

Victoria Government Gazette

By Authority of Victorian Government Printer

No. G 43 Thursday 28 October 2010

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GENERAL

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The last Special Gazette was No. 438 dated 27 October 2010.

The last Periodical Gazette was No. 1 dated 9 June 2010.

How To Submit Copy

- See our webpage www.gazette.vic.gov.au
- or contact our office on 8523 4601
between 8.30 am and 5.30 pm Monday to Friday

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

- 1 Treasury Place, Melbourne (behind the Old Treasury Building)
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**PUBLICATION OF THE VICTORIA GOVERNMENT GAZETTE (GENERAL)
MELBOURNE CUP HOLIDAY (Tuesday 2 November 2010)**

Please Note:

The Victoria Government Gazette for Melbourne Cup week (G44/10) will be published on **Thursday 4 November 2010**.

Copy deadlines:

Private Advertisements **9.30 am on Friday 29 October 2010**

Government and Outer

Budget Sector Agencies Notices **9.30 am on Monday 1 November 2010**

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

JENNY NOAKES
Government Gazette Officer

VICTORIA GOVERNMENT GAZETTE

Subscribers and Advertisers

Our contact details are as follows:

Victoria Government Gazette Office
Level 5, 460 Bourke Street
Melbourne, Victoria 3000

PO Box 1957
Melbourne, Victoria 3001

DX 106 Melbourne

Telephone: (03) 8523 4601
Fax: (03) 9600 0478
Mobile (after hours): 0419 327 321

Email: gazette@bluestargroup.com.au
Website: www.gazette.vic.gov.au

JENNY NOAKES
Government Gazette Officer

PRIVATE ADVERTISEMENTS

Re: MARY PATRICIA BROCK, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 7 May 2010, are required by the trustee, Peter Julian Brock, in the Will called Peter Brock, retired public servant, to send particulars to the trustee, care of the undermentioned solicitors, by a date not later than two months from the date of publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

ALBERT ROYTHORNE, late of Unit 120, Cherry Tree Grove Retirement Village, 67–81 Maroondah Highway, Croydon, Victoria, accountant, deceased.

Creditors, next-of-kin, and others having claims in respect of the estate of the abovenamed deceased, who died on 13 May 2010, are required by the executors, Peter Charles Milford and Richard Mark De Gille, care of Messrs Aughtersons, 267 Maroondah Highway, Ringwood, Victoria, to send particulars thereof to them care of the office of Messrs Aughtersons, 267 Maroondah Highway, Ringwood, Victoria, within sixty days from the date of publication of this notice, after which the executors will distribute the estate, having regard only to claims of which they have notice.

AUGHTERSONS, solicitors,
267 Maroondah Highway, Ringwood, Victoria
3134.

Re: Estate SEBASTIANO LOLICATO, also known as Ben Lolicato, deceased.

In the estate of Sebastiano Lolicato of 19 Chisholm Street, Swan Hill, in the State of Victoria, retired farmer, deceased.

Creditors, next-of-kin and all other persons having claims against the estate of the said deceased are required by Paul Lolicato and Grace Rulli, 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, Vic. 3579.

MARGARET LEWIS, late of 3 Surrey Court, Ivanhoe, in the State of Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 19 September 2010, are required to send particulars thereof to the executors, care of the undermentioned solicitors, on or before 31 December 2010, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

BECKWITH CLEVERDON REES, solicitors,
294 Collins Street, Melbourne 3000.

Re: KAY MURIEL LUCIE DATTNER, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of KAY MURIEL LUCIE DATTNER (also known as Kay Muriel Lucy Dattner), late of Templestowe Grange Aged Care Facility, 1–11 Innisfallen Avenue, Templestowe, Victoria, artist, who died on 22 August 2010, are to send particulars of their claims to the personal representative/s care of the undermentioned solicitors by 29 December 2010, after which date the personal representative/s will distribute the assets, having regard only to the claims of which they then had notice.

BRUCE M. COOK & ASSOCIATES,
barristers & solicitors, Level 1,
114 William Street, Melbourne, Victoria 3000.

Re: LEILA MARY DWYER, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of LEILA MARY DWYER, late of 2/58 Northern Crescent, Craigieburn, Victoria, who died on 4 July 2010, are to send particulars of their claims to the personal representative/s care of the

undermentioned solicitors by 29 December 2010, after which date the personal representative/s will distribute the assets, having regard only to the claims of which they then had notice.

BRUCE M. COOK & ASSOCIATES,
barristers & solicitors, Level 1,
114 William Street, Melbourne Victoria 3000.

MARY FLORENCE KNAGGS, late of Finchley Court of 1168 Dandenong Road, Carnegie, Victoria, secretary, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 5 August 2010, are required by the trustee, Equity Trustees Limited, to send particulars to the trustee by 28 December 2010, care of the undermentioned solicitors, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

FISCHER McCRAE, solicitors,
Level 3, 389 Lonsdale Street, Melbourne 3000.

FLORENCE EUPHEMIA RAMAGE, late of 441 Waterfall Gully Road, Rosebud, Victoria, typist stenographer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 August 2010, are required by the trustees, Judith Ann Cupido (in the Will called Judith Ann Geake) and Equity Trustees Limited (in the Will called The Equity Trustees Executors and Agency Company Limited), to send particulars to the trustees by 28 December 2010, care of the undermentioned solicitors, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

FISCHER McCRAE, solicitors,
Level 3, 389 Lonsdale Street, Melbourne 3000.

MARIA ACCARDI, late of St Bernadette's Aged Care Facility, 17 Park Drive, Sunshine North 3020, in the State of Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 19 July 2010, are required by Robert Accardi and Ciro Accardi, the executors of the said estate, to send particulars by 7 January 2011, to their solicitors, Gullaci & Gullaci, of 158 Bell Street, Coburg, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

Dated 21 October 2010

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

ELDA CAMILLERI, late of Glengowrie Aged Care Facility, 54 Box Forest Road, Glenroy 3046, in the State of Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 23 July 2010, are required by Ferdinand John Tabone and Rosanna Maria Tabone, the executors of the said estate, to send particulars by 7 January 2011 to their solicitors, Gullaci & Gullaci, of 158 Bell Street, Coburg, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

Dated 21 October 2010

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

RACHEL RHODA LINES, late of Hillview Aged Care, 22 A'Beckett Road, Bunyip, factory worker, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 August 2010, are required by the trustees, care of Harris & Chambers, lawyers, of 4/250 Charman Road, Cheltenham 3192, to send particulars to them by 29 December 2010, 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,
4/250 Charman Road, Cheltenham 3192.

Re: PATRICK FRANCIS LANYON, late of 5 Murray Street, Mirboo North and also of 4 Ligar Street, Dromana, retired scaffolder, deceased.

Creditors, next-of-kin, and others having claims in respect of the estate of the deceased, who died on 17 June 2010, are required by the trustee, Frances Mary Lanyon, to send particulars to the undermentioned solicitors by 20 January 2011, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

HUNT, McCULLOUGH, KOLLIAS & CO.,
solicitors,
210 Main Street, Mornington 3931.

Creditors, next-of-kin and others having claims against the estate of THELMA JEAN BRADFORD, late of 64 Middleton Street, Highett, Victoria, who died on 24 April 2010, are required by the executors, Neil Alfred Pritchard and Irene Rose Bruton, to send detailed particulars of their claims to the said executors, care of John J. Byrne Lawyer Pty Ltd, of 216 Charman Road, Cheltenham 3192, by 28 December 2010, after which date it will proceed to distribute the said estate, having regard only to the claims of which it then has notice.

JOHN J. BYRNE LAWYER PTY LTD,
216 Charman Road, Cheltenham, Vic. 3192.

Re: ARTHUR JAMES WHEELER, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 9 April 2010, are required by the executors, William Michael Wheeler and Verna Mary Currie, to send particulars to them, care of the undersigned, by 29 December 2010, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

KIM BAINBRIDGE LEGAL SERVICE PTY LTD, (t/as Garden & Green), lawyers,
4 McCallum Street, Swan Hill, Vic. 3585.

ALISON LORRAINE COUPER, late of 54 Shandon Street, Mornington, Victoria, laboratory technician, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 3 June 2010, are required by the

executors, Phillip John Radcliffe and Suzanne Mary Lyttleton, to send particulars to them, care of the undermentioned solicitors, by a date not later than two months from the date of publication hereof, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

LYTTLETONS, solicitors,
53 Marcus Road, Dingley 3172.

Re: VALDA PATRICIA CLYDESDALE, deceased.

Creditors, next-of-kin, and others having claims in respect of the estate of the deceased, who died on 18 July 2010, are required by the trustee, Kenneth Bruce Clydesdale, to send particulars of such claims to him, in care of the undermentioned lawyers by 28 December 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

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

Re: ELLEN MARY MARGARET REDFORD, deceased.

Creditors, next of kin and others having claims in respect of the estate of ELLEN MARY MARGARET REDFORD, deceased, late of Bellrise Aged Care, Bellarine Highway, Leopold, Victoria, widow, who died on 10 October 2009, are requested to send particulars of their claims to the administrators, David Edward Whiting and David Lawrence Fogarty, care of the undersigned solicitors, by 27 December 2010, after which date they will convey or distribute the assets, having regard only to the claims of which they then have notice.

SLATER & GORDON, solicitors,
100 Paisley Street, Footscray 3011.

DOROTHY MAY McKEOWN, late of Woods Point Aged Care, 75–85 Orr Street, Yarrowonga, Victoria 3730, deceased.

Creditors, next of kin, and others having claims in respect of the estate of the abovenamed deceased, who died on 27 May 2010, are required by the executors for grant of administration, James Mason McKeown and Robert Thomas McKeown, care of Taylor & Whitty Pty Ltd, PO Box 92, Cobram, Victoria 3644, to send

particulars of their claims to them by 7 January 2011, after which date the executors may convey or distribute the assets and distribute the estate, having regard only to the claims of which they then have notice. Probate was granted in Victoria on 27 September 2010.

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

On Thursday 2 December 2010 at 2.30 pm in the afternoon, at the Sheriff's Office, 80 Collins Street, Melbourne (unless process be stayed or satisfied).

All the estate and interest (if any) of Go Equities Pty Ltd of 304 Sheans Creek Road, Euroa, sole proprietor of an estate in fee simple in Lot 2 on plan of subdivision 215587F being the land described on Certificate of Title Volume 09892 Folio 301, which consists of approximately 50.55 Hectares upon which is erected a wooden dwelling known as 304 Sheans Creek Road, Sheans Creek.

Registered Mortgage No. AD410260P and Mortgage No. AD968879B affect the said estate and interest.

The property can be located 10.1 km from the township of Euroa: travel on Euroa Main Road towards Lewis Road in a northeast direction, turn right at Templeton Road, continue onto Euroa Strathbogie Road for approximately 5.4 km, veer slight left towards Faithfuls Creek Sheans Gully Road, continue straight onto Faithfuls Creek Sheans Gully Road for approximately 2.9 km, turn right, travel approximately 54 m, property will be situated on the right hand side and is known as 304 Sheans Creek Road, Sheans Creek.

Refer RACV VicRoads Country Street Directory Edition No. 7, Map 47C6.

Payment Terms – Cash/Eftpos (debit cards only/no credit cards)/bank cheque or solicitors trust account cheque.

Note: Must be paid in full at the fall of the hammer.

There are no exceptions to these arrangements.

SW100023922

K. GRIFFIN
Sheriff's Office
Phone (03) 9947 1539

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

On Thursday 2 December 2010 at 2.30 pm in the afternoon, at the Sheriff's Office, 80 Collins Street, Melbourne (unless process be stayed or satisfied).

All the estate and interest (if any) of Darren Snijders, also known as Darren Morrow, of 186 Swansea Road, Mount Evelyn, as shown on Certificate of Title as Darren Joseph Morrow, joint proprietor with Rhonda Nicole Morrow of an estate in fee simple in the land described on Certificate of Title Volume 06410 Folio 980, upon which is erected a dwelling known as 186 Swansea Road, Mount Evelyn.

Registered Mortgage No. AB872922E and Caveat No. AD248432N affect the said estate and interest.

Payment Terms – Cash/Eftpos (debit cards only/no credit cards)/bank cheque or solicitors trust account cheque.

Note: Must be paid in full at the fall of the hammer.

There are no exceptions to these arrangements.

SW100029288

K. GRIFFIN
Sheriff's Office
Phone (03) 9947 1539

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

On Thursday 2 December 2010 at 2.30 pm in the afternoon, at the Sheriff's Office, 80 Collins Street, Melbourne (unless process be stayed or satisfied).

All the estate and interest (if any) of Stavros Bourinaris, of 4 Lipscomb Court, Reservoir, joint proprietor with Ioannis Bourinaris, Andromahi Bourinaris, Katerina Bourinaris, Apostolos Bourinaris of an estate in fee simple in the land described on Certificate of Title Volume 08678 Folio 207 upon which is erected a house known as 13 Sycamore Crescent, Campbellfield.

Registered Caveat No. AG452495W affects the said estate and interest.

Payment Terms – Cash/Eftpos (debit cards only/no credit cards)/bank cheque or solicitors trust account cheque.

Note: Must be paid in full at the fall of the hammer.

There are no exceptions to these arrangements.

SW100058900

K. GRIFFIN
Sheriff's Office
Phone (03) 9947 1539

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

On Thursday 2 December 2010 at 2.30 pm in the afternoon, at the Sheriff's Office, 80 Collins Street, Melbourne (unless process be stayed or satisfied).

All the estate and interest (if any) of Peter Harries of Unit 7, 285 Canterbury Road, Bayswater, as shown on Certificate of Title as Peter Glendenning Harries, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 09480 Folio 038 upon which is erected a dwelling/unit known as Unit 7, 285 Canterbury Road, Bayswater.

Registered Mortgage No. AE060443U and Owners Corporation Plan RP018013 affects the said estate and interest.

Payment Terms – Cash/Eftpos (debit cards only/no credit cards)/bank cheque or solicitors trust account cheque.

Note: Must be paid in full at the fall of the hammer.

There are no exceptions to these arrangements.

SW100025199

K. GRIFFIN
Sheriff's Office
Phone (03) 9947 1539

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

On Thursday 2 December 2010 at 2.30 pm in the afternoon, at the Sheriff's Office, 80 Collins Street, Melbourne (unless process be stayed or satisfied).

All the estate and interest (if any) of Kristine Joy Small, of 9 Holstein Court, Rowville, joint proprietor with Daryl John Small of an estate in fee simple in the land described on Certificate

of Title Volume 09618 Folio 736 upon which is erected a dwelling known as 9 Holstein Court, Rowville.

Registered Mortgage No. T918702V, Mortgage No. AC639370N, Caveat No. AC996478V, Caveat No. AG465501H and Covenant (as to whole or part of the land) in instrument L955636S affect the said estate and interest.

Payment Terms – Cash/Eftpos (debit cards only/no credit cards)/bank cheque or solicitors trust account cheque.

Note: Must be paid in full at the fall of the hammer.

There are no exceptions to these arrangements.

SW100040388

K. GRIFFIN
Sheriff's Office
Phone (03) 9947 1539

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

On Thursday 2 December 2010 at 2.30 pm in the afternoon, at the Sheriff's Office, 80 Collins Street, Melbourne (unless process be stayed or satisfied).

All the estate and interest (if any) of Romeo Bains of 4 Lockton Avenue, Reservoir, joint proprietor with Sandra Bains of an estate in fee simple in the land described on Certificate of Title Volume 08957 Folio 380 upon which is erected a dwelling known as 4 Lockton Avenue, Reservoir.

Registered Mortgage No. AF762504D affects the said estate and interest.

Payment Terms – Cash/Eftpos (debit cards only/no credit cards)/bank cheque or solicitors trust account cheque.

Note: Must be paid in full at the fall of the hammer.

There are no exceptions to these arrangements.

SW090093031

K. GRIFFIN
Sheriff's Office
Phone (03) 9947 1539

PROCLAMATIONS**Confiscation Amendment Act 2010****PROCLAMATION OF COMMENCEMENT**

I, David de Kretser, Governor of Victoria, with the advice of the Executive Council and under section 2(1) of the **Confiscation Amendment Act 2010**, fix 1 November 2010 as the day on which Part 1, sections 4(1), 4(3), 5, 7, 14(1), 14(3), 15, 20, 21, 22, 23, 28, 30, 32, 33, and Part 4 (except sections 70(1), 70(2) and 70(3)) of that Act come into operation.

Given under my hand and the seal of Victoria on 26th October 2010.

(L.S.) DAVID de KRETSER
Governor
By His Excellency's Command
ROB HULLS
Attorney-General

Firearms and Other Acts Amendment Act 2010**PROCLAMATION OF COMMENCEMENT**

I, David de Kretser, Governor of Victoria, with the advice of the Executive Council and under section 2(1) of the **Firearms and Other Acts Amendment Act 2010** to fix 1 November 2010 as the day on which Part 1, sections 3(1) (except paragraphs (a) and (c)), 4, 17, 19, 21, 23, 28, and Parts 4 to 6 of that Act come into operation.

Given under my hand and the seal of Victoria on 26th October 2010.

(L.S.) DAVID DE KRETSER
Governor
By His Excellency's Command
JAMES MERLINO
Minister for Police

Justice Legislation Further Amendment Act 2010**PROCLAMATION OF COMMENCEMENT**

I, David de Kretser, Governor of Victoria, with the advice of the Executive Council and under section 2(8) of the **Justice Legislation Further Amendment Act 2010**, fix 1 January 2011 as the day on which Division 1 of Part 5 of that Act comes into operation.

Given under my hand and the seal of Victoria on 26 October 2010.

(L.S.) DAVID DE KRETSER
Governor
By His Excellency's Command
ROB HULLS
Attorney-General

Justice Legislation Further Amendment Act 2010**PROCLAMATION OF COMMENCEMENT**

I, David de Kretser, Governor of Victoria, with the advice of the Executive Council and under section 2(8) of the **Justice Legislation Further Amendment Act 2010**, fix 28 October 2010 as the day on which Divisions 2 and 8 of Part 5 of that Act come into operation.

Given under my hand and the seal of Victoria on 26th October 2010.

(L.S.) DAVID DE KRETSER
Governor
By His Excellency's Command
JAMES MERLINO
Minister for Corrections

Justice Legislation Amendment Act 2010**PROCLAMATION OF COMMENCEMENT**

I, David de Kretser, Governor of Victoria, with the advice of the Executive Council and under section 2(4) of the **Justice Legislation Amendment Act 2010**, fix 1 January 2011 as the day on which the remaining provisions of that Act (except sections 9, 13, 16, 18, 19, 20, 21, 22, 25, 26 and 27) come into operation.

Given under my hand and the seal of Victoria on 26th October 2010.

(L.S.) DAVID DE KRETSER
Governor
By His Excellency's Command
JAMES MERLINO
Minister for Corrections

**Justice Legislation Further Amendment
Act 2010**

PROCLAMATION OF COMMENCEMENT

I, David de Kretser, Governor of Victoria, with the advice of the Executive Council and under section 2(8) of the **Justice Legislation Further Amendment Act 2010**, fix 1 January 2011 as the day on which Part 4 of that Act comes into operation.

Given under my hand and the seal of Victoria on 26th October 2010.

(L.S.) DAVID DE KRETSE

Governor

By His Excellency's Command

DANIEL ANDREWS

Minister for Health Transport Accident and
Accident Compensation Legislation
Amendment Act 2010

Given under my hand and the seal of Victoria on 26th October 2010.

(L.S.)

DAVID de KRETSE

Governor

By His Excellency's Command

TIM HOLDING

Minister for Water

PROCLAMATION OF COMMENCEMENT

I, David de Kretser, Governor of Victoria, with the advice of the Executive Council and under section 2(7) of the **Transport Accident and Accident Compensation Legislation Amendment Act 2010**, fix 1 November 2010 as the day on which sections 21, 22, 23, 50, 51, 80, 81, 82, 83 and 84 of that Act come into operation.

Given under my hand and the seal of Victoria on 26th October 2010.

(L.S.) DAVID de KRETSE

Governor

By His Excellency's Command

TIM HOLDING

Minister for Finance, WorkCover and
the Transport Accident Commission

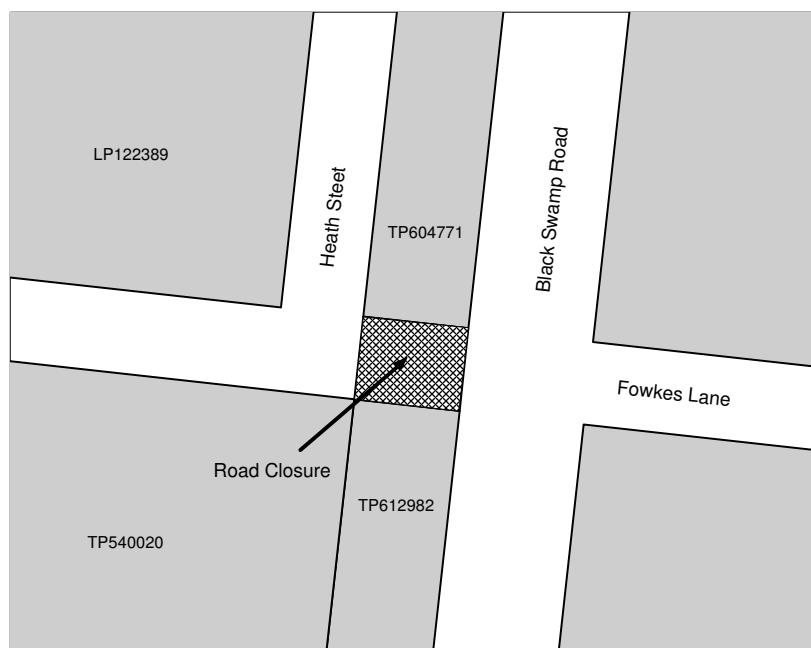
**Water Amendment (Victorian
Environmental Water Holder) Act 2010**

PROCLAMATION OF COMMENCEMENT

I, David de Kretser, Governor of Victoria, with the advice of the Executive Council and under section 2(1) of the **Water Amendment (Victorian Environmental Water Holder) Act 2010** (the Act), fix 28 October 2010 as the day on which sections 1, 2, 9 to 12 and 24 to 27 of that Act come into operation.

**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES****Road Discontinuance**

Pursuant to section 206, and schedule 10, clause 3 of the **Local Government Act 1989**, Hepburn Shire Council, at its ordinary meeting held on 20 July 2010, formed the opinion to close the rail crossing at Fowkes Lane, shown by hatching on the plan below, and resolved to discontinue the section of road.



KAYLENE CONRICK
Chief Executive Officer



Public Notice

Prohibition of Glass on Beaches

Hobsons Bay City Council is intending to make an amendment to its Local Law known as the Hobsons Bay City Council Community Local Law. Public submissions about the proposed Amendment are now invited.

Proposed Local Law

The Council proposes to make changes to the Community Local Law. The following information about the proposed amendment is provided in accordance with section 119 of the **Local Government Act 1989**.

Purpose of the Local Law

- To provide a safe and healthy environment in which Hobsons Bay residents enjoy a quality of life and use of municipal properties that meet the general expectations of the community;
- To prohibit, regulate and control activities which may be dangerous or unsafe or detrimental to the quality of life in Hobsons Bay and behaviour which may be a nuisance or detrimental to health and safety or adverse to the enjoyment of municipal properties;
- To facilitate the provision of general public services, health and other community services, property services, recreational and cultural services, sale of goods and other services in a way which enhances the environment and quality of life in Hobsons Bay.

General Purport of the Local Law

The Amendment, if made, will provide for the following:

Clause 126A – Restrictions Relating to Glass Containers

Council may designate any area or areas within the Municipal District within which a Person must not have in his or her possession any Glass Containers without a permit and the times and dates during which such restrictions are to be in place.

In accordance with this amendment, Council proposes to ban glass containers on all beaches within the municipality. The Council will designate these areas by signposts, so as to reasonably notify a person entering the designated area of the nature of the restrictions.

A copy of the proposed amendment to the local law may be inspected at or obtained from the Hobsons Bay Civic Centre at 115 Civic Parade, Altona. Office hours are 8.00 am to 5.00 pm, Monday to Friday. It may also be viewed on the Council's website at www.hobsonsbay.vic.gov.au

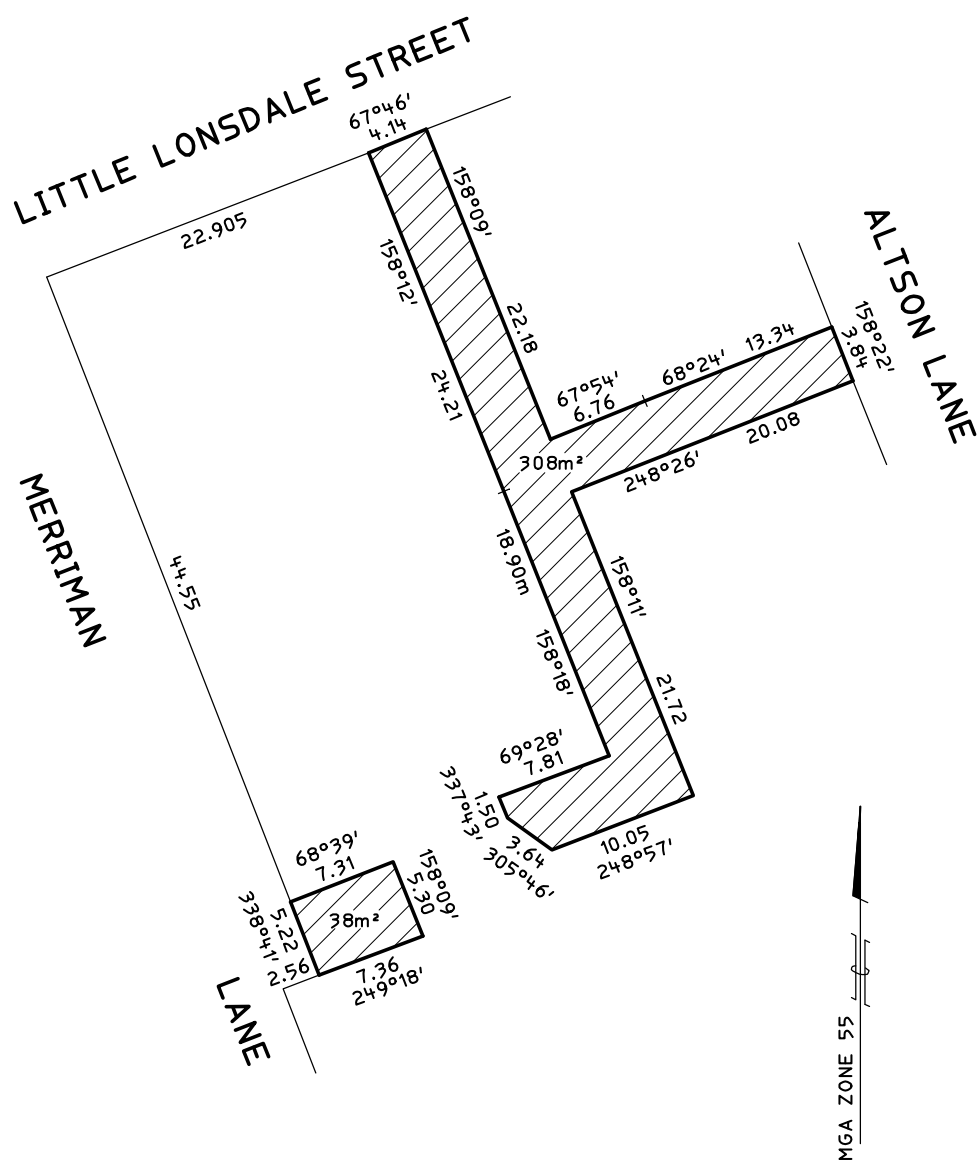
Any person affected by the proposed local law may make a written submission relating to it to the Council. Submissions received by 26 November 2010 will be considered in accordance with section 223 of the **Local Government Act 1989**. Submissions should be lodged at the Hobsons Bay Civic Centre or posted to PO Box 21, Altona 3018. Enquiries should be directed to the Council's Health and Regulatory Services department on 9932 1000.

BILL JABOOR
Chief Executive Officer

MELBOURNE CITY COUNCIL

Road Discontinuance

Pursuant to section 206(1) and clause 3(a) of Schedule 10 of the **Local Government Act 1989**, Melbourne City Council declares the road known as Elliot Lane and Part Merriman Lane, Melbourne, discontinued, as shown hatched on the plan here under.





Adoption of General Local Law 2010

Notice is hereby given that pursuant to Section 119 of the **Local Government Act 1989**, the Moorabool Shire Council at its meeting held on Wednesday, 6 October, 2010, resolved to adopt the following Local Law:

General Local Law 2010

The objectives of this Local Law are to provide for all of the following:

- (a) the peace, order and good governance of the municipal district;
- (b) a safe and healthy environment so that the community of the municipal district can enjoy a quality of life that meets its expectations;
- (c) the safe, fair and reasonable use and enjoyment of public places;
- (d) the protection and enhancement of municipal buildings, public assets and Council assets and the amenity and environment of the municipal district;
- (e) the safe, fair and reasonable use and enjoyment of premises;
- (f) the uniform and fair administration of this Local Law.

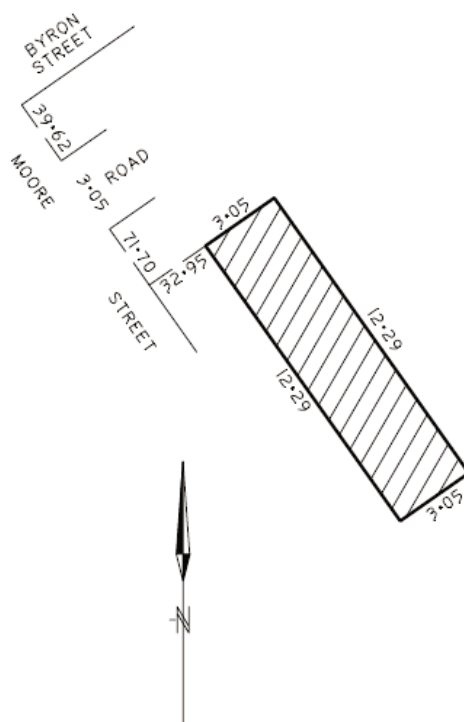
A copy of the General Local Law 2010 may be inspected or obtained from Council's Customer Service Centres located at 15 Stead Street, Ballan, or 197 Main Street, Bacchus Marsh, during normal office hours, or on Council's website at www.moorabool.vic.gov.au. If you have any questions please contact Customer Service on 5366 7100.

ROB CROXFORD
Chief Executive Officer

CITY OF PORT PHILLIP

Discontinuance of Road

Notice is hereby given that the Port Phillip City Council, at its ordinary meeting on 11 October 2010, formed the opinion that the section of road shown hatched on the plan below is not reasonably required as a road for public use and resolved to discontinue the road and, having advertised and served notices regarding the proposed discontinuance and hearing submissions under section 223 of the **Local Government Act 1989**, orders that the road at the rear 22 Moore Street, Elwood be discontinued pursuant to section 206 and Schedule 10, Clause 3 of the said Act, and the land of the discontinued road be sold by private treaty to the owner of the land abutting the road.



JOHN HICKS
General Manager
City and Infrastructure Services

Planning and Environment Act 1987
GREATER GEELONG PLANNING SCHEME
Notice of Preparation of Amendment
Amendment C230
Jetty Road Drysdale Urban Growth Area Stage 1
Authorisation A01788

The Greater Geelong City Council has prepared Amendment C230 to the Greater Geelong Planning Scheme.

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

The Amendment applies to land known as Stage 1 of the Jetty Road Urban Growth Area, in the localities of Drysdale, Clifton Springs and Curlewis. This area is generally bounded by Port Phillip Bay to the north, the Bellarine Rail Trail to the south, Jetty Road and Griggs Creek to the east and a line running parallel to and approximately 400 metres east of McDermott Road to the west. The Amendment also applies to part of the land at 1421–1423 Portarlington Road, Drysdale.

The Amendment:

- includes the Jetty Road Urban Growth Area Development Contributions Plan in the Greater Geelong Planning Scheme as an incorporated document;
- introduces a new schedule to the Development Contributions Plan Overlay (DCPO2) for Stage 1 of the Jetty Road Growth Area into the Planning Scheme;
- applies the Development Contributions Plan Overlay (DCPO) to the subject land; and
- applies the Public Acquisition Overlay 4 (PAO4) over the land required for that part of the new primary road network between Portarlington Road and the Bellarine Rail Trail.

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: Myers Street Customer Service, 131 Myers Street,

Geelong, weekdays 8.00 am–5.00 pm; Drysdale Customer Service Centre, 18 Hancock Street, Drysdale, weekdays 9.00 am–5.00 pm; ‘Have Your Say’ section of the City’s website www.geelongaustralia.com.au; and the Department of Planning and Community Development website, www.dpcd.vic.gov.au/planning/publicinspection

For further information about Amendment C230, please contact the City’s Strategic Implementation unit on 5272 4192 or via email strategicplanning@geelongcity.vic.gov.au

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

Submissions close Monday 29 November 2010.

Submissions must be in writing and sent to: The Coordinator, Strategic Implementation, City of Greater Geelong, PO Box 104, Geelong, Vic. 3220; or email: strategicplanning@geelongcity.vic.gov.au

Any person who may be affected by the Amendment may make a submission to the planning authority. Please be aware that all submissions will be made available to the applicant and copies of objections/submissions received may be made available to any person for the purpose of consideration as part of the planning process.

Submissions can be viewed at the office of the planning authority, City of Greater Geelong, Ground Floor, 131 Myers Street, Geelong until the end of two months after the Amendment comes into operation or lapses. Anonymous submissions will not be considered.

PETER SMITH
Coordinator Strategic Implementation

Planning and Environment Act 1987
HUME PLANNING SCHEME
Notice of Preparation of Amendment
Amendment C134
Authorisation A01716

The Hume Council has prepared Amendment C134 to the Hume Planning Scheme.

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

The land affected by the Amendment is throughout the municipality and specifically applies to applications for use, development and subdivision of land for Industry and Warehouse. The Amendment proposes to implement the Hume City Council Industrial Stormwater Code of Practice (2008). Specifically, the Amendment proposes:

- a new Local Planning Policy (Clause 22.19 Industrial Stormwater Management);
- a new Strategy, Implementation reference and Reference Documents at Clause 21.05–2 (Catchment and Land Management); and
- new Reference Documents at Clause 21.09 (Reference Documents).

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, Hume City Council, Broadmeadows Office, 1079 Pascoe Vale Road, Broadmeadows 3047; during office hours at the office of the planning authority, Hume City Council, Craigieburn Office, 83–85 Craigieburn Road, West Craigieburn 3064; during office hours at the office of the planning authority, Sunbury Office, 40 Macedon Street, Sunbury, 3429; and at the Department of Planning and Community Development website, 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 29 November 2010. A submission must be sent to Strategic Planning Department, Hume City Council, PO Box 119 Dallas, Vic. 3047.

DOMENIC ISOLA
Chief Executive Officer



Planning and Environment Act 1987

KNOX PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C49

Authorisation A01777

The Knox City Council has prepared Amendment C49 to the Knox Planning Scheme.

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

The land affected by the Amendment is:

- all land within Knox currently affected by a Vegetation Protection Overlay 1 or Vegetation Protection Overlay 3; and
- various additional areas and sites within the Knox municipality that have been identified as having biological significance.

The land affected by the Amendment is shown on the maps that form part of the Amendment, and applies to both privately and publicly owned land.

The Amendment proposes to:

- make revisions to the Municipal Strategic Statement (Clauses 21.06 and 21.09);
- delete the current Vegetation Protection Overlay – Schedule 1 and associated maps (1VPO1 – 10VPO1 maps);
- delete the current Vegetation Protection Overlay – Schedule 3 and associated maps (2VPO3, 3VPO3 and 6VPO3 – 8VPO3 maps);
- insert a new Vegetation Protection Overlay – Schedule 4 and associated maps (1VPO4 – 3VPO4 and 5VPO4 – 10VPO4 maps);
- insert a new Environmental Significant Overlay – Schedule 2 and 3 and associated maps (1ESO – 10ESO maps); and

- include specific native vegetation into the Schedule to Clause 52.17 Native Vegetation to enable these species to be removed, destroyed or lopped without the need for a permit under this Clause.

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, Knox City Council, Civic Centre, 511 Burwood Highway, Wantirna South (or on Council's website at www.knox.vic.gov.au – search 'Amendment C49') and at the Department of Planning and Community Development website, 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 10 December 2010. A submission must be sent to Strategic and Economic Development Department, Knox City Council, 511 Burwood Highway, Wantirna South Vic. 3152 or via email: AmendmentC49@knox.vic.gov.au

ANGELO KOURAMBAS
Director – City Development

Planning and Environment Act 1987

MACEDON RANGES PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C33

Authorisation A01704

The Macedon Ranges Shire Council has prepared Amendment C33 to the Macedon Ranges Planning Scheme.

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

The land affected by the Amendment is:

- land in the town centre of Lancefield, generally between Chauncey Street, Raglan Street, Melbourne–Lancefield Road and High Street;
- land in the town centre of Romsey on Main Street;
- land in the town centre of Woodend on High Street;

- 130 Main Street, Romsey also known as Lot 1 on TP 14145H; and
- the following ten individual places identified as having local heritage significance within the Shire:
 - Cathlaw, 11 Ferrier Road, New Gisborne;
 - Westport, 72–74 Ferrier Road, New Gisborne;
 - Newham Mechanics Institute Hall, 1292 Rochford Road, Newham;
 - Shirley Park, 98–100 Romsey Road, Woodend;
 - Former Cobb & Co. Changing Station, 236 Cobb and Co. Road, Cadello;
 - Drusilla, 26 Brougham Road, Mount Macedon;
 - Timsbury, 710 Mount Macedon Road, Mount Macedon;
 - JG Bolton Hall, 22 Epping Street, Kyneton;
 - St John's Anglican Church, 1–7 Melvins Road, Riddells Creek; and
 - John White Grave, off Cobb & Co. Road, Carlsruhe.

The Amendment proposes to:

- amend Clause 21.08 Reference Documents and Clause 22.11 Heritage Policy to include the Macedon Ranges Shire Council Stage One Heritage Review – Citations Report, 2010 as a Reference Document;
- amend Clause 22.11 Heritage Policy to refer to Heritage Victoria's recommendations and guidelines for assessing planning permit applications in the Heritage Overlay;
- amend the Schedule to Clause 43.01 Heritage Overlay to:
 - include three new heritage precincts of local significance being the Lancefield, Romsey and Woodend town centre precincts;
 - include ten individual places of local heritage significance, including application of permanent heritage controls to JG Bolton Hall, which is subject to an interim heritage overlay (HO261); and
 - correct the address listed for HO147 to include 130 Main Street, Romsey.

- amend Planning Scheme Map Nos. 19HO, 24HO and 29HO to show the three town centre heritage precincts;
- amend Planning Scheme Map Nos. 13HO, 15HO, 16HO, 17HO, 24HO, 27HO, 34HO and 39HO to show the ten individual places of local heritage significance; and
- amend Map No. 29HO to correct an error in the mapping of HO147 by including 130 Main Street, Romsey.

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 offices of the planning authority, Macedon Ranges Shire Council, Gisborne Administration Centre, 40 Robertson Street, Gisborne and Kyneton Administration Centre, 129 Mollison Street, Kyneton; at the Macedon Ranges Shire Council website, www.macedon-ranges.vic.gov.au, and at the Department of Planning and Community Development website, www.dpcd.vic.gov.au/planning/publicinspection

Any person who may be affected by the Amendment may make a submission to the planning authority. Once received, submissions become public documents and may be made available.

The closing date for submissions is 3 December 2010. A submission must be sent to the Chief Executive Officer, Macedon Ranges Shire Council, PO Box 151, Kyneton Vic. 3444.

PETER JOHNSTON
Chief Executive Officer

Planning and Environment Act 1987

MORNINGTON PENINSULA PLANNING SCHEME

Notice of the Preparation of an Amendment to a Planning Scheme and Notice of an Application for Planning Permit given under S96c of the

Planning and Environment Act 1987

Amendment C137

Authorisation No. A01558

Planning Permit Application CP09/004

The land affected by the Amendment is Lot 1 LP110368, 105 Latrobe Parade, Dromana and Lot 10 LP111747, 117 Latrobe Parade, Dromana.

The land affected by the application is Lot 1 LP110368, 105 Latrobe Parade, Dromana, and Lot 10 LP111747, 117 Latrobe Parade, Dromana, including the road reserve.

The Amendment proposes to enable the variation of a restrictive covenant affecting the land by removing provisions within the covenant that are contrary to the existing and established use of the site.

More specifically the Amendment:

- amends the Schedule to Clause 52.02 by replacing an existing provision with a new provision authorising the variation of a restrictive covenant for the purpose of enabling the land to be used as a restaurant. The proposed variation is to delete the following clauses of the covenant:
 - (b) erect or cause to be erected on the land hereby transferred any building of more than two storeys but a car port and services beneath a building shall not be deemed to be a storey and the exterior walls of any building erected on the land hereby transferred shall not be constructed of materials other than timber brick or brick veneer PROVIDED THAT this Covenant shall not apply to any buildings erected on the land hereby transferred prior to the 6th day of August 1973.
 - (c) use any buildings so erected on the land hereby transferred for any purposes other than residential purposes.
 - (d) erect or permit to remain on any part of the land hereby transferred any advertising hoardings signs or displays save and except any sign relating to the sale of the land hereby transferred and improvements thereon.
 - (e) erect any fences on the land hereby transferred save and except fences consisting of post and wire with steel droppers (and wire mesh if required) and such fencing shall be deemed to be proper dividing fences pursuant to the provisions of the **Fences Act 1968**.

PROVIDED FURTHER THAT:

The restrictions contained in paragraphs (a) to (e) of this Covenant will not apply to the land hereby transferred where it is used and developed in accordance with the special controls contained in the 'Heronswood Incorporated Document 2009' identified in the Schedule to Clause 52.03 of the Mornington Peninsula Planning Scheme.;

- amends the Schedule to Clause 52.03 by deleting reference to the incorporated document 'Heronswood Incorporated Document, 2009';
- amends the table at Clause 81.01 by deleting reference to the 'Heronswood Incorporated Document, 2009.'

The application is for a permit to enable the existing tearooms to have 70 seats available to the public at any one time (in lieu of the current 20 seat limitation). The permit includes a number of conditions which restrict the use.

More specifically the permit:

- authorises the use of a 70 seat restaurant;
- allows a car parking variation to the requirements of clause 52.06 of the Planning Scheme;
- restricts the restaurant's hours of operation; and
- expires if the land is subdivided, the Diggers Club ceases on-site operations or the Heronswood house and garden are no longer open to the public.

The persons who requested the Amendment are Clive and Penelope Blazey, the owners of the subject land.

The applicants for the permit are Clive and Penelope Blazey, the owners of the subject land.

You may inspect the Amendment, the explanatory report about the Amendment, the application, and any documents that support the Amendment and the application, including the proposed permit, free of charge, at the following locations: during office hours, at the office of the planning authority, Mornington Peninsula Shire Council: Hastings Office – 21 Marine Parade, Hastings; Mornington Office – 2 Queen Street, Mornington; Rosebud Office – 90 Besgrove Street, Rosebud; and at the Department of

Planning and Community Development website, www.dpcd.vic.gov.au/planning/publicinspection

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

The closing date for submissions is 29 November 2010. A submission must be sent to the Manager Strategic Planning, Mornington Peninsula Shire, Private Bag 1000, Rosebud 3939.

Panel Hearing

A submission which seeks to change the Amendment and is not accepted by the planning authority may be referred to an independent Panel appointed by the Minister under Part 8 of the **Planning and Environment Act 1987**.

If a submission is referred to a Panel, a Directions Hearing and Panel Hearing are to be held on the following dates:

Directions Hearing: Thursday 27 January 2011.

Panel Hearing: late February 2011.

Anyone who has made a submission which has been referred to a Panel has an opportunity to be heard. All submitters will be formally advised in writing of any Directions or Panel Hearing and the date.

ALLAN COWLEY

Manager Strategic Planning

Signature on behalf of the Planning Authority

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

Notice of Preparation of Amendment

Amendment C48

Authorisation A01593

The Strathbogie Shire Council has prepared Amendment C48 to the Strathbogie Planning Scheme. In accordance with section 8A(3) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Strathbogie Shire Council as planning authority to prepare the Amendment.

The land affected by the Amendment is Allotment 20B Section D (CA20B) in the Parish of Strathbogie. The Amendment proposes to rezone the land from Public Conservation and Resource Zone (PCRZ) to Farming Zone (FZ).

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, Strathbogie Shire Council, Corner Binney and Bury Streets, Euroa; and at the Department of Planning and Community Development website, 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 30 November 2010. A submission must be sent to the Strathbogie Shire Council, PO Box 177, Euroa 3666.

STEVE CRAWCOUR
Acting Chief Executive Officer

Planning and Environment Act 1987
YARRA RANGES PLANNING SCHEME
Notice of Preparation of Amendment
Amendment C99

The Yarra Ranges Council has prepared Amendment C99 to the Yarra Ranges Planning Scheme.

The area affected by the Amendment comprises all land within the Lilydale Activity Centre.

The Amendment proposes to replace interim policies and controls for the Lilydale Activity Centre with permanent policies and controls based on the recommendations of the Lilydale Urban Improvement Project. In particular the amendment deletes the following:

- clause 22.07 (Interim Local Planning Policy for Lilydale Major Activity Centre); and
- schedule 4 to the Design & Development Overlay (Lilydale Market Precinct);

and replaces them with the following new provisions:

- a new Schedule 4 to the Design & Development Overlay that provides design guidelines for all land in the commercial and industrial precincts of the activity centre; and

- a new Local Planning Policy (Clause 22.07) which addresses land use issues in the various precincts of the activity centre.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following Yarra Ranges Council 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; the Yarra Ranges Council website from Thursday 28 October 2010, www.yarraranges.vic.gov.au, and at the Department of Planning and Community Development website, www.dpcd.vic.gov.au/planning/publicinspection from 28 October 2010.

Any person who may be affected by the Amendment may make a submission to the planning authority. The closing date for submissions is 30 November 2010. Submissions must be sent to the undersigned, at Yarra Ranges Council, 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 under-mentioned 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 31 December 2010, 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.

AGATIC, Ekaterini, also known as Katina Agatic, late of 18 William Perry Close, Endeavour Hills, Victoria 3802, pensioner, deceased, who died on 16 June 2010.

BERNACKI, Wieslaw Albin, late of 23 Currunghi Court, St Albans, Victoria 3021, deceased, who died on 30 December 2009.

BOYD, Ian James McCallum, late of 703 Watersons Road, Baringhup, Victoria 3463, deceased who died on 4 June 2010.

HARRIS, Kathleen Helen, late of 8 Tarwarri Avenue, Rosebud West, Victoria 3940, retired, deceased who died on 11 July 2010.

JONES, Ellen Margaret, late of Rose Hill Nursing Home, 12 Maxflo Court, Highett, Victoria 3190, cook, deceased, who died on 27 August 2010.

KACHEL, William John, late of 8 Dalmor Avenue, Mitcham, Victoria 3132, retired, deceased, who died on 13 July 2010.

MACDONALD, Hugh Fergus, also known as Hugh Ferguson MacDonald, late of Unit 5, 44 Bentons Road, Mount Martha, Victoria 3934, pensioner, deceased, who died on 25 February 2010.

REHER, John Thomas, formerly of 6 Cavalier Street, Oakleigh South, Victoria 3167, but late of Oak Towers, 139 Atherton Road, Oakleigh, Victoria 3166, deceased, who died on 14 August 2010.

SCHAPKE, Dolores, late of Kew Residential Services Redevelopment, 4 Botanic Drive, Kew, Victoria 3101, home duties, deceased, who died on 25 July 2010.

SHARRY, Edward James, late of Hurlingham Nursing Home, 68 Union Street, Brighton East, Victoria 3187, retired, deceased, who died on 25 June 2010.

WHITE, Muriel Nancy, late of Lorikeet Lodge, 24-28 Moorooduc Highway, Frankston, Victoria 3199, pensioner, deceased, who died on 25 June 2010.

WILLIAMS, Jean Margaret, known as Jean Mary Williams, late of Carnsworth Nursing Home, 10 A'Beckett Street, Kew, Victoria 3101, pensioner, deceased, who died on 2 June 2010.

Dated 22 October 2010

ROD SKILBECK
Manager
Client Services

EXEMPTION

Application No. A282/2010

The Victorian Civil and Administrative Tribunal (the Tribunal) has considered an application, pursuant to section 83 of the **Equal Opportunity Act 1995** (the Act), by Victorian Aboriginal Child Care Agency Co-Op Limited (the applicant). The application for exemption is to enable the applicant to advertise for and employ people of Aboriginal or Torres Strait Islander descent in the roles of Lakidjeka Aboriginal Child and Specialist Advice Service Caseworker and Lakidjeka Aboriginal Child and Specialist Advice Service Supervisor (the exempt conduct).

Upon reading the material submitted in support of the application, including the affidavit of Suzanne Cleary, 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:

- The applicant organisation was established in the 1970s primarily to advocate for the needs of Aboriginal and Torres Strait Islander (ATSI) people in an attempt to reduce the number of ATSI children and young people being removed from their communities and placed in institutions. The applicant now employs over 150 staff and offers a wide range of services across Victoria. Those services include out of home care, youth homelessness services, early intervention services and the Lakidjeka Aboriginal Child and Specialist Advice Service (Lakidjeka ACSASS).
- Lakidjeka ACSASS is a key initiative in the implementation of the Protocol between the Department of Human Services Child Protection Service and the applicant (the 2002 Protocol). The 2002 Protocol includes a mandatory requirement that the Child Protection Service consult with the applicant's Lakidjeka ACSASS program when a notification is made in relation to an ATSI child or young person.
- Lakidjeka ACSASS provides expert advice and case consultation to the Child Protection Service about culturally appropriate interventions for ATSI children or young people alleged to be at risk of abuse and/or neglect. Advice is provided to the Child Protection Service about all significant decisions in all phases of any Child Protection Service intervention. The role of Lakidjeka ACSASS has been strengthened through the **Children, Youth and Families Act 2005** and the Every Child Every Chance reforms. Amongst other things, it is now a requirement that any non-Aboriginal placement of an ATSI child must ensure that the child's connections to their culture and community continue. Lakidjeka ACSASS has close involvement in these decisions and has legislative authorisation to access relevant information about a child.

- The holders of the positions for which exemptions are sought are required to have the necessary cultural understanding and connections with the local ATSI community to undertake their roles. The applicant believes that persons of ATSI descent are best placed to fulfil the roles. A person of ATSI descent is better placed to negotiate with and support the ATSI community regarding the involvement of the Child Protection Service and also to provide critical advice on culture and community to protective intervenors.

The Tribunal hereby grants an exemption to the applicant from the operation of sections 13, 100 and 195 of the Act 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 20 October 2013.

Dated 12 October 2010

A. DEA
Member

EXEMPTION

Application No A290/2010

The Victorian Civil and Administrative Tribunal (the Tribunal) has considered an application, pursuant to section 83 of the **Equal Opportunity Act 1995** (the Act), by Women's Housing Limited (the applicant). The application for exemption is to enable the applicant to advertise for and employ only women in its organisation (the exempt conduct).

Upon reading the material submitted in support of the application, including the affidavit of Judy Line, 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:

- The applicant operates four programs: the Justice Pathways Program which provides services to women exiting prison; the Transitional Housing Management Program which provides housing for women and children escaping domestic violence and other homeless women; the Housing Information and Referral Program which provides information, referral and rent assistance to homeless women and their children; and the Social Housing Program which provides long term community housing and rooming house accommodation to women headed households. The applicant is funded by the Victorian Office of Housing as the only statewide specialist transitional housing manager catering to women only.
- The applicant considers it inappropriate for male workers to be employed in its women only programs. In particular, it would be inappropriate for women escaping domestic violence and assault to deal with male workers. Other women assisted by the applicant, including women exiting prison, single mothers and women with disabilities have experienced violence and sexual assault by males. The applicant believes that it is more appropriate for its employees who are working with these women to also be women to avoid causing further distress or triggering traumatic reactions.
- A previous exemption to employ women in specified roles was granted in 2007 (A304/2007).

The Tribunal hereby grants an exemption to the applicant from the operation of sections 13, 100 and 195 of the Act 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 27 October 2013.

Dated 20 October 2010

A. DEA
Member

Adoption Act 1984

Under the functions and powers assigned to me by the Secretary to the Department of Human Services under Section 8A (1) of the **Health Act 1958** in relation to Section 5 (2) of the **Adoption Act 1984**, I, Keith Smith, revoke approval of the following person under Section 5 (1) and Section 5 (2) of the **Adoption Act** as an approved counsellor for the purposes of Section 35 and Section 87 of the Adoption Act.

Name: Ms Simone Rutherford

KEITH SMITH
Manager Children, Youth and Families
Southern Metropolitan Region

**Agricultural and Veterinary Chemicals
(Control of Use) Act 1992****APPOINTMENT OF AUTHORISED
OFFICER**

I, John Thomas Harkin, A/Manager Animal Standards in the Department of Primary Industries, pursuant to the powers, duties and functions given to me by a delegation under section 74 of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992** and of my respective powers to appoint authorised officers under section 53 of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**, hereby appoint the following person employed in the Public Service, as an authorised officer for the purposes of all of the provisions of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992** and any Regulation or Order made under this Act. This appointment remains in force until revoked or until 30 June 2012.

Name of person

Gregory Charles Stuart

Dated 24 September 2010

JOHN THOMAS HARKIN
A/Manager Animal Standards

Livestock Disease Control Act 1994**APPOINTMENT OF INSPECTOR**

I, John Thomas Harkin, A/Manager Animal Standards in the Department of Primary Industries, pursuant to the powers, duties and functions given to me by a delegation under section 103 of the **Livestock Disease Control Act 1994** and of my respective powers to appoint inspectors under section 108 of the **Livestock Disease Control Act 1994**, hereby appoint the following person, who hold a position under the provisions of the **Public Administration Act 2004**, as an inspector for the purposes of all of the provisions of the **Livestock Disease Control Act 1994** and in respect of all livestock. This appointment remains in force until revoked or until 30 June 2012.

Name of person

Gregory Charles Stuart

Dated 24 September 2010

JOHN THOMAS HARKIN
A/Manager Animal Standards

Prevention of Cruelty to Animals Act 1986**APPROVAL OF GENERAL INSPECTOR**

I, Hugh Warwick Chorley Millar, Executive Director Biosecurity Victoria in the Department of Primary Industries, pursuant to the powers, duties and functions given to me by a delegation under section 38 of the **Prevention of Cruelty to Animals Act 1986** and of my respective powers to approve inspectors under section 18 of the **Prevention of Cruelty to Animals Act 1986**, hereby approve the following person, who is an inspector of livestock under the provisions of the **Livestock Disease Control Act 1994**, as a general inspector for the purposes of Part 2A and Part 3A of the **Prevention of Cruelty to Animals Act 1986**. This approval remains in force until revoked or until 30 June 2012.

Name of person

Gregory Charles Stuart

Dated 11 October 2010

HUGH WARWICK CHORLEY MILLAR
Executive Director Biosecurity Victoria

Cemeteries and Crematoria Act 2003

SECTION 41(1)

Notice of Approval of Cemetery Trust
Fees and Charges

I, Fiona Pitman, as Delegate of the Secretary to the Department of Health 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 following cemetery trust. The approved scale of fees and charges will take effect from the date of publication of this notice in the Government Gazette and will be published on the internet.

The Sorrento Cemetery Trust

FIONA PITMAN
Acting Manager

Cemeteries and Crematoria Regulation Unit

Country Fire Authority Act 1958

DECLARATION OF FIRE DANGER PERIOD

In pursuance of the powers conferred by Section 4 of the **Country Fire Authority Act 1958**, I, Mick Bourke, Chief Executive Officer of the Country Fire Authority, after consultation with the Secretary to the Department of Sustainability and Environment, hereby declare the following periods to be the Fire Danger Period in the municipal districts of the municipalities or parts of municipalities specified, commencing on the dates shown and, unless varied by subsequent declaration, ending at 0100 hours on 1 May 2011.

To commence from 0100 hours on 1 November 2010:

Colac Otway Shire

Corangamite Shire

MICK BOURKE
Chief Executive Officer Electoral Act 2002

Electoral Act 2002CHANGE TO REGISTER OF
POLITICAL PARTIES

In accordance with section 51(5)(e) of the **Electoral Act 2002**, I hereby give notice of the following change to the Register of Political Parties.

Name of registered political party: Country Alliance

New postal address: PO Box 120, Sassafras Vic. 3787

Dated 20 October 2010

S. H. TULLY
Victorian Electoral Commission

Estate Agents Act 1980REGISTERED EDUCATION AND
TRAINING ORGANISATIONS APPROVED
BY THE DIRECTOR OF CONSUMER
AFFAIRS VICTORIA UNDER SECTION 10A
OF THE **ESTATE AGENTS ACT 1980**

The following registered education and training organisations are approved to conduct courses of instruction or examination prescribed for the purposes of sections 14 and 16 of the **Estate Agents Act 1980**:

AAMC Training Group
Australian College of Professionals Pty Ltd
BPG Training (Vic) Pty Ltd
Brian Cannan Auctions Pty Ltd

This approval comes into operation on the date it is gazetted.

Note: This approval is in addition to the notice of approval published in the Government Gazette on 17 September 2009.

DR CLAIRE NOONE
Director of Consumer Affairs Victoria

Land Aquisition and Compensation Act 1986

FORM 7 S. 21(a)
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Director of Public Transport declares that by this notice it acquires the following interest in the land described as Lot 1 on Plan of Subdivision 311856D, Parish of Morang, being the whole of the land described in Certificate of Title Volume 10103 Folio 429 and known as 282 McDonalds Road, South Morang.

Interest Acquired: that of Brighton Arch Pty Ltd, care of 820 Nicholson Street, Fitzroy North, Victoria 3068 and all other interests.

Published with the authority of the Director of Public Transport.

Dated 28 October 2010

For and on behalf of
the Director of Public Transport
Signed

TIM CULLINAN
Director, Property & Commercial Development

Casino Control Act 1991

SECTIONS 62AB(4), 62AC(2) AND 81AAB(2)

Gambling Regulation Act 2003

SECTIONS 3.2.3(1)(g) AND 3.2.3(1)(h)

VICTORIAN COMMISSION FOR GAMBLING REGULATION

Notice of Specified Areas in the Melbourne Casino

By this notice, the Victorian Commission for Gambling Regulation –

1. revokes all areas previously specified by notices published in the Government Gazette as specified areas; and
2. subject to the following conditions, specifies the areas shown in the attached Schedule for the purposes of sections 62AB(4), 62AC(2) and 81AAB(2) of the **Casino Control Act 1991**, and sections 3.2.3(1)(g) and 3.2.3(1)(h) of the **Gambling Regulation Act 2003**.

Conditions:

The conditions of this notice are that:

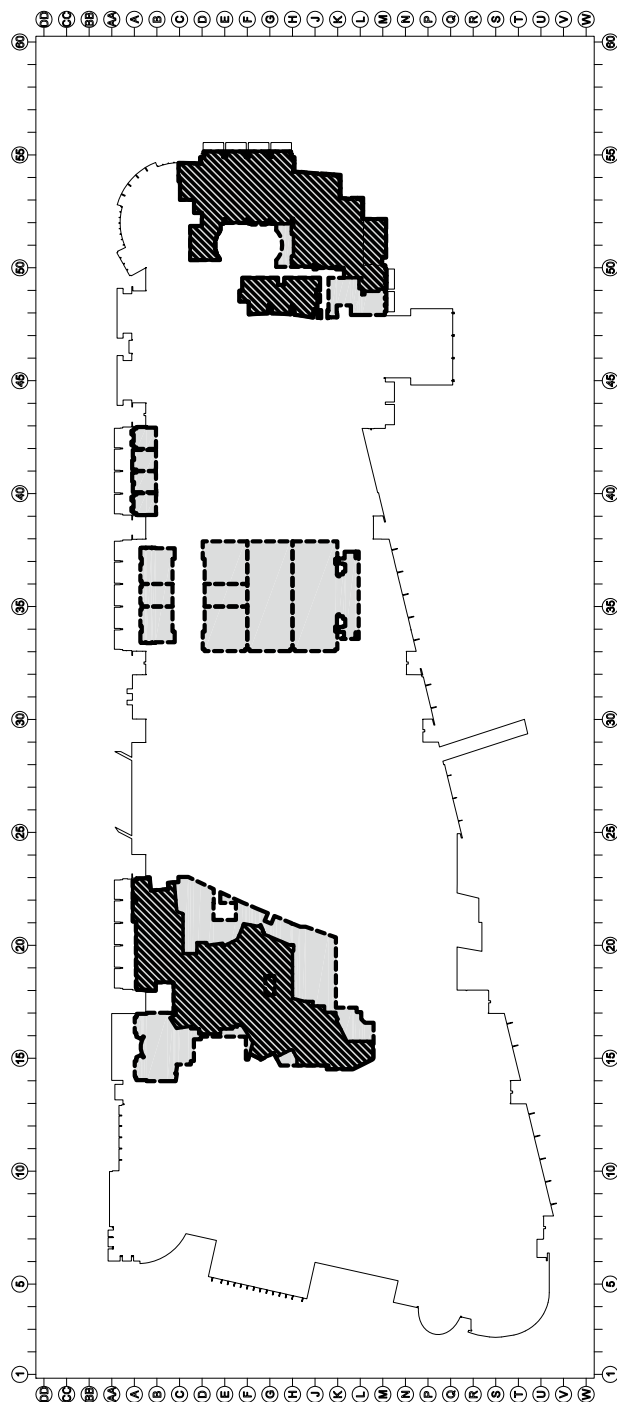
- (i) the total of –
 - (A) the total number of gaming machines which are operating at any time in a mode where spin rate, bet limit, autoplay and note acceptors are unrestricted in all areas specified by notice under section 62AB(4) or 62AC(2) of the **Casino Control Act 1991**; plus
 - (B) the total number of gaming machines from which winnings or accumulated credits in excess of \$2,000 may be paid out in cash in all areas specified by notice under section 81AAB(2) of the **Casino Control Act 1991**; minus
 - (C) the total number of gaming machines which are both operating in the mode referred to in sub paragraph (A) and from which winnings or accumulated credits in excess of \$2,000 may be paid out in cash as referred to in sub paragraph (B),must not exceed 1,000.
- (ii) a gaming machine located in an area specified by a notice under sections 62AB(4), 62AC(2) and 81AAB(2) of the **Casino Control Act 1991** referred to in Section 3.2.3(1)(g) of the **Gambling Regulation Act 2003** may only operate in a mode where spin rate, bet limit, autoplay and note acceptors are unrestricted if that gaming machine may only be played in that mode by means of a card, Personal Identification Number (PIN) or similar technology which requires the player to nominate limits on time and net loss before play can commence; and
- (iii) the payment of winnings or accumulated credits in excess of \$2000 may only be paid by cash if the winnings or credits are from one of the up to 1,000 machines specified in condition (i)(B). This provision regarding the payment of winnings by cash applies to the up to 1,000 machines specified in condition (i)(B) regardless of whether or not the machine:
 - (A) was also a machine capable of operating in a mode described in condition (i)(A); and
 - (B) was actually being played in exempt mode by means of card, PIN or similar technology at the time of the accumulation or payment of winnings as described in condition (ii).

This notice operates with effect from 6.00 am on 29 October 2010.

PETER COHEN
Executive Commissioner

SCHEDULE

LEVEL 1 GAMING

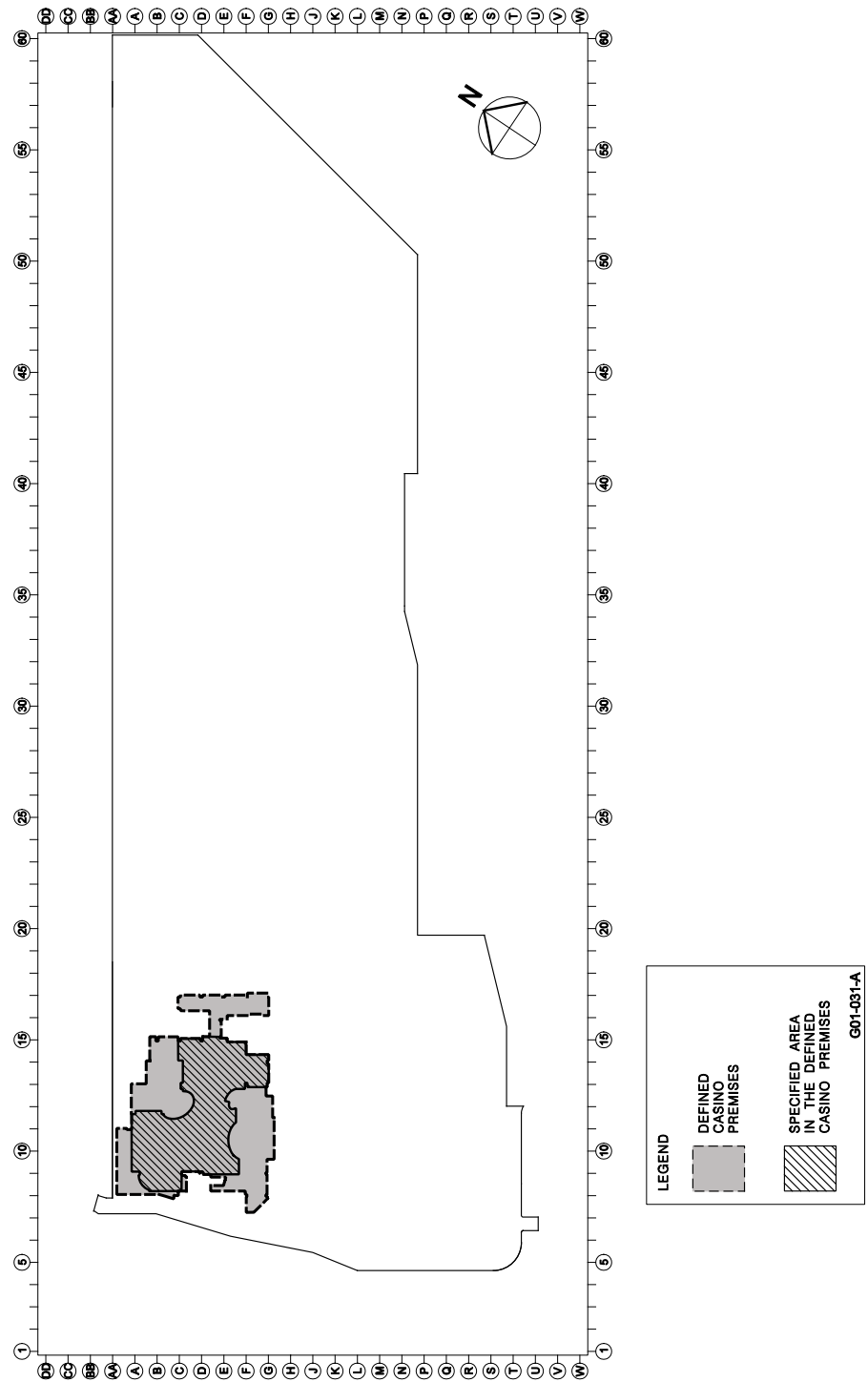


LEGEND

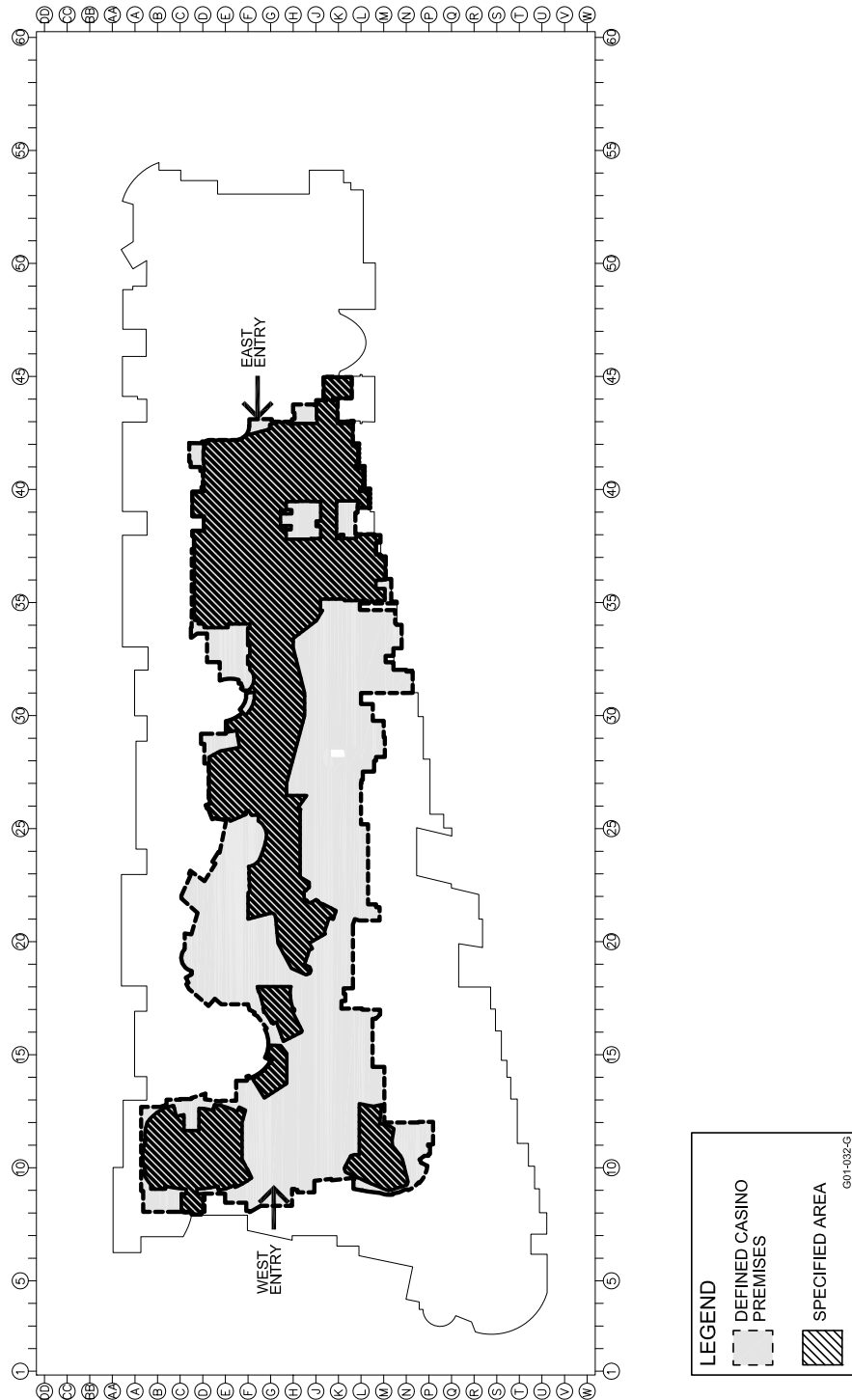
	DEFINED CASINO PREMISES
	SPECIFIED AREA

G01-033-C

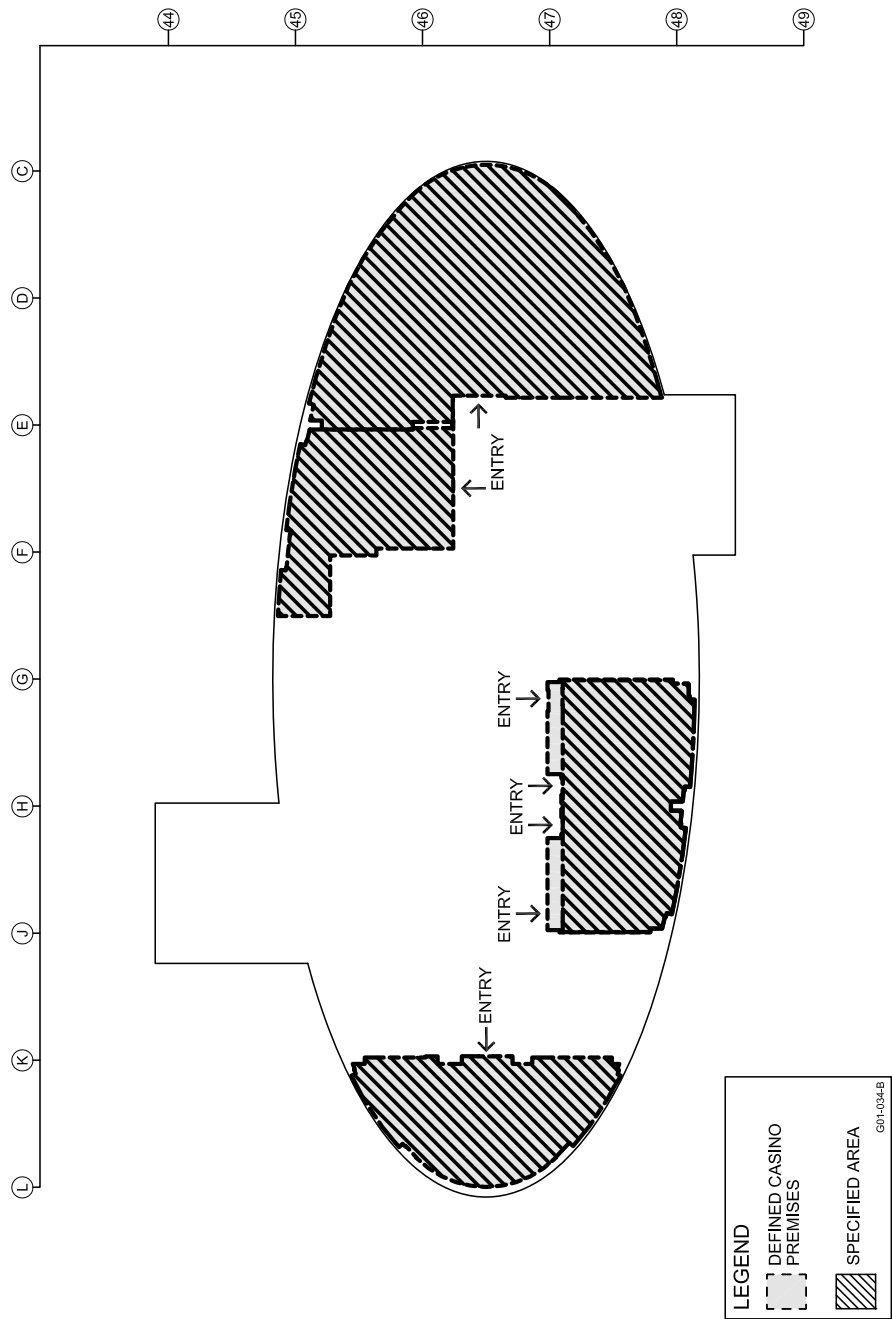
BASEMENT 2 LEVEL (LAS VEGAS ROOM)



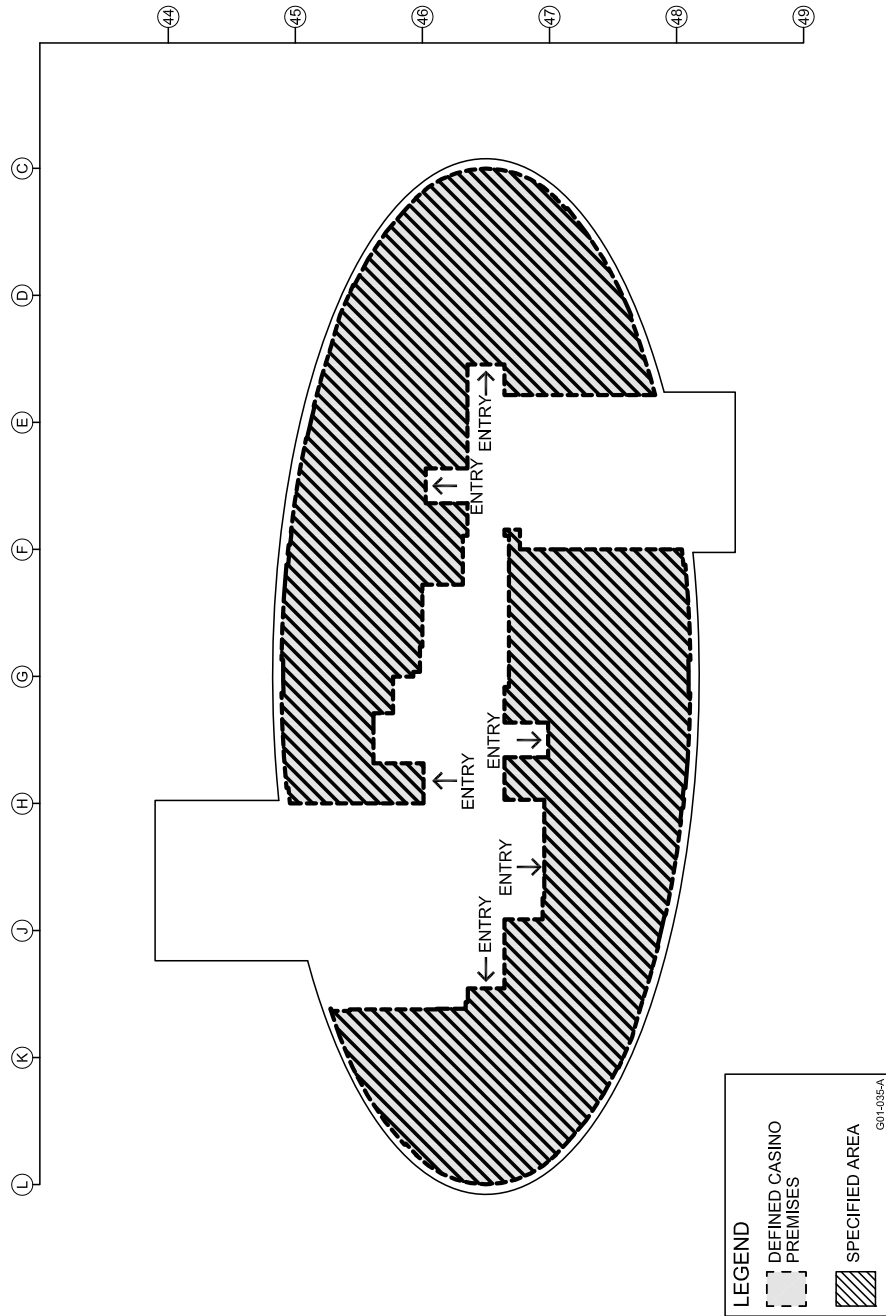
MAIN CASINO LEVEL - GROUND FLOOR



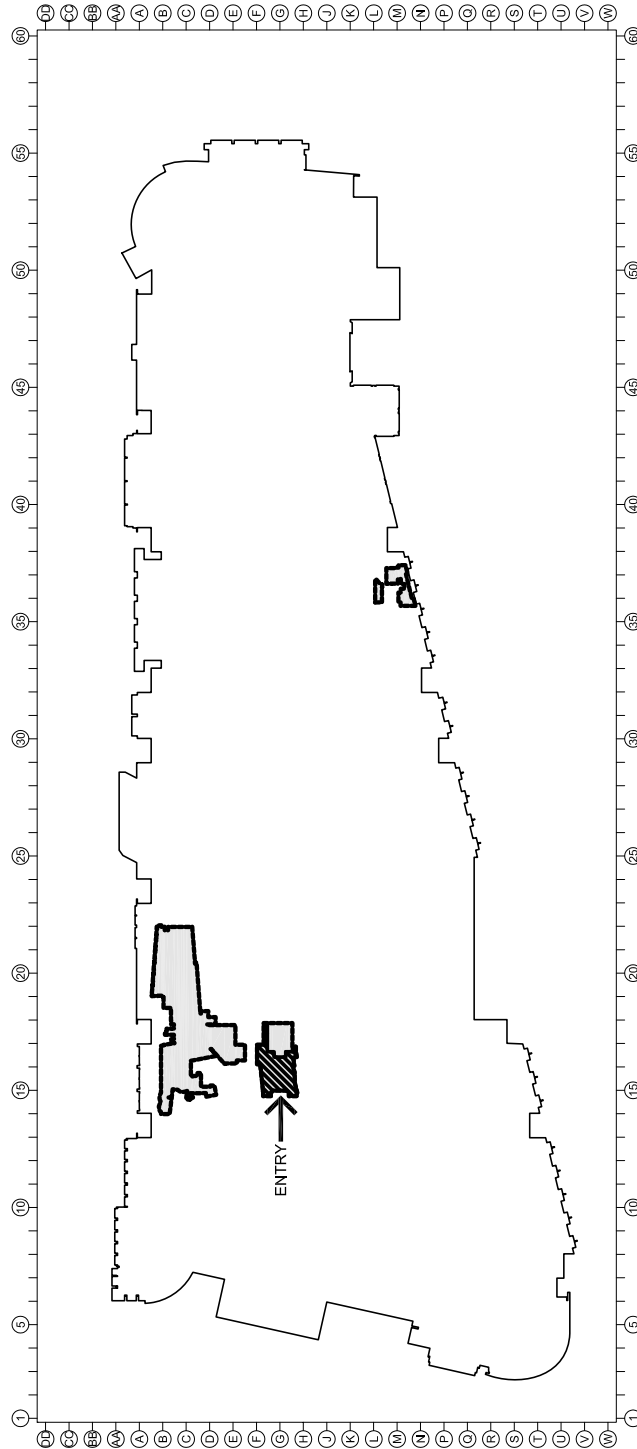
PRIVATE SALONS HOTEL 1 - LEVEL 29





PRIVATE SALONS HOTEL 1 - LEVEL 39



LEVEL 3 GAMING



LEGEND

 DEFINED CASINO PREMISES
 SPECIFIED AREA

G01-036-A

Electricity Industry Act 2000

TRUENERGY PTY LTD ABN 99 086 014 968

**Conditions for Purchase of Small Renewable Energy Generation Electricity and
Qualifying Solar Energy Generation Electricity**

Section 40G of the **Electricity Industry Act 2000** requires TRUenergy Pty Ltd, as the relevant licensee, to publish an offer comprising the prices at which, and terms and conditions on which, TRUenergy Pty Ltd will purchase small renewable energy generation electricity from relevant generators.

TRUenergy Pty Ltd now publishes (pursuant to section 40FF of the **Electricity Industry Act 2000**) its terms and conditions for the purchase of qualifying solar energy generation electricity from a qualifying customer.

These terms and conditions will become effective in accordance with section 40H of the **Electricity Industry Act 2000**.

**TRUENERGY FEED-IN AGREEMENT: PREMIUM FEED-IN AND
STANDARD FEED-IN TERMS AND CONDITIONS**

1. Your electricity plan will consist of two components, a Base Agreement under which we sell you electricity and a TRUenergy Feed-in Agreement which is the 'feed in' component of your plan under which we purchase electricity from you. These components will be shown separately on your bill.
2. The terms and conditions applying to the TRUenergy Feed-in Agreement are contained in this document and your Product Schedule.
3. You are not eligible to enter into this TRUenergy Feed-in Agreement for the purchase of electricity from you if any of the following apply:
 - a. you are not a TRUenergy Victorian customer; or
 - b. the meter type or applicable network or retail tariff at your supply address otherwise means you are not eligible. We may specify from time to time exclusions to the TRUenergy Feed-in Agreement based on meter type or availability of an applicable tariff, details of which can be requested from us.
4. If we determine that you are not eligible for the TRUenergy Feed-in Agreement we will contact you to let you know of any other options you may have.
5. If you are not an existing customer of ours, the TRUenergy Feed-in Agreement commences from the date on which your assigned meter identifier has been transferred to us.
6. If you are an existing customer of ours, the TRUenergy Feed-in Agreement commences on the date specified in the Product Schedule or, if the date is not set out, the date agreed between you and us.
7. Despite clauses 5 and 6, the TRUenergy Feed-in Agreement does not commence until you give your explicit informed consent.

Eligibility for premium feed-in and standard feed-in tariffs

8. There are two tariffs available under this TRUenergy Feed-in Agreement: a premium feed-in tariff and a standard feed-in tariff.
9. Subject to the terms of this TRUenergy Feed-in Agreement, to be eligible for the **premium feed-in tariff** you must be a Qualifying Customer who supplies electricity back into the grid from a Qualifying Solar Energy Generating Facility. (See Definitions and Interpretation section.)
10. If you are a residential customer under your Base Agreement and a Qualifying Customer, the Qualifying Solar Energy Generating Facility for which the credit is received must be located at your principal place of residence. You are only entitled to credit for one Qualifying Solar Energy Generating Facility at your residence. If the premises is not a principal place of residence (for example, it is a business premises or community centre), your annual consumption rate of electricity at the premises must be 100 megawatt hours or less and you are only entitled to credit for one Qualifying Solar Energy Generating Facility per premises.

11. Subject to the terms of this TRUenergy Feed-in Agreement, to be eligible for the **standard feed-in tariff** you must supply electricity back into the grid from a Small Renewable Energy Generating Facility. You are not eligible for both the standard feed-in tariff and the premium feed-in tariff for the electricity generated from the one facility.

Credit for electricity supplied

12. If you qualify for the standard feed-in tariff, we agree to credit you for the electricity you supply back into the grid at the same rates for which you purchase electricity under the Base Agreement for electricity sale and supply between you and us, excluding the supply charge and GST (where applicable). This is the **standard feed-in tariff**.
13. If you qualify for the premium feed-in tariff, we agree to credit you for the electricity you supply back into the grid at \$0.66 per kilowatt hour or otherwise in accordance with the minimum rate required by the relevant section of the **Electricity Industry Act 2000**, and in accordance with the requirements of that Act. This is the **premium feed-in tariff**.
14. The credits for the electricity you supply will appear on the bill that we send to you under your Base Agreement. We will credit you for the electricity you supply back into the grid at the same frequency as we bill you for the electricity you purchase under the Base Agreement. You will not be entitled to a pay-by-the-due-date discount under your Base Agreement if your account is in credit as a consequence of the electricity you supply back into the grid.
15. In addition to the charges set out in the TRUenergy Feed-in Agreement, you will need to pay any distributor-imposed charges. Upon your request we will inform you of the amount of any distributor-imposed charges prior to entering the TRUenergy Feed-in Agreement, and these will be itemised on your account. Any adjustments for undercharging or overcharging in previous billing periods will be treated in accordance with clauses 6.2 and 6.3 of the Retail Code and will also be shown on your account.
16. The rate at which we purchase your electricity does not include GST, subject to clause 33.

Connection

17. If you ask us to, we will make a request to the relevant distributor to connect your Small Renewable Energy Generation Facility or Qualifying Solar Energy Generating Facility to the distributor's distribution system as soon as practicable after you satisfy clause 1 of the Energy Retail Code (relating to your application to us to be connected at your supply address) with respect to the TRUenergy Feed-in Agreement. The request will include details of the installation of any necessary metering and network tariff reassignment.
18. We will make the request no later than the next business day after receiving from you all documentation required under the **Electricity Safety Act 1998** and all documentation reasonably required by us or the relevant distributor.
19. You must let us know as soon as possible of any changes to your contact details.

Meter readings

20. Unless you give explicit informed consent otherwise, we will base any credits payable to you on a reading of your national electricity market-compliant meter that records the supply of electricity from your Small Renewable Energy Generation Facility or Qualifying Solar Energy Generating Facility to the distribution system, and in any event, we will use our best endeavours to ensure that the meter is read at least once in any 12-month period.
21. We do not breach this clause if we are unable to read a meter in any relevant period as a result of you breaching clause 19 or some other event outside our control.
22. You must allow us, the Responsible Person (or our Responsible Person's representative) safe, convenient and unhindered access to the address and to the meter that records the supply of electricity from you to the distribution system, for the purpose of reading the meter and for connection, disconnection, reconnection, maintenance and repair. The person who requires access must carry or wear official identification and on request will show that identification to you.

23. If we are not able to credit your account based on the reading of the meter, we will not make a credit unless the relevant distributor estimates the generation in accordance with applicable regulatory instruments.
24. If you request us to, we will review any credits applied to your account (and deal with any adjustments required) on the basis specified in clause 6 of the Energy Retail Code.
25. If we over-credit or under-credit you for the electricity supplied by you back into the grid, we will rectify this error in accordance with clause 6 of the Energy Retail Code.

Force Majeure

26. If an event occurs which is outside the reasonable control of us or you (i.e. force majeure), and you or we breach the TRUenergy Feed-in Agreement due to this event only, the breach will be dealt with in accordance with clause 18 of the Energy Retail Code.

Changes to the TRUenergy Feed-in Agreement

27. The TRUenergy Feed-in Agreement may be subject to change as a result of future legislative amendments to the **Electricity Industry Act 2000**. Otherwise, this agreement may only be varied with your explicit informed consent. If you are supplying electricity back into the grid from a Small Renewable Energy Generation Facility, any changes to the tariffs under your Base Agreement will apply equally to the tariffs under the TRUenergy Feed-in Agreement.
28. We will give you notice of any variation to our tariffs that will affect the TRUenergy Feed-in Agreement, including any changes to the value of the additional rebate paid by us to customers receiving the premium feed-in tariff. We will give the notice as soon as practicable and no later than the next billing and payment cycle. A notice of a variation to our tariffs under your Base Agreement is taken to be a notice under the TRUenergy Feed-in Agreement.
29. If you are receiving the premium feed-in tariff, you must notify us within 14 business days if the capacity of your generation facility exceeds 5 kilowatts as you will no longer meet the definition of Qualifying Customer and will not be entitled to receive the premium feed-in tariff.

Termination

30. If the Base Agreement is ended by either party, the TRUenergy Feed-in Agreement automatically terminates at the same time. If you are a Qualifying Customer we may terminate the TRUenergy Feed-in Agreement on the fifteenth anniversary of the scheme start day, as defined in the **Electricity Industry Act 2000**. Otherwise, we may not terminate the TRUenergy Feed-in Agreement unless you and we enter into a new feed-in agreement or if you have transferred to another retailer in respect of your supply address.
31. If there are any credits owing to you when the TRUenergy Feed-in Agreement ends, TRUenergy will pay you the equivalent amount.
32. You may terminate the TRUenergy Feed-in Agreement without notice. If it is a fixed-term contract or an evergreen contract, we may impose the early termination charge specified in your Product Schedule if we are permitted to do so under clause 24.1(d) of the Energy Retail Code.
33. The termination does not become effective until:
 - a. if you and we enter into a new feed-in agreement, the date the new agreement commences (which will be after the expiration of the 10 business day cooling-off period);
 - b. if the TRUenergy Feed-in Agreement is terminated because you want to enter a feed-in agreement or electricity supply agreement with another retailer, the date when the other retailer becomes responsible under that agreement/for your supply address; or
 - c. if your supply address is disconnected, the date when you no longer have a right under the Energy Retail Code to be reconnected;whichever occurs first.

34. If the TRUenergy Feed-in Agreement or the Base Agreement is a fixed-term contract:
- between one and two months before the expiry date, we will notify you of the date that the TRUenergy Feed-in Agreement is due to expire, the options available to you and the tariff and terms and conditions that will apply after that date if you do not exercise any other option; and
 - the TRUenergy Feed-in Agreement will continue after the expiry date on the tariff and terms and conditions notified, without further need for written agreement, provided the tariff and terms and conditions have taken effect in accordance with section 40H of the **Electricity Industry Act 2000**.
35. If you are supplying electricity back into the grid from a Qualifying Solar Energy Generating Facility from a property that is not a place of residence (for example, it is a business premises or community centre), we may terminate the TRUenergy Feed-in Agreement if your annual consumption of electricity at that property exceeds 100MWh.

GST and ABN

36. If you have a Qualifying Solar Energy Generating Facility and are both a small retail customer (i.e. consuming less than 160MWh per annum) and a Qualifying Customer (i.e. receiving the premium solar feed-in tariff) or are a small retail customer and have a Small Renewable Energy Generation Facility (i.e. receiving the **standard feed-in tariff**), you must either:
- inform TRUenergy that you are registered for GST by quoting your ABN to TRUenergy in respect of any electricity you supply back into the grid from a Qualifying Solar Energy Generating Facility or a Small Renewable Energy Generation Facility. On receipt of this information, TRUenergy agrees to credit to you an amount for the GST component of 10% in addition to the rate at which we credit you for the electricity you supply back into the grid; or
 - warrant that your generation of electricity from the Qualifying Solar Energy Generation Facility or Small Renewable Energy Generation Facility is for private and domestic purposes and not related to any business enterprise carried on by you and for this reason you have not provided an ABN to us in respect of the electricity you supply back into the grid from a Qualifying Solar Energy Generating Facility or Small Renewable Energy Generation Facility. If we ask you to do so, you must complete a 'No ABN Withholding Declaration' (the form for which is available from us on request).

Miscellaneous

37. If you would like information about our tariffs for the purchase of electricity, please call 133 466. If requested, we will provide you with written information within 10 business days of your request.
38. We will retain crediting data for at least two years.
39. We will process any request for historical data in relation to feed-in arrangements in accordance with clause 27.2 of the Energy Retail Code.
40. The terms and conditions in this document do not limit, vary or exclude the operation of any terms and conditions of the Base Agreement.
41. Any Renewable Energy Certificates that are created through the generation of electricity from your Small Renewable Energy Generation Facility or Qualifying Solar Energy Generating Facility will be retained by you.
42. We will handle any complaint by you in accordance with the relevant Australian Standard on complaints handling or the 'Benchmark for Industry Based Customer Dispute Resolution Schemes' published by the Department of Industry, Tourism and Resources (Cth). We will proceed in the manner specified in clause 28.2 of the Energy Retail Code.

43. A notice, consent, document or other communication given by us under a feed-in contract will be given in a manner specified by clause 32 of the Energy Retail Code.
44. We may only assign the TRUenergy Feed-in Agreement with your consent, unless the assignment forms part of the transfer to the same third party of all or substantially all of our retail business.

Definitions and interpretation

‘Base Agreement’ means the agreement between you and TRUenergy for supply of electricity.

‘GST’ has the meaning given in the **A New Tax System (Goods & Services Tax) Act 1999**.

‘Product Schedule’ means the schedule accompanying the terms and conditions of your Base Agreement.

‘Qualifying Solar Energy Generating Facility’ means a photovoltaic generating facility that:

- a. has an installed or name-plate generating capacity of 5 kilowatts or less; and
- b. is connected to a distribution system.

‘Qualifying Customer’ means a person who:

- a. Purchases electricity from us; and
- b. Engages in the generation of electricity:
 - (i) at a property that the person occupies as their principal place of residence by means of one Qualifying Solar Energy Generating Facility at the property; or
 - (ii) at one or more properties:
 - (A) that the person occupies, otherwise than as a place of residence, by means of one Qualifying Solar Energy Generating Facility at each of those properties; and
 - (B) at which the person’s annual consumption rate of electricity is 100 megawatt hours or less; and
- c. has been exempted by Order under section 17 of the **Electricity Industry Act 2000** from the requirement to hold a license in respect of the generation of electricity for supply and sale.

‘Renewable Energy Certificates’ has the meaning given in the **Renewable Energy (Electricity) Act 2000**.

‘Responsible Person’ means the person who has responsibility for meter reading for a particular connection point, being either the retailer or the relevant distributor.

‘Small Renewable Energy Generation Facility’ means a generation facility of the following kind, connected to a distribution system that generates electricity and has an installed or name-plate generating capacity of less than 100 kilowatts:

- a. a wind energy generation facility;
- b. a solar energy generation facility;
- c. a hydro generation facility;
- d. a biomass energy generation facility;
- e. a facility or class of facility specified by the Governor in Council, by Order published in the Government Gazette, to be a small renewable energy generation facility.

‘TRUenergy Feed-in Agreement’ means these terms and conditions and any other terms and conditions in your Product Schedule relevant to the electricity you supply back into the grid.

‘We’ and **‘Our’** and **‘Us’** means TRUenergy Pty Ltd.

‘You’ and **‘Your’** means the customer specified on your confirmation letter or on the document titled ‘Product Schedule’.

Terms defined in the Energy Retail Code and the **Electricity Industry Act 2000** have the same meaning in this document.

**Marine Act 1988****ORDER REVOKING AND APPOINTING PERSONS OR BODIES TO BE
WATERWAY MANAGERS IN RESPECT OF SPECIFIED STATE WATERS**

I, Tim Pallas MP, Minister for Roads and Ports make the following Orders.

Pursuant to section 3(3A) of the **Marine Act 1988**, I hereby revoke the appointment of the persons or bodies listed in Column 1 of the following table to be a Waterway Manager in respect of the State waters specified opposite the name of the Waterway Manager in Column 2 of Table 1.

Table 1

Column 1	Column 2
Waterway Manager	State Waters
Goulburn Murray Water	Lake Mokoan

Pursuant to section 3(3)(b) of the **Marine Act 1988** I declare the persons or bodies listed in Column 1 of the following table to be a Waterway Manager in respect of the State waters specified opposite the name of the Waterway Manager in column 2 of the Table 2.

Table 2

Column 1	Column 2
Waterway Manager	State Waters
Winton Wetlands Committee of Management	Winton Wetlands

Dated 14 October 2010

TIM PALLAS
Minister for Roads and Ports

Offshore Petroleum and Greenhouse Gas Storage Act 2006

COMMONWEALTH OF AUSTRALIA

Notice of Grant of Renewal of
Exploration Permit 54

An Exploration Permit numbered VIC/P54 has been granted renewal to: Nexus Energy VICP54 Pty Ltd of Level 8, 28 Freshwater Place, Southbank, Victoria 3006, in respect of five blocks described hereunder, to have effect for a period of five years from and including 14 October 2010.

DESCRIPTION OF BLOCKS

The graticular blocks numbered 1706, 1778, 1779, 1780 and 1850 on the Melbourne Offshore Graticular Sections Map.

Made under the **Offshore Petroleum and Greenhouse Gas Storage Act 2006** of the Commonwealth of Australia on behalf of the Commonwealth – Victoria Offshore Petroleum Joint Authority.

Dated 19 October 2010

TONY MONARDO
Acting Manager Petroleum Tenements
Delegate of the Designated Authority

Offshore Petroleum and Greenhouse Gas Storage Act 2006

COMMONWEALTH OF AUSTRALIA

Prohibition of Entry into a Safety Zone – South East Longtom-1 (VIC/L9)

I, Terry McKinley, Manager Petroleum Operations Safety and Environment of Department of Primary Industries of Victoria, pursuant to section 616 of the **Offshore Petroleum and Greenhouse Gas Storage Act 2006**, hereby prohibit all vessels, other than vessels under the control of the registered holders of Production Licence VIC/L9 and vessels operated by authorised persons who are exercising powers under section 615(1) of Division 1 of Part 6.6 of the above Act, from entering or remaining in the area of the safety zone without the consent in writing from the Victorian Department of Primary Industries.

This safety zone:

- extends to a distance of 500 metres measured from each point of the outer edge of the drilling vessel known as Ocean Patriot Mobile Offshore Drilling Unit; and
- is centred at or about the point of Latitude 38° 7' 13.34" S, Longitude 148° 23' 9.65" E for a period to commence on 2 November 2010 and to expire on 1 January 2011.

Note: The above are GDA94 coordinates.

Where an unauthorised vessel enters or remains in the safety zone specified in contravention of this instrument, the owner and the person in command or in charge of the vessel are each guilty of an offence against Section 616 of the Act and are punishable, upon conviction, by imprisonment for a term:

- not exceeding 15 years if the breach is determined as intentional;
- not exceeding 12.5 years if the breach is determined as recklessness;
- not exceeding 10 years if the breach is determined as negligence;
- not exceeding 5 years if the breach is determined as an offence of strict liability.

Dated 25 October 2010

TERRY MCKINLEY
Manager Petroleum Operations
Safety and Environment
Delegate of the Designated Authority

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 applications; and
- (c) send or deliver
 - (i) where the objection is not made by the officer in charge of a 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>
Meghavi P. Dave	Australian Receivables Ltd	363 King Street, Melbourne, Vic. 3000	Commercial Sub-agent's Licence
Juliana Neves	Australian Receivables Ltd	363 King Street, Melbourne, Vic. 3000	Commercial Agent's Licence
Nadine A. Zoraya	Australian Receivables Ltd	363 King Street, Melbourne, Vic. 3000	Commercial Sub-agent's Licence
Venus Iutu	Australian Receivables Ltd	363 King Street, Melbourne, Vic. 3000	Commercial Sub-agent's Licence
Ekta Saini	Australian Receivables Ltd	363 King Street, Melbourne, Vic. 3000	Commercial Agent's Licence
Madhura R. Pai	Australian Receivables Ltd	363 King Street, Melbourne, Vic. 3000	Commercial Sub-agent's Licence

Dated at Melbourne 20 October 2010

DEBRA GALLUCCI
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**

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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 applications; and
- (c) send or deliver
 - (i) where the objection is not made by the officer in charge of a 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>
Sean Lee Jamieson	Australian Receivables Ltd	363 King Street, Melbourne, Vic. 3000	Commercial Sub-agent's Licence
Firat K. Sonmez	Australian Receivables Ltd	363 King Street, Melbourne, Vic. 3000	Commercial Agent's Licence
Ishitiyaq S. Joo	Probe Group Pty Ltd	214 Balaclava Road, Caulfield North, Vic. 3163	Commercial Sub-agent's Licence
Tanuj Narula	Dun & Bradstreet Australia P/L	Level, 464 St Kilda Road, Melbourne, Vic. 3004	Commercial Sub-agent's Licence

Dated at Melbourne 20 October 2010

DEBRA GALLUCCI
Registrar
Magistrates' Court of Victoria

Public Records Act 1973**DECLARATION OF RECORDS NOT AVAILABLE FOR PUBLIC INSPECTION**

Whereas section 10 of the **Public Records Act 1973** provides, inter alia, that:

The Minister by notice published in the Government Gazette may declare that any specified records or records of a class transferred or to be transferred from a public office to the Public Record Office shall not be available for public inspection for a period specified in the declaration, being a period of not more than 30 years, after the date of their transfer to the Public Record Office.

I, Peter Batchelor, as Minister for the Arts, do now by this notice declare that the records listed in the schedule below shall not be available for public inspection for a period of 20 years from the date of their transfer to the Public Record Office Victoria.

Dated 14 October 2010

PETER BATCHELOR, MP
Minister for the Arts

SCHEDULE

Series	Series Title
16504 P1	Continuing Professional Development Committee Minutes and Papers (Dental Practice Board of Victoria)
16507 P1	Dental Auxiliary Advisory Committee Minutes and Papers (Dental Practice Board of Victoria)
16511 P1	Dental Prosthetists and Qualified Dental Technicians Advisory Committee Minutes and Papers (Dental Practice Board of Victoria)

Public Records Act 1973**DECLARATION OF RECORDS NOT AVAILABLE FOR PUBLIC INSPECTION**

Whereas section 10 of the **Public Records Act 1973** provides, inter alia, that:

The Minister by notice published in the Government Gazette may declare that any specified records or records of a class transferred or to be transferred from a public office to the Public Record Office shall not be available for public inspection for a period specified in the declaration, being a period of not more than 30 years, after the date of their transfer to the Public Record Office.

I, Peter Batchelor, as Minister for the Arts, do now by this notice declare that the records listed in the schedule below shall not be available for public inspection for a period of 10 years from the date of their transfer to the Public Record Office Victoria.

Dated 14 October 2010

PETER BATCHELOR, MP
Minister for the Arts

SCHEDULE

Series	Series Title
16483 P1	Subject Files

Public Records Act 1973**DECLARATION OF RECORDS NOT AVAILABLE FOR PUBLIC INSPECTION**

Whereas section 10 of the **Public Records Act 1973** provides, inter alia, that:

The Minister by notice published in the Government Gazette may declare that any specified records or records of a class transferred or to be transferred from a public office to the Public Record Office shall not be available for public inspection for a period specified in the declaration, being a period of not more than 30 years, after the date of their transfer to the Public Record Office.

I, Peter Batchelor, as Minister for the Arts, do now by this notice declare that the records listed in the schedule below shall not be available for public inspection for a period of 15 years from the date of their transfer to the Public Record Office Victoria.

Dated 14 October 2010

PETER BATCHELOR, MP
Minister for the Arts

SCHEDULE

Series	Series Title
VPRS 16488 P3	Transcripts of Proceedings
VPRS 16489 P3	Hearing Book
VPRS 16490 P2	Case Management System – Main Collection
VPRS 16490 P3	Case Management System – Main Collection
VPRS 16491 P2	Case Management System – Fire-Related Deaths Inquiry
VPRS 16494 P2	Administrative and Investigative Records
VPRS 16494 P3	Administrative and Investigative Records
VPRS 16494 P5	Administrative and Investigative Records
VPRS 16494 P6	Administrative and Investigative Records
VPRS 16497 P3	Exhibits

Public Records Act 1973**DECLARATION OF RECORDS NOT AVAILABLE FOR PUBLIC INSPECTION**

Whereas section 10 AA of the **Public Records Act 1973** provides, inter alia, that:

The Minister by notice published in the Government Gazette may declare that any specified records or records of a class transferred or to be transferred from a public office to the Public Record Office shall not be available for public inspection for a period specified in the declaration, initially being a period of 50 years from the date of their transfer to the Public Record Office Victoria.

I, Peter Batchelor, as Minister for the Arts, do now by this notice declare that the records listed on the Schedule below shall not be available for public inspection for a period of fifty years from the date of their transfer to the Public Record Office Victoria.

Dated 14 October 2010

PETER BATCHELOR, MP
Minister for the Arts

SCHEDULE A

VPRS No.	VPRS Title
16489 P4	Hearing Book
16490 P4	Case Management System – Main Collection
16497 P4	Exhibits

Road Safety Act 1986

DECLARATION UNDER SECTION 68(4) OF THE **ROAD SAFETY ACT 1986** THAT CERTAIN PROVISIONS OF THE **ROAD SAFETY ACT 1986** AND THE ROAD SAFETY ROAD RULES 2009 DO NOT APPLY WITH RESPECT TO CERTAIN MOTOR SPORT FUNCTIONS OR EVENTS ORGANISED AND CONDUCTED BY OCTAGON AUSTRALIA

1. Purpose

The purpose of this notice is to make a declaration under section 68(4) of the **Road Safety Act 1986** that, subject to the limitations and conditions specified in this notice, the provisions of the **Road Safety Act 1986** specified in column one of Schedule 1 and the Road Safety Road Rules 2009 (other than the provisions specified in column one of Schedule 2) do not apply to certain motor sport functions or events organised by Octagon Australia.

2. Authorising provision

This notice is made under section 68(4) of the **Road Safety Act 1986**. Section 68(4) provides that the Minister for Roads and Ports may, on the application of a motoring organisation and by notice published in the Government Gazette, declare that sections 68(1) and 68(2) of the **Road Safety Act 1986** and of any regulations (except as specified in the notice) do not apply with respect to any function or event that is organised and conducted by that motoring organisation.

Section 68(1) provides that it is an offence for a person to drive or be in charge of a motor vehicle which is being used in a race or speed trial on a highway. Section 68(2) makes it an offence for a person, alone or with any other person, to organise or manage a race or speed trial or to carry out or cause to be carried out any preparations for the conduct of a race or speed trial that is held or to be held on a highway.

3. Commencement

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

4. Expiry

This notice expires on 31 December 2015.

5. Declaration

In accordance with section 68(4) of the **Road Safety Act 1986**, I, Steve Brown, as delegate for the Minister for Roads and Ports and on the application of Octagon Australia, declare that the provisions of the **Road Safety Act 1986** specified in column one of Schedule 1 and the Road Safety Road Rules 2009 (other than the provisions specified in column one of Schedule 2) do not apply with respect to any motor sport function or event that is organised and conducted by Octagon Australia, provided that that motor sport function or event is the subject of a permit issued by the Roads Corporation under section 99B of the **Road Safety Act 1986** authorising the motor sport function or event.

Dated 21 October 2010

STEVE BROWN
Executive Director – Regional Services
Roads Corporation

Schedule 1

Provisions of the **Road Safety Act 1986** that do not apply to the motor sport functions or events referred to in the Declaration above.

Provision	Subject
Section 68(1)	Participating in a race or speed trial
Section 68(2)	Organising, managing or carrying out preparations for a race or speed trial

Schedule 2

Provisions of the Road Safety Road Rules 2009 that do apply to the motor sport functions or events referred to in the Declaration above.

Provision	Subject
Part 1	Introductory
Part 2	Interpretative provisions
Rule 78	Keeping clear of police vehicles, emergency vehicles, enforcement vehicles and escort vehicles
Rule 79	Giving way to police vehicles, emergency vehicles, enforcement vehicles and escort vehicles
Rule 300	Driver must not use a hand-held mobile
Rule 304	Obedying a direction by a police officer or authorised officer
Part 19	Exemptions
Part 20	Meaning and application of traffic control devices and traffic-related items
Part 21	General interpretative provisions
Schedules 1–4	Abbreviations, symbols and signs
Dictionary	Meaning of terms

Veterinary Practice Act 1997**ENDORSEMENT OF REGISTRATION AS A SPECIALIST PRACTITIONER**

Under section 8 of the **Veterinary Practice Act 1997**, the following veterinary practitioners have been granted endorsement of registration as specialist practitioners by the Veterinary Practitioners Registration Board of Victoria.

SPEC NO.	NAME	SPECIALISATION
119	FURNEAUX Robert Walter	Veterinary Surgery – Small Animal
120	MANSFIELD Caroline Sarah	Veterinary Medicine – Small Animal

Dated 22 October 2010

M. B. WILSON

Registrar

Veterinary Practitioners Registration Board of Victoria

ROAD SAFETY (VEHICLES)
REGULATIONS 2009

Notice of Exemption under Regulation 37

I, Gary Liddle, Chief Executive of the Roads Corporation, declare that the following models of motor vehicle –

- Proton S16
- Proton Persona/Gen2

are exempt from the requirements of clause 175(1) of Schedule 2 to the Road Safety (Vehicles) Regulations 2009 ('the Regulations') until 31 October 2011.

I make this declaration on the basis that I am satisfied that –

- failure to exempt these models of motor vehicle will have a serious adverse impact on the motor vehicle industry in Victoria or on a significant part of that industry; and
- the manufacturer of the models of motor vehicle, Proton Cars Australia Pty Ltd, will ensure that the models of motor vehicle that are exempted will comply with the requirements of clause 175(1) of Schedule 2 before 1 November 2011; and
- the manufacturer of the models of motor vehicle will comply with regulation 37(7) of the Regulations.

Dated 20 October 2010

GARY LIDDLE
Chief Executive
Vicroads

ROAD SAFETY (VEHICLES)
REGULATIONS 2009

Notice of Exemption under Regulation 37

I, Gary Liddle, Chief Executive of the Roads Corporation, declare that the following model of motor vehicle –

- Great Wall X200

is exempt from the requirements of clause 175(1) of Schedule 2 to the Road Safety (Vehicles) Regulations 2009 ('the Regulations') until 31 October 2011.

I make this declaration on the basis that I am satisfied that –

- failure to exempt this model of motor vehicle will have a serious adverse impact on the motor vehicle industry in Victoria or on a significant part of that industry; and
- the manufacturer of the model of motor vehicle, Great Wall Motor Company Ltd, will ensure that the model of motor vehicle that is exempted will comply with the requirements of clause 175(1) of Schedule 2 before 1 November 2011; and
- the manufacturer of the model of motor vehicle will comply with regulation 37(7) of the Regulations.

Dated 15 October 2010

GARY LIDDLE
Chief Executive
Vicroads

ROAD SAFETY (VEHICLES)
REGULATIONS 2009

Notice of Exemption under Regulation 37

I, Gary Liddle, Chief Executive of the Roads Corporation, declare that the following model of motor vehicle –

- Kia JB Rio

is exempt from the requirements of clause 175(1) of Schedule 2 to the Road Safety (Vehicles) Regulations 2009 ('the Regulations') until 31 October 2011.

I make this declaration on the basis that I am satisfied that –

- failure to exempt this model of motor vehicle will have a serious adverse impact on the motor vehicle industry in Victoria or on a significant part of that industry; and
- the manufacturer of the model of motor vehicle, Kia Motors Australia Pty Ltd, will ensure that the model of motor vehicle that is exempted will comply with the requirements of clause 175(1) of Schedule 2 before 1 November 2011; and
- the manufacturer of the model of motor vehicle will comply with regulation 37(7) of the Regulations.

Dated 15 October 2010

GARY LIDDLE
Chief Executive
Vicroads

INTERIM CREDITING RATE FOR
STATE SUPERANNUATION FUND FROM
21 OCTOBER 2010

For the purposes of the sub-sections 46(1) and 58(1) of the **State Superannuation Act 1988**, sub-section 35(1) of the **Transport Superannuation Act 1988** and sub-section 37(1) of the **State Employees Retirement Benefits Act 1979**, the Emergency Services Superannuation Board has determined an annual rate of 1.49% to be applied as an interim crediting rate on exits on or after 21 October 2010.

MARK PULI
CFO

State Superannuation Act 1988

DECLARATION OF ELIGIBLE SALARY
SACRIFICE CONTRIBUTORS

I, Tim Holding MP, in my capacity as Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (b) of section 3A of the **State Superannuation Act 1988** ('the Act'), by this instrument declare officers who are members of the revised scheme, new scheme, original scheme or who transferred to the State Superannuation Fund under section 94 (as those terms are defined in the Act), to be eligible salary sacrifice contributors from the date of gazettal of this declaration.

Dated 20 October 2010

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

Transport Superannuation Act 1988

DECLARATION OF ELIGIBLE SALARY
SACRIFICE CONTRIBUTORS

I, Tim Holding MP, in my capacity as Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (b) of section 3A of the **Transport Superannuation Act 1988**, ('the Act') by this instrument declare officers who are members of the Transport Superannuation Fund, to be eligible salary sacrifice contributors from the date of gazettal.

Dated 20 October 2010

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

Government Superannuation Act 1999

DECLARATION OF ELIGIBLE SALARY
SACRIFICE CONTRIBUTORS

I, Tim Holding MP, in my capacity as Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (b) of section 42(10) of the **Government Superannuation Act 1999** ('the Act'), by this instrument declare officers who are members of the MTA Superannuation Fund to be eligible salary sacrifice contributors from the date of gazettal of this declaration.

Dated 20 October 2010

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

State Employees Retirement Benefits Act 1979

DECLARATION OF ELIGIBLE SALARY
SACRIFICE CONTRIBUTORS

I, Tim Holding MP, in my capacity as Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (b) of section 2A of the **State Employees Retirement Benefits Act 1979** ('the Act'), by this instrument declare officers who are members of the State Employees Retirement Benefits Scheme, to be eligible salary sacrifice contributors from the date of gazettal of this declaration.

Dated 20 October 2010

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

Emergency Services Superannuation Act 1986

DECLARATION OF ELIGIBLE SALARY
SACRIFICE CONTRIBUTORS

I, Tim Holding MP, in my capacity as Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (b) of section 3A of the **Emergency Services Superannuation Act 1986**, ('the Act'), by this instrument declare officers who are members of the Emergency Services Superannuation Scheme (as defined in the Act) to be eligible salary sacrifice contributors from the date of gazettal.

Dated 20 October 2010

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

**VICTORIAN ENERGY EFFICIENCY
TARGET GUIDELINES**

OCTOBER 2010

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AUDIT PROCESS TIMELINES

Figure 1 – Process of undertaking audits for energy acquisition statements (clause 12.3)

Figure 2 – Process of undertaking audit of accredited person (clause 13.1)

1 BACKGROUND

1.1 Purpose and authority

These Guidelines are the 'ESC guidelines' referred to in the Victorian Energy Efficiency Target Act 2007 (the Act).

The Commission is responsible for the general administration of the Act and the VEET scheme for which the Act provides. Section 74 of the Act authorises the Commission to issue Guidelines relating to any matter required or permitted by the Act to be provided for by the Guidelines.

1.2 Scope of guidelines

The Act requires or permits the Guidelines to provide for the following matters:

- the accreditation of a person;
- the creation, form and transfer of a certificate;
- the manner in which a prescribed activity is to be undertaken;
- the manner and form in which rights to create certificates may be assigned;
- the form of, and the information to be included in, an energy acquisition statement;
- the auditing by the Commission of the creation of certificates by an accredited person;
- the auditing of an energy acquisition statement by a third party engaged by a relevant entity;
- the records to be kept by an accredited person or a relevant entity;
- the information to be contained in the register of accredited persons and the register of energy efficiency certificates; and
- any other matter that the Commission considers is relevant to its functions under the Act.

1.3 Interpretation

In these Guidelines:

- headings and footnotes are for convenience only and do not affect the interpretation of these Guidelines;
- words importing the singular include the plural and vice versa;
- words importing a gender include any gender;
- words importing a natural person include a company or other body corporate, partnership, trust, joint venture, association and governmental agency;
- a reference to any statute includes all regulations, proclamations, orders in council, ordinances, by-laws, declarations and determinations made under that statute; and
- a reference to any legislation or to any other document is to that legislation or document as amended, consolidated, restated or re-enacted.

1.4 Legislative objectives

The objects of the Act, as set out in section 4, are to:

- reduce greenhouse gas emissions;
- encourage the efficient use of electricity and gas; and
- encourage investment, employment and technology development in industries that supply goods and services which reduce the use of electricity and gas by consumers.

1.5 Commencement date

These Guidelines originally commenced on 1 January 2009. This amendment commenced on 28 October 2010.

1.6 Review of Guidelines

These Guidelines were last revised on 8 September 2010 and are subject to review by the Commission from time to time.

1.7 Priority of Act and regulations

Except as specifically provided in the Act or regulations, nothing in these Guidelines affects the interpretation of the Act or regulations. If there is any inconsistency between these Guidelines and a provision of the Act or regulations, the relevant provision of the Act or regulations will prevail to the extent of that inconsistency.

2 DEFINITIONS

Terms defined in the Act and the regulations have the same meaning when used in these Guidelines and do not appear in bold and italics. Terms shown in bold and italics in these Guidelines have the meanings shown opposite them below.

<i>Act</i>	Victorian Energy Efficiency Target Act 2007 (Vic).
<i>audit deed</i>	A tripartite audit deed between a relevant entity, its approved auditor and the Commission for the purposes of clause 12 of these Guidelines, in the form published by the Commission for the VEET scheme or otherwise in a form satisfactory to the Commission.
<i>Australian Quality Training Framework</i>	The training course accreditation system of the National Quality Council, which is a committee of the Ministerial Council for Tertiary Education and Employment.
<i>authorised user</i>	A person designated by the holder of a VEET account to access and transact on that account on the holder's behalf.
<i>Commission</i>	The Essential Services Commission established under section 7 of the Essential Services Commission Act 2001 (Vic).
<i>consumer</i>	In respect of premises, the consumer of electricity or gas at those premises or, in the circumstances set out in section 16(2)(a) or (b) of the Act, the owner of those premises.
<i>register of products</i>	The list of approved products and devices to be maintained by the Commission as described in clause 5.1 of these Guidelines.
<i>regulations</i>	Victorian Energy Efficiency Target Regulations 2008 (Vic.).
<i>relevant fee</i>	In respect of an application, notification or registration, the relevant fee (if any) published by the Minister under section 73 of the Act. The Commission will maintain a list of current relevant fees on its website.
<i>VEET account</i>	An account established under clause 3 of these Guidelines in which certificates must be held.
<i>VEET registry</i>	The registry established by the Commission for the purposes of the VEET scheme.

3 ESTABLISHMENT OF VEET ACCOUNTS

Act reference: section 74(2)(i).

Applies to: accredited persons, relevant entities, persons trading certificates.

The Act requires energy efficiency certificates to be created in electronic form. In order to establish registry systems, implement appropriate security measures and generally administer the VEET scheme, the Commission requires a person to hold a VEET account as a prerequisite to accreditation, and to the creation, transfer and surrender of certificates. This clause 3 sets out the requirements for the establishment and maintenance of VEET accounts.

3.1 Requirement for account

A person must hold a valid VEET account in order to:

- become an accredited person;
- create a certificate;
- become the registered owner of a certificate; or
- transfer or surrender a certificate.

3.2 Account application

An application for a VEET account must be made on the designated form published by the Commission on its website. All sections of the form must be completed.

3.3 Use of account and VEET registry

A VEET account holder must (and must ensure that its authorised users will) use the VEET account and the VEET registry only in accordance with, and for the purposes permitted by, these Guidelines and any terms and conditions of use published by the Commission from time to time.

3.4 Information in English

All information supplied to the Commission must be in English, or accompanied by a certified translation if the original is in a language other than English.

4 ACCREDITATION OF PERSONS

Act reference: sections 9 and 10.

Applies to: accredited persons.

A person must be accredited by the Commission before creating certificates. The process for application is provided for in sections 9 to 12 of the Act. In particular, section 9(2) requires applicants for accreditation to provide information which the Commission considers necessary for the purposes of the VEET scheme, and documents which the Commission considers necessary for the purposes of deciding whether to approve the application. Under section 10 of the Act, the Commission may also require consents or undertakings for the purposes of ensuring that double benefits are not obtained under both the VEET scheme and any other scheme prescribed by the regulations.

This clause 4 describes what the Commission will generally require from applicants for accreditation.

4.1 Submission of application

An application for accreditation must be made must be made by a VEET account holder on the designated form published by the Commission on its website. All sections of the form must be completed unless otherwise indicated on the form. The completed and signed form must be sent to the Commission at the postal or electronic address specified on the form, together with:

- the additional information and documents indicated on the form or in any instructions from the Commission; and
- the form of consent and the applicable forms of undertaking referred to in clause 4.2.

The applicant must pay the relevant fee in the manner specified on the application form or accompanying instructions. The application is taken to have been received by the Commission on the date the Commission received the application form, together with all additional information and forms and the relevant fee.

4.2 Forms of consent or undertaking – prescribed greenhouse gas schemes

As at the date of these Guidelines, the regulations do not prescribe any greenhouse gas schemes for the purposes of the Act. However, the Commission still requires applicants for accreditation to provide the undertakings referred to in clauses 4.2.2 and 4.2.3 to cover any scheme which may in future be prescribed.

4.2.1 Consent under section 10(1) of the Act

If an applicant for accreditation is a participant in a prescribed greenhouse gas scheme set out in the regulations, that applicant must submit a signed consent, in the designated form published by the Commission on its website and addressed to the administrator of that scheme, authorising the disclosure of information relating to the applicant by that administrator to the Commission.

4.2.2 Undertaking under section 10(2) of the Act

All applicants for accreditation must give the Commission a signed undertaking, in the designated form published by the Commission on its website, not to claim any benefit under a prescribed greenhouse gas scheme (whether current or future) if that would result in a benefit being obtained under both that scheme and the VEET scheme in respect of the same activity.

4.2.3 Undertaking in relation to future scheme participation

All applicants for accreditation must give the Commission a signed undertaking, in the designated form published by the Commission on its website, to provide the Commission with the form of consent referred to in clause 4.2.1, promptly upon:

- becoming a participant in any prescribed greenhouse gas scheme; or
- a greenhouse gas scheme in which the applicant is a participant becoming prescribed by the regulations.

4.3 Insurance

As a condition of accreditation, an accredited person must:

- maintain, or ensure that persons undertaking prescribed activities on its behalf maintain, insurance of the applicable type and minimum level of cover specified by the Commission on its website; and
- submit a certificate of currency of such insurance to the Commission at intervals of not less than 12 months and within 7 days after each renewal, reissue or change of a relevant policy.

A person who is an accredited person on the relevant date or who has applied for accreditation before the relevant date and whose application has not been decided by that date must, within three months of the relevant date, submit to the Commission a certificate of currency of insurance of the applicable type and minimum level of cover specified by the Commission on its website.

In this clause, the relevant date is the date on which the Commission specifies a type and minimum level of cover of insurance on its website for the purposes of this clause 4.3.

5 PRESCRIBED ACTIVITIES

Act reference: section 15 and 74(2)(c).

Applies to: accredited persons.

Prescribed activities are determined by the regulations, but under section 74(2)(c) of the Act the Guidelines may provide for the manner in which prescribed activities are to be undertaken. This clause 5 sets out applicable requirements for certain prescribed activities.

5.1 Commission's role in relation to prescribed activities

The regulations provide for a number of specified activities which reduce greenhouse gas emissions to be prescribed activities for the purposes of the VEET scheme. The regulations may also specify when a prescribed activity is taken to have been undertaken and the methodology used to calculate the number of certificates that may be created for a prescribed activity.

The Commission's role in relation to prescribed activities is:

- to perform the functions specified in the regulations, including the maintenance of a list of efficient products and devices for the purposes of certain prescribed activities (the register of products), and
- more generally, and where the Commission considers appropriate having regard to the regulations, to provide for the manner in which prescribed activities must be undertaken in order for certificates to be created.

5.2 Requests to modify ESC register

Any person may submit a request in writing to the Commission to modify the register of products by adding, removing or amending the description of a product. The request must specify:

- the nature of the modification requested;
- the prescribed activity category and the name and any applicable brand or model number of the product;
- for the addition of a product, a description of how that product or device is consistent with the minimum standards and requirements for that activity set out in the regulations;
- for the removal of a product, the reasons for requesting its removal;
- for an amendment to the description of a product, a description of the proposed amendment and the reasons for requesting it;
- the nature of the requesting person's interest in the product; and
- any other information or supporting evidence that the requesting person considers relevant.

The Commission may, at its discretion, decide to modify the register of products if satisfied that the modification is consistent with the requirements of the regulations and the objects of the Act.

5.3 Manner of undertaking certain prescribed activities

In addition to the requirements, standards and specifications set out in the regulations, prescribed activities must be undertaken in accordance with all laws, regulations and codes of practice applicable to that activity. By way of example, and without limitation, these may include:

- **Occupational Health and Safety Act 2004;**
- **Electricity Safety Act 1998;**
- **Gas Safety Act 1997;**
- **Building Act 1993**, including the mandatory standards in the Schedule to that Act;

- Building Code of Australia 2008;
- Electricity Safety (Installations) Regulations 2009;
- Electricity Safety (Equipment) Regulations 2009;
- Gas Safety (Gas Installation) Regulations 2008;
- Plumbing Regulations 2008; and
- Code of Practice for Safe Electrical Work.

From a date to be specified by the Commission, a prescribed activity must be carried out by a person who meets any applicable training requirements specified by the Commission under clause 5.4.1

5.4 Training

5.4.1 Commission to specify units of competency

The Commission may specify that certain units of competency listed in the Australian Quality Training Framework are required for safety reasons by persons undertaking certain prescribed activities.

Prior to specifying a unit of competency, the Commission will consult on the proposal and on the lead time required by industry to implement the proposal if it proceeds.

Details of units of competency specified under this clause will be provided to all accredited persons and published on the Commission's website. Unless otherwise stated, each unit of competency is taken to be specified for the purposes of this clause on the date it is published on the Commission's website.

5.4.2 Compliance with training requirements

As a condition of accreditation, an accredited person must:

- ensure that all individuals undertaking relevant prescribed activities for or on behalf of the accredited person, have been assessed as competent in all the applicable units of competency specified by the Commission under clause 5.4.1; and
- on request by the Commission, supply evidence that all relevant individuals have achieved competency in those units.

A person who is an accredited person on the relevant date or who has applied for accreditation before the relevant date and whose application has not been decided by that date must, within three months of the relevant date, supply evidence that its business systems provide for the applicable training to be completed by all individuals undertaking relevant prescribed activities for or on behalf of that person.

In this clause, the relevant date is the date on which the Commission specifies units of competency under this clause that are relevant to prescribed activities undertaken, or to be undertaken, by individuals for or on behalf of an accredited person.

6 ASSIGNMENT OF RIGHTS TO CREATE CERTIFICATES

Act reference: section 16.

Applies to: accredited persons, consumers.

Where a prescribed activity is undertaken, section 16(1)(b) of the Act contemplates that the consumer may assign the right to create certificates for that prescribed activity. Section 16(3) of the Act requires an assignment of such rights to be made by written notice and in the manner and form specified by these Guidelines. This clause 6 sets out those requirements.

6.1 Parties to the assignment

Rights to create certificates can only be assigned by the consumer in respect of the prescribed activity to an accredited person.

6.2 What may be assigned?

The rights to create all of the certificates attributable to a prescribed activity must be assigned to the same accredited person (the assignee).

A single form of assignment may relate to more than one prescribed activity.

6.3 Time of assignment

An assignment:

- may be made at any time up to and including the latest date for creation of certificates in respect of the relevant prescribed activity under the Act; but
- must not take effect before the prescribed activity has been undertaken in accordance with the regulations.

6.4 Manner and form of assignment

For the purposes of section 16(3) of the Act, each assignment of a right to create certificates in respect of a prescribed activity must be:

- in writing; or
- in the case only of the prescribed activity set out in regulation 6(s) being refrigerator or freezer destruction, orally where written assignment cannot reasonably be obtained.

The assignee must comply with the requirements in clause 6.5 for assignments in writing, and clause 6.6 for oral assignments.

6.5 Completion of written assignment form

Each written assignment must be made on a form containing the mandatory information and fields designated by the Commission and published on its website. The Commission may designate separate mandatory information and fields relating to different categories of prescribed activity.

6.6 Completion of oral assignment form

In the case of the prescribed activity set out in regulation 6(s) being refrigerator or freezer destruction, the assignee must:

- (a) obtain confirmation from the consumer that the consumer is the tenant, landlord or owner of the residential premises from which the appliance is removed, and that the appliance is in working order and was manufactured before 1996;
- (b) clearly explain the following to the consumer:
 - the mandatory information required to be given to consumers as set out in the assignment form for the prescribed activity published in the Commission's website;
 - the assignee will destroy the appliance in accordance with the requirements of the **Victorian Energy Efficiency Target Act 2007**;
 - the consumer is assigning to the assignee its right to create Victorian energy efficiency certificates for that activity;
 - information relating to this activity will be disclosed to the Essential Services Commission for the purpose of creating certificates and for related verification, audit and scheme monitoring purposes; and
 - penalties can be applied for providing misleading information under the **Victorian Energy Efficiency Target Act 2007**;
- (c) obtain the consumer's verbal consent to the assignment of the right to create certificates; and
- (d) ensure that all relevant sections of the applicable assignment form are completed and that the form is signed by the assignee or its agent.

6.7 Consumer to receive a copy of assignment form or similar document

The consumer must be provided with a copy of the assignment form or another document that shows:

- the assignment date;
- specific details of the quantity and type of goods and services provided at the premises;
- the type and amount of benefit provided in exchange for the assignment of a right to create certificates in respect of the prescribed activity;
- the name of the accredited person;
- the name of the individual undertaking the activity; and
- (if different from the accredited person) the organisation the individual works for.

The assignment form or other document must be given to the consumer:

- in the case of written assignment, at the time of signing the assignment form; or
- in the case of oral assignment, within a reasonable time after the date of assignment.

6.8 Records to be retained by the assignee

An assignee must maintain:

- a copy of the completed form of assignment signed by the consumer and assignee; or
- if assignment is oral, a copy of the completed form of assignment signed by the assignee and any other document sent to the consumer under clause 6.7; and
- evidence of the benefit provided to the consumer,
- for inspection and audit by the Commission on request, for a period of six years after the date of the assignment.

6.9 Consumer personal information to be held in accordance with the Information Privacy Principles

The assignee must ensure that all personal information collected in an assignment form about the consumer or any other individual (such as an installer) is held in accordance with the Information Privacy Principles (IPPs) under the **Information Privacy Act 2000** (Vic). The IPPs and information about how to comply with them can be found at <http://www.privacy.vic.gov.au>.

7 CREATION AND REGISTRATION OF CERTIFICATES

Act reference: sections 21 and 22.

Applies to: accredited persons.

A certificate may be created by an accredited person in respect of a prescribed activity, subject to and in accordance with sections 16 to 19 of the Act. Sections 21 and 22 provide for the form and content of certificates and the registration of certificates by the Commission. This clause 7 describes the electronic form for creating certificates for the purposes of section 21(1) of the Act, the manner of notification and additional information for the purposes of determining whether the certificate has been properly created and is eligible for registration.

7.1 Form for creation of certificates

An accredited person may only create certificates using the certificate creation form designated by the Commission on its website, and in accordance with any explanatory notes issued by the Commission. All sections of the certificate creation form must be completed.

7.2 Creation and notification to the Commission

An accredited person is taken to have created a certificate when that person:

- submits the completed certificate creation form for registration; and
- completes any additional verification required by the Commission.

Completion of these steps also constitutes the accredited person's notification to the Commission that it has created a certificate for the purposes of section 22(2) of the Act.

7.3 Payment of fee

The accredited person must remit the relevant fee for creation of each certificate as instructed by the Commission. Subject to clause 7.6 of these Guidelines, the Commission will not register certificates unless the relevant fee is paid.

7.4 Unique identification code

The Commission will allocate a unique identification code for each certificate.

7.5 Further information

In some circumstances, the Commission may request the accredited person to provide additional information after a certificate has been created, in order to decide whether the certificate is eligible for registration and has been properly created. Any information requested must be provided within ten business days unless otherwise agreed between the Commission and the accredited person. The Commission may decide not to register the relevant certificate if that information is not provided.

7.6 Reduction, waiver or refund of creation fee

In exceptional circumstances, the Commission may consider reducing, waiving or refunding, in whole or in part, the fee for the creation of a certificate under the Act, where:

- the certificate was created to make good a registered certificate which was not eligible for registration or was improperly created; and
- the reason that the original certificate was ineligible or improperly created was outside the control of the accredited person.

8 TRANSFER OF CERTIFICATES

Act reference: section 24.

Applies to: accredited persons, relevant entities, persons trading certificates.

Certificates may be transferred to any person under section 24 of the Act. The form and terms of the transfer agreement itself are commercial matters for the parties. The Commission is obliged under the Act to register transfers that are notified in the manner specified in these Guidelines. This clause 8 sets out the requirements for transfer notifications for the purposes of section 24(3) of the Act.

8.1 Transfer requirements

Certificates may be transferred by the owner of those certificates to any person. However, the Commission will not register a transfer of certificates unless:

- both the transferor and the transferee hold a VEET account;
- the transferor is the current registered owner of the certificates; and
- the transferor has complied with the requirements in clause 8.2.

8.2 Electronic notification of transfer

In order to notify the Commission of a transfer of a certificate, the following steps must be completed:

- the transferor must submit a completed transfer notice to the Commission, using the form designated by the Commission; and

- the transferor must complete any additional verification requests made by the Commission.

A single form of notice may be used in respect of the transfer of any number of certificates in a single transaction on the same date and between the same transferor and transferee.

9 VOLUNTARY SURRENDER OF CERTIFICATES

Act reference: section 25.

Applies to: accredited persons, relevant entities, persons trading certificates.

A certificate may be voluntarily surrendered by the owner of that certificate, at the same time giving the Commission reasons in writing for the surrender. This clause 9 describes the notification to be given to the Commission.

9.1 Notification of Surrender

The registered owner of a certificate may surrender that certificate under section 25 of the Act by:

- submitting a completed voluntary surrender notice to the Commission, using the form designated by the Commission; and
- completing any additional verification requests made by the Commission.

A single voluntary surrender notice may be used for the surrender of any number of certificates.

10 ENERGY ACQUISITION STATEMENTS AND SURRENDER OF CERTIFICATES

Act reference: sections 29 and 31 to 35.

Applies to: relevant entities.

Under section 33 of the Act, if a relevant entity makes a scheme acquisition in a calendar year, it must submit an energy acquisition statement to the Commission by 30 April in the following year. This clause 10 describes the information to be contained in each statement in addition to that specified in section 33(2)(a) to (f), and the form and manner in which energy acquisition statements must be submitted.

10.1 Form of energy acquisition statement

Relevant entities must prepare energy acquisition statements using the designated form published by the Commission on its website.

10.2 Submission of energy acquisition statement

Each energy acquisition statement must be signed and audited as required by the Act and clause 12 of these Guidelines. The relevant entity must submit to the Commission each of:

- the audited energy acquisition statement;
- the auditor's report;
- details of certificates surrendered (or to be surrendered) as required by section 33(4) of the Act and clause 10.4 of these Guidelines; and
- the relevant fee for lodgement of the statement,

in the manner specified in the form of energy acquisition statement or any explanatory notes published by the Commission.

10.3 Additional information required

In addition to the information specified in section 33(2)(a) to (f) of the Act, each energy acquisition statement must set out:

- the telephone number, fax number and email address of the relevant entity;
- the year to which the statement applies;
- the date of the statement;

- the quantity of energy acquired under scheme acquisitions from each of the persons or bodies referred to in paragraphs (a) and (b) of the definition of ‘scheme acquisition’ in the Act;
- the relevant entity’s calculation, in accordance with section 29 of the Act, of whether the relevant entity had an energy efficiency certificate shortfall for the year; and
- any changes during the year to information (even if already given to the Commission) about the following matters for the relevant entity:
 - ownership;
 - material business acquisitions and disposals;
 - location and contact details; and
 - energy purchase arrangements.

10.4 Surrender of Certificates

A relevant entity must surrender the number of certificates specified in the energy acquisition statement under section 33(4) of the Act:

- using the voluntary surrender notice designated for those purposes by the Commission on its website;
- on or before the date on which the statement is required to be lodged pursuant to section 33(1) of the Act.

11 RECORD KEEPING

Act reference: section 72.

Applies to: accredited persons and relevant entities.

Accredited persons and relevant entities must keep records as specified in section 72 of the Act. This clause 11 sets out additional record keeping requirements for accredited persons and relevant entities.

11.1 Accredited persons

In addition to the requirements set out in section 72 of the Act, accredited persons must keep records and documents which provide evidence of the following, to the extent applicable:

- the records referred to in clause 6.8 of these Guidelines in relation to assignments of rights to create certificates;
- sales, purchase and/or service records of each product or service which constitutes a prescribed activity for which certificates have been created, including make and model number if applicable, and the street address and postcode of the consumer;
- evidence of removal or destruction of existing products where removal or destruction is required by the regulations; and
- evidence that all relevant individuals have been assessed as competent in each relevant unit of competency specified by the Commission under clause 5.4, including the title of each unit, the name of each relevant individual, the date(s) on which they were assessed as competent, and by which Registered Training Organisation under the Australian Quality Training Framework.

11.2 Relevant entities

There are currently no additional record-keeping requirements to those specified in section 72 of the Act for relevant entities.

12 AUDIT OF ENERGY ACQUISITION STATEMENTS

Act reference: section 33(6).

Applies to: relevant entities, auditors.

Section 33(6) of the Act requires each energy acquisition statement to be audited by an independent third party before lodgement by a relevant entity. This clause 12 identifies the requirements for the audit of energy acquisition statements.

12.1 Nominating, approving and appointing an auditor

12.1.1 Nominating an auditor

- (a) By a date specified by the Commission in each year, each relevant entity must nominate to the Commission for approval an independent auditor to undertake the relevant audit, unless a current approval from the Commission is in place in respect of that relevant entity and auditor.
- (b) The Commission will consider approving auditors for a period greater than one year but no more than five years.
- (c) In nominating an auditor to the Commission, the relevant entity must provide details of:
 - (i) the proposed auditor who will undertake the specified audit;
 - (ii) the proposed individuals who will undertake any relevant audit work for the auditor (that is, the audit team);
 - (iii) the proposed individual who will lead the audit team (who must be a partner or equivalent of the auditor and who will be required to sign the audit report and take full responsibility for the audit findings);
 - (iv) the work history and skills of the audit team leader and each audit team member, and the role they will play in undertaking the audit;
 - (v) the auditor's field of work, core expertise, experience and corporate or business structure (unless the auditor has been selected from the panel of auditors established under clause 12.1.2);
 - (vi) any work undertaken by the auditor for the relevant entity in the previous two years, and any work that the auditor is currently doing or has bid for in relation to the relevant entity;
 - (vii) any potential or perceived conflict of interest and the manner in which the potential or perceived conflict of interest is proposed to be managed; and
 - (viii) the term of the approval requested.
- (d) In deciding whether to approve an auditor nominated by a relevant entity, the Commission will have regard to the following key criteria:
 - (i) demonstrated skill, experience in, and detailed knowledge of quality assurance, including operational or compliance auditing and where relevant, science or engineering, and information systems (in terms of both the nominated auditor and the proposed audit team);
 - (ii) appropriate knowledge of the electricity and gas industries (in terms of both the nominated auditor and the purposed audit team);
 - (iii) an absence of conflicts; and
 - (iv) if relevant, the resource capacity to undertake multiple audits under tight time constraints.

12.1.2 Audit Panel

- (a) The Commission will establish a panel of auditors who it considers meet the skill, experience and knowledge criteria in clause 12.1.1(d) and the resource capacity to undertake more than one audit.

- (b) Panel members will need to agree:
 - (i) in principle to the terms of the audit deed; and
 - (ii) to take actions to ensure that staff maintain the necessary skill level and familiarity with the Commission's audit requirements.
- (c) If the relevant entity fails to nominate an auditor as required under clause 12.1.1(a) or the Commission decides not to approve the nominated auditor, the Commission may (but is not obliged to) appoint an auditor from its audit panel in respect of a statement to be provided by that relevant entity, without limiting or qualifying any liability of the relevant entity, and the relevant entity will be responsible for the costs of any auditor appointed by the Commission.

12.1.3 Approval of auditors

- (a) If the Commission is satisfied that the nominated auditor and audit team members satisfy the key criteria in clause 12.1.1(d), it will provide the relevant entity with written notice of the Commission's intention to approve the auditor, which may be conditional. Approval will only be provided of a person nominated as auditor by a relevant entity:
 - (i) if the Commission has given notice of its intention to approve the person as auditor with respect to the relevant entity;
 - (ii) any conditions applicable to that notice have been satisfied (or waived by the Commission); and
 - (iii) an audit deed has been delivered to the Commission duly executed by both the auditor and the relevant entity.
- (b) The approval of the Commission will take effect upon the Commission's execution of the relevant audit deed.

12.1.4 Appointment and termination of approval

- (a) The relevant entity must ensure that no person nominated by it as auditor commences an audit until that person has been approved by the Commission under clause 12.1.3. Such a person cannot commence an audit before the Commission's receipt of a duly executed audit deed.
- (b) Once approved, the primary duty of care of the auditor is to the Commission.
- (c) The relevant entity must not:
 - (i) require or seek changes to be made to an auditor's report that conflict with the auditor's professional judgment and its primary responsibility to the Commission including, for instance, requiring a change to be made that would, in effect, remove or obscure any adverse finding of the auditor; or
 - (ii) unreasonably withhold payment or terminate any contract with the auditor over a disputed audit finding.
- (d) If the auditor believes that an event described in clause 12.1.4(c) has occurred, the auditor must advise the Commission as soon as possible after the event has occurred.
- (e) Once approved, the auditor must:
 - (i) notify the Commission immediately of any change to the audit team members;
 - (ii) ensure that no member of the audit team performs fee earning work for the relevant entity except as disclosed under clause 12.1.1(c) and that no work is undertaken that either influences any members of the audit team or could reasonably be considered to give rise to a material risk of any members of the audit team being influenced in relation to the relevant audit;

- (iii) minimise the risk of conflicts of interest arising or being seen to arise, for example an approved auditor will be required not to do, and not to have done in the 12 months preceding its appointment, work which would create, or could be seen to create, a conflict of interest; and
- (iv) notify the Commission of and manage any conflicts of interest or perceived conflicts of interest that arise in accordance with any conditions approved by the Commission.
- (f) The audit deed elaborates on these requirements and qualifies their application in the context of work undertaken in connection with the audit.
- (g) The Commission's approval of an auditor to conduct audits will end upon the expiry or termination of the relevant audit deed.
- (h) The Commission's approval of an auditor constitutes an approval of that auditor only for the purpose of conducting audits which the nominating relevant entity is obliged under the Act to arrange and for no other purpose.
- (i) The Commission may at its absolute discretion, remove an auditor from the panel of auditors at any time.

12.2 Briefing the auditors

The Commission intends to brief auditors annually (either individually or jointly) to ensure that the Commission's audit requirements are clearly understood.

Representatives of each relevant entity's auditor must attend the briefing. The relevant entity may also attend the briefing.

12.3 Audit Timing

An indicative process timeline for the relevant entity audit of energy acquisition statements is set out in figure 1 at the end of this document.

12.4 General audit scope

Except as otherwise required in a specific audit scope issued by the Commission to a relevant entity under clause 12.5, auditors must:

- (a) investigate compliance with the requirements of sections 29, 31 and 33 of the Act, and clause 10 of the Guidelines;
- (b) analyse relevant data in the relevant entity's information systems and records to:
 - (i) ensure that the data in those systems and records is consistent with the data reported to the Commission in the energy acquisition statement;
 - (ii) verify the correct application of formulae and the accuracy of arithmetical calculations in the energy acquisition statement; and
 - (iii) identify any missing data or unusual figures or trends that might suggest incorrect data, errors in data entry or manipulation.
- (c) analyse documented procedures to assess whether they are consistent with the matters that are subject to audit. Documented procedures include anything that guides staff in complying with obligations or acting in relation to relevant matters, for example training manuals and procedures for generating, entering and reporting information and source data used as an input for the energy acquisition statement;
- (d) interview responsible staff to assess whether they understand and comply with the documented procedures;
- (e) analyse information systems to assess the extent to which they produce information that supports information presented in the energy acquisition statement. This will require an examination of:
 - (i) system design and security; and
 - (ii) the design of queries and calculations formulae that are used to compute the amount of electricity and/or gas acquired under scheme acquisitions.

- (f) analyse quality controls to assess whether misrepresented data is and information defects are systematically identified and corrected;
- (g) test a sample of cases or data. The auditor must establish the extent to which there has been actual compliance (insofar as compliance is subject of audit) or the extent to which relevant information is free of defect; it is not enough to ensure only that procedures are robust; and
- (h) take any other action set out in an audit scope issued to the relevant entity under clause 12.5.

12.5 Specific audit scopes

12.5.1 Issue of specific audit scope by the Commission

The Commission may decide and issue to a relevant entity by 1 October in any year an audit scope which specifies additional requirements for the conduct of audits.

An audit scope issued under this clause will apply to the audit of the energy acquisition statement due in the following calendar year and all subsequent audits unless the Commission varies or withdraws that audit scope by notice to the relevant entity by 1 October in any year.

In specifying additional requirements in an audit scope issued under this clause, the Commission will have regard to:

- (a) the obligations of the relevant entity under the Act;
- (b) the objectives of the Act;
- (c) its assessment of risk associated with a relevant entity in accordance with clause 12.5.2; and
- (d) such other matters as it considers relevant.

12.5.2 Assessing risk

In assessing the risk associated with a relevant entity the Commission will consider:

- (a) the likelihood and the consequences of non-compliance;
- (b) in the case of information, the likelihood and consequences of it being defective, unreliable, lacking in quality or not conforming with relevant specifications;
- (c) In assessing the likelihood of non-compliance and the likelihood of information being defective, unreliable, lacking in quality or not conforming with relevant specifications, the Commission will consider the following factors:
 - (i) any previous audit results or evidence of non-compliance;
 - (ii) the likely or known extent of information defects;
 - (iii) any issues identified by the Commission during the ongoing administration of the scheme;
- (d) In assessing the consequences of non-compliance or of information being defective, unreliable, lacking in quality or not conforming with relevant specifications, the Commission will consider the following factors:
 - (i) the effect on the Commission's ability to administer the scheme;
 - (ii) the effect on the market for certificates;
 - (iii) the effect on the objectives of the Act; and
 - (iv) the effect on commercial and administrative decision making (for example, the setting of the greenhouse gas reduction rate at an inadequate level based on inaccurate information); and
- (e) The Commission will conduct any risk assessment under this clause 12.5.2 in accordance with Australian Standard AS 4360:2004, which has been issued by Standards Australia and is the Australian standard relating to Risk Management.

12.6 Reliance and Standards

Auditors:

- (a) may have regard to internal audit assessments but in arriving at a conclusion in relation to an audit matter must not rely on them exclusively. Where an auditor has previously audited a matter, they should exercise professional judgment as to the depth of inquiry required;
- (b) must have regard to the requirements of the Auditing and Assurance Standards Board (AUASB) and the relevant Australian Standards for Assurance Sampling, Compliance and Risk Management; and
- (c) notwithstanding clause 12.7, must issue an audit report under ASAE 3000 'Assurance Engagements Other than Audits or Reviews of Historical Information' which provides for limited assurance¹.

12.7 Generic issues to be addressed

- (a) In auditing the quality, reliability or conformity of information with specified requirements, an auditor should address the following generic issues:
 - (i) Is the information generated in accordance with documented methodologies, policies, practices and procedures?
 - (ii) Are the methodologies, policies, practices and procedures fully understood by relevant staff?
 - (iii) How accurately do those procedures and the information reflect applicable information specifications in the Act and regulations?
 - (iv) Is the information based on sound information systems and records?
- (b) In auditing compliance, an auditor should address the following generic issues:
 - (i) Is the matter under investigation reflected in documented policies, practices and procedures?
 - (ii) Has the matter been fully understood by staff?
 - (iii) Has the matter been performed as specified?
 - (iv) Is the matter the subject of effective compliance monitoring and quality control (e.g. internal audits)?
 - (v) Does the culture appear to support compliant behaviour?
 - (vi) Does the organisational structure support compliant behaviour and outcomes?

12.8 Audit Report**12.8.1 Form of audit report**

An auditor must prepare a report that addresses all applicable matters and issues identified in clause 12.4. The audit report must contain at least the following:

- (a) an executive summary identifying key issues arising from the audit that reflects any current standard reporting format issued by the Commission;
- (b) a description of the audit methodology used;
- (c) a brief description of the systems and procedures that have been put in place to complete the energy acquisition statement;
- (d) grades pursuant to clause 12.8.2 and a summary of findings for each matter, which includes a detailed description of each issue of non-compliance; and
- (e) a completed data assessment table.

¹ The objective of limited assurance is defined under ASAE 3000 'Assurance Engagements Other than Audits or Reviews of Historical Financial Information', issued July 2007, as 'a reduction is the assurance engagement risk to a level that is acceptable in the circumstances of the engagement, but where that risk is greater than for a reasonable assurance engagement, as the basis for a negative form of expression of the assurance practitioner's conclusion'.

12.8.2 Data integrity grades






- (a) The auditor must assess the integrity of the data presented in the relevant entity's energy acquisition statement by using a standard grading system.
- (b) The grading system is a two step process requiring auditors to use Harvey balls and a traffic light system to assess the data.

Reporting – Step one

Harvey balls are used to represent the presence and quality associated with each of the five principles represented in table 12.1 below.

Table 12.1 Principles for auditing information relevant to the scheme

Principle	Definition
1. Faithful representation	<ul style="list-style-type: none"> 1. Information should faithfully represent the events and transactions that it purports to represent or could reasonably be expected to represent. 2. Uncertainties should be identified and quantified where possible.
2. Completeness	<ul style="list-style-type: none"> 1. Information should be complete in all respects in accordance with any applicable requirements of the Act, such that information is not misleading or unreliable in terms of relevance to the processes of the relevant entity. 2. All relevant transactions or events shall be included within the calculation or estimation of data.
3. Consistency	<ul style="list-style-type: none"> 1. Consistent methodologies, measurements and source data should be used such that comparative assessments can be made from year to year and over time. 2. Estimates should be consistent with relevant Australian and state government estimates.
4. Reliability	<ul style="list-style-type: none"> 1. Information and source data should be free of misstatement and able to be relied upon by users of the information to faithfully represent that which it either purports to represent or could reasonably be expected to represent.
5. Transparency	<ul style="list-style-type: none"> 1. Data shall be replicable by a third party through adequate record keeping. 2. Data will have a clearly defined audit trail. 3. Reference sources, methodologies and approaches to data generation shall be clearly documented. 4. Changes to data and methodologies over time shall be clearly documented.

<i>Grade</i>	<i>Description</i>
	<ul style="list-style-type: none"> No adherence to the principle.
	<ul style="list-style-type: none"> Some adherence to the principle.
	<ul style="list-style-type: none"> General regard to the principle.
	<ul style="list-style-type: none"> High regard to the principle.
	<ul style="list-style-type: none"> Total adherence to the principle.

Reporting – Step 2

A traffic light system is used to indicate the overall integrity of the data.



Unacceptable



Acceptable but adjustments needed



Acceptable

12.8.3 Signed statement

The auditor must include in its final audit report a statement signed by the leader of its audit team that states that:

- the audit report findings accurately reflect the professional opinion of the auditor;
- the auditor and team members have observed the requirements of this guideline and the relevant audit deed in conducting the audit, making audit findings and preparing the report;
- the conclusion of the audit specified as a limited assurance review opinion under ASAE 3000; and
- the audit report findings have not been unduly influenced by the relevant entity.

12.9 Commission response to audits

- The Commission may (without limiting its powers and rights under the Act, an audit deed or otherwise):

- (i) obtain and analyse the auditor's record of its contacts with the relevant entity, for example to obtain more details of reported non-compliance, misrepresentation of data, or to investigate whether significant changes have been made to drafts of the report;
 - (ii) require further auditing to be undertaken (whether by the relevant auditor or another) where it considers the report is or may be unsatisfactory in a material respect, for example where the Commission has independent information contradicting an assessment made by the auditor;
 - (iii) require that the relevant entity arrange for another auditor approved by the Commission to undertake any such further auditing work;
 - (iv) require further information from the relevant entity under Part 8 of the Act;
 - (v) through its authorised officers, exercise any powers under Part 7 of the Act to the extent necessary to substantiate the information provided in an energy acquisition statement, or otherwise to determine whether the relevant entity has complied with the Act;
 - (vi) require termination of any contract by which the auditor was engaged to conduct the relevant audit; or
 - (vii) remove a firm from the audit panel if it has failed to follow this audit guideline or has not observed the necessary level of independence.
- (b) The Commission may report publicly and/or comment on the aggregated results of the audits undertaken. This may include but is not limited to reporting aggregated audit results as part of its annual reporting function under section 67 of the Act.

13 AUDIT OF CREATION OF CERTIFICATES

Act reference: section 7(2)(d).

Applies to: accredited persons, auditors.

Under section 7(2)(d) of the Act, the Commission may audit the creation of certificates by accredited persons. This clause 13 describes the basis on which the Commission will exercise its discretion to audit the creation of certificates and identifies the manner in which those audits will be carried out.

13.1 Auditor

The Commission may appoint one or more members of staff of the Commission or another appropriately qualified or experienced person or firm to perform an audit under this clause 13 following the process in figure 2 at the end of this document.

13.2 Audit Scope

13.2.1 Purpose of audit

Where the Commission elects to audit the creation of certificates by an accredited person, the purpose of the audit is to confirm the entitlement of the accredited person to create certificates in respect of a prescribed activity, by auditing compliance with the requirements of sections 16 to 19 of the Act, the regulations and clause 7 of the Guidelines.

13.2.2 Matters to be investigated

The auditor may, as instructed by the Commission:

- (a) investigate compliance with each obligation or matter identified in Division 3 of Part 3 of the Act (as applicable), the regulations and clause 7 of the Guidelines.
- (b) analyse relevant data in the accredited person's information systems and records kept under clause 11 of the Guidelines to:
 - (i) ensure that the data in those systems and records is consistent with the content of the registered certificates and data within the VEET registry;

- (ii) ensure that the prescribed activities have been undertaken in accordance with the requirements set out in the regulations;
 - (iii) verify the correct application of formulae and the accuracy of arithmetical calculations; and
 - (iv) identify any missing data or unusual figures or trends that might suggest incorrect data, errors in data entry or manipulation.
- (c) analyse any documented procedures to assess whether they are consistent with the matters that are the subject of audit. Documented procedures include anything that guides staff in complying with obligations or acting in relation to relevant matters, for example training manuals and procedures for generating, entering and reporting information and source data used as an input for the creation of the certificates;
- (d) interview responsible staff to assess whether they understand and comply with the requirements in the Act and regulations;
- (e) analyse any quality controls to assess whether misrepresented data is and information defects are systematically identified and corrected;
- (f) test a sample of cases. The auditor must establish the extent to which there has been actual compliance (insofar as compliance is subject of audit) or the extent to which relevant information is free of defect; it is not enough to ensure only that procedures are robust; and
- (g) take any other action as the Commission considers necessary to complete the audit.

13.3 Reliance and Standards

The auditor will have regard to the requirements of the Auditing and Assurance Standards Board (AUASB) and the relevant Australian Standards for Assurance Sampling, Compliance and Risk Management.

13.4 Audit Report

The Commission will require the auditor to prepare a report that addresses all applicable matters and issues identified in clause 13.2.1 and 13.2.2 and contains:

- (a) an executive summary identifying key issues arising from the audit;
- (b) a description of the audit methodology used;
- (c) grades, where the auditor has assessed the integrity of the data subject to audit by using a standard two step (Harvey ball and traffic light) grading system; and
- (d) a summary of findings for each matter, which includes a detailed description of each issue of non-compliance.






Reporting – Step 1

Harvey balls are used to represent the presence and quality associated with each of the five principles represented in Table 13.1 below.

Table 13.1 Principles for auditing information relevant to the scheme

Principle	Definition
1. Faithful representation	<ol style="list-style-type: none"> 1. Information should faithfully represent the events and transactions that it purports to represent or could reasonably be expected to represent. 2. Uncertainties should be identified and quantified where possible.
2. Completeness	<ol style="list-style-type: none"> 1. Information should be complete in all respects in accordance with any applicable requirements of the Act and regulations, such that information is not misleading or unreliable in terms of relevance to the processes of the accredited person. 2. All relevant transactions or events shall be included within the calculation or estimation of data.
3. Consistency	<ol style="list-style-type: none"> 1. Consistent methodologies, measurements and source data should be used such that comparative assessments can be made from year to year and over time. 2. Estimates should be consistent with relevant Australian and state government estimates and with international Guidelines.
4. Reliability	<ol style="list-style-type: none"> 1. Information and source data should be free of misstatement and able to be relied upon by users of the information to faithfully represent that which it either purports to represent or could reasonably be expected to represent.
5. Transparency	<ol style="list-style-type: none"> 1. Data shall be replicable by a third party through adequate record keeping. 2. Data will have a clearly defined audit trail. 3. Reference sources, methodologies and approaches to data generation shall be clearly documented. 4. Changes to data and methodologies over time shall be clearly documented.

Table 13.2 Harvey ball scale

<i>Grade</i>	<i>Description</i>
	<ul style="list-style-type: none"> No adherence to the principle.
	<ul style="list-style-type: none"> Some adherence to the principle.
	<ul style="list-style-type: none"> General regard to the principle.
	<ul style="list-style-type: none"> High regard to the principle.
	<ul style="list-style-type: none"> Total adherence to the principle.

Reporting – Step 2

A traffic light system is used to indicate the overall integrity of the data.



Unacceptable



Acceptable but adjustments needed



Acceptable

13.4.1 Signed statement

For instances where an external auditor has been engaged by the Commission, the auditor must include in its final audit report to the Commission a signed statement that:

- the audit report findings accurately reflect the professional opinion of the auditor;
- the auditor and team members have observed the requirements of this guideline and the relevant audit deed in conducting the audit, making audit findings and preparing the report; and
- the audit report findings have not been unduly influenced by the accredited person.

13.5 Commission response to an audit

- The Commission will provide a copy of the audit report to the accredited person on request.

- (b) The Commission may report publicly and/or comment on the aggregated results of the audits undertaken under this clause 13. This may include but is not limited to reporting aggregated audit results as part of its annual reporting function under section 7(4) of the Act.
- (c) Following completion of the audit the Commission will perform a risk assessment of the audit results to determine any further investigation is required.
- (d) In assessing the consequences of non-compliance or of information being defective, unreliable, lacking in quality or not conforming with relevant specifications, the Commission will consider the following factors:
 - (i) the effect on the Commission's ability to administer the scheme;
 - (ii) the effect on the market for certificates; and
 - (iii) the effect on the objectives of the Act.
- (e) The Commission may utilise the powers of authorised officers under Part 7 of the Act to conduct further investigation into matters relating to the creation of certificates.
- (f) The Commission may also require further information from the accredited person under Part 8 of the Act.

AUDIT PROCESS TIMELINES

Figure 1 Process of undertaking audits for energy acquisition statements (clause 12.3)

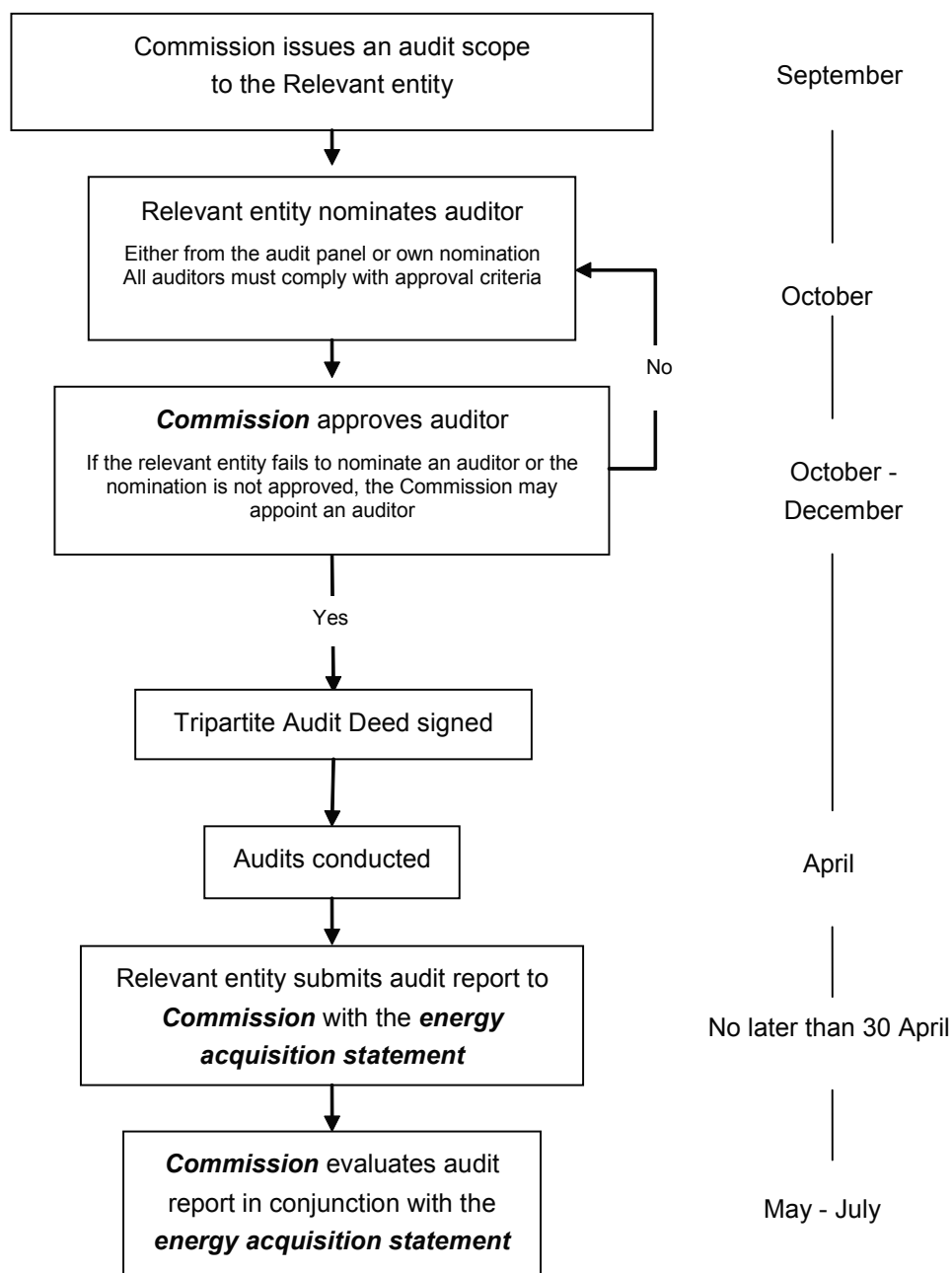
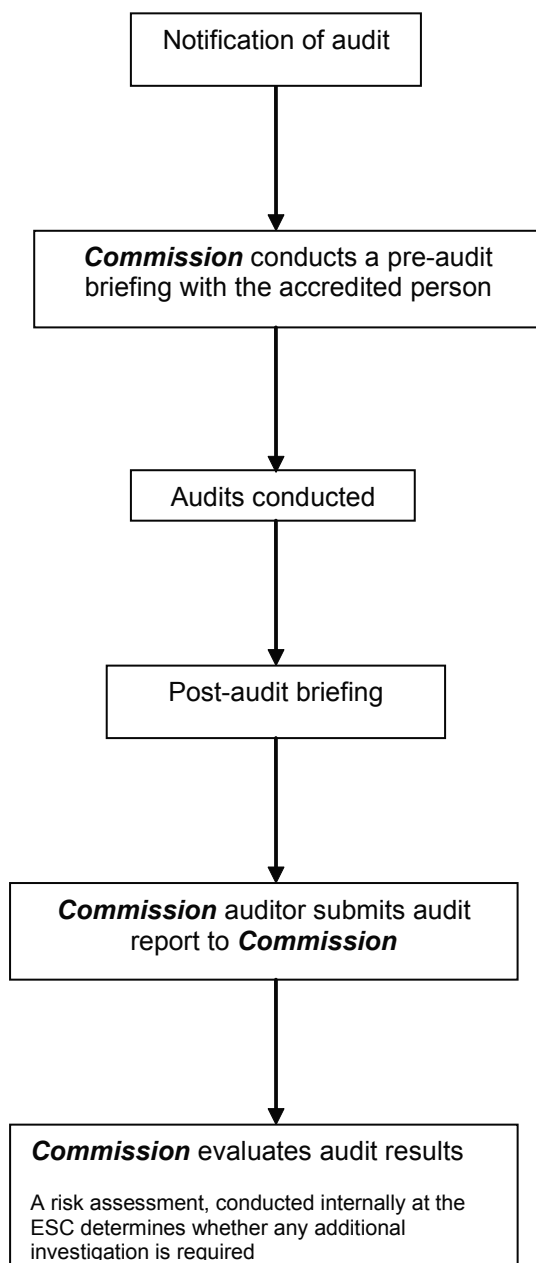


Figure 2 **Process of undertaking audit of accredited person
(clause 13.1)**



Water Act 1989**BULK ENTITLEMENT (LEONGATHA) AMENDMENT ORDER 2010**

I, Tim Holding, Minister for Water, under the provisions of the **Water Act 1989**, make the following Order –

1. Title

This Order is called the Bulk Entitlement (Leongatha) Amendment Order 2010.

2. Preliminary

The Bulk Entitlement (Leongatha) Conversion Order 1997 (the Bulk Entitlement Order) was made by the Minister on 25 August 1997 and published in the Government Gazette on 4 September 1997. The Bulk Entitlement Order converted all of the South Gippsland Region Water Corporation's entitlement to water from the waterways at the system storages, for the supply of water to the Leongatha water supply system, to a bulk entitlement.

3. Purpose

The purpose of this Order is to amend the Bulk Entitlement Order to allow the South Gippsland Region Water Corporation to access up to 1,800 ML of water from Coalition Creek and the Tarwin River at two new diversion points.

4. Authorising provisions

This Order is made in accordance with section 44 of the **Water Act 1989**. The Minister makes this Order on the application of the South Gippsland Region Water Corporation.

5. Commencement

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

6. Changes to definitions

6.1 For the definition of 'Authority' in the Bulk Entitlement Order, substitute –

“**Authority**” means the South Gippsland Region Water Corporation;”

6.2 After the definition of 'Authority' in the Bulk Entitlement Order, insert –

“**Coalition Creek Gauging Station**” means the stream gauging station, number 227264, located on Coalition Creek where it is crossed by Spencers Road;”

6.3 After the definition of 'Minister' in the Bulk Entitlement Order, insert –

“**diversion point A**” means a point on Coalition Creek 2 km upstream of the Coalition Creek gauging station;”

“**diversion point B**” means a point on the Tarwin River 100 metres downstream of the Koonwarra gauging station;”

7. Substitution of clause 7

For clause 7 of the Bulk Entitlement Order, substitute –

‘7. SHARE OF FLOW

7.1 The Authority may store all of the inflow to a system storage when that storage is below full supply level, except for the passing flow specified in clause 8 and any flow being transferred by the holder of any other bulk entitlement or licence to a transferee pursuant to the Act.

7.2 The Authority may take –

(a) a share of the flow in Coalition Creek at diversion point A, for transfer to the system storages, calculated as follows:

(i) in the months of May to November inclusive –

when $F_A > 10$ ML/day, $E_A =$ maximum of 6 ML/day; and

(ii) in the months of December to April inclusive –

$E_A = 0$ ML/day;

- (b) a share of the flow in the Tarwin River at diversion point B, for transfer to the system storages, calculated as follows:
 - (i) in the months of May to November inclusive –
when $F_B > 100$ ML/day, E_B = maximum of 10 ML/day; and
 - (ii) in the months of December to April inclusive –
when $F_B > 20$ ML/day, E_B = maximum of 5 ML/day; and
- (c) a total of up to 10 ML/day under paragraph 7.2(a) and (b) of this Order, less any water taken under sub-clause 7.2 of Bulk Entitlement (Korumburra) Conversion Order 1997 (as amended).

where –

- ‘ E_A ’ means the Authority’s entitlement to water from diversion point A;
- ‘ F_A ’ means the flow past the Coalition Creek gauging station less water which is the subject of a transfer referred to in sub-clause 7.1 or 7.5;
- ‘ E_B ’ means the Authority’s entitlement to water from diversion point B; and
- ‘ F_B ’ means the flow past the Koonwarra gauging station less water which is the subject of a transfer referred to in sub-clause 7.1 or 7.6.

- 7.3 In respect of the share of the flow specified in paragraph 7.2(a) of this Order, the Authority may take a maximum of 800 ML in any year.
- 7.4 In respect of the share of the flow specified in paragraph 7.2(b) of this Order, the Authority may take a maximum of 1,800 ML in any year, less –
 - (a) any water taken under paragraph 7.2(a) of this Order; and
 - (b) any water taken under sub-clause 7.2 of Bulk Entitlement (Korumburra) Conversion Order 1997 (as amended).
- 7.5 In respect of the share of the flow specified in sub-paragraph 7.2(b)(ii) of this Order, $E_B = 0$ ML/day after 30 June 2015.
- 7.6 The Authority is not entitled to any flow past diversion point A and B, as part of this Order, which is being transferred by the holder of any other bulk entitlement or licence to a transferee pursuant to the Act.’

Dated 19 October 2010

TIM HOLDING
Minister for Water

Water Act 1989

BULK ENTITLEMENT (KORUMBURRA) AMENDMENT ORDER 2010

I, Tim Holding, Minister for Water, under the provisions of the **Water Act 1989**, make the following Order –

1. Title

This Order is called the Bulk Entitlement (Korumburra) Amendment Order 2010.

2. Preliminary

The Bulk Entitlement (Korumburra) Conversion Order 1997 (the Bulk Entitlement Order) was made by the Minister on 25 August 1997 and published in the Government Gazette on 4 September 1997. The Bulk Entitlement Order converted all of the South Gippsland Region Water Corporation’s entitlement to water from the waterways at the system storages, for the supply of water to the Korumburra water supply system, to a bulk entitlement.

3. Purpose

The purpose of this Order is to amend the Bulk Entitlement Order to allow the South Gippsland Region Water Corporation to increase the current capacity of the system storages by 200 ML, take water from No. 2 Reservoir all year, and access up to 1,800 ML of water at a new diversion point on the Tarwin River.

4. Authorising provisions

This Order is made in accordance with section 44 of the **Water Act 1989**. The Minister makes this Order on the application of the South Gippsland Region Water Corporation.

5. Commencement

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

6. Changes to definitions

6.1 For the definition of ‘Authority’ in the Bulk Entitlement Order, substitute –

“‘**Authority**’ means the South Gippsland Region Water Corporation;”

6.2 After the definition of ‘entitlement holder’ in the Bulk Entitlement Order, insert –

“‘**Koonwarra Gauging Station**’ means the stream gauging station, number 227266, located on the Tarwin River;”

6.3 After the definition of ‘Minister’ in the Bulk Entitlement Order, insert –

“‘**diversion point**’ means a point on the Tarwin River 100 metres downstream of the Koonwarra gauging station;”

7. Amendment to clause 6

Sub-clause 6.2 of the Bulk Entitlement Order is deleted.

8. Substitution of clause 7

For clause 7 of the Bulk Entitlement Order, substitute –

‘7. SHARE OF FLOW

7.1 The Authority may store all of the inflow to a system storage when that storage is below full supply level, except for the passing flow specified in clause 8 and any flow being transferred by the holder of any other bulk entitlement or licence to a transferee pursuant to the Act.

7.2 The Authority may take –

- (a) a share of the flow in the Tarwin River at the diversion point, for transfer into the system storages, calculated as follows:
 - (i) in the months of May to November inclusive –
when $F > 100$ ML/day, $E =$ maximum of 10 ML/day; and
 - (ii) in the months of December to April inclusive –
when $F_A > 20$ ML/day, $E_A =$ maximum of 5 ML/day; and
- (b) a total of up to 10 ML/day under paragraph 7.2(a) of this order, less any water taken under paragraphs 7.2(a) and (b) of Bulk Entitlement (Leongatha) Conversion Order 1997 (as amended).

where –

‘E’ means the Authority’s entitlement at the diversion point; and

‘F’ means the flow at the Koonwarra gauging station less water which is the subject of a transfer referred to in sub-clause 7.1 or 7.5

7.3 In respect of the share of the flow specified in sub-clause 7.2 of this Order, the Authority may take a maximum of 1800 ML in any year, less any water taken under paragraphs 7.2(a) and (b) of Bulk Entitlement (Leongatha) Conversion Order 1997 (as amended).

7.4 In respect of the share of the flow specified in sub-paragraph 7.2(a)(ii) of this Order, $E = 0$ ML/day after 30 June 2015.

7.5 The Authority is not entitled to any flow past the diversion point, as part of this Order, which is being transferred by the holder of any other bulk entitlement or licence to a transferee pursuant to the Act.’

9. Substitution of clause 10

For clause 10 of the Bulk Entitlement Order, substitute –

‘10. SHARE OF CAPACITY

The Authority is entitled to –

- (a) all water at any time stored in each system storage; and
- (b) the full capacity of No. 1 Reservoir, up to 272 ML at full supply level of 256.5 meters Australian Height Datum; and
- (c) the full capacity of No. 2 Reservoir, up to 73.5 ML at full supply level of 222.3 meters Australian Height Datum; and
- (d) the full capacity of No. 3 Reservoir, up to 512 ML at full supply level of 179.3 meters Australian Height Datum –

but may not use or transfer any more than its annual entitlement in any year.’

Dated 19 October 2010

TIM HOLDING
Minister for Water

Water Act 1989**BULK ENTITLEMENT (WESTERNPORT) CONVERSION ORDER 1997****Minor Amendment Notice 2010**

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

1. Citation

This Notice may be cited as the Bulk Entitlement (Westernport) Minor Amendment 2010.

2. Purpose

The purpose of this Notice is to amend the Bulk Entitlement (Westernport) Conversion Order 1997 (as amended) to allow Westernport Region Water Corporation to store in Candowie Reservoir water that is harvested under the Bulk Entitlement (Westernport – Bass River) Order 2009, or any other entitlement held by Westernport Water, without affecting Westernport Water’s entitlement to take up to 2,911 megalitres per year from Tennent Creek.

3. Empowering Provisions

This Notice is made under section 45(1) of the **Water Act 1989**.

4. Commencement

This Notice comes into effect on the day notice of the making of the amendment is published in the Government Gazette.

5. Amendment of Clause 6

In sub-clause 6.1 of the Bulk Entitlement (Westernport) Conversion Order 1997 for ‘Candowie Reservoir’ substitute ‘waterway at the upstream wall of Candowie Reservoir’.

6. Substitution of Clause 9

For Clause 9 of the Bulk Entitlement (Westernport) Conversion Order 1997 substitute –

‘9. Releases

- 9.1. The Authority must operate the Candowie Reservoir and make releases from it as it sees fit, in order to satisfy its annual entitlement.
- 9.2. For the purposes of calculating the volume taken under sub-clause 6.1, the volume does not include water transferred to Candowie Reservoir from other sources, after allowing for any losses from the transfer and storing of that water in Candowie Reservoir.’

Dated 19 October 2010

Responsible Minister
TIM HOLDING
Minister for Water

Water Act 1989

NOTICE OF DETERMINATION

In accordance with section 261 of the **Water Act 1989** and with section 139(3A) – (3C) of the **Water Industry Act 1994**, the Valuer-General has determined the following valuation equalisation factors. These are the factors by which, in the opinion of the Valuer-General, the net annual value of land within the specified area or postcode, determined as at 1 January 2010, ought to be multiplied if the net annual value of the land is to accord with levels of value generally prevailing in that area as at 30 June 1990.

Postcode	Suburb or Area	Residential Equalisation Factor	Commercial Equalisation Factor	Industrial Equalisation Factor
3000	Melbourne	0.54	0.73	0.84
3002	East Melbourne	0.33	0.73	0.77
3003	West Melbourne	0.30	0.76	0.75
3004	St Kilda Road (Melbourne)	0.35	0.63	0.78
3004	Melbourne (Port Phillip)	0.42	0.65	0.78
3005	World Trade Centre	0.53	0.63	0.64
3006	Southbank	0.50	0.67	0.65
3008	Docklands	0.56	0.60	0.64
3011	Footscray, Seddon (Maribyrnong)	0.16	0.69	0.62
3011	Coode Island (Melbourne)	na	na	0.72
3012	Brooklyn (Brimbank)	0.26	0.69	0.50
3012	Brooklyn (Hobsons Bay)	0.21	0.65	0.73
3012	Kingsville, Maidstone, Tottenham, West Footscray (Maribyrnong)	0.17	0.59	0.78
3013	Yarraville	0.15	0.49	0.73
3015	Newport, Spotswood	0.19	0.52	0.71
3016	Williamstown	0.19	0.57	0.56
3018	Altona	0.19	0.49	0.54
3019	Braybrook	0.26	0.77	0.70
3020	Sunshine	0.33	0.61	0.29
3021	St Albans, Albanvale, Kealba, Kings Park	0.39	0.66	0.56
3022	Ardeer	0.40	0.66	0.49
3023	Cairnlea, Deer Park (Brimbank)	0.41	0.67	0.43

Postcode	Suburb or Area	Residential Equalisation Factor	Commercial Equalisation Factor	Industrial Equalisation Factor
3023	Burnside, Caroline Springs (Melton)	0.45	0.36	0.51
3024	Wyndham Vale	0.43	0.80	0.70
3025	Altona North	0.21	0.66	0.67
3026	Laverton North	na	0.57	0.59
3027	Laverton RAAF	0.31	0.68	0.57
3028	Altona Meadows, Seabrook (Hobsons Bay)	0.29	0.68	0.53
3028	Laverton (Wyndham)	0.15	0.47	0.44
3029	Hoppers Crossing, Tarneit (Wyndham)	0.34	0.45	0.39
3029	Truganina (Melton)	0.40	0.45	0.59
3030	Derrimut (Brimbank)	0.34	0.64	0.61
3030	Point Cook, Werribee (Wyndham)	0.39	0.57	0.46
3031	Flemington, Kensington (Melbourne)	0.24	0.60	0.64
3031	Flemington, Kensington (Moonee Valley)	0.20	0.46	0.53
3032	Highpoint City, Maribyrnong (Maribyrnong)	0.21	0.59	0.57
3032	Ascot Vale, Travancore (Moonee Valley)	0.22	0.44	0.54
3033	Keilor East (Brimbank)	0.31	0.63	0.70
3033	Keilor East (Moonee Valley)	0.25	0.58	0.63
3034	Avondale Heights	0.23	0.57	0.56
3036	Keilor, Keilor North	0.34	0.63	0.73
3037	Delahey, Sydenham (Brimbank)	0.36	0.65	0.80
3037	Hillside (Melton)	0.40	0.47	0.86
3038	Taylors Lakes, Keilor Downs	0.40	0.58	0.78
3039	Moonee Ponds	0.21	0.57	0.54
3040	Aberfeldie, Essendon, Essendon West	0.21	0.45	0.48

Postcode	Suburb or Area	Residential Equalisation Factor	Commercial Equalisation Factor	Industrial Equalisation Factor
3041	Essendon North, Strathmore, Strathmore Heights	0.19	0.49	0.55
3042	Keilor Park (Brimbank)	0.27	0.63	0.26
3042	Airport West, Niddrie (Moonee Valley)	0.22	0.56	0.57
3043	Tullamarine (Brimbank)	0.30	0.57	0.58
3043	Gladstone Park (Hume)	0.28	0.71	0.75
3043	Gowanbrae (Moreland)	0.26	0.65	0.65
3044	Pascoe Vale, Pascoe Vale South	0.24	0.47	0.46
3045	Melbourne Airport	na	0.69	0.67
3046	Glenroy, Hadfield, Oak Park	0.19	0.45	0.60
3047	Broadmeadows, Dallas, Jacana	0.29	0.76	0.53
3048	Coolaroo, Meadowe Heights	0.30	0.70	0.48
3049	Attwood, Westmeadows	0.31	0.76	0.68
3050	Royal Melbourne Hospital	0.28	0.65	0.68
3051	North Melbourne (Melbourne)	0.28	0.67	0.66
3051	North Melbourne (Moonee Valley)	0.23	0.48	0.52
3052	Parkville	0.24	0.60	0.60
3053	Carlton	0.30	0.54	0.60
3054	Carlton North	0.23	0.41	0.50
3055	Brunswick West	0.20	0.44	0.50
3056	Brunswick	0.20	0.45	0.50
3057	Brunswick East	0.20	0.43	0.49
3058	Coburg	0.22	0.52	0.54
3059	Greenvale	0.31	0.72	0.47
3060	Fawkner	0.25	0.44	0.50
3061	Campbellfield	0.30	0.73	0.50
3062	Somerton	0.33	0.65	0.36
3063	Oaklands Junction, Yuroke	0.38	0.70	0.45

Postcode	Suburb or Area	Residential Equalisation Factor	Commercial Equalisation Factor	Industrial Equalisation Factor
3064	Craigieburn, Roxburgh Park	0.33	0.63	0.32
3065	Fitzroy	0.19	0.48	0.40
3066	Collingwood	0.20	0.48	0.46
3067	Abbotsford	0.18	0.49	0.49
3068	Fitzroy North (Moreland)	0.15	0.46	0.45
3068	Clifton Hill, Fitzroy North (Yarra)	0.20	0.51	0.45
3070	Northcote	0.19	0.33	0.49
3071	Thornbury	0.25	0.34	0.47
3072	Preston	0.22	0.43	0.50
3073	Reservoir	0.24	0.45	0.53
3074	Thomastown	0.35	0.55	0.52
3075	Lalor	0.36	0.57	0.49
3076	Epping	0.35	0.55	0.44
3078	Alphington, Fairfield (Darebin)	0.20	0.37	0.52
3078	Alphington, Fairfield (Yarra)	0.21	0.47	0.54
3079	Ivanhoe	0.19	0.46	0.46
3081	Heidelberg Heights, Heidelberg West	0.23	0.55	0.57
3082	Mill Park	0.32	0.59	0.46
3083	Bundoora (Banyule)	0.30	0.47	0.57
3083	Bundoora, Kingsbury (Darebin)	0.27	0.48	0.56
3083	Bundoora (Whittlesea)	0.29	0.62	0.59
3084	Eaglemont, Heidelberg, Rosanna, Viewbank	0.24	0.47	0.58
3085	Macleod, Yallambie	0.26	0.43	0.56
3087	Watsonia	0.29	0.52	0.56
3088	Briar Hill, Greensborough, Saint Helena (Banyule)	0.31	0.59	0.63
3088	Greensborough (Nillumbik)	0.30	0.75	0.56
3089	Diamond Creek	0.37	0.64	0.55

Postcode	Suburb or Area	Residential Equalisation Factor	Commercial Equalisation Factor	Industrial Equalisation Factor
3090	Plenty	0.33	0.57	0.55
3091	Yarrambat	0.35	0.57	0.56
3093	Lower Plenty	0.28	0.51	0.52
3094	Montmorency	0.26	0.49	0.56
3095	Eltham, Research	0.26	0.55	0.69
3096	Wattle Glen	0.33	0.61	0.73
3097	Bend of Islands, Kangaroo Ground	0.33	0.55	0.69
3099	Arthurs Creek, Hurstbridge	0.36	0.50	0.68
3101	Kew	0.21	0.63	0.57
3102	Kew East	0.20	0.59	0.61
3103	Balwyn	0.19	0.56	0.57
3104	Balwyn North	0.18	0.64	0.56
3105	Bulleen	0.22	0.56	0.69
3106	Templestowe	0.32	0.57	0.65
3107	Templestowe Lower	0.24	0.61	0.65
3108	Doncaster	0.26	0.68	0.64
3109	Doncaster East	0.27	0.60	0.61
3111	Donvale	0.29	0.53	0.66
3113	Warrandyte (Manningham)	0.33	0.47	0.63
3113	North Warrandyte (Nillumbik)	0.29	0.51	0.59
3114	Park Orchards	0.30	0.59	0.63
3115	Wonga Park	0.30	0.49	0.61
3116	Chirnside Park	0.31	0.36	0.49
3121	Burnley, Cremorne, Richmond	0.19	0.46	0.45
3122	Hawthorn	0.21	0.57	0.59
3123	Hawthorn East	0.21	0.61	0.64
3124	Camberwell	0.19	0.58	0.60
3125	Burwood (Monash)	0.18	0.57	0.49
3125	Burwood (Whitehorse)	0.16	0.56	0.50

Postcode	Suburb or Area	Residential Equalisation Factor	Commercial Equalisation Factor	Industrial Equalisation Factor
3126	Canterbury	0.21	0.60	0.57
3127	Surrey Hills (Boroondara)	0.20	0.56	0.61
3127	Mont Albert (Whitehorse)	0.16	0.52	0.50
3128	Box Hill, Box Hill South	0.17	0.63	0.46
3129	Box Hill North, Mont Albert North	0.16	0.52	0.40
3130	Blackburn	0.20	0.56	0.48
3131	Forest Hill, Nunawading	0.21	0.56	0.47
3132	Mitcham (Whitehorse)	0.22	0.53	0.52
3133	Vermont, Vermont South	0.21	0.53	0.54
3134	Ringwood North (Manningham)	0.24	0.50	0.59
3134	Ringwood (Maroondah)	0.23	0.52	0.50
3135	Ringwood East, Heathmont	0.24	0.40	0.51
3136	Croydon	0.29	0.44	0.50
3137	Kilsyth South (Maroondah)	0.34	0.44	0.50
3137	Kilsyth (Yarra Ranges)	0.28	0.45	0.46
3138	Mooroolbark	0.34	0.46	0.63
3139	Hoddles Creek, Launching Place, Seville, Wandin	0.28	0.46	0.55
3140	Lilydale	0.32	0.40	0.41
3141	South Yarra (Melbourne)	0.27	0.58	0.53
3141	South Yarra (Stonnington)	0.27	0.60	0.45
3142	Toorak	0.22	0.52	0.56
3143	Armada	0.23	0.55	0.58
3144	Malvern	0.21	0.55	0.46
3145	Caulfield East (Glen Eira)	0.21	0.60	0.63
3145	Malvern East (Stonnington)	0.22	0.58	0.55
3146	Glen Iris (Boroondara)	0.21	0.63	0.59
3146	Glen Iris (Stonnington)	0.22	0.55	0.61

Postcode	Suburb or Area	Residential Equalisation Factor	Commercial Equalisation Factor	Industrial Equalisation Factor
3147	Ashburton (Boroondara)	0.19	0.57	0.53
3147	Ashburton, Ashwood (Monash)	0.21	0.60	0.49
3148	Chadstone (Monash)	0.22	0.65	0.58
3149	Mount Waverley	0.22	0.64	0.58
3150	Glen Waverley, Wheelers Hill	0.20	0.61	0.52
3151	Burwood East	0.20	0.59	0.55
3152	Knox City Centre, Wantirna, Wantirna South	0.23	0.55	0.56
3153	Bayswater (Knox)	0.26	0.53	0.54
3153	Bayswater North (Maroondah)	0.32	0.49	0.58
3154	The Basin	0.25	0.54	0.58
3155	Boronia	0.27	0.60	0.51
3156	Lysterfield (Casey)	0.21	0.49	0.47
3156	Ferntree Gully, Lysterfield, Upper Ferntree Gully (Knox)	0.21	0.54	0.50
3156	Upper Ferntree Gully (Yarra Ranges)	0.23	0.40	0.50
3158	Upwey	0.25	0.33	0.51
3159	Menzies Creek (Cardinia)	0.31	0.50	0.50
3159	Menzies Creek, Selby (Yarra Ranges)	0.28	0.45	0.52
3160	Belgrave, Tecoma	0.27	0.38	0.45
3161	Caulfield North	0.21	0.48	0.66
3162	Caulfield, Caulfield South	0.20	0.51	0.60
3163	Carnegie, Glen Huntly, Murrumbeena	0.19	0.44	0.55
3165	Bentleigh East	0.19	0.52	0.64
3166	Oakleigh, Oakleigh East, Hughesdale, Huntingdale	0.23	0.62	0.53
3167	Oakleigh South	0.27	0.57	0.59
3168	Clayton	0.18	0.60	0.57
3169	Clarinda, Clayton South	0.23	0.59	0.67

Postcode	Suburb or Area	Residential Equalisation Factor	Commercial Equalisation Factor	Industrial Equalisation Factor
3170	Mulgrave	0.23	0.73	0.58
3171	Springvale	0.24	0.61	0.58
3172	Springvale South (Gr Dandenong)	0.28	0.63	0.69
3172	Dingley Village (Kingston)	0.29	0.63	0.74
3173	Keysborough	0.24	0.54	0.63
3174	Noble Park, Noble Park North	0.26	0.60	0.62
3175	Dandenong, Dandenong South, Bangholme	0.27	0.60	0.63
3177	Doveton	0.34	0.38	0.52
3178	Rowville	0.25	0.50	0.62
3179	Scoresby	0.25	0.54	0.60
3180	Knoxfield	0.23	0.51	0.57
3181	Prahran, Windsor (Port Phillip)	0.24	0.51	0.55
3181	Prahran, Windsor (Stonnington)	0.23	0.52	0.50
3182	St Kilda, St Kilda West	0.20	0.52	0.65
3183	St Kilda East (Glen Eira)	0.22	0.53	0.56
3183	Balaclava (Port Phillip)	0.18	0.40	0.57
3184	Elwood	0.18	0.37	0.56
3185	Elsternwick, Gardenvale (Glen Eira)	0.18	0.42	0.50
3185	Elsternwick, Gardenvale (Port Phillip)	0.15	0.41	0.55
3186	Brighton	0.19	0.35	0.44
3187	Brighton East (Bayside)	0.20	0.40	0.52
3187	Brighton East (Glen Eira)	0.19	0.43	0.55
3188	Hampton, Hampton East	0.19	0.35	0.51
3189	Moorabbin	0.20	0.51	0.55
3190	Highett (Bayside)	0.21	0.42	0.48
3190	Highett (Kingston)	0.20	0.49	0.57
3191	Sandringham	0.18	0.44	0.48

Postcode	Suburb or Area	Residential Equalisation Factor	Commercial Equalisation Factor	Industrial Equalisation Factor
3192	Cheltenham (Bayside)	0.20	0.35	0.43
3192	Cheltenham, Southland Centre (Kingston)	0.20	0.44	0.56
3193	Beaumaris, Black Rock	0.23	0.40	0.56
3194	Mentone, Moorabbin Airport	0.22	0.42	0.65
3195	Aspendale, Aspendale Gardens, Braeside, Mordialloc, Parkdale	0.21	0.55	0.68
3196	Bonbeach, Chelsea, Chelsea Heights, Edithvale	0.21	0.50	0.55
3197	Carrum, Patterson Lakes	0.22	0.48	0.54
3198	Seaford	0.27	0.68	0.57
3199	Frankston	0.34	0.72	0.62
3200	Frankston North	0.35	0.51	0.57
3201	Carrum Downs	0.35	0.47	0.50
3202	Heatherton	0.26	0.54	0.62
3204	Bentleigh, Mckinnon, Ormond	0.18	0.40	0.69
3205	South Melbourne	0.20	0.50	0.63
3206	Albert Park, Middle Park	0.19	0.50	0.56
3207	Port Melbourne (Melbourne)	na	0.44	0.84
3207	Port Melbourne (Port Phillip)	0.26	0.72	0.84
3211	Little River	0.32	0.57	0.42
3335	Rockbank	0.28	0.59	0.62
3337	Kurunjang, Melton, Toolern Vale	0.48	0.69	0.55
3338	Brookfield, Exford, Melton South	0.54	0.42	0.38
3427	Diggers Rest	0.50	0.67	0.54
3428	Bulla	0.44	0.69	0.67
3429	Sunbury	0.48	0.71	0.77
3430	Clarkefield (Hume)	0.38	0.70	0.45
3750	Wollert	0.28	0.53	0.55

Postcode	Suburb or Area	Residential Equalisation Factor	Commercial Equalisation Factor	Industrial Equalisation Factor
3751	Woodstock	0.31	0.53	0.60
3752	South Morang	0.35	0.56	0.53
3753	Beveridge	0.34	0.52	0.59
3754	Doreen (Nillumbik)	0.37	0.62	0.68
3754	Doreen, Mernda (Whittlesea)	0.30	0.51	0.58
3755	Yan Yean	0.36	0.55	0.57
3756	Upper Plenty	0.36	0.55	0.57
3757	Whittlesea	0.40	0.50	0.50
3759	Panton Hill	0.33	0.55	0.58
3760	Smiths Gully (Nillumbik)	0.33	0.53	0.61
3761	St Andrews (Nillumbik)	0.38	0.52	0.68
3763	Kinglake	0.40	0.54	0.48
3765	Montrose	0.31	0.43	0.42
3766	Kalorama	0.29	0.41	0.49
3767	Mount Dandenong	0.31	0.39	0.49
3770	Coldstream	0.32	0.48	0.44
3775	Christmas Hills (Nillumbik)	0.34	0.53	0.61
3775	Dixons Creek, Yarra Glen (Yarra Ranges)	0.31	0.53	0.55
3777	Healesville, Toolangi	0.27	0.46	0.41
3781	Cockatoo	0.25	0.45	0.44
3782	Clematis, Emerald	0.25	0.54	0.46
3783	Gembrook	0.30	0.48	0.42
3785	Tremont	0.24	0.45	0.46
3786	Ferny Creek	0.29	0.40	0.46
3787	Sassafras	0.30	0.34	0.42
3788	Olinda	0.29	0.36	0.44
3789	Sherbrooke	0.32	0.44	0.44
3791	Kallista	0.30	0.47	0.44
3792	The Patch	0.31	0.47	0.42

Postcode	Suburb or Area	Residential Equalisation Factor	Commercial Equalisation Factor	Industrial Equalisation Factor
3793	Monbulk	0.30	0.46	0.42
3795	Silvan	0.25	0.39	0.41
3796	Mount Evelyn	0.33	0.44	0.38
3797	Yarra Junction	0.27	0.48	0.51
3799	Warburton, Millgrove, Wesburn	0.27	0.36	0.39
3802	Endeavour Hills	0.33	0.45	0.49
3803	Hallam	0.30	0.40	0.43
3804	Narre Warren North (Casey)	0.28	0.38	0.44
3804	Narre Warren East (Yarra Ranges)	0.33	0.46	0.46
3805	Narre Warren	0.32	0.40	0.37
3806	Berwick, Harkaway	0.32	0.46	0.40
3807	Beaconsfield, Guys Hill (Cardinia)	0.30	0.51	0.39
3807	Beaconsfield (Casey)	0.24	0.48	0.41
3808	Beaconsfield Upper	0.32	0.49	0.43
3809	Officer	0.30	0.17	0.20
3810	Pakenham	0.32	0.40	0.33
3812	Maryknoll, Nar Nar Goon	0.35	0.43	0.40
3813	Tynong	0.38	0.50	0.40
3814	Cora Lynn, Garfield, Vervale	0.36	0.52	0.39
3815	Bunyip, Iona, Tonimbuk	0.35	0.55	0.35
3816	Labertouche, Longwarry, Modella	0.37	0.20	0.45
3818	Athlone, Drouin, Ripplebrook	0.36	0.35	0.26
3820	Warragul	0.36	0.28	0.28
3821	Buln Buln, Nilma, Rokeby	0.31	0.55	0.42
3831	Neerim, Neerim South	0.30	0.24	0.40
3833	Noojee	0.25	0.52	0.48
3910	Langwarrin	0.31	0.43	0.35

Postcode	Suburb or Area	Residential Equalisation Factor	Commercial Equalisation Factor	Industrial Equalisation Factor
3911	Langwarrin South (Frankston)	0.33	0.44	0.49
3911	Baxter (Mornington Peninsula)	0.31	0.45	0.48
3912	Pearcedale (Casey)	0.30	0.63	0.42
3912	Pearcedale, Somerville (Mornington Peninsula)	0.28	0.60	0.47
3913	Tyabb	0.31	0.57	0.52
3915	Hastings, Tuerong	0.28	0.60	0.54
3916	Merricks, Point Leo, Shoreham	0.23	0.63	0.51
3918	Bittern	0.29	0.70	0.21
3919	Crib Point	0.30	0.68	0.41
3920	HMAS Cerberus	0.34	na	0.45
3926	Balnarring, Balnarring Beach, Merricks Beach, Merricks North	0.25	0.74	0.39
3927	Somers	0.23	0.76	0.41
3928	Main Ridge	0.21	0.83	0.46
3929	Flinders	0.15	0.50	0.45
3930	Mount Eliza	0.28	0.54	0.42
3931	Mornington	0.23	0.48	0.52
3933	Moorooduc	0.23	0.68	0.49
3934	Mount Martha	0.24	0.68	0.39
3936	Arthurs Seat, Dromana, Safety Beach	0.29	0.60	0.32
3937	Red Hill, Red Hill South	0.23	0.59	0.41
3938	McCrae	0.28	0.45	0.39
3939	Fingal, Rosebud	0.30	0.64	0.41
3941	Rye, St Andrews Beach, Tootgarook	0.26	0.57	0.60
3942	Blairgowrie	0.23	0.48	0.70
3943	Sorrento	0.18	0.43	0.62
3944	Portsea	0.20	0.57	0.53

Postcode	Suburb or Area	Residential Equalisation Factor	Commercial Equalisation Factor	Industrial Equalisation Factor
3975	Lyndhurst, Lynbrook (Casey)	0.25	0.25	0.41
3975	Lyndhurst (Gr Dandenong)	0.23	0.55	0.35
3976	Hampton Park	0.31	0.45	0.42
3977	Cannons Creek, Cranbourne, Five Ways, Devon Meadows (Casey)	0.30	0.47	0.41
3977	Skye (Frankston)	0.33	0.56	0.35
3978	Cardinia, Clyde	0.26	0.48	0.45
3980	Blind Bight, Tooradin, Warneet	0.34	0.42	0.26
3981	Bayles, Catani, Dalmore, Heath Hill, Koo Wee Rup, Yannathan	0.36	0.45	0.29
3984	Caldermeade, Corinella, Coronet Bay, Lang Lang	0.36	0.51	0.46
3987	Nyora	0.38	0.55	0.49
3988	Poowong	0.32	0.55	0.50

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

Notice of Approval of Amendment

Amendment C139

The Minister for Planning has approved Amendment C139 to the Ballarat Planning Scheme.

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

The Amendment applies to land at 23–51 Learmonth Avenue and 7–9 Grandlee Drive, Wendouree (the subject site) and:

- rezones 7–9 Grandlee Drive, Wendouree from Industrial 1 Zone to Business 4 Zone;
- applies the Development Plan Overlay, Schedule 2 to include the land at 7–9 Grandlee Drive, Wendouree; and
- provides for a planning permit to be granted for the use and development of the land for landscape gardening supplies, a reduction in the number of statutory car parking spaces required, alteration of access to a Road Zone Category One and a reduction in the end of trip bicycle facilities (shower and change room), in accordance with the endorsed plans.

The Minister has granted the permit under Division 5, Part 4 of the Act for the following land parcel:

Description of land

23–51 Learmonth Avenue and 7–9 Grandlee Drive, Wendouree.

A copy of the Amendment and permit can be inspected, free of charge, during office hours at the office of the City of Ballarat Council, The Phoenix Building, 25 Armstrong Street South, Ballarat.

The Amendment can also be inspected free of charge at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning
and Community Development

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

Notice of Approval of Amendment

Amendment C117

The Minister for Planning has approved Amendment C117 to the Boroondara Planning Scheme.

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

The Amendment applies to land at 740–742 Toorak Road, Hawthorn East (the subject site) and:

- rezones the subject site from Public Use Zone (Service and Utility) to Business 4 Zone; and
- provides for a planning permit to be granted for the use and development of the land for landscape gardening supplies; a reduction in the number of statutory car parking spaces required; alteration of access to a Road Zone Category 1; road works within land covered by a Land Subject to Inundation Overlay, and Public Acquisition Overlay; to remove, destroy or lop native vegetation; and a reduction in the end of trip bicycle facilities (shower and change room), in accordance with endorsed plans.

The Minister has granted the permit under Division 5, Part 4 of the Act for the following land parcel:

Description of land

740–742 Toorak Road, Hawthorn East.

A copy of the Amendment and permit can be inspected, free of charge, during office hours at the office of the Boroondara City Council, 8 Inglesby Road, Camberwell.

The Amendment can also be inspected free of charge at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning
and Community Development

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

Notice of Approval of Amendment

Amendment C145

The Minister for Planning has approved Amendment C145 to the Cardinia Planning Scheme.

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

The Amendment rezones land at Fechner Road, Koo Wee Rup from Public Park and Recreation Zone (PPRZ) to Special Use Zone – Schedule 1 (SUZ1).

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 and free of charge, during office hours, at the offices of the Cardinia Shire Council, Henty Way, Pakenham.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning
and Community Development

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

Notice of Approval of Amendment

Amendment C119

The Minister for Planning has approved Amendment C119 to the Darebin Planning Scheme.

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

The Amendment applies to land at 85 Chifley Drive and 1 Gower Street, Preston (the subject site) and:

- rezones the subject site from Industrial 1 Zone to Business 4 Zone; and
- provides for a planning permit to be granted for the use and development of the land for landscape gardening supplies, a reduction in the number of statutory car parking spaces required, a reduction in the end of trip bicycle facilities (shower and change room), in accordance with endorsed plans.

The Minister has granted the permit under Division 5, Part 4 of the Act for the following land parcel:

Description of land

85 Chifley Drive and 1 Gower Street, Preston.

A copy of the Amendment and permit can be inspected, free of charge, during office hours at the office of the City of Darebin Council, 274 Gower St, Preston.

The Amendment can also be inspected free of charge at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning
and Community Development

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

Notice of Approval of Amendment

Amendment C64

The Minister for Planning has approved Amendment C64 to the Frankston Planning Scheme.

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

The Amendment rezones to Road Zone 1 parcels of land required for the use and maintenance of the EastLink Freeway network and rezones a small parcel of locally managed land from Road Zone 1 to Industrial 1 zone and removes redundant portions of Public Acquisition Overlay 6.

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 and free of charge, during office hours, at the offices of the Frankston City Council, Corner of Davey and Young Street, Frankston, Victoria.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning
and Community Development

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

Notice of Approval of Amendment

Amendment C68

The Minister for Planning has approved Amendment C68 to the Frankston Planning Scheme.

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

The Amendment applies to land at 574–588 Frankston–Dandenong Road, Carrum Downs (the subject site) and:

- rezones the subject site from Industrial 1 Zone to Business 4 Zone;
- amends the Schedule(s) to Clause 52.03 – Specific Sites and Exclusions and Clause 81.01 – Table of Documents Incorporated in this Scheme, to include the Incorporated Document titled ‘Woolworths Oxygen, Carrum Downs, September 2010’.

A copy of the Amendment and permit can be inspected, free of charge, during office hours at the office of the Frankston City Council Civic Centre, corner Young and Davey Streets, Frankston.

The Amendment can also be inspected free of charge at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection

PETER ALLEN

Executive Director

Statutory Planning Systems Reform
Department of Planning
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- 12 Otway Court, Portland;
- 35, 37, 41, 45, 49 and 51 Barclay Street, Heywood;
- 94–100 Fawthrop Street, Portland; and
- 170 Must Street, Portland.

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 and free of charge, during office hours, at the offices of the Glenelg Shire Council, Cliff Street, Portland.

PETER ALLEN

Executive Director

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Department of Planning
and Community Development

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

Notice of Approval of Amendment

Amendment C146

The Minister for Planning has approved Amendment C146 to the Hume Planning Scheme.

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

The Amendment applies to land at 1550 Pascoe Vale Road, Coolaroo (the subject site) and

- rezones part of the subject site from Business 3 Zone to Business 4 Zone;
- removes a restriction on floor space of 15,000m² which is contained in the Business 4 Zone;
- amends the Schedule to Clause 61.01; and
- provides for a planning permit to be granted for the use and development of the land for landscape gardening supplies, a reduction in the number of statutory car parking spaces required, alteration of access to a Road Zone Category 1, remove, destroy or lop native vegetation and a reduction in the end of trip bicycle facilities (shower and change room), in accordance with the endorsed plans.

The Minister has granted the permit under Division 5, Part 4 of the Act for the following land parcels:

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

Notice of Approval of Amendment

Amendment C50

The Minister for Planning has approved Amendment C50 to the Glenelg Planning Scheme.

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

The Amendment corrects the zoning of the following land to reflect existing land uses:

Description of land

- 1550 Pascoe Vale Road, Coolaroo.

A copy of the Amendment and permit can be inspected, free of charge, during office hours at the office of the Hume City Council, 1079 Pascoe Vale Road, Broadmeadows.

The Amendment can also be inspected free of charge at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning
and Community Development

Planning and Environment Act 1987**KNOX PLANNING SCHEME****Notice of Approval of Amendment****Amendment C48**

The Minister for Planning has approved Amendment C48 to the Knox Planning Scheme.

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

The Amendment introduces and applies an Environmental Significance Overlay 2, Environmental Significance Overlay 3 and Vegetation Protection Overlay 4 to various parts of the City of Knox on an interim basis while amendment C49 to the Knox Planning Scheme proceeds through the Amendment process, including public exhibition. The Amendment also updates the MSS in relation to the date of the Sites of Biological Significance in Knox 2010 Study.

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 and free of charge, during office hours, at the offices of the Knox City Council, 511 Burwood Highway, Wantirna South.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning
and Community Development

Planning and Environment Act 1987**KNOX PLANNING SCHEME****Notice of Approval of Amendment****Amendment C94**

The Minister for Planning has approved Amendment C94 to the Knox Planning Scheme.

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

The Amendment amends the Schedules to Clause 52.03 – Specific Sites and Exclusions and Clause 81.01 – Table of Documents Incorporated in this Scheme, to include the Incorporated Document titled ‘Woolworths Oxygen, Knoxfield, September 2010’.

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 and free of charge, during office hours, at the offices of the Knox City Council, 511 Burwood Highway, Wantirna South.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning
and Community Development

Planning and Environment Act 1987**MELTON PLANNING SCHEME****Notice of Approval of Amendment****Amendment C82**

The Minister for Planning has approved Amendment C82 to the Melton Planning Scheme.

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

The Amendment:

- applies schedule 1 to Urban Growth Zone to all land in the Taylors Hill West Precinct Structure Plan area;
- applies schedule 1 to the Development Contributions Plan Overlay to all land in the Taylors Hill West Precinct Structure Plan area;

- introduces schedule 2 to the Rural Conservation Zone (to enable provisions of RCZ2 to be implemented under the applied zone provisions of the UGZ);
- applies a public open space contribution of 3.21% in the PSP area by amending the schedule to Clause 52.01;
- modifies the schedule to Clause 34.01 to identify a maximum leasable floor area for a shop of 900m²;
- modifies the schedule to Clauses 52.16 to identify the Taylors Hill West Native Vegetation Precinct Plan;
- modifies the schedule to 81.01 to implement the incorporated documents;
- Taylors Hill West Precinct Structure Plan, May 2010 (including the Taylors Hill West Native Vegetation Precinct Plan);
- Taylors Hill West Development Contributions Plan, June 2010.

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 and free of charge, during office hours, at the offices of the Melton Shire Council, 232 High Street, Melton.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning
and Community Development

Planning and Environment Act 1987

MELTON PLANNING SCHEME

Notice of Approval of Amendment

Amendment C104

The Minister for Planning has approved Amendment C104 to the Melton Planning Scheme.

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

The Amendment applies to land Lot GG, plan of subdivision 501820s in Certificate of Title Volume 10711, Folio 867 (corner of Western Highway and Westwood Drive, Burnside – the subject site) and:

- rezones the subject site from Mixed Use Zone to Business 4 Zone.

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 and free of charge, during office hours, at the offices of the Melton Shire Council, 232 High Street, Melton.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning
and Community Development

Planning and Environment Act 1987

MONASH PLANNING SCHEME

Notice of Approval of Amendment

Amendment C99

The Minister for Planning has approved Amendment C99 to the Monash Planning Scheme.

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

The Amendment applies to land at 1041–1049 Centre Road, Oakleigh South (the subject site) and:

- rezones the subject site from Business 3 Zone to Business 1 Zone; and
- provides for a planning permit to be granted for the use and development of the land for landscape gardening supplies, trade supplies; a reduction in the number of statutory car parking spaces required; alteration of access to a Road Zone Category 1; to remove, destroy or lop native vegetation; and a reduction in the end of trip bicycle facilities (shower and change room), in accordance with endorsed plans.

The Minister has granted the permit under Division 5, Part 4 of the Act for the following land parcels:

Description of land

1041–1049 Centre Road, Oakleigh South.

A copy of the Amendment and permit can be inspected, free of charge, during office hours at the office of the Monash City Council's Town Planning Department, 293 Springvale Road, Glen Waverley.

The Amendment can also be inspected free of charge at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning
and Community Development

Planning and Environment Act 1987
MOORABOOL PLANNING SCHEME
Notice of Approval of Amendment
Amendment C40

The Minister for Planning has approved Amendment C40 to the Moorabool Planning Scheme.

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

The Amendment rezones 7.6 hectares of land adjacent to the Bacchus Marsh Grammar School from Special Use Zone 1 (Coal Mining) to Special Use Zone 4 (Bacchus Marsh Grammar School) and applies the Environmental Audit Overlay to the land.

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 and free of charge, during office hours, at the offices of the Moorabool Shire Council, Bacchus Marsh Service Centre, 197 Main Street, Bacchus Marsh.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning
and Community Development

Planning and Environment Act 1987
MORNINGTON PENINSULA
PLANNING SCHEME
Notice of Approval of Amendment
Amendment C149

The Minister for Planning has approved Amendment C149 to the Mornington Peninsula Planning Scheme.

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

The Amendment applies to land at 65 Mornington–Tyabb Road, Mornington (the subject site) and:

- rezones the subject site from Industrial 3 Zone to Business 4 Zone; and
- provides for a planning permit to be granted for the use and development of the land for landscape gardening supplies, a reduction in the number of statutory car parking spaces required, alteration of access to a Road Zone Category 1, remove, destroy or lop native vegetation and a reduction in the end of trip bicycle facilities (shower and change room), in accordance with endorsed plans.

The Minister has granted the permit under Division 5, Part 4 of the Act for the following land parcels:

Description of land

65 Mornington–Tyabb Road, Mornington.

A copy of the Amendment and permit can be inspected, free of charge, during office hours at the office of the Mornington Peninsula Shire Council, 90 Besgrove Street, Rosebud.

The Amendment can also be inspected free of charge at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning
and Community Development

Planning and Environment Act 1987
NORTHERN GRAMPIANS
PLANNING SCHEME
Notice of Approval of Amendment
Amendment C33

The Northern Grampians Shire Council has approved Amendment C33 to the Northern Grampians Planning Scheme.

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

The Amendment:

- rezones 23 Ararat Road (Western Highway), Stawell from Residential 1 Zone (R1Z) to Business 4 Zone (B4Z);
- removes the Environmental Audit Overlay (EAO) from 23 Ararat Road (Western Highway), Stawell; and
- rezones the Stawell West Bushland Reserve (CA 2007, Parish of Stawell) from part Business 4 Zone and part Public Use Zone 1 – Services and Utilities (PUZ1) to Public Conservation and Resource Zone (PCRZ).

The Amendment was approved by the Northern Grampians Shire Council on 23 September 2010 in accordance with authorisation given by the Minister under section 11(1) of the **Planning and Environment Act 1987** on 21 April 2009. The authorisation has not been withdrawn.

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 and free of charge, during office hours, at the offices of the Northern Grampians Shire Council, Town Hall, Main Street Stawell.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning
and Community Development

Planning and Environment Act 1987
STONNINGTON PLANNING SCHEME
Notice of Approval of Amendment
Amendment C125

The Minister for Planning has approved Amendment C125 to the Stonnington Planning Scheme.

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

The Amendment applies HO394 to the Argo Hotel building (part 62–74 Argo Street, South Yarra) on a permanent basis.

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 and free of charge, during office hours, at the offices

of the Stonnington City Council, corner of Chapel Street and Greville Street, Prahran.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning
and Community Development

Planning and Environment Act 1987
WHITTLESEA PLANNING SCHEME
Notice of Approval of Amendment
Amendment C149

The Minister for Planning has approved Amendment C149 to the Whittlesea Planning Scheme.

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

The Amendment amends the Schedules to Clause 52.03 – Specific Sites and Exclusions and Clause 81.01 – Table of Documents Incorporated in this Scheme, to include the Incorporated Document titled ‘Woolworths Oxygen, South Morang, September 2010’.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development web site at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Whittlesea City Council, 25 Ferres Boulevard, South Morang.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning
and Community Development

Planning and Environment Act 1987
YARRA PLANNING SCHEME
Notice of Approval of Amendment
Amendment C116

The Minister for Planning has approved Amendment C116 to the Yarra Planning Scheme.

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

The Amendment corrects zoning anomalies in North Fitzroy and Richmond. Rezones the Condell Street Reserve to a Public Park and Recreation Zone.

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 and free of charge, during office hours, at the offices of the Yarra City Council, 333 Bridge Road, Richmond, Victoria, 3121.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning
and Community Development

Planning and Environment Act 1987
MARIBYRNONG PLANNING SCHEME

Notice of Lapsing of Amendment
Amendment C90

The Minister for Planning has resolved to abandon Amendment C90 to the Maribyrnong Planning Scheme.

The Amendment proposed to:

- amend the following zone schedules:
 - clauses 32.04 (Mixed Use), 34.02 (Business 2) and 34.03 (Business 3) to achieve consistency with the CDZ rezoning;
 - schedule 1 of clause 37.06 (Priority Development) to delete reference to the Footscray Market and ‘Triangle’ sites, identified as Precinct 9 in the incorporated document titled Footscray Station Urban Framework Plan;
- amend the following schedules for clauses in the Particular and General Provisions:
 - clause 52.28–4 (Gaming) to prohibit the installation of gaming machines within strip shopping centres within selected precincts of the CAD (Precincts 1A–F, 2F, 6A, 6E, 6D and 6F);
 - clause 61.01 (Administration and Enforcement of this Scheme) to achieve consistency with the CDZ4 rezoning;
 - clause 81.01 (documents incorporated in this Scheme) to insert the document titled: Footscray Central Activities District Comprehensive Development Plan, May 2010;
- make the following documents reference documents in the Maribyrnong Planning Scheme:
 - Footscray Central Activities District: Strategic Framework Report April 2010;
 - Footscray Central Activities District Car Parking Rates Study (GTA Consultants, September 2009);
 - Footscray Retail Study (Collie and Renaissance Planning, August 2009);
 - Footscray Skyline Study: Review and Update, SJB Urban, (May 2010);
 - (re)Visioning Footscray, Red Road Consulting (June 2005).
- amend the following clauses in the Local Planning Policy Framework, (including the Municipal Strategic Framework):
 - clauses 21.01 to 21.04 (Municipal Strategic Statement) to reflect the policy directives of the Footscray SFR as well as the CDZ rezoning;
 - clauses 22.01 (Residential 1 Zone Land Use and Development Policy), 22.02 (Mixed Use Zone Land Use and Development Policy), 22.03 (Business 1 Zone and Business 4 Zone Policy) and 22.05 (Business 3 Zone Land Use and Development Policy) to reflect the CDZ4 rezoning as well as the policy directives of the Footscray Strategic Framework Report;
 - delete sub-clauses 22.03–3 (Principles and Policy for Footscray Business Centre), 22.04–2 (Footscray Riverside Precinct) and 22.04–3 (Footscray Business Centre) to achieve consistency with the CDZ4 rezoning;

The Amendment lapsed on 4 October 2010.

PETER ALLEN
Executive Director
Statutory Planning Systems Reform
Department of Planning
and Community Development

ORDERS IN COUNCIL**Accident Compensation Act 1985****WORKCOVER (PRE-LITIGATED CLAIMS) LEGAL COSTS ORDER 2010****Order in Council**

The Governor in Council, under section 134AG(1) of the **Accident Compensation Act 1985**, makes the following Order:

Dated 26 October 2010

Responsible Minister

TIM HOLDING MP

Minister for Finance, WorkCover

and the Transport Accident Commission

MATTHEW McBEATH
Clerk of the Executive Council

1. Citation

This Order may be cited as the WorkCover (pre-litigated claims) Legal Costs Order 2010.

2. Application

This Order applies to applications instituted by a worker in accordance with section 134AB brought or made on or after the date of commencement of the Order pursuant to section 134AG(1).

This Order specifies the professional costs and disbursements that may be paid by the Authority or a self insurer to a legal practitioner acting on behalf of a worker in respect of any claim, or application under section 134AB of the **Accident Compensation Act 1985**.

The entitlement to professional costs and disbursements under this Order replaces any other entitlement of a worker or a legal practitioner to be awarded legal practitioners' professional costs and disbursements payable by the Authority or a self insurer for and incidental to an application, or a section 134AB(12) conference and has full force and effect notwithstanding anything to the contrary in the **Legal Professions Act 2004**, the **Supreme Court Act 1986** or the **County Court Act 1958** or in any regulation, rules, order or other document made under any of those Acts.

3. Definitions

Unless the context otherwise requires, or the contrary intention appears, terms defined by the Act have the same meaning.

In this Order:

‘**Act**’ means the **Accident Compensation Act 1985**;

‘**advice**’ means the advice of the Authority or self-insurer referred to in section 134AB(7) of the Act;

‘**application**’ means an application in the form referred to in section 134AB(5)(a) of the Act;

‘**application for pecuniary loss and pain and suffering damages**’ means for the purposes of section 134AB(38)(b) of the Act the worker relies on consequences with respect to pain and suffering and loss of earning capacity as specified in accordance with Ministerial Directions 5.4(b)(iii);

‘**application for pain and suffering damages only**’ means for the purposes of section 134AB(38)(b) of the Act the worker relies on consequences with respect to pain and suffering as specified in accordance with Ministerial Directions 5.4(b)(iii);

‘**certificate**’ means a certificate in writing as referred to in section 134AB(16)(a)(ii) of the Act;

‘**claim**’ means the proposed claim at common law, in respect of each cause of action which the worker seeks to maintain;

‘County Court Rules’ means the County Court Civil Procedure Rules 2008 made under the **County Court Act 1958**;

‘legal practitioner’ has the same meaning as the term ‘Australian lawyer’ in the **Legal Profession Act 2004**;

‘medical report’ means a medical report as defined in section 134AB(37) of the Act;

‘professional costs’ means professional costs payable in respect of the items referred to in the scale of costs to the County Court Rules or the Scale of Costs contained in Appendix A and B of Chapter 1 to the Supreme Court Rules;

‘Scale of Costs’ means the Scale of Costs contained in Appendix A to the County Court Rules or the Scale of Costs contained in Appendix A and B of Chapter 1 to the Supreme Court Rules;

‘section 134AB(12) conference’ means a meeting, discussion or series of meetings or discussions commenced in accordance with section 134AB(12) of the Act;

‘statutory offer’ and **‘statutory counter offer’** means the statutory offer and statutory counter offer respectively referred to in section 134AB(12) of the Act;

‘Supreme Court Rules’ means the Supreme Court (General Civil Procedure) Rules 2005 made under the **Supreme Court Act 1986**;

‘treater’s notes and records’ means any notes, records, correspondence and/or medical reports held by or of any medical practitioner, hospital, health service provider, or any other person concerning any medical treatment provided to the worker.

4. **Professional Costs and Disbursements**

Part A. Where a worker settles or compromises a claim and recovers damages after making an application and after a section 134AB(12) conference has commenced, but where no application referred to in section 134AB(16)(b) has been made and prior to commencing proceedings in accordance with section 134AB(12) of the Act, the worker’s legal practitioner is entitled to be paid by the Authority or a self insurer the professional costs of the application and the section 134AB(12) conference as follows:

1. If an application is for both pecuniary loss and pain and suffering damages and the worker recovers damages for both pecuniary loss and pain and suffering the legal practitioner’s professional costs are \$13,500 (inclusive of Counsel’s fees); or
2. If an application is for both pecuniary loss and pain and suffering damages, and the worker recovers damages for pain and suffering damages only, the legal practitioner’s professional costs are \$12,000 (inclusive of Counsel’s fees); or
3. If an application is for pain and suffering damages only, the legal practitioner’s professional costs are \$13,500 (inclusive of Counsel’s fees); or
4. If before an application is made, an assessment of the degree of whole person impairment of the worker made under section 104B of the Act as a result of the injury is 30 per centum or more, the legal practitioner’s professional costs are \$13,500 (inclusive of Counsel’s fees).

Part B. Where a worker settles or compromises a claim and recovers damages after making an application and after a section 134AB(12) conference has commenced and where, after an application referred to in section 134AB(16)(b) has been made, a worker is granted a certificate by the Authority or a self-insurer or a Court gives leave to bring proceedings, and prior to commencing proceedings in accordance with section 134AB(12) of the Act, the worker’s legal practitioner is entitled to be paid by the Authority or a self insurer the professional costs of the application and the section 134AB(12) conference as follows:

1. If an application is for both pecuniary loss and pain and suffering damages and the worker recovers damages for both pecuniary loss and pain and suffering the legal practitioner's professional costs are \$9,600 (inclusive of Counsel's fees); or
2. If an application is for both pecuniary loss and pain and suffering damages, and the worker recovers damages for pain and suffering damages only, the legal practitioner's professional costs are \$8,034 (inclusive of Counsel's fees); or
3. If an application is for pain and suffering damages only, the legal practitioner's professional costs are \$8,034 (inclusive of Counsel's fees).

Part C. In addition to the items referred to in Part A or Part B above, the worker's legal practitioner is entitled to be paid as a disbursement:

1. reasonable fees for relevant and necessary non-medical expert reports;
2. reasonable interpreters' fees and travel allowances payable in accordance with the Scale of Costs contained in the County Court Rules; and
3. in respect to medical reports and treaters' notes and records relied upon and exchanged on behalf of the worker, the reasonable cost of:
 - (a) obtaining a copy of all treaters' notes and records (excluding medico legal reports).
 - (b) one medico legal report per specialty relevant to the injury or injuries alleged to be and accepted as or determined to be serious injury or serious injuries. The Authority or self insurer may allow the cost of more than one medico legal report per speciality. Payment for medico legal reports shall only be made where a worker settles or compromises a claim and recovers damages after making an application and after a section 134AB(12) conference has commenced, and prior to commencing proceedings in accordance with section 134AB(12) of the Act.

Part D. Where a worker settles or compromises a claim and recovers damages, or obtains judgment and is awarded damages after instituting proceedings referred to in section 134AB(1) of the Act ('the proceeding') and if section 134AB(28)(b) of the Act applies, the worker's legal practitioner is entitled to be paid by the Authority or a self insurer professional costs and disbursements of the application and the section 134AB(12) conference in accordance with the amounts set out in Part A, or Part B and Part C and such amounts include any amount in respect of attendances or disbursements incurred prior to rejection of the statutory counter offer by the Authority or self-insurer or before the expiration of 21 days from receipt of the statutory counter offer, whichever is earlier.

Part E. Where a worker settles or compromises a claim and recovers damages prior to making an application (excluding claims made pursuant to sections 135BA and 135BBA), the worker's legal practitioner shall be entitled to professional costs and disbursements to be paid by the Authority or a self-insurer as follows:

1. legal practitioner's professional costs, \$4,000 (inclusive of counsel's fees);
 2. disbursements in accordance with Part C.
-

Accident Compensation Act 1985
WORKCOVER (LITIGATED CLAIMS) LEGAL COSTS ORDER 2010

Order in Council

The Governor in Council, under section 134AG(1) of the **Accident Compensation Act 1985**, makes the following Order:

Dated 26 October 2010

Responsible Minister

TIM HOLDING MP

Minister for Finance, WorkCover

and the Transport Accident Commission

MATTHEW McBEATH
Clerk of the Executive Council

1. Citation

This Order may be cited as the WorkCover (litigated claims) Legal Costs Order 2010.

2. Application

This Order applies to proceedings issued by a worker in accordance with section 134AB(16)(b), following a section 134AB(4) application where that application was made on or after the date of commencement of the Order pursuant to section 134AGA(1).

This Order specifies the professional costs and disbursements that may be paid by the Authority or a self insurer to a legal practitioner acting on behalf of a worker in respect of any claim, or proceedings pursuant to section 134AB(16)(b) of the **Accident Compensation Act 1985**.

The entitlement to professional costs and disbursements under this Order replaces any other entitlement of a worker or a legal practitioner to be awarded legal practitioners' professional costs and disbursements payable by the Authority or a self insurer for and incidental to a proceeding under section 134AB(16)(b) of the Act, and has full force and effect notwithstanding anything to the contrary in the **Legal Professions Act 2004**, the **Supreme Court Act 1986** or the **County Court Act 1958** or in any regulation, rules, order or other document made under any of those Acts.

3. Definitions

Unless the context otherwise requires, or the contrary intention appears, terms defined by the Act have the same meaning.

In this Order:

‘**Act**’ means the **Accident Compensation Act 1985**;

‘**application**’ means an application in the form referred to in section 134AB(5)(a) of the Act;

‘**application for pecuniary loss and pain and suffering damages**’ means for the purposes of section 134AB(38)(b) of the Act the worker relies on consequences with respect to pain and suffering and loss of earning capacity as specified in accordance with Ministerial Directions 5.4(b)(iii).

‘**application for pain and suffering damages only**’ means for the purposes of section 134AB(38)(b) of the Act the worker relies on consequences with respect to pain and suffering as specified in accordance with Ministerial Directions 5.4(b)(iii).

‘**certificate**’ means a certificate in writing as referred to in Section 134AB(16)(a)(ii) of the Act.

‘**claim**’ means the proposed claim at common law, in respect of each cause of action which the worker seeks to maintain;

‘County Court Rules’ means the County Court Civil Procedure Rules 2008 made under the **County Court Act 1958**;

‘Day 1 of hearing’ means the day on which the application for leave referred to in section 134AB(16)(b) is listed to be heard before the Court. Where a hearing date lapses due to an adjournment or the case is not reached, ‘Day 1’ is the day when the application for leave referred to in section 134AB(16)(b) is next listed to be heard before the Court.

‘legal practitioner’ has the same meaning as the term ‘Australian lawyer’ in the **Legal Profession Act 2004**;

‘medical report’ means a medical report as defined in section 134AB(37) of the Act;

‘professional costs’ means professional costs payable in respect of the items referred to in the scale of costs to the County Court Rules or the Scale of Costs contained in Appendix A and B of Chapter 1 to the Supreme Court Rules;

‘Scale of Costs’ means the Scale of Costs contained in Appendix A to the County Court Rules or the Scale of Costs contained in Appendix A and B of Chapter 1 to the Supreme Court Rules;

‘Supreme Court Rules’ means the Supreme Court (General Civil Procedure) Rules 2005 made under the **Supreme Court Act 1986**;

‘The Notice’ means the Notice referred to in section 4 Part A which notifies a worker’s legal practitioner that the worker satisfies the requirements of section 134AB(38)(b)(i) but not the requirements of section 134AB(38)(b)(ii);

‘Time of Resolution’ means that point in time, at which the issue as to whether the injury suffered by the worker constitutes a ‘serious injury’ within the meaning of section 134AB(37) is certified by the Authority or self insurer or determined by the Court;

‘treater’s notes and records’ means any notes, records, correspondence and/or medical reports held by or of any medical practitioner, hospital, health service provider, or any other person concerning any medical treatment provided to the worker.

4. **Professional Costs and Disbursements**

Part A. Where a proceeding is instituted by a worker pursuant to section 134AB(16)(b) of the Act, and the professional costs of such proceedings are awarded to the worker, the worker’s legal practitioner shall be entitled to be paid professional costs by the Authority or self insurer for the proceeding, for whichever time of resolution category A,B,C or D applies, as follows:

1. For a proceeding issued pursuant to section 134AB(16)(b) following a section 134AB(4) application for both pain and suffering damages and pecuniary loss damages as follows:

Time of resolution*		Serious Injury granted by the Authority, self Insurer or determined by the Court pursuant to section 134AB(16)(b) or (17)		
		Pain and suffering and pecuniary loss	Pain and suffering only	Pain and suffering only, after the Notice [#]
A	Less than or equal to 120 days after notice of appearance is filed at court	\$8,400	\$3,886	\$2,496
B	Between 120 days after the notice of appearance is filed at court and 14 days prior to day 1 hearing	\$15,400	\$5,431	\$2,496
C	Greater than 120 days after the notice of appearance is filed at court and less than or equal to 14 days prior to day 1 hearing	\$19,900	\$7,606	\$2,496
D	Day 1 of hearing	\$22,900	\$9,106	\$2,496
E	Every subsequent day or part day after day 1 of hearing	Additional \$2,000	Additional \$300	Additional \$0

* If the time of resolution can be either A or D, then the time of resolution which produces the larger dollar amount is payable.

If the Authority or a self-insurer gives Notice (the Notice) in writing to the worker's legal practitioner that the Authority or the self-insurer is satisfied that a worker's injury satisfies requirements of section 134AB(38)(b)(i) but not the requirements of section 134AB(38)(b)(ii), then subject to the worker abandoning that part of the application seeking the leave of the Court to bring proceedings for pecuniary loss damages, the professional costs payable above is the sum payable at the time the Authority or the self-insurer gives the Notice in writing to the worker's legal practitioner.

2. For a proceeding issued pursuant to section 134AB(16)(b), following an application for pain and suffering damages only, as follows :

Time of resolution*		Serious Injury granted by the Authority, self Insurer or determined by the Court pursuant to section 134AB(16)(b)
A	Less than or equal to 120 days after notice of appearance is filed at court	\$6,366
B	Between 120 days after the notice of appearance is filed at court and 14 days prior to day 1 hearing	\$11,966
C	Greater than 120 days after the notice of appearance is filed at court and less than or equal to 14 days prior to day 1 hearing	\$15,566
D	Day 1 of hearing	\$17,966
E	Every subsequent day or part day after day 1 of hearing	Additional \$1,600

* If the time of resolution can be either A or D, then the time of resolution which produces the larger dollar amount is payable.

Notes: The notes below apply to Section 4 Parts A1 and A2.

Conference in relation to proceedings issued pursuant to section 134AB(16)(b)

In addition to the fees payable in Part A if a conference in relation to proceedings issued by a worker pursuant to section 134AB(16)(b) is held between the parties to that proceeding less than or equal to 120 days after the Appearance in respect of such a proceeding is filed, the professional costs of the worker's legal practitioner in respect of such a conference are fixed in the sum of \$1,000 (including Counsel's fees).

Adjournments

If a court orders the defendant/respondent to pay the plaintiffs/applicant's professional costs of an adjournment of the hearing of a proceeding in which the plaintiff/applicant seeks leave of the Court pursuant to section 134AB(16)(b), the professional costs are fixed in the sum of \$2,000 plus any sum for counsel fees calculated in accordance with item 31 in the Scale of Costs or any other sum which is agreed or ordered by the Court to be paid by the defendant/respondent.

Re-Hearings

Separate from the final professional costs orders made on the first hearing of a proceeding pursuant to section 134AB(16)(b) on a re-hearing ordered by the Court of Appeal of a proceeding pursuant to section 134AB(16)(b), where the worker obtains a professional costs order from a court in respect of such a re-hearing, then the worker's legal practitioner is entitled to be paid by the Authority or self-insurer the professional costs of the re-hearing of such proceeding at 50% of the day 1 of hearing costs referred to in Part A1 or A2 plus any additional sum payable under item E in Part A1 or A2 together with reasonable disbursements as described in Part B hereof, together with Counsel's fees as described in the notes applicable to Section 4 Part B hereof.

Interlocutory Proceedings

In addition to the fees payable under Part A1 or A2 a fee of \$400 is payable for professional costs for any contested objections hearing or \$650 for any other related practice court application plus any sum for counsel fees calculated in accordance with item 31 in the Scale of Costs or any other sum which is agreed or ordered by the Court to be paid by the defendant plus any disbursements as described under Part B.

Part B. In addition to the sums specified in Part A above, the worker's legal practitioner shall be entitled to be paid as a disbursement:

1. reasonable fees for relevant and necessary non medical expert reports;
2. reasonable interpreters' fees and travel allowances payable in accordance with the Scale of Costs contained in the County Court Rules; and
3. in respect to medical reports and treater's notes and records relied upon which were necessary or proper to be obtained on behalf of the worker, the reasonable cost of:
 - (a) obtaining a copy of all treater's notes and records (excluding medico-legal reports).
 - (b) the reasonable cost of medico-legal reports relevant to the claim. The Authority or Self-Insurer may allow the cost of more than one medico-legal report per specialty.
4. the cost of counsel's fees (including brief fee) incurred not more than 28 days prior to day 1 of the hearing. The counsel fees payable will be calculated in accordance with item 31 in the Scale of Costs or any other sum which is agreed or ordered by the Court.
5. the reasonable cost of any court fees and related services payable.

Part C. If a dispute arises in relation to the allowance of an item claimed or the reasonable cost of the item contained in Part B, the County Court Rules of Civil Procedure will apply to the dispute resolution process.

5. Indexation

The amounts in dollars specified in section 4, Part A of this Order will be varied in respect of the financial year beginning on 1 July 2011 and each subsequent financial year in accordance with the formula –

$$A \times \frac{B}{C}$$

where –

- A. the amount in dollars specified in section 4, Part A or, if that amount has been varied in accordance with this paragraph, that amount as last so varied.
- B. is the all groups consumer price index for Melbourne as at 15 June in the preceding financial year last published by the Australian Statistician in respect of the December quarter of that financial year.
- C. is the all groups consumer price index for Melbourne as at 15 June in the year preceding the preceding financial year published by the Australian Statistician in respect of the December quarter preceding that 15 June.

The amounts varied on 1 July 2011 in accordance with this clause will apply to proceedings issued pursuant to section 134AB(16)(b) on or after 1 July 2011 and before 1 July 2012.

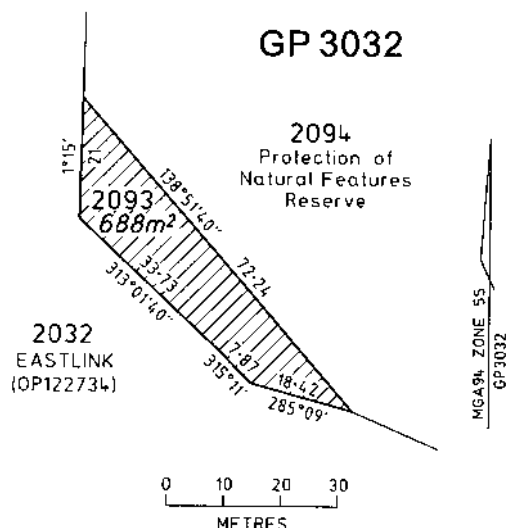
The amounts varied each subsequent financial year in accordance with this clause will apply to proceedings issued pursuant to section 134AB(16)(b) during that subsequent financial year.

Crown Land (Reserves) Act 1978**RESERVATION OF LAND – ADDITION TO
MULLUM MULLUM PARK****Order in Council**

The Governor in Council under section 4(1) of the **Crown Land (Reserves) Act 1978** temporarily reserves the following Crown lands which in his opinion are required for the purpose mentioned:

NUNAWADING, RINGWOOD and WARRANDYTE – Protection of Natural Features, being Crown Allotments 2065, 2066, and 2067, Parish of Nunawading; Crown Allotment 2063, Parish of Ringwood; and Crown Allotments 2071, 2074, 2075 2076 and 2078, Parish of Warrandyte as shown on Plan No. LEGL./09-227 lodged in the Central Plan Office of the Department of Sustainability and Environment.

NUNAWADING – Protection of Natural Features, area 688 square metres, being Crown Allotment 2093, Parish of Nunawading as indicated by hatching on plan GP3032 hereunder.
– (GP3032) – (2018205/1)



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

Dated 26 October 2010

Responsible Minister
GAVIN JENNINGS
Minister for Environment
and Climate Change

MATTHEW McBEATH
Clerk of the Executive Council

Control of Weapons Act 1990**REVOCATION OF AN EXEMPTION
UNDER SECTION 8B FOR COLLECTORS
TO POSSESS SWORDS****Order in Council**

The Governor in Council under section 8B(4)(b) of the **Control of Weapons Act 1990** revokes the exemption in respect of swords granted to members of the National Knife Collectors Association (also known as the Australasian Knife Collectors Club) by Order dated 16 June 2004 and published in the Government Gazette G25 on 17 June 2004.

This Order comes into effect from the date it is published in the Government Gazette.

Dated 26 October 2010

Responsible Minister
JAMES MERLINO
Minister for Police

MATTHEW McBEATH
Clerk of the Executive Council

Corrections Act 1986**DECLARATION OF AN INTERSTATE LAW****Order in Council**

The Governor in Council, pursuant to section 81 of the **Corrections Act 1986**, by Order declares the following laws to be interstate laws for the purposes of Part 8A of that Act –

- Western Australian **Prisons Act 1981**;
- South Australian **Correctional Services Act 1982**;
- Northern Territory **Prisons (Correctional Services) Act 1980**; and
- Australian Capital Territory **Corrections Management Act 2007**.

Dated 26 October 2010

Responsible Minister
JAMES MERLINO MP
Minister for Corrections

MATTHEW McBEATH
Clerk of the Executive Council

**Drugs, Poisons and Controlled Substances
Act 1981**

**AUTHORISATION OF SPECIFIED
ORGANISATIONS**

Order in Council

The Governor in Council, under section 80(5)(b) of the **Drugs, Poisons and Controlled Substances Act 1981**:

- Revokes the Order in Council made on 27 April 2010; and
- Authorises the organisations specified in the attached schedule to participate in the Victorian Needle and Syringe Program as managed by the Department of Health.

This Order comes into effect from the date it is published in the Government Gazette.

Dated 26 October 2010

Responsible Minister

LISA NEVILLE

Minister for Mental Health

MATTHEW McBEATH
Clerk of the Executive Council

**Drugs, Poisons and Controlled Substances
Act 1981**

SCHEDULE 1

List of Specified Organisations authorised to participate in the Victorian Needle and Syringe Program

The following specified organisations are authorised to administer an approved needle and syringe program as directed by the Department of Health:

Aireys Inlet Medical Centre
Alexandra District Hospital
Alfred Hospital
Anglicare Victoria
Bairnsdale Regional Health Service
Ballarat and District Aboriginal Co-Operative
Ballarat Community Health
Banyule Community Health Service
Barwon Health
Bass Coast Community Health Service
Bass Coast Regional Health
Bellarine Community Health Inc
Benalla and District Memorial Hospital
Bendigo Community Health Service
Bentleigh Bayside Community Health Service

Brophy Family and Youth Services Inc
Buoyancy Foundation
Burnet Institute Medical Research
Cann Valley Bush Nursing Centre
Cardinia – Casey Community Health Service
Castlemaine District Community Health Centre
Caulfield Community Health Service
Central Bayside Community Health Service
Central Gippsland Health Service
City of Greater Bendigo
City of Hobsons Bay
Cobaw Community Health Service
Cobram District Hospital
Cohuna District Hospital
Colac Area Health
Darebin Community Health
Delatite Community Health Service
Dianella Community Health Inc.
Djerriwarrh Health Services
Doutta Galla Community Health Service
Down to Earth Co-operative Society
Dunmunkle Health Service
East Wimmera Health Service
Eastern Access Community Health
Eastern Health
Echuca Regional Health
Frankston City Council
Frankston Youth Resource Centre
Gateway Community Health
Gippsland Lakes Community Health Centre
Gippsland Southern Health Service
Goolum Goolum Aboriginal Co-operative
Goulburn Valley Community Health Service
Grampians Community Health
Gunditjmara Aboriginal Co-operative
Hanover Welfare Services
Harm Reduction Victoria Inc
Hazelwood Health Centre
Heathcote Health
Hepburn Health Service
Inglewood and District Health Service
Inner East Community Health Service
Inner South Community Health Service
ISIS Primary Care
Kerang and District Hospital
Kirrae Health Service
Kyabram and District Health Service
Kyneton District Health Services
Latrobe Community Health Service
Latrobe Regional Hospital
Latrobe University Student Health Services
Loch Sport Community Health Service
Lorne Community Hospital

Macedon Ranges Health Service	Swan Hill and District Aboriginal Co-operative Ltd
Mallacoota District Health and Support Service	Swan Hill District Hospital
Mansfield District Hospital	Swinburne University of Technology
Maryborough Community Health Service	Tallangatta Health Service
Maryborough Hospital	Taskforce Community Agency Inc.
Melbourne Sexual Health Centre	Terang and Mortlake Health Service
Melbourne University Health Service	Terang Community Health Centre
Mercy Hospital for Women	Terang Resources Inc.
Merri Community Health Service	The Carlton Clinic
Mildura Aboriginal Health Service	The Pharmacy Guild of Australia (Vic. Branch)
Mirboo North Community Health Centre	The YAB Youth Resource Centre
Mitchell Community Health Service	Timboon and District Healthcare Service
Monash University Community Services	Turning Point Drug and Alcohol Centre
Monashlink Community Health Service	UnitingCare Moreland Hall
Mornington Community Information and Support Centre	University of Ballarat
Moyne Health Services	Upper Murray Community Health Service
Mt Alexander Hospital	Victorian AIDS Council
Murrindindi Community Health Service	Victorian Department of Health
Ngwala Willumbong Co-operative Ltd	Violet Town Bush Nursing Centre
Nillumbik Community Health Service	Warburton Hospital
Nillumbik Shire	Wathaurong Aboriginal Cooperative
Njernda Aboriginal Corporation	Werribee Mercy Hospital
North East Health Wangaratta	Wesley Homeless and Support Service
North Richmond Community Health Centre	West Gippsland Health Care Group
North Yarra Community Health Service	West Goulburn Community Health Service
Nowa Nowa Community Health Centre	Western District Health Service
Numurkah District Health Service	Western Health
Open Family (Australia) Inc.	Western Region Alcohol and Drug Centre
Orbost Regional Health	Western Region Health Centre
Otway Health and Community Services	Whitehorse Community Health Service
Ovens and King Community Health Service	Wimmera Health Care Group
Peninsula Health	Wingate Avenue Community Centre
Plenty Valley Community Health Service	Yarra Ranges Health Service
Portland District Health	Yarra Valley Community Health Service
Quantum Support Services Inc.	Yarram and District Health Service
Ranges Community Health Service	Yarrawonga District Health Service
RMIT University Health Service	Yea and District Memorial Hospital
Robinvale District Health Service	Youth Projects
Rochester and Elmore District Health Service	Youth Substance Abuse Service (YSAS)
Royal Children's Hospital	
Royal District Nursing Service	
Royal Melbourne Hospital	
Royal Women's Hospital	
Salvation Army	
Seymour District Memorial Hospital	
Seymour Human Resource Centre	
South West Healthcare	
Southern Health	
Southern Peninsula Community Support and Information Centre	
Sunbury Community Health Centre	
Sunraysia Community Health Service	

Education and Training Reform Act 2006**APPOINTMENT OF A CHAIRPERSON TO THE VICTORIAN SKILLS COMMISSION****Order in Council**

The Governor in Council, under sections 3.1.7(1)(a), 3.1.7(2) and clause 2(1) of Schedule 2 to the **Education and Training Reform Act 2006**, appoints Ms Yvonne von Hartel as Chairperson of the Victorian Skills Commission on the nomination of the Minister for Skills and Workforce Participation.

The terms and conditions of this appointment are set out in the attached Schedule.

Dated 26 October 2010

Responsible Minister

HON BRONWYN PIKE MP

Minister for Education

Minister for Skills and Workforce Participation

MATTHEW McBEATH
Clerk of the Executive Council

Education and Training Reform Act 2006**APPOINTMENT OF CHAIRPERSON TO THE VICTORIAN SKILLS COMMISSION****Schedule to the Order in Council****1. Appointment Arrangements**

This appointment is part time.

2. Period of Appointment

Ms Yvonne von Hartel's period of appointment is from the date of the Order to 31 August 2013 (inclusive).

3. Duties and Responsibilities of the position

The functions of the Commission are set out in section 3.1.2 of the **Education and Training Reform Act 2006** (the Act). The Commission advises the Minister and the Government on post compulsory education and training. It is the State Training Authority and executes responsibility for the Victorian 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) of Schedule 2 to 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

As Chairperson of the Commission, Ms von Hartel is eligible to receive \$42,011 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 entitled to reimbursement of reasonable traveling and personal expenses.

8. Leave Arrangements

There are no leave provisions for this part time statutory position.

9. Prior Service

Not applicable.

Electricity Industry Act 2000**ORDER UNDER SECTION 17****Order in Council**

The Governor in Council acting under section 17 of the **Electricity Industry Act 2000** ('the Act') amends the Order in Council made under section 17 of the Act on 30 April 2002 and published in the Victorian Government Gazette (S73) on 1 May 2002, as amended by the Order in Council made under section 17 of the Act on 25 November 2008 and published in the Victorian Government Gazette (S315) on that day, in the following manner:

1. PART A – GENERIC SITUATIONS

After item 5 of Part A of the Schedule, insert the following:

**'6. SALE OF ELECTRICITY TO CUSTOMERS CONNECTED TO THE COUNTRY
ENERGY DISTRIBUTION NETWORK**

Exempt Persons

Any person

Exemption

The sale of electricity in the areas of Bonang, Tebbutt, Dedick, Goongerah, Delegate River, Bendoc, Lower Bendoc, Jingellic, Bongilla Island and Tocumwal.

Conditions

This exemption is subject to the conditions that the exempt person:

- (a) must hold a licence under the **Electricity Supply Act 1995** (NSW) for the retail supply of electricity;
- (b) must comply with the **Electricity Supply Act 1995** (NSW) as if a customer in these areas was a customer under that Act;
- (c) agrees that the Energy and Water Ombudsman of New South Wales has jurisdiction to hear and determine disputes in accordance with its functions;
- (d) must not take any action that would affect the ability of a customer to purchase electricity from an electricity retailer licensed in New South Wales or Victoria to sell electricity to a customer in these areas; and
- (e) must not take any action that would affect the ability of an electricity retailer licensed in New South Wales or Victoria to sell electricity to a customer in these areas.'

2. PART B – SPECIFIC SITUATIONS

Item 1 of Part B of the Schedule is deleted and replaced by the following:

‘1. Country Energy

The distribution and supply of electricity in the areas of, Bonang, Tebbutt, Dedick, Goongerah, Delegate River, Bendoc, Lower Bendoc, Jingellic, Bongilla Island and Tocumwal.

Conditions

This exemption is subject to the conditions that Country Energy:

- (a) must distribute and supply electricity to persons in these areas on the same terms and conditions of any licence it holds that enables it to distribute electricity to customers in New South Wales;
- (b) agrees that the Energy and Water Ombudsman of New South Wales has jurisdiction to hear and determine disputes in accordance with its functions;
- (c) must not take any action that would affect the ability of a customer to purchase electricity from an electricity retailer licensed in New South Wales or Victoria to sell electricity to a customer in these areas; and
- (d) must not take any action that would affect the ability of an electricity retailer licensed in New South Wales or Victoria to sell electricity to a customer in these areas.’

3. Date of Effect

These amendments come into effect on the day after the day on which this Order is published in the Government Gazette.

Dated 26 October 2010

Responsible Minister
PETER BATCHELOR MP
Minister for Energy and Resources

MATTHEW McBEATH
Clerk of the Executive Council

Environment Protection Act 1970

**DECLARATION OF THE WASTE MANAGEMENT POLICY
(USED PACKAGING MATERIALS)**

Order in Council

The Governor in Council under section 16A(1) and in accordance with section 17A of the **Environment Protection Act 1970**, and on the recommendation of the Environment Protection Authority, declares the Waste Management Policy (Used Packaging Materials).

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

Dated 26 October 2010

Responsible Minister

GAVIN JENNINGS

Minister for Environment and Climate Change

MATTHEW McBEATH

Clerk of the Executive Council

Environment Protection Act 1970

Act No. 8056/1970

**WASTE MANAGEMENT POLICY
(USED PACKAGING MATERIALS)**

SCHEDULE TO THE ORDER IN COUNCIL

PART 1 – PRELIMINARY

1. Title
2. Commencement
3. Revocation of Waste management policy (Used Packaging Materials)
4. Application of the Policy
5. Definitions

PART 2 – POLICY OBJECTIVE

6. Background
7. Goals
8. Scope
9. Principles

PART 3 – ATTAINMENT PROGRAM

10. Statutory Obligations and Rights
11. Enforcement of Policy Obligations
12. Exemptions/Deemed Compliance
13. Application Thresholds
14. Dependence on Australian Packaging Covenant
15. Methods of Collecting Information and Reporting
16. Recovery Data
17. Collection and Participation Data
18. Supporting Data
19. Commencement of Reporting
20. Information Supplied to Council

PART 1 – PRELIMINARY

1. **Title**
This order may be cited as the Waste Management Policy (Used Packaging Materials) and is referred to below as the 'Policy'.
2. **Commencement**
This Policy will come into operation upon publication in the Government Gazette.
3. **Revocation of Waste management policy (Used Packaging Materials)**
The Waste management policy (Used Packaging Materials), as published in the Government Gazette dated 28 March 2006, is revoked.
4. **Application of the Policy**
This Policy applies throughout the State of Victoria.
5. **Definitions**
In this Policy, unless the contrary intention appears:
Australian Packaging Covenant means the agreement by that name (including all schedules and annexes to that agreement) between industry organisations and governments;

Authority means the Environment Protection Authority established under the **Environment Protection Act 1970**;

brand owner means:

- (a) a person who is the owner or licensee in Australia of a trade mark under which a product is sold or otherwise distributed in Australia, whether the trade mark is registered or not; or
- (b) a person who is the franchisee in Australia of a business arrangement which allows an individual, partnership or company to operate under the name of an already established business; or
- (c) in the case of a product which has been imported, the first person to sell that product in Australia; or
- (d) in respect of in-store packaging, the supplier of the packaging to the retailer; or
- (e) in respect of plastic bags, the importer or manufacturer of the plastic bags or the retailer who provides the plastic bag to the consumer for the transportation of products purchased by the consumer at the point of sale;

consumer packaging means all packaging products made of any material, or combination of materials, for the containment, protection, marketing and handling of retail consumer products. This also includes distribution packaging that contains multiples of products intended for direct consumer purchase;

Council means the National Environment Protection Council established by section 8 of the **National Environment Protection Council Act (Victoria) 1995** and the equivalent provisions of the corresponding Acts of the Commonwealth and participating States or Territories;

Covenant means the Australian Packaging Covenant;

Covenant Council means the body established under the Australian Packaging Covenant for the purpose of administering the Covenant, including registration of signatories and action plans, monitoring, discipline and dispute resolution where required;

distribution packaging means all packaging that contains multiples of products (the same or mixed) intended for direct consumer purchase, including:

- (a) secondary packaging used to secure or unitise multiples of consumer products such as cardboard boxes, shipper, shrink film overwrap;
- (b) tertiary packaging used to secure or unitise multiples of secondary packaging such as pallet wrapping stretch film, shrink film, strapping;

free rider means a brand owner or organisation that is a participant in the packaging chain and is not a signatory to the Covenant, and is not producing equivalent outcomes to those achieved through the Covenant;

industry means any manufacturing, industrial, commercial, wholesale, or retail activity or process that can result in the generation, recycling, treatment, transport, storage, or disposal of consumer packaging waste;

kerbside recycling collection means roadside collection of domestic solid waste separated for the purpose of recycling;

landfill means waste disposal sites used for the authorised deposit of solid waste onto or into land;

lifecycle management means management of the potential environmental impacts of a product in all stages of production, distribution, use, collection, re-use, recycling, reprocessing and disposal of that product;

materials recovery system means any system to collect, sort and pre-process materials recovered from the waste stream, including but not limited to domestic kerbside recycling collections, drop-off collection systems, public place collection and industrial and commercial recycling collection systems;

Measure means the National Environment Protection (Used Packaging Materials) Measure made under section 14(1) of the **National Environment Protection Council Act (Victoria) 1995** and equivalent provisions of the corresponding Acts of the Commonwealth and participating States and Territories;

municipal district means the area in which a local government has authority;

packaging chain means the linkages among materials suppliers, packaging manufacturers, packaging fillers, wholesalers, retailers and consumers of packaged products;

participation rate, for a recycling collection service, means the number of households or other premises participating in the service, expressed as a proportion of the number of households or premises to whom the service is available;

plastic bags includes single use lightweight plastic carry bags containing virgin or recycled plastic;

product stewardship means the ethic of shared responsibility through the lifecycle of products including the environmental impact of the product through to, and including, its ultimate disposal;

recovery rate has the meaning set out in sub-clause 16(2);

recyclable, packaging for a product, means reasonably able to be recovered in Australia through an approved or accredited collection or drop-off system, and able to be reprocessed and used as a raw material for the manufacture of a new product;

recycle, for a product, means recover the product and use it as a raw material to produce another product;

re-use, for a product, means use a product for the same or similar purpose as the original purpose without subjecting the product to a manufacturing process which would change its physical appearance;

signatory means a signatory to the Australian Packaging Covenant, and includes an organisation that accedes to the Covenant after it is made, whether before or after the commencement of this Policy;

Sustainable Packaging Guidelines means the guidelines by that name, which form Schedule 2 to the Covenant.

PART 2 – POLICY OBJECTIVE

6. Background

- (1) The Covenant is an agreement entered into by governments and industry participants in the packaging chain based on the principles of product stewardship and shared responsibility. Product stewardship imposes an obligation on all those who benefit from production to assume a share of responsibility for a product over its lifecycle. The Covenant covers consumer packaging.
- (2) All signatories to the Covenant have made commitments to:
 - (a) work together to achieve the overarching targets established under the Covenant;
 - (b) produce and report on public action plans with measurable actions that will deliver improved environmental outcomes appropriate to their production, usage, sale, recovery and/or reprocessing of consumer packaging;
 - (c) work co-operatively to develop good practice collection systems and markets, and education and promotion programs; and
 - (d) provide data to assess the performance of the Covenant and progress towards the goals in the Measure.

- (3) Packaging chain signatories to the Covenant have made commitments to practice product stewardship throughout the lifecycle of consumer packaging, including:
 - (a) packaging design to minimise use of materials and elimination of excessive packaging;
 - (b) adopting and implementing the Sustainable Packaging Guidelines;
 - (c) support for materials recovery systems and infrastructure for reprocessing used packaging materials in collaboration with state and local governments; and
 - (d) reporting and demonstrated continuous improvement against the key performance indicators and targets specified in the Covenant.
- (4) Local Government signatories to the Covenant have made commitments in relation to good practice in the delivery of kerbside recycling collection systems.
- (5) The Commonwealth, State and Territory governments have made commitments in relation to:
 - (a) facilitating product stewardship through their legislation by developing the Measure;
 - (b) facilitating market development initiatives;
 - (c) applying product stewardship to their own operations; and
 - (d) supporting kerbside and other recycling collection services.
- (6) As the Covenant includes a voluntary system of industry self regulation, the intent of Council is to ensure that industry signatories do not suffer any competitive disadvantage as a result of fulfilling their commitments under the Covenant.

7. Goals

The goals of this Policy are to implement the Measure within the State of Victoria and to:

- (1) reduce environmental degradation arising from the disposal of used packaging; and
- (2) conserve virgin materials through encouraging waste avoidance and the re-use and recycling of used packaging materials,

by supporting and complementing the voluntary strategies in the Covenant and by assisting the assessment of the performance of the Covenant.

8. Scope

The scope of this Policy is limited to the recovery, re-use and recycling of used consumer packaging materials and will focus on:

- (1) materials used for packaging retail products consumed in industrial, commercial and domestic premises and public places;
- (2) materials used for packaging food and beverages intended for consumption in public places or in commercial provision of food services to individuals in hotels and restaurants; and
- (3) distribution packaging that contains multiples of products intended for consumer use.

9. Principles

The Policy is guided by the following principles of environment protection.

- (1) *Integration of Economic, Social and Environmental Considerations*
 - (a) Sound environmental practices and procedures should be adopted as a basis for ecologically sustainable development for the benefit of all human beings and the environment.
 - (b) This requires the effective integration of economic, social and environmental considerations in decision making processes with the need to improve community wellbeing and the benefit of future generations.

- (c) The measures adopted should be cost-effective and in proportion to the significance of the environmental problems being addressed.
- (2) *Precautionary Principle*
 - (a) If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
 - (b) Decision making should be guided by:
 - (i) a careful evaluation to avoid serious or irreversible damage to the environment wherever practicable; and
 - (ii) an assessment of the risk-weighted consequences of various options.
- (3) *Intergenerational Equity*

The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
- (4) *Conservation of Biological Diversity and Ecological Integrity*

The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision making.
- (5) *Improved Valuation, Pricing and Incentive Mechanisms*
 - (a) Environmental factors should be included in the valuation of assets and services.
 - (b) Persons who generate pollution and waste should bear the cost of containment, avoidance or abatement.
 - (c) Users of goods and services should pay prices based on the full life cycle costs of providing the goods and services, including costs relating to the use of natural resources and the ultimate disposal of wastes.
 - (d) Established environmental goals should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms, which enable persons best placed to maximise benefits or minimise costs to develop solutions and responses to environmental problems.
- (6) *Shared Responsibility*
 - (a) Protection of the environment is a responsibility shared by all levels of Government and industry, business, communities and the people of Victoria.
 - (b) Producers of goods and services should produce competitively priced goods and services that satisfy human needs and improve quality of life, while progressively reducing ecological degradation and resource intensity throughout the full life cycle of the goods and services to a level consistent with the sustainability of biodiversity and ecological systems.
- (7) *Product Stewardship*

Producers and users of goods and services have a shared responsibility with Government to manage the environmental impacts throughout the life cycle of the goods and services, including the ultimate disposal of any wastes.
- (8) *Wastes Hierarchy*

Wastes should be managed in accordance with the following order of preference:

 - (a) avoidance;
 - (b) re-use;
 - (c) re-cycling;
 - (d) recovery of energy;

- (e) treatment;
 - (f) containment;
 - (g) disposal.
- (9) *Integrated Environmental Management*
- If approaches to managing impacts on one segment of the environment have potential impacts on another segment, the best practicable environmental outcome should be sought.
- (10) *Enforcement*
- Enforcement of environmental requirements should be undertaken for the purpose of:
- (a) better protecting the environment and its economic and social uses;
 - (b) ensuring that no commercial advantage is obtained by any person who fails to comply with environmental requirements; and
 - (c) influencing the attitude and behaviour of persons whose actions may have adverse environmental impacts or who develop, invest in, purchase or use goods and services which may have adverse environmental impacts.
- (11) *Accountability*
- (a) The aspirations of the people of Victoria for environmental quality should drive environmental improvement.
 - (b) Members of the public should therefore be given:
 - (i) access to reliable and relevant information in appropriate forms to facilitate a good understanding of environmental issues; and
 - (ii) opportunities to participate in policy and program development.

PART 3 – ATTAINMENT PROGRAM

10. Statutory Obligations and Rights

- (1) This Policy establishes a statutory basis for ensuring that signatories to the Covenant are not competitively disadvantaged in the market place by fulfilling their commitments under the Covenant.
- (2) A brand owner must:
 - (a) undertake or assure the systematic recovery of consumer packaging in which the brand owner's products are sold; and
 - (b) undertake or assure the re-use, recycling or energy recovery of consumer packaging in which the brand owner's products are sold; and
 - (c) demonstrate that all materials that have been recovered by them or on their behalf have been utilised through (in order of preference):
 - (i) re-use in the packaging of the brand owner's own products (if applicable); or
 - (ii) use within Australia as a secondary resource; or
 - (iii) export as a secondary resource; and
 - (d) demonstrate that reasonable steps have been taken to ensure that consumers are adequately advised as to how the packaging is to be recovered.
- (3) A brand owner can discharge his/her obligations under sub-clauses 2(a), 2(b) and 2(c) above if the brand owner undertakes or assures the recovery and utilisation of used packaging materials which are of a size and type substantially the same as the packaging in which the brand owner's products are sold.

- (4) To determine the materials in respect of which the obligations will be imposed, the Authority must have regard to:
 - (a) the practices of Covenant signatories;
 - (b) those materials collected for re-use, recycling or energy recovery whether in a kerbside recycling collection system or other materials recovery system;
 - (c) the state of technologies available for re-use, recycling or energy recovery; and
 - (d) any competition issues which may arise from including or excluding particular materials.
- (5) For sub-clause (2), the proportion of material required to be recovered and subsequently re-used, recycled or processed for energy recovery should not be arbitrary but should be established by reference to current national performance and targets specified in the Covenant.

11. Enforcement of Policy Obligations

- (1) Brand owners will not be penalised for failure to discharge their obligations under clause 10 unless brand owners have first been notified of the need to comply with these obligations and the options for exemption from those obligations, and they have failed to comply with that notice.

12. Exemptions/Deemed Compliance

The following persons and bodies will be exempted from, or deemed to comply with, the obligations imposed according to clause 10:

- (1) Covenant signatories who are fulfilling their obligations under the Covenant; and
- (2) other industries or industry sectors for which the Authority is satisfied that arrangements exist for the industry or industry sector that produce equivalent outcomes to those achieved through the Covenant.

Note: The Covenant establishes monitoring, disciplinary and dispute resolution procedures to identify non-complying signatories. These and the process for referring non-complying signatories to jurisdictions are contained in Schedule 3 of the Covenant.

13. Application Thresholds

It is not envisaged that enforceable obligations will be placed on brand owners that do not significantly contribute to the waste stream.

The Authority will apply application thresholds approved by the Council and published by the Authority.

14. Dependence on Australian Packaging Covenant

This Policy will have no effect if the Covenant ceases to be in force.

15. Methods of Collecting Information and Reporting

To enable annual reporting to the Council on whether the Goals in clause 7 are being met, the Authority will collect the information set out in clauses 16 to 18 from brand owners and local governments.

16. Recovery Data

- (1) A brand owner must record the following information for each packaging material used during a financial year:
 - (a) total weight of material used by material type;
 - (b) number of units of packaging by unit and material type;
 - (c) total weight of material recovered by material type;
 - (d) total weight of recovered material re-used and recycled in Australia by material type;

- (e) total weight of recovered material re-used and recycled by material type through export;
 - (f) total kilojoules of embedded energy recovered;
 - (g) total weight of recovered material disposed of to landfill; and
 - (h) how consumers have been advised as to how packaging is to be recovered.
- (2) The above information must be used to calculate and record a recovery rate for the brand owner's used packaging materials in accordance with the following formula:

$$\text{Recovery rate} = \frac{\text{weight of material recovered from the post-consumer waste stream}}{\text{weight of material sold as packaging within Australia}} \times 100$$

- (3) A brand owner must:
- (a) keep records of the information in sub-clauses (1) and (2) for five years; and
 - (b) make records available for inspection by the Authority.
- (4) The Authority will make arrangements to audit the records kept by brand owners under this clause.
- (5) The requirements of this clause shall be imposed, to the extent possible, on brand owners with a registered office in Victoria.
- (6) The Authority will maintain the confidentiality of commercially sensitive information given to it by a brand owner and shall not publicly release any information unless:
- (a) the brand owner consents to the release of the information; or
 - (b) the Authority is legally compelled to release it; or
 - (c) the information is aggregated with other information so as to conceal its source; or
 - (d) it is in the public interest to release it.

For the purpose of this clause, 'material' means the principal component or components of the container and does not include incidental components such as labels and closures.

17. Collection and Participation Data

- (1) The Authority will require each local government of a municipal district (or each grouping of local governments of municipal districts where waste management groups exist) in which a kerbside recycling collection service or other municipal materials recovery system is provided, to provide the following information in relation to the municipal district or group of municipal districts, for a financial year:
- (a) what percentage of households is covered by any such service;
 - (b) participation rate in any such service;
 - (c) number of tenements covered by the service and whether the tenements are residential tenements or other kinds of tenement;
 - (d) per tenement fee charged for recycling collection services;
 - (e) total weight of recyclable material collected at kerbside or by other municipal materials recovery systems by material type;
 - (f) if the material collected is sorted:
 - (i) the total weight of each material type sold and/or sent for secondary use, including energy recovery;
 - (ii) the total weight of the residual fraction disposed of to landfill by material type if practicable.

- (2) Each local government or grouping of local governments must ensure that any new or novated contract with a recycling collection service requires such contractors to provide any information to the local government that the local government needs to supply the information mentioned in sub-clause (1).
- (3) Where a local government is subject to current contract conditions which prevent it complying with sub-clause (1) above, the Authority will take any steps that are necessary to ensure that kerbside recycling collection services supply the information mentioned in that sub-clause to the Authority.
- (4) The Authority will maintain the confidentiality of any commercially sensitive information provided under this clause unless:
 - (a) the parties identified in 17(1) and 17(3) consent to the release of the information; or
 - (b) the Authority is legally compelled to release it; or
 - (c) the information is aggregated with other information so as to conceal its source; or
 - (d) it is in the public interest to release it.
- (5) Each local government, or grouping of local governments, must report the information mentioned in sub-clause (1) for a financial year to the Authority within three months after the end of the financial year to which the information relates.
- (6) The Authority will report on participation in complementary collection systems for recyclables.

18. Supporting Data

At least once every year, the Authority will ensure that surveys of packaged products sold by retailers and/or surveys of brand owners represented in materials recovery systems are conducted to ascertain the effectiveness of the Policy in preventing free riding.

19. Commencement of Reporting

- (1) An audit shall not be carried out under 16(4) unless an audit methodology:
 - (a) has been agreed between jurisdictions participating in the Council; and
 - (b) has been published by the Commonwealth or jurisdictions participating in the Council.
- (2) The Authority will not require a local government or grouping of local governments to give any information otherwise required under clause 17 unless a national reporting form:
 - (a) has been agreed between jurisdictions participating in the Council in consultation with the relevant State/Territory Local Government Associations; and
 - (b) has been published by the Commonwealth or jurisdictions participating in the Council.
- (3) The Authority will not require a local government or grouping of local governments to give any information otherwise required under sub-clause 17(1)(b) unless a national standard participation rate survey methodology:
 - (a) has been agreed between jurisdictions participating in the Council in consultation with the relevant State/Territory Local Government Associations; and
 - (b) has been published by the Commonwealth or jurisdictions participating in the Council.
- (4) The Authority will not require a local government or grouping of local governments to provide information collected under clause 17 to any other jurisdiction participating in the Council unless a standard reporting format has been agreed between jurisdictions in consultation with the relevant State/Territory Local Government Associations.

- (5) The Authority will not require surveys to be conducted under clause 18 unless a standard survey methodology has been agreed between jurisdictions participating in the Council.

20. Information Supplied to Council

- (1) For Council to be able to publish a statement of overall national performance, on or before 31 December each year, the Authority will provide to Council the following information in a standard reporting format:
- (a) information gathered from brand owners whose records under clause 16 have been audited;
 - (b) aggregated information received from local governments under clause 17;
 - (c) information gathered through the conduct of surveys under clause 18;
 - (d) information relating to complaints received, investigations undertaken and prosecutions mounted pursuant to this Policy; and
 - (e) a statement of interpretation of the information.

EXPLANATORY NOTES

Waste management policies (WMPs) are declared by the Governor in Council under section 16A(1) of the **Environment Protection Act 1970**. WMPs specify requirements to be observed in the management of waste. The WMP (Used Packaging Materials) (the 'Policy') is a policy which reflects the National Environment Protection (Used Packaging Materials) Measure within Victoria.

Background to the Policy

This waste management policy implements the National Environment Protection (Used Packaging Materials) Measure and establishes a statutory basis for the continuation of an effective co-regulatory arrangement alongside the Australian Packaging Covenant (the 'Covenant').

The Covenant is a voluntary agreement entered into by governments and industry participants in the packaging chain based on the principles of product stewardship and shared responsibility. This Policy will ensure that signatories to the Covenant are not competitively disadvantaged in the market place by fulfilling their commitments under the Covenant's voluntary system of self-regulation.

Waste Management Policy (Used Packaging Materials) in Detail

PART 1 – PRELIMINARY

Title

Clause 1 states that the Policy title is Waste Management Policy (Used Packaging Materials).

Commencement

Clause 2 states when the Policy comes into effect.

Revocation of Waste management policy (Used Packaging Materials)

Clause 3 revokes the Waste management policy (Used Packaging Materials) published in the Government Gazette dated 28 March 2006.

Application of the Policy

Clause 4 states that the Policy applies throughout the State of Victoria.

Definitions

Clause 5 provides specific definitions of various words and terms used throughout the Policy.

PART 2 – POLICY OBJECTIVE

Background

Clause 6 sets out the background to the Policy by describing the Covenant.

Sub-clause 6(1) outlines the purpose of the Covenant, and sub-clauses 6(2) to 6(5) describe the commitments made under the Covenant by signatories, local governments and Commonwealth, State and Territory governments.

Sub-clause 6(6) states that it is intended that the signatories to the Covenant will not be competitively disadvantaged by fulfilling their commitments under the Covenant.

Goals

Clause 7 sets out the goals of the Policy.

Scope

Clause 8 states that the policy applies only to the recovery, re-use and recycling of used consumer packaging materials, and will focus on the materials described in this clause.

Principles

Clause 9 sets out the principles of environment protection that guide the Policy.

PART 3 – ATTAINMENT PROGRAM

Statutory Obligations and Rights

Clause 10 sets out obligations for brand owners to undertake or assure the systematic recovery of consumer packaging in which the brand owner's products are sold or of other packaging which is substantially the same.

Sub-clause 10(1) states that the Policy establishes a statutory basis for ensuring that signatories to the Australian Packaging Covenant are not competitively disadvantaged by fulfilling their commitments under the Covenant.

Sub-clause 10(2) outlines the obligations placed on brand owners, and sub-clause 10(3) states how these obligations can be discharged.

Sub-clause 10(4) outlines the factors that the Authority must have regard to when determining the materials in respect of which the obligations will be imposed.

Sub-clause 10(5) states that the obligations under sub-clause 10(2) should be imposed by reference to the performance targets specified in the Covenant.

Enforcement of Policy Obligations

Clause 11 states that brand owners will not be penalised for failure to discharge their obligations under clause 10 if they have not been notified of the need to comply and of the options for exemption.

Exemptions/Deemed Compliance

Clause 12 states that Covenant signatories, as well as other industries or industry sectors which satisfy the Authority that they have systems in place to produce equivalent outcomes to those achieved through the Covenant, are exempted, or deemed to comply with, the obligations imposed under clause 10.

Application Thresholds

Clause 13 states that enforceable obligations should not be placed on brand owners that do not significantly contribute to the waste stream.

Dependence on Australian Packaging Covenant

Clause 14 states that if the Covenant ceases to be in force, this Policy will have no effect.

Methods of Collecting Information and Reporting

Clause 15 places an obligation upon the Authority to collect the information set out in this part from brand owners and local governments. This is not required where a signatory to the Covenant has provided information to the Council.

Recovery Data

Clause 16 places obligations on brand owners to record and calculate certain information to enable the Authority to make arrangements to collect and audit this information.

Sub-clause 16(1) specifies the information that must be recorded by brand owners during a financial year, and sub-clause 16(2) states that this information must be used to calculate and record a recovery rate in accordance with the specific formula.

Sub-clause 16(3) states that brand owners must keep records of the information mentioned in sub-clauses 16(1) and 16(2) for five years and must make the records available for inspection by the Authority.

Sub-clause 16(4) places an obligation on the Authority to make arrangements to audit the records kept by the brand owners.

Sub-clause 16(5) states that, to the extent possible, the requirements of clause 16 should be imposed on brand owners with a registered office in Victoria.

Sub-clause 16(6) places an obligation on the Authority to maintain the confidentiality of commercially sensitive information given by the brand owners, except in the circumstances specified.

Collection and Participation Data

Clause 17 places an obligation on the Authority to require each local government, or grouping of local governments, in which a municipal materials recovery system is provided, to provide the information specified in sub-clause 17(1).

Sub-clause 17(2) places an obligation on local governments to ensure that any new or novated contracts require contractors to provide the information specified in sub-clause 17(1).

Sub-clause 17(3) places an obligation on the Authority to take any steps necessary to ensure that, if a local government is subject to contract conditions that prevent it from supplying the information mentioned in sub-clause 17(1), the information is supplied by kerbside recycling collection services.

Sub-clause 17(4) requires the Authority to maintain the confidentiality of any commercially sensitive information provided under clause 17, except in the circumstances specified.

Sub-clause 17(5) specifies the timeframe in which local governments must report the information mentioned in sub-clause 17(1) to the Authority.

Sub-clause 17(6) places an obligation on the Authority to report on participation on complementary collection systems for recyclables.

Supporting Data

Clause 18 requires surveys to be conducted of packaging products sold by retailers and/or surveys of brand owners represented in materials recovery systems.

Commencement of Reporting

Clause 19 establishes the circumstances under which reporting and auditing of information may not be required under clauses 16, 17 and 18.

Information Supplied to Council

Clause 20 places an obligation on the Authority to provide the specified information to Council in a standard reporting format.

Guardianship and Administration Act 1986**ORDER UNDER SECTION 63C DECLARING CORRESPONDING LAWS AND ORDERS**

Order in Council

The Governor in Council, on the recommendation of the Minister, under section 63C(1) and 63C(2) of the **Guardianship and Administration Act 1986** –

- (1) revokes the Order made by the Governor in Council under those provisions on 24 October 2006 and published in Government Gazette G 43 on 26 October 2006; and
- (2) declares that, for the purposes of Part 6A of the **Guardianship and Administration Act 1986** (the Victorian Act) –
 - (a) the **Adult Guardianship Act 1988** of the Northern Territory is a corresponding law and –
 - (i) an order appointing an adult guardian made under section 15 of that Act is substantially similar to a guardianship order made under the Victorian Act;
 - (ii) an order made under section 15 of that Act, to the extent that the order appoints the adult guardian to be the manager of the estate of the person who is the subject of the order, is substantially similar to an administration order made under the Victorian Act;
 - (b) the **Guardianship Act 1987** of New South Wales is a corresponding law and –
 - (i) a guardianship order made under that Act is substantially similar to a guardianship order made under the Victorian Act;
 - (ii) a financial management order made under section 25E of that Act is substantially similar to an administration order made under the Victorian Act;
 - (c) the **NSW Trustee and Guardian Act 2009** of New South Wales is a corresponding law and –
 - (i) a financial management order made under Chapter 4 of that Act (including for the management of an estate of a missing person) is substantially similar to an administration order made under the Victorian Act;
 - (d) the **Guardianship and Administration Act 2000** of Queensland is a corresponding law and –
 - (i) an order appointing a guardian made under section 12 of that Act is substantially similar to a guardianship order made under the Victorian Act;
 - (ii) an order appointing an administrator made under section 12 of that Act is substantially similar to an administration order made under the Victorian Act;
 - (e) the **Guardianship and Administration Act 1993** of South Australia is a corresponding law and –
 - (i) a guardianship order made under that Act is substantially similar to a guardianship order made under the Victorian Act;
 - (ii) an administration order made under that Act is substantially similar to an administration order made under the Victorian Act;
 - (f) the **Guardianship and Administration Act 1990** of Western Australia is a corresponding law and –
 - (i) a guardianship order made under that Act is substantially similar to a guardianship order made under the Victorian Act;
 - (ii) an administration order made under that Act is substantially similar to an administration order made under the Victorian Act;

- (g) the **Guardianship and Administration Act 1995** of Tasmania is a corresponding law and –
 - (i) a guardianship order made under that Act is substantially similar to a guardianship order made under the Victorian Act;
 - (ii) an administration order made under that Act is substantially similar to an administration order made under the Victorian Act;
- (h) the **Guardianship and Management of Property Act 1991** of the Australian Capital Territory is a corresponding law and –
 - (i) an order appointing a guardian made under section 7 of that Act is substantially similar to a guardianship order made under the Victorian Act;
 - (ii) an order appointing a manager made under section 8 of that Act is substantially similar to an administration order made under the Victorian Act;
 - (iii) an order appointing a manager of a missing person's property made under section 8AA of that Act is substantially similar to an administration order made under the Victorian Act.

Dated 26 October 2010

Responsible Minister
ROB HULLS MP
Attorney-General

MATTHEW McBEATH
Clerk of the Executive Council

Livestock Disease Control Act 1994
EXEMPTION ORDER UNDER SECTION 6(3A)

Order in Council

The Governor in Council makes the following Order:

- 1. Objective**
The objective of this Order is to exempt certain persons from certain provisions of the **Livestock Disease Control Act 1994**.
- 2. Authorising provision**
This Order is made under section 6(3A) of the **Livestock Disease Control Act 1994**.
- 3. Definitions**
In this Order –
Act means the **Livestock Disease Control Act 1994**;
ovine Johne's disease means the wasting disease caused by infection with one or more strains of the bacteria *Mycobacterium avium* subsp. *Paratuberculosis*.
- 4. Exemption**
A person to whom section 8, 10(1) or 12 of the Act would otherwise apply is hereby exempt from the requirements of those sections in relation to sheep infected or suspected to be infected with ovine Johne's disease.

Dated 26 October 2010

Responsible Minister
JOE HELPER MP
Minister for Agriculture

MATTHEW McBEATH
Clerk of the Executive Council

Livestock Disease Control Act 1994

ORDER REPEALING ORDER DECLARING A CONTROL AREA FOR OVINE JOHNE'S DISEASE AND DECLARING PROHIBITIONS ON ENTRY OF SHEEP INTO VICTORIA

The Governor in Council makes the following Order:

- 1. Objective**
The objectives of this Order are to repeal the Order declaring a Control Area for ovine Johne's disease and declaring prohibitions on entry of sheep into Victoria, which was made by the Governor in Council on 10 June 2009 and published in Government Gazette No. G24 on 11 June 2009.
- 2. Authorising Provision**
This Order is made under section 6 of the **Livestock Disease Control Act 1994** ('the Act').
- 3. Repeal**
The 'Order Declaring a Control Area for Ovine Johne's Disease and Declaring Prohibitions on Entry of Sheep into Victoria' which was made on 10 June 2009 and published in the Victoria Government Gazette No. G24 on 11 June 2009 is repealed.
- 4. Commencement**
This Order comes into operation on 1 January 2011.

Dated 26 October 2010

Responsible Minister
JOE HELPER MP
Minister for Agriculture

MATTHEW McBEATH
Clerk of the Executive Council

State Owned Enterprises Act 1992**AMENDMENT TO THE STATE OWNED ENTERPRISES (STATE BODY – VICTORIAN
COMPETITION AND EFFICIENCY COMMISSION) ORDER 2003****Order in Council**

The Governor in Council under section 16 of the **State Owned Enterprises Act 1992**, amends the Order in Council dated 29 June 2004, published in the Government Gazette on 1 July 2004 ('the Establishment Order') establishing the Victorian Competition and Efficiency Commission, as amended by the Amendment to the State Owned Enterprises (State Body – Victorian Competition and Efficiency Commission) Order 2003, published in the Government Gazette on 19 October 2006, as set out in the table below:

Establishment Order	Amendment
Clause 2	In clause 2: <ul style="list-style-type: none"> under the definition of 'regulatory impact statement' replace the words 'section 10' with the words 'sections 10 and 12H'; and the item 'measurements of administrative burden of regulation' should be amended to read 'measurements of regulatory burden of regulation' and in its definition the word 'administrative' should be replaced by the word 'regulatory'.
Clause 3(3)(a)	Amend clause 3(3)(a) to: <ul style="list-style-type: none"> replace the words 'section 10(2)' with the words 'sections 10(3) and 12H(3)'; and after the words 'proposed statutory rules' insert the words 'and legislative instruments'.
Clause 3(3)(ba)	Amend clause 3(3)(ba) to replace the word 'administrative' with the word 'regulatory'.
Clause 5A	Amend clause 5A to: <ul style="list-style-type: none"> replace the word 'administrative' with the word 'regulatory' in the title of the clause; and replace the word 'administrative' with the word 'regulatory' in the text of the clause.

This Order comes into effect on 1 January 2011.

Dated 26 October 2010

Responsible Minister:
JOHN LENDERS, MP
Treasurer

MATTHEW McBEATH
Clerk of the Executive Council

Land Act 1958**CONSENT TO SURRENDER OF LAND
VESTED IN AN AUTHORITY TO THE
CROWN****Order in Council**

The Governor in Council under section 22A(1)(a) of the **Land Act 1958** consents to the surrender to the Crown by Melbourne Health of the land at Parkville, Parish of Jika Jika, on the corner of Royal Parade and Grattan Street, Parkville, described in the Schedule below.

SCHEDULE

PARKVILLE – Crown Allotment 2004, and Crown Allotments 2005 and 2006 in stratum at Parkville, Parish of Jika Jika (area 6,681 square metres), being part of the land contained in freehold Certificate of Title Volume 11066 Folio 744 as shown on plan No. OP123006 lodged in the Central Plan Office in the Department of Sustainability and Environment.

Dated 26 October 2010

Responsible Minister
GAVIN JENNINGS
Minister for Environment
and Climate Change

MATTHEW McBEATH
Clerk of the Executive Council

Transport Integration Act 2010**DECLARATION OF TRANSPORT BODY****Order in Council**

The Governor in Council under section 4 of the **Transport Integration Act 2010** (the Act) declares the Regional Rail Link Authority to be a transport body for the purposes of the Act, in a general capacity.

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

Dated 26 October 2010

Responsible Ministers
HON MARTIN PAKULA MP
Minister for Public Transport
HON TIM PALLAS MP
Minister for Roads and Ports

MATTHEW McBEATH
Clerk of the Executive Council

Public Administration Act 2004**RE-EMPLOYMENT OF MARGARET LEWIS
IN THE TEACHING SERVICE****Order in Council**

The Governor in Council, under clause 3 of Schedule 1 of the **Public Administration Act 2004**, re-employs Ms Margaret Lewis in the teaching service as a Liaison Principal Level 1 Range 1, being the same classification as she had immediately before she resigned to contest the 2010 Commonwealth election.

This Order is effective upon publication in the Victoria Government Gazette.

Dated 26 October 2010

Responsible Minister:
HON JOHN BRUMBY MP
Premier of Victoria

MATTHEW McBEATH
Clerk of the Executive Council

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:

111. *Statutory Rule:* Electricity
Safety (Bushfire
Mitigation)
Amendment
Interim
Regulations 2010

Authorising Act: Electricity Safety
Act 1998

Date first obtainable: 28 October 2010

Code B

112. *Statutory Rule:* Subordinate
Legislation
(Dangerous
Goods (Storage
and Handling)
Regulations
2000 - Extension
of Operation)
Regulations 2010

Authorising Act: Subordinate
Legislation
Act 1994

Date first obtainable: 28 October 2010

Code A

113. *Statutory Rule:* Tobacco
Amendment
Regulations 2010

Authorising Act: Tobacco Act 1987

Date first obtainable: 28 October 2010

Code A

114. *Statutory Rule:* Rail Safety
Amendment
Regulations 2010

Authorising Act: Rail Safety
Act 2006

Date first obtainable: 28 October 2010

Code A

115. *Statutory Rule:* Port Management
(Port of
Melbourne Safety
and Property)
Regulations 2010

Authorising Act: Port Management
Act 1995

Date first obtainable: 28 October 2010

Code B

116. *Statutory Rule:* Road Safety
(Vehicles)
Amendment
(Club Permit)
Regulations 2010

Authorising Act: Road Safety
Act 1986

Date first obtainable: 28 October 2010

Code B

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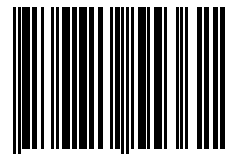
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