



# Victoria Government Gazette

By Authority of Victorian Government Printer

**No. G 17 Friday 26 April 2013**

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**GENERAL**

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As from 26 April 2013

The last Special Gazette was No. 159 dated 23 April 2013.

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

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**How To Submit Copy**

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  - or contact our office on 8523 4601  
between 8.30 am and 5.30 pm Monday to Friday
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**Copies of recent Special Gazettes can now be viewed at the following display cabinet:**

- 1 Treasury Place, Melbourne (behind the Old Treasury Building)
-

**VICTORIA GOVERNMENT GAZETTE**

**Subscribers and Advertisers**

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JENNY NOAKES  
Government Gazette Officer

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### PRIVATE ADVERTISEMENTS

Re: Estate STUART LESLIE JOBLING, deceased.

In the estate of STUART LESLIE JOBLING, late of 138 Williams Road, Wangaratta, Victoria, labourer, deceased.

Creditors, next-of-kin and all others having claims against the estate of the said deceased are required by the administrator of the Will of the said deceased to send particulars of such claims to him, in care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date they will distribute the assets, having regard only to the claims of which they then have notice.

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

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Re: Estate JOHANNA BERNARDA MORSSINKHOF, deceased.

In the estate of JOHANNA BERNARDA MORSSINKHOF, late of 35 McGrath Road, Teal Point, Victoria, widow, deceased.

Creditors, next-of-kin and all others having claims against the estate of the said deceased are required by Michael John Morssinkhof, the executor of the Will of the said deceased, to send particulars of such claims to him, in care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date they will distribute the assets, having regard only to the claims of which they then have notice.

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

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Re: Estate GWILLYM ALEXANDER RADCLIFFE, deceased.

In the estate of GWILLYM ALEXANDER RADCLIFFE, late of 24 Andrew Street, Kerang, Victoria, farmer, deceased.

Creditors, next-of-kin and all others having claims against the estate of the said deceased are required by Helen Margaret Fogarty, the executor of the Will of the said deceased, to send particulars of such claims to her, in care of the undermentioned solicitors, within two months from the date of publication of this notice, after

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

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

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Re: NICHOLAS MICHAEL JOHN WISHART, deceased, late of 15 Hospital Street, Heathcote, Victoria.

Creditors, next-of-kin, and others having claims in respect of the estate of the deceased, who died on 23 February 2013, are required by the trustee, Leonie Patricia Wishart, care of Beck Legal, 165–171 Hargreaves Street, Bendigo, Victoria, to send particulars to the trustee by 26 June 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

BECK LEGAL PTY LTD, solicitors,  
165–171 Hargreaves Street, Bendigo 3550.

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BERYL MARTHA DIGHT, late of 168 Inglis Street, Ballan, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims against the estate of the deceased, who died on 19 August 2012, are required by the executor of the Will, Peter William Dight, to send particulars to him, care of Birdsey Dedman & Bartlett, of 166a Ryrie Street, Geelong, solicitors, by 26 June 2013, after which date he may convey or distribute the assets, having regard only to the claims of which he then has notice.

Dated 10 April 2013

BIRDSEY, DEDMAN & BARTLETT, solicitors,  
166a Ryrie Street, Geelong 3220.

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Re: MARY ZAGARN, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 February 2013, are required by the trustee, John Leonard Michael Zagarn (in the Will called John Leon Michael Zagarn), care of 44 Douglas Street, Noble Park, Victoria, to send particulars to the trustee by 10 July 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

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Re: ELSIE ALMA KRAFT, late of 1–19 York Street, Glenroy, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 February 2013, are required by the trustees, Trevor John Kraft and Kathryn Mary Carmuciano, to send particulars to the trustees, care of the undermentioned solicitors, within sixty days from the publication hereof, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

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

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Re: Estate of ETHEL MAY WILKINSON, deceased.

Creditors, next-of-kin, and others having claims in respect of the estate of ETHEL MAY WILKINSON, late of Cambridge House, 3 Cambridge Street, Collingwood, Victoria, retired, deceased, who died on 15 September 2012, are to send particulars of their claim to the administrator, care of the undermentioned legal practitioners, by 1 July 2013, after which the administrator will distribute the assets, having regard only to the claims of which he then has notice.

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

---

Re: NORMAN ALBERT BAMFIELD, late of 3/16 Mitchell Street, Nathalia, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 22 February 2011, are required by the trustees, Colin Robert Bamfield and Paul Norman Bamfield, to send particulars to them, care of the undersigned, by 25 June 2013, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they have notice.

G. A. BLACK & CO., solicitors,  
222 Maroondah Highway, Healesville 3777.

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Re: FREDERICK JOHN CARNEY, late of Knoxville Residential Aged Care Facility, 428 Scoresby Road, Knoxfield, Victoria, retired, deceased.

Creditors, next-of-kin, and others having claims in respect of the estate of the deceased, who died on 5 February 2013, are required by the trustee, John Francis Carney, to send particulars to him, care of the undersigned, by 25 June 2013, after which date the trustee will convey or distribute the assets, having regard only to the claims of which the trustee has notice.

G. A. BLACK & CO., solicitors,  
222 Maroondah Highway, Healesville 3777.

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Re: LEANNE MAY DOVASTON, late of 261 Marysville Road, Marysville, Victoria, farmer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 26 February 2011, are required by the trustee, Glenn Leslie Dovaston, to send particulars to him, care of the undersigned, by 25 June 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

G. A. BLACK & CO., solicitors,  
222 Maroondah Highway, Healesville 3777.

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Re: JOSEPHINE ALEXANDER STONE, late of Domain Gracedale, 205 Warrandyte Road, Ringwood North, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 22 September 2012, are required by the trustee, Lawrie Phillip Stone, to send particulars to him, care of the undersigned, by 25 June 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

G. A. BLACK & CO., solicitors,  
222 Maroondah Highway, Healesville 3777.

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Re: PAWEL SUPINSKI, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 October 2012, are required by the trustee, Aleksander Kulesza, to send particulars to the trustee's undermentioned

solicitors by 26 June 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

HALL & WILCOX, solicitor,  
Level 30, 600 Bourke Street, Melbourne 3000.

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Re: OWEN EDWARD THOMAS, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 December 2012, are required by the trustee, Jeffrey Owen Thomas, to send particulars to the trustee, care of the trustee's undermentioned solicitors, by 26 June 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

HALL & WILCOX, solicitor,  
Level 30, 600 Bourke Street, Melbourne 3000.

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Re: JOHN ALLAN GEBHARDT, deceased.

Take notice that Maree Christine Gebhardt, to whom probate of the Will dated 23 July 2008 of JOHN ALLAN GEBHARDT, late of 43 Roma Road, St Ives, in the state of New South Wales, was granted by the Supreme Court of New South Wales, will, fourteen days after the date of publication of this advertisement, apply to the Supreme Court of Victoria for a Grant of Reveal of an exemplification of the Grant of Probate.

HARRY M. HEARN, solicitor,  
443 Little Collins Street, Melbourne 3000.

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Re: DONALD DUNCAN MATHESON, late of Kiewa Valley House, Mount Beauty, Victoria 3699, retired landscape gardener, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died 8 April 2012, are required by the executor, Heath Andrew Matheson, to send particulars to him by 26 June 2013, after which date the executor may convey and distribute the assets, having regard only to the claims of which he then has notice.

HEATH MATHESON,  
PO Box 196, Tawonga South 3698.

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JOHN PETER MILLER, late of 44 Sydenham Avenue, Manifold Heights, retiree, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 17 March 2013, are required by the trustee, Peter Anthony Miller, to send particulars of their claims to the trustee, care of the undermentioned legal practitioners, by 19 July 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

INGPEN & BENT,  
legal practitioners for the trustee,  
95 Yarra Street, Geelong 3220.

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Re: ZITA EVELYN McINERNEY, deceased, of 17 Walter Crescent, Warrnambool, in the State of Victoria, home duties.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 4 January 2013, are required to send particulars of their claims to the executors, John Patrick McInerney and Helen Marie Sjogren, care of 31 Small Street, Hampton, Victoria 3188, by 27 June 2013, after which date the executors may convey or distribute the assets, having regard only to the claims of which they may then have notice.

KEITH R. CAMERON, solicitor,  
31 Small Street, Hampton, Victoria 3188.

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ALAN JAMES GOBLE, late of 10–14 Pretoria Street, Balwyn, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 July 2012, are required by David Stanley Goble and Anne Louise Goble, the executors of the Will of the deceased, to send particulars of their claims to them, care of the undermentioned solicitor, by 24 June 2013, after which date they will convey or distribute the assets, having regard only to the claims of which they then have notice.

KIRBY & CO.,  
Level 4, 488 Bourke Street, Melbourne 3000.

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Re: LORNA ROSE MORGAN, late of 24 Elliot Avenue, Broadmeadows 3047, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 December 2012, are required by the executrix, Dianne Nicole Germon, to send particulars of their claim to her, care of the undermentioned solicitors, by the date not later than sixty days from the date of publication hereof, after which date the executrix may convey or distribute the assets, having regard of which the executrix has notice.

MARTIN J. HULL, lawyer,  
49 Blake Street, Nathalia 3638.

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Re: GWENDA JOAN JENNINGS, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 February 2013, are required by the trustee, Ramone Luke Finck, in the Will called Ramone Finck, manager information systems, to send particulars to the trustee, care of the undermentioned solicitors, by 26 June 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

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Re: PHYLLIS WHITELAW, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 22 February 2013, are required by the trustee, Graeme John Whitelaw, financial adviser, to send particulars to the trustee, care of the undermentioned solicitors, by 26 June 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

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DOROTHY MARGARET HASTINGS, late of Room 12, Sorrento Lodge, 211 Ocean Beach Road, Sorrento, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 21 January 2013, are required to send particulars of their claims to the trustee, Shane Christopher McCarthy, care of the undermentioned solicitors, by 15 July 2013,

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.

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Re: JOAN MARGARET KING, late of 55 Walpole Street, Kew, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 7 July 2012, are required to send particulars of their claims to the executors, care of PO Box 453, Collins Street West, Melbourne, Victoria 8007, by 25 July 2013, after which date the executors may convey or distribute the assets, having regard only to the claims of which they may then have notice.

MILLS OAKLEY LAWYERS,  
Level 6, 530 Collins Street, Melbourne 3000.

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Re: KATHLEEN ISOBEL MORRIS, late of Prom View Lodge, 25 Welshpool Road, Toora, Vic. 3962, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 11 January 2013, are required by the trustees, Leonie Bernadette Dessent and Terrence Richard Dessent, to send particulars to the trustees, care of the undermentioned solicitors, by 25 July 2013, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

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

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Re: SUSAN BARBARA RALEIGH STAVELY, late of Devon Lodge, 115 Meeniyan–Nerrena Road, Meeniyan, 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 and Clive William White, to send particulars to the trustees, care of the undermentioned solicitors, by 30 June 2013, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

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

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Re: PETER MICHAEL HAWRYLAK, late of Unit 2, 288 Nicholson Street, Seddon, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 January 2013, are required by the executors, Joanne Alice O'Donnell and Mark Peter Hawrylak, to send particulars of their claim to them, care of the undermentioned solicitors, by 26 June 2013, after which date the executor may convey or distribute the assets, having regard only to the claims of which they may then have notice.

PATRICK CASH & ASSOCIATES, solicitors,  
40 Droop Street, Footscray 3011.

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Re: BRYANS TRUST (also known as the LINA BRYANS TRUST).

Creditors, next-of-kin, and others having claims in respect of the BRYANS TRUST (also known as the LINA BRYANS TRUST), are required by the trustees, Adrian Joseph Beckwith and Sebastian Charles Moran Greene, care of Piper Alderman, Level 24, 385 Bourke Street, Melbourne, Victoria 3000, to send particulars to them by 26 June 2013, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

Dated 26 April 2013

PIPER ALDERMAN, solicitors  
Level 24, 385 Bourke Street, Melbourne,  
Victoria 3000.

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Re: EDWARD ASHLEY BRYANS, late of 5 Higham Road, Hawthorn East, Victoria 3123, TV and radio broadcaster, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 23 March 2010, are required by the executor, Adrian Joseph Beckwith, care of Piper Alderman, Level 24, 385 Bourke Street, Melbourne, Victoria 3000, to send particulars to him by 26 June 2013, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

PIPER ALDERMAN, solicitors,  
Level 24, 385 Bourke Street, Melbourne,  
Victoria 3000.

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Re: MARY JOYCE BRYANS, late of 5 Higham Road, Hawthorn East, Victoria 3123, home duties, deceased.

Creditors, next-of-kin, and others having claims in respect of the estate of the deceased, who died on 4 April 2012, are required by the executors, Adrian Joseph Beckwith and Sebastian Charles Moran Greene, care of Piper Alderman, Level 24, 385 Bourke Street, Melbourne, Victoria 3000, to send particulars to them by 26 June 2013, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

Dated 26 April 2013

PIPER ALDERMAN, solicitors  
Level 24, 385 Bourke Street, Melbourne,  
Victoria 3000.

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Re: THE E. & M. BRYANS FAMILY TRUST.

Creditors, next-of-kin, and others having claims in respect of the E. & M. BRYANS TRUST, are required by the trustees, Adrian Joseph Beckwith and Sebastian Charles Moran Greene, care of Piper Alderman, Level 24, 385 Bourke Street, Melbourne, Victoria 3000, to send particulars to them by 26 June 2013, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

Dated 26 April 2013

PIPER ALDERMAN, solicitors  
Level 24, 385 Bourke Street, Melbourne,  
Victoria 3000.

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Re: MARJORIE JEAN WILLIAMS, deceased, late of 328 Bank Street, South Melbourne, Victoria, retired.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 29 June 2012, are required by the trustee, Rohan David Harris of Level 12, 469 La Trobe Street, Melbourne, Victoria, solicitor, to send particulars to the trustee by 26 June 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

RUSSELL KENNEDY, solicitors,  
Level 12, 469 La Trobe Street, Melbourne 3000.

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Re: LELOLA HENDERSON, deceased.

Creditors, next-of-kin, and others having claims in respect of the estate of the deceased, who died on 27 October 2012, are required by the trustee, Sandhurst Trustees Limited, ACN 004 030 737, of 18 View Street, Bendigo, Victoria, to send particulars to the trustee by 28 June 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

SANDHURST TRUSTEES LIMITED,  
18 View Street, Bendigo 3550.

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Re: ELIZABETHANNE SYNAN, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 31 August 2012, are required by the trustee, Sandhurst Trustees Limited, ACN 004 030 737, of 18 View Street, Bendigo, Victoria, to send particulars to the trustee by 28 June 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

SANDHURST TRUSTEES LIMITED,  
18 View Street, Bendigo 3550.

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MARION GORRIE STEWART, late of 3, 36 Waterloo Place, Mornington, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 November 2012, are required by the executors, Graeme Wallace Stewart, of 3/36 Waterloo Place, Mornington, Victoria, and Sheena Margaret Nancarrow, of 47 Fitzroy Street, Kerang, Victoria, to send particulars to them, care of Stidston Warren Lawyers, by 30 June 2013, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

STIDSTON WARREN LAWYERS,  
Suite 1, 10 Blamey Place, Mornington 3931.

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Creditors, next-of-kin and others having claims against the estate of MARGARET MARY FOX, late of 47 Rosserdale Crescent, Mount Eliza, Victoria, deceased, who died on 12 February 2013, are required to send particulars of their claims to Josephine Majella Condon and

Daniel Gartlan Condon, the executors of the said deceased, care of the undersigned solicitors, on or before 31 July 2013, after which date they will distribute the assets, having regard only to the claims of which they then have notice.

TOLHURST DRUCE & EMMERSON,  
solicitors,  
520 Bourke Street, Melbourne 3000.

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Re: JUDITH ANNETTE APPLEBY, late of 15 Central Avenue, Black Rock, Victoria 3193, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 10 March 2013, are required by the executor, Jane Ryan, to send particulars to her, care of the undermentioned solicitors, by 28 June 2013, after which date the executor may convey and distribute the assets, having regard only to the claims of which she then has notice.

TRAGEAR & HARRIS LAWYERS,  
1/23 Melrose Street, Sandringham 3191.

---

Re: JESSIE NORMA JACOBS, late of Elizabeth Gardens Nursing Home, Elizabeth Street, Burwood, Victoria, retired hairdresser/wigmaker, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 February 2013, are required by the executors, Graeme Allen Jacobs and Ian Galbraith Jacobs, to send particulars to them, care of the undermentioned solicitors, by 28 June 2013, after which date the executors may convey and distribute the assets, having regard only to the claims of which they then have notice.

TRAGEAR & HARRIS LAWYERS,  
1/23 Melrose Street, Sandringham 3191.

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ALEKSANDER JOOST, late of 13 Wyuna Court, Mount Martha, in the State of Victoria, retired anaesthetist, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 June 2012, are required by the personal representative, David Victor Turnbull, of 46 Haigh Street, Moe, to send particulars to them, care of the undermentioned solicitors, by 26 June 2013, after which date the personal

representatives may convey or distribute the assets, having regard only to the claims of which they then have notice.

VERHOEVEN & CURTAIN, solicitors,  
Suite 4, 46 Haigh Street, Moe 3825.

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Re: NORMAN RICHARD WRIGHT,  
late of 20 Martin Street, Pascoe Vale, Victoria,  
retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 14 December 2012, are required by the trustees, Keryn Leanne Beischer and Shane Norman Wright, to send particulars to the trustees, care of the undermentioned solicitors, by a date not later than two months from the date of publication of this notice, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

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

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Re: The estate of RONALD JAMES GREGORY, late of 69 Oak Street, Beaumaris, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 7 December 2012, are required by the executors, Cameron James Gregory and Malcolm Ian Ramsay, to send particulars to them, care of the undersigned solicitors, by 10 July 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

WILLIS SIMMONDS LAWYERS,  
legal practitioners,  
6/1 North Concourse, Beaumaris 3193.

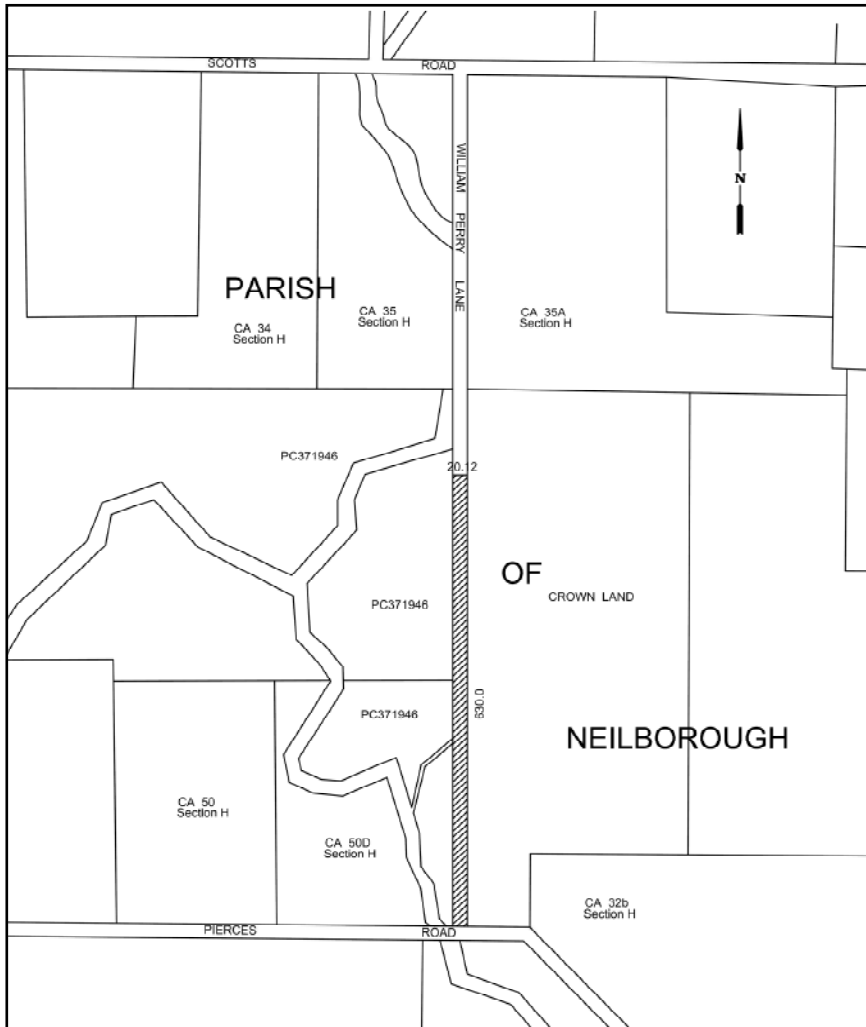
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CITY OF GREATER BENDIGO

Road Discontinuance – William Perry Lane, Neilborough

Under Instrument of Delegation and in accordance with section 206 and Schedule 10 Clause 3 of the **Local Government Act 1989**, the road shown hatched on the plan below is not reasonably required as a road for public use and will be discontinued. The land will be transferred from the road to the Crown. No public submissions were received in relation to this road discontinuance.



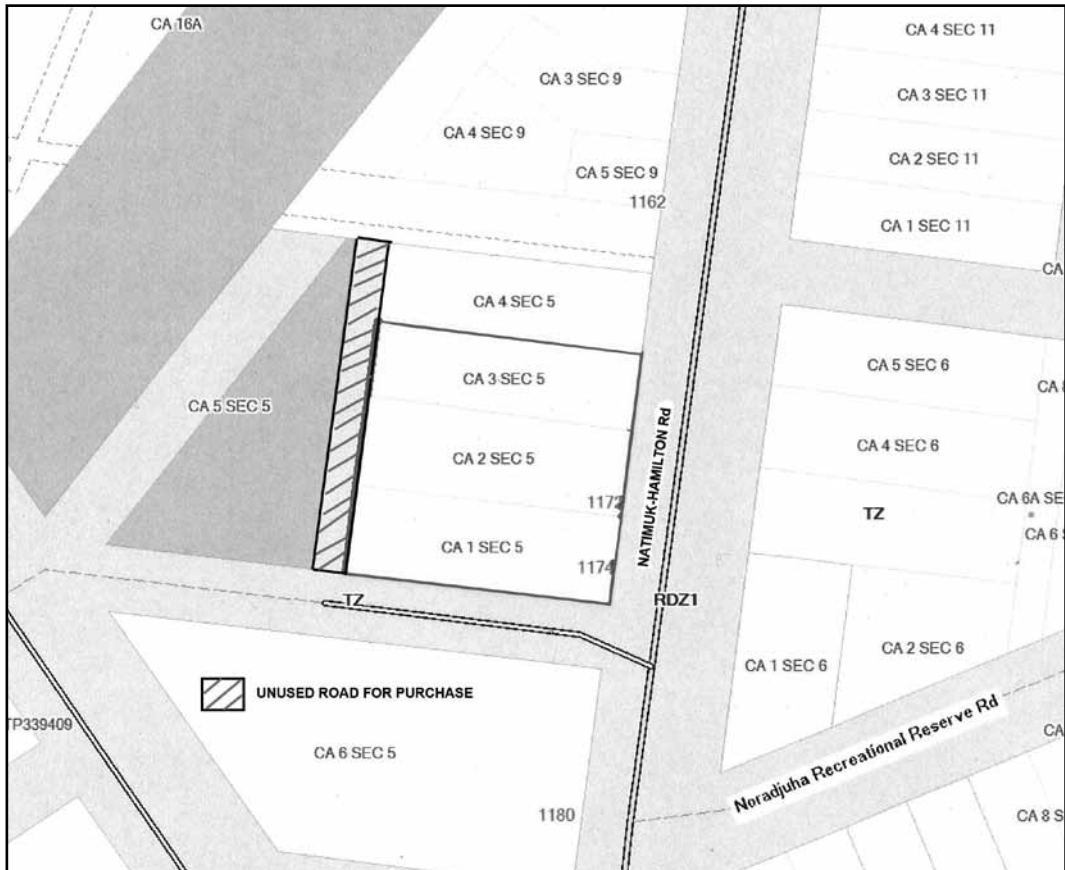
CRAIG NIEMANN  
Chief Executive Officer

HORSHAM RURAL CITY COUNCIL

Discontinuance of Road

Pursuant to section 206 and Clause 3 of Schedule 10 of the **Local Government Act 1989**, Horsham Rural City Council, at its Ordinary Meeting on 15 April 2013, has resolved to formally discontinue the unused road Crown Allotment 5, Section 5, West of Allotments 1–4, township of Noradjuha, Parish of Lowan.

That part of the road shown hatched on the attached plan below is not reasonably required for public road purposes and once discontinued will be sold to the adjoining land owners.



PETER BROWN  
Chief Executive



Land Acquisition and Compensation Act 1986

FORM 7

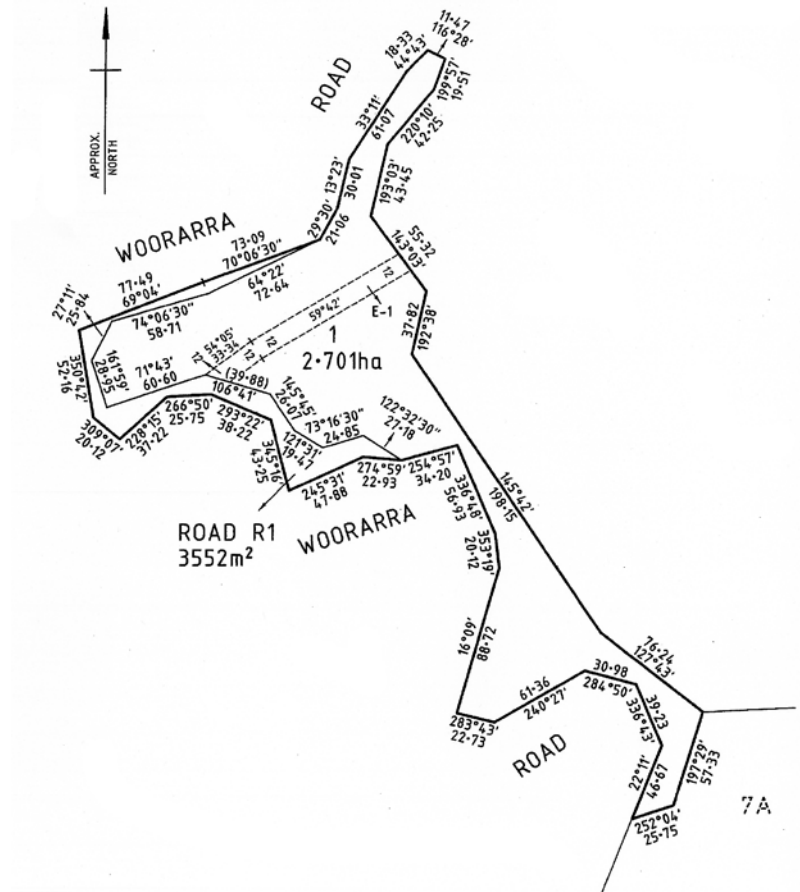
S. 21(a)  
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Wellington Shire Council declares that by this Notice it acquires part of the land contained in Certificate of Title Volume 4845 Folio 971 and marked R1 on the attached plan.

**Interest acquired:** That of William Athol Jones and all and any interests



Published with the authority of the Wellington Shire Council, 70 Foster Street, Sale 3850.  
Dated 17 April 2013

Signed JOHN TATTERSON  
Manager Built Environment  
For and on behalf of the Wellington Shire Council



GANNAWARRA  
SHIRE COUNCIL

Road Discontinuance – 6801 Murray Valley Highway, Cohuna  
Under Schedule 10 of the **Local Government Act 1989**

Under section 206 and Schedule 10, Clause 3 of the **Local Government Act 1989**, Gannawarra Shire Council, at its ordinary meeting on 20 February 2013, formed the opinion that the road at that piece of land shown hatched on the map below, located on the eastern boundary of 6801 Murray Valley Highway, Cohuna, described as Lot 1, TP 562768J, is not reasonably required as a road for public use and resolved to discontinue the road and sell the closed road to abutting owners.



JASON RUSSELL  
Chief Executive Officer



GANNAWARRA  
SHIRE COUNCIL

**Road Management Act 2004**  
REVIEW OF  
ROAD MANAGEMENT PLAN

In accordance with section 54(5) of the **Road Management Act 2004** (Act), the Gannawarra Shire Council (Council) gives notice that it intends to conduct a review of its Road Management Plan (Review).



The purpose of the review, consistent with the role, functions and responsibilities of Council as a road authority under the Act, is to ensure that the standards in relation to, and the priorities to be given to, the inspection, maintenance and repair of the roads and the classes of road to which the Council's Road Management Plan applies are safe, efficient and appropriate for use by the community served by the Council.

The review will apply to all of the roads and classes of roads to which the Road Management Plan applies.

A copy of the Council's current Road Management Plan may be inspected at Council's Offices – Patchell Plaza, 47 Victoria Street, Kerang 3579, or 23–25 King Edward Street, Cohuna 3568, or accessed online on Council's website, [www.gannawarra.vic.gov.au](http://www.gannawarra.vic.gov.au)

Any person may make a submission to Council on the proposed review during the submission period until 24 May 2013.

A person who has made a submission and requested that they be heard in support of their submission is entitled to appear in person, or by a person acting on their behalf, before a meeting of a Committee of Council on 4 June 2013 at the Kerang Council Chambers.

Any enquiries about the proposed review can be directed to Brent Heitbaum, Manager Design and Assets by calling 03 5450 9333 or email at [council@gannawarra.vic.gov.au](mailto:council@gannawarra.vic.gov.au)

JASON RUSSELL  
Chief Executive Officer

#### CASEY CITY COUNCIL

##### Proposed Review of a Road Management Plan Public Notice Inviting Submissions

In accordance with the provisions of the **Road Management Act 2004** and the Road Management (General) Regulations 2005, the City of Casey gives notice of its intention to review its Road Management Plan and invites public submissions on the proposed review. The current City of Casey Road Management Plan was adopted on 15 September 2009 and applies to all roads within the City of Casey's boundaries for which the Council is the Responsible Road Authority, as identified in the Council's register of public roads.

The purpose of the review is to review the content of the plan with respect to the requirements of the **Road Management Act 2004** and revise response times and intervention levels to reflect current priorities and strategies.

The following relevant documents are available from the Council Offices on the corner of Magid Drive and Princes Highway, Narre Warren 3805, or from the Council's website ([www.casey.vic.gov.au/publicnotices](http://www.casey.vic.gov.au/publicnotices)):

- City of Casey Road Management Plan 2009
- City of Casey Road Register.

Any person may make a submission on the proposed review by 27 May 2013. Submissions should be addressed to the Chief Executive Officer, Casey City Council, PO Box 1000, Narre Warren, Victoria 3805.



COMMITTED TO A  
SUSTAINABLE  
PENINSULA

#### NOTICE OF PUBLIC EXHIBITION DRAFT ROAD MANAGEMENT PLAN

The **Road Management Act 2004** requires Council to review its Road Management Plan following a Council Election.

Council is seeking feedback from the community on the content of the current Road Management Plan as part of the Review process. The current Road Management Plan is available on the Shire's website for viewing.

#### Submissions

Please address your submission to: Team Leader – Infrastructure Planning and Policy, Mornington Peninsula Shire, Private Bag 1000, Rosebud 3939, clearly marked as 'Submission on Road Management Plan Review'. Submissions close on Tuesday 14 May 2013.

All submitters will be given an opportunity to speak to their submission at a Section 223 Committee Meeting, provided that they indicate their intention to do so in their submission.

#### Further information

If you would like any further information on the Road Management Plan Review, please contact Mr Ross Gregory or Mr Colin Myers on ph: 1300 850 600.



### Road Management Act 2004

#### STATUTORY REVIEW OF ROAD MANAGEMENT PLAN (RMP)

In accordance with section 302 of Road Management (General Regulations) 2005, notice is hereby given that the Swan Hill Rural City Council proposes changing its Road Management Plan.

Proposed general changes involve improving the internal reporting process on Council's performance against the RMP and inclusion of non routine, Reactive Inspection Times.

Specific changes to ensure that targets are attainable, and that intervention levels align with Council's Defect Reporting system, affect a range of assets and for some relevant defects. Assets affected include:

- sealed roads of Maintenance Category 2 and 3;
- unsealed Paved Roads of Maintenance Category 2 to 4;
- all roads of Maintenance Category 1; and
- all concrete or paved Pathways of Maintenance Category 2 to 3.

Copies of Council's full report on changes made, the proposed new RMP and the Public Road Register (lists Maintenance Categories for each road) are available online at ([www.swanhill.vic.gov.au/quicklinks/consultation](http://www.swanhill.vic.gov.au/quicklinks/consultation)) or can be obtained at the Council's offices in Swan Hill or Robinvale.

Any person aggrieved by these changes can make a submission to Council, addressing their submission to Mr David Leahy, Acting Chief Executive Officer, PO Box 488, Swan Hill 3585, or email [council@swanhill.vic.gov.au](mailto:council@swanhill.vic.gov.au). Submissions received within 28 days of the date of this notice will be considered before adopting the changes in line with section 303 of Road Management (General Regulations) 2005.



### ROAD MANAGEMENT PLAN REVIEW

In accordance with section 302 of the Road Management (General) Regulations 2005, the Rural City of Wangaratta is conducting a review of its Road Management Plan.

The purpose of the review is to assess current road management practices, including the inspection, maintenance and repair of all Council's roads as listed in its Register of Public Roads, with consideration of Council's resources and community expectations.

Following the first consultation period, copies of the Draft Road Management Plan can be inspected at the Wangaratta Government Centre, 62–68 Ovens Street, Wangaratta, during normal business hours or online at [www.wangaratta.vic.gov.au](http://www.wangaratta.vic.gov.au)

Any person wishing to make a submission on the Draft Road Management Plan can do so in writing addressed to Adrian Gasperoni, Manager – Technical Services, Rural City of Wangaratta, PO Box 238, Wangaratta 3676, or emailed to [council@wangaratta.vic.gov.au](mailto:council@wangaratta.vic.gov.au). Submissions must be received by 5.00 pm, Friday 24 May 2013.

For further information please contact Maree Walker, Senior Engineer – Assets & Strategy on 5722 0888.

Dated 17 April 2013

DOUG SHARP  
Chief Executive Officer



WELLINGTON  
SHIRE COUNCIL  
*The Heart of Gippsland*

### Road Management Act 2004

#### REVIEW OF ROAD MANAGEMENT PLAN

In accordance with section 54(5) of the **Road Management Act 2004**, the Wellington Shire Council gives notice that it intends to conduct a review of its Road Management Plan (2012).

The purpose of the Review, consistent with the role, functions and responsibilities of the Council as a road authority under the Act, is to ensure that the standards in relation to, and the priorities to be given to, the inspection, maintenance and repair of the roads (including footpaths) and the classes of roads (and footpaths) to which the Council's Road Management Plan applies are safe, efficient and appropriate for use by the community served by the Council.

The Review will apply to all of the roads and footpaths and classes of roads and footpaths to which Councils Road Management Plan applies.

A copy of Council's Road Management Plan may be inspected at, or obtained from, the Council's Service Centres at 70 Foster Street, Sale, and 156 Grant Street, Yarram, or accessed online by viewing the Council's website, [www.wellington.vic.gov.au](http://www.wellington.vic.gov.au)

Any person may make a submission review to Council by 31 May 2013. Submissions should be addressed to Manager Built Environment, PO Box 506, Sale 3850.

DAVID MORCOM  
Chief Executive Officer

**Planning and Environment Act 1987**  
EAST GIPPSLAND PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C100

Authorisation A02096

The East Gippsland Shire Council has prepared Amendment C100 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 all land in the Rural Living and Farming Zones.

The Amendment affects all land in the Rural Living and Farming Zones. It proposes to amend schedules 1 to 4 at Clause 35.03 and Clause 35.07 of the East Gippsland Planning Scheme.

The changes:

- planning permit is no longer required for outbuildings to maximum floor area of 100 square metres for development within the Rural Living Zone;

- introduce a minimum setback from a dwelling not in the same ownership of 40 metres for a 2 hectare site, 60 metres for a 4 hectare site and 100 metres for sites exceeding 4 hectares;
- introduce new setbacks in the Rural Living Zone of 20 metres from a road and 10 metres from a boundary; and
- planning permit is no longer required for outbuildings to a maximum floor area of 250 square metres in the schedules to the Farming Zone.

You can 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; during office hours at Library/Business Centre, 1 Ruskin St, Orbost; during opening hours at the Lakes Library, Mechanics Street; and at the Department of Planning and Community Development website, [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) from 25 April 2013.

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

The closing date for submissions is 27 May 2013. A submission must be sent to the East Gippsland Shire Council, PO Box 1618, Bairnsdale, Victoria 3875.

FIONA WEIGALL  
Manager Strategic Planning

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

Notice of Preparation of Amendment

Amendment C190

Authorisation A02461

The Greater Bendigo City Council has prepared Amendment C190 to the Greater Bendigo Planning Scheme.

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

The land affected by the Amendment is CA 43C Parish of Marong, known as 244 Edwards Road, Maiden Gully, and part CA 43H Parish of Marong.

The Amendment proposes to:

- rezone approximately 125 hectares of land at 244 Edwards Road, Maiden Gully, and part CA 43H Parish of Marong, from Farming Zone to Residential 1 Zone;
- include land adjoining the southern boundary of 244 Edwards Road, Maiden Gully, in a Bushfire Management Overlay and extend the Bushfire Management Overlay on the northern and western boundaries;
- apply a new Schedule 27 to Clause 43.04 (Development Plan Overlay) over 244 Edwards Road and part CA 43H;
- introduce a Native Vegetation Precinct Plan for 244 Edwards Road and part CA43H and include it in the Schedule to Clause 52.16 (Native Vegetation Precinct Plan);
- amend the Urban Growth Boundary as shown in the Residential Strategic Framework Plan in the Municipal Strategic Statement;
- make changes to Clauses 21.04 (Strategic Directions), 21.05 (Settlement), 21.06 (Housing) and 21.10 (Reference Documents);
- amend Schedule 2 to Clause 42.02 (Vegetation Protection Overlay) to include a permit exemption for the removal, destruction or lopping of vegetation if in accordance with the Native Vegetation Precinct Plan;
- amend the Schedule to Clause 61.03 to update the list of maps; and
- amend the Schedule to Clause 81.01 (Incorporated Documents) by inserting a new Bendigo Residential Growth Plan 2009 (Amended 2012) and Forest Park, Maiden Gully Native Vegetation Precinct Plan (October 2012).

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, The Planning Department Office, City of Greater Bendigo, Hopetoun Mill, 15 Hopetoun Street, Bendigo; at the City of Greater Bendigo website, [www.bendigo.vic.gov.au](http://www.bendigo.vic.gov.au); and at the Department of Planning and Community Development website, [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection)

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

The closing date for submissions is 7 June 2013. A submission must be sent to the City of Greater Bendigo Planning Department, PO Box 733, Bendigo, Victoria 3550 or [psamendments@bendigo.vic.gov.au](mailto:psamendments@bendigo.vic.gov.au)

CRAIG NIEMANN  
Chief Executive Officer

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

#### **SOUTH GIPPSLAND PLANNING SCHEME**

##### Notice of Preparation of Amendment

##### Amendment C84

##### Authorisation A02496

The South Gippsland Shire Council has prepared Amendment C84 to the South Gippsland Planning Scheme.

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

The land affected by the Amendment is Lot C, Yeaman Court and 60, 62, 64 and part of 88 Horn Street, Leongatha. The land is officially recorded as Lot 6 CS1165, Lot 1 TP742417N Lot 1 TP247958M, Lot 1 TP539545M and TP164495N.

The Amendment proposes to:

- rezone land from the Mixed Use Zone and Residential 1 Zone to the Special Use Zone Schedule 5 (SUZ5);
- insert Schedule 5 to the Special Use Zone at Clause 37.01;
- introduce a new Incorporated Document to the Schedule at Clause 81.01 titled 'SPI Electricity Pty Ltd Leongatha 2013', to allow for the ongoing safe and efficient operation of the site; and
- correct zoning and overlay anomalies by rezoning land from the Public Park and Recreation Zone (PPRZ) to the SUZ5, rezoning land from the Mixed Use Zone to the PPRZ, and deleting the Environmental Audit Overlay from land to be rezoned to the PPRZ.

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,

South Gippsland Shire Council, 9 Smith Street, Leongatha; the Leongatha Library; and at the Department of Planning and Community Development website, [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection)

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

The closing date for submissions is Monday 27 May 2013. A submission must be sent to the South Gippsland Shire Council, Att: Nick Edwards, Private Bag 4, Leongatha 3953.

CRAIG LYON  
Strategic Planning Co-ordinator

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 1 July 2013, 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.

ARONSZTAM, Lew, late of Unit 2/35 Marriott Street, Caulfield, Victoria 3162, pensioner, deceased, who died on 11 January 2013.

BURICA, Josip, late of Kyneton Lodge Srs, 29 Donnithorne Street, Kyneton, Victoria 3444, factory worker, deceased, who died on 16 December 2012.

CZARNOWAJ, Sofia, late of Montgomery Nursing Home, 260 Kooyong Road, Caulfield, Victoria 3162, pensioner, deceased, who died on 27 November 2012.

HINES, John Charles, late of Southern Cross Aged Care, 500 Evans Road, Lynbrook, Victoria 3975, public servant, deceased, who died on 4 January 2013.

SALEN, Sidney William, late of Unit 8/9 Begg Street, Horsham, Victoria 3400, deceased, who died on 29 November 2012.

SETHI, Ravinder Kumar, late of Unit 10/10 Kensington Road, South Yarra, Victoria 3141, retired, deceased, who died on 8 January 2013.

Dated 22 April 2013

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 27 June 2013, 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.

COLES, Jeffrey Gordon, late of Flat 10, 37 Fawkner Street, South Yarra, Victoria 3141, pensioner, deceased, who died on 19 March 2013.

MACDONALD, Robert Ackland, late of Benlyne Park Private Nursing Home, 2 Killara Street, Sunshine West, Victoria 3020, retired, deceased, who died on 18 June 2012.

ROSENGREN, Henry Joseph, late of 34/3–25 Hanover Street, Fitzroy, Victoria 3065, retired, deceased, who died on 20 February 2013.

WAKE, Robert Charles, late of County Club Lodge, 111 Country Club Drive, Safety Beach, Victoria 3936, retired, deceased, who died on 28 June 2012.

Dated 18 April 2013

STEWART MacLEOD  
Manager

#### INTERIM EXEMPTION

Application No. A65/2013

The Victorian Civil and Administrative Tribunal has considered an application pursuant to section 89 of the **Equal Opportunity Act 2010** (the Act) by Hanover Welfare Services Ltd (the applicant). The application for exemption is to enable the applicant to:

- a) advertise for and employ women only in two of the Applicant's business units, namely, the applicant's Hanover East St Kilda (Crisis Accommodation & Housing Support – Women) and Hanover Windsor (Young Women's Intensive Case Management Service);
- b) to provide accommodation to women only in two of its accommodation facilities operated by its Women, Youth, Families & Children Portfolio, namely, transitional housing at 3 Burnett Street, St Kilda and crisis housing at 346 Dandenong Road, East St Kilda; and
- c) to advertise these matters (the exempt conduct).

Upon reading the material filed in support of this application, including the affidavit of Cheryl Farquhar, the Tribunal is satisfied that it is appropriate to grant an interim exemption from sections 16, 44, 52, 107 and 182 of the Act to enable the applicant to engage in the exempt conduct until the application is finally heard and determined.

In granting this exemption, the Tribunal noted:

- The applicant provides a range of services to women, men and children. They include the services referred to above which are limited to women only. Those services are provided to vulnerable women in crisis. For the purposes of this interim exemption, I am satisfied that it is appropriate that the accommodation and services be provided to women only and that the applicant be entitled to employ women only to provide those services.
- The applicant has been granted exemptions in relation to the same conduct previously. The last such exemption expired on 15 April 2013 (A60/2010). I am not currently satisfied that an exception applies to the exempt conduct. Accordingly, 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 wish to be employed by the applicant or access the services referred to above. I am satisfied that for the purposes of this interim exemption, the limit imposed by this exemption is reasonable and justified under the Charter.

The Tribunal hereby grants an interim exemption from the operation of sections 16, 44, 52, 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 15 July 2013.

Dated 16 April 2013

A. DEA  
Member

#### **Adoption Act 1984**

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

I, Mariela Diaz, revoke the following person under section 5(1) and section 5(2) of the **Adoption Act 1984** as approved counsellor for the purposes of section 87 of the **Adoption Act 1984**.

Kim Billington

MARIELA DIAZ  
Director, Child Protection  
South Division

#### **Adoption Act 1984**

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

I, Mariela Diaz, revoke the following person under section 5(1) and section 5(2) of the **Adoption Act 1984** as approved counsellor for the purposes of section 87 of the **Adoption Act 1984**.

Louise Cox

MARIELA DIAZ  
Director, Child Protection  
South Division

#### **Associations Incorporation Reform Act 2012**

##### SECTION 135

I, David Betts, Deputy Registrar of Incorporated Associations under the **Associations Incorporation Reform Act 2012** (the Act), under delegation provided by the Registrar, hereby give notice that, pursuant to section 135(3) of the Act, I intend to cancel the incorporation of the incorporated associations mentioned below;

The Cannons Creek Community Place Management Committee Inc.

Stop Montrose Quarry Expansion (STOP) Inc.

I further advise that unless a person makes a written objection to cancellation to the Registrar within 28 days of the date of this notice, I intend to cancel the incorporation of the incorporated associations mentioned above.

Dated 26 April 2013

DAVID BETTS  
Deputy Registrar of Incorporated Associations  
PO Box 4567  
Melbourne, Victoria 3001

**Associations Incorporation Reform Act 2012**  
SUB-SECTION 138

I, David Betts, Deputy Registrar of Incorporated Associations under the **Associations Incorporation Reform Act 2012** (the Act), under delegation provided by the Registrar, hereby give notice that an application for the voluntary cancellation of incorporation, pursuant to section 136 of the Act, has been received by the Registrar from each of the associations mentioned below:

Marilen Centre for Unity Foundation Inc.; North East Expo & Leisure Show Inc.; Forefront Ministries Inc.; Short & Sweet (Victoria) Inc.; Korean Community Soccer League Inc.; Melbourne University Horse Riding Club Inc.; Agelidis Foundation Inc.; Ararat Chinese Heritage Society Inc.; Returned War Service Veterans Community Welfare Association Inc.; Kyneton & District Heritage Association Inc.; Pink Poetry Inc.; Australia-Wuhan Business Association Inc.; Albatross German-Australian Club Inc.; Owners Corporation Network of Victoria Inc.; Wyndham Lodge Community Aged Care Inc.; Mission Impossible: (The Resource Centre) Inc.; Utes From The Bush Inc.; Lakes Entrance Art Workshop Inc.; Macedonian Performing Arts School "Bozilak" Inc.; Indigenous Community Golf (ICG) Inc.; Mighty Khalsa Australia Inc.; The Bennelong Society Inc.; Probus Club of Numurkah Inc.; Camperdown Old Time Dance Club Inc.; Australian Aid Abroad Inc.; Viva Fm Inc.; The Kahlia Wilson Inc.; Warrnambool Quilters Association Inc.; Allegratay Inc.; Barwon Heads Art/Educative Association Inc.; Music to Go! Inc.; Melbourne Mardi Gras Group

Inc.; Timbarra Kindergarten Committee of Management Inc.; Hawthorn Recreation Centre Squash Club Inc.; Greenhill Fly Fishers Club Ararat Inc.; Swami Jagannath Hindu Centre of Australia Inc.; Stewarts Lane Kindergarten Inc.; Bendigo Anglican Diocesan Historical Society Inc.; Croydon Baptist Church Inc.; Unison Associated Inc.; The Ladies Probus Club of Box Hill Inc.; Boort T.O.W.N Club; Bellerive Adult Riding Club Inc.; Bariak Peace Foundation Inc.; Courage Inc.; Bailey Park Eastmoor Cricket Club Inc.; Egyptian Television Group Inc.; Meniere's Support Group of Victoria Inc.; Castlemaine Maryborough and District Poultry Club Inc.; Yarra Resident's Coalition Inc.

I further advise that unless a person makes a written objection to cancellation to the Registrar within 28 days of the date of this notice, I intend to cancel the incorporation of the incorporated associations mentioned above.

Dated 26 April 2013

DAVID BETTS  
Deputy Registrar of Incorporated Associations  
PO Box 4567  
Melbourne, Victoria 3001

**Cemeteries and Crematoria Act 2003**  
SECTION 41(1)

Notice of Approval of Cemetery Trust  
Fees and Charges

I, 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 trusts. 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.

Castlemaine Cemetery Trust  
Echuca Cemetery Trust  
Lancefield Cemetery Trust  
Malmsbury Cemetery Trust

Dated 16 April 2013

BRYAN CRAMPTON  
Manager  
Cemeteries and Crematoria Regulation Unit

**Coastal Management Act 1995**

NOTICE OF APPROVAL OF MANAGEMENT PLAN

Port Phillip Foreshore Management Plan

The Port Phillip Foreshore Management Plan has been approved pursuant to section 32 of the **Coastal Management Act 1995**.

The Management Plan takes effect on the date this notice is published in the Government Gazette.

The Management Plan provides for the management of the coastal Crown land in the areas of Elwood, St Kilda, South Melbourne, Middle Park, Port Melbourne and Sandridge.

A copy of the Management Plan may be inspected on the City of Port Phillip website: [www.portphillip.vic.gov.au](http://www.portphillip.vic.gov.au)

THE HON. RYAN SMITH MP  
Minister for Environment and  
Climate Change

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**Coastal Management Act 1995**

NOTICE OF APPROVAL OF MANAGEMENT PLAN

Management Plan for the Foreshore Reserves Managed by Barwon Coast Committee of Management Incorporated

The Management Plan for the Foreshore Reserves managed by Barwon Coast Committee of Management Incorporated has been approved pursuant to section 32 of the **Coastal Management Act 1995**.

The management plan takes effect on the date this notice is published in the Government Gazette.

The Management Plan provides for the management of approximately 200 hectares of Crown land reserves along the Bellarine coast, from Collendina east of Ocean Grove to Blue Rocks west of Thirteenth Beach. The management area generally encompasses the strip of foreshore reserve between the high water mark and the nearest road or private property boundary.

A copy of the Management Plan may be inspected free of charge during office hours at the office of the Department of Environment and Primary Industries, Level 4, corner Fenwick and Little Malop Street, Geelong.

HELEN VAUGHAN  
Regional Director  
South West Region  
Department of Environment and  
Primary Industries

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## PUBLIC NOTICE CONCERNING NEIGHBOURHOOD SAFER PLACES

Fifteen public land reserves established under the **Crown Land (Reserves) Act 1978** have been identified as meeting the Country Fire Authority Assessment Guidelines for neighbourhood safer places. As the representative for the Minister responsible for the **Crown Land (Reserves) Act 1978**, I consent to the use of the following reserves as Neighbourhood Safer Places.

Reserve No.	Municipality	Township Name	General Location	Description
0304355	Warrnambool City Council	Warrnambool	Albert Park – Reid Oval (sealed road at southern edge)	Coulstock Street entry between Japan and Foster Street, Warrnambool
0304355	Warrnambool City Council	Warrnambool	Albert Park – Walter Oval car park	Coulstock Street entry opposite Foster Street, Warrnambool
0304355	Warrnambool City Council	Warrnambool	EJ King Reserve car park	Simpson Street between Otway Road and Bostock Street, Warrnambool
0304355	Warrnambool City Council	Warrnambool	Albert Park – Mack Oval Car Park	Coulstock Street entry Grafton Street, Warrnambool
0304364	Warrnambool City Council	Warrnambool	Merrivale Recreation Reserve Car Park	Corner Merrivale Drive and Landman Street, Warrnambool
0304355	Warrnambool City Council	Warrnambool	Albert Park – Warrnambool Football Club car park	Coulstock Street entry Crammer Street, Warrnambool
0304375	Warrnambool City Council	Warrnambool	Lake Pertobe Playground	Pertobe Road, Warrnambool
2006330	Indigo Shire Council	Beechworth	Police Paddocks	High Street (between Williams St & Camp St) Beechworth 3747
1104484	Indigo Shire Council	Beechworth	Memorial Hall	Ford Street (between Williams Street & Camp Street) Beechworth 3747
1106060	Indigo Shire Council	Chiltern	Memorial Hall	Conness Street (between Kilgour St & Alliance St) Chiltern 3683
1104650	Alpine Shire Council	Bright	Pioneer Park Football Oval	55–71 Coronation Avenue Bright 3741
1104650	Alpine Shire Council	Bright	Pioneer Park Pavilion	55–71 Coronation Avenue Bright 3741
0304271	Glenelg Shire Council	Portland	Civic Hall Car Park	30 Bentinck Street (between Glenelg Street and Gawler Street) Portland 3305
2004268	La Trobe City	Yinnar	Yinnar Primary School Administration Building	30 Main St Yinnar 3869
0802581	Strathbogie Shire Council	Violet Town	Violet Town Recreation Reserve Pavilion	Tulip Street opposite Hyacinth Street, Violet Town

Dated 16 April 2013

JENNY PEQUIGNOT  
Executive Director, Land Division

## Education and Training Reform Act 2006

### STRATEGIC PLANNING GUIDELINES – TAFE INSTITUTES

#### GUIDELINES CONCERNING MONITORING AND REPORTING IN ACCORDANCE WITH PART 5.2 OF THE EDUCATION AND TRAINING REFORM ACT 2006

#### Authorising provisions

1. These Guidelines –
  - (a) are issued pursuant to section 5.2.1(2)(b) of the **Education and Training Reform Act 2006** (the Act); and
  - (b) must be complied with by TAFE institutes pursuant to sections 3.1.18A(2) and 5.2.1(3)(a) of the Act.

#### Purpose

2. The Guidelines provide direction and advice to TAFE institutes about the content, process, endorsement and key dates associated with monitoring and reporting obligations to the Minister and Department, and additional obligations relating to a compliance plan and asset management plan.
3. The Guidelines outline the strategic planning and performance reporting obligations of TAFE institutes, in order for the Minister and Treasurer to effectively monitor and review the performance of the TAFE institutes and for the Department to provide advice to the Minister and Treasurer in a timely manner.

#### Commencement

4. These Guidelines take effect on the date of their publication in the Government Gazette.

#### Application of other laws

5. These Guidelines are subject to –
  - (a) the **Education and Training Reform Act 2006**;
  - (b) the provisions of, and any directions or regulations under, the **Financial Management Act 1994** that apply to the TAFE institutes; and
  - (c) other Acts, laws or subordinate instruments that apply to the TAFE institutes.

#### Definitions

6. Words or expressions defined in the Act have the same meaning for the purposes of these Guidelines. In these Guidelines, unless the contrary intention appears –

**Act** means the **Education and Training Reform Act 2006**;

**Annualised Full Time Equivalents** means the average of the number of Full Time Equivalents at the end of each of the previous four quarters;

##### Example

The annualised Full Time Equivalents for December would be the sum of the number of Full Time Equivalents at the end of March, June, September and December, divided by four.

**Board** means the Board of a TAFE institute established under the Act;

**Board secretary** means the board secretary appointed by the Board in accordance with the TAFE institute's Constitution;

**Compact** means an agreement between the Department and TAFE institutes that articulates the respective roles and responsibilities, particularly in relation to professional trust, autonomy and accountability, and support;

**Department** has the meaning given in section 1.1.3(1) of the Act;

**Deputy Secretary** means the person for the time being holding, acting in or performing the duties of the Deputy Secretary, Higher Education and Skills Group within the Department, and if its name is changed, means the person for the time being holding, acting in or performing

the duties of the Deputy Secretary of that part of the Department with responsibility for vocational education and training;

**Minister** means the Minister responsible for administering the Act;

**Performance Monitoring Framework** means a framework developed by the Department for monitoring the financial and non-financial performance of the TAFE institutes, by:

- (a) comparing actual data against forecast data;
- (b) comparing performance against measures over a period of time; and
- (c) benchmarking the performance of the TAFE institutes against each other.

#### **GUIDELINE 1 – FINANCIAL OBJECTIVES FOR TAFE INSTITUTES**

7. The purpose of setting appropriate financial objectives for TAFE institutes is to –
  - (a) ensure that TAFE institutes operate efficiently, that is, at minimum cost for a given scale and quality of outputs;
  - (b) ensure that TAFE institutes set fees efficiently, that is, set fees that take into account economic forces, including the level of demand for, and the TAFE institute's capacity for and cost of supplying services; and
  - (c) provide an environment for TAFE institutes which is competitively neutral with the private sector.

##### **Note**

In addition to complying with Guideline 7 and any relevant laws, a TAFE institute is bound by Victorian Government Competitive Neutrality Policy.

8. A TAFE institute's strategic plan should outline how it will transition towards maintaining its investment in the TAFE institute.
9. The investment is maintained when the TAFE institute's return on non-current assets is the weighted average cost of capital (WACC), where WACC is –
 
$$\text{WACC} = E/V * R_e + D/V * R_d$$
 where –
  - $R_e$  is the cost of equity, as per paragraph 10(a)
  - $R_d$  is the cost of debt, as per paragraph 10(b)
  - $E$  is the value of the institute's equity or net assets
  - $D$  is the value of the institute's total liabilities
  - $V = E + D$
10. The WACC takes into account the different required rates of return attached to the different components of the TAFE institute's capital structure –
  - (a) the cost of equity is the risk free rate plus a risk premium appropriate to the TAFE institute; and
  - (b) where applicable, the cost of debt is the expected rate at which the TAFE institute is able to borrow.
11. Once annually, prior to publishing the annual statement of corporate intent, a TAFE institute must consult with the Minister and come to an agreement as to the proposed financial return for the TAFE institute for the following financial year.
12. Where a TAFE institute achieves a lower financial return than agreed with the Minister in the previous year, it has not achieved the minimum return acceptable to the Minister, and the institute must advise the Minister of strategies that the institute has or will adopt in order to achieve the agreed financial return.
13. The TAFE institute must also meet any other financial and non-financial performance measures, consistent with the Performance Monitoring Framework, that are agreed by the

Board and the Minister in the process of agreeing the proposed financial return for the TAFE institute for the following year.

#### GUIDELINE 2 – STRATEGIC PLAN

14. The Board must have a current strategic plan.
15. The strategic plan is a comprehensive performance plan which should be prepared over at least a three year period and include the following –

Section	Detail
Operating environment	<ul style="list-style-type: none"> <li>● external factors impacting on performance (e.g. regulatory constraints, competitive environment, economic and market conditions, opportunities and threats, Community Service Obligations);</li> <li>● internal factors impacting on performance (e.g. competitive strengths and weaknesses, organisational structure, asset condition);</li> <li>● key drivers of performance (e.g. determinants of demand, key input costs, asset utilisation); and</li> <li>● identification of internal and external risks (e.g. business risks, technological change, environmental impacts).</li> </ul>
Key strategies	<ul style="list-style-type: none"> <li>● the nature and scope of the business strategies to be undertaken;</li> <li>● risk and asset management strategies;</li> <li>● strategies to transition to maintaining its investment in the TAFE institute; and</li> <li>● other strategies (e.g. pricing, marketing and customer service).</li> </ul>
Capital expenditure	<ul style="list-style-type: none"> <li>● outline of capital expenditure program, including:               <ul style="list-style-type: none"> <li>– a breakdown of payments for each year of the planning period; and</li> <li>– financing requirements; and</li> </ul> </li> <li>● for each major capital expenditure proposal:               <ul style="list-style-type: none"> <li>– the proposal's total estimated investment;</li> <li>– aggregate capital expenditure in prior years;</li> <li>– forecast capital expenditure for each year of the planning period; and</li> <li>– financing requirements.</li> </ul> </li> </ul>
Financial information	<ul style="list-style-type: none"> <li>● forecast financial statements in nominal dollars;</li> <li>● financing requirements including borrowing limits and whether borrowings are new or refinanced; and</li> <li>● sensitivity analysis including high and low scenarios for key variables.</li> </ul>
Key Performance Indicators (KPIs)	<ul style="list-style-type: none"> <li>● financial and non-financial targets; and</li> <li>● clear linkages between KPIs and key strategies.</li> </ul>

Planning assumptions <sup>1</sup>	<ul style="list-style-type: none"> <li>● pricing;</li> <li>● interest rates;</li> <li>● labour and other input costs;</li> <li>● economic outlook;</li> <li>● climatic conditions; and</li> <li>● product demand and supply forecasts.</li> </ul>
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16. The Board must prepare and submit a strategic plan to the Minister in accordance with section 3.1.18A of the Act. The strategic plan is to be submitted on a commercial in confidence basis.
17. The Minister or delegate may elect to meet the Board prior to accepting or not accepting the strategic plan and may contact the TAFE institute with questions of clarification.
18. In accordance with section 3.1.18A(3) of the Act, the Minister may, following a thorough analysis and review, accept the strategic plan, accept the strategic plan with amendments or refuse to accept a strategic plan.
19. The strategic plan must be reviewed by the Board on at least an annual basis. When the Board determines that the plan is no longer current, either due to the lapsing of time or changing circumstances, or where directed to do so by the Minister, the Board must replace or update the strategic plan.<sup>2</sup> In those years in which the strategic plan is replaced or updated, the key dates for submission are as follows –

Requirement	Due date
Preliminary discussions between the TAFE institute and Department regarding the strategic plan	April – June
Proposed strategic plan submitted to the Minister, if required	Last business day in August
Strategic plan submitted to the Minister, if required	Last business day in October

### GUIDELINE 3 – ANNUAL STATEMENT OF CORPORATE INTENT

20. The Board must prepare and submit an annual statement of corporate intent to the Minister in accordance with sections 3.1.18B and 3.1.18C of the Act. The statement of corporate intent is a public document.
21. The statement of corporate intent is a brief, high level, plain English document that is to be no more than five pages expressed in terms of programs and outcomes. The content of the statement of corporate intent is set out in section 3.1.18C of the Act.
22. The statement of corporate intent can be presented as a separate document or integrated with the strategic plan or Business Plan.
23. The key dates for the submission of the statement of corporate intent are as follows –

Requirement	Due date
Preliminary discussions between the TAFE institute and Department regarding the statement of corporate intent	September
Minister's statement of expectations, if required	Last business day in September
Statement of corporate intent submitted	Last business day in October

1. DTF's economic forecast data is outlined in Budget Paper No.2 (Chapter 2 – Economic Conditions and Outlook) and in the Budget Update. TAFE institutes are encouraged to use this data in the strategic planning process.
2. It is expected that the strategic plan will be reviewed by the Board on an annual basis but it is not expected that it will be replaced or updated each year.

**GUIDELINE 4 – BUSINESS PLAN**

24. The Board must prepare, on an annual basis, a Business Plan. The Business Plan is a detailed action plan and must include –
- the actions and strategies to achieve the TAFE institute’s objectives; and
  - quarterly phasings (for the quarter and year to date) for the financial statements, and financial and non-financial performance measures.
25. The Board must provide the quarterly phasings (for the quarter and year to date) for the financial statements and the number of annualised Full Time Equivalents (teaching and non-teaching), from the Business Plan, to the Deputy Secretary. The financial statements must include a detailed trial balance split by months. The quarterly phasings are submitted on a commercial in confidence basis.
26. The key dates for the submission of the quarterly phasings are as follows –

<b>Requirement</b>	<b>Due date</b>
Quarterly phasings (for each quarter and year to date) and annualised Full Time Equivalents from the Business Plan	Last business day in January

**GUIDELINE 5 – MONITORING AND REPORTING BY THE TAFE INSTITUTE AND BOARD**

27. TAFE institutes must report as required by –
- the Act;
  - other applicable legislation;
  - Ministerial and Government directions and guidelines under the Act and other legislation, laws and conventions; and
  - the VET funding contract.
28. The Board must regularly monitor its performance against the financial and non-financial performance measures that are included in its strategic plan, statement of corporate intent and the Business Plan.

**Continuous disclosure requirements**

29. The Board must advise the Deputy Secretary as soon as it becomes aware of –
- significant variations to strategies compared to the strategic plan, statement of corporate intent or Business Plan;
  - significant variations to the timing of capital investments compared to the strategic plan, statement of corporate intent or Business Plan;
  - a material variation (+/- 10% or more) in forecast full year profit or cash flow from operating activities compared to the Business Plan;
  - significant variation in financial or non-financial performance measures compared to the Business Plan; and
  - any financial or non-financial (including reputational) developments which may materially impact the TAFE institute or the Government.

**Quarterly reporting requirements**

30. Quarterly reports provide a summary of the TAFE institute’s performance against the targets established in the Business Plan.
31. The Board must provide a report to the Department on a quarterly basis containing the following information –
- financial statements for the quarter and year to date (actual against plan) and the annualised Full Time Equivalents. The level of detail provided should be consistent with that provided in the quarterly phasings, and include cash flow forecasts where requested;

- (b) an exceptions based report on the TAFE institute's performance for the quarter and year to date for all material variations. The report should include the reason for the variance and any corrective actions being implemented to address the underperformance or non-achievement of financial targets and performance measures; and
  - (c) any expected material changes to full year financial results.
32. The key dates for the submission of the quarterly reports are as follows –

<b>Requirement</b>	<b>Due date</b>
March quarterly report	15th working day after 31 March
June quarterly report	15th working day after 30 June
September quarterly report	15th working day after 30 September
December quarterly report	20th working day after 31 December (unaudited)

#### **GUIDELINE 6 – ANNUAL REPORT**

33. The Board must prepare an Annual Report in accordance with the **Financial Management Act 1994** and Part 4 of the Standing Directions of the Minister for Finance under the **Financial Management Act 1994**.
34. The key dates for the submission of the Annual Report are as follows –

<b>Requirement</b>	<b>Due date</b>
Draft Annual Report submitted	Last business day in February
Final Annual Report submitted	Last business day in March

#### **GUIDELINE 7 – MONITORING BY THE MINISTER AND DEPARTMENT**

35. The Department will maintain an ongoing oversight role so that it may advise the Minister in relation to whether a TAFE institute is being governed appropriately to ensure its short term and long term financial and non-financial objectives are being met.
36. In determining whether a TAFE institute is being governed appropriately to ensure that its short term and long term financial and non-financial objectives are being met, the Minister may consider any relevant documents or information, including a TAFE institute's –
- (a) strategic plan;
  - (b) compliance attestations as provided in the annual return in accordance with Guideline 8;
  - (c) performance against financial and non-financial measures; and
  - (d) Board's effectiveness in achieving the institute's objectives or exercising its powers or functions.
37. The Department may implement a more interventionist approach, consistent with the Compact, where the Minister is not satisfied that the TAFE institute is being governed appropriately to ensure its short term and long term financial and non-financial objectives are being met.
38. Before taking a more interventionist approach –
- (a) the Minister will write to the Board outlining his or her concerns in relation to whether the TAFE institute is being governed appropriately to ensure its short term and long term financial and non-financial objectives are being met;
  - (b) the Board will have the opportunity to respond to the concerns raised by the Minister and may provide evidence to demonstrate that the TAFE institute is being governed to ensure its short term and long term financial and non-financial objectives will be met; and

- (c) where the Board provides a response and any evidence within the timeframe set out in the Minister's letter, that evidence will be considered.
39. Where required, the types of interventions that could be introduced include –
- (a) monthly reporting to the Deputy Secretary;
  - (b) more frequent strategic dialogues with the Minister or his or her delegate; or
  - (c) monthly financial meetings between the Department's Chief Financial Officer and the TAFE institute's Chief Financial Officer.
40. Interventions applied by the Department will be appropriate to the matters considered by the Minister in determining whether or not the Minister is satisfied that a TAFE institute is being governed appropriately to ensure its short term and long term financial and non-financial objectives are met, and any measures undertaken by the TAFE institute as a result of the Minister determining that he or she is not so satisfied.

#### GUIDELINE 8 – ANNUAL RETURN

41. The Board must prepare an annual return to the Deputy Secretary which includes the following information –
- (a) a list of all the directors of the Board holding office as at the previous 31 December, including in relation to each director –
    - (i) their full name; and
    - (ii) the dates of commencement and expiry of their terms; and
    - (iii) their periods of previous service, if any; and
    - (iv) their category of membership; and
    - (v) an attestation that to the best of his or her knowledge, the institute has complied with its legal, ethical, and policy obligations and in instances where the institute has committed a breach, to provide the number of types of breaches, the number of breaches for each type of breach, a description of each type of breach and the actions taken to rectify each type of breach; and
  - (b) a list of committees of the Board as at the previous 31 December, including for each committee –
    - (i) the committee's name and functions; and
    - (ii) details of any delegations by the Board to the committee; and
  - (c) a list of all the members of each committee holding office as at the previous 31 December, including in relation to each committee member –
    - (i) their full name; and
    - (ii) the dates of commencement and expiry of their terms; and
    - (iii) their periods of previous service, if any; and
    - (iv) whether they are a Board director; and
    - (v) a copy of any governance protocol adopted by the Board.
42. The key dates for the submission of the annual return are as follows –

Requirement	Due date
Annual return submitted	Last business day in February



**GUIDELINE 9 – COMPLIANCE PLAN**

43. The Board must prepare and keep up to date a compliance plan, and set out adequate measures that the Board is to apply to ensure compliance with –
- (a) the Act; and
  - (b) Ministerial and Government directions and guidelines under the Act and other legislation, laws and conventions; and
  - (c) any other matters which the Minister directs must be included in the compliance plan.

**GUIDELINE 10 – ASSET MANAGEMENT PLAN**

44. The Board must prepare and keep up to date an asset management plan, and set out adequate measures that the Board is to apply to ensure compliance with –
- (a) the Act; and
  - (b) Ministerial and Government directions and guidelines under the Act and other legislation, laws and conventions; and
  - (c) any other matters which the Minister directs must be included in the asset management plan.
45. A copy of the asset management plan must be provided to the Deputy Secretary on request.
46. The board secretary must –
- (a) ensure that the original asset management plan is up to date, incorporating any amendments made by the Board; and
  - (b) ensure that the asset management plan, and any amendments to or remaking of the asset management plan, is provided to the Deputy Secretary in accordance with paragraph 45.

Dated 17 April 2013

THE HON. PETER HALL, MLC  
Minister for Higher Education and Skills

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**Education and Training Reform Act 2006**  
 COMMERCIAL GUIDELINES – TAFE INSTITUTES  
 GUIDELINES CONCERNING COMMERCIAL ACTIVITIES IN ACCORDANCE WITH  
 PART 5.2 OF THE EDUCATION AND TRAINING REFORM ACT 2006

**Authorising provisions**

1. These Guidelines –
  - (a) are issued pursuant to section 5.2.1(2)(b) of the **Education and Training Reform Act 2006** (the Act); and
  - (b) must be complied with by TAFE institutes pursuant to section 5.2.1(3)(a) of the Act.

**Purpose**

2. These Guidelines provide a set of principles and outline the process for the development and conduct of commercial activities by TAFE institutes, in order to operate efficiently and to minimise the risks to the TAFE institutes undertaking such activities.

**Commencement**

3. These Guidelines take effect on the date of their publication in the Government Gazette.

**Application of other laws**

4. These Guidelines are subject to –
  - (a) the **Education and Training Reform Act 2006**;
  - (b) the provisions of **Financial Management Act 1994**, and any directions or regulations under that Act that apply to the TAFE institutes;
  - (c) the provisions of the **Audit Act 1994** that apply to the TAFE institutes; and
  - (d) other Acts, laws or subordinate instruments that apply to the TAFE institutes.

**Definitions**

5. Words or expressions defined in the Act have the same meaning for the purposes of these Guidelines. In these Guidelines, unless the contrary intention appears –

**Act** means the **Education and Training Reform Act 2006**;

**Auditor-General** has the same meaning as in the **Audit Act 1994**<sup>1</sup>;

**Board** means the board of a TAFE institute established under the Act;

**Commercial Activity** means –

- (a) the provision or sale by the TAFE institute (or the TAFE institute in partnership, in trust, joint venture or association with others) of land, property, goods, services, or other activities on a commercial basis; or
- (b) the acquisition by the TAFE institute of, or capital expenditure on, land, property, goods, services or other things; or
- (c) other activities conducted on a commercial basis or of a commercial nature;

**Company** means a company registered under the **Corporations Act 2001** (Cth) and includes a company limited by guarantee;

**Constitution** means an Order made under section 3.1.11 of the Act in respect of the TAFE institute;

1. Section 3 of the **Audit Act 1994** defines the Auditor-General as “the Auditor-General appointed under section 94A of the **Constitution Act 1975**”.

**Controlled entity** is one that satisfies the test of control in section 50AA of the **Corporations Act 2001** (Cth)<sup>2</sup>;

**Crown land** means land which is or is deemed to be unalienated land of the Crown and includes –

- (a) land of the Crown reserved permanently or temporarily by or under the **Crown Land (Reserves) Act 1979**<sup>3</sup>; and
- (b) land of the Crown occupied by a person under a lease, licence or other right;

**Department** has the meaning given in section 1.1.3(1) of the Act;

**Entity** has the meaning given in section 64A of the **Corporations Act 2001** (Cth)<sup>4</sup>;

**Freehold land** is land in freehold title either in the name of the Minister or the TAFE institute;

**Joint venture** means an association of persons which includes the TAFE institute for the purposes of a trading, commercial, mining or other financial undertaking or endeavour with a view to mutual profit, with the TAFE institute agreeing to contribute money, property or skill<sup>5</sup>;

2. Section 50AA of the **Corporations Act 2001** (Cth) states:

“(1) For the purposes of this Act, an entity controls a second entity if the first entity has the capacity to determine the outcome of decisions about the second entity’s financial and operating policies.

(2) In determining whether the first entity has this capacity:

- (a) the practical influence the first entity can exert (rather than the rights it can enforce) is the issue to be considered; and
- (b) any practice or pattern of behaviour affecting the second entity’s financial or operating policies is to be taken into account (even if it involves a breach of an agreement or a breach of trust).

(3) The first entity does not control the second entity merely because the first entity and a third entity jointly have the capacity to determine the outcome of decisions about the second entity’s financial and operating policies.

(4) If the first entity:

- (a) has the capacity to influence decisions about the second entity’s financial and operating policies; and
- (b) is under a legal obligation to exercise that capacity for the benefit of someone other than the first entity’s members;

the first entity is taken not to control the second entity.”

3. Section 4 of the **Crown Land (Reserves) Act 1978** states: the Governor in Council may by Order published in the Government Gazette reserve by a general or particular description either temporarily or permanently any Crown lands which in his opinion are required for any public purposes.

4. Section 64A of the **Corporations Act 2001** (Cth) states a reference to an entity: “(a) is a reference to a natural person, a body corporate (other than an exempt public authority), a partnership or a trust; and (b) includes, in the case of a trust, a reference to the trustee of the trust.”

5. This definition is a modified version of the High Court’s comments in *United Dominions Corporation Ltd v Brian Pty Ltd* (1985) 157 CLR at 10, per Mason, Brennan and Deane, JJ “The term “joint venture” is not a technical one with a settled common law meaning. As a matter of ordinary language, it connotes an association of persons for the purposes of a particular trading, commercial, mining or other financial undertaking or endeavour with a view to mutual profit, with each participant usually (but not necessarily) contributing money, property or skill. Such a joint venture (or, under Scots’ law, “adventure”) will often be a partnership. The term is, however, apposite to refer to a joint undertaking or activity carried out through a medium other than a partnership: such as a company, a trust, an agency or joint ownership. The borderline between what can properly be described as a “joint venture” and what should more properly be seen as no more than a simple contractual relationship may, on occasion, be blurred or activity carried out through a medium other than a partnership: such as a company, a trust, an agency or joint ownership. The borderline between what can properly be described as a “joint venture” and what should more properly be seen as no more than a simple contractual relationship may, on occasion, be blurred.”

**Major Commercial Activity** means a Commercial Activity that involves a transaction or transactions with a total estimated cost greater than 5 per cent of annual revenues, but does not include –

- (a) the supply of vocational training and higher education that is consistent with the TAFE institute's strategic plan; or
- (b) the supply of vocational training and higher education that is supplied pursuant to a competitive tender process;

**Minister** means the Minister responsible for administering the Act;

**Partnership** means the relationship subsisting between persons carrying on business in common with a view to profit<sup>6</sup>;

**Property** means real property as distinct from personal property.

#### **GUIDELINE 1 – PRIOR TO ENTERING INTO OR EXPANDING A COMMERCIAL ACTIVITY**

6. Before entering into a new Commercial Activity or expanding an existing Commercial Activity, the Board must be satisfied that the following assessments and measures have been undertaken, as appropriate to the nature of the Commercial Activity –
- (a) that the Commercial Activity is consistent with the TAFE institute's strategic plan, or its objects or functions as set out in the Act and the TAFE institute's constitution;
  - (b) a financial analysis that assesses the projected cash flow, the expected rates of return to the TAFE institute, and the level of exposure of the TAFE institute's resources and assets;
  - (c) a cost/benefit analysis including, as appropriate, social costs and benefits;
  - (d) a risk assessment of the Commercial Activity and development of associated risk management measures;
  - (e) a market analysis, that identifies the opportunities, strengths, weaknesses and threats of the TAFE institute to enable the development of adequate business strategies;
  - (f) whether the governance arrangements, legal structures and audit requirements are appropriate for the size, risk and type of activity;
  - (g) whether the terms and conditions of the arrangements and agreement are appropriate, including those dealing with governance, representation of the TAFE institute on any board or decision making group formed for the purpose of undertaking the Commercial Activity, risk (including insurance), taxation, intellectual property, the rights of the TAFE institute to terminate its involvement in the Commercial Activity, and any indemnities;
  - (h) a due diligence assessment in a form appropriate for/commensurate with the Commercial Activity;
  - (i) whether there are actual or perceived conflicts of interest for TAFE institute staff or Board directors that may arise from the Commercial Activity, and measures to address those conflicts; and
  - (j) in respect to Commercial Activities conducted overseas, appropriate legal advice in respect of relevant overseas laws, having regard to the nature of the arrangement.

6. **Partnership Act 1958**, section 5.

7. A full business case must be prepared by the TAFE institute and approved by the Minister before undertaking a Major Commercial Activity. The business case will include, where applicable –
- (a) a project brief clearly stating –
    - (i) the scope and objectives of the Commercial Activity;
    - (ii) whether the Commercial Activity is consistent with the TAFE institute's strategic plan or its objects or functions;
    - (iii) as appropriate, the Commercial Activity's consistency with applicable Victorian Government policies (for example, Lifecycle Guidelines); and
    - (iv) any previous transactions that relate to the Commercial Activity;
  - (b) a detailed cost/benefit analysis of a range of options with realistic assumptions and evidence of consultation with a range of stakeholders;
  - (c) a financial plan, that provides a reasonable assurance that there will be sufficient financial resources available to implement the Commercial Activity as planned, and the rate of return for the Commercial Activity;
  - (d) a project schedule identifying all key milestones;
  - (e) a governance structure, that indicates responsibilities and key decision-making processes;
  - (f) stakeholder management strategies (including communication, levels of commitment and roles);
  - (g) a detailed procurement plan incorporating the following –
    - (i) procurement processes that are fair, open and transparent to ensure the integrity of the process;
    - (ii) procurement opportunities that are tendered publicly, using competitive processes (only in unusual circumstances, such as in matters of urgent public health and safety, can reasonable exceptions be made); and
    - (iii) procurement strategies that allocate risks to the party that is best able to manage them;
  - (h) a risk management plan with adequate risk ratings and appropriate mitigation strategies; and
  - (i) an asset management plan, that provides general guidance in relation to the acquisition, operation and maintenance, renewal and disposal of assets.

#### **GUIDELINE 2 – DISPOSAL OF CROWN LAND**

8. The Board must seek the Minister's approval to sell or otherwise dispose of Crown land.
9. In the event that the land is approved for sale by the Minister, following a public land assessment by the Department of Sustainability and Environment, it must be referred to the Department of Treasury and Finance (DTF) for disposal as the Assistant Treasurer is solely responsible for the sale and alienation of Crown land under the **Land Act 1958**.
10. Unless otherwise approved under Guideline 4, all proceeds of sale will be remitted to the State's Consolidated Fund via the Department, and any costs associated with the sale will be recovered from the Department via a tax invoice issued by DTF.

#### **Note**

In disposing of Crown land, a TAFE institute is bound to comply with the Victorian Government's 'Policy and Instructions for the purchase, compulsory acquisition and sale of land'.

Crown land or interests in Crown land may only be disposed of in accordance with the law relating to that land.<sup>7</sup>

7. See, for example, section 12 of the **Land Act 1958**, and section 8 of the **Crown Land (Reserves) Act 1978**.

**GUIDELINE 3 – DISPOSAL OF FREEHOLD LAND**

11. The standard process followed by the Board for the disposal of freehold land is primarily governed by the provisions of the **Sale of Land Act 1962** and the **Transfer of Land Act 1958**.
12. The process must also be tailored for each individual project depending on project requirements and must broadly include the following steps –
  - (a) the Board assesses that the land should be disposed;
  - (b) the Board seeks the Minister's approval to sell and authorise the administration of the sale by the Board if –
    - (i) the freehold land is in the name of the Minister; or
    - (ii) the freehold land is in the name of the TAFE institute and the value of the land is greater than \$5 million;
  - (c) property is prepared for sale pursuant to the provisions of the **Sale of Land Act 1962**;
  - (d) the Board arranges for the land to be valued and sold in accordance with any applicable guidelines or policies;
  - (e) the Board engages legal representatives to act on its behalf in connection with preparation of contract documentation and arrange and bring transaction to settlement;
  - (f) when the sale value exceeds \$100,000 (including GST), ensure that the sale is recorded on the Victorian Government Contracts Publishing System; and
  - (g) arrange for the asset to be removed from the TAFE institute's and Department's Asset Register.

**Note**

In disposing of freehold land, a TAFE institute is bound to comply with the Victorian Government's 'Policy and Instructions for the purchase, compulsory acquisition and sale of land'.

**GUIDELINE 4 – PROCEEDS FROM THE SALE OF ASSETS**

13. The proceeds from the sale of assets in the name of the TAFE institute will be retained by the institute.
14. Where approved by the Minister and Treasurer, the proceeds from the sale of assets in the name of the Minister may be retained by the TAFE institute.
15. Where approved by the Treasurer, the proceeds from the sale of Crown land may be retained by the TAFE institute.
16. Before submitting a proposal for retaining the proceeds, the Board must be satisfied that the following assessments and measures have been undertaken, as appropriate to the nature of the use of the proceeds from the sale of assets –
  - (a) that the use of the proceeds from the sale of assets is consistent with the TAFE institute's strategic plan or its objects or functions;
  - (b) a financial analysis that assesses the projected cash flow, the expected rates of return to the TAFE institute, and the level of exposure of the TAFE institute's resources and assets;
  - (c) a cost/benefit analysis including, as appropriate, social costs and benefits;
  - (d) a risk assessment and development of associated risk management measures;
  - (e) a market analysis, that identifies the opportunities, strengths, weaknesses and threats of the TAFE institute to enable the development of adequate business strategies;
  - (f) whether the governance arrangements, legal structures and audit requirements are appropriate for the size, risk and type of use of the proceeds from the sale of assets; and
  - (g) a due diligence assessment in a form appropriate for/commensurate with the use of the proceeds from the sale of assets.

17. A full business case must be prepared by the TAFE institute and approved by the Minister for the use of the proceeds from the sale of assets. The business case will include, where applicable –
- (a) a project brief clearly stating –
    - (i) the scope and objectives of the use of the proceeds from the sale of assets;
    - (ii) whether the use of the proceeds from the sale of assets is consistent with the TAFE institute's strategic plan or its objects or functions;
- Note**
- The proceeds from the sale of assets may be used for re-investment, paying down debt or building up cash reserves.
- (iii) as appropriate, consistency with applicable Victorian Government policies, for example, Lifecycle Guidelines; and
  - (iv) any previous transactions that relate to the use of the proceeds from the sale of assets;
- (b) a detailed cost/benefit analysis of a range of options with realistic assumptions and evidence of consultation with a range of stakeholders;
  - (c) a financial plan, that provides a reasonable assurance that there will be sufficient financial resources available to implement and operate the use of the proceeds from the sale of assets as planned, and the rate of return for the activity;
  - (d) a project schedule identifying all key milestones;
  - (e) a governance structure, that indicates responsibilities and key decision-making processes;
  - (f) stakeholder management strategies (communication, levels of commitment and roles);
  - (g) a detailed procurement plan including the following –
    - (i) procurement processes that are fair, open and transparent to ensure the integrity of the process;
    - (ii) procurement opportunities that are tendered publicly, using competitive processes (only in unusual circumstances, such as in matters of urgent public health and safety, can reasonable exceptions be made); and
    - (iii) procurement strategies that allocate risks to the party that is best able to manage them;
  - (h) a risk management plan with adequate risk ratings and appropriate mitigation strategies; and
  - (i) an asset management plan, that provides general guidance in relation to the acquisition, operation and maintenance, renewal and disposal of assets.

#### **GUIDELINE 5 – ACQUISITION OF FREEHOLD LAND**

18. The Board –
- (a) may acquire by purchase, long term lease, gift, grant, bequest or devise any property for the purposes of the Act;
  - (b) may agree to and carry out any conditions of any such gift, grant, bequest or devise; and
  - (c) has control and management of all property vested in or acquired by the TAFE institute.

19. A standard process is followed by the Board for the acquisition of freehold land. The process is tailored for each individual project depending on project requirements, and is broadly covered by the following steps –
- (a) the Board to undertake due diligence investigations including but not limited to Certificate of Title, environmental issues, town planning, heritage, flora and fauna, check survey;
  - (b) if the land is contaminated, the nature of the end use will determine whether the acquisition should be abandoned or further legal and appropriate technical advice be obtained to determine the options available to contain or remove the contaminants;
  - (c) the Board arranges for the land to be valued in accordance with any applicable Victorian Government policies;
  - (d) the Board engages legal representatives to arrange and bring the transaction to settlement;
  - (e) when the purchase value exceeds \$100,000 (including GST), ensure that the purchase is recorded on the Victorian Government Contracts Publishing System; and
  - (f) arrange for the asset to be added to the institute's and Department's Asset Register.

**Note**

In acquiring freehold land, a TAFE institute is bound to comply with the Victorian Government's 'Policy and Instructions for the purchase, compulsory acquisition and sale of land'.

**GUIDELINE 6 – LEASING**

20. The TAFE institute must not enter into an arrangement with a third party to lease out Crown land or buildings on Crown land.
21. The TAFE institute must seek the prior approval of the Minister before entering into an arrangement with a third party to lease out freehold land in the name of the Minister, or buildings on freehold land in the name of the Minister.
22. Any proposal submitted to the Minister seeking approval to lease out land or buildings or part thereof to a third party must include, where applicable –
- (a) an overview of the proposal;
  - (b) a detailed plan of the land and the location of the proposed facility;
  - (c) a risk assessment of the activity and development of associated risk management measures;
  - (d) funding arrangements; and
  - (e) the general terms and conditions of the lease.
23. The Minister recommends that the Board does not enter into a lease for longer than 30 years in total, inclusive of any option periods.

**GUIDELINE 7 – CONFLICT OF INTEREST**

24. Consultants engaged in connection with any Commercial Activity must be independent and not have any personal or pecuniary interest in the transaction. A written declaration in this regard is essential.

**GUIDELINE 8 – INDEMNITIES**

25. Before providing an indemnity which is considered by the Board to be significant or high risk, having regard to relevant accounting standards, the Board must –
- (a) seek the approval of the Minister and Treasurer; and
  - (b) consider whether the indemnity should be supported by an insurance policy which indemnifies the TAFE institute to the same value, where insurance coverage is available.



**GUIDELINE 9 – AFTER ENTERING OR EXPANDING A COMMERCIAL ACTIVITY**

26. After entering a new Commercial Activity or expanding an existing Commercial Activity, the Board must regularly monitor the Commercial Activity as appropriate to the scale and nature of the Commercial Activity.

**GUIDELINE 10 – REGISTER OF MAJOR COMMERCIAL ACTIVITIES AND REPORT**

27. The Board will –
- (a) maintain a register of its current Major Commercial Activities which discloses –
    - (i) all the TAFE institute’s Major Commercial Activities, and Major Commercial Activities of the TAFE institute’s controlled or related entities;
    - (ii) other Commercial Activities which it considers sufficiently important or of interest to list on the register;
    - (iii) the TAFE institute’s involvement in each of those Commercial Activities, and TAFE institute staff or Board directors that occupy a board seat or some other office in connection with the Commercial Activity, and the directors’ and officers’ liability insurance or other insurance arrangements that apply to the Commercial Activity;
    - (iv) the results of any assessment undertaken (if any) to determine whether the Commercial Activity is meeting its purposes and objectives; and
    - (v) whether the Commercial Activity is ongoing or its anticipated termination date; and
  - (b) provide a summary of the above matters in the annual report of its operations under section 45 of the **Financial Management Act 1994**, together with the matters listed under paragraph 33(c) of Guideline 12.

**Note**

When maintaining the register of major commercial activities, the Board must be mindful of sensitive commercial information that could be sought through a request for information under the **Freedom of Information Act 1982**.

**GUIDELINE 11 – SECTION 3.1.12C OF THE ACT – POWERS OF TAFE INSTITUTES**

28. Before exercising any of the powers in section 3.1.12C(2) of the Act to be a member of, form or participate in, a company, association, trust, partnership, or enter into a joint venture (collectively referred to as the ‘undertaking’), the Board must –
- (a) assess whether –
    - (i) it will be doing so for a purpose (not necessarily the main purpose) of engaging in a Commercial Activity; and/or
    - (ii) in the case of the TAFE institute being a member of, forming or participating in a company, the main object of the company is to engage in a Commercial Activity, despite whether the Commercial Activity meets the definition of “Commercial Activity” in paragraph 5; and
    - (iii) it is the most efficient and effective means of engaging in that Commercial Activity; and
  - (b) obtain the approval of the Minister if the total investment exceeds \$5,000,000.
29. If the assessment under paragraph 28 concludes that the TAFE institute –
- (a) will be engaging in a commercial activity, the Board must comply with Guidelines 1 to 9 inclusive;
  - (b) will be a member of, forming or participating in a company not engaging in a commercial activity, the Board will comply with Guideline 8;

- (c) will be engaging in an undertaking other than through a limited company and will not be engaging in a commercial activity, the Board must make an assessment of the TAFE institute's exposure to liability and, if that assessment is greater than an amount deemed to be material having regard to relevant accounting standards, must consider which, if any, of Guidelines 8 and 9, should apply to the undertaking.
30. Before being a member of, forming or participating in, a company, the Board should have regard to –
- (a) who will hold the shares or other interests in the company; and
  - (b) the legal relationship between the holders of shares and the Board.
31. Where the TAFE institute engages in an undertaking, the undertaking must be a controlled entity of the TAFE institute unless otherwise approved by the Minister.
32. Where a Board has engaged in an undertaking prior to the commencement date of these Guidelines, it may continue to engage in that undertaking until 1 January 2014, but not after that date unless –
- (a) it complies with paragraphs 28 to 31; or
  - (b) any non-compliance with paragraphs 28 to 31 has been approved by the Minister.

#### **GUIDELINE 12 – TAFE INSTITUTE CONTROLLED ENTITIES**

33. Where an entity is a controlled entity of the TAFE institute, the Board will –
- (a) ensure that the controlled entity is controlled by, and directly accountable to, the Board;
  - (b) ensure that any amendment to the entity's constitution has had the prior approval of the Board before the TAFE institute or its representative shareholder or member can vote in favour of that amendment (or where the entity is a trust, partnership, joint venture or other form of entity, similarly ensure that an amendment to the relevant constituent document or agreement governing that entity has the prior approval of the Board);
  - (c) ensure that a report by the Auditor-General or a registered company auditor, on the accounts of the entity is made every twelve months and is submitted to the Board within three months after the end of each twelve month period to which the report relates;
  - (d) state in the report referred to in paragraph 27(b) of Guideline 10, the name of any entity formed or acquired in the year to which that report pertains, and the reasons the Board decided that the acquisition was in the interests of the management or conduct of the affairs or concerns of the TAFE institute;
  - (e) where it is required to comply with section 45 of the **Financial Management Act 1994**, include in its annual report under that section 45 a copy of the accounts of the entity prepared in accordance with the requirements of the **Financial Management Act 1994**, as if the entity was a public body within the meaning of that Act in respect of the financial year ending during the period to which the TAFE institute's annual report relates; or if it is not required to comply with that section 45, to forward to the Minister a copy of those accounts within three months of the end of the financial year; and
  - (f) within 14 days of lodging any material report, statement or return in respect of the entity with the Australian Securities and Investments Commission under the **Corporations Act 2001** (Cth) or the Australian Taxation Office, other than a routine report of changes in company officers, minor changes in a company's constitution or the like, submit a copy of the report, statement or return to the Minister and Treasurer.

34. Where the TAFE institute forms, participates in the formation of, or is a member of, an entity to which paragraph 33 applies, the Board will ensure the Auditor-General is appointed as the entity's auditor under the **Corporations Act 2001** (Cth) and –
- (a) has right of access at all times to all the books, securities, accounts, vouchers, and electronic records of the entity; and
  - (b) is provided with any information, assistance and explanations necessary for the performance of the duties of the Auditor-General or person in relation to the audit; except where –
  - (c) the controlled entity is not located in Australia; and
  - (d) the controlled entity is required to be audited under local laws in accordance with international standards; and
  - (e) the accounts of the controlled entity form part of the consolidated annual accounts of the Institute that are subject to audit by the Auditor-General.

This paragraph 34 is subject to any contractual obligation which the entity has in relation to any other auditor prior to the entity becoming a controlled entity of the TAFE institute<sup>8</sup>.

35. The requirements of paragraph 34 are in addition to the requirements of the **Corporations Act 2001** (Cth) or any other legislation governing the relevant controlled entity.
36. The Board must regularly monitor the significant activities of controlled entities (being activities which it considers sufficiently important or of sufficient interest to list on the register kept under paragraph 27(a), or which it considers sufficiently important or of sufficient interest to monitor), which will include regular reports to the Board. Any such monitoring shall also include any proposals concerning the transfer of ownership of the TAFE institute's controlled entities or investments in controlled entities (whether the transfer is to a third party or pursuant to an internal TAFE institute reorganisation).
37. The Minister may arrange for an audit of a controlled entity. Where the Minister arranges for an audit of a controlled entity, the Board must ensure the Minister's auditor –
- (a) has right of access at all times to all the books, securities, accounts, vouchers, and electronic records of the entity; and
  - (b) is provided with any information, assistance and explanations necessary for the performance of the duties of the Auditor-General or person in relation to the audit.

#### GUIDELINE 13 – FINANCIAL RISK

38. The Board must establish policies or procedures for protecting itself against financial risks arising from 'financial arrangements' (as defined in the **Borrowing and Investment Power Act 1987**), as appropriate to the nature of the TAFE institute's operations and the risk tolerance of the Board.
39. The policies and procedures must comply with the Standing Directions of the Minister for Finance under the **Financial Management Act 1994**, the Victorian Government Risk Management Framework and any other relevant legislation or subordinate instrument.

#### GUIDELINE 14 – BORROWING

40. Ongoing oversight of borrowings is an integral part of the TAFE institute's strategic plan prepared under section 3.1.18A of the Act.
41. Institutes may not borrow until and unless there is an amendment to the Act to provide a power to borrow. Institutes must also obtain the approval of the Treasurer to specifically exercise that power under the **Borrowing and Investment Powers Act 1987**.

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8. The Guideline does not authorise entities to breach current contracts.

42. The Government may consider sanctioning borrowing proposals for a TAFE institute, to a commercially acceptable debt equity ratio, where that TAFE institute has a proven track record of good performance and accountability, and which provides appropriate justification (including expected rates of return) in strategic plans to support proposed capital expenditure programs.
43. When considering whether to exercise its borrowing powers, the Board must ensure that an assessment is undertaken of the financial and operational impacts of the potential borrowings over the expected term of the loan and the TAFE institute's ability to meet the required loan repayments.
44. When submitting a request for borrowing approval to the Minister and Treasurer, the Board must submit the following matters, subject to any additional matters or changes required by the Minister or Treasurer –
  - (a) projected financial statements (operating statement, cash flow statement and balance sheet) over the life of the loan demonstrating the ability to service and repay the loan without causing undue financial stress on the TAFE institute;
  - (b) assumptions underpinning the forecasts;
  - (c) information relating to the purpose of the borrowings (including, but not limited to project details, construction timelines, costs, risk and risk management measures);
  - (d) details of the proposed financial accommodation being sought (including interest rates, terms and conditions); and
  - (e) proposed drawdown and repayment schedule.
45. All borrowings must comply with the Standing Directions of the Minister for Finance under the **Financial Management Act 1994** and any other relevant legislation or subordinate instrument.

#### GUIDELINE 15 – TREASURY RISK MANAGEMENT

46. The Government may consider sanctioning proposals from TAFE institutes to enter into financial arrangements with a commercial institution to invest cash above the limits as set out in the Standing Directions of the Minister for Finance under the **Financial Management Act 1994** where that TAFE institute has a proven track record of good performance and accountability, and where the proposal provides appropriate justification (including credit rating of the financial institution, the interest rate and the term of the investment).

##### Note

The power for TAFE institutes to invest is provided in Schedule 2, clause 14 of the Act. TAFE institute must apply to the Treasurer under the **Borrowing and Investment Powers Act 1987** to specifically exercise this power”.

47. When considering whether to exercise its powers to enter into financial arrangements with a commercial institution to invest cash above the limits as set out in the Standing Directions of the Minister for Finance under the **Financial Management Act 1994**, the Board must ensure that an assessment is undertaken of the risk and return of the potential investment.
48. When submitting a request for approval to the Minister and Treasurer, the Board must submit the following matters, subject to any additional matters or changes required by the Minister or Treasurer –
  - (a) projected financial statements (operating statement, cash flow statement and balance sheet) over the life of the investment demonstrating the ability to invest for the term of the investment without causing undue financial stress on the TAFE institute;
  - (b) assumptions underpinning the forecasts; and
  - (c) details of the proposed financial arrangement being sought (including interest rates, terms and conditions).

49. Subject to paragraphs 46, 47 and 48, all financial arrangements must comply with the Standing Directions of the Minister for Finance under the **Financial Management Act 1994** and any other relevant legislation or subordinate instrument.

Dated 17 April 2013

THE HON. PETER HALL, MLC  
Minister for Higher Education and Skills

### **Forests Act 1958**

#### DETERMINATION OF FIREWOOD COLLECTION AREAS

I, Jessica Butler, A/District Manager North West, Parks Victoria, make the following determination under section 57U of the **Forests Act 1958**.

#### **Definitions**

In this determination and with reference to a numbered item in the table in the determination:

- (a) **closing date**, being the date of revocation of the determination of a firewood collection area, means the date specified in column 6 of the item;
- (b) **opening date**, being the date on which the determination of a firewood collection area comes into operation, means the date specified in column 5 of the item or, if no date is specified, the date on which this determination is published in the Government Gazette.

#### **Determination**

Each area of State forest shown hatched on a plan lodged in the Central Plan Office of the Department of Sustainability and Environment, the number of which is shown in column 1 of an item in the table in this determination, is a firewood collection area for the purposes of section 57U of the **Forests Act 1958**, effective from the opening date for that area until the closing date for that area (inclusive).

**Table – Firewood collection areas**

<b>Item no.</b>	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>	<b>Column 6</b>
	<b>LEGL no.</b>	<b>PV region</b>	<b>PV district</b>	<b>Name of firewood collection area</b>	<b>Opening date</b>	<b>Closing date</b>
1	LEGL./13-122	Northern Victoria	North West	Piambie	26/04/2013	30/06/2013

#### Notes

- The information in columns 2, 3 and 4 of the table is for information only.
- PV means Parks Victoria.
- The legal plan of any firewood collection area may be obtained from the Central Plan Office of the DSE – see <<https://www.landata.vic.gov.au/tpc/>>. Maps of firewood collection areas that are open from time to time may be obtained from <[www.dse.vic.gov.au/firewood](http://www.dse.vic.gov.au/firewood)>.
- There are no firewood collection areas open outside the firewood collection seasons as defined in the **Forests Act 1958**.

Dated 22 April 2013

JESSICA BUTLER  
A/District Manager North West  
Parks Victoria  
as delegate of the Secretary to the  
Department of Sustainability and Environment

**Forests Act 1958**

REVOCATION OF DETERMINATION OF FIREWOOD COLLECTION AREAS

I, Jessica Butler, A/District Manager North West, Parks Victoria, as delegate of the Secretary to the Department of Sustainability and Environment, under section 57U of the **Forests Act 1958**, revoke the determination made under section 57U of the **Forests Act 1958** on 1 March 2013 and published in the Government Gazette No. G 10 page 467 7 March 2013 Item No. 3.

This amendment comes into operation on the date on which it is published in the Government Gazette.

Dated 22 April 2013

JESSICA BUTLER  
A/District Manager North West  
Parks Victoria  
as delegate of the Secretary to the  
Department of Sustainability and Environment

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**Forests Act 1958**

REVOCATION OF DETERMINATION OF FIREWOOD COLLECTION AREAS

I, Jessica Butler, A/District Manager North West, Parks Victoria, as delegate of the Secretary to the Department of Sustainability and Environment, under section 57U of the **Forests Act 1958**, revoke the determination made under section 57U of the **Forests Act 1958** on 8 April 2013 and published in the Government Gazette No. G 15 page 754 11 April 2013.

This amendment comes into operation on the date on which it is published in the Government Gazette.

Dated 22 April 2013

JESSICA BUTLER  
A/District Manager North West  
Parks Victoria  
as delegate of the Secretary to the  
Department of Sustainability and Environment

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**Retirement Villages Act 1986**

SECTION 39

Cancellation of Retirement Village Notice

I hereby declare that pursuant to section 9 of the **Retirement Villages Act 1986**, Retirement Village Notice AG538139T, registered on 1 June 2009, on Certificates of Title Volume 10015 Folio 613, Volume 10015 Folio 614, Volume 10015 Folio 615 and Volume 10015 Folio 616 under the **Transfer of Land Act 1958**, is cancelled.

Dated 10 April 2013

PHIL D'ADAMO  
Acting Director  
Consumer Affairs Victoria

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**Geographic Place Names Act 1998****NOTICE OF REGISTRATION OF GEOGRAPHIC NAMES**

The Registrar of Geographic Names hereby gives notice of the registration of the undermentioned place names.

Feature Naming:

<b>Change Request Number</b>	<b>Place Name</b>	<b>Naming Authority &amp; Location</b>
51905	Anzac Park	Wellington Shire Council (Long standing name) 23 Avon Street, Briagolong 3860.
52801	Lake Guyatt	Wellington Shire Council (Long standing name) Located on Crown Allotments 20, 21, 22, 23, 24, 25 & 26 Section B1 Parish and Township of Sale, east of Flooding Creek and south of Lake Guthridge.
51820	Victoria Park	Wellington Shire Council (Long standing name) Cunninghame Street, Sale 3850.

School Naming:

<b>Place Name</b>	<b>Proposer &amp; Location</b>
Knox Central Primary School	Department of Education and Early Childhood Development Formerly known as Yawarra Primary School Located at 39 Darwin Road, Boronia 3155.

Road Naming:

<b>Change Request Number</b>	<b>Road Name</b>	<b>Locality</b>	<b>Proposer &amp; Location</b>
54341	Lunn Lane	Toorak	Stonnington City Council The road traverses north from Toorak Road, between 471 and 475 Toorak Road.

Office of Geographic Names

Land Victoria  
570 Bourke Street  
Melbourne 3000

JOHN E. TULLOCH  
Registrar of Geographic Names

**Local Government Act 1989**  
Section 161(2B)

**MINISTERIAL GUIDELINES  
FOR DIFFERENTIAL RATING**

Approved by Jeanette Powell MP  
Minister for Local Government

*17 April 2013*



## INTRODUCTION

These Ministerial Guidelines for Differential Rating (Guidelines) have been prepared to guide Councils in the application of differential rates under section **161** of the **Local Government Act 1989** (the Act). Councils must have regard to these Guidelines before declaring a differential rate for any land.

Pursuant to section **161** of the Act a Council may raise any general rates by the application of a differential rate if it uses the Capital Improved Value system of valuing land. Pursuant to section **161A** of the Act a Council may raise any general rates by the application of limited differential rates if it uses the Net Annual Value or Site Value system of valuation.

For some time concerns have been raised with Government as to how a particular Council may or may not be meeting the objectives of the Act by the application of (non) application of differential rating decisions affecting them. Little information has been available to Councils to assist them in understanding *why* they might choose to use differential rating and the *advantages and disadvantages* of using differential rating to achieve specific *objectives*.

Across the 79 municipal councils in Victoria many different rating practices and strategies for differential rating have been developed over the years with little guidance provided in the legislation as to how to achieve the facilitating objective in the Act of ensuring the equitable imposition of rates and charges.

As at April 2013, there is a need for greater consistency, transparency and certainty across the 79 municipalities in Victoria.

In 2012 the Parliament passed the **Local Government Amendment Act 2012** which introduced section **161(2B)** of the Act. Section **161(2B)** provides that the Minister may, by notice published in the Government Gazette, make guidelines for or with respect to:

- (a) the objectives of differential rating;
- (b) suitable uses of differential rating powers;
- (c) the types or classes of land that are appropriate for differential rating.

Further, by reason of section **161(2A)** a Council must have regard to any Ministerial guidelines made under subsection **(2B)** before declaring a differential rate for any land.

Further, section **161(4)** provides that on the recommendation of the Minister, the Governor in Council may by Order in Council prohibit any Council from making a declaration of a differential rate in respect of a type or class of land, if the Minister considers that the declaration would be inconsistent with any guidelines made under subsection **(2B)**.

The intention of the Guidelines is to provide clarity, consistency and transparency for Councils in their decision making for or with respect to:

- the objectives of differential rating;
- suitable uses of differential rating powers;
- the types or classes of land that are appropriate for differential rating.

## USING THESE GUIDELINES

These Guidelines are issued pursuant to section **161(2B)** of the **Local Government Act 1989**.

The Guidelines aim to promote good practice and greater consistency in the application of differential rating in Victoria.

Subject to the requirements of the Act and application of these Guidelines, Councils can exercise discretion in developing and declaring differential rates. In exercising these broad powers, Councils must have regard to these Guidelines to avoid the risk of their decisions being found to be inconsistent under section **161(4)** of the Act. Where differential rates are found to be inconsistent with these Guidelines the Minister can seek an Order in Council under section **161(4)** to prohibit Councils from applying such non-compliant differential rates.

**LEGISLATION**

Section **161** *provides* that a Council may raise general rates by applying differential rates if it uses the Capital Improved Value (CIV) system of valuing land and section **161A** provides that a Council may apply limited differential rates where CIV is not used (that is, where either the Site Value or Net Annual Value systems of valuing land are used).

Section **3A(1)** of the Act provides that the primary objective of a municipal Council is to ‘endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.’ In seeking to achieve its primary objective, a Council must have regard to a number of facilitating objectives including the objective in section **3C(2)(f)** of the Act to ‘ensure the equitable imposition of rates and charges’.

Pursuant to section **161** of the Act a Council may raise any general rates by the application of a differential rate if it uses the Capital Improved Value system of valuing land.

Section **161** of the **Local Government Act 1989** provides:

**S.161 Differential rates**

- (1) *A Council may raise any general rates by the application of a differential rate if it uses the capital improved value system of valuing land.*
- (2) *If a Council declares a differential rate for any land, the Council must –*
  - (a) *specify the objectives of the differential rate which must include the following –*
    - (i) *a definition of the types or classes of land which are subject to the rate and a statement of the reasons for the use and level of that rate in relation to those types or classes of land;*
    - (ii) *an identification of the types or classes of land which are subject to the rate in respect of the uses, geographic location (other than location on the basis of whether or not the land is within a specific ward in the Council’s municipal district) and planning scheme zoning of the land and the types of buildings situated on it and any other criteria relevant to the rate;*
    - (iii) *if there has been a change in the valuation system, any provision for relief from a rate for certain land to ease the transition for that land; and*
  - (b) *specify the characteristics of the land which are the criteria for declaring the differential rate.*
- (2A) *A Council must have regard to any Ministerial guidelines made under subsection (2B) before declaring a differential rate for any land.*
- (2B) *The Minister may, by notice published in the Government Gazette, make guidelines for or with respect to –*
  - (a) *the objectives of differential rating;*
  - (b) *suitable uses of differential rating powers;*
  - (c) *the types or classes of land that are appropriate for differential rating.*
- (3) *A Council which declares a differential rate must ensure that copies of the following information are available on its Internet website and for public inspection at the Council office –*
  - (a) *the definition of the types or classes of land which are subject to the rate;*
  - (b) *the objectives of the differential rate;*
  - (c) *the rate and amount of rates payable in relation to each type or class of land and what proportion of the total rates and charges this represents;*
  - (d) *any other information which the Council considers it necessary to make available.*

- (4) *On the recommendation of the Minister, the Governor in Council may by Order in Council prohibit any Council from making a declaration of a differential rate in respect of a type or class of land, if the Minister considers that the declaration would be inconsistent with any guidelines made under subsection (2B).*
- (5) *The highest differential rate in a municipal district must be no more than 4 times the lowest differential rate in the municipal district.*

#### **161A Limited differential rates**

- (1) *This section only applies to a Council that does not use the capital improved value system of valuing land.*
- (2) *The Council may raise general rates by applying a differential rate in relation to farm land, urban farm land or residential use land across the whole of the municipal district or between particular wards but in the case of particular wards only if—*
  - (a) *the farm rate, urban farm rate or residential use rate is applied on the basis of whether or not any land is within a specific ward in the Council's municipal district; and*
  - (b) *a majority of the Councillors for any such ward which is to be subject to the higher differential rate agree to that differential rate.*
- (3) *If a Council declares a differential rate under this section, sections 161(2), (3) and (5) apply in respect of the declaration.*

These Guidelines provide guidance to enhance consistency and transparency of decision making by Councils. They address how Councils should specify the objectives of differential rating, the suitable uses of differential rating powers and the types and classes of land appropriate for differential rating.

#### **THE OBJECTIVES OF DIFFERENTIAL RATING**

Section 3A(1) of the Act provides that the primary objective of a municipal Council is to 'endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.' In seeking to achieve its primary objective, a Council must have regard to a number of facilitating objectives including the objective in section 3C(2)(f) of the Act to 'ensure the equitable imposition of rates and charges'.

Pursuant to section 161 of the Act a Council may raise any general rates by the application of a differential rate if it uses the Capital Improved Value system of valuing land.

When declaring general rates, a Council must consider how the use of differential rating contributes to the equitable and efficient carrying out of its functions compared to the use of uniform rates. Such a determination and its rationale must be disclosed in the Council's proposed budget and any revised budget or referenced in the Council's rating strategy.

In specifying the objective of each differential rate, a Council should be able to provide evidence of having had regard to:

- good practice taxation principles and their assessment against a particular differential rate objective and determination;
- modelling or consideration of the impact of the rating decision on those rated differentially and the consequential impact upon the broader municipality;
- rating strategies or related Council documents; and
- the Victorian Government's *Developing a Rating Strategy: A Guide for Councils* as amended from time to time.

In specifying objectives of differential rates, a Council should also have regard to the strategic objectives set out in the Council Plan (section 125) to ensure its objectives for differential rates (and thereby a percentage of Council revenue) accords with the strategic objectives.

Other documents a Council may have regard to in order to specify the objectives of a differential rate include issuing specific Council plans and Council policies. Where such documents have been incorporated into determining the objectives of each differential rate, a Council should provide evidence through disclosure in their annual budget documents.

### USES OF DIFFERENTIAL RATING POWERS

Differential rates are a useful tool to address equity issues that may arise from the setting of Council rates derived from property valuations. To this end, it is important that they are considered in the context of the range of revenue instruments<sup>1</sup> or options available to local governments. Following the specification of the objectives, Councils should undertake a process of deliberation to determine the suitability of applying one or more differential rate(s) in their municipality.

To determine the suitability of a differential rate, a Council should consider:

- other revenue instruments available under the **Local Government Act 1989** and the merits or shortcomings of each in achieving specified objectives compared to differential rates;
- the anticipated effectiveness of the proposed differential rate to achieve the specified objectives determined by Council; and
- the characteristics of the land used as the criteria for declaring a differential rate.

Circumstances whereby common types and classes of land use consistently demonstrate significant relative rate disparities, including access to services arising from the use of a uniform rate, may be addressed by use of the differential rate powers. Common types and classes of land use where such circumstances can arise and where a Council *must give consideration* to reducing the rate burden through use of a reduced differential rate include (but are not limited to):

- farm land (as defined by the **Valuation of Land Act 1960**); and
- retirement village land (as defined by the **Retirement Villages Act 1986**).

The Act empowers Councils (section **161(2)(a)(ii)**) to identify the types or classes of land subject to a differential rate by geographic location (other than location on the basis of whether or not the land is within a specific ward in the Council's municipal district). Where a Council considers that types and classes of land located in broad and distinctly identifiable geographic areas, for example towns, may consistently demonstrate significant disparities in access to services or rates, it may be appropriate to apply differential rates defined on such a broad geographic basis, consistent with the requirements of the Act. It is not appropriate to define differential rates by geographic location to specifically apply to very few assessments.

Circumstances whereby significant rate volatility occurs as a result of large movements in valuation may be more appropriately addressed through the use of other revenue instruments such as a rebate or deferred payment, instead of through use of differential rating. This applies in particular to land in the Urban Growth Zone without an approved Precinct Structure Plan in place.

It is not appropriate to utilise differential rating powers to prevent, mitigate, or discourage legitimate land uses (with the exception of vacant or derelict land). This includes the use of differential rate powers to:

- lessen the impact of externalities arising from the type of business conducted on the land;
- fund actions intended to ameliorate the externalities arising from such business on the land; or
- fund expenditure relating to a special benefit yet to be realised on the land subject to a proposed differential rate.

<sup>1</sup> Revenue instruments available to councils include: General Rates (section 158); Municipal Charge (section 159); Differential Rates (section 161); Limited Differential Rates (section 161A) where the Net Annual Value and Site Value valuation base is used; Service Rates and Service Charges (section 162); and Special Rates and Special Charges (section 163). Councils also have powers to provide Rebates (section 169) and Waivers (sections 171, 171A).

Examples of inappropriate uses of differential rating powers include (but are not limited to) *specific* application on the following:

- electronic gaming machine venues or casinos;
- liquor licensed venues or liquor outlet premises;
- business premises defined whole or in part by hours of trade;
- fast food franchises or premises; and
- land within the Urban Growth Zone without an approved Precinct Structure Plan in place.

The use of a differential rate applicable to very few assessments in a municipality should be considered with great caution and have regard to the impact on the land subject to the proposed rate and the consequential impact upon the broader municipality through consideration of equity. This is especially so in the case of differential rates applied to narrowly or specifically defined activities or land use types. For example, whilst it is a long standing practice in many municipalities and may be permissible for a Council to set a higher differential rate for a broad class such as Commercial or Industrial properties, it is not permissible under these Guidelines as a matter of equity for narrow selective classes such as ‘late night venues’ or ‘gaming machines’ to be subject to specific higher differential rating decisions.

The ‘progressive’ use of differential rates applicable at specified property valuation bands to a certain type and class of property within a municipality should be considered with great caution and have regard to the impact of the rating decision on those rated differentially.

Identification of the suitable use of a differential rate through the above process should form part of a Council’s determinations, and evidence for this consideration and determination should be provided to the community as part of the budget process and disclosed in the budget documentation.

#### **TYPES AND CLASSES OF LAND APPROPRIATE FOR DIFFERENTIAL RATING**

The differential rate category terminology must unambiguously correspond with clearly identified uses, geographic location, planning scheme zoning of the land and types of buildings situated on it. The types and classes of land must be described:

- clearly and consistently so as to avoid any community uncertainty with regards to application; and
- in a manner that is consistent with the fulfilment of the stated Council objectives.

For the purposes of reading these guidelines the following differential rates hierarchy has been adopted to:

- those that are appropriate;
- those that require careful consideration; and
- those that are not appropriate.

Types and classes of land categories and their combination that are considered *appropriate* for differential rates include the following:

- general land;
- residential land;
- farm land;
- commercial land;
- industrial land;
- retirement village land;
- vacant land;
- derelict; and
- cultural and recreational.

Types and classes of land categories that must be *carefully considered* as to whether they are appropriate for the application of differential rates include (but are not limited to) the following:

- holiday rental;
- extractive;
- landfill;
- dry land farming;
- irrigation farm land;
- automobile manufacture land;
- petroleum production land; and
- aluminium production land.

The use of a differential rate applicable to very few property assessments in a municipality should be considered with caution, particularly in relation to setting of higher differential rates, and have regard to the impact on the land subject to the proposed rate and the consequential impact upon the broader municipality through consideration of equity. This is especially so in the case of differential rates applied to narrowly or specifically defined activities or land use types.

It would *not be appropriate* to declare a differential rate that is defined narrowly and applied specifically or exclusively to the following types and classes of land:

- electronic gaming machine venues or casinos;
- liquor licensed venues or liquor outlet premises;
- business premises defined whole or in part by hours of trade;
- fast food franchises or premises;
- tree plantations in the farming and rural activity zones; and
- land within the Urban Growth Zone without an approved Precinct Structure Plan in place.

The use of specific differential rates on these types and classes of land is *not appropriate*. The use of differential rate powers to lessen the impact of externalities arising from the type of legitimate business conducted on the land or fund actions intended to ameliorate the externalities arising from such business on the land is *not appropriate*.

The use of differential rates to fund a specific service or benefit provided to the land subject to a particular rate is also not appropriate. In circumstances whereby additional services or special benefit are provided, a service rate or charge or alternatively a special rate or charge may be more appropriate as it can be targeted and correctly apportioned.

For example, the use of a differential rate as a revenue instrument to raise funding for a specific action to ameliorate the effects of problem gambling or late night venues is *not an appropriate* use of general rates which are intended for consolidated revenue and allocation via the Council budget process.

It is Victorian Government policy under the *Timber Industry Action Plan* to recognise timber plantations as an 'as of right' crop-raising activity in the farming and rural activity zones, consistent with other crop types. Therefore it is *appropriate* to consider timber plantations consistently with farm land for the purpose of setting rating strategies.

## TRANSPARENCY AND DISCLOSURE

Providing transparency to the community is an essential part of the budget setting process and by extension, the application of differential rates. Under the Act, section 129 and section 223 form the basis of public consultation requirements of Councils.

Section 161(3) specifies the information requirements for a Council to fulfil if declaring a differential rate. Section 161(3)(d) offers an opportunity for a Council to consider a range of information and disclosure material for their community. Councils may also consider the use of impact assessment tools and modelling where appropriate to support their decision making.

**IMPLEMENTATION OF THESE GUIDELINES**

The Minister for Local Government has issued these Guidelines under the provisions of section **161(2B)**. The Minister is empowered to make a recommendation to the Governor in Council to make an Order in Council to prohibit a differential rate if it is considered to be inconsistent with the Guidelines.

The Minister will have close regard to the proposed differential rates of Councils (as per their draft budgets) with the intention to utilise section **161(4)** powers during the 28 day statutory draft budget public notice and consultation period in advance of Councils adopting their annual budgets.

The Minister will utilise section **161(4)** powers to prohibit any proposed differential rates which these Guidelines have identified as *not appropriate* types and classes of land for the application of differential rates.

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**Pharmacy Regulation Act 2010**  
VICTORIAN PHARMACY AUTHORITY  
Fixing of Fees

Pursuant to section 104 of the **Pharmacy Regulation Act 2010**, the Victorian Pharmacy Authority has fixed the following fees for a period of 12 months commencing 1 May 2013.

<b>PROVISION</b>	<b>FEE (\$)</b>
<b>Licences</b>	
Annual licence – individual	\$199.60
Annual licence – corporate	\$446.50
Annual licence – hospital	\$262.65
<b>Registration</b>	
Annual registration – pharmacy business	\$199.55
Annual registration – pharmacy department	\$199.55
Annual registration – pharmacy depot	\$52.50
<b>Applications</b>	
Application for registration of pharmacy business	\$299.40
Application for registration of pharmacy department	\$367.70
Application for registration of pharmacy depot	\$52.50
Application for approval of alterations to a registered pharmacy business	\$299.40
Application for licence to carry on a pharmacy business	\$236.35
Application for approval to practise in special circumstances section 29(1)(b)	\$105.05
<b>Other fees</b>	
Site re-inspection	\$299.40

The above fees are exempt from GST (Division 81).

Dated 17 April 2013

STEPHEN MARTY  
Registrar  
Victorian Pharmacy Authority

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**Plant Biosecurity Act 2010****ORDER DECLARING A RESTRICTED AREA IN VICTORIA, NEAR EUSTON (NSW),  
FOR THE CONTROL OF QUEENSLAND FRUIT FLY**

I, Peter Walsh, Minister for Agriculture and Food Security, under section 32 of the **Plant Biosecurity Act 2010** make the following Order declaring a restricted area for the control of Queensland Fruit Fly and specifying the prohibitions, restrictions and requirements which are to operate in the restricted area.

Dated 15 April 2013

PETER WALSH MLA  
Minister for Agriculture and Food Security

**1. Objective**

The objective of this Order is to declare a restricted area for the control of Queensland Fruit Fly in Victoria, near Euston (NSW), and to specify the prohibitions, restrictions and requirements which are to operate in the restricted area.

**2. Authorising provisions**

This Order is made under section 20 of the **Plant Biosecurity Act 2010**.

**3. Definition**

In this Order –

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

‘**Act**’ means the **Plant Biosecurity Act 2010**;

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

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

‘**Queensland Fruit Fly**’ means the exotic pest *Bactrocera tryoni* (Froggatt); and

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

**4. Restricted area for the control of Queensland Fruit Fly**

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

**5. Prohibitions, restrictions and requirements**

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



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

#### 6. Verification of Consignments

Any Queensland fruit fly host material removed from the restricted area in accordance with clause 5(2), and the accompanying certificate or declaration, must be:

- (1) presented to an inspector for inspection; or
- (2) verified by a person accredited to do so by the Department of Primary Industries.

#### Schedule 1

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

#### Schedule 2

The area of land in Victoria within a radius of fifteen kilometres of the outbreak epicentre at 142.74088° East, 34.57445° South.

#### Schedule 3

The area of land in Victoria within a radius of one and a half kilometres of the outbreak epicentre at 142.74088° East, 34.57445° South.

Note: Section 33 of the **Plant Biosecurity Act 2010** provides that a person is guilty of an offence and liable for a penalty not exceeding 60 penalty units in the case of a natural person, and 300 penalty units in the case of a body corporate, for moving any host material from a restricted area contrary to any restrictions, unless authorised to do so by a permit issued by an Inspector.

**Victorian Energy Efficiency Target Act 2007**

## NOTICE OF DECLARATION

I, Nicholas Kotsiras, Minister for Energy and Resources, and Minister responsible for the administration of the **Victorian Energy Efficiency Target Act 2007**, hereby declare a discount factor under section 19 of that Act, to be used to calculate the carbon dioxide equivalent of greenhouse gas emissions to be reduced by the following activity prescribed under regulation 6(2) (a) of the Victorian Energy Efficiency Target Regulations 2008:

‘Installing a product in accordance with AS 3999–1992 published on 16 April 1992 incorporating Amendment No. 1 published on 9 March 2012 in a ceiling area not previously insulated for a minimum area of 20m<sup>2</sup>, being a product that complies with the criteria specified in Part A of Schedule 11.’

The discount factor is zero.

The discount factor applies from the day after the day on which this declaration is published in the Government Gazette, which is the date from which this declaration is to take effect, and will expire on 31 December 2014.

Dated 18 April 2013

HON. NICHOLAS KOTSIRAS MP  
Minister for Energy and Resources

**Victorian Managed Insurance Authority Act 1996**

## DIRECTION UNDER SECTION 25A

## Insurance for the Members of the Land Tax Hardship Relief Board

Pursuant to section 25A of the **Victorian Managed Insurance Authority Act 1996**, I, Robert Clark MP, direct the Victorian Managed Insurance Authority (VMIA) to provide appropriate insurance to the following members of the Land Tax Hardship Relief Board (the Board) and other members appointed from time to time.

- Paula Thorne;
- Trudy Hart;
- Kevin O’Dea;
- Steven Stevens; and
- Justine Jacono.

This direction is effective from 20 April 2013 until 30 June 2016 (both dates inclusive), with the VMIA to determine the premiums payable by the Board members, as well as any policy terms and conditions as it sees fit. The insurance is to be provided at a commercial rate. Insurance is to be applied from 20 April 2013, shortly prior to when the Board is expected to meet for the first time in 2013.

Dated 22 April 2013

ROBERT CLARK MP  
Minister for Finance

**Planning and Environment Act 1987**  
**BALLARAT PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C151

The Minister for Planning has approved Amendment C151 to the Ballarat Planning Scheme.

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

The Amendment amends Clauses 21.04 and 21.10 to implement the 'Ballarat Activity Centres Strategy, 2012'.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Ballarat City Council, Town Hall, Sturt Street, Ballarat.

JOHN PHILLIPS  
Director  
Planning and Building Systems  
Department of Planning and Community Development

**Planning and Environment Act 1987**  
**BALLARAT PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C157

The Minister for Planning has approved Amendment C157 to the Ballarat Planning Scheme.

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

The Amendment rezones part of 48 Cummins Road, Mount Rowan, from Farming Zone to Rural Living Zone and amends the Schedule to the Rural Living Zone to provide for a 2 hectare minimum lot size for subdivision and the minimum area for which no permit is required to use land for dwelling.

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

<b>Permit No.</b>	<b>Description of land</b>
PLP/2012/8	48 Cummins Road, Mount Rowan

A copy of the Amendment and permit/s can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Ballarat City Council, Town Hall, Sturt Street, Ballarat.

JOHN PHILLIPS  
Director  
Planning and Building Systems  
Department of Planning and Community Development

**Planning and Environment Act 1987**

**BALLARAT PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C161

The Minister for Planning has approved Amendment C161 to the Ballarat Planning Scheme.

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

The Amendment applies the Public Acquisition Overlay (PAO1) to 1187, 1189 and 1191 Ballarat–Buninyong Road, Mount Clear, for the purpose of road construction or widening and amends the Schedule to Clause 61.03.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Ballarat City Council, Town Hall, 225 Sturt Street, Ballarat.

JOHN PHILLIPS

Director

Planning and Building Systems

Department of Planning and Community Development

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**Planning and Environment Act 1987**

**BOROONDARA PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C167

The Minister for Planning has approved Amendment C167 to the Boroondara Planning Scheme.

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

The Amendment amends Schedule 12 to the Design and Development Overlay and gives effect to the West Hawthorn Urban Design Framework (2006) on a permanent basis.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Boroondara City Council, Planning Counter, First Floor, 8 Inglesby Road, Camberwell.

JOHN PHILLIPS

Director

Planning and Building Systems

Department of Planning and Community Development

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**Planning and Environment Act 1987**

**CAMPASPE PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C97

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

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

The Amendment corrects a mapping error in relation to the location of HO34 for the former Star Hotel at 45–47 Murray Esplanade, Echuca.

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

JOHN PHILLIPS

Director

Planning and Building Systems

Department of Planning and Community Development

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**Planning and Environment Act 1987**

**CARDINIA PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C167

The Minister for Planning has approved Amendment C167 to the Cardinia Planning Scheme.

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

The Amendment incorporates the Gembrook Township Strategy into the Cardinia Planning Scheme and makes subsequent changes to Clause 21.07 – Local 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](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Cardinia Shire Council, Henty Way, Pakenham.

JOHN PHILLIPS

Director

Planning and Building Systems

Department of Planning and Community Development

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**Planning and Environment Act 1987**

CARDINIA PLANNING SCHEME

Notice of Approval of Amendment

Amendment C182

The Minister for Planning has approved Amendment C182 to the Cardinia Planning Scheme.

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

The Amendment extends the expiry date of Schedule 14 to the Development Plan Overlay.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Cardinia Shire Council, Henty Way, Pakenham.

JOHN PHILLIPS

Director

Planning and Building Systems

Department of Planning and Community Development

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**Planning and Environment Act 1987**

DAREBIN PLANNING SCHEME

Notice of Approval of Amendment

Amendment C126

The Minister for Planning has approved Amendment C126 to the Darebin Planning Scheme.

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

The Amendment amends the circumstances where a residential development is exempt from payment of development contributions under Schedule 1 to the Development Contributions Plan Overlay.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Darebin City Council, 274 Gower Street, Preston, Victoria.

JOHN PHILLIPS

Director

Planning and Building Systems

Department of Planning and Community Development

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**Planning and Environment Act 1987**  
**EAST GIPPSLAND PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C107

The Minister for Planning has approved Amendment C107 to the East Gippsland Planning Scheme.

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

The Amendment corrects clerical and mapping errors in the East Gippsland Planning Scheme.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the East Gippsland Shire Council, 273 Main Street, Bairnsdale.

JOHN PHILLIPS  
Director  
Planning and Building Systems  
Department of Planning and Community Development

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**Planning and Environment Act 1987**  
**FRANKSTON PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C90

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

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

The Amendment introduces an incorporated document into the Frankston Planning Scheme for land at 7R Playne Street, Frankston, to provide for the development and use of South East Water Corporation Head Office.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Frankston City Council, 30 Davey Street, Frankston.

JOHN PHILLIPS  
Director  
Planning and Building Systems  
Department of Planning and Community Development

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**Planning and Environment Act 1987**  
**FRANKSTON PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C92

The Minister for Planning has approved Amendment C92 to the Frankston Planning Scheme.

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

The Amendment extends the period for the preparation and expiry of plans and for the approval of any permits required for additional works under Schedule 3 to the Special Use Zone at Clause 37.01 applying to the Frankston Safe Boat Harbour project to 1 November 2017 and 1 November 2022.

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

JOHN PHILLIPS  
Director  
Planning and Building Systems  
Department of Planning and Community Development

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**Planning and Environment Act 1987**  
**GREATER BENDIGO PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C162 (Part 1)

The Minister for Planning has approved Amendment C162 (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 implements the recommendations of the ‘Greater Bendigo Heritage Policy Citations Review, 2011’ (Revision 1) and 1 recommendation from the ‘City of Greater Bendigo Heritage Study Stage 2: Former Shires of McIvor and Strathfieldsaye, 2009’ by including 57 new properties in the Greater Bendigo Planning Scheme Heritage Overlay Maps, and making the following changes to clauses in the Greater Bendigo Planning Scheme:

- Amends Clause 21.10 – Reference documents, to include the ‘Greater Bendigo Heritage Policy Citations Review, 2011’ (Revision 1) as a reference document in the scheme;
- Amends Clause 22.06 – Heritage Policy, to remove the Heritage Investigation Inventory table, and include the ‘Greater Bendigo Heritage Policy Citations Review, 2011’ (Revision 1) as a Reference document in the Heritage Policy;
- Amends the Schedule to Clause 43.01 – Heritage Overlay, to include 57 new properties in the schedule; and
- Amends the Schedule to Clause 61.03, to include new Planning Scheme Maps 1HO and 17HO.

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

JOHN PHILLIPS  
Director  
Planning and Building Systems  
Department of Planning and Community Development

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**Planning and Environment Act 1987**  
**GREATER DANDENONG PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C150

The Minister for Planning has approved Amendment C150 to the Greater Dandenong Planning Scheme.

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

The Amendment modifies the area affected by the Public Acquisition Overlay 6 (PAO6) at 685 Thompsons Road, Lyndhurst.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Greater Dandenong City Council, 39 Clow Street, Dandenong.

JOHN PHILLIPS  
Director  
Planning and Building Systems  
Department of Planning and Community Development

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**Planning and Environment Act 1987**  
**LATROBE PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C75

The Minister for Planning has approved Amendment C75 to the Latrobe Planning Scheme.

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

The Amendment removes the Special Use Zone – Schedule 5 Morwell River Diversion, introduces replacement zones and modifies the State Resource Overlay within the Latrobe Planning Scheme.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Latrobe City Council, 141 Commercial Road, Morwell.

JOHN PHILLIPS  
Director  
Planning and Building Systems  
Department of Planning and Community Development

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**Planning and Environment Act 1987**  
**MAROONDAH PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C74

The Minister for Planning has approved Amendment C74 to the Maroondah Planning Scheme.

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

The Amendment amends the provisions of the Maroondah Planning Scheme in accordance with the recommendations of the 'Ringwood Transit City North West Residential Precinct Plan, June 2009' and includes the Precinct Plan as a reference document.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Maroondah City Council, Braeside Avenue, Ringwood, Victoria.

JOHN PHILLIPS  
Director  
Planning and Building Systems  
Department of Planning and Community Development

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**Planning and Environment Act 1987**  
**MELBOURNE PLANNING SCHEME**  
Notice of Amendment  
Amendment C205

The Minister for Planning has approved Amendment C205 to the Melbourne Planning Scheme.

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

The Amendment alters the wording of the schedule to Clause 61.01 to provide clarity regarding determination of development plans without altering the effect of the schedule.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge during office hours, at the office of the planning authority, Melbourne City Council, 90–120 Swanston Street, Melbourne.

JOHN PHILLIPS  
Director  
Planning and Building Systems  
Department of Planning and Community Development

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**Planning and Environment Act 1987**  
MELBOURNE PLANNING SCHEME  
Notice of Approval of Amendment  
Amendment C216

The Minister for Planning has approved Amendment C216 to the Melbourne Planning Scheme.

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

The land affected by the Amendment is 555 Collins Street, Melbourne.

The Amendment proposes to include a new Incorporated Document at the Schedule to Clauses 52.03 and 81.01 to allow for a permit application to be considered which is contrary to the prohibitions outlined within Schedule 1 to the Capital City Zone.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Melbourne City Council, Level 3, 240 Little Collins Street, Melbourne 3000.

JOHN PHILLIPS  
Director  
Planning and Building Systems  
Department of Planning and Community Development

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**Planning and Environment Act 1987**  
MILDURA PLANNING SCHEME  
Notice of Approval of Amendment  
Amendment C51

The Minister for Planning has approved Amendment C51 to the Mildura Planning Scheme.

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

The Amendment corrects errors, omissions and anomalies in the Heritage Overlay by amending planning scheme maps, inserting a new Map 21HO, replacing the Schedule to the Heritage Overlay and amending the Schedule to Clause 61.03.

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

JOHN PHILLIPS  
Director  
Planning and Building Systems  
Department of Planning and Community Development

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**Planning and Environment Act 1987**

MONASH PLANNING SCHEME

Notice of Approval of Amendment

Amendment C118

The Minister for Planning has approved Amendment C118 to the Monash Planning Scheme.

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

The Amendment rezones land within the Monash Technology Precinct, Clayton from a Business 3 Zone to a Special Use Zone 6, inserts a new Schedule 6, changes the Schedule to the Business 3 Zone and updates the Monash Technology Precinct Policy.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of Monash City Council, 293 Springvale Road, Glen Waverley.

JOHN PHILLIPS

Director

Planning and Building Systems

Department of Planning and Community Development

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**Planning and Environment Act 1987**

MORNINGTON PENINSULA PLANNING SCHEME

Notice of Approval of Amendment

Amendment C163 (Part1)

The Minister for Planning has approved Amendment C163 (Part 1) to the Mornington Peninsula Planning Scheme.

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

The Amendment applies the Vegetation Protection overlay Schedule 1 to land in Crib Point and Bittern.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Mornington Peninsula Shire Council: 90 Besgrove Street, Rosebud; 2 Queen Street, Mornington; and 21 Marine Parade, Hastings.

JOHN PHILLIPS

Director

Planning and Building Systems

Department of Planning and Community Development

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**Planning and Environment Act 1987**  
WHITTLESEA PLANNING SCHEME  
Notice of Approval of Amendment  
Amendment C163

The Minister for Planning has approved Amendment C163 to the Whittlesea Planning Scheme. The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment makes minor changes to the advertising signage categories within the Cooper Street Employment Area Comprehensive Development Zone (Schedule 2).

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

JOHN PHILLIPS  
Director  
Planning and Building Systems  
Department of Planning and Community Development

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**Planning and Environment Act 1987**  
WHITTLESEA PLANNING SCHEME  
Notice of Approval of Amendment  
Amendment C173

The Minister for Planning has approved Amendment C173 to the Whittlesea Planning Scheme. The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment rectifies a mapping anomaly to change the boundary of the Special Use Zone 4 to align with the property boundary at 430 Summerhill Road, Wollert, and other subsequent zoning changes to adjoining properties. It also amends Schedule 3 to the Special Use Zone.

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

JOHN PHILLIPS  
Director  
Planning and Building Systems  
Department of Planning and Community Development

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**ORDERS IN COUNCIL**

**County Court Act 1958**

CONTINUATION OF RIGHT TO A JUDICIAL PENSION FOR  
A RETIRED COUNTY COURT JUDGE

Order in Council

The Governor in Council, under section 14(3A) of the **County Court Act 1958**, determines that the right of

**His Honour Judge Kenneth Ross Howie**

to a judicial pension shall not be suspended by reason of the operation of section 14(3A)(b)(i) of that Act, while he holds any office or place of profit while engaged by the Department of Justice to review the facts surrounding the arrest, charging, refusal of bail and remand of a woman from Swan Hill.

Dated 23 April 2013

Responsible Minister:  
ROBERT CLARK MP  
Attorney-General

YVETTE CARISBROOKE  
Clerk of the Executive Council

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

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

39. *Statutory Rule:* Bail Amendment Regulations 2013  
*Authorising Act:* Bail Act 1977  
*Date first obtainable:* 22 April 2013  
*Code A*
40. *Statutory Rule:* Family Violence Protection Amendment Regulations 2013  
*Authorising Act:* Family Violence Protection Act 2008  
*Date first obtainable:* 22 April 2013  
*Code B*
41. *Statutory Rule:* Retail Leases Regulations 2013  
*Authorising Act:* Retail Leases Act 2003  
*Date first obtainable:* 22 April 2013  
*Code D*
42. *Statutory Rule:* Planning and Environment (Fees) Interim Regulations 2013  
*Authorising Act:* Planning and Environment Act 1987  
*Date first obtainable:* 22 April 2013  
*Code B*
43. *Statutory Rule:* Subdivision (Fees) Interim Regulations 2013  
*Authorising Act:* Subdivision Act 1988  
*Date first obtainable:* 22 April 2013  
*Code A*

44. *Statutory Rule:* Road Safety (Drivers) Amendment (Application of Fees) Regulations 2013  
*Authorising Act:* Road Safety Act 1986  
*Date first obtainable:* 22 April 2013  
*Code A*
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