough Council as described in plan LEGL./07-341 lodged in the Central Plan Office.

Under section 220S(1)(a) of the **Local Government Act 1989** this Order comes into operation on the date it is published in the Government Gazette.

The changes are to have effect for the purposes of the next general election of the Queenscliffe Borough Council, and shall continue to have effect from the election day for that election.

Dated 10 June 2008

Responsible Minister

RICHARD WYNNE MP

Minister for Local Government

RYAN HEATH

Clerk of the Executive Council

**Local Government Act 1989**

ALTERATION OF ELECTORAL  
STRUCTURE OF THE  
GREATER GEELONG CITY COUNCIL

Order in Council

The Governor in Council under section 220Q(k) of the **Local Government Act 1989** alters the boundaries of wards of the Greater Geelong City Council as described in plan LEGL./07-342 lodged in the Central Plan Office.

Under section 220S(1)(a) of the **Local Government Act 1989** this Order comes into operation on the date it is published in the Government Gazette.

The changes are to have effect for the purposes of the next general election of the Greater Geelong City Council, and shall continue to have effect from the election day for that election.

Dated 10 June 2008

Responsible Minister

RICHARD WYNNE MP

Minister for Local Government

RYAN HEATH

Clerk of the Executive Council

**Local Government Act 1989**

ALTERATION OF ELECTORAL  
STRUCTURE OF THE  
MOONEE VALLEY CITY COUNCIL

Order in Council

The Governor in Council under sections 220Q(k), 220Q(l), 220Q(m) and 220Q(n) of the **Local Government Act 1989** alters the

boundaries, number and names of wards and alters the number of councillors assigned to wards of the Moonee Valley City Council as described in plan LEGL./07-343 lodged in the Central Plan Office.

Under section 220S(1)(a) of the **Local Government Act 1989** this Order comes into operation on the date it is published in the Government Gazette.

The changes are to have effect for the purposes of the next general election of the Moonee Valley City Council, and shall continue to have effect from the election day for that election.

Dated 10 June 2008

Responsible Minister

RICHARD WYNNE MP

Minister for Local Government

RYAN HEATH

Clerk of the Executive Council

**Transport Act 1983**

ORDER UNDER SECTION 2(2C) OF THE  
**TRANSPORT ACT 1983**  
DECLARATION OF TRAIN OPERATORS

Order in Council

The Governor in Council, under section 2(2C) of the **Transport Act 1983**, declares that the following bodies corporate are train operators for the purposes of section 12 of the **Transport Act 1983**:

1. Australian Railway Historical Society (Act)
2. Australia Western Railroad Pty Ltd
3. Bluescope Steel Limited
4. Castlemaine & Maldon Preservation Society
5. Connex Melbourne Pty Ltd
6. Downer EDI Rail Pty Ltd
7. Downer EDI Works Pty Ltd
8. El Zorro Transport Pty Ltd
9. Emerald Tourist Railway
10. Geelong Steam Preservation Society (Bellarine)
11. Genesee & Wyoming Australia Pty Ltd
12. Graincorp
13. Great Southern Railway Ltd

14. GreenTrail Associates Group Inc.
15. Interail Australia Pty Ltd
16. John Holland Pty Ltd Rail Division
17. Mainco Melbourne Pty Ltd
18. Mornington Railway Preservation Society Inc.
19. New South Wales Rail Transport Museum
20. Pacific National Pty Ltd
21. Rail Corporation NSW
22. Red Cliffs Historical Steam Railway Inc.
23. SCT Logistics
24. Seymour Railway Heritage Centre Inc.
25. Southern Shorthaul Railroad Pty Ltd
26. South Gippsland Tourist Railway
27. South Spur Rail Services Pty Ltd
28. Speno Rail Maintenance Australia Pty Ltd
29. The Central Highlands Tourist Railway
30. V/Line Passenger Pty Ltd
31. Walhalla Goldfields Railway Inc.
32. Yarra Valley Tourist Railway Society Inc.

This order is effective from 1 July 2008.

Dated 10 June 2008

Responsible Minister

LYNNE KOSKY

Minister for Public Transport

RYAN HEATH  
Clerk to the Executive Council

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**Emergency Services Superannuation Act 1986**  
**Parliamentary Salaries and Superannuation Act 1968**  
**State Employees Retirement Benefits Act 1979**  
**State Superannuation Act 1988**  
**Transport Superannuation Act 1988**

SPECIFIED STANDARDS FOR EARLY RELEASE OF  
SUPERANNUATION BENEFITS 2008

Order in Council

The Governor in Council makes the following Order in Council:

**1. Title**

This Order in Council may be cited as the Specified Standards for the Early Release of Superannuation Benefits 2008.

**2. Objective**

The objective of this Order in Council is to revoke the previous Order and specify the standards to be applied to any application for early release of superannuation benefits.

### 3. Authorising Provision

This Order is made under –

- (a) section 29A(1)(d), (e) and (f) of the **Emergency Services Superannuation Act 1986**;
- (b) section 24C(1)(d), (e) and (f) of the **Parliamentary Salaries and Superannuation Act 1986**;
- (c) section 73(1)(d), (e) and (f) of the **State Employees Retirement Benefits Act 1979**;
- (d) section 92A(1)(d), (e) and (f) of the **State Superannuation Act 1988**; and
- (e) section 53(1)(d), (e) and (f) of the **Transport Superannuation Act 1988**.

### 4. Commencement

This Order in Council comes into operation on the first day of the month following the date on which the Order is published in the Victoria Government Gazette.

### 5. Definitions

In this Order –

**Applicant** includes members, former members, contributors or former contributors of a Victorian public sector superannuation scheme under an Act specified in clause 3.

**Previous Order** means the Specified Standards for Early Release of Superannuation Benefits made on 20 January 1998 and published at page 155 in the Victoria Government Gazette G3 on 22 January 1998.

**SIS Regulations** means the Commonwealth Superannuation Industry (Supervision) Regulations 1994.

**Victorian public sector superannuation scheme** means a scheme under an Act specified in clause 3.

### 6. Revocation

The previous Order is revoked.

### 7. Criteria for Early Release of Benefits

#### (1) Severe Financial Hardship

Where the applicant can establish with documentary evidence that he or she meets the conditions under sub-regulation 6.01(5) and (5A) of the SIS Regulations, early release of benefits is allowed subject to the conditions of release under item 105 of Schedule 1 of the SIS Regulations.

#### (2) Compassionate Grounds

Where the applicant can establish with documentary evidence that he or she meets the conditions under sub-regulation 6.19A of the SIS Regulations, early release of benefits is allowed subject to the conditions of release under item 107 of Schedule 1 of the SIS Regulations and subject to the following qualifications –

- (a) for ‘Regulator’ substitute ‘Board’ or ‘Parliamentary Trustee’ as described in the relevant Act specified in clause 3, and
- (b) ‘Dependant’ is as defined in the relevant Act specified in clause 3.

#### (3) Permanent Departure for Overseas

Where the applicant can establish with documentary evidence that he or she meets the conditions under sub-regulation 6.20B of the SIS Regulations, early release of benefits is allowed subject to the conditions of release under item 103A of Schedule 1 of the SIS Regulations.

All references to ‘regulated superannuation fund’ in sub-regulation 6.20B of the SIS Regulations are to be read as including each of the Victorian public sector superannuation schemes established and maintained under an Act specified in clause 3.

**8. Application for Early Release of Benefits**

All applications for early release of benefits must be in a form approved by the relevant governing body of a Victorian public sector superannuation scheme established and maintained under an Act specified in clause 3.

**9. Assessment Procedure**

Assessment of applications to the governing body of a Victorian public sector superannuation scheme for early release of benefits are to be based on the assessment criteria under clause 7.

**10. Preservation Component of Benefit**

Early release of a benefit to an applicant may include part or all of the preserved component of a benefit.

**11. Early Release Benefit Limit**

Early release under these Specified Standards by a Victorian public sector superannuation scheme should be limited to the applicant's vested benefit. For the purposes of these Specified Standards, the vested benefit is –

- (a) In the case of an Accumulation Scheme, the account balance at date of early release; and
- (b) In the case of a Defined Benefit Scheme, the greatest lump sum that would be available for the member to claim and rollover, transfer, or allot within the superannuation system on voluntary cessation of employment.

**12. Timeframe for Processing Applications**

Applications should be processed within 15 working days of being received by the governing body of a Victorian public sector superannuation scheme.

**13. Reduction of Accrued Benefits**

Where an applicant's membership continues, any early release of benefits under these Specified Standards should be indexed at the rate of Average Weekly Ordinary Times Earnings (AWOTE) + 2.5 per cent, and adjusted against the applicant's final superannuation benefit upon exit from the Fund. Until then, both member and employer contributions should continue as if no early release of benefit had occurred.

When a benefit is due, the member's entitlement should be calculated as if no early release had occurred, then the amount released early including indexation in accordance with this clause should be deducted from the benefit.

Where a pension is involved, the early release amount including indexation in accordance with this clause should be treated as a commutation.

Any income tax paid by the applicant at the time of early release may need to be taken into consideration by the governing body of a Victorian public sector superannuation scheme when the benefit is paid.

**14. Repayment of Early Release Amount**

An applicant may, at any time prior to a benefit becoming payable, make a repayment to reduce the balance of their debt account, including indexation in accordance with clause 13. The minimum amount of any such repayment is the lesser of \$5000 or the balance of the debt account.

Dated 10 June 2008

Responsible Minister

TIM HOLDING MP

Minister for Finance, WorkCover  
and the Transport Accident Commission

RYAN HEATH  
Clerk of the Executive Council



**Water Industry Act 2004****WATER INDUSTRY REGULATORY (AMENDMENT) ORDER 2008**

The Governor in Council makes the following Order –

**1. Title**

This Order is called the Water Industry Regulatory (Amendment) Order 2008.

**2. Authorising provision**

This Order is made under section 4D(1)(b) of the **Water Industry Act 1994**.

**3. Commencement**

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

**4. Amendments to the Water Industry Regulatory Order 2003**

(1) In clause 7 of the Water Industry Regulatory Order 2003, after paragraph (a) insert –  
'(ab) The second **regulatory period** shall be:

- (i) for the **metropolitan retail water companies**, the year commencing on 1 July 2008; and
- (ii) for Melbourne Water Corporation, in respect of services other than, metropolitan drainage services and diversion services, the year commencing on 1 July 2008; and
- (iii) for Melbourne Water Corporation, in respect of metropolitan drainage services and diversion services, the five year period commencing 1 July 2008.'

(2) In clause 7 of the Water Industry Regulatory Order 2003, for paragraph (b) substitute –

'(b) Except in the cases of the first regulatory period and the second regulatory period for the regulated entities described in clause 7(ab), the Commission must set the term of each regulatory period.'

(3) After clause 9 of the Water Industry Regulatory Order 2003, insert –

**'9A Approval of prices for metropolitan retail water companies and Melbourne Water for second regulatory period**

Despite clause 9, the Commission must give the approval referred to in clause 8(a) if it is satisfied that the prices proposed by –

- (a) the **metropolitan retail water companies**; and
- (b) Melbourne Water Corporation in respect of services other than metropolitan drainage services and diversion services –

in the case of the second regulatory period, have been developed in accordance with the requirements specified by the Minister in the Statement of Obligations issued in relation to these regulated entities.'

(4) After clause 10 of the Water Industry Regulatory Order 2003, insert –

**'Clause 10A Specifying prices for metropolitan retail water companies and Melbourne Water for second regulatory period.**

Despite clause 10, the Commission may only specify prices or the manner in which such prices are to be calculated or otherwise determined, under clause 8(b), in respect of prices proposed by –

- (a) the **metropolitan retail water companies**; and
- (b) Melbourne Water Corporation in respect of services, other than metropolitan drainage services and diversion services –

in respect of the second regulatory period, if it is satisfied that the prices were not developed in accordance with the requirements specified by the Minister in the Statement of Obligations issued in relation to these regulated entities.'

- (5) After clause 11 of the Water Industry Regulatory Order 2003, insert –  
**‘Clause 11A Draft decision for metropolitan retail water companies and Melbourne Water for second regulatory period.**  
Clause 11 does not apply to a decision under clause 8 in relation to –
- (a) the **metropolitan retail water companies**; and
  - (b) Melbourne Water Corporation in respect of services, other than metropolitan drainage services and diversion services –
- in respect of the second regulatory period.’
- (6) After clause 12 of the Water Industry Regulatory Order 2003, insert –  
**‘Clause 12A Information for metropolitan retail water companies and Melbourne Water for second regulatory period.**  
The Commission may require additional information in relation to the second regulatory period to be provided by –
- (a) the **metropolitan retail water companies**; and
  - (b) Melbourne Water Corporation in respect of services, other than metropolitan drainage services and diversion services –
- in order to be satisfied that prices have been developed in accordance with the requirements specified by the Minister in the relevant Statement of Obligations.’

Dated 10 June 2008  
Responsible Minister  
TIM HOLDING  
Minister for Water

RYAN HEATH  
Clerk of the Executive Council

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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:

53. *Statutory Rule:* Working with Children Amendment Regulations 2008  
*Authorising Act:* Working with Children Act 2005  
*Date of making:* 10 June 2008
54. *Statutory Rule:* Introduction Agents Regulations 2008  
*Authorising Act:* Introduction Agents Act 1997  
*Date of making:* 10 June 2008
55. *Statutory Rule:* Residential Tenancies Regulations 2008  
*Authorising Act:* Residential Tenancies Act 1997  
*Date of making:* 10 June 2008
56. *Statutory Rule:* Transfer of Land (Fees) Amendment Regulations 2008  
*Authorising Act:* Transfer of Land Act 1958  
*Date of making:* 10 June 2008

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

Notice is hereby given under Section 17(3) of the **Subordinate Legislation Act 1994** that the following Statutory Rules were first obtainable from Information Victoria, 505 Little Collins Street, Melbourne on the date specified:

44. *Statutory Rule:* Travel Agents (Infringement Penalties) Regulations 2008  
*Authorising Act:* Travel Agents Act 1986  
*Date first obtainable:* 10 June 2008  
*Code A*
45. *Statutory Rule:* Fair Trading (Safety Standard) (Hot Water Bottles) Regulations 2008  
*Authorising Act:* Fair Trading Act 1999  
*Date first obtainable:* 10 June 2008  
*Code B*
46. *Statutory Rule:* Estate Agents (Professional Conduct) Regulations 2008  
*Authorising Act:* Estate Agents Act 1980  
*Date first obtainable:* 10 June 2008  
*Code B*
47. *Statutory Rule:* Sale of Land Amendment Regulations 2008  
*Authorising Act:* Sale of Land Act 1962  
*Date first obtainable:* 10 June 2008  
*Code A*
48. *Statutory Rule:* Conveyancers (Qualifications, Experience and Fees) Regulations 2008  
*Authorising Act:* Conveyancers Act 2006  
*Date first obtainable:* 10 June 2008  
*Code A*

49. *Statutory Rule:* Conveyancers  
(Professional  
Conduct and  
Trust Account  
and General)  
Regulations 2008

*Authorising Act:* Conveyancers  
Act 2006

*Date first obtainable:* 10 June 2008  
*Code D*

50. *Statutory Rule:* Wildlife (Game)  
(Hunting of  
Fallow Deer)  
(Amendment)  
Regulations 2008

*Authorising Act:* Wildlife Act 1975

*Date first obtainable:* 10 June 2008  
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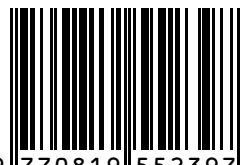
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