

Victoria Government Gazette

By Authority of Victorian Government Printer

No. G 32 Thursday 9 August 2012

www.gazette.vic.gov.au

GENERAL

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As from 9 August 2012

The last Special Gazette was No. 275 dated 8 August 2012.

The last Periodical Gazette was No. 1 dated 14 June 2012.

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)
-

VICTORIA GOVERNMENT GAZETTE

Subscribers and Advertisers

Our contact details are as follows:

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JENNY NOAKES
Government Gazette Officer

PRIVATE ADVERTISEMENTS



Connecting health to meet local needs

**Call for Nominations for the
Board of Directors**

**Challenging opportunity for passionate
community members to lead health service
integration and planning in southern
metropolitan Melbourne**

The Bayside Medicare Local is committed to:

- developing partnerships which support increased integration of primary care services;
- working with key stakeholders to co-ordinate health planning; and
- improving access to high quality primary care services for all members of our community.

The Bayside Medicare Local region covers the local government areas of Kingston, Bayside, Glen Eira, Stonnington and Port Phillip.

Members of the local community with a strong interest in all aspects of primary health care are encouraged to apply for positions as directors. Please note that all applicants must be nominated by a Bayside Medicare Local member organisation.

For an information pack, please contact Elizabeth Deveny via email ceo@bml.org.au or telephone 03 0912 5911.

Applications close 9 am Monday 20 August 2012.

DISSOLUTION OF PARTNERSHIP

Notice is hereby given that the partnership between Costa Bowling Pty Ltd (ACN 123 187 431) and Romavni Pty Ltd (ACN 121 519 104), operating under the registered business name Geelong Tenpin Bowl-A-Rama (ABN 15 200 520 425), conducting business in Geelong, Victoria 3220, was dissolved on 9 May 2012.

DISSOLUTION OF PARTNERSHIP

Notice is hereby given that the partnership between Costa Equine Training Pty Ltd (ACN 173 750 326) and Romavni Pty Ltd

(ACN 121 519 104), operating Lara Equine Training Lodge (ABN 69 987 263 716), conducting business in Geelong, Victoria 3220, was dissolved on 9 May 2012.

Re: MARGERY ROSE HEALD, late of 4 Alsace Street, Dandenong West, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 April 2012, are required by the trustees, Russell Heald and Christopher Heald, to send particulars to the trustees, care of the undermentioned solicitors, by a date not later than two months from the date of publication hereof, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they have notice.

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

**NOTICE OF CLAIMANTS UNDER
TRUSTEE ACT 1958
(SECTION 33 NOTICE)**

Notice to Claimants

KENNETH NEWTON LLOYD, late of 205 Warrandyte Road, Ringwood North, Victoria, consultant, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 January 2012, are required by ANZ Trustees Limited, of Level 42, 55 Collins Street, Melbourne, Victoria, the executor of the Will of the deceased, to send particulars of their claims to their solicitors noted below by 11 October 2012, after which date they will convey or distribute the assets, having regard only to the claims of which they then have notice.

ANZ TRUSTEES LEGAL SERVICES,
Level 42, 55 Collins Street, Melbourne 3000.

**NOTICE OF CLAIMANTS UNDER
TRUSTEE ACT 1958
(SECTION 33 NOTICE)**

Notice to Claimants

GWYNNETH McGEE, late of 11300 Warner Avenue, F305 Fountain Valley, California, United States of America, retired bookkeeper, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 14 January 2012, are required by ANZ Trustees Limited, of Level 42, 55 Collins Street, Melbourne, Victoria, the executor of the Will of the deceased, to send particulars of their claims to their solicitors noted below by 11 October 2012, after which date they will convey or distribute the assets, having regard only to the claims of which they then have notice.

ANZ TRUSTEES LEGAL SERVICES,
Level 42, 55 Collins Street, Melbourne 3000.

NOTICE OF CLAIMANTS UNDER
TRUSTEE ACT 1958

(SECTION 33 NOTICE)

Notice to Claimants

JEAN HUNTER OLIVER, late of 922 Toorak Road, Camberwell, Victoria, secretary, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 January 2012, are required by ANZ Trustees Limited, of Level 42, 55 Collins Street, Melbourne, Victoria, the executor of the Will of the deceased, to send particulars of their claims to their solicitors noted below by 11 October 2012, after which date they will convey or distribute the assets, having regard only to the claims of which they then have notice.

ANZ TRUSTEES LEGAL SERVICES,
Level 42, 55 Collins Street, Melbourne 3000.

NOTICE OF CLAIMANTS UNDER
TRUSTEE ACT 1958

(SECTION 33 NOTICE)

Notice to Claimants

ALICE CASSIE WESTLAKE, also known as Cassie Westlake, late of 294 Maroondah Highway, Ringwood, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 May 2012, are required by ANZ Trustees Limited, of Level 42, 55 Collins Street, Melbourne, Victoria, the executor of the Will of the deceased, to send particulars of their claims to their solicitors noted below by 11 October

2012, after which date they will convey or distribute the assets, having regard only to the claims of which they then have notice.

ANZ TRUSTEES LEGAL SERVICES,
Level 42, 55 Collins Street, Melbourne 3000.

MAGDA TRAITISIS, late of 25–31 Ashford Street, Lower Templestowe, in the State of Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 February 2012, are required by the executor, George Traitsis, care of Arthur J. Dines & Co., solicitors, 2 Enterprise Drive, Bundoora, in the said State, to send particulars to her by 8 October 2012, after which date the executor may convey or distribute the assets, having regards only to claims to which she has notice.

Dated 31 July 2012

ARTHUR J. DINES & CO., solicitors,
2 Enterprise Drive, Bundoora 3083.

ROBYNE BEVERLEY BYRON-SMITH (in the Will called Robyne Byron-Smith), late of 11 Linda Drive, Ringwood, Victoria, teacher, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 3 May 2012, are required by the executor, Christopher Byron-Smith, care of Messrs Aughtersons, 267 Maroondah Highway, Ringwood, Victoria, to send particulars thereof to him, care of the the office of Messrs Aughtersons, 267 Maroondah Highway, Ringwood, Victoria, within sixty days from the date of publication of this notice, after which date the executor will distribute the estate, having regard only to the claims of which he has notice.

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

Re: CARMELO TAVERNA, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 December 2010, are required by the trustee, Domenico Antonio Taverna, to send

particulars to him, care of the undermentioned solicitors, by 15 October 2012, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

BASILE PINO & CO., solicitors,
213 Campbell Street, Swan Hill 3585.

Re: JOAN WILLOUGHBY, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 5 February 2012, are required by the trustee, David Mark Willoughby, to send particulars to him, care of the undermentioned solicitors, by 15 October 2012, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

BASILE PINO & CO., solicitors,
213 Campbell Street, Swan Hill 3585.

Re: ROBIN ADAIR HAMILTON, late of 35 Brosnan Crescent, Strathmore, Victoria, retired plumber, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 April 2012, are required by the trustee, Jason Adair Hamilton, to send particulars to the trustee, care of the undermentioned solicitors, within sixty days from the publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

Re: Estate of IRMGARD EMMA BERGMANIS, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of IRMGARD EMMA BERGMANIS, late of Splatt Street, Swan Hill, in the State of Victoria, widow, deceased, who died on 19 May 2012, are to send particulars of their claim to the executor, care of the undermentioned legal practitioners, by 8 October 2012, after which the executor will distribute the assets, having regard only to the claims of which they then have notice.

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

Re: Estate of PATRICK FRANCIS CONNELLY.

Creditors, next-of-kin or others having claims in respect of the estate of PATRICK FRANCIS CONNELLY, late of 37 Sherwood Street, Birchip, in the State of Victoria, farmer, deceased, who died on 28 April 2012, are to send particulars of their claim to the executors, care of the undermentioned legal practitioners, by 8 October 2012, after which the executors will distribute the assets, having regard only to the claims of which they then have notice.

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

Re: Estate of LORNA JEAN MITCHELL, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of LORNA JEAN MITCHELL, late of Hurlingham Nursing Home, 68 Union Street, Brighton East, Victoria, widow, deceased, who died on 19 August 2007, are to send particulars of their claim to the executors, care of the undermentioned legal practitioners, by 15 October 2012, after which the executors will distribute the assets, having regard only to the claims of which they then have notice.

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

Re: Estate of MARY LORRAINE HORE, late of 124 Turnours Road, Horfield, Victoria, farmer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 30 December 2011, are required by the trustees, Marilyn Susanne Nelson and Pamela Phyllis Burke, to send particulars to the trustees, in care of the undersigned, by 10 October 2012, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

DWYER & WILLETT LAWYERS PTY LTD,
82 The Avenue (PO Box 653), Ocean Grove,
Victoria 3226.

Estate of BERNARD DENNIS HUBBARD, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 4 September 2011, are required by the trustees, Judith Ann Eckermann and David Edward Holroyd, to send particulars to them, care of the undermentioned practitioners, by 17 September 2012, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

GARDEN & GREEN, lawyers,
4 McCallum Street, Swan Hill, Victoria 3585.

Creditors, next-of-kin and other persons having claims against the estate of BRENDA RUTH MILLER, retired school teacher, deceased, late of 7 Inglis Road, Berwick, Victoria 3806, who died on 23 May 2011, are required by the executors, Timothy Robert Miller and Sarah Margaret Anne Miller, care of 15 Blackburne Square, Berwick, Victoria 3806, to send particulars of their claims to them at the following address by 8 October 2012, after which date they may convey or distribute to the estate, having regard only to the claims of which they then have notice.

GILBERTHORPES, business lawyers,
15 Blackburne Square, Berwick, Victoria 3806.

Re: THOMAS ARNOLD STEELE, late of 9/2 Moor Street, Barmah, in the State of Victoria 3639, turner and fitter, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 2 September 2010, are required by the executor, Meron Anne Drummond, care of I. Glenister & Associates, solicitors, 421 Bell Street, Pascoe Vale, in the said State, to send particulars to the executor by 11 October 2012, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

I. GLENISTER & ASSOCIATES, solicitors,
421 Bell Street, Pascoe Vale, Victoria 3044.

Re: DOROTHY WINSOME BLACKIE, late of 11 Barrington Walk, Doncaster, home duties.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 March 2012, are required by the executors, Glenda Dorothy Fraser, Sheryl Joan Frye and Lois Winifred Wadelton, to

send particulars of their claim to them, care of the undermentioned solicitors, by 12 October 2012, after which date the said executors may distribute the assets, having regard only to the claims of which they then have notice.

LACHLAN PARTNERS LEGAL, lawyers,
Level 34, 360 Collins Street, Melbourne 3000.

Re: Estate of ZINOVI FOROVSKI, late of 2A Twisden Road, Caulfield, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 May 2012, are required by the trustees to send particulars to the trustees, care of the undermentioned solicitors, by 9 November 2012, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees then have notice.

MAHONS with Yuncken & Yuncken, solicitors,
178 Whitehorse Road, Blackburn 3130.
SM:CH2121118

Re: MYRA MARY MOYLE, late of Apartment 66, 33–37 Mitcham Road, Donvale, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 April 2012, are required by the trustee, Kevin Wallace Egan, to send particulars to the trustee, care of the undermentioned solicitors, by 12 October 2012, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

MAHONS with Yuncken & Yuncken, solicitors,
178 Whitehorse Road, Blackburn 3130.
CD:2120948

WILLIAM BROWN, late of 10 Lucien Road, Rye, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 May 2012, are required to send particulars of their claims to the trustee, Shane Christopher McCarthy, care of the undermentioned solicitors, by 26 October 2012, after which date the trustee will distribute the assets of the estate, having regard only to the claims of which he then has notice.

MCCARTHY PARTNERS PTY, solicitors,
2247 Point Nepean Road, Rye 3941.

MARGARET DUIRS, late of 2 Court Street, Blairgowrie, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 January 2012, are required to send particulars of their claims to the trustee, Shane Christopher McCarthy, care of the undermentioned solicitors, by 26 October 2012, after which date the trustee will distribute the assets of the estate, having regard only to the claims of which he then has notice.

McCARTHY PARTNERS PTY, solicitors,
2247 Point Nepean Road, Rye 3941.

GLADYS CATHERINE IRVING, late of 5 Sunshine Grove, Rye, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 9 March 2010, are required to send particulars of their claims to the trustee, Shane Christopher McCarthy, care of the undermentioned solicitors, by 20 October 2012, after which date the trustee will distribute the assets of the estate, having regard only to the claims of which he then has notice.

McCARTHY PARTNERS PTY, solicitors,
2247 Point Nepean Road, Rye 3941.

Re: MARY DELMA DILLON, late of Room 23, Wattle Glen Aged Care Facility, 45 Silvan Road, Wattle Glen, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 May 2012, are required by the trustee, Equity Trustees Limited (ABN 46 004 031 298) of Level 2, 575 Bourke Street, Melbourne, Victoria, to send particulars to the trustee, care of the undermentioned solicitors, by the 14 October 2012, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

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

Re: SUSAN BARBARA RALEIGH STAVELY, late of Devon Lodge, 115 Meeniyān–Nerrena Road, Menniyān, Victoria, farmer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 May 2012, are required by the trustees, Murray William Hooper, of 53 Venus Street, Inverloch, Victoria, and Clive William White, of 65 Main Street, Foster, Victoria, to send particulars to the trustees by 9 November 2012, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

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

Creditors, next-of-kin and others having claims against the estate of SERGE JEAN ALBAN BARBES, late of 10/7–9 Ann Street, Windsor, Victoria, who died on 22 March 2011, are required by the administrator, Helene Jeanne Barbes, to send particulars of their claim to the said administrator, care of the undermentioned solicitor, by 9 October 2012, after which date the administrator may distribute the estate, having regard only to the claims of which she then has notice.

POLITES & CARROLL, solicitors,
Level 7, 160 Queen Street, Melbourne 3000.

Re: ETHEL RUTH FRENCH (in the Will called 'Ruth Ethel French'), late of 10 Magarra Crescent, Berwick, Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 10 May 2012, are required by the executor, Karen Ruth Fyfe, of 51B Mannion Way, Kardinya, Western Australia, shop assistant, to send particulars to her (care of the undersigned) by 9 October 2012, after which date she may convey or distribute the assets, having regard only to the claims of which she then has notice.

RENNICK & GAYNOR, solicitors,
431 Riversdale Road, Hawthorn East,
Victoria 3123.

NELLIE ADELEDE BONES, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 April 2012, are required by the trustee, Heather Louise Dalrymple, to send particulars of such claims to her by 10 October 2012, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she then has notice.

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

Re: GLENYS MARGARET CROSS, late of 125 Keele Street, Collingwood, Victoria 3066, accountant, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 February 2011, are required by the executrices, Lesley Joan Logan, Elizabeth May Beardon and Mely Tjandra, to send particulars to them, care of their solicitor (details below), by 4 October 2012, after which date the executrices may convey or distribute the assets, having regard only to the claims of which they then have notice.

ROSEMARIE RYAN LAWYERS,
Level 3, 520 Bourke Street, Melbourne 3000.

Re: SIMONE FLEUR PETERS, late of 34 Joseph Banks Crescent, Endeavour Hills, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 10 July 2012, are required by the trustees, Marcus Lushington Morant and Christopher Lushington Morant, both care of Sharrock Pitman Legal, 2/40 Montclair Avenue, Glen Waverley, Victoria, to send particulars to the trustees by 9 November 2012, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

SHARROCK PITMAN LEGAL,
2/40 Montclair Avenue, Glen Waverley 3150.

Re: HAROLD WILLIAM CRUPI, late of 163 Charles Street, Seddon, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 4 May 2012, are required to send particulars of their claims to the administrators, care of Level 3, 20–22 McKillop Street, Melbourne, Victoria 3000, by 19 October 2012, after which date the administrators may convey or distribute the assets, having regard only to the claims of which they may then have notice.

WILLS & PROBATE VICTORIA, lawyers,
Level 3, 20–22 McKillop Street,
Melbourne 3000.

ADVERTISEMENT OF SALE BY
THE SHERIFF

On Thursday 13 September 2012 at 2.30 pm in the afternoon at the Sheriff's Office, 444 Swanston Street, Carlton (unless process be stayed or satisfied).

All the estate and interest (if any) of Tom Karas of Level 9, 171 Latrobe Street, Melbourne, sole proprietor of an estate in fee simple in the land described in Certificate of Title Volume 11039 Folio 570 upon which is erected a dwelling known as 164 Napier Street, Fitzroy.

Registered Mortgage (Dealing No. AF762323H), Registered Caveat (Dealing No. AJ346849D), Registered Caveat (Dealing No. AJ385467X) and Registered Caveat (Dealing No. AJ524474F) affect the said estate and interest.

Payment Terms – Full payment at fall of the hammer. Cash, Eftpos (debit cards only), bank cheque or solicitors trust account cheque. No credit cards.

There are no exceptions to these terms.

Contact Sheriff's Asset Administration Services on (03) 9947 1539 or realestatesection@justice.vic.gov.au for enquiries.

SHERIFF

ADVERTISEMENT OF SALE BY
THE SHERIFF

On Thursday 13 September 2012 at 2.30 pm in the afternoon at the Sheriff's Office, 444 Swanston Street, Carlton (unless process be stayed or satisfied).

All the estate and interest (if any) of William Cavendish Nevile of Unit 12, 2 King Street, Prahran, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 11103 Folio 802, upon which is erected a unit known as Unit 703, 454 St Kilda Road, Melbourne.

Registered Mortgage (Dealing No. AG292330V) and Owners Corporation 1 Plan No. PS544602L affect the said estate and interest.

Payment Terms – Full payment at fall of hammer. Cash, Eftpos (debit cards only), bank cheque or solicitors trust account cheque. No Credit cards.

There are no exceptions to these terms.

Contact Sheriff's Asset Administration Services on (03) 9947 1539 or realestatesection@justice.vic.gov.au for enquiries.

SHERIFF

ADVERTISEMENT OF AUCTION BY
THE SHERIFF

On Saturday 15 September 2012 at 11.30 am at 47 Junier Street, Morwell (unless process is stayed or satisfied), all the estate and interest (if any) of Warwick Seymour Wohlhagen, of HM Ararat Prison, Warrak Road, Ararat, as sole proprietor of an estate in fee simple in the land described as Lot 478 on Plan of Subdivision 052995 in Certificate of Title Volume 11351 Folio 746 upon which is erected a residential dwelling known as 47 Junier Street, Morwell.

Registered Caveat Dealing No. AJ214921L affects the said estate and interest.

Terms: 10% deposit on the fall of the hammer. Balance within 7 days. Bank cheque or solicitor trust account cheque only.

Please contact the Sheriff's Asset Administration Services on (03) 9947 1539 or realestatesection@justice.vic.gov.au for an information sheet on Sheriff's auctions, a contract of sale and enquiries.

SHERIFF

**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES****Land Acquisition and Compensation Act 1986**

FORM 7

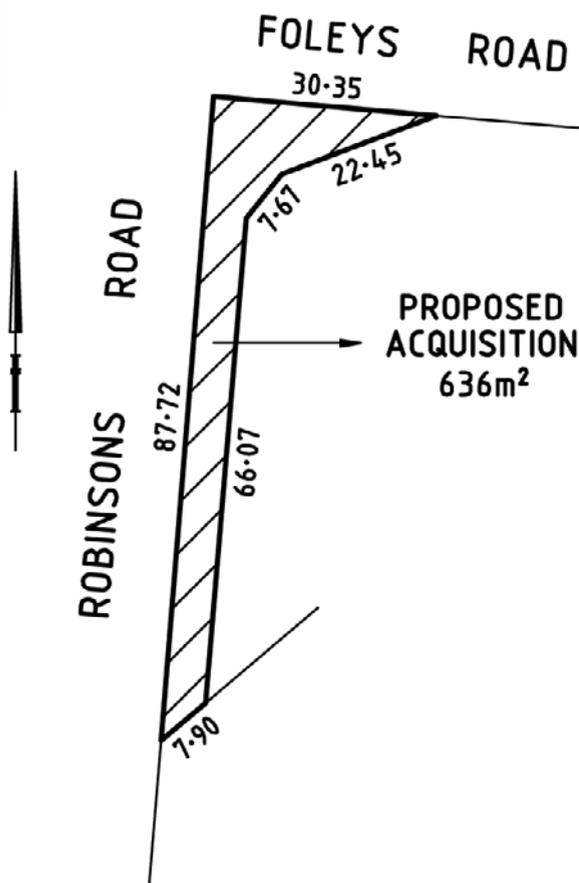
S. 21(a)

Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

Brimbank City Council declares that by this Notice it acquires part of the land contained in Certificate of Title Volume 11045 Folio 279 and described as part of the corner of Foleys Road and Robinsons Road, Derrimut 3030, and includes all the hatched area marked Proposed Acquisition on the plan below.



Interest Acquired: That of Carmelo Chetcuti and Christine Chetcuti and all and any other interests.

Published with the authority of Brimbank City Council, Council Offices, 6–18 Alexandra Avenue, Sunshine 3020.

Dated 9 August 2012

KELLY GRIGSBY
Acting Chief Executive Officer
Brimbank City Council

GLEN EIRA CITY COUNCIL

Glen Eira Local Law 2009

Pursuant to sections 111 and 119(3) of the **Local Government Act 1989**, 'Glen Eira City Council's Local Law 2009' came into operation on 25 November 2009.

Council now gives notice pursuant to section 244A of the **Local Government Act 1989** that any police officer may enforce Local Law 422 of the 'Glen Eira City Council Local Law 2009'. Local Law 422 and the defined terms contained in Local Law 422 are set out below:

Caulfield Alcohol Free Zone

422. Except where premises are licensed under the **Liquor Control Reform Act 1998**, a person must not:

- (a) take any Liquor;
- (b) consume any Liquor; or
- (c) possess any Liquor in an unsealed container;

at any Public Place in the Caulfield Alcohol Free Zone on Race Meeting Days.

Penalty: 5 Penalty Units

Defined Terms:

'**Caulfield Alcohol Free Zone**' means the area the boundary of which:

- commences at the south-east corner of Balaclava Road and Kambrook Road,
- then southerly along the western boundary of Kambrook Road to the roundabout at the intersection of Kambrook Road, Glen Eira Road and Booran Road, and then around the western perimeter of that roundabout,
- then south-easterly along the western boundary of Booran Road to the south-west corner of its intersection with Neerim Road,
- then easterly across Booran Road and along the southern boundary of Neerim Road before crossing Neerim Road to the south-east corner of its intersection with Queens Avenue,
- then northerly along the eastern boundary of Queens Avenue to the south-east corner of its intersection with Sir John Monash Drive, and then easterly along the southern boundary of Sir John Monash Drive to a point adjacent to the Princes Highway,

- then north-westerly across Sir John Monash Drive and along the southern boundary of the Princes Highway to its intersection with Normanby Road, then across that intersection and south-westerly and north-westerly along the western and northern boundary of Normanby Road to its intersection with Balaclava Road, and
- then westerly along the northern boundary of Balaclava Road to its intersection with Kambrook Road, then across Kambrook Road to the commencement point.

'**Public Place**' has the same meaning as in the **Summary Offences Act 1966** (Vic.) and, to the extent that meaning does not include the following, also includes:

- a) any place where Council has designated areas in which, or dates and times on which, restrictions apply to the taking of Liquor, consumption of Liquor or possession of Liquor in an unsealed container;
- b) any park, garden, research facility or any public place of recreation or resort;
- c) any vacant land or vacant space adjoining a Road; and
- d) any Council Land or Council Premises, but does not include Caulfield Racecourse, being the land described in certificate of title Volume 7275 Folio 814.

'**Race Meeting**' has the same meaning as in the **Racing Act 1958**.

'**Race Meeting Day**' means a day on which a Race Meeting is held at Caulfield Racecourse.

A copy of 'Glen Eira City Council Local Law 2009' may be inspected or purchased during office hours at Glen Eira City Council, corner Glen Eira and Hawthorn Roads, Caulfield.

ANDREW NEWTON
Chief Executive Officer

**Planning and Environment Act 1987**

BASS COAST PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C124

Authorisation A02182

The Bass Coast Shire Council has prepared Amendment C124 to the Bass Coast Planning Scheme.

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

The Minister also authorised the Bass Coast Shire Council to approve the Amendment under section 35B of the Act.

The land affected by the Amendment is in Inverloch, located within the settlement boundary.

The Amendment proposes to incorporate and implement the planning scheme changes recommended in the Inverloch Design Framework 2011.

In addition the Amendment proposes to:

- rezone Farming Land to Residential 1 Zone;
- update the Municipal Strategic Statement;
- rezone low density residential land to Residential 1;
- rezone Residential 1 land to Mixed Use; and
- apply various Planning Overlays.

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, Bass Coast Shire Council, 76 McBride Avenue, Wonthaggi; 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 Friday 21 September 2012. Any submissions must be sent to the Strategic Planner – Bass Coast Shire Council, PO Box 118, Wonthaggi 3995.

MARTIN GILL
Development Services Manager

Planning and Environment Act 1987
EAST GIPPSLAND PLANNING SCHEME
Notice of Preparation of Amendment
Amendment C106
Authorisation A02302

The East Gippsland Shire Council has prepared Amendment C106 to the East Gippsland Planning Scheme.

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

The land affected by the Amendment is 200 and 202 Day Avenue and 5 Creek Street, Omeo.

The Amendment proposes to rezone land at 200 Day Avenue and 5 Creek Street, Omeo, from Residential 1 Zone to Business 1 Zone; and rezone land at 202 Day Avenue, Omeo, from Residential 1 Zone to Public Park and Recreation Zone.

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, 273 Main Street, Bairnsdale; and at the Department of Planning and Community Development website, www.dpcd.vic.gov.au/planning/publicinspection from 9 August 2012.

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

The closing date for submissions is 10 September. A submission must be sent to the East Gippsland Shire Council, PO Box 1618, Bairnsdale, Victoria 3875.

PAUL FLINT
Senior Strategic Planning



Planning and Environment Act 1987
HEPBURN PLANNING SCHEME
Notice of Preparation of Amendment
Amendment C55
Authorisation A02203

The Hepburn Shire Council has prepared Amendment C55 to the Hepburn Planning Scheme.

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

The Minister also authorised the Hepburn Shire Council to approve the Amendment under section 35B of the Act.

The land affected by the Amendment is Crown Allotment 6 Section 41C Township and Parish of Creswick, also known as 2 Jory Street, Creswick.

The Amendment proposes to rezone the land at Crown Allotment 6 Section 41C Township and Parish of Creswick; which is privately owned from Public Park and Recreation Zone to Residential 1 Zone.

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, Hepburn Shire Council, corner Duke and Albert Street, Daylesford; 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 9 September 2012. A submission must be sent to the Hepburn Shire Council, Manager Planning, PO Box 21, Daylesford 3460.

Planning and Environment Act 1987

KINGSTON PLANNING SCHEME

Notice of the Preparation of an
Amendment to a Planning Scheme and
Notice of an Application for Planning Permit
Given Under Section 96C of the
Planning and Environment Act 1987

Amendment C125

Planning Permit Application KP12/1

Authorisation A02309

The land affected by the Amendment and planning application is a 4.71 hectare site being Certificate of Title Volume 04775 Folio 917 being Lots 1 and 2 on Title Plan 816475N, known as 44 First Avenue, Chelsea Heights, Victoria 3196.

The Amendment proposes to:

- rezone 1.31 hectares of the eastern part of the site from Urban Floodway Zone to Residential 3 Zone and adds it to the 5,400 sqm of the eastern part of the site that already lies within the Residential 3 Zone;

- rezone the remainder of the site (2.859 hectares) from Urban Floodway Zone and Public Park and Recreation Zone to Public Use Zone 1 (Service and Utility); and
- amends Clause 21.05 of the Kingston Planning Scheme to include the site on the Residential Land Use Framework Plan within 'Areas for promotion of Incremental Housing Change'.

Concurrent with the preparation of the planning scheme amendment is a planning permit application made pursuant to section 96A(1) of the **Planning and Environment Act 1987** proposing to allow for the subdivision of land into 25 residential lots (Planning App No. KP12/1).

You may inspect the Amendment, planning permit application, the explanatory report about the Amendment, 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, City of Kingston, Level 1, 1230 Nepean Highway, Cheltenham; at the Chelsea Customer Service Centre, Chelsea Library, 1 Chelsea Road, Chelsea; 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 20 September 2012. A submission must be sent to the City of Kingston, care of John Somers, Senior Strategic Planner, City Strategy Department, PO Box 1000, Mentone, Victoria 3194.

JONATHAN GUTTMANN
Manager, City Strategy

Planning and Environment Act 1987

STONNINGTON PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C155

Authorisation A02310

Stonnington City Council has prepared Amendment C155 to the Stonnington Planning Scheme.

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

The Amendment affects the Alexandra Avenue Boulevard and Yarra River Skyline area from Punt Road to Grange Road.

The Amendment proposes to replace the existing Design and Development Overlay 3 (DDO3) with a new, more comprehensive Schedule 3 to the Design and Development Overlay, over the same and extended area.

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, Stonnington City Council, corner Chapel and Greville Streets, Prahran; 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. Submissions must be made in writing giving the submitter's name and contact address; clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearings held to consider submissions. In accordance with the **Planning and Environment Act 1987**, Council must make available for inspection a copy of any submission made. For further information on Council's Privacy Policy please call 8290 1333 or visit Council's website – www.stonnington.vic.gov.au

The closing date for submissions is 10 September 2012. A submission must be sent to the City Strategy, City of Stonnington, PO Box 21, Prahran 3181.

STEPHEN LARDNER
Manager City Strategy

Planning and Environment Act 1987

WODONGA PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C 96

Authorisation A02247

The Wodonga City Council has prepared Amendment C96 to the Wodonga Planning Scheme.

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

The land affected by the Amendment is: CA 8 SEC S-5869, known as 21 Stanley Street, Wodonga.

The Amendment proposes to:

Delete a Public Acquisition Overlay Schedule 12 from the land.

Amend Clause 21.11 (inclusive of figure 9) by amending reference to the Wodonga Central Area Master Plan 2006 (as amended) at Clause 21.11-01 and Clause 21.11-02.

Clause 21.12-01 amends reference to the Wodonga Central Area Master Plan 2006 (as amended).

Amend Clause 43.02 Design and Development Overlay Schedule 4 to correct reference to the Wodonga Central Area Master Plan 2006 (as amended).

Amend the Schedule to Clause 45.01 by deleting PAO 12 from the schedule.

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, Wodonga City Council, 104 Hovell Street, Wodonga, Victoria; 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 September 2012. A submission must be sent to the Wodonga City Council.

PATIENCE HARRINGTON
Chief Executive Officer
Wodonga City Council
PO Box 923, Wodonga 3689

Planning and Environment Act 1987**YARRA RANGES PLANNING SCHEME**

Notice of Preparation of Amendment

Amendment C109

Authorisation A2300

The Yarra Ranges Council has prepared Amendment C109 to the Yarra Ranges Planning Scheme.

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

The Amendment affects a number of properties which are subject to anomalies or redundancies within the Yarra Ranges Planning Scheme. A full list of the properties and roads affected is included within the explanatory report. In addition, the Amendment includes rezoning of Council-owned land at 5 Moores Road, Monbulk, from Public Use Zone to a Business 1 Zone.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, from 9 August 2012, at the following locations: the following Yarra Ranges Community Link Centres: Lilydale – Anderson Street, Lilydale; Monbulk – 21 Main Road, Monbulk; Healesville – 110 River Street, Healesville; Upwey – 40 Main Street, Upwey; Yarra Junction – Warburton Highway/Hoddle Street, Yarra Junction; the Yarra Ranges Council website, www.yarraranges.vic.gov.au; and 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 September 2012. Submissions must be sent to the undersigned, at the Yarra Ranges Council, PO Box 105, Lilydale 3140, and must reach the Shire at the above address by 10 September 2012.

DAMIAN CLOSS
Manager Strategic Planning

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 15 October 2012, 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.

CAMILLERI, Derek William, late of 79B Albert Street, Kilmore, Victoria 3764, deceased, who died on 21 July 2008.

DRUNSKOVIC, Matteo, late of Waverley Valley Aged Care, 29–33 Chesterville Road, Glen Waverley, Victoria 3150, deceased, who died on 11 April 2012.

FERGUSON, Karen Ann, late of Gellibrand Residential Services, 24 Eppalock Circuit, Caroline Springs, Victoria 3023, deceased, who died on 8 June 2012.

GREENOUGH, Judith, late of 3/45 Northcote Street, Rochester, Victoria 3561, pensioner, deceased, who died on 29 June 2012.

JARDINE, Peter Edward Josep, late of Room 8, Costa House, Investigator Drive, Lara, Victoria 3212, deceased, who died on 20 September 2011.

MACQUIRE, Ethel May, late of Domain Gracedale, 205 Warrandyte Road, Ringwood North, Victoria 3134, home duties, deceased, who died on 17 May 2012.

MEWES, Tyson Sylvester Henry, late of 35 Mathieson Street, Coburg North, Victoria 3058, pensioner, deceased, who died on 18 May 2012.

NEY, Elaine Margaret, late of 44 Park Crescent, Williamstown North, Victoria 3016, deceased, who died on 4 June 2012.

SANGER, Janet Stewart, late of Abberfield Aged Care Facility, 378 Bluff Road, Sandringham, Victoria 3191, deceased, who died on 24 June 2012.

Dated 6 August 2012

STEWART MacLEOD
Manager

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 10 October 2012, 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.

AVENT, Joan Lilian, late of 75 Winter Crescent, Reservoir, Victoria 3073, pensioner, deceased, who died on 29 June 2012.

BONADDIO, Dionisio, late of Iris Grange, 569 Upper Heidelberg Road, Heidelberg, Victoria 3084, pensioner, deceased, who died on 22 February 2012.

BRADBURN, James Patrick, late of Faversham House, 27 Shierlaw Avenue, Canterbury, Victoria 3126, retired, deceased, who died on 29 February 2012.

EDWARDS, Eillen Margaret, late of Blue Cross Autumdale Lodge, 13 Eagland Road, Cheltenham, Victoria 3192, pensioner, deceased, who died on 27 March 2012.

GIDDINS, Marilyn Ellen, late of 2 Mustang Court, Ashburton, Victoria 3147, deceased, who died on 6 June 2012.

GUGLIELMANA, Irmo, late of 483 Station Street, Carlton North, Victoria 3054, miscellaneous deceased, who died on 28 February 2011.

MAY, Bruce, late of Heritage Lakes, 879 Plenty Road, South Morang, Victoria 3752, deceased, who died on 28 March 2012.

SMITH, Peggy Rosemary Doreen, late of Gladswood Lodge, 15 Waxman Parade, Brunswick West, Victoria 3055, pensioner, deceased, who died on 14 April 2012.

Dated 1 August 2012

STEWART MacLEOD
Manager

EXEMPTION

Application No. A114/2012

The Victorian Civil and Administrative Tribunal has considered an application pursuant to section 89 of the **Equal Opportunity Act 2010** (the Act) by Women's Health in the North (the applicant). The application for exemption is to enable the applicant to:

- Employ women only to work in the applicant organisation;
- Employ women of a specified race or ethnic origin, or whose first language is a specified language other than English, to work in the applicant organisation on specific projects targeted at groups of women of that race or ethnic origin or whose first language is that language; and
- Restrict individual membership of the applicant organisation to women only and provide services to those members,

and advertise these matters (the exempt conduct).

Upon reading the material filed in support of this application, including the affidavits of Helen Riseborough, the Tribunal is satisfied that it is appropriate to grant an exemption from sections 16, 18, 44, 107 and 182 of the Act to enable the applicant to engage in the exempt conduct.

In granting this exemption the Tribunal noted:

- The applicant organisation aims to improve women's health and wellbeing by providing services, advocacy, research and information to women. It is a community based organisation and wishes to be able to provide a non-threatening, comfortable and accessible environment for women who use its services where their perspectives and confidentiality are respected. To this end, it is run for women, by women.
- The applicant works with women who have suffered from sexual abuse and family violence, and who are otherwise marginalised. It provides health services and information directed to problems suffered by women, in a culturally sensitive way. Its aim is to empower women to take control of, and make choices about, their own health and wellbeing. Other programs concern financial literacy, African women's health, gender equity training and prevention of violence against women.
- The population of the area within which the applicant operates has a substantial number of women from culturally and linguistically diverse backgrounds and includes muslim women and many migrants and refugees. From time to time the applicant prefers to employ women of a specified race or ethnic

origin, or whose first language is a specified language other than English, to work in the applicant organisation on specific projects targeted at groups of women of that race or ethnic origin or whose first language is that language.

- Membership of the applicant organisation provides benefits which include program and services information, participation in functions and events, receipt of newsletters and participating in consultations.
- The applicant was granted a similar exemption which expired on 11 May 2009 (A140/2006) and further exemptions which expired on 24 June 2012 (A101/2009). No exception already applies to the exempt conduct and, in the absence of an exemption, the exempt conduct would amount to prohibited discrimination.
- When making decisions about exemptions, the Tribunal is required to give proper consideration to relevant human rights as set out in the **Charter of Human Rights and Responsibilities Act 2006** (Charter). Arguably, this exemption limits the right to equality and in particular the right to equal and effective protection against discrimination of men who would wish to be employed in the applicant organisation or to obtain services via membership of the applicant organisation. I am satisfied that, in the circumstances discussed above, the limit imposed by this exemption is reasonable and justified under the Charter.

The Tribunal hereby grants an exemption from the operation of sections 16, 18, 44, 107 and 182 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 8 August 2017.

Dated 6 August 2012

A. DEA
Member

Building Act 1993

BUILDING REGULATIONS 2006

Notice of Accreditation

Pursuant to Part 14 of the Building Regulations 2006, a Certificate of Accreditation (Number V12/02) has been issued to Australian Lightweight Products, 127 Chesterville Road, Moorabbin, by the Building Commission for the ALWP External Insulated Finishing System.

The Building Regulations Advisory Committee appointed under Division 4 of Part 12 of the **Building Act 1993**, after examination of an application for the accreditation of ALWP External Insulated Finishing System as suitable for use as a wall cladding system in Class 1 and associated Class 10 buildings, has determined that ALWP External Insulated Finishing System complies with the following Performance Requirements:

P2.1 and P2.2.2 of Volume Two

of the National Construction Code Series – Building Code of Australia 2012, as adopted by the Building Regulations 2006, to the extent that those Clauses refer to the structural stability of a cladding system with regard to resistance to wind action and rainwater action, and weatherproofing of the system.

Conditions for use are provided on the Certificate.

ANDREA PATSOURIS
Secretary

Building Regulations Advisory Committee

Cemeteries and Crematoria Act 2003

SECTION 41(1)

Notice of Approval of Cemetery Trust Fees and Charges

I, Bryan Crampton, 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/s of fees and charges fixed by the following cemetery trust/s. 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 Cemetery Trust/s

Gipsy Point

Dated 27 July 2012

BRYAN CRAMPTON
Manager
Cemeteries and Crematoria
Regulation Unit

Cemeteries and Crematoria Act 2003

SECTION 41(1)

Notice of Approval of Cemetery Trust Fees and Charges

I, Bryan Crampton, 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 Port Fairy Cemetery Trust

Dated 23 July 2012

BRYAN CRAMPTON
Manager
Cemeteries and Crematoria
Regulation Unit

Electricity Industry Act 2000

NOTIFICATION OF GRANT OF LICENCE TO SELL ELECTRICITY

The Essential Services Commission gives notice under section 30 of the **Electricity Industry Act 2000** that pursuant to section 19(1) of that Act, the Electricity Retail Licence applied for by Pacific Hydro Retail Pty Ltd (ABN 43 155 908 839) has been granted by the Commission. The licence is granted on an ongoing basis.

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

Dated 1 August 2012

DR RON BEN-DAVID
Chairperson



Heritage
VICTORIA

Heritage Act 1995

NOTICE OF REGISTRATION

As Executive Director for the purpose of the **Heritage Act 1995**, I give notice under section 46 that the Victorian Heritage Register is amended by including Heritage Register Number 2302 in the category described as Heritage Place.

All Saints (Former Christ Church) Anglican
Church
469–471 Whitehorse Road
Mitcham
Whitehorse City

EXTENT

1. All of the land marked L1 on Diagram 2302 held by the Executive Director being all of Lots 24, 25 and 26 on Lodged Plan 2907.
2. The buildings marked B1 (Church) and B2 (Hall) on Diagram 2302 held by the Executive Director.

Dated Thursday 9 August 2012

JIM GARDNER
Executive Director

Liquor Control Reform Act 1998

LIQUOR LICENSING POLL – CAMBERWELL NEIGHBOURHOOD

In the matter of an application by 'He Says She Says' under the **Liquor Control Reform Act 1998** for a Restaurant and Café Licence at 1101 Toorak Road, Camberwell.

The resolution submitted to a poll on Monday 30 July was:

'That a Restaurant and Café licence be granted in the neighbourhood of the premises situated at 1101 Toorak Road, Camberwell.'

The result of the 'He Says She Says' poll was:

Votes polled for the resolution	953
Votes polled against the resolution	271
Informal votes polled	4
Total votes polled	1,228

E. A. WILLIAMS
Victorian Electoral Commission

Magistrates' Court Act 1989

NOTICE SPECIFYING MAGISTRATE ASSIGNED TO THE DRUG COURT

Pursuant to section 4A(3) of the **Magistrates' Court Act 1989**, I assign the following magistrate to the Drug Court Division of the Magistrates' Court of Victoria:

Anthony PARSONS

Dated 1 August 2012

IAN L. GRAY
Chief Magistrate

Water Act 1989 (Vic.)

PUBLIC NOTICE

Goulburn Valley Region Water Corporation (Goulburn Valley Water)

Water Restriction By-Law 512

Goulburn Valley Water revokes Water Restriction By-Law 511.

In accordance with section 287ZC of the **Water Act 1989**, Goulburn Valley Water hereby gives notice that it has made a by-law, titled Water Restriction By-Law 512, pursuant to sections 171 and 160 of the **Water Act 1989**.

Water Restriction By-Law 512 is made using a Model Water Restriction By-Law issued by the Minister for Water on 27 November 2011. The Water Restriction By-Law 512 is made in relation to restrictions and prohibitions on the use of water that may be imposed in the Water Supply Districts of Goulburn Valley Water.

The purpose of the By-Law is to:

- a. promote the efficient use and conservation of water; and
- b. set out four stages of restrictions on the use of water; and
- c. specify things which must not be done while each stage of restriction persists; and
- d. specify principles for considering applications for exemptions from particular restrictions; and
- e. prescribe offences and penalties for the contravention of the By-Law, including for which an infringement notice may be served; and
- f. prescribe classes of persons for the purpose of issuing infringement notices.

A copy of the By-Law is available for inspection free of charge:

- at the Goulburn Valley Water Office, 104–110 Fryers Street, Shepparton, Victoria, during business hours;
- by visiting Goulburn Valley Water's website at www.gvwater.vic.gov.au.

Conservation, Forests and Lands Act 1987

NOTICE OF MAKING OF A LAND MANAGEMENT AGREEMENT

Notice is given under section 80 of the **Conservation, Forests and Lands Act 1987** that a land management agreement has been entered into by the Secretary to the Department of Sustainability and Environment with the following landowners:

Registered Proprietor	Site Location	Title Details	Dealing Number
Rural Finance Corporation of Victoria	68 Nethercote Lane, Benjeroop	Volume: 9960 Folio: 613	AJ833915C
Rural Finance Corporation of Victoria	304 Heffer Road, Lake Charm	Volume: 5001 Folio: 177	AJ833925Y

Copies of the Agreements are available for public inspection between the hours of 9.00 am and 5.00 pm at the following Offices: Sustainable Irrigation Program Office, Department of Sustainability and Environment, Level 11, 8 Nicholson Street, East Melbourne 3002 (Attn: Megan Harte); Bendigo Office, Department of Sustainability and Environment, corner Midland Highway and Taylor Street, Bendigo 3351 (Attn: Maurie Miles).

Dated 1 August 2012

GREG WILSON
Secretary

Department of Sustainability and Environment

Crown Land (Reserves) Act 1978

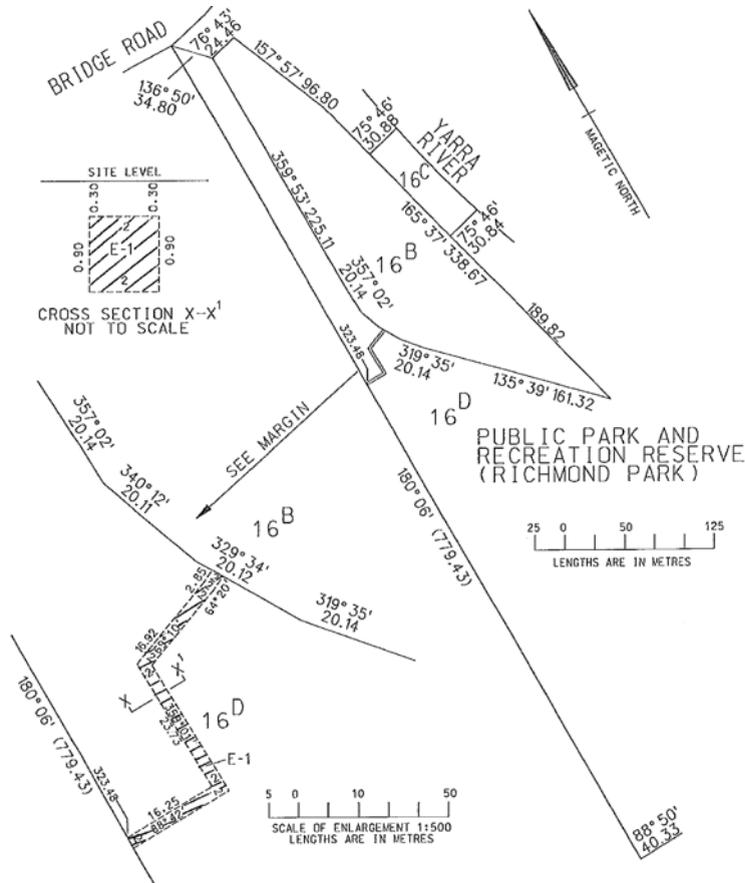
ORDER GIVING APPROVAL TO GRANT A LEASE UNDER SECTIONS 17D AND 17DA

Under sections 17D and 17DA of the **Crown Land (Reserves) Act 1978**, I, Ryan Smith MP, Minister for Environment and Climate Change, being satisfied that there are special reasons which make the granting of a lease reasonable and appropriate in the particular circumstances and to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**, approve the granting of a stratum lease by the City of Yarra for the purposes of operation and maintenance of an underground gas pipeline over part of the Richmond Park Reserve described in the Schedule below and, in accordance with section 17D(3)(a) of the **Crown Land (Reserves) Act 1978**, state that –

- (a) there are special reasons which make granting a lease reasonable and appropriate in the particular circumstances; and
- (b) to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**.

SCHEDULE

The land shown hatched on attached plan, being part of the land permanently reserved for Public Park and Public Recreation by Order in Council of 13 October 1873 (vide Government Gazette 14 November 1873, page 2004).



File Reference: 1204151

Dated 9 July 2012

THE HON RYAN SMITH MP
Minister for Environment and Climate Change

Road Safety Act 1986**ROAD SAFETY (VEHICLES) REGULATIONS 2009**

Specification of Temporary Routes for Class 1, 2 and 3 Vehicles

1. Purpose

The purpose of this notice is to specify routes on which class 1, 2 and 3 vehicles may travel in order to detour the temporary road closure for the Birregurra Weekend Festival held on Saturday 13 October 2012 and Sunday 14 October 2012.

2. Authorising provisions

This notice is made under –

- (a) regulations 178, 180, 188, 190, 194, and 196 of the Road Safety (Vehicles) Regulations 2009 ('the Regulations'); and
- (b) clause 7 of Schedule 7 to the Regulations; and
- (c) clauses 11, 21, 31, 37 and 42 of Schedule 8 to the Regulations.

3. Commencement

This notice comes into operation at 8.00 am on Saturday 13 October 2012 and Sunday 14 October 2012.

4. Expiry

This notice expires at 6.00 pm on Saturday 13 October 2012 and Sunday 14 October 2012.

5. Declaration

I, Don Hogben, delegate of the Roads Corporation, declare that the following vehicles travelling under a gazette notice or permit issued under the Regulations may, on the conditions specified in that gazette notice or permit, travel on the routes and at the times specified in the Table below –

- (a) a class 1 vehicle travelling under –
 - (i) a gazette notice issued under regulation 178 or clause 7 of Schedule 7; or
 - (ii) a permit issued under regulation 180; or
- (b) a class 2 vehicle travelling under a gazette notice or permit issued under –
 - (i) regulation 188 or 190, respectively; or
 - (ii) clause 11, 21, 31, 37 or 42 of Schedule 8; or
- (c) a class 3 vehicle travelling under a gazette notice issued under regulation 194 or a permit issued under regulation 196.

Table of Permitted Routes

Dates and Times	Permitted Routes
From 8.00 am until 6.00 pm on Saturday 13 October 2012 and from 8.00 am until 6.00 pm Sunday 14 October 2012.	<ul style="list-style-type: none"> ● Beal Street between Birregurra–Deans Marsh Road (Main Street) and Sladen Street ● Sladen Street between Beal Street and Ennis Street ● Ennis Street between Sladen Street and Warncoort–Birregurra Road (Main Street)

Notes:

1. Words and phrases in this notice have the same meanings as in the **Road Safety Act 1986** and the Regulations under that Act.
2. The specification of a permitted route does not permit a vehicle to be driven over any bridge in contravention of a posted mass or dimension limit.

Dated 3 August 2012

DON HOGBEN
Director Vehicle Management and Safety
Roads Corporation

PUBLIC NOTICE CONCERNING NEIGHBOURHOOD SAFER PLACES

One public land reserve established under the **Crown Land (Reserves) Act 1978** has been identified as meeting the Country Fire Authority Assessment Guidelines for neighbourhood safer places. As the Minister responsible for the **Crown Land (Reserves) Act 1978**, I consent to the use of the following reserve as a Neighbourhood Safer Place.

Reserve No.	Municipality	Township Name	General Location	Description
1104893	Rural City of Wangaratta	Cheshunt	Parish of Edi	Cheshunt Hall Reserve

Dated 1 August 2012

PETER SIZELAND
Acting Executive Director, Public Land Division

VICTORIAN ENERGY EFFICIENCY TARGET REGULATIONS 2008

Section 11(4)

1. Notice of Victorian Energy Efficiency Target (VEET) Shortfall Penalty Rate variation

The Essential Services Commission gives notice under section 11(4) of the Victorian Energy Efficiency Target Regulations 2008 of a variation in the VEET Shortfall Penalty Rate to be used for the 2012 compliance year (1 January 2012 to 31 December 2012 inclusive).

Pursuant to section 11 of the Regulations, the 2010 Shortfall Penalty Rate of \$40 per certificate (in tonnes of carbon dioxide equivalent of greenhouse gas emissions) is to be adjusted for the 2012 compliance year using the following formula:

$$\text{\$40 per certificate} \times \frac{\text{the all groups consumer price index for Melbourne published by the Australian Statistician in respect of the 2011 September quarter}}{\text{the all groups consumer price index for Melbourne published by the Australian Statistician in respect of the 2009 September quarter}}$$

2. VEET Shortfall Penalty Rate for the 2012 Compliance Year

Application of the above formula results in a VEET Shortfall Penalty Rate for the 2012 compliance year of \$42.73 per certificate.

Dated 2 August 2012

DR RON BEN-DAVID
Chairperson
Essential Services Commission

Victorian Energy Efficiency Target Act 2007

**VICTORIAN ENERGY EFFICIENCY
TARGET GUIDELINES**

JULY 2012

-
- 1 Background**
 - 1.1 Purpose and authority
 - 1.2 Scope of guidelines
 - 1.3 Interpretation
 - 1.4 Legislative objectives
 - 1.5 Commencement date
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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 9 August 2012.

1.6 Review of Guidelines

These Guidelines were last revised on 25 July 2012 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 irrespective of whether they 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 <i>Commission</i> 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 <i>Commission</i> .
<i>Authorised signatory</i>	A person who is authorised, or appears to be authorised, by the consumer to assign the right to create certificates on behalf of the consumer.
<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 <i>VEET account</i> 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 <i>Essential Services Commission Act 2001</i> (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 <i>Act</i> , the owner of those premises.
<i>register of products</i>	The list of approved products and devices to be maintained by the <i>Commission</i> 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 <i>Act</i> . The <i>Commission</i> will maintain a list of current <i>relevant fees</i> 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 <i>Commission</i> for the purposes of the VEET scheme.
<i>VEET website</i>	The website established by the <i>Commission</i> for the purposes of the VEET scheme (www.veet.vic.gov.au).

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 **VEET 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 by a **VEET account** holder on the designated form published by the *Commission* on its **VEET 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 3 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.

4.4 Cancellation of accreditation

An accredited person may request the *Commission* to cancel that persons' accreditation.

Such a request must be made by written notice to the *Commission*.

If the *Commission* decides to cancel that person's accreditation, the cancellation takes effect:

- when the *Commission* notifies the person in writing; or
- on a date mutually agreed upon by the *Commission* and the accredited person.

5 PRESCRIBED ACTIVITIES

Act reference: sections 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 VEET 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 VEET 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*, authorised signatories

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. In some situations the consumer of gas or electricity may not be available to assign the right to create certificates. In this situation, a person authorised, or who appears to be authorised, by the consumer may assign the right to create certificates on behalf of the consumer. In either situation, 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* or *authorised signatory* 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 made:

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

The assignee must comply with the requirements in clause 6.6 for assignments in writing, clause 6.5 for electronic assignment and clause 6.7 for oral assignments.

6.5 Completion of electronic assignment form

Each electronic assignment must be made in a form containing the mandatory information and fields designated by the *Commission* and published on the *VEET website*.

Compliance with these requirements can be met using the appropriate electronic communication and storage methods set out in the *Electronic Transactions Act 2000* (Vic.).

6.6 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 *VEET website*. The *Commission* may designate separate mandatory information and fields relating to different categories of prescribed activity.

6.7 Completion of oral assignment form

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

- (a) obtain confirmation from the *consumer* or *authorised signatory* that the *consumer* is the tenant, landlord or owner of the 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* or *authorised signatory*:
 - 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 VEET 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* or *authorised signatory'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.

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

The *consumer* or *authorised signatory* 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 copy or other document must be given to the *consumer* or *authorised signatory*:

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

6.9 Records to be retained by the assignee

An assignee must maintain:

- if assignment is in writing, a copy of the completed form of assignment signed by the *consumer* or *authorised signatory* 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* or *authorised signatory* under clause 6.8; or
- if assignment is in electronic form, an electronic copy of the completed form of assignment with evidence of agreement on behalf of the *consumer* or *authorised signatory*, 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.

6.10 Consumer personal information to comply with the Information Privacy Principles

The assignee must ensure that the collection, storage and use of all *personal information* collected in an assignment form or otherwise about the *consumer*, *authorised signatory* or any other individual (such as an installer) complies with the Information Privacy Principles (IPPs) contained in 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 specifies 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 electronic form designated by the *Commission* on the *VEET website*, and in accordance with any explanatory notes issued by the *Commission*. All sections of the electronic form must be completed.

7.2 Creation of Certificates

An accredited person is taken to have created a certificate when that person has complied with the creation requirements of the *Act* and *Regulations*.

Submission of creation information in the specified form must occur via the online creation function designated by the *Commission* on its *VEET website*.

7.3 Notification of Creation

For the purposes of section 22(2) of the *Act* an accredited person is taken to have notified the *Commission* that it has created a certificate when that person submits the required creation information in the form specified by clause 7.2 above.

7.4 Payment of fee

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

7.5 Unique identification code

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

7.6 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.

7.7 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 *VEET 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 *VEET 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 6.9 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 the street address and postcode of the consumer (if in residential premises) or the ABN, business name, address and post code (if in business or non-residential premises);
- evidence of removal, destruction and decommissioning of existing products where removal, destruction or decommissioning 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*; and
- any additional record keeping requirement set out in the Explanatory Notes published by the *Commission* on its *VEET website at the time the activity was completed*.

11.2 Relevant entities

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

11.3 Record keeping while accreditation is suspended or revoked

The requirement for an accredited person or relevant entity to retain records for the purposes of the *Act* or *Regulations* is not affected by any period of suspension or revocation of accreditation.

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 1 year but no more than 5 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 proposed 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.

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.

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'.

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

<i>Principle</i>	<i>Definition</i>
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 <i>Act</i>, 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	<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.
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.

<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

<i>Principle</i>	<i>Definition</i>
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 <i>Act</i> and <i>regulations</i>, 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 13.4 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

- (a) 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)

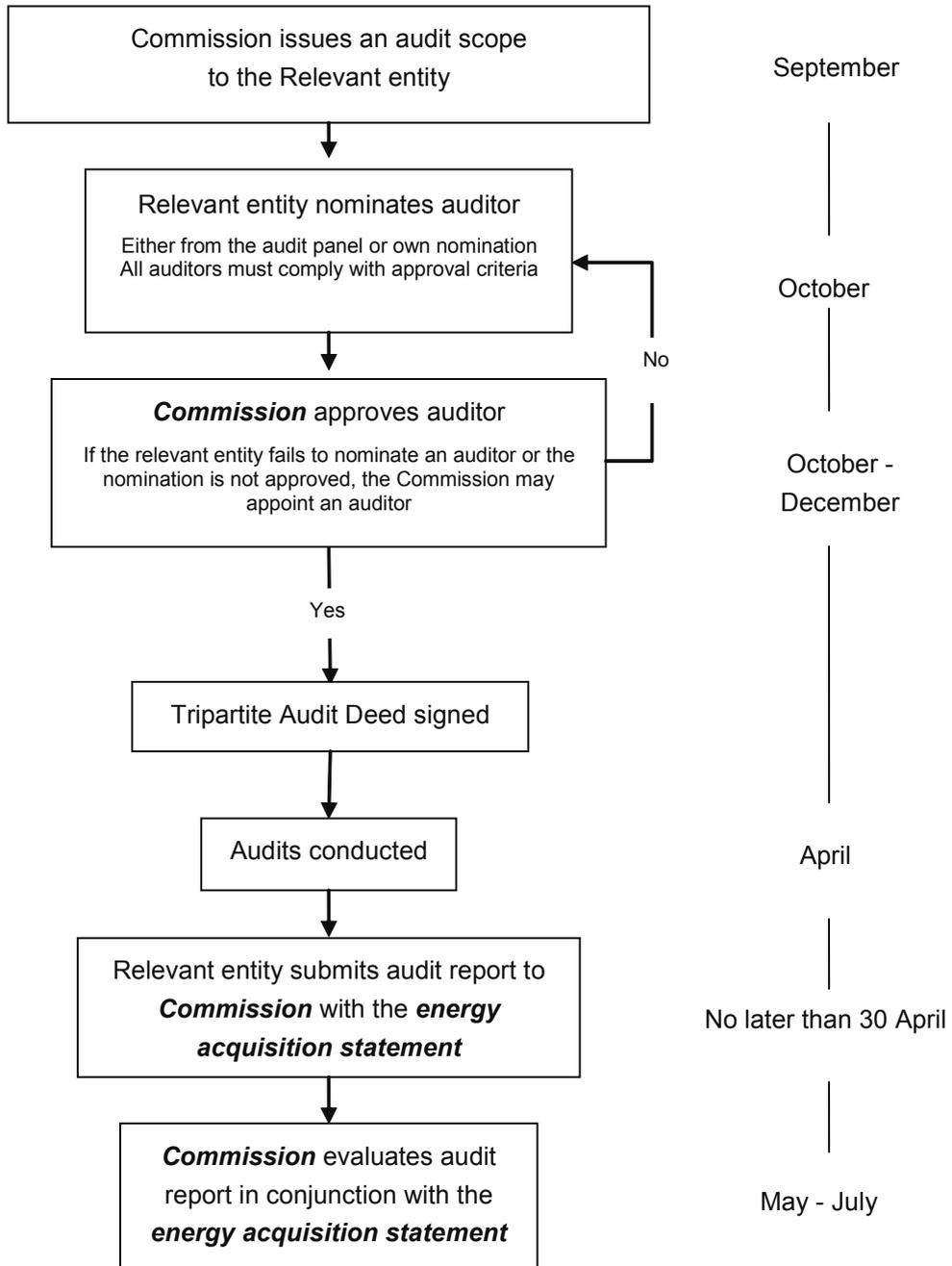
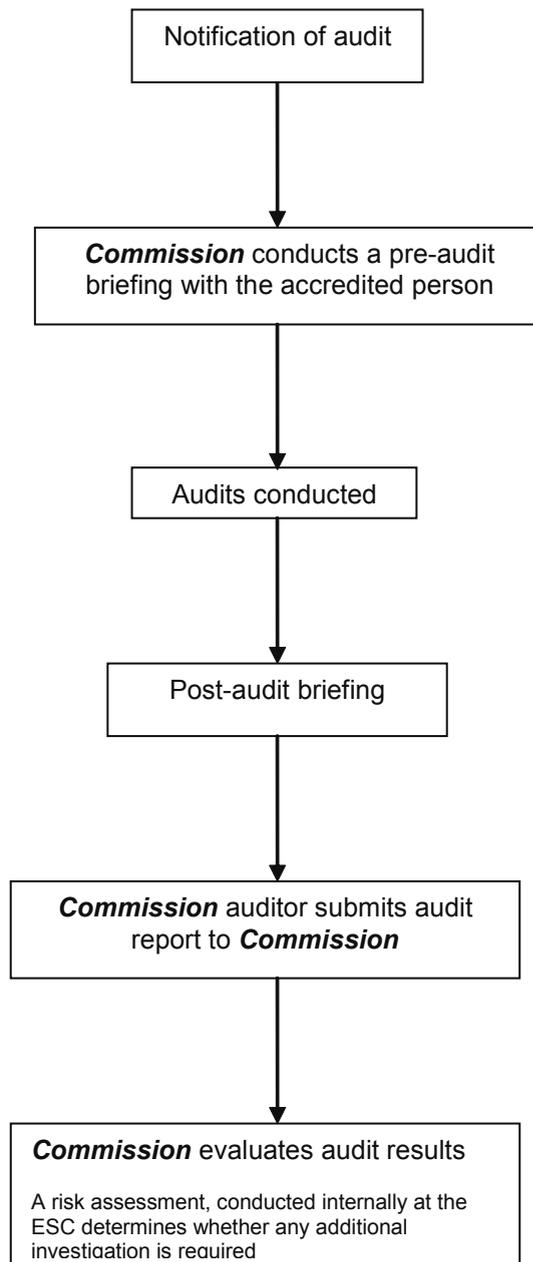


Figure 2 Process of undertaking audit of accredited person (clause 13.1)



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

Notice of Approval of Amendment

Amendment C78

The Baw Baw Shire Council has approved Amendment C78 to the Baw Baw Planning Scheme.

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

The Amendment:

- modifies the Warragul Structure Plan in Clause 22.02 by revising the 'Industrial Expansion Area' and Employment Belt to delete the area abutting Queen Street between Warragul and Nilma with a consequent revision of the urban growth boundary;
- rezones land between Warragul and Nilma from Urban Floodway Zone to Farming Zone; and
- applies the Floodway Overlay and applies and modifies the Land Subject to Inundation Overlay to land between Warragul and Nilma.

The Amendment was approved by the Baw Baw Shire Council on 24 July 2012 in accordance with authorisation given by the Minister under section 11(1) of the **Planning and Environment Act 1987** on 11 April 2012. 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 Baw Baw Shire Council, 61 Smith Street, Warragul.

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

Planning and Environment Act 1987**COLAC OTWAY PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C65 Part 2

The Minister for Planning has approved Amendment C65 Part 2 to the Colac Otway Planning Scheme.

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

The Amendment rezones Lots 1 and 2 on Plan of Subdivision 536607 at 490 and 494–498 Princes Highway, Colac West, from Farming Zone to Rural Activity Zone; introduces and applies the Environmental Audit Overlay to 494–498 Princes Highway, Colac West; rezones Lot 1 on Title Plan 218328, 10 Flaxmill Road, Colac East, from Farming Zone to Rural Activity Zone; changes the Schedule to the Rural Activity Zone, changes Schedule 1 to the Neighbourhood Character Overlay and changes Schedule 7 of the Design and Development Overlay Schedule 7 that applies to Apollo Bay and Marengo Low Density Residential Areas.

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 Colac Otway Shire Customer Service Centres at 2–6 Rae Street, Colac; and 69–71 Nelson Street, Apollo Bay; and at the Colac Community Library and Learning Centre at 118 Hearn Street, Colac.

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 C65

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

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

The Amendment introduces a revised Local Planning Policy Framework consisting of a Municipal Strategic Statement and Local Planning Policies. The amendment also reduces the extent of Development Plan Overlay Schedule 1 to coincide with remaining undeveloped land within the Urban Growth Boundary.

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 Frankston City Council, corner Davey and Young streets, Frankston.

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

Planning and Environment Act 1987

GREATER BENDIGO PLANNING SCHEME

Notice of Approval of Amendment

Amendment C166 Part 1

The Minister for Planning has approved Amendment C166 Part 1 to the Greater Bendigo Planning Scheme.

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

The Amendment corrects various zone and overlay anomalies across Bendigo and amends the Schedule to the Heritage Overlay to correct the address of Heritage Place HO71.

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 City of Greater Bendigo, Hopetoun Mill Offices, Hopetoun Street, Bendigo.

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

Planning and Environment Act 1987

MILDURA PLANNING SCHEME

Notice of Approval of Amendment

Amendment C66

The Minister for Planning has approved Amendment C66 to the Mildura Planning Scheme.

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

The Amendment:

- rezones approximately 38 hectares of land generally on the south-east side of Flora Avenue, Mildura, between Eleventh Street Recreation Reserve, the Mildura Golf Course and Lake Ranfurly, from Low Density Residential Zone to Residential 1 Zone;
- rezones the Mildura Golf Course, generally on Twelfth Street and Ontario Avenue, Mildura, from Public Park and Recreation Zone to Comprehensive Development Zone;
- rezones land generally between Lake Ranfurly and the Mildura Landfill, Mildura, including part of the Fourteenth Street road reserve between the Mildura Golf Course and Ontario Avenue, from part Urban Floodway Zone, part Public Park and Recreation Zone and part Farming Zone to Public Conservation and Resource Zone;
- rezones land on the corner of Ranfurly Way (Eleventh Street) and Riverside Avenue, Mildura, owned by St Joseph's College, from Public Park and Recreation Zone to Special Use Zone 1 (Private Education and Religious Establishments);
- rezones land forming part of the Fourteenth Street road reserve, to the north of Lake Ranfurly, from Public Conservation and Resource Zone to Urban Floodway Zone;
- applies the Development Plan Overlay and the Salinity Management Overlay to the land to be rezoned Residential 1 Zone;
- amends Clauses 21.04-2 and 21.06 to the Municipal Strategic Statement to include a new implementation action, a revised Mildura Town Structure Plan and new reference documents entitled 'Ontario-Flora Precinct Land Use Vision and Urban Design Framework, July 2010' and 'Fairways Mildura Design Guidelines (Version 2 – March 2012)';
- introduces the Comprehensive Development Zone into the Mildura Planning Scheme;
- introduces a new Schedule 1 to the Comprehensive Development Zone into the Mildura Planning Scheme to facilitate the use and development of land for the Mildura Golf Course Resort;
- introduces a new Schedule 3 to the Development Plan Overlay into the Mildura Planning Scheme to require a development plan for the Ontario-Flora Development Area consistent with the 'Ontario-Flora Land Use

Vision and Urban Design Framework, July 2010’;

- amends the Schedule to Clause 61.03 to reflect the maps forming part of the Mildura Planning Scheme; and
- amends the Schedule to Clause 81.01 to include a new incorporated document entitled the ‘Mildura Golf Resort Redevelopment Masterplan, June 2012’ into the Mildura Planning Scheme.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at www.dpcd.vic.gov.au/planning/publicinspection and free of charge, during office hours, at the offices of the Mildura Rural City Council, 108–116 Madden Avenue, Mildura.

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

Planning and Environment Act 1987

QUEENSCLIFFE PLANNING SCHEME

Notice of Approval of Amendment

Amendment C24

The Minister for Planning has approved Amendment C24 to the Queenscliffe Planning Scheme.

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

The Amendment updates the Schedule to the Heritage Overlay (Clause 43.01) and Planning Scheme Maps 2HO, 3HO, 4HO and 5HO.

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 Borough of Queenscliffe, Municipal Offices, 50 Learmonth Street, Queenscliff 3225.

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

LATE NOTICES

Planning and Environment Act 1987

**GREATER SHEPPARTON
PLANNING SCHEME**

**Notice of Preparation of Amendment
Amendment C158
Authorisation A02162**

The Greater Shepparton City Council has prepared Amendment C158 to the Greater Shepparton Planning Scheme.

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

The land affected by the Amendment is various parcels of land located south of the Midland Highway in south Shepparton.

The Amendment proposes to amend Clause 21.04-5 (Community Life) and include the South Shepparton Community Infrastructure Needs Assessment as a reference document in Clause 21.09 of the Greater Shepparton Planning Scheme.

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, Greater Shepparton City Council Offices, Welsford Street, Shepparton; Goulburn Valley Regional Library, Marungi Street, Shepparton; at the Department of Planning and Community Development website, www.dpcd.vic.gov.au/planning/publicinspection; and at the Greater Shepparton City Council website, www.greatershepparton.com.au

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

In accordance with Part 3, section 21(2) of the **Planning and Environment Act 1987** requires that the planning authority must make a copy of every submission (including personal information of the submitter) available at its office for any person to inspect during office hours, free of charge, until two months after the Amendment comes into operation or lapses.

The closing date for submissions is 24 September 2012. A submission must be sent to the Greater Shepparton City Council, Locked Bag 1000, Shepparton, Victoria 3632.

COLIN KALMS
Manager Planning

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

Notice is hereby given under section 17(3) of the **Subordinate Legislation Act 1994** that the following Statutory Rule was first obtainable from the Victorian Government Bookshop, Level 20, 80 Collins Street, Melbourne on the date specified:

85. *Statutory Rule:* County Court
(Chapter I
Trans-Tasman
Proceedings
Amendment)
Rules 2012

Authorising Act: County Court
Act 1958

Date first obtainable: 7 August 2012

Code C

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