



# Victoria Government Gazette

By Authority of Victorian Government Printer

**No. G 23 Thursday 6 June 2013**

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**GENERAL**

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**Advertisers Please Note**

As from 6 June 2013

The last Special Gazette was No. 196 dated 4 June 2013.

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

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**How To Submit Copy**

- See our webpage [www.gazette.vic.gov.au](http://www.gazette.vic.gov.au)
  - or contact our office on 8523 4601  
between 8.30 am and 5.30 pm Monday to Friday
- 

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

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

**PUBLICATION OF THE VICTORIAN GOVERNMENT GAZETTE (General)  
QUEEN'S BIRTHDAY WEEK 2013**

**Please Note New Deadlines for General Gazette G24/13:**

The Victoria Government Gazette (General) for Queen's Birthday week (G24/13) will be published on **Thursday 13 June 2013**.

**Copy deadlines:**

Private Advertisements **9.30 am on Friday 7 June 2013**

Government and Outer

Budget Sector Agencies Notices **9.30 am on Tuesday 11 June 2013**

**Office Hours:**

The Victoria Government Gazette Office is open during normal office hours over the holiday period, i.e. 8.30 am to 5.30 pm Monday to Friday, excluding public holidays.

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

JENNY NOAKES  
Government Gazette Officer

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**VICTORIA GOVERNMENT GAZETTE**

**Subscribers and Advertisers**

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Website: [www.gazette.vic.gov.au](http://www.gazette.vic.gov.au)

JENNY NOAKES  
Government Gazette Officer

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## PRIVATE ADVERTISEMENTS

### DISSOLUTION OF PARTNERSHIP

Notice is hereby given that the partnership subsisting between Mr Jeffrey Stuart Kremer and Mr Gary Brian McInnes, and carrying on business under the name of 'JAG Camper Trailers' is dissolved as from 31 January 2013.

### DISSOLUTION OF PARTNERSHIP

#### Partnership Act 1958

Take notice that the partnership previously subsisting between Roberta Smith and Paul Smith, which traded under the name of San Remo Bakehouse, carrying on business at 153–155 Marine Parade, San Remo, was dissolved on 3 June 2013. Roberta Smith will continue to trade as San Remo Bakehouse and will be responsible for all liabilities and debts owing by San Remo Bakehouse as and from 3 June 2013.

DUFFY & SIMON, lawyers,  
13 John Street, Pakenham, Victoria 3810.

Re: MARGARET O'CALLAGHAN, late of 2A Neath Street, Surrey Hills, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 4 March 2013, are required by the trustee, Michael John O'Callaghan, to send particulars to the trustee, care of the undermentioned solicitors, by a date not later than two months from the date of publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he has notice.

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

GRAEM HARRY McROBBIE (also known as Graeme Harry McRobbie) late of 36 Chappell Street, Thomastown, in the State of Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 January 2013, are required by the executrix, Judith Helen McRobbie, care of Arthur J. Dines & Co., solicitors, 2 Enterprise Drive, Bundoora, in the said State, to send

particulars to her by 6 August 2013, after which date the executrix may convey or distribute the assets, having regards only to claims to which she has notice.

Dated 29 May 2013

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

FLORA SIEKRI (also known as Flora Tsotskou), late of 42 Kinlora Avenue, Epping, in the State of Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 11 September 2002, are required by the executrix, Aspasia Georgiadis, care of Arthur J. Dines & Co., solicitors, 2 Enterprise Drive, Bundoora, in the said State, to send particulars to her by 6 August 2013, after which date the executrix may convey or distribute the assets, having regards only to claims to which she has notice.

Dated 29 May 2013

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

Re: Estate FRANK CONLAN, deceased.

In the estate of FRANK CONLAN, late of Unit 4/79 Shadforth Street, Kerang, Victoria, deceased.

Creditors, next-of-kin and all others having claims against the estate of the said deceased are required by David Conlan, 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.

Re: DIANA ERROL FORSTER COATE, deceased, also known as Diana Coate, Diana Errol Coate and Diana Errol Foster Coate.

Creditors, next-of-kin and all others having claims in respect of the estate of the deceased, who died on 17 February 2013, are required by



Jennifer Ellen Butler and Susan Claire Dahlsen, the executors of the Will of the deceased, to send particulars of such claim, care of the undermentioned solicitors, by 8 August 2013, after which date they will convey or distribute the assets, having regard only to the claims of which they have notice.

BATTEN SACKS HARVEY BRUCE, lawyers,  
Level 6, 24 Albert Road, South Melbourne 3205.

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KEITH LESLIE CLANCY, late of 930 Barwon Heads Road, Connemara, Victoria, retired electrician, deceased.

Creditors, next-of-kin and others having claims against the estate of the deceased, who died on 1 January 2013, are required by the executors of the Will, Lorraine Rose Secen and Andrew Roland Hill, to send particulars to them, care of Birdsey, Dedman & Bartlett of 166a Ryrie Street, Geelong, solicitors, by 9 August 2013, after which date they may convey or distribute the assets, having regard only to the claims of which they then have notice.

Dated 29 May 2013

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

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DOUGLAS VIVIAN BOYLE, late of 22 Montpellier Drive, Highton 3216, Victoria, retired metallurgical engineer.

Creditors, next-of-kin and others having claim in respect of the estate of the deceased, who died on 15 April 2013, are required by the executor, Brendan Boyle of 72 High Street, Kew, Victoria 3101, to send particulars thereof to said executor by 15 October 2013, after which date the executor will distribute the assets, having regard only to the claims of which he has notice.

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BERYL LOIS SHAW (also known as Beryl Lois Bolton), late of Unit 14, 38 Wornack Road, Carnegie, author, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 11 October 2012, are required by Sandra Carmela Anastasi, the executor of the Will of the deceased, to send particulars of their claims to her, care of the undermentioned solicitors, by 14 August 2013, after which date she will convey or distribute the assets, having

regard only to the claims of which she then has notice.

DAVIS & MARKS, solicitors,  
Suite 102, 3 Male Street, Brighton 3186.

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Re: DAVID ANDREW LANGFORD, late of 1/11 Yale Court, Truganina, Victoria, leading hand, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 19 February 2013, are required by the trustees, Gary Robert Beecham and Helene Margaret McBride, 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: GORDON LESLIE GILBERT, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 11 February 2013, are required by the trustee, Christopher Joseph Canavan, care of Featherbys Lawyers of 14 Ninth Avenue, Rosebud, Victoria, to send particulars to the trustee, by 7 August 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

FEATHERBYS LAWYERS, solicitors,  
14 Ninth Avenue, Rosebud 3939.

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DOROTHY JENKINS, late of Roseville Apartments, 130 King Street, Doncaster, Victoria, bank officer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 2 October 2012, are required by the trustee, Mervyn Leonard Sims, to send particulars to the trustee by 6 August 2013, care of the undermentioned solicitors, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

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Re: ANTONINO RIPEPI, late of 4 Chirnside Drive, Chirnside Park, Victoria, farmer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 9 March 2013, are required by the trustees, Jimmy Ripepi and Michele Ripepi, to send particulars to them, care of the undersigned, by 6 August 2013, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

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

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Re: NICHOLAS SPICER, late of 18 Beenak Road, Wandin North, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 26 January 2013, are required by the trustees, Malcolm Nicholas Spicer and Geoffrey Colin Spicer, to send particulars to them, care of the undersigned, by 6 August 2013, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

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

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Re: Estate NOELLE ELIZABETH JUNE GRAZULES, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 November 2012, are required by the trustees, Colin Robert Grazules and Terry Lee Grazules, to send particulars to them, care of the undersigned, by 7 August 2013, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

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

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Re: Estate PHYLLIS MAY HARRIS, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 21 March 2013, are required by the

trustee, Geoffrey John Harris, to send particulars to him, care of the undersigned, by 7 August 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

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

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Re: Estate JOSEPH RICHARDS, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 30 November 2012, are required by the trustee, Marjorie Phyllis Stevens-Richards, to send particulars to her, care of the undersigned, by 7 August 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she then has notice.

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

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Re: BERYL PEARL WHITFIELD, late of 2 Hornby Street, Windsor, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 18 August 2012, are required to send particulars of their claims to the trustees, Kaye Frances Furletti and Dianne Jean Davidson, care of the undermentioned solicitors, by 15 August 2013, after which date the trustees will convey or distribute the assets, having regard only to the claims of which they then have notice.

GSM LAWYERS,  
228 Smith Street, Collingwood 3066.

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Re: Estate NANCE AILEEN MOORE.

Creditors, next-of-kin and others having claims against the estate of NANCE AILEEN MOORE, late of 178B Hawthorn Road, Caulfield North, Victoria, widow, deceased, who died on 6 November 2012, are requested to send particulars of their claims to the executor, care of the undermentioned solicitors, by Friday 9 August 2013, after which date he will distribute the assets, having regard only to the claims of which he then has notice.

HICKS OAKLEY CHESSELL WILLIAMS,  
solicitors,  
13/379 Collins Street, Melbourne 3000.

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Re: MARGARET RUTH MADDICKS, late of 5 Charles Farrer Court, Mornington, retired nurse, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 9 December 2012, are required by the trustee, Peter Lee Tong Ng, to send particulars to the undermentioned solicitors by 5 August 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

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Re: AUDREY LOUISE WENZEL, late of 27 Roslyn Street, Brighton, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 March 2013, are required by the trustee, Equity Trustees Limited, ACN 004 031 298, care of 40–42 Scott Street, Dandenong, Victoria 3175, to send particulars to the trustee by 5 August 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MACPHERSON + KELLEY, lawyers,  
40–42 Scott Street, Dandenong 3175.

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Re: TRAYAN POPOMILKOV, late of 76 Cecil Street, Fitzroy, Victoria 3065.

Creditors, next-of-kin and others having claims in respect of the Will of the abovenamed deceased, who died on 2 July 2007, are required by the executor, Robert Michael Matisi of 6 Duncan Street, Fairfield, Victoria 3078, to send particulars of their claims to him by 20 August 2013, after which date the executor may convey or distribute the assets and distribute the estate, having regard only to the claims of which he then has notice. Probate was granted in Victoria on 18 October 2010.

MATISI LEGAL, lawyers,  
6 Duncan Street, Fairfield, Victoria 3078,  
PO Box 416, Fairfield, Victoria 3078,  
Tel. 03 9486 5888, Fax. 03 9486 5889.

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Re: MENKA POPOMILKOV, late of 76 Cecil Street, Fitzroy, Victoria 3065.

Creditors, next-of-kin and others having claims in respect of the Will of the abovenamed deceased, who died on 2 July 2007, are required by the executor, Robert Michael Matisi of 6 Duncan Street, Fairfield, Victoria 3078, to send particulars of their claims to him by 20 August 2013, after which date the executor may convey or distribute the assets and distribute the estate, having regard only to the claims of which he then has notice. Probate was granted in Victoria on 25 October 2010.

MATISI LEGAL, lawyers,  
6 Duncan Street, Fairfield, Victoria 3078,  
PO Box 416, Fairfield, Victoria 3078,  
Tel. 03 9486 5888, Fax. 03 9486 5889.

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Re: AGNES HUMPHREY, late of 40 Central Road, Blackburn, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 February 2013, are required to send particulars of their claims to Equity Trustees Limited, of GPO Box 2307, Melbourne, Victoria 3001, by 6 September 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.

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

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Re: DOROTHY VERONICA CUNNINGHAM, late of 301 St Helena Road, Greensborough, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 January 2013, are required by the trustee, James Robert Cunningham, to send particulars to the trustee, care of the undermentioned solicitors, within 2 calendar months from the date of this advertisement, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MW LAW (GREENSBOROUGH) PTY LTD,  
RYAN MACKEY & McCLELLAND (a firm),  
solicitors,  
65 Main Street, Greensborough 3088.

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Creditors, next-of-kin and others having claims against the estate of GRAHAME ALEXANDER STEWART THOM, late of 4 Baynton Crescent, Roxburgh, in the State of Victoria, painter, deceased, who died on 24 February 2012, are required to send particulars of the claims to the administratrix, Phyllis Noreen Heather Carrucan, care of the undermentioned solicitor, by 8 August 2013, after which date she will distribute the estate of the deceased, having regard only to the claims of which she then has notice.

PETER GARDINER, solicitor,  
Office 1, 2 Colin Avenue, Warrandyte 3113.

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Creditors, next-of-kin and others having claims in respect to the estate of KRYSZYNA JARZEBOWSKI, late of 3 Percival Street, Bayswater, Victoria, pensioner, deceased, who died on 14 May 2013, are required to send particulars of such claims to the executors, care of the undermentioned solicitors, by 6 August 2013, after which date the executors will convey or distribute the assets, having regard only to the claims of which the executors then have notice.

PIETRZAK SOLICITORS,  
222 LaTrobe Street, Melbourne 3000.

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Creditors, next-of-kin and others having claims in respect to the estate of LECH KRZYSZTOF PASZKOWSKI, late of 28 Darling Road, Malvern East, Victoria, pensioner, deceased, who died on 24 April 2013, are required to send particulars of such claims to the executors, care of the undermentioned solicitors, by 6 August 2013, after which date the executors will convey or distribute the assets, having regard only to the claims of which the executors then have notice.

PIETRZAK SOLICITORS,  
222 LaTrobe Street, Melbourne 3000.

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Re: MARY ANDERSON (also known as Marye Anderson), deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 January 2013, are required by the trustee, John Robert Anderson, to send particulars of such claims to him, in care of the

undermentioned lawyers, by 7 August 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

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

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Re: PRUDENCE SCOTT, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 September 2012, are required by the trustee, Michael Charles A'Beckett, to send particulars of their claims to him, in care of the undermentioned lawyers, by 7 August 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

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

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Re: BEATRICE WRIGHT WARNECKE, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 14 March 2013, are required by the trustee, Robert Leslie Warnecke, to send particulars of such claims to him, in care of the undermentioned lawyers, by 7 August 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

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

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Re: JERRY GEORGE KATIFORIS (also known as Jerry Katiforis), deceased.

Creditors, next-of-kin and others having claims in respect of the estate of JERRY GEORGE KATIFORIS (also known as Jerry Katiforis), deceased, intestate, late of 59 Henry Street, Traralgon, trades assistant, who died on 8 September 2012, are requested to send particulars of their claims to the administrator, Yaqin Yang, care of the undersigned solicitors, by 12 August 2013, after which date she will convey or distribute the assets, having regard only to the claims of which she then has notice.

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

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Re: WILLIAM CATTON GRASBY, late of 17 McLachlan Street, Apollo Bay, Victoria, teacher, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 9 September 2012, are required by the deceased's personal representatives, David Anthony Casey and Stuart Lester Holbery, to send particulars to them, care of the undermentioned lawyers, by 5 August 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.

SLM LAW, lawyers,  
119 Murray Street, Colac 3250.

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NORMA ANNE MARTIN, late of 59 Palmtree Drive, Safety Beach, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 5 March 2013, are required by the executor, Sam Stidston, of Suite 1, Level 1, 10 Blamey Place, Mornington, Victoria, to send particulars to him, care of Stidston Warren Lawyers, by 10 August 2013, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

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

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ARTHUR EDWIN TANNER, late of Unit 262, 67 Maroondah Highway, Croydon, Victoria, retired bank officer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 December 2012, are required to send particulars of their claims to the executors, care of The Trust Company Limited, PO Box 361, Collins Street West, Victoria 8007, by 16 August 2013, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

THE TRUST COMPANY (LEGAL SERVICES)  
PTY LTD,  
3/530 Collins Street, Melbourne, Victoria 3000.

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Estate of MARGARET EDITH JAMIESON, late of 26 Queen Street, Paynesville, Victoria, secretary, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 9 November 2012, are required by the administrators, Robert Blair Caldwell and Alan Buchanan Caldwell, to send particulars to them, care of Warren, Graham and Murphy, 119 Main Street, Bairnsdale, Victoria 3875, by 12 August 2013, after which date the administrators may convey or distribute the assets, having regard only to the claims of which they then have notice.

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Re: KATHLEEN JESSIE SMART, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 March 2013, are required by the trustee, Carmel Mary Heavey, to send particulars to the trustee, care of the undermentioned solicitors, by 6 August 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

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

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Re: JASON KARL WILKINSON, late of 6 Lealt Place, Ardross, Western Australia, chef, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on or about the 25 May 2012, are required by the trustee, Danielle Faith Wilkinson, to send particulars to the trustee, 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 trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

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ADVERTISEMENT OF SALE  
BY THE SHERIFF

On Thursday 18 July 2013 at 1.30 pm in the afternoon at the Sheriff's Office, 444 Swanston Street, Carlton (unless process be stayed or satisfied).

All the estate and interest (if any) of Mary Songul Guner of 30 Buckingham Street, Sydenham, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 10726 Folio 248 upon which is erected a house and known as 30 Buckingham Street, Sydenham.

Registered Mortgage (Dealing No. AH915356A), Registered Caveat (Dealing No. AH961674Y) affect the said estate and interest.

Terms: 10% deposit on the fall of the hammer. Balance within 14 days unless as stated in particulars of sale in contract. Cheque only.

Please contact Sheriff's Asset Administration Services on (03) 8684 8612 or realestatesection@justice.vic.gov.au for an information sheet on Sheriff's auctions, a contract of sale and any other enquiries.

SHERIFF

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ADVERTISEMENT OF AUCTION  
BY THE SHERIFF

On Thursday 18 July 2013 at 1.30 pm in the afternoon at the Sheriff's Office, 444 Swanston Street, Carlton (unless process be stayed or satisfied).

All the estate and interest (if any) of Maria Luhan of 47 Rowes Road, Werribee, as shown on Certificate of Title as Maria Elisabeta Luhan, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 09711 Folio 144 upon which is erected a house known as 47 Rowes Road, Werribee.

Registered Mortgage (Dealing No. W631113X), Registered Caveat (Dealing No. AH872902J) affect the said estate and interest.

Terms: 10% deposit on the fall of the hammer. Balance within 14 days unless stated in particulars of sale in contract. Cheque only.

Please contact Sheriff's Asset Administration Services on (03) 8684 8612 or realestatesection@justice.vic.gov.au for an information sheet on Sheriff's auctions, a contract of sale and any other enquiries.

SHERIFF

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ADVERTISEMENT OF AUCTION  
BY THE SHERIFF

On Thursday 18 July 2013 at 1.30 pm in the afternoon at the Sheriff's Office, 444 Swanston Street, Carlton (unless process be stayed or satisfied).

All the estate and interest (if any) of Peter Maxwell Simmons of 75 Hope Street, South Yarra, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 11301 Folio 550 upon which is erected a Shop/Office known as 253B Richardson Street, Middle Park.

Registered Mortgage (Dealing No. AJ247506N), Registered Caveat (Dealing No. AJ956298N), Registered Caveat (Dealing No. AK048264M), Owners Corporation Plan No. SP034873T affect the said estate and interest.

Terms: 10% deposit on the fall of the hammer. Balance within 14 days unless stated in particulars of sale in contract. Cheque only.

Hammer price plus GST is applicable for this property.

Please contact Sheriff's Asset Administration Services on (03) 8684 8612 or realestatesection@justice.vic.gov.au for an information sheet on Sheriff's auctions, a contract of sale and any other enquiries.

SHERIFF

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**GOVERNMENT AND OUTER BUDGET  
SECTOR AGENCIES NOTICES**



Notice is hereby given that the City of Ballarat Council, at its ordinary meeting of 22 May 2013, and pursuant to schedule 10, section 206 of the **Local Government Act 1989**, resolved to discontinue a section of the southern end of Lydiard Street South as shown in the hatched area of the map below. This resolution followed a public consultation process in accordance with the requirements of section 223 of the **Local Government Act 1989**.



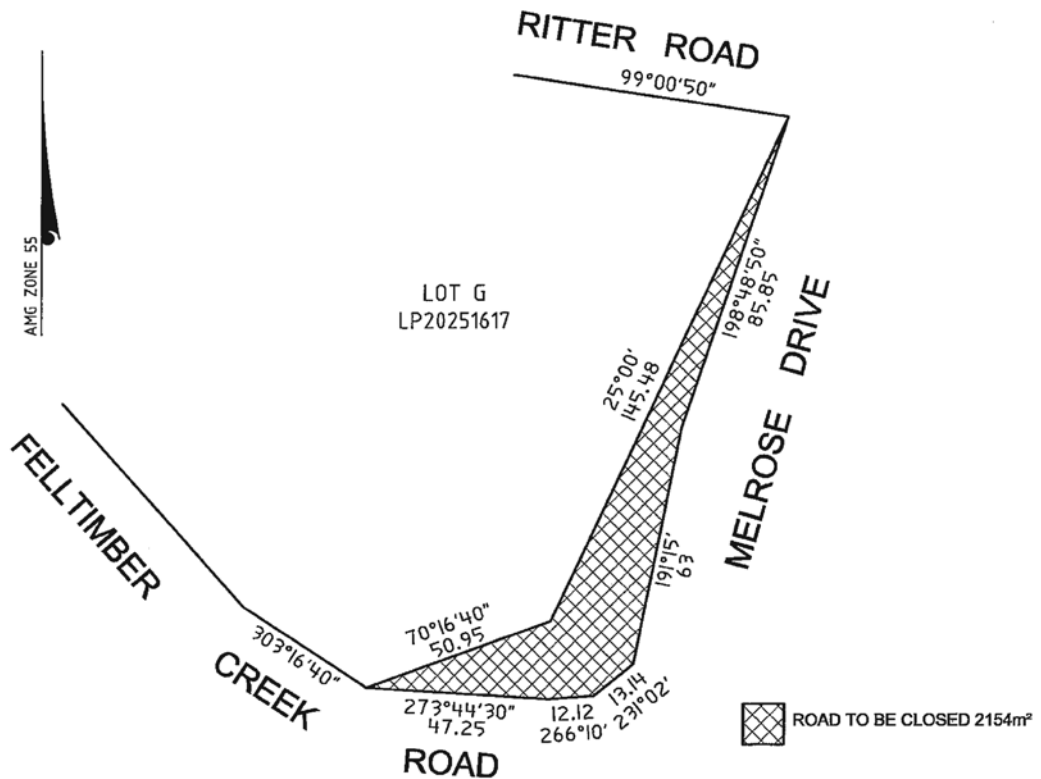
ANTHONY SCHINCK  
Chief Executive Officer





WODONGA CITY COUNCIL  
Notice of Road Discontinuance  
Corner Melrose and Felltimber Creek Road

Notice is now given by Wodonga City Council that the section of road on the corner of Melrose Drive and Felltimber Creek Road, shown cross-hatched in the illustration below, is discontinued upon the publication of this notice, the Council having resolved to discontinue the said section of road, acting under section 12 of the **Road Management Act 2004** and having complied with the requirements of the Act.



For more information, please contact Theo Panagopoulos on (02) 2022 9300.



### REVIEW OF ROAD MANAGEMENT PLAN

In accordance with section 54(5) of the **Road Management Act 2004**, and Road Management Regulations 2005, Horsham Rural City Council gives notice that it intends to conduct a review of its Road Management Plan.

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 and priorities to be given to the inspection, maintenance and repair of the roads to which Council's road management plan applies are safe, efficient and appropriate for use by the community.

The review will apply to all roads and classes of roads to which the road management plan applies.

The current Road Management Plan can be obtained from or will be available for examination at Council offices located at the Civic Centre, Roberts Avenue, Horsham, or can be viewed on the council's website, [www.horsham.vic.gov.au](http://www.horsham.vic.gov.au)

Any person wishing to make a submission may make a written submission on the proposed review by close of business on Friday 5 July 2013.

Submissions should be addressed to Review of Road Management Plan, care of Chief Executive, Horsham Rural City Council, PO Box 511, Horsham 3400.

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 Council meeting or a Committee of Council. The day, time and place will be advised.

Any enquiries about the proposed review can be directed to Mr Martin Duke, Operations Engineer on (03) 5382 9600 or via email at [council@hrcc.vic.gov.au](mailto:council@hrcc.vic.gov.au)

PETER BROWN  
Chief Executive

### HUME CITY COUNCIL

#### Notice of Intention to Make a Local Law

Notice is given pursuant to sections 119 and 223 of the **Local Government Act 1989** that the Hume City Council proposes to make a new Local Law to be known as the Governance Local Law – 2013.

Purpose of the proposed Governance Local Law – 2013 is to:

- regulate proceedings at Council Meetings, Committee Meetings and other meetings conducted by or on behalf of the Council where Council has resolved that the provisions of the Local Law are to apply;
- regulate and prohibit unauthorised use of the Common Seal;
- provide for the administration of Council powers and functions.

General purport of the proposed Governance Local Law – 2013 is to:

- deliver provisions for the good government of the municipal district and the administration of Council powers and functions;
- convey principles within a Code of Conduct as a means of promoting a common understanding amongst Councillors regarding the expectations of conduct when representing the Council and in their dealings with the community, council staff and one another;
- govern the conduct at meetings of the Council or Committees through the Code of Meetings Procedure;

- make it an offence for a person to use the Common Seal or a device resembling the common seal without the authority of Council;
- make it an offence under the Code of Meetings Procedure for any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting or the maintenance of order;
- make it an offence under the Code of Meetings Procedure for any person to record proceedings of a Council or Committee meeting without the consent of the Council;
- make it an offence under the Code of Meetings Procedure for a Councillor to not withdraw a remark which is considered by the Chairperson to be defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature, when called upon twice by the Chairperson to do so;
- make it an offence under the Code of Meetings Procedure for any person, not being a Councillor, who has been called to order for any improper or disorderly conduct to not leave the Council meeting when requested by the Chairperson to do so;
- make it an offence under the Code of Meetings Procedure for a Councillor to refuse to leave the Council meeting on suspension.

Notice of Intention to make a:

- Code of Conduct for Councillors
- Code of Meeting Procedures

Council intends to make the above codes to replace the existing codes of the same name and seeks public comment on the proposed codes.

A copy of the proposed Governance Local Law – 2013 and Associated Codes can be obtained from the Council Customer Service Centres at 1079 Pascoe Vale Road, Broadmeadows, 75–95 Central Park Avenue, Craigieburn, and 36 Macedon Street, Sunbury, or can be viewed on Council’s website at [www.hume.vic.gov.au](http://www.hume.vic.gov.au)

In accordance with section 223 of the **Local Government Act 1989**, written submissions (including the request to be heard) may be made on the proposed Governance Local Law – 2013 and Associated Codes. Submissions will be received up to 5.00 pm on 5 July 2013 and should be addressed to: Mr Domenic Isola, Chief Executive Officer, Hume City Council, PO Box 119, Dallas 3047.

Council will consider written submissions received on the Governance Local Law – 2013 and associated codes at a Committee of the Whole Council Meeting on Monday 15 July 2013 starting no earlier than 7.10 pm at the Council Chamber, Hume Global Learning Centre, 1093 Pascoe Vale Road, Broadmeadows.

For more information contact Gavan O’Keefe, Manager Corporate Services on 9205 2200.

DOMENIC ISOLA  
Chief Executive Officer

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## HUME CITY COUNCIL

### Notice of Intention to Make a Local Law

Notice is given pursuant to sections 119 and 223 of the **Local Government Act 1989** that the Hume City Council proposes to make a new Local Law to be known as the General Local Law No.1 – 2013.

The purpose of the proposed General Local Law No.1 – 2013 is to provide for the:

- peace, order and good government of the municipality;
- safety and health of the municipality so that the community can enjoy a quality of life that meets its expectations;
- safe and fair use and enjoyment of municipal places;
- protection and enhancement of the amenity and environment of the municipality;
- fair and reasonable use and enjoyment of private land; and
- uniform and fair administration of this Local Law.

The general purport of the proposed General Local Law No.1 – 2013 is to govern the following matters:

#### ROADS AND MUNICIPAL PLACES

- Behaviour
- Council Signs
- Dog Excrement
- Alcohol
- Collections
- Clothing Recycling Bins
- Amusements
- Bulk Waste Containers
- Repair of Vehicles
- Motorised Vehicle
- Boats
- Trading Activities
- Obstruction on Roads
- Property Numbering
- Parks, Gardens & Reserves

#### ASSET PROTECTION

- Compliance with Code
- Asset Protection Permit

#### ADMINISTRATION

- Permits
- Direction of Authorised Officer
- Power of Authorised Officer  
– Urgent Circumstances
- Impounding

Notice of Intention to make a:

- Waste Collection Code (formerly the Domestic Waste and Recyclables Code)
- Clothing Recycle Bins Code of Practice
- Building and Works Code of Practice
- Scareguns Code of Practice
- Garage Sale Code of Practice

To regulate the above matters, Council intends to make the above codes to replace the existing codes, and to make a new Garage Sale Code of Practice, and seeks public comment on the proposed codes.

A copy of the proposed General Local Law No.1 – 2013 and Associated Codes can be obtained from the Council Customer Service Centres at 1079 Pascoe Vale Road, Broadmeadows, 75–95 Central Park Avenue, Craigieburn, and 36 Macedon Street, Sunbury, or can be viewed on Council's website at [www.hume.vic.gov.au](http://www.hume.vic.gov.au)

In accordance with section 223 of the **Local Government Act 1989**, written submissions (including the request to be heard) may be made on the proposed General Local Law No.1 – 2013 and Associated Codes. Submissions will be received up to 5.00 pm on 5 July 2013 and should be addressed to: Mr Domenic Isola, Chief Executive Officer, Hume City Council, PO Box 119, Dallas 3047.

#### AMENITY

- Dangerous and Unsightly Land
- Caravans and Camping
- Open Air Burning
- Heavy Motor Vehicles
- Unregistered and Abandoned Vehicles
- Household Goods
- Waste
- Filling of Land
- Scareguns
- Shopping Trolleys
- Shipping Containers and Skips
- Garage Sales
- Smoke Free Areas

#### ANIMALS

- Numbers
- Wasp Nests
- Housing
- Wandering Stock

#### ENFORCEMENT

- Offences under this local law
- Infringement Notices under this local law
- Penalties under this local law

Council will consider written submissions received on the General Local Law No.1 – 2013 and Associated Codes at a Committee of the Whole Council Meeting on Monday 15 July 2013 starting at 7.00 pm at the Council Chamber, Hume Global Learning Centre, 1093 Pascoe Vale Road, Broadmeadows.

For more information contact Gavan O’Keefe, Manager Corporate Services on 9205 2200.

DOMENIC ISOLA  
Chief Executive Officer



City of  
KINGSTON

NOTICE OF INTENTION TO RELOCATE DOG OFF-LEASH PARK  
IN REG MARLOW RESERVE, MENTONE

Notice under

**Domestic Animals Act 1994**

Notice is given that at its meeting on 27 May 2013, Council resolved to give public notice of its intentions to relocate the off-leash dog park within the Reg Marlow Reserve, Mentone under section 26 of the **Domestic Animals Act 1994**.

It is proposed to relocate the current gazetted dog off-leash park in Reg Marlow Reserve to the following location:

The relocated dog off leash area’s boundaries will be located in the Reg Marlow Reserve between the boundaries of Abrahams Drive, Warrigal Road, Johnston Street and Rowell Drive.

Any person may make a written submission regarding the proposed relocation of the dog off-leash park within 14 days of this notice. Submissions must be forwarded to Neil Sheppard, Team Leader Statutory Compliance, City of Kingston, PO Box 1000, Mentone 3194.

JOHN NEVINS  
Chief Executive Officer



City of  
KINGSTON

NOTICE OF INTENTION TO INTRODUCE A  
24 HOUR ALCOHOL FREE ZONE IN CARRUM

Notice is given that at its meeting on 27 May 2013, Council resolved to give public notice of its intention to consider introducing an alcohol free zone in Carrum. It is proposed to introduce a 24 hour alcohol free zone in one of the following locations.

**Carrum foreshore, shopping centre and railway station**

Alcohol free zone to commence at the mouth of the Patterson River and to extend inland from the northern boundary of the Patterson River up to and including 50 metres beyond the Nepean Highway road bridge, back along the southern boundary of the Patterson River, then south along Station Street as far as Walkers Road. Then proceed west across the railway line to the western side of Nepean Highway to number 665 Nepean Highway and west to the foreshore including the vegetated and sand areas.

**From current Chelsea zone to southern boundary to include Patterson River Bridge and Carrum Shopping Centre and railway station**

From the southern foreshore boundary with the City of Frankston up to the current alcohol free zone in Chelsea adjacent to Maury Road. This zone is to include all sand and vegetation areas adjacent to the residential properties.

Alcohol free zone to extend inland from the northern boundary of the Patterson River up to and including 50 metres beyond the Nepean Highway road bridge, back along the southern boundary of the Patterson River, then south along Station Street as far as Walkers Road. Then proceed west across the railway line to the western side of Nepean Highway to number 665 and west to the foreshore including the vegetated and sand areas. The zone will head south along the rear of the residential properties to the southern border of the municipality.

Any person may make a written submission regarding the proposed alcohol free zone within 14 days of this notice. Council invites comments on either of the proposed zones. Submissions will be considered in accordance with section 223 of the **Local Government Act 1989**. Submissions must be forwarded to Neil Sheppard, Team Leader Statutory Compliance, City of Kingston, PO Box 1000, Mentone 3194. Any person who makes a written submission is entitled to make a verbal presentation in support of their submission before a Committee of Council. Any person who wishes to make such a presentation must so indicate in their submission.

JOHN NEVINS  
Chief Executive Officer



Notice is given that the Kingston City Council has made 'Meeting Procedure (Amendment) Local Law No. 8' (Local Law) pursuant to the **Local Government Act 1989** (the Act).

Purpose of the Local Law is set out as follows:

- (a) Amending the time frame and required signatories for lodging a notice of motion;
- (b) Amending the time frame and required signatories for lodging a notice of motion to rescind;
- (c) Amending clauses regarding voting at meetings, particularly in regard to abstaining from voting.

A copy of the Local Law may be inspected at the Municipal Offices at 1230 Nepean Highway, Cheltenham. Alternatively you can view a copy online at [www.kingston.vic.gov.au](http://www.kingston.vic.gov.au)

JOHN NEVINS  
Chief Executive Officer



### Road Management Act 2004

#### PROPOSED ROAD MANAGEMENT PLAN 2013

In accordance with section 54(5) of the **Road Management Act 2004**, Maribyrnong City Council (Council) gives notice that it has conducted a review of its Road Management Plan.

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 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 applied to all of the roads and classes of roads to which the Road Management Plan applies.

A copy of the Council's proposed Road Management Plan may be inspected 8.30 am–5.00 pm at the Maribyrnong Council Offices, corner of Hyde and Napier Streets, Footscray, or on Council's website, [www.maribyrnong.vic.gov.au](http://www.maribyrnong.vic.gov.au)

Members of the public are invited to make written submissions on the proposed Road Management Plan. Written submissions should be marked 'Proposed Road Management Plan 2013' and addressed to Manager Operations and Maintenance, Maribyrnong City Council, PO Box 58, Footscray, Victoria 3011. Written submissions must be received by 5.00 pm on Thursday 4 July 2013.

A person who requests to be heard in their written submission is invited to speak in support of their submission, to the Community and Services Special Committee on Tuesday 23 July 2013 at 6.30 pm at the Yarraville Senior Citizens Centre, 48 Fehon Street, Yarraville.

For more information, please contact Leon Berry, Manager Operations and Maintenance, on 9032 4004 or [leon.berry@maribyrnong.vic.gov.au](mailto:leon.berry@maribyrnong.vic.gov.au)

Dated 29 May 2013

VINCE HAINING  
Chief Executive Officer



MEETING PROCEDURE  
LOCAL LAW (2013)

In accordance with section 119 of the **Local Government Act 1989** (the 'Act'), notice is hereby given that the Melton City Council (the 'Council') proposes to repeal Meeting Procedure Local Law No. 2 (2004), and replace it by making a new Local Law, Meeting Procedure Local Law (2013) under sections 91 and 111 of the Act.

The general purport of Meeting Procedure Local Law (2013) in particular is to:

- a) regulate proceedings and provide for orderly and fair conduct at all Council meetings, Special Committee meetings, Advisory Committee meetings, and other meetings conducted by or on behalf of Council where Council has resolved that provisions of this Local Law are to apply; and
- b) maintain open, efficient and effective processes of the government of the Council and assist with keeping the preparation of the agenda consistent from meeting to meeting; and
- c) regulate proceedings for the election of the Mayor and Chairperson of various committees; and
- d) regulate the use and prohibit unauthorised use of the common seal; and
- e) revoke Council's Meeting Procedure Local Law No. 2 dated 20 December 2004.

A copy of the proposed Local Law and explanatory document may be inspected at or obtained from Council Offices at: Melton Civic Centre, 232 High Street, Melton – Business Hours, 8.30 am–5.00pm; Caroline Springs Civic Centre/Library, 193–201 Caroline Springs Boulevard, Caroline Springs, Business Hours, Mon/Wed 8.00 am–8.30 pm, Tue/Thur/Fri 8.00 am–5.30 pm Sat 10.00 am–1.00 pm, Sun 1.00 pm–4.00 pm.

Also available on Council's website, [www.melton.vic.gov.au](http://www.melton.vic.gov.au)

Any person affected by the proposed Local Law may make a submission that will be considered in accordance with section 223 of the Act. Section 223 of the Act provides that:

- (a) any written submissions in respect of this matter received by the Council before 5.00 pm Thursday 4 July 2013 shall be considered; and
- (b) any person, who has made a written submission to the Council and requested that he or she be heard in support of the written submission, shall be entitled to appear in person or be represented by a person acting on his or her behalf before a meeting of Council at 6.30 pm on Tuesday 9 July 2013 in the Council Chamber at the Melton Civic Centre.

Submissions must be in writing addressed to: Chief Executive Officer, Melton City Council, PO Box 21, Melton 3337; or by email [governance@melton.vic.gov.au](mailto:governance@melton.vic.gov.au)

For telephone enquiries, please contact Councils Customer Engagement Manager Mr Dan Hogan on 9747 5414.

KELVIN TORI  
Chief Executive Officer

**Planning and Environment Act 1987**  
GREATER GEELONG PLANNING SCHEME  
Notice of Preparation of Amendment  
Amendment C267  
Authorisation A02438

The Greater Geelong City Council has prepared Amendment C267 to the Greater Geelong Planning Scheme.

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

The land affected by the Amendment is the Armstrong Creek Town Centre Precinct (ACTCP). The land is approximately 92 hectares and bounded by Boundary Road, Surf Coast Highway, Barwarre Road and Burvilles Road. The ACTCP is currently subject to the Urban Growth zone and is undeveloped.

The Amendment proposes to facilitate the use and development of the ACTCP. The proposed changes will:

- apply Schedule 5 to the Urban Growth zone to support commercial, civic, residential and recreation use and development of the land;

- revise the Schedule to the Mixed Use and Business 1 zones to manage commercial land uses;
- apply Schedule 6 to the Development Contributions Plan Overlay to support the delivery of key infrastructure in the ACTCP;
- apply Schedule 1 to the Parking Overlay to support development of the land;
- remove the application of the Vegetation Protection Overlay Schedule 1 from some roadsides;
- modify the Municipal Strategic Statement (MSS) to reflect the sub-regional role of the Armstrong Creek Town Centre and importance of sustainability outcomes in the Armstrong Creek Urban Growth Area; and
- incorporate the Armstrong Creek Town Centre Precinct Structure Plan (PSP), Native Vegetation Precinct Plan (NVPP), Development Contributions Plan (DCP) and the Small Lot Housing Code Standards for construction of a single Class 1 building and associated Class 10a buildings on an allotment (authored by the Growth Areas Authority, December 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: Greater Geelong City Council, Brougham Street Customer Service Centre, Ground Floor, 100 Brougham Street, Geelong – 8.00 am to 5.00 pm weekdays; Greater Geelong City Council, Belmont Customer Service Centre, Belmont Library, High Street, Belmont – 9.00 am to 5.00 pm weekdays; Greater Geelong City Council, Waurin Ponds Customer Service Centre, Waurin Ponds Library, Pioneer Road, Waurin Ponds – 10.00 am to 2.00 pm weekdays; ‘Have a Say’ section of the City’s website, [www.geelongaustralia.com.au/council/yoursay](http://www.geelongaustralia.com.au/council/yoursay); and Department of Planning and Community Development website, [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection)

For further information about Amendment C267, please contact the City’s Armstrong Creek unit on 5272 4132 or via email, [armstrongcreek@geelongcity.vic.gov.au](mailto:armstrongcreek@geelongcity.vic.gov.au)

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

The closing date for submissions is Monday 8 July 2013. Submissions must be in writing and sent to The Coordinator, Urban Growth Area Planning Unit, City of Greater Geelong, either by mail to: PO Box 104, Geelong, Victoria 3220; or by email to [armstrongcreek@geelongcity.vic.gov.au](mailto:armstrongcreek@geelongcity.vic.gov.au)

ROBERT ANDERSON  
Coordinator Urban Growth Area Planning

Any person who may be affected by the Amendment may make a submission to the planning authority. Please be aware that all submissions will be made available to the applicant and copies of objections/submissions received may be made available to any person for the purpose of consideration as part of the planning process. Submissions can be viewed at the office of the planning authority, City of Greater Geelong, Ground Floor, 131 Myers Street, Geelong, until the end of two months after the Amendment comes into operation or lapses. Anonymous submissions will not be considered.

### **Planning and Environment Act 1987** MOORABOOL PLANNING SCHEME

#### Notice of Preparation of Amendment

#### Amendment C53

#### Authorisation A02038

The Moorabool Shire Council has prepared Amendment C53 to the Moorabool Planning Scheme.

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

The land affected by the Amendment includes the established township of Gordon (land currently within the Township Zone) and the surrounding land within the Rural Living Zone, which is located south of the Western Freeway and north of the Melbourne–Ballarat railway line.

The Amendment proposes to implement the ‘Gordon Structure Plan 2011’ by:

- rezoning areas presently zoned Township Zone to Business 1 Zone and Residential 1 Zone;
- applying SLO2 and DDO5 to respective areas in Gordon township and the surrounds;
- changing subclause 21.09-1 and Clause 21.11;
- inserting a new schedule 2 to Clause 42.03; and a new schedule 5 to Clause 43.03;



- amending Clause 61.03;
- rezoning 1.26 hectares of land on Russell Street from Rural Living Zone to Residential 1 Zone to remove the existence of two zones from these properties; and
- rezoning 14A Old Western Highway to Public Use Zone 5 (PUZ5) to reflect the current land use and ownership.

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: Moorabool Shire Council – Darley office, 182 Hallets Way, Darley; Moorabool Shire Council – Ballan office, 15 Stead Street, Ballan; 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 5 July 2013. A submission must be sent to the Moorabool Shire Council, PO Box 18, Ballan, Victoria 3342, or email: [info@moorabool.vic.gov.au](mailto:info@moorabool.vic.gov.au)

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

ROB CROXFORD  
Chief Executive Officer



**City of  
Whittlesea**

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

Notice of Preparation of Amendment

Amendment C141

Authorisation A02504

The City of Whittlesea Council has prepared Amendment C141 to the Whittlesea Planning Scheme.

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

The land affected by the Amendment is:

- 510 and 560 Findon Road, South Morang; and
- 19, 21, 23, 25, 27 and 29 Jindabyne Avenue, South Morang.

The Amendment proposes to:

- rezone the land at 510 and 560 Findon Road, South Morang, from Business 3 Zone to Residential 1 Zone;
- rezone parts of adjacent residential properties at 19, 21, 23, 25, 27 and 29 Jindabyne Avenue, South Morang, from Business 3 Zone to Residential 1 Zone;
- remove the land at 510 and 560 Findon Road, South Morang, from the Development Plan Overlay Schedule 7; and
- apply a new Development Plan Overlay Schedule 32 to the land at 510 and 560 Findon Road, South Morang.

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, City of Whittlesea; 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 6 July 2013. A submission must be sent to the City of Whittlesea, 25 Ferres Boulevard, South Morang, Victoria 3752.

DAVID TURNBULL  
Chief Executive Officer

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 12 August 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.

GRAVES, Lydia Sophia, late of Nobel Park Manor, Frank Street, Noble Park, Victoria 3174, retired, deceased, who died on 19 December 2012.

PLAMKA, Caroline, late of Montgomery Nursing Home, 260 Kooyong Road, Caulfield, Victoria 3162, deceased, who died on 16 January 2013.

RIBAUX, Valda Lorraine, late of Merv Irvine Nursing Home, 1231 Plenty Road, Bundoora, Victoria 3083, deceased, who died on 21 March 2013.

SMITH, John Henry, late of 142 Corrigan Road, Noble Park, Victoria 3174, deceased, who died on 4 February 2013.

Dated 3 June 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 5 August 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.

RATCLIFF, Elva, late of Unit 106, Fiddlers Green Retirement Village, 57 Gloucester Avenue, Berwick, Victoria 3806, home duties, deceased, who died on 20 February 2013.

McDERMOTT, Saona Nishitani, late of Lilley Lodge, 9 Brown Street, Bendigo, Victoria 3550, teacher, deceased, who died on 28 February 2013.

MOURANT, Broken Philip John, care of Mr and Mrs Mourant, 85 Punt Road, Metung, Victoria 3904, deceased, who died on 5 December 2012.

SPALTON, Sheila Mary, late of Unit 3, 3 Rinford Street, Maryborough, Victoria 3465, retired, deceased, who died on 16 April 2013.

Dated 27 May 2013

STEWART MacLEOD  
Manager

### EXEMPTION

Application No. A75/2013

The Victorian Civil and Administrative Tribunal has considered an application pursuant to section 89 of the **Equal Opportunity Act 2010** (the Act) by Central Highlands Women's Collective Inc. (the applicant). The application for exemption is to enable the applicant to advertise for and employ only women within its service (the exempt conduct).

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

In granting this exemption the Tribunal noted:

- The applicant wishes to continue to provide a service for women and children experiencing the impact of family violence and believes that female staff are best able to meet the needs of the users of the applicant's service. The services provided include information and referral regarding the nature and impact of family violence, crisis intervention, providing assistance with housing, advocacy and intensive counselling and support.
- The applicant has a small staff, all of whom have, to varying degrees, direct contact with clients and their children. The positions within the applicant include an Executive Officer, a Business Manager, a Project Worker, Reception and Administrative Support staff, a Senior Worker, Children's Counsellors and other Support Staff.
- The applicant has previously been granted exemptions of the same kind by the Tribunal, being A6/1992, A43/1999, A385/2003, A13/2007 and A104/2010. The Tribunal granted an interim exemption in this matter which will expire on 6 August 2013.
- I am satisfied that, for many of the applicant's positions, the exception contacted in section 28 of the Act would apply to their employment as the services provided by staff who work directly with women clients in the context of family violence, are likely to be most effectively provided by women. However, I am not satisfied that the material before me proves that all roles, such as that of Business Manager and all support staff, can be provided most effectively by women only and so fall within the section 28 exception. Accordingly, in the absence of an exemption the exempt conduct would amount to prohibited discrimination after 6 August 2013. I am satisfied that it is appropriate, taking into account the applicant's experience, that it is preferable that all staff are women to ensure that the applicant's services may be provided in a way which minimises further distress to its clients.

- 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. I am satisfied, in the circumstances discussed above, the limit imposed by this exemption is reasonable and justified under the Charter.

The Tribunal hereby grants an exemption from the operation of sections 16, 107 and 182 of the Act to enable the applicant to engage in the exempt conduct.

This exemption is to remain in force from 7 August 2013 until 6 August 2018.

Dated 28 May 2013

A. DEA  
Member

Department of Treasury and Finance

SALE OF CROWN LAND  
BY PUBLIC AUCTION

Public Auction to be held on site at 11.00 am  
Saturday 6 July 2013

**Reference:** F11/55.

**Address of Property:** 24 Main Neerim Road,  
Neerim South.

**Crown Description:** Crown Allotment 87C,  
Parish of Neerim.

**Terms of Sale:** 10% deposit, Balance payable in  
30/60 days or earlier by mutual agreement.

**Area:** 1122 m<sup>2</sup>.

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

**Selling Agent:** Quirk Real Estate, 66 Queen  
Street, Warragul, Victoria 3820.

GORDON RICH-PHILLIPS MLC  
Assistant Treasurer

Department of Treasury and Finance

SALE OF CROWN LAND  
BY PUBLIC AUCTION

Public Auction to be held on site at 11.00 am  
Saturday 13 July 2013

**Reference:** F12/994.

**Address of Property:** 51 High Street, Chiltern.

**Crown Description:** Crown Allotment 9A  
Section C1, Township and Parish of Chiltern.

**Terms of Sale:** 10% deposit, Balance payable in  
30/60 days or earlier by mutual agreement.

**Area:** 3635 m<sup>2</sup>.

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

**Selling Agent:** Wodonga Real Estate, 6 Stanley  
Street, Wodonga, Victoria 3690.

GORDON RICH-PHILLIPS MLC  
Assistant Treasurer

#### Adoption Act 1984

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

Name: Joanna Moroney

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

Jennifer Cidoni

MARIELA DIAZ  
Director, Child Protection  
South Division

ConnectEast Pty Limited, ABN 99 101 213 263, gives notice of the following EastLink tolls, fees and amounts (inclusive of GST) to apply from 1 July 2013 until 30 June 2014.

EASTLINK TOLLS Charge toll rates		Cars	Discounted tolls for Car trips on weekends or public holidays	Discounted tolls for Car trips in a single toll zone only	Light Com- mercial Vehicles	Heavy Com- mercial Vehicles	Motor- cycles	Taxis
<b>TOLL CAP</b>		<b>\$5.69</b>	<b>\$4.55</b>	<b>N/A</b>	<b>\$9.10</b>	<b>\$15.06</b>	<b>\$2.84</b>	<b>N/A</b>
<b>Toll zones:</b>								
1	Springvale Rd to Ringwood Bypass	\$2.61	\$2.09	\$2.61	\$4.18	\$6.92	\$1.31	\$2.61
2	Maroondah Hwy to Canterbury Rd	\$0.37	\$0.30	\$0.30	\$0.61	\$1.00	\$0.19	\$2.45 (for a trip on any part of EastLink south of Maroondah Hwy)
3	Canterbury Rd to Boronia Rd	\$0.37	\$0.30	\$0.30	\$0.61	\$1.00	\$0.19	
4	Boronia Rd to Burwood Hwy	\$0.37	\$0.30	\$0.30	\$0.61	\$1.00	\$0.19	
5	Burwood Hwy to High Street Rd	\$0.37	\$0.30	\$0.30	\$0.61	\$1.00	\$0.19	
6	High Street Rd to Ferntree Gully Rd	\$0.57	\$0.46	\$0.46	\$0.91	\$1.51	\$0.29	
7	Ferntree Gully Rd to Wellington Rd	\$0.57	\$0.46	\$0.46	\$0.91	\$1.51	\$0.29	
8	Wellington Rd to Police Rd	\$0.57	\$0.46	\$0.46	\$0.91	\$1.51	\$0.29	
9	Monash Fwy to Princes Hwy	\$0.57	\$0.46	\$0.46	\$0.91	\$1.51	\$0.29	
10	Princes Hwy to Cheltenham Rd	\$0.57	\$0.46	\$0.46	\$0.91	\$1.51	\$0.29	
11	Dandenong Bypass to Greens Rd	\$0.57	\$0.46	\$0.46	\$0.91	\$1.51	\$0.29	
12	Greens Rd to Thompson Rd	\$1.33	\$1.07	\$1.07	\$2.12	\$3.51	\$0.66	
13	Thompson Rd to Peninsula Link & Frankston Fwy	\$1.33	\$1.07	\$1.07	\$2.12	\$3.51	\$0.66	
<b>Trip pass – per trip in one direction</b>		<b>\$5.69</b>	<b>\$5.69</b>	<b>\$5.69</b>	<b>\$9.10</b>	<b>\$15.06</b>	<b>\$2.84</b>	
<b>Trip pass purchase fee*</b>		<b>\$2.71</b>	<b>\$2.71</b>	<b>\$2.71</b>	<b>\$2.71</b>	<b>\$2.71</b>	<b>\$2.71</b>	<b>\$2.71</b>

GST is applied to a complete trip, not to each toll zone, and minor differences may occur due to rounding for trips involving more than one toll zone.

#### FEES, CHARGES AND AMOUNTS

The following fees, charges and amounts apply to Breeze accounts, EastLink trip passes and EastLink late toll invoices (valid from 1 July 2013 to 30 June 2014, including GST where applicable).

**TOLL ADMINISTRATION FEES (TOLL INVOICES)**

Toll Invoice Fee (\$5.13) is payable when we send you a Late Toll Invoice for travel on EastLink without a tag, non-tag account or EastLink trip pass. This is payable in addition to the applicable toll and either the VicRoads Lookup Fee or Interstate Lookup Fee (as applicable).

Toll Invoice Fee (\$10.26) is payable if you do not pay a Late Toll Invoice within 14 days and we send you an Overdue Notice for travel on EastLink without a tag, non-tag account or EastLink trip pass. This is payable in addition to the applicable toll and either the VicRoads Lookup Fee or Interstate Lookup Fee (as applicable).

VicRoads Lookup Fee (\$1.54) is payable when we send you a Late Toll Invoice or Overdue Notice for travel on EastLink by a vehicle registered in Victoria without a tag, non-tag account or EastLink trip pass. This is payable in addition to the applicable toll and Toll Invoice Fee. A separate VicRoads Lookup Fee is charged for each day's travel on EastLink.

Interstate Lookup Fee (\$4.77 for NSW, QLD, SA, WA and Other; \$21.77 for TAS and ACT) is payable when we send you a Late Toll Invoice or Overdue Notice for travel on EastLink by a vehicle registered outside Victoria without a tag, non-tag account or EastLink trip pass. This is payable in addition to the applicable toll and Toll Invoice Fee. A separate Interstate Lookup Fee is charged for each day's travel on EastLink.

**ALL BREEZE ACCOUNTS**

Dishonour Fee (as incurred by Breeze) is charged as a result of a payment failure. It will be a pass-through (without any margin) of amounts incurred by Breeze in this circumstance.

Image Processing Fee (26 cents per trip on EastLink) is charged for each trip made on EastLink by a vehicle linked to the account but travelling without a tag. This fee is waived for motorcycles.

**BREEZE PRE-PAID ACCOUNT – TAG OPTION**

Account Set Up Amount (minimum \$40) is the amount payable to establish a Breeze pre-paid tag account. This payment is credited to the new account.

Additional Statement Fee (\$1 per additional statement) is charged for each additional statement you request in addition to the free quarterly statement.

Minimum Balance (minimum \$12.83) is the account balance below which you are required to make a top up payment of at least the Top Up Amount to restore the account balance to at least the Minimum Balance.

Minimum Annual Tag Usage Amount (\$20) is the minimum amount of EastLink tolls charged for each commercial vehicle tag in each of the first three years after the tag is issued to your account. If the actual amount of EastLink tolls incurred by a tag during any such year is less than this amount, an additional amount equal to the difference will be charged to your account.

Tag Missing Fee (\$40 per tag) is charged where an undamaged tag is not returned to us upon closure of the account. This fee is waived if the Tag Missing Fee Waiver Amount (\$638) in EastLink tolls has been charged to the account and paid prior to the closure of the account.

Tag Replacement Fee (\$40 per tag) is a deposit which may be required on issue of a replacement tag and is applied as a toll credit on the third anniversary of payment of the deposit, or (if the account is closed before this date) refunded to you if the undamaged tag is returned.

Top Up Amount (minimum \$30) is the minimum amount payable by you to top up your pre-paid account.

**BREEZE PRE-PAID ACCOUNT – NON-TAG OPTION (INCLUDES FLEXIBLE PAYMENT OPTION)**

Account Set Up Amount (minimum \$40, flexible payment option minimum \$5.00) is the amount payable to establish a Breeze pre-paid non-tag account. This payment is credited to the new account.

Additional Statement Fee (\$1 per additional statement) is charged for each additional statement you request in addition to the free quarterly statement.

Minimum Balance (minimum \$12.83, flexible payment option minimum \$3.20) is the account balance below which you are required to make a top up payment of at least the Top Up Amount to restore the account balance to at least the Minimum Balance.

Top Up Amount (minimum \$30, flexible payment option minimum \$5) is the minimum amount payable by you to top up your pre-paid account.

Top Up Fee (flexible payment option 67 cents per top up) is charged only if you have chosen the flexible payment option and your Top Up Amount is less than the Top Up Threshold Amount (\$30).  
BREEZE BUSINESS ACCOUNT (INCLUDES TAG AND NON-TAG OPTIONS)

Account Management Fee (\$16.91 per quarter) is the amount charged per quarter per Breeze business account. This fee is not refundable.

Additional Statement Fee (\$1 per additional statement) is charged for each additional statement you request in addition to the free monthly statement.

THE FOLLOWING APPLY IF YOU HAVE CHOSEN THE BREEZE BUSINESS ACCOUNT (TAG OPTION):

Minimum Annual Tag Usage Amount (\$20) is the minimum amount of EastLink tolls charged for each tag in each of the first three years after the tag is issued to your account. If the actual amount of EastLink tolls incurred by a tag during any such year is less than this amount, an additional amount equal to the difference will be charged to your account.

Tag Missing Fee (\$40 per tag) is charged where an undamaged tag is not returned to us upon closure of the account. This fee is waived if the Tag Missing Fee Waiver Amount (\$638) in EastLink tolls has been charged to the account and paid prior to the closure of the account.

Tag Replacement Fee (\$40 per tag) is a deposit which may be required on issue of a replacement tag and is applied as a toll credit on the third anniversary of payment of the deposit, or (if the account is closed before this date) refunded to you if the undamaged tag is returned.

EASTLINK TRIP PASS

\*Trip Pass Purchase Fee (\$2.71) is payable once for every purchase transaction (where you buy one or more EastLink trip passes) at an over-the-counter location including at the EastLink customer centre, participating Australia Post office or participating epay outlet. This fee is in addition to the price of the EastLink trip passes.

MORE INFORMATION

For more information about EastLink, Breeze accounts or the EastLink trip pass please refer to the relevant brochures, customer service agreements and our privacy policy, which are available: at the EastLink customer centre (corner of Maroondah Highway and Hillcrest Avenue, Ringwood, Melway Map 49 E9); by calling 13 LINK (13 54 65); and online at EastLink.com.au

[www.ConnectEast.com.au](http://www.ConnectEast.com.au)

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### **Education and Training Reform Act 2006**

#### **NOTIFICATION CANCELLING REGISTRATION OF A TEACHER**

Pursuant to section 2.6.29 of the **Education and Training Reform Act 2006**, the Victorian Institute of Teaching must disqualify a registered teacher from teaching and cancel his/her registration where that person has been convicted or found guilty at any time in Victoria or elsewhere, of a sexual offence.

On 29 May 2013, Yolanda Caroline Lyons was convicted of the sexual offences of 2 counts of indecent assault and 2 counts of gross indecency with a person under 16.

On 29 May 2013, Yolanda Caroline Lyons was disqualified from teaching and her registration as a teacher in Victoria was cancelled.

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**Fire Services Levy Monitor Act 2012**

**FIRE SERVICES LEVY MONITOR**

**Guidelines on Price Exploitation in Relation to the  
Fire Services Levy Reform**

**May 2013**

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## A. INTRODUCTION

1. The **Fire Services Levy Monitor Act 2012** (the Act) was passed by the Victorian Parliament in November 2012. The Act established the Office of the Fire Services Levy Monitor and the positions of Fire Services Levy Monitor and Deputy Fire Services Levy Monitor. The Act introduced a prohibition on price exploitation in relation to the fire services levy reform, which abolishes the insurance-based fire services levy<sup>1</sup> (FSL) on 1 July 2013.
2. The Act confers a number of statutory functions and powers on the Fire Services Levy Monitor (the Monitor). These include, to:
  - formulate guidelines about when prices for regulated insurance contracts contravene the Act's prohibition on price exploitation (section 27);
  - monitor prices for fire insurance (section 30);
  - issue a notice when the Monitor considers an insurance company has contravened the prohibition on price exploitation (section 28);
  - issue a maximum price notice to aid prevention of price exploitation (section 29);
  - issue a public statement warning of price exploitation and prohibited conduct and persons who engage in those practices (section 106);
  - take court enforcement action (section 32); and
  - report to the Minister for Consumer Affairs each quarter about the performance of the Monitor's functions in the period (section 110).

### A.1 Statutory basis of the guidelines

3. These guidelines on price exploitation are issued under section 27 of the Act. The Act provides that the Monitor must have regard to the guidelines specifically when making any decision under section 28 to issue a notice to an insurance company that the Monitor considers has contravened the prohibition on price exploitation. The Monitor also must have regard to the guidelines when issuing a notice under section 29 to an insurance company where the Monitor considers that doing so will aid the prevention of price exploitation. Section 27(5) provides that a court may have regard to the guidelines in any proceedings in relation to a contravention of the prohibition on price exploitation.
4. The Act provides that guidelines issued under section 27, and any variation must be published in the Government Gazette and on an internet site maintained by the Department of Justice. Accordingly, these guidelines will be published in the Government Gazette and will be available on the Monitor's website <[www.firelevymonitor.vic.gov.au](http://www.firelevymonitor.vic.gov.au)>.

### A.2 The fire services levy reform

5. The FSL is collected by insurance companies through premiums for fire insurance policies. It is the mechanism by which most insurance companies have recouped from policyholders, revenue equivalent to the contributions required to be paid to the firefighting services under section 37(1)(c) of the **Metropolitan Fire Brigades Act 1958** and section 76(1)(b) of the **Country Fire Authority Act 1958**.
6. The **Fire Services Property Levy Act 2012** (the Property Levy Act) gives effect to the Victorian Government's commitment to reform the funding of Victoria's fire services. The legislation, passed by Parliament in October 2012, introduces a new funding mechanism, the Fire Services Property Levy (FSPL) from 1 July 2013 to replace the FSL. It will be collected by local councils. The FSL will no longer be charged by insurance companies from 1 July 2013.

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<sup>1</sup> 'Fire services levy' is defined in section 3 of the Act to mean 'an amount included in the premium payable for a policy of insurance against fire for the purpose of recouping contributions required to be paid by an insurance company under section 37(1)(c) of the **Metropolitan Fire Brigades Act 1958** or section 76(1)(b) of the **Country Fire Authority Act 1958**, whether or not the amount is disclosed as a separate item.'

7. The abolition of compulsory contributions from insurance companies, with the associated FSL revenue-raising mechanism, will affect the prices that insurance companies charge for fire insurance. Fire insurance is defined in the Act as ‘insurance against the risk of fire or the risk of loss of profits consequent on fire whether the insurance is associated with insurance against any other risk or not’ (section 3).

### A.3 The Monitor’s role in relation to price exploitation

8. The Government intends that fire insurance policyholders in Victoria, both households and businesses, should benefit fully from the abolition of the FSL. The abolition of the FSL alone should decrease the prices paid by purchasers of fire insurance. The insurance industry will collect approximately \$550 million in revenue through the FSL in premiums charged to Victorian policyholders during 2012–13. This amount should fall out of the industry’s revenue raised from fire insurance during 2013–14. There should be no exploitation of consumers of fire insurance by insurance companies not passing on to consumers the benefits of removal of the FSL.
9. The Minister for Consumer Affairs stated in the Second Reading Speech on the Fire Services Levy Monitor Bill:

*The prohibition on price exploitation ensures that insurance companies do not charge an unreasonably high price for insurance having particular regard to the fire services levy reforms. Price exploitation may occur where an insurance company does not pass on to consumers the full reduction in cost from the abolition of the insurance-based levy or seeks to recover more in fire services levy from policyholders than the insurance company is required to remit to the government.<sup>2</sup>*

10. Therefore, the Government has established an insurance price oversight regime which prohibits price exploitation in relation to price changes brought about by the fire services levy reform and has provided the Monitor with extensive powers to ensure compliance with that prohibition.

### A.4 Penalties for contravention of the prohibition on price exploitation

11. The level of penalties for breaches of the new legislation reflects the Government’s concern to ensure that no insurance company takes unfair advantage of the fire services levy reform. The Supreme Court may impose pecuniary penalties up to \$10 million to corporations and \$500,000 to individuals for breaches of the price exploitation provisions.
12. It should be noted that under section 32, the Supreme Court may apply such penalties not only to a person it is satisfied contravened the prohibition on price exploitation or attempted to contravene the prohibition, but also to a person it is satisfied has:
- aided, abetted, counselled or procured a person to contravene the prohibition; or
  - induced, or attempted to induce, a person whether by threats or promises or otherwise, to contravene the prohibition; or
  - been in any way, directly or indirectly, knowingly concerned in, or a party to, the contravention by a person of the prohibition; or
  - conspired with others to contravene the prohibition.
13. It is not necessary in enforcement proceedings in relation to price exploitation to prove the person’s intention, knowledge or any other state of mind of the person (section 38).

### A.5 Who do the guidelines in relation to price exploitation apply to?

14. The guidelines apply to any insurance company issuing a ‘regulated contract of insurance’, which is defined in section 3 of the Act as being ‘a policy of insurance against fire, or a combined or comprehensive policy of insurance which includes insurance against fire, issued by an insurance company whether before, on or after the commencement of the Act’.

<sup>2</sup> Michael O’Brien MP, Minister for Consumer Affairs, Hansard, Legislative Assembly, 14 November 2012, page 4961.

15. Section 3 of the Act defines an ‘insurance company’ as being:
- a person (including a body corporate or unincorporate, a partnership or an underwriter) who, in Victoria, issues, or undertakes liability under, policies of insurance against fire in respect of property in Victoria; or
  - a Lloyd’s underwriter who issues, or undertakes liability under, policies of insurance against fire in respect of property in Victoria; and is a member of the Australian Fire Brigades Charges Scheme and makes payments to the Fund established under that Scheme.

## **B. WHAT IS PRICE EXPLOITATION?**

16. The prohibition on price exploitation is the keystone of the regulatory regime established to oversee the abolition of the insurance-based FSL and ensure that the benefits of the fire services levy reform are fully passed on to insurance policyholders.

### **B.1 The legislative provisions**

17. Section 26 of the Act provides:

#### **26 Price exploitation in relation to the fire services levy reform**

- (1) *An insurance company contravenes this section if it engages in price exploitation in relation to the fire services levy reform.*
- (2) *For the purposes of this section, an insurance company engages in price exploitation in relation to the fire services levy reform if—*
- (a) *the insurance company issues a regulated contract of insurance; and*
  - (b) *the price for the supply of the regulated contract of insurance is unreasonably high having regard to—*
    - (i) *the fire services levy reform;*
    - (ii) *the amount to be contributed under section 37 of the **Metropolitan Fire Brigades Act 1958** by insurance companies insuring against fire property situated within the metropolitan district;*
    - (iii) *the amount to be contributed under section 76 of the **Country Fire Authority Act 1958** by insurance companies insuring against fire property situated within the country area of Victoria;*
    - (iv) *the historical fire services levy rates charged by the insurance company;*
    - (v) *the costs of supplying insurance against fire;*
    - (vi) *any other prescribed matters.*

### **B.2 What is the appropriate level of analysis to determine price exploitation?**

18. The Monitor considers that the provisions of section 26 apply to the price of an individual fire insurance policy, rather than to an insurance company’s prices in aggregate or its methodology for setting its prices in general. The Monitor places emphasis on the natural meaning of the words in the section in reaching this view. The key provision in this respect is the reference to contract of insurance in the singular:
- sub-section 26(2)(a) refers to ‘the insurance company issues *a regulated contract of insurance*’ [emphasis added]; and
  - sub-section 26(2)(b) refers to ‘the price for the supply of the regulated *contract*’ [emphasis added].
19. Price is defined in section 3 as ‘price in relation to a regulated contract includes: (a) a charge of any description for the supply; and (b) any pecuniary or other benefit, received or to be received by a person for or in connection with the supply’.

20. While the appropriate level of analysis necessary to determine price exploitation is at the level of the individual insurance policy, the Monitor considers that an insurance company's pricing as a whole also may be relevant in relation to the Monitor's consideration of the matters specified in sub-section 26(2)(b)..

**Guideline 1:**

The prohibition on price exploitation applies at the level of the price of an individual contract of insurance issued by an insurance company and regulated under the Act.

**B.3 What are the relevant components of a price?**

21. 'Price' is defined in section 3 of the Act to include:
- 'a charge of any description for the supply; and
  - any pecuniary or other benefit, whether direct or indirect, received or to be received by a person for or in connection with the supply'.
22. Price for the supply of insurance prior to 1 July 2013 may consist of four elements in practice:
- 'base' premium;
  - fire services levy;
  - goods and services tax (GST); and
  - stamp duty.
23. Insurance companies currently are not required to specify each of these items separately in their invoicing for premiums. In practice, not all insurance companies specify each item separately, but many do. GST and duty are not discretionary to an insurance company as they are imposed through the application of formulas fixed by Commonwealth and State statutes, respectively.
24. After 30 June 2013, following the abolition of the requirement on insurance companies to contribute to the funding of the fire services, a price for the supply of insurance should consist of only three elements:
- premium;
  - GST; and
  - stamp duty.

Both the GST and the duty should be lower than previously to the extent that they will no longer apply to a FSL component incorporated in price.

**Guideline 2:**

The prohibition on price exploitation relates to both a base premium component (excluding fire services levy) of a price charged by an insurance company, as well as the fire services levy, GST and stamp duty components of a price. Price exploitation can occur with respect to a base premium or a fire services levy component of a total premium payable, or both, or a charge of any description for the supply of a fire insurance policy, including taxes and duties.

**B.4 When do the provisions apply?**

25. The price exploitation provisions (section 26) came into effect on 19 December 2012. The provisions apply to regulated contracts of insurance that are defined in section 3 of the Act to mean a policy of insurance against fire, or a combined or comprehensive policy of insurance which includes insurance against fire, '*issued by an insurance company whether before, on or after the commencement of the Act*' [emphasis added]. Section 26, however, is specifically related to the abolition of the FSL by the Property Levy Act which was assented to on 16 October 2012. So while the Act suggests retrospective application, it seems unlikely it would apply before 16 October 2012.

26. The Act covers the period up to 31 December 2014 when it is to be repealed (section 117). No prosecution for an offence under the Act may be commenced after 31 December 2014 and the positions of Monitor and Deputy Monitor cease on that date. Any ongoing matter at this date may, however, be continued and completed by the Director of Consumer Affairs Victoria (section 116).

**B.5 When is a price ‘unreasonably high’?**

27. Section 23(2)(b) requires the Monitor to consider whether a price is ‘unreasonably high’ when assessing whether an insurance company has engaged in price exploitation. In doing so, the Monitor is to have regard to five factors set out in sub-section 26(2)(b)(i) to (v). In addition, sub-section 26(2)(b)(vi) refers to ‘any other prescribed matters’, Regulations relating to prescribed matters may be made by the Governor in Council. However, currently there are no regulations relating to the price exploitation provisions.

**B.6 What are the factors relevant to determining if an insurance price is ‘unreasonably high’?**

28. The Monitor’s interpretation of each of the five factors is set out below. The Monitor may have regard to all of the factors, or whichever are relevant in a particular circumstance, in its deliberations of whether a price for the supply of a regulated contract of insurance is unreasonably high. It is not necessary for all factors to apply for price exploitation to occur. It may be sufficient that only one or more factors are relevant in a particular instance.

**Factor 1: The fire services levy reform**

29. Section 26(2)(b)(i) requires the Monitor to have regard to ‘the fire services levy reform’ in assessing whether a price is unreasonably high. Section 3 of the Act defines fire services levy reform as ‘the abolition of the fire services levy by the **Fire Services Property Levy Act 2012**’. The abolition of the requirement for insurance companies to contribute to the funding of the Country Fire Authority (CFA) and Metropolitan Fire and Emergency Services Board (MFESB) takes effect from 1 July 2013 under sections 97(1) and 105(1), respectively, of the Property Levy Act.

**Guideline 3:**

The fire services levy will no longer constitute a valid component of a price for a new or renewed contract of insurance issued from 1 July 2013.

However, for policies issued prior to 1 July 2013, monthly instalment payments of premium continuing after 30 June 2013 may continue to include an FSL component.

30. The Monitor considers the ‘fire services levy reform’ to be the most important factor when considering whether price exploitation has occurred and will have particular regard to it. The Monitor considers that the focus of the prohibition on price exploitation is the change in insurance premiums related to the fire services levy reform, rather than the absolute level of prices at any given time.

**Guideline 4:**

Each insurance company is requested to provide to the Fire Services Levy Monitor a declaration signed by the Chief Executive Officer of the company (or equivalent position) stating that the company has implemented internal controls designed to ensure that no FSL will be charged on new policies issued or policies renewed from 1 July 2013. Each declaration received will be published on the Monitor’s website.

31. The Monitor will take into account the absence of such a declaration in determining its risk-based priorities for compliance and enforcement activities.

32. A price for a regulated insurance contract will not be compared to any amount that may be collected under the new property-based fire services levy imposed by the Property Levy Act from 1 July 2013. A payment of the new Fire Services Property Levy by a holder of a fire insurance policy after 1 July 2013 is not relevant to a consideration of whether there has been a contravention of the prohibition on price exploitation by insurance companies.

**Factor 2: The insurance companies' contributions to the MFESB**

33. Section 26(2)(b)(ii) requires the Monitor to have regard to 'the amount to be contributed under section 37 of the **Metropolitan Fire Brigades Act 1958** by insurance companies insuring against fire property situated within the metropolitan district'.
34. Table 1 indicates that the total required contribution to the MFESB for 2012–13 remained approximately constant from the previous year. The required total contribution level from all insurance companies reflects the final budget for the MFESB which was set in June 2012 and notified to insurance companies by the fire services at the end of June 2012.

**Table 1: Total contributions to the MFESB 2011–12 and 2012–13**

Year	Total contribution to MFESB from insurance companies	Change from previous year
2011–12	\$229,172,400	
2012–13	\$227,032,800	–0.9 per cent

35. The annual growth in total (residential and commercial) base premiums excluding fire services levy over the past three financial years averaged approximately 11 per cent in the MFESB region. Thus, the total contribution amount to be collected is approximately the same, but it is likely, given recent premium growth rates, that there is a larger amount of total premium, implying a lower average rate of fire services levy overall in 2012–13.

**Factor 3: The insurance companies' contributions to the CFA**

36. Section 26(2)(b)(iii) requires the Monitor to have regard to 'the amount to be contributed under section 76 of the **Country Fire Authority Act 1958** by insurance companies insuring against fire property situated within the country area of Victoria'.
37. Table 2 indicates that the total contribution required to the Country Fire Authority (CFA) for 2012–13 decreased substantially from the previous year. The annual growth in total base premium over the last three financial years averaged about 8 per cent in the CFA region. Thus, the total contribution amount to be collected is significantly lower and – given recent premium growth rates – it is likely that there is a larger amount of total premium, implying a significantly lower average rate of fire services levy overall in 2012–13.

**Table 2: Total contributions to the MFESB 2011–12 and 2012–13**

Year	Total contribution to CFA from insurance companies	Change from previous year
2011–12	\$416,060,000	
2012–13	\$322,251,200	–22.5 per cent

38. In assessing whether a price prior to 1 July 2013 is unreasonably high, the Monitor will have regard to:
- the factors in sub-sections 26(2)(b)(ii) and (iii); and
  - the total amount of fire services levy collected by an insurance company relative to the contribution to the fire services required from it in 2012–13.

The Monitor acknowledges that there is some difficulty for insurance companies in estimating the precise final amount of contribution required for the 2012–13 financial year.

**Guideline 5:**

An insurance company collecting FSL from policyholders in 2012–13 should not collect a total levy amount in excess of the amount of the statutory contribution to a fire service required from that company.

If an insurance company collects an amount of FSL in 2012–13 that is more than the amount it is required to contribute to the MFESB and/or the CFA for 2012–13, it will be expected to refund the amount of over-collection by direct refunds to policyholders or, allowing for the practical difficulties of direct refunds in some circumstances, by other method of disbursement.

The method or formula for allocating refunds or other method of disbursement of an over-collection should be by agreement with the Monitor. Such agreement will be formalised in an enforceable undertaking pursuant to section 92 of the Act.

**Factor 4: Historical fire services levy rates charged by an insurance company**

39. Section 26(2)(b)(iv) requires the Monitor to have regard to ‘the historical fire services levy rates charged by the insurance company’. Fire services levy rates charged by insurance companies have fluctuated over time and, prior to 2012–13, these fluctuations largely reflected changes in the funding requirements of the fire services. As noted above, both MFESB and CFA contributions requirements for 2012–13 have decreased from 2011–12 and, accordingly, it is expected that the average fire services levy rate overall for 2012–13 for each region will not be higher than in 2011–12. Data provided to the Monitor by insurance companies in response to a notice issued under section 18 of the Act indicates that average FSL rates over the first three quarters of 2012–13 are lower than average rates for 2011–12. Average FSL rates for the MFESB region are approximately five percentage points lower for both residential and commercial insurance. For the CFA region average FSL rates are approximately 10 percentage points lower for residential insurance and approximately 15 percentage points lower for commercial insurance.
40. In view of the Monitor’s interpretation that the appropriate level of analysis is the individual policy, the Monitor may examine the history of FSL rates applied by an insurance company in relation to an individual policy.
41. The Monitor has observed during 2012–13 a pricing practice by many insurance companies often referred to within the insurance industry as ‘tapering’ the FSL rates. This reflects the decisions by many insurance companies to increase the rates of FSL applicable to individual policies issued earlier in the 2012–13 financial year, relative to policies issued late in the 2011–12 financial year or later in the 2012–13 financial year.

**Factor 5: The costs of supplying insurance against fire**

42. Section 26(2)(b)(v) requires the Monitor to have regard to ‘the costs of supplying insurance against fire’. The Monitor interprets the term ‘costs’ in the Act to mean the costs of all inputs involved in a company’s supply of fire insurance, expenses incurred in the normal course of operating a place (or places) of business and the company’s costs incurred in any re-insurance arrangement relating to the provision of fire insurance.

**Guideline 6:**

Factors relevant to assessing whether the premium component of a price is unreasonably high are: the reasonable costs of all business inputs involved in a company's supply of fire insurance, including expenses incurred in the normal course of operating places of business; and costs incurred in re-insurance arrangements relating to the provision of fire insurance.

In assessing whether a price is unreasonable, there will be a particular focus on any change in methodology. Where a company incorporates a new factor (or factors) in its pricing methodology for 2013–14, and this factor contributes to an increase in prices in 2013–14, the Monitor expects the company to provide an explanation of the methodology change.

43. Assessing whether a price may be unreasonably high may involve consideration of the allocation of costs across a company's range of insurance products, of which insurance against fire may be one of many. Insurance against fire may be priced in a 'bundle' with other products. The issue of cross-subsidisation of the costs of one category of insurance by revenue obtained from another may also arise.
44. The Monitor does not have a pre-determined view on the appropriateness of any particular cost allocation or cross-subsidy involved in fire insurance premiums. However, any change which increases the allocation of costs to regulated fire insurance policies will attract particular attention in assessing the reasonableness of a price.

**Guideline 7:**

A premium for fire insurance should not increase contemporaneously with the abolition of the fire services levy, unless the issuing company can demonstrate a cost basis for the increase.

Where a premium for fire insurance increases contemporaneously with the abolition of the FSL, and the higher premium reflects a change which increases costs allocated to fire insurance policies in Victoria, the Monitor may investigate the change and will expect the company to justify the change in cost allocation.

**B.7 Assessing price exploitation in relation to a policy renewed after 30 June 2013**

45. The Monitor's fundamental consideration in assessing whether price exploitation has occurred after 30 June 2013 was expressed succinctly by the Minister for Consumer Affairs in his Second Reading Speech: 'Price exploitation may occur where an insurance company does not pass on to consumers the full reduction in cost from the abolition of the insurance-based levy...'
46. The Monitor's assessment of the pricing of premiums renewed in 2013–14 will include a particular focus on policies where the holders of like policies incurred increased FSL rates in 2012–13 compared to 2011–12, as a result of the common practice of insurance companies 'tapering' FSL rates. The principle to be applied is that an amount equivalent to the 2012–13 FSL plus GST and stamp duty on the FSL should be removed from the policy's total premium on renewal in 2013–14.



**Guideline 8:**

The amount of the total premium for renewal of a regulated contract of insurance in the 2013–14 financial year should be less than the immediately preceding total premium by an amount equivalent to the FSL plus GST and stamp duty on the FSL charged in the preceding premium, unless there is a change in policy coverage or risk rating or supply cost increase justifying a lesser difference.

Expressed alternatively, where:

(A) is the total amount of a premium, including base premium and fire services levy, GST and duty payable on a policy newly issued or renewed during financial year 2012–13; and

(B) is the total amount of the premium, GST and duty payable on renewal of the same policy during financial year 2013–14; and

(C) is the amount of FSL in (A);

(A) minus (B) should be an amount equal to (C) plus 10 per cent GST plus 10 per cent stamp duty, unless there is a difference in policy coverage or risk rating or supply cost increase that demonstrably justifies a lesser difference.

Many companies commenced charging zero FSL prior to the end of the 2012–13 financial year due to widespread tapering of FSL rates raising sufficient revenue to meet their estimated funding obligations to the fire services for 2012–13. Accordingly, the outcome described above should also apply: where a zero FSL is charged prior to 1 July 2013 in a policy renewal notice, the amount of the total premium for renewal of a policy should be less than the immediately preceding total premium by an amount equivalent to the FSL plus GST and stamp duty on the FSL charged in the preceding premium, unless there is a change in policy coverage or risk rating or supply cost increase justifying a lesser difference.

**B.8 Assessing price exploitation in relation to a new policy issued after 30 June 2013**

47. A ‘new policy’ means a regulated contract of insurance that is entered into by an insurance company with either:
- a person who has never previously entered into a contract of insurance with that insurance company or a related entity;
  - a person who has entered into a contract of insurance with that insurance company or a related entity, but where the new contract of insurance is not in substantially the same terms as the previous insurance contract with respect to the interest insured; or
  - a person who has previously entered a contract of insurance with that company or a related entity prior to the 2011–12 year.
48. An insurance company setting a premium for a new policy issued contemporaneously with the abolition of the FSL could minimise the risk of contravening the prohibition on price exploitation if the premium is similar to the base premium for the policy (that is, excluding FSL, GST and duty), had it been issued immediately before 1 July 2013.

**Guideline 9:**

Premiums for new policies issued in 2013–14 should be determined on the same methodology as premiums for existing policies being renewed in 2013–14.

**B.9 Particular circumstances arising from the 30 June 2013 end-date of statutory contributions**

49. The detailed method of ending the current arrangements for insurance companies to contribute to funding the MFESB and the CFA is determined by those organisations, in consultation with the insurance companies, under their authorising legislation. The Monitor has no role in this and takes the fire services’ arrangements with the insurance companies as given.

50. The ending of a funding scheme which previously functioned as an ongoing system may create some limited complications arising from the fact of its ending. This may be more likely where there are multiple stages in a transaction and the different stages cross over the end-date.
51. The fire services have ‘drawn a line’ on the scheme at 30 June 2013 through their joint advice on requirements for completing ‘s40 & s77 premium returns’ for the financial year ending 30 June 2013.<sup>3</sup> The ruling by the fire services may mean there are amounts of FSL that have been collected by insurance companies in certain circumstances that will be outside the contributions scheme. The Monitor understands that these are likely to be limited in extent in terms of the number of policies affected and, apart from perhaps some instances of commercial insurance policies, the amounts of FSL involved.
52. The fire services have advised insurance companies that ‘Processing of premium transactions and collection of premium for the 2013 financial year should be conducted in an effective and efficient manner.’<sup>4</sup> The Monitor supports this call for maximising the processing of FSL-related transactions prior to 30 June 2013.
53. There are four broad categories of insurance contract circumstances crossing over the end-date that may arise in relation to *policies issued or renewed prior to 1 July 2013*:
- customers remit funds for FSL charges prior to 1 July 2013, but due to processing delays, the funds are recorded in the insurer’s system post-30 June 2013;
  - adjustments to policies are made prior to 1 July 2013 (such as for increases or decreases in the value of property insured);
  - similar adjustments are made after 30 June 2013; or
  - post-30 June 2013 declaration adjustments occur in relation to commercial policies.
54. The Monitor considers there are some broad principles for compliance with the Act which can accommodate these circumstances.
55. First, in respect of documentation relating to contracts issued prior to 1 July 2013 that may be received by policyholders after 30 June 2013, the inclusion of FSL amounts in that documentation will not of itself offend Guideline 3 of the Monitor’s *Guidelines on False Representation or Misleading or Deceptive Conduct*. Also, this situation is not intended to be captured by Guideline 3 of these Guidelines.
56. Second, if an insurance company holds funds collected as FSL, but which are outside the FSL scheme because of the 30 June 2013 end-date, the Monitor considers the FSL amounts processed after 30 June 2013 to be similar in nature to an over-collection of FSL and therefore fall within the scope of Guideline 5 of these Guidelines.
57. Third, where post-30 June 2013 adjustments are made on policies issued or renewed during the 2012–13 financial year leading to premium increases, the fire services’ 30 June 2013 end-date means the adjustment amount of premium will not be included in the premium return for 2012–13. Therefore, no contribution obligation attaches and, accordingly, no FSL amount should be charged to the policyholder. If any FSL is charged and collected, this should be treated as falling within the scope of Guideline 5 of these Guidelines.
58. Fourth, for post-30 June 2013 adjustments leading to premium decreases, the FSL amounts collected at the time of issue of the policy would be higher than the applicable FSL after adjustment. However, it is noted that the original amount of FSL charged would be included in an insurer’s 30 June 2013 MFESB/CFA Premium Return for the financial year 2012–13 and paid to the fire services in its progressive payments of FSL collected. The policyholder

<sup>3</sup> See, ‘Advice on requirements for completing s40 & s77 premium returns for the financial year ending 30 June 2013’, issued 8 March 2013 at <http://www.mfb.vic.gov.au/Media/docs/Advice%20to%20Insurance%20Contributors%20regarding%20completion%20of%202013%20s40%20s77%20Premium%20Returns-3b59f356-be1d-43b7-b7a3-c1e8c9590db1-0.pdf>, accessed 25 May 2013.

<sup>4</sup> Ibid.

should have been charged FSL arising from that policy consistent with the insurer's contribution for 2012–13 as at the end-date of the scheme. If there is a perception on the part of a policyholder that 'too much' FSL has been paid for the overall premium including the downward adjustment, that is a matter between the insurance company and its policyholder.

59. Fifth, in the case of declaration adjustments after 30 June 2013 leading to premium increases, any premium increases would not be included in the insurer's 30 June 2013 MESFB/CFA Premium Return. Therefore, no contribution obligation attaches to the additional premium and accordingly, no additional FSL amount should be charged to the policyholder. If any FSL is collected from such adjustments it would constitute over-collection and fall within Guideline 5 of these Guidelines.
60. For declarations after 30 June 2013 leading to premium decreases, the provisional FSL collected at policy inception and paid by the insurer to the fire services would be higher than the final FSL due if the scheme was ongoing. The Monitor notes that the original FSL charged would be included in the insurer's 30 June 2013 MFESB/CFA Premium Return and paid by the insurer to the fire services. The resolution of this situation is a matter between the insurance company and its commercial policyholders.

**B.10 Refunds of FSL on policies issued during 2012–13 and cancelled prior to 30 June 2013**

61. The Monitor is aware that many insurance companies have issued Supplementary Product Disclosure Statements stating that – in circumstances where a policy of residential building or contents insurance issued during 2012–13 is cancelled prior to 1 July 2013, or before it expires – they will not, or may not, refund the fire services levy component on a pro-rata basis
62. The adoption of this position on pro-rata refunds by a number of companies is of concern in two respects:
  - first, under the fire services' arrangements for determining statutory contributions by insurance companies, the policy premium amount *net* of premium attributable to the cancelled period is the amount included for the determination of the insurer's statutory contribution; and
  - second, the companies' position is directed to domestic building and contents policies held by householders who may not have access to, or would not normally avail themselves of, independent insurance and legal advice in relation to their insurance contracts' terms and conditions.
63. The Monitor considers a reasonable principle to apply in the event of cancellation of a residential policy prior to 1 July 2013, is that a pro-rata refund of FSL should be paid to the policyholder where a reduction in the issuing company's liability to contribute to the funding of fire services occurs as the result of the cancellation and:
  - the FSL was separately identified on an invoice setting out the price for a regulated contract of insurance, or
  - the amount is withheld on the basis that it is required as a contribution for fire services.<sup>5</sup>

<sup>5</sup> The common law doctrines of restitution and unjust enrichment may be relevant here. It is noted that section 15 of the **Insurance Contracts Act 1984** (which provides that a contract of insurance cannot be made the subject of relief under any Commonwealth or State Act on the grounds that it is harsh, oppressive, unconscionable, unjust, unfair or inequitable) does not apply to common law and equitable doctrines. Also see for example *Commissioner of State Revenue v Royal Insurance Australia Ltd* [1994] HCA 61

**Guideline 10:**

An insurance company that retains any revenue that was collected as FSL through premiums for domestic building and contents policies will be expected to refund a pro-rata portion of that revenue to a policyholder who cancels the regulated contract of insurance before 1 July 2013 and:

- the cancellation results in a reduction in the liability of the insurance company to contribute to the fire services; and
- an invoice for a regulated contract of insurance sent by the company relating to coverage of any period in the 2012–13 financial year specifically identifies that a component of the price is attributable to FSL (howsoever described);

or

- the company withholds, or represents that it is withholding, an amount of money from a refund of premium to a customer on the basis that it is required as a contribution to the fire services.

**B.11 Verification of FSL declarations**

64. Insurance companies currently declare their FSL received to the Victorian fire authorities under section 40 of the **Melbourne Fire Brigades Act 1958** and section 77 of the **Country Fire Authority Act 1958**. FSL amounts collected by insurers for the year ending 30 June 2013 represent the total FSL obtained during the transition year of the reform process. As such, they are highly relevant to the Monitor's functions under section 6 of the Act.
65. The MFESB/CFA declarations are presently not externally verified. This limits their usefulness for the Monitor's own monitoring and decision-making purposes. In addition, the Monitor considers that external attestation of FSL collections would assist in confirming the integrity of the FSL collection process during its final year of implementation by insurers. Consequently, the Monitor will seek to obtain the following from each insurer:
- (1) Declarations to the Monitor on FSL collected by insurance class and region (MFESB/CFA) during the year to 30 June 2013, in a form stipulated by the Monitor.
  - (2) External verification of declarations made to the Monitor at (1) as demonstrated by assurance opinions from assurance practitioners registered under the **Corporations Act 2001**.

**Verification declarations forms for downloading and completion will be available at:**  
**<<http://www.firelevymonitor.vic.gov.au/home/the+levy/insurance+companies/>>**

66. The Monitor has consulted with the fire services on the verification of FSL declarations and the verification serves a purpose separate from that of the fire services' premium returns.

**Guideline 11:**

A review engagement should be undertaken under the Auditing Standard on Review Engagements, ASRE 2405, Review of Historical Financial Information Other than a Financial Report, to ensure that the FSL collection for the year ending 30 June 2013, declared to the Monitor reconcile in all material respects, and with the amounts recorded in the insurer's accounting system (which have been traced through to fire services levy charges in policyholders' new/renewal schedules). All declarations and assurance opinions should be submitted to the Monitor by the close of business 18 October 2013.

**B.12 Companies' pricing justification generally**

67. The Monitor expects that each insurance company will have in place policies and procedures that will enable them, if so required, to provide an explanation to the Monitor for the price of a particular policy during the period of the Act's operation.

**Guideline 12:**

Insurance companies should be able to provide sufficient information to justify pricing decisions for contracts of insurance regulated under the Act.

**C. THE GUIDELINES****Guideline 1:**

The prohibition on price exploitation applies at the level of the price of an individual contract of insurance issued by an insurance company and regulated under the Act.

**Guideline 2:**

The prohibition on price exploitation relates to both a base premium component (excluding fire services levy) of a price charged by an insurance company, as well as the fire services levy, GST and stamp duty components of a price. Price exploitation can occur with respect to a base premium or a fire services levy component of a total premium payable, or both, or a charge of any description for the supply of a fire insurance policy, including taxes and duties.

**Guideline 3:**

The fire services levy will no longer constitute a valid component of a price for a new or renewed contract of insurance issued from 1 July 2013.

However, for policies issued prior to 1 July 2013, monthly instalment payments of premium continuing after 30 June 2013 may continue to include an FSL component..

**Guideline 4:**

Each insurance company is requested to provide to the Fire Services Levy Monitor a declaration signed by the Chief Executive Officer of the company (or equivalent position) stating that the company has implemented internal controls designed to ensure that no FSL will be charged on new policies issued or policies renewed from 1 July 2013. Each declaration received will be published on the Monitor's website.

**Guideline 5:**

An insurance company collecting FSL from policyholders in 2012–13 should not collect a total levy amount in excess of the amount of the statutory contribution to a fire service required from that company.

If an insurance company collects an amount of FSL in 2012–13 that is more than the amount it is required to contribute to the MFESB and/or the CFA for 2012–13, it will be expected to refund the amount of over-collection by direct refunds to policyholders or, allowing for the practical difficulties of direct refunds in some circumstances, by other method of disbursement.

The method or formula for allocating refunds or other method of disbursement of an over-collection should be by agreement with the Monitor. Such agreement will be formalised in an enforceable undertaking pursuant to section 92 of the Act.

**Guideline 6:**

Factors relevant to assessing whether the premium component of a price is unreasonably high are: the reasonable costs of all business inputs involved in a company's supply of fire insurance, including expenses incurred in the normal course of operating places of business; and costs incurred in re-insurance arrangements relating to the provision of fire insurance.

In assessing whether a price is unreasonable, there will be a particular focus on any change in methodology. Where a company incorporates a new factor (or factors) in its pricing methodology for 2013–14, and this factor contributes to an increase in prices in 2013–14, the Monitor expects the company to provide an explanation of the methodology change.

**Guideline 7:**

A premium for fire insurance should not increase contemporaneously with the abolition of the fire services levy, unless the issuing company can demonstrate a cost basis for the increase.

Where a premium for fire insurance increases contemporaneously with the abolition of the FSL, and the higher premium reflects a change which increases costs allocated to fire insurance policies in Victoria, the Monitor may investigate the change and will expect the company to justify the change in cost allocation.

**Guideline 8:**

The amount of the total premium for renewal of a regulated contract of insurance in the 2013–14 financial year should be less than the immediately preceding total premium by an amount equivalent to the FSL plus GST and stamp duty on the FSL charged in the preceding premium, unless there is a change in policy coverage or risk rating or supply cost increase justifying a lesser difference.

Expressed alternatively, where:

(A) is the total amount of a premium, including base premium and fire services levy, GST and duty payable on a policy newly issued or renewed during financial year 2012–13; and

(B) is the total amount of the premium, GST and duty payable on renewal of the same policy during financial year 2013–14; and

(C) is the amount of FSL in (A);

(A) minus (B) should be an amount equal to (C) plus 10 per cent GST plus 10 per cent stamp duty, unless there is a difference in policy coverage or risk rating or supply cost increase that demonstrably justifies a lesser difference.

Many companies commenced charging zero FSL prior to the end of the 2012–13 financial year due to widespread tapering of FSL rates raising sufficient revenue to meet their estimated funding obligations to the fire services for 2012–13. Accordingly, the outcome described above should also apply: where a zero FSL is charged prior to 1 July 2013 in a policy renewal notice, the amount of the total premium for renewal should be less than the immediately preceding total premium for the policy by an amount equivalent to the FSL plus GST and stamp duty on the FSL charged in the preceding premium, unless there is a change in policy coverage or risk rating or supply cost increase justifying a lesser difference.

**Guideline 9:**

Premiums for new policies issued in 2013–14 should be determined on the same methodology as premiums for existing policies being renewed in 2013–14.

**Guideline 10:**

An insurance company that retains any revenue that was collected as FSL through premiums for domestic building and contents policies will be expected to refund a pro rata portion of that revenue to a policyholder who cancels the regulated contract of insurance before 1 July 2013 and:

- the cancellation results in a reduction in the liability of the insurance company to contribute to the fire services; and
- an invoice for a regulated contract of insurance sent by the company relating to coverage of any period in the 2012–13 financial year specifically identifies that a component of the price is attributable to FSL (howsoever described);

or

- the company withholds, or represents that it is withholding, an amount of money from a refund of premium to a customer on the basis that it is required as a contribution to the fire services.

**Guideline 11:**

A review engagement should be undertaken under the Auditing Standard on Review Engagements, ASRE 2405, *Review of Historical Financial Information Other than a Financial Report*, to ensure that the FSL collection for the year ending 30 June 2013, declared to the Monitor reconcile in all material respects, and with the amounts recorded in the insurer's accounting system (which have been traced through to fire services levy charges in policyholders' new/renewal schedules). All declarations and assurance opinions should be submitted to the Monitor by the close of business 18 October 2013.

**Guideline 12:**

Insurance companies should be able to provide sufficient information to justify pricing decisions for contracts of insurance regulated under the Act.

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**Fire Services Levy Monitor Act 2012**

**FIRE SERVICES LEVY MONITOR**

**Guidelines on False Representation or Misleading or Deceptive Conduct  
in Relation to Fire Services Levy Reform**

**May 2013**



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### **C. The Guidelines**

## A. INTRODUCTION

1. The **Fire Services Levy Monitor Act 2012** (the Act) was passed by the Victorian Parliament in November 2012. The Act established the Office of the Fire Services Levy Monitor and the positions of Fire Services Levy Monitor and Deputy Fire Services Levy Monitor. The Act introduced a prohibition false representations or misleading or deceptive conduct in relation to the effect, or likely effect, of the fire services levy reform. The fire services levy reform abolishes the insurance-based fire services levy<sup>1</sup> (FSL) on 1 July 2013.
2. The Act confers a number of statutory functions and powers on the Fire Services Levy Monitor ('the Monitor'). These include, to:
  - advise persons of their rights and obligations under the Act (section 6);
  - prepare and publish guidelines in relation to the operation and enforcement of the Act (section 6);
  - monitor compliance with the prohibition on false, misleading or deceptive conduct in respect of the effect, or likely effect of, fire services levy reform (section 6);
  - issue a public statement warning about any matter that adversely affects, or may adversely affect, the interests of persons in connection with the acquisition by them of insurance services (section 106);
  - investigate breaches of the Act (section 6);
  - institute and defend proceedings and take any other action that may be necessary to achieve compliance with the requirements of the Act (section 6);
  - take court enforcement action (section 32); and
  - report to the Minister for Consumer Affairs each quarter about the performance of the Monitor's functions in the period (section 110).
3. Consistent with the statutory functions, the Monitor has prepared these guidelines relating to false representation or misleading or deceptive conduct in relation to the effect, or likely effect, of the fire services levy reform.

### A.1 Statutory basis of the guidelines

4. These guidelines are issued under section 6(2)(d) of the Act in relation to the operation and enforcement of the Act, specifically regarding the prohibition in section 31 on conduct in trade or commerce that falsely represents to, or misleads or deceives, any person about the effect, or likely effect, of the fire services levy reform.

### A.2 The fire services levy reform

5. The FSL is collected by insurance companies through premiums for fire insurance policies. It is the mechanism by which most insurance companies have recouped from policyholders revenue equivalent to the contributions required to be paid to the firefighting services under section 37(1)(c) of the **Metropolitan Fire Brigades Act 1958** and section 76(1)(b) of the **Country Fire Authority Act 1958**.
6. The **Fire Services Property Levy Act 2012** (the Property Levy Act) gives effect to the Victorian Government's commitment to reform the funding of Victoria's fire services. Legislation passed by Parliament on 16 October 2012 introduces a new funding mechanism, the Fire Services Property Levy (FSPL), from 1 July 2013 to replace the FSL. It will be collected by local councils. The FSL will no longer need to be charged by insurance companies from 1 July 2013.

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<sup>1</sup> 'Fire services levy' is defined in section 3 of the Act to mean 'an amount included in the premium payable for a policy of insurance against fire for the purpose of recouping contributions required to be paid by an insurance company under section 37(1)(c) of the **Metropolitan Fire Brigades Act 1958** or section 76(1)(b) of the **Country Fire Authority Act 1958**, whether or not the amount is disclosed as a separate item.'

7. The abolition of the compulsory contributions from insurance companies with the associated FSL revenue-raising mechanism will affect the prices that insurance companies charge for fire insurance, defined in the Act as ‘insurance against the risk of fire or the risk of loss of profits consequent on fire whether the insurance is associated with insurance against any other risk or not’ (section 3).

**A.3 The Monitor’s role in relation to false representation or misleading or deceptive conduct**

8. The Government intends that fire insurance policyholders in Victoria, both households and businesses, should benefit fully from the abolition of the FSL. The abolition of the FSL alone should decrease the price paid by purchasers of fire insurance. The insurance industry will collect approximately \$550 million in revenue through the FSL in premiums charged to Victorian policyholders during 2012–13. This amount of revenue should ‘fall out’ of the industry’s revenue raised from fire insurance during 2013–14.
9. The Minister for Consumer Affairs stated in the Second Reading Speech on the Fire Services Levy Monitor Bill:

*The prohibition on price exploitation ensures that insurance companies do not charge an unreasonably high price for insurance having particular regard to the fire services levy reforms. Price exploitation may occur where an insurance company does not pass on to consumers the full reduction in cost from the abolition of the insurance-based levy or seeks to recover more in fire services levy from policyholders than the insurance company is required to remit to the government.<sup>2</sup>*

10. Therefore, the Government has established an insurance price oversight regime which prohibits both price exploitation and false representation or misleading or deceptive conduct in relation to the effects of the fire services levy reform.
11. There should be no false representation, or misleading or deceptive conduct, about the effect, or likely effect, of the abolition of the FSL by insurance companies to any person. The Government has provided the Monitor with extensive powers to ensure compliance with that prohibition.

**A.4 Penalties for contravention of the prohibition on false representation or misleading or deceptive conduct**

12. The level of penalties for breaches of the new legislation reflects the Government’s concern to ensure that no insurance company takes unfair advantage of the fire services levy reform. The Supreme Court may impose pecuniary penalties up to \$10 million for corporations and \$500,000 for individuals for breaches of the false representation or misleading or deceptive conduct provisions.
13. It should be noted that under section 32, the Supreme Court may apply such penalties not only to a person it is satisfied contravened the prohibition on false representation or misleading or deceptive conduct or attempted to contravene the prohibition, but also to a person it is satisfied has:
- aided, abetted, counselled or procured a person to contravene the prohibition; or
  - induced, or attempted to induce, a person whether by threats or promises or otherwise, to contravene the prohibition; or
  - been in any way, directly or indirectly, knowingly concerned in, or a party to, the contravention by a person of the prohibition; or
  - conspired with others to contravene the prohibition.
14. It is not necessary in enforcement proceedings to prove the person’s intention in relation to false representation, or misleading, or deceptive conduct, knowledge or any other state of mind of the person (section 38). The issue is whether the conduct concerned had the effect of falsely representing, misleading or deceiving or was likely to have this effect.

<sup>2</sup> Michael O’Brien MP, Minister for Consumer Affairs, Hansard, Legislative Assembly, 14 November 2012, page 4961.

**A.5 Who do the guidelines on false representation or misleading or deceptive conduct apply to?**

15. These guidelines apply more broadly than the Monitor's guidelines on price exploitation which are directed to insurance companies supplying insurance against fire. They apply to **any person engaging in trade or commerce**, with the meaning of 'trade or commerce' being the same as in the Australian Consumer Law (Victoria).
16. **It should be noted particularly that, by virtue of section 31 and 32 of the Act, these guidelines are also relevant to any insurance company agent or insurance broker or other person in trade or commerce acting on behalf, or representing, an insurance company issuing, or taking liability under, contracts of insurance against fire in respect of property in Victoria.**

**B. WHAT IS FALSE REPRESENTATION OR MISLEADING OR DECEPTIVE CONDUCT IN RELATION TO THE EFFECTS OF THE FIRE SERVICES LEVY REFORM?**

**B.1 The legislative provisions**

17. Section 31 of the Act states:

**31 Prohibition on conduct falsely representing or misleading or deceiving**

*A person must not engage in any conduct in trade or commerce which –*

- (a) *falsely represents (whether expressly or impliedly) the effect, or likely effect, of the fire services levy reform; or*
- (b) *misleads or deceives, or is likely to mislead or deceive, any person about the effect or likely effect, of the fire services levy reform.*

18. Section 31 is not constrained in the same way that the prohibition on price exploitation in section 26 is constrained by that section's references to 'insurance company', the issuing of a 'regulated contract' and so on. The prohibition is in regard to 'a person' engaging in conduct in trade or commerce, not necessarily an insurance company and it is not linked to the issuing of a regulated contract.
19. A person acts 'in trade or commerce' if he or she is engaged in conduct which is an aspect or element of activities or transactions which bear a trading or commercial character.<sup>3</sup> However, 'the concept is a complex one and the precise limits of what is or is not trade and commerce or what act is in or is not in trade or commerce cannot be definitively stated.'<sup>4</sup>
20. Despite the broad wording of section 31, the Monitor interprets the section to be primarily targeted at preventing an insurance company and the agents of insurance companies falsely representing, or being misleading or deceptive about, the effect of abolishing the FSL component of premiums for fire insurance. Clearly, the principal effect of the abolition of the levy from 1 July 2013 is to remove a significant proportion of the total premium payable on a policy of insurance against fire.

**B.2 Interpretations of similar provisions in other legislation**

21. The use of broad terms by Parliament means that significant reliance will be placed by the Monitor on the substantial body of court-made law which has developed over many years regarding similar provisions in the Commonwealth and State and Territory consumer fair trading laws.

**B.2.1 False representations**

22. Section 29 of the Australian Consumer Law (and prior to that section 53 of the **Trade Practices Act 1974**) imposes a prohibition on persons making certain false or misleading representations. The Monitor considers that the effect of section 31(a) of the Act (when read in conjunction with section 31(b)) imposes a similar prohibition on any person engaging in trade or commerce with respect to the fire services levy reform.

<sup>3</sup> *Concrete Constructions (NSW) v Nelson* (1990) 169 CLR 594, 604.

<sup>4</sup> *Ian Rutherford Plimer v Allen Roberts* [1997] FCA 1361.

23. A representation ‘relate[s] by way of affirmation, denial, description or otherwise to a matter of fact’.<sup>5</sup> False representations are those that are ‘contrary to fact’. As such, a person can make a false representation without knowing it was false.<sup>6</sup>
24. As the Federal Court has observed, ‘price is usually of pre-eminent importance in an offer to purchase property of any kind’.<sup>7</sup> It is evident that courts treat false or misleading representations about the price of goods or services extremely seriously. For example, in *Signature Security v ACCC*, it was observed by a member of the court that: ‘It seems to me that a representation that the price of goods is \$295 is *seriously misleading* if the truth is that they are never available at that price’.<sup>8</sup> [emphasis added]

### **B.2.2 Misleading or deceptive conduct – some general principles**

25. The prohibition on conduct that is misleading or deceptive, or likely to mislead or deceive, is a well-established one in Australian consumer protection legislation, as section 18 of the Australian Consumer Law.
26. In essence, it prohibits persons acting in trade or commerce from engaging in conduct that induces or is capable of inducing error.<sup>9</sup> Conduct is likely to mislead or deceive if there is a real or not remote chance or possibility of it doing so.<sup>10</sup>
27. There are several important principles about the prohibition that have developed. These include the following:
- Intention to mislead or deceive is not necessary; conduct not intended to mislead or deceive and which was engaged in ‘honestly and reasonably’ might nevertheless contravene the prohibition on misleading or deceptive conduct.<sup>11</sup>
  - The legislative provision deals with the effect of conduct on reasonable members of the class who act to protect their own interests.<sup>12</sup>
  - Silence can constitute misleading or deceptive conduct as was observed in *Demagogue v Ramensky*:  
*Silence is to be assessed as a circumstance like any other. To say this is certainly not to impose any general duty of disclosure; the question is simply whether, having regard to all the relevant circumstances, there has been conduct that is misleading or deceptive or that is likely to mislead or deceive.*<sup>13</sup>
  - However, also relevant may be the knowledge of the person to whom the conduct is directed or the existence of common assumptions and practices established between the parties or prevailing in the particular profession, trade or industry in which they carry on business.<sup>14</sup>
28. The Monitor considers that the Act’s prohibition on misleading or deceptive conduct is intended to operate in a similar manner to the general prohibition in the Australian Consumer Law. However, the Act goes further than the Australian Consumer Law in that section 32 of the Act provides that pecuniary penalties are available for contraventions of the prohibition, unlike under the Australian Consumer Law where no such pecuniary penalties are available. In order to avoid the risk of incurring the very substantial penalties under the Act, insurance

<sup>5</sup> *Halsbury’s Laws of England* (3rd ed. Vol. 26) cited in *Given v Pryor* (1979) 39 FLR 437

<sup>6</sup> *Given v CV Holland (Holdings) Pty Ltd* (1977) 29 FLR 212, 217.

<sup>7</sup> *National Exchange Pty Ltd v ASIC* [2004] FCAFC 90, [38].

<sup>8</sup> *Signature Security v ACCC* [2003] FCA 3, [27].

<sup>9</sup> *Parkdale Custom Built Furniture Pty Ltd v Puxu Pty Ltd* (1982) 149 CLR 191, 198.

<sup>10</sup> *Re Global Sportsman Pty Ltd v Mirror Newspapers Limited* [1984] FCA 180, [14].

<sup>11</sup> *Campomar Sociedad Ltd v Nike International Ltd* [2000] HCA 12, [103]. Butcher High Court

<sup>12</sup> *Parkdale Custom Built Furniture Pty Ltd v Puxu Pty Ltd* (1982) 149 CLR 191, 199.

<sup>13</sup> *Re Demagogue Pty Ltd v Ramensky* [1992] FCA 557, [3].

<sup>14</sup> *Miller & Associates Insurance Broking Pty Ltd v BMW Australia Finance Limited* [2010] HCA 31, [20].

companies and other persons acting in trade or commerce should pay particular attention to the fire services levy reform to ensure that their conduct in relation to it is not misleading or deceptive, or likely to mislead or deceive.

**B.3 What is the appropriate level of analysis to determine false representation or misleading or deceptive conduct?**

29. The Monitor considers that the prohibition on false representation or engaging in conduct that misleads or deceives, or is likely to mislead or deceive, can apply to a representation or conduct relating to an individual insurance policy, although it is not limited in application to conduct at that level of interaction with consumers.
30. In other words, a contravention of the prohibition may be constituted by a false representation or misleading or deceptive conduct about the effect, or likely effect of the abolition of the FSL in relation to an individual price, or some other aspect of an individual contract or insurance policy – for example a refund of FSL or premium paid for a cancelled policy. A false representation by an insurance company about the general effect of the abolition of the FSL on its business may also constitute a contravention.

**Guideline 1:**

The prohibition on false representation or misleading or deceptive conduct applies to, but is not limited to, a representation or conduct in relation to an individual price, or any other aspect, of the supply of an individual contract of fire insurance.

**B.4 Insurance companies' communications regarding abolition of the fire services levy and premiums**

31. Insurance companies' communications to policyholders regarding their pricing of fire insurance in the period of the operation of the Act will be the Monitor's key focus in administering the Act's prohibition on false representation or misleading or deceptive conduct.
32. Where explanatory material has been provided by companies so far during 2012–13, generally it is not related to the actual amounts of premiums (including FSL) invoiced to policyholders. In particular, it appears that explanations of the decisions to charge many policyholders in the CFA region significantly increased FSL rates in the first half of 2012–13 were not provided to those policyholders.
33. The Monitor considers that removal of the FSL component from premiums, and the reasons for any movement in premiums in 2013–14, need to be clearly and accurately explained to policyholders, in contrast to the generally inadequate explanation of the large increases in FSL rates that occurred in the first half of 2012–13.
34. In the absence of accurate and clear explanations, insurance companies risk misleading their customers, many of whom are likely to expect their insurance premium in 2013–14 to be lower than in 2012–13 by the full amount of the earlier year's FSL. This is likely to be the case particularly for those policyholders who paid substantially increased FSL rates and amounts in the first half of 2012–13 as a result of the companies' general practice of 'tapering' FSL rates. These policyholders would be reasonably entitled to expect commensurate reductions in their total premium on renewal in the first half of 2013–14.
35. Insurance companies should explain that that they are no longer required to contribute to the funding of the fire services and from 1 July 2013 cannot recoup any revenue through imposing an FSL. Companies should explain how the FSL is being removed from policyholders' premiums including where there are rises in base premiums that substantially or completely offset the elimination of the FSL.
36. Information provided about premiums for policies renewing after 30 June 2013 should also explain the reason(s) for any contemporaneous increase in premiums.

**Guideline 2:**

To reduce risks of engaging in false representation or misleading or deceptive conduct in contravention of Section 31 of the Act, an insurance company should provide easily accessible and comprehensible information to its customers on the abolition of the FSL and how their premiums for policy renewals are set to take account of its abolition.

A policyholder requesting information on the removal of FSL from a premium for renewal of a policy, and/or an explanation of any increase in premium concurrent with the apparent removal of FSL, should be provided with information specific to the particular policy. The information should be sufficient to enable the policyholder to assess the reasonableness of the premium being charged.

37. The Monitor considers that it is critical that insurance companies have the capacity to provide explanations to their policyholders regarding any increases in premiums occurring contemporaneously with the abolition of the FSL.

**B.5 Assessing potential contraventions of section 31**

38. The Monitor will focus on insurance companies' statements regarding the effect of the abolition of the FSL on the amount of premium charged for fire insurance. This includes any statement by an insurance company portraying how a total premium charged is affected by the abolition of the FSL.

**Guideline 3:**

From 1 July 2013, any insurance company which charges a price for a regulated contract of insurance issued or renewed after 30 June 2013 that includes any dollar amount (other than zero) identified as 'fire services levy' may be considered by the Monitor to have contravened section 31 of the Act.

There may be limited, specific circumstances where documentation received by policyholders after 30 June 2013 may validly show an FSL amount other than zero. These arise from particular circumstances where transactions relating to *policies issued before 1 July 2013* occur after the 30 June 2013 end-date of the current contributions arrangements. Such circumstances include:

- post-30 June 2013 processing of policies newly issued or renewed prior to 1 July 2013 due to processing delays;
- post-30 June 2013 adjustments/endorsements on policies newly issued or renewed prior to 1 July 2013; and
- post-30 June 2013 declaration adjustments on commercial policies newly issued or renewed prior to 1 July 2013.

39. A circumstance in which an insurance company appears not to be passing on to a customer a reduction in total premium equivalent to the full amount of fire services levy paid by the customer in 2012–13 may be investigated by the Monitor for contravention of the prohibitions in both sections 26 and 31 of the Act.
40. The Monitor recommends that insurance companies provide sufficient information to policyholders so that each policyholder is able to identify:
- the amount of FSL, GST and duty on the FSL paid by the policyholder during 2012–13;
  - the base premium paid for the policy during 2012–13;
  - the total amount of premium, including base premium and fire services levy, and GST and duty paid for the policy during 2012–13;
  - the total amount of premium, GST and duty payable on the current renewal issued during 2013–14; and
  - the reason for any change.

**Guideline 4:**

An insurance company that provides a policyholder with the following information regarding the renewal of a policy in 2013–14:

- the amount of FSL, GST and duty on the FSL paid for the policy during 2012–13; and
- the base premium paid on the policy during 2012–13; and
- the total amount of premium, including base premium and fire services levy, and GST and duty paid on the policy during 2012–13;
- the total amount of premium, GST and duty payable on the renewal issued during 2013–14; and
- an explanation of the reason for any change in base premium payable in 2013–14 will be less likely to be considered to have contravened section 31 of the Act than otherwise.

Many companies commenced charging zero FSL prior to the end of the 2012–13 financial year due to the tapering of FSL rates raising sufficient revenue to meet their estimated funding obligations to the fire services for 2012–13. Given this situation, an insurance company that provides a policyholder with the following information regarding the renewal of a policy where a zero FSL is charged prior to 1 July 2013:

- the amount of FSL, GST and duty on the FSL paid in the preceding premium; and
- the base premium paid on the policy in the preceding premium; and
- the total amount of premium, including base premium and fire services levy, and GST and duty paid in the preceding premium;
- the total amount of premium, GST and duty payable on the renewal issued prior to 1 July 2013; and
- an explanation of the reason for any change in base premium between the two will be less likely to be considered to have contravened section 31 of the Act than otherwise.

**B.6 Verification of FSL declarations**

41. Guideline 11 of the *Monitor's Guidelines on price exploitation in relation to the fire services levy reform* require a review engagement to be undertaken under the Auditing Standard on Review Engagements, ASRE 2405, *Review of Historical Financial Information Other than a Financial Report*, to ensure that the FSL collection for the year ending 30 June 2013, declared to the Monitor reconcile in all material respects, and with the amounts recorded in the insurer's accounting system (which have been traced through to fire services levy charges in policyholders' new/renewal schedules).

**B.7 False or misleading representations made by insurance companies unrelated to the fire services levy reform**

42. The Monitor may refer to the Director of Consumer Affairs Victoria any allegations by consumers of false or misleading representations made by insurance companies outside the period of application of the Act or that do not relate to the fire services levy reform. For example, the Monitor may refer certain matters relating to the imposition or collection of FSL, such as an insurance company stating that they are acting 'on behalf of the Government' or otherwise implying that the insurance company is acting at the direction of, or as an agent of, the Government with respect to the imposition of the fire services levy.<sup>15</sup>

<sup>15</sup> See for example *Commissioner of State Revenue v Royal and Sun Alliance Insurance Australia Ltd* [2003] VSCA 177, [31].



## C. THE GUIDELINES

### **Guideline 1:**

The prohibition on false representation or misleading or deceptive conduct applies to, but is not limited to, a representation or conduct in relation to an individual price, or any other aspect, of the supply of an individual contract of fire insurance.

### **Guideline 2:**

To reduce risks of engaging in false representation or misleading or deceptive conduct in contravention of Section 31 of the Act, an insurance company should provide easily accessible and comprehensible information to its customers on the abolition of the FSL and how their premiums for policy renewals are set to take account of its abolition.

A policyholder requesting information on the removal of FSL from a premium for renewal of a policy, and/or an explanation of any increase in premium concurrent with the apparent removal of FSL, should be provided with information specific to the particular policy. The information should be sufficient to enable the policyholder to assess the reasonableness of the premium being charged.

### **Guideline 3:**

From 1 July 2013, any insurance company which charges a price for a regulated contract of insurance issued or renewed after 30 June 2013 that includes any dollar amount (other than zero) identified as 'fire services levy' may be considered by the Monitor to have contravened section 31 of the Act.

There may be limited, specific circumstances where documentation received by policyholders after 30 June 2013 may validly show an FSL amount other than zero. These arise from particular circumstances where transactions relating to *policies issued before 1 July 2013* occur after the 30 June 2013 end-date of the current contributions arrangements. Such circumstances include:

- post-30 June 2013 processing of policies newly issued or renewed prior to 1 July 2013 due to processing delays;
- post-30 June 2013 adjustments/endorsements on policies newly issued or renewed prior to 1 July 2013; and
- post-30 June 2013 declaration adjustments on commercial policies newly issued or renewed prior to 1 July 2013.

### **Guideline 4:**

An insurance company that provides a policyholder with the following information regarding the renewal of a policy in 2013–14:

- the amount of FSL, GST and duty on the FSL paid for the policy during 2012–13; and
- the base premium paid on the policy during 2012–13; and
- the total amount of premium, including base premium and fire services levy, and GST and duty paid on the policy during 2012–13;
- the total amount of premium, GST and duty payable on the renewal issued during 2013–14; and
- an explanation of the reason for any change in base premium payable in 2013–14

will be less likely to be considered to have contravened section 31 of the Act than otherwise.

Many companies commenced charging zero FSL prior to the end of the 2012–13 financial year due to the tapering of FSL rates raising sufficient revenue to meet their estimated funding obligations to the fire services for 2012–13. Given this situation, an insurance company that provides a policyholder with the following information regarding the renewal of a policy where a zero FSL is charged prior to 1 July 2013:

- the amount of FSL, GST and duty on the FSL paid in the preceding premium; and
  - the base premium paid on the policy in the preceding premium; and
  - the total amount of premium, including base premium and fire services levy, and GST and duty paid in the preceding premium;
  - the total amount of premium, GST and duty payable on the renewal issued prior to 1 July 2013; and
  - an explanation of the reason for any change in base premium between the two
- will be less likely to be considered to have contravened section 31 of the Act than otherwise.

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### Forests Act 1958

#### REVOCATION OF DETERMINATION OF FIREWOOD COLLECTION AREA

I, Peter Livitsanis, District Manager Northern Rivers, Parks Victoria, as delegate of the Secretary to the Department of Environment and Primary Industries, 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 755, 11 April 2013.

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

Dated 20 May 2013

PETER LIVITSANIS  
District Manager Northern Rivers  
Parks Victoria  
as delegate of the Secretary to the  
Department of Environment and  
Primary Industries

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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.

Road Naming:

Change Request Number	Road Name	Locality	Proposer and Location
55065	Koorang Lane	Richmond	Yarra City Council The road traverses south from Murphy Street.
55997	ONeil Street	Learmonth	Ballarat City Council The road traverses east from Laidlaw Street across McKay Street and ends at the Learmonth Railway Reserve.

Office of Geographic Names

Land Victoria  
570 Bourke Street  
Melbourne 3000

JOHN E. TULLOCH  
Registrar of Geographic Names

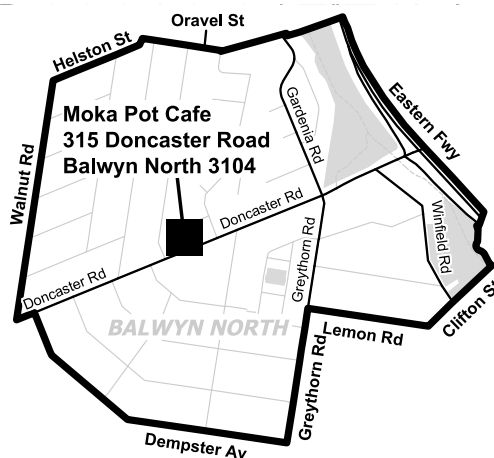
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**Liquor Control Reform Act 1998****LIQUOR LICENSING POLL****Balwyn North Neighbourhood**

The Victorian Commission for Gambling and Liquor Regulation (VCGLR) has received an application for a Restaurant and Cafe Licence for Moka Pot Cafe, 315 Doncaster Road, Balwyn North. As the application for a licence is in a 'dry area', the VCGLR, pursuant to clause 17 of Schedule 3 of the **Liquor Control Reform Act 1998**, has ordered a poll of electors in the neighbourhood surrounding the above premises. The VCGLR determines this neighbourhood. The Victorian Electoral Commission will conduct the poll entirely by post.

1. The neighbourhood indicated by the VCGLR

The Moka Pot Cafe poll is within the following boundaries:



2. The resolution to be submitted to the electors

Electors in the licensing poll neighbourhood will be asked to vote 'yes' or 'no' with respect to the following resolution:

'That a Restaurant and Cafe Licence be granted in the neighbourhood of the premises situated at 315 Doncaster Road, Balwyn North.'

3. Persons entitled to vote in the poll

All electors who reside within the neighbourhood indicated, and who were enrolled on the electoral roll used for State elections at 5.00 pm on Thursday 9 May 2013, must vote in the poll.

Copies of the official roll for the poll may now be inspected at the Victorian Electoral Commission, Level 11, 530 Collins Street, Melbourne.

4. Voting is compulsory

Electors enrolled in the licensing poll neighbourhood at 5.00 pm on Thursday 9 May 2013 are obliged to vote. The penalty for failing to vote without a valid and sufficient reason is currently \$70.00. This amount is likely to increase on 1 July 2013.

5. Postal voting

The poll will be conducted entirely by post. Ballot papers will be mailed to all eligible electors on Tuesday 18 June 2013. To be included in the count, completed ballot papers must be received by the VEC by 5.00 pm on Monday 8 July 2013.

6. Early voting

If you will be away when the ballot packs are mailed out, please call 131 832 to arrange an early postal vote.

PHILLIPPA HESKETT  
Election Manager

**Land Acquisition and Compensation Act 1986**

## FORM 7

S. 21(a)  
Reg. 16

## Notice of Acquisition

## Compulsory Acquisition of Interest in Land

The Roads Corporation (VicRoads) declares that by this notice it acquires the following interest in the land described as part of Lot 7 on Plan of Subdivision 529449C, Parish of Cranbourne, comprising 2143 square metres and being land described in Certificate of Title Volume 11260 Folio 010, shown as parcel 1 on Survey Plan 17441.

**Interest Acquired:** That of The Secretary Blue Hills Residences Pty Ltd ACN 095837915 and all other interests.

Published with the authority of VicRoads.

For and on behalf of VicRoads

Signed TIM PONTEFRAC

Name Tim Pontefract

Dated 6 June 2013

**Livestock Management Act 2010**APPROVAL OF NSQA AND NSQA  
CERTIFICATE TWO COMPLIANCE  
ARRANGEMENTS AND GIVING NOTICE

I, Hugh Millar, as delegate for the Minister for Agriculture and Food Security, under section 11 of the **Livestock Management Act 2010**, approve the National Sleyard Quality Assurance program (NSQA) and NSQA Certificate Two, being compliance arrangements, in respect of the regulated livestock management activity – sleyard operation.

I am satisfied that –

- (a) the compliance arrangements contain the details required by section 13 of the **Livestock Management Act 2010** and that –
- (b) the Land Transport Standard will be complied with in relation to NSQA and NSQA Certificate Two; and

hereby give notice of the above approval.

Dated 28 May 2013

DR HUGH MILLAR  
Executive Director Biosecurity Victoria

**Livestock Management Act 2010**APPROVAL OF APIQ AND  
HUMANE CHOICE COMPLIANCE  
ARRANGEMENTS AND GIVING NOTICE

I, Hugh Millar, as delegate for the Minister for Agriculture and Food Security, under section 11 of the **Livestock Management Act 2010**, approve the Australian Pork Industry Quality Assurance program (APIQ) and Humane Choice – pigs, being compliance arrangements, in respect of the regulated livestock management activity – pig farming operation.

I am satisfied that –

- (a) the compliance arrangements contain the details required by section 13 of the **Livestock Management Act 2010** and that –
- (b) the Land Transport Standard will be complied with in relation to APIQ and Humane Choice – pigs; and
- (c) the Pig Welfare Standard will be complied with in relation to APIQ and Humane Choice – pigs; and

hereby give notice of the above approval.

Dated 28 May 2013

DR HUGH MILLAR  
Executive Director Biosecurity Victoria



Geelong  
Regional Library  
CORPORATION

Notice is hereby given that pursuant to section 119 of the **Local Government Act 1989**, Geelong Regional Library Corporation (GRLC) gives notice of intention to revoke clause L1.5 of Local Law No. 1 Meeting Procedures and to revoke clause L1.5 of Local Law No. 2 Library Services. GRLC further advises that Local Laws No. 1 and No. 2 will be revised within the next 12 months.

Any person may inspect a copy of the proposed Local Laws at any branch, mobile library, 30 Brougham Street, Geelong, or via the website, [www.grlc.vic.gov.au](http://www.grlc.vic.gov.au)

Submissions on the proposal must be in writing and addressed to: The Chief Executive Officer, Geelong Regional Library Corporation, 30 Brougham Street, Geelong, Victoria 3220, or via email, [info@grlc.vic.gov.au](mailto:info@grlc.vic.gov.au) and received by close of business on 29 June 2013.

PATTI MANOLIS  
Chief Executive Officer

## FINANCIAL SERVICES AND INVESTMENTS NOTIFICATION RULES 2013

The following Financial Services and Investments Notification Rules 2013 are made by the Legal Services Board under section 3.2.9(1) of the **Legal Profession Act 2004**.

**1. Introduction and commencement**

- 1.1. These Rules may be cited as the Financial Services and Investments Notification Rules 2013.
- 1.2. These Rules come into operation on 14 June 2013.

**2. Object of these Rules**

- 2.1. In accordance with section 3.3.74 of the **Legal Profession Act 2004**, these Rules require a law practice or an approved clerk to notify a client that certain money entrusted to the practice or clerk is not, or is no longer, trust money and that accordingly the money is not money to which part 3.6 of the **Legal Profession Act 2004** or a corresponding law applies.

**3. Authorising provision**

- 3.1. These Rules are made under section 3.2.9(1) of the **Legal Profession Act 2004**.

**4. Definitions**

- 4.1. Expressions used in the **Legal Profession Act 2004** have the same meaning in these Rules.

**5. Involvement of law practices and approved clerks in financial services or investments**

- 5.1. These Rules do not prevent a law practice or approved clerk from carrying out any legal services in connection with financial services or investments or from having an interest in financial services or investments.
  - 5.2. A law practice or approved clerk must give a client a notice in accordance with rule 5.3 if the client entrusts, or proposes to entrust, money to the law practice or approved clerk for or in connection with –
    - a) a financial service referred to in section 3.3.3(1)(a) or (b) of the **Legal Profession Act 2004**; or
    - b) a managed investment scheme undertaken by the law practice; or
    - c) a mortgage investment scheme undertaken by the law practice; or
    - d) mortgage financing undertaken by the law practice.
  - 5.3. For the purposes of rule 5.2, a notice must –
    - a) be in writing; and
    - b) state that money entrusted to a law practice or approved clerk under rule 5.2 is not, or is no longer, trust money (unless section 3.3.3(3) of the **Legal Profession Act 2004** applies) and that accordingly there is no claim against the Fidelity Fund for a pecuniary loss arising from money being so entrusted.
  - 5.4. The law practice or approved clerk must not accept or advance money for or in connection with any matter referred to in rule 5.2 unless the client has given the law practice or approved clerk a written acknowledgement of the client's receipt of the notice referred to in rule 5.2.
-

**Marine Safety Act 2010**

## NOTICE OF BOATING ACTIVITY EXCLUSION ZONE

In accordance with section 208(2) of the **Marine Safety Act 2010** GDF SUEZ Hazelwood, the declared waterway manager for the waters of Hazelwood Cooling Pond, hereby gives notice that persons and vessels not approved to take part in the 2013 Latrobe City Sauna Sail event proposed by Latrobe Valley Yacht Club are prohibited from entering or remaining in the waters of Hazelwood Cooling Pond.

The exclusion zone has effect from 5.00 pm Friday 7 June 2013 to 8.00 am Tuesday 11 June 2013.

BY ORDER OF GDF SUEZ HAZELWOOD

**Pipelines Act 2005**

## SECTION 67

## Minor Alteration to Authorised Route

PIPELINE LICENCE NUMBER:	232
NAME AND ADDRESS OF LICENSEE(S):	<ol style="list-style-type: none"> <li>Jemena Eastern Gas Pipeline (1) Pty Ltd 321 Ferntree Gully Road Mt Waverley, Victoria 3149</li> <li>Jemena Eastern Gas Pipeline (2) Pty Ltd 321 Ferntree Gully Road Mt Waverley, Victoria 3149</li> </ol>
DESCRIPTION OF EXISTING AUTHORISED ROUTE:	The Eastern Gas Pipeline commences from the Longford Compressor Station through to Bairnsdale then onto Orbost and ends at the Victorian Border with a lateral to Alinta Energy's Bairnsdale Power Station and a compressor station inlet pipeline from the Esso Gas Plant at Longford. The pipeline is 280.57 km in length.
ALTERATION:	<p>As from today:</p> <ol style="list-style-type: none"> <li>The authorised route of the pipeline is altered for the installation of a pig launcher at the Bairnsdale MLV and a pig receiver at the Bairnsdale Meter Station.</li> <li>The authorised route of the pipeline is delineated by the red line depicted on Drawing Number 599-MA-PL-063 and replaces all existing drawings.</li> </ol>

**CONDITIONS:**

As from today the conditions of Pipeline Licence 232 are revoked and replaced with the following conditions:

- The pipeline shall have the following features:
  - Maximum Allowable Operating Pressure: 14,900 kPa for the 168.3 mm and 450 mm lines and 9,786 kPa for the 610 mm line
  - Contents: Gaseous hydrocarbons
  - Internal diameter: 168.3 mm, 450 mm and 610 mm
  - Overall length: 280.57 km
- The licensee must report to the Minister at least once in every year and at such other times as agreed with the Minister on the performance of the licensee in protecting the environment from the pipeline operation.

3. The licensee must give the Minister 7 days notice in writing, if the licensee intends to cease to convey substances through the pipeline, otherwise than in the course of the normal operating procedure of the pipeline and does not intend to surrender the licence.
4. The licensee must obtain and maintain insurance against expenses or liabilities or specified things arising in connection with, or as a result of, the carrying out of a pipeline operation, or the doing of any other thing, under the licence, including the expenses of complying with directions with respect to the clean-up or other remedying of the effects of the escape of petroleum, or any other liquid or gaseous substance, from the pipeline.

Dated 30 May 2013

DOUG SCENEY  
Executive Director Earth Resources Regulation  
Delegate of the Minister

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### **Subordinate Legislation Act 1994**

#### NOTICE OF DECISION (Section 12)

#### Water (Lake Eildon Recreational Area) (Houseboats) Regulations 2013

I, Peter Walsh, Minister for Water and Minister responsible for administering the **Water Act 1989**, give notice under section 12 of the **Subordinate Legislation Act 1994** as follows:

A Regulatory Impact Statement (RIS) was prepared in relation to the proposed Water (Lake Eildon Recreational Area) (Houseboats) Regulations 2013. The objectives of the proposed Regulations are to provide for –

- the control and management of houseboats in the Lake Eildon Recreational Area; and
- the prescribing of fees for the administration in respect of houseboats.

The RIS was advertised in the Government Gazette and the Herald Sun on 19 April 2013 seeking public comment and 31 submissions were received.

After considering the submissions, and after further considering the proposed Regulations, I have decided that the proposed Regulations should be made with the following amendment –

- the proposed regulation 19(1) and (2) will not be proceeded with.

Dated 31 May 2013

PETER WALSH MLA  
Minister for Water

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**Plant Biosecurity Act 2010****ORDER DECLARING A RESTRICTED AREA AT MYALL 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 26 May 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 at Myall, 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 32 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 144.00774° East, 35.58325° South.

### Schedule 3

The area of land in Victoria within a radius of one and a half kilometres of the outbreak epicentre at 144.00774° East, 35.58325° 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.

## Road Safety Act 1986

### DECLARATION UNDER SECTION 99B(4) IN RELATION TO NON-ROAD ACTIVITIES FOR THE TOUR DE CRAWF – RIDE TO THE OTHER SIDE FROM THURSDAY 20 JUNE 2013 TO SUNDAY 23 JUNE 2013

#### 1 Purpose

The purpose of this Declaration is to exempt participants in the ‘Tour de Crawford – Ride to The Other Side’ from specified provisions of the **Road Safety Act 1986** and regulations under that Act with respect to the Event, which is a non-road activity to be conducted on the roads specified in Table 2 on Thursday 20 June 2013 to Sunday 23 June 2013.

#### 2 Authorising provision

This notice is made under section 99B(4) of the **Road Safety Act 1986**. Section 99B(4) provides that the Minister may, on the application of a person proposing to conduct a non-road activity on a highway, by notice published in the Government Gazette, declare that specified provisions of the **Road Safety Act 1986** and of the regulations made under that Act do not apply with respect to the non-road activity specified in the notice during the period specified in the notice.

#### 3 Commencement

This notice takes effect at 6.00 am on Thursday 20 June 2013.

#### 4 Expiry

This notice expires at 11.59 pm on Sunday 23 June 2013.

#### 5 Definitions

In this notice, unless the context or subject-matter otherwise requires –

- a) ‘Event’ means the ‘Tour de Crawford – Ride to The Other Side’ cycling event, to be held on Thursday 20 June 2013 to Sunday 23 June 2013; and
- b) ‘Participants’ means participants in the Event, including officers, members and authorised agents of the Nine Entertainment Co., whose presence is reasonably required to ensure the safe conduct of the Event.

#### 6 Declaration

I, Gary Liddle, as delegate of the Minister for Roads, under section 99B(4) of the **Road Safety Act 1986**, declare that the provisions of the **Road Safety Act 1986** and regulations specified in Table 1 do not apply to Participants engaged in activities forming part of the Event on the highway specified in column 1 of Table 2 on the date and during the period specified in column 2 of Table 2.

**Table 1**  
**Provisions of the Road Safety Act 1986 and regulations under that Act that**  
**do not apply to participants in the Event**

**Road Safety Road Rules 2009**

Rule 268	How persons must travel in or on a motor vehicle
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**Table 2**

Column 1 Highway	Column 2 Date and time
Docklands Highway between Latrobe Street and Pearl River Road	Thursday 20 June 2013
Dynon Road/Hopkins Road/Barkly Street between Capital City Trail and Droop Street	Thursday 20 June 2013
Droop Street between Barkly Street and Western Highway	Thursday 20 June 2013
Western Highway between Droop Street and McIntyre Road	Thursday 20 June 2013
McIntyre Road/Sunshine Avenue between Western Highway and Calder Freeway	Thursday 20 June 2013
Calder Freeway/Highway between Sunshine Avenue and Bendigo–Eaglehawk Road	Thursday 20 June 2013
Bendigo–Eaglehawk Road between Calder Highway and Loddon Valley Highway	Friday 21 June 2013
Loddon Valley Highway between Bendigo–Eaglehawk Road and Murray Valley Highway	Friday 21 June 2013
Murray Valley Highway between Loddon Valley Highway and NSW border	Friday 21 June 2013 and Saturday 22 June 2013
Sturt Highway between NSW Border and SA border	Saturday 22 June 2013 and Sunday 23 June 2013

Dated 3 June 2013

GARY LIDDLE  
 Chief Executive  
 Roads Corporation  
 Delegate of the Minister for Roads

**Water Act 1989****BULK ENTITLEMENT (EILDON – GOULBURN WEIR) AMENDMENT ORDER 2013**

I, Peter Walsh, as Minister administering the **Water Act 1989** (the Act), make the following Order –

**1 Title**

This Order is called the Bulk Entitlement (Eildon – Goulburn Weir) Amendment Order 2013.

**2 Purpose**

The primary purpose of this Order is to amend the Bulk Entitlement (Eildon – Goulburn Weir) Conversion Order 1995 (the Bulk Entitlement) to adjust Goulburn–Murray Water’s loss allowances following the allocation of audited water savings from the Goulburn–Murray Water Connections Project and to incorporate the early reserve policy, an outcome of the Carryover Review 2012.

**3 Authorising provision**

This Order is made in accordance with section 44 of the **Water Act 1989**.

**4 Commencement**

This Order comes into effect when it is published in the Government Gazette or on 1 July 2013, whichever is later.

**5 Amendment of clause 4 – Definitions**

In clause 4 of the Bulk Entitlement **insert** the following definition –

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

**6 Amendment of clause 4A – Seasonal Determinations**

In clause 4A of the Bulk Entitlement, after sub-clause 4A.2, **insert** –

‘4A.3 In making seasonal determinations for the Goulburn System, the appointed authority must set aside an early reserve each year to improve the early season water allocation in the subsequent year in accordance with the following rules and Schedule 8 to this Order:

- (a) when the seasonal determination reaches 30% of high-reliability entitlements, half of the resource improvement will be used to further increase the seasonal determination in the current (first) year, while the other half must be set in reserve for the subsequent (second) year;
- (b) when the volume in reserve reaches 270 GL, all resource improvement will be used to further increase the seasonal determination in the current year up to 100% of high-reliability entitlements;
- (c) when the seasonal determination reaches 100% of high-reliability entitlements, any additional resource improvement is set aside together with water reserved in accordance with paragraph (a) until the total volume of the reserve is sufficient to deliver a water allocation of 100% of high-reliability entitlements in the subsequent year.’

**7 Amendment of clause 7 – Obligations to supply primary entitlements**

In sub-clause 7.1 of the Bulk Entitlement, after paragraph (a) **insert** –

‘(b) licences; and’.

**8 Amendment to clause 9A – Use of dead storage**

Sub-clause 9A. 2 of the Bulk Entitlement is **deleted**.

## 9 Amendment to Schedule 1

(a) For table 5 of Schedule 1 of the Bulk Entitlement substitute –

**Table 5: Distribution loss provision compared to delivery volume within the Goulburn Component of GMID**

Irrigation Area	Type	Loss Provision (GL), for allocation in line with maximum deliverable volume during the season												
		0.000	17.591	35.182	61.569	87.956	123.138	175.911	211.094	255.072	316.641	351.823		
Shepparton (zone 1A)	Delivery:	0.000	17.591	35.182	61.569	87.956	123.138	175.911	211.094	255.072	316.641	351.823		
	Loss:	<b>19.852</b>	<b>23.912</b>	<b>27.973</b>	<b>34.063</b>	<b>40.154</b>	<b>48.275</b>	<b>60.456</b>	<b>65.666</b>	<b>72.178</b>	<b>81.295</b>	<b>86.505</b>		
Central Goulburn (zone 1A)	Delivery:	0.000	37.300	74.600	130.550	186.500	261.100	373.001	447.601	540.851	671.401	746.001		
	Loss:	<b>43.855</b>	<b>52.326</b>	<b>60.796</b>	<b>73.502</b>	<b>86.208</b>	<b>103.150</b>	<b>128.562</b>	<b>143.566</b>	<b>162.321</b>	<b>188.579</b>	<b>203.583</b>		
Rochester & Loddon Valley (zone 1A & 1B)	Delivery:	0.000	39.717	79.434	139.009	198.584	278.018	397.169	476.603	575.895	714.904	794.338		
	Loss:	<b>48.952</b>	<b>55.516</b>	<b>62.081</b>	<b>71.927</b>	<b>81.774</b>	<b>94.902</b>	<b>114.595</b>	<b>126.372</b>	<b>141.093</b>	<b>161.702</b>	<b>173.479</b>		
<b>Loss Provision (GL)</b>		<b>112.659</b>	<b>131.754</b>	<b>150.850</b>	<b>179.493</b>	<b>208.136</b>	<b>246.327</b>	<b>303.613</b>	<b>335.604</b>	<b>375.592</b>	<b>431.576</b>	<b>463.567</b>		
<b>Total Diversion (delivery plus loss in GL)</b>		<b>112.659</b>	<b>226.362</b>	<b>340.066</b>	<b>510.621</b>	<b>681.176</b>	<b>908.583</b>	<b>1249.694</b>	<b>1470.901</b>	<b>1747.409</b>	<b>2134.521</b>	<b>2355.728</b>		

Note: loss provisions may be allocated at different delivery volumes than shown in Table 5 by linear interpolation. ?

(b) For Table 6 of Schedule 1 of the Bulk Entitlement substitute –  
**Table 6: Annual and Cumulative headroom allowances (GL)**

Irrigation Area	Fixed Loss	Annual Headroom	Cumulative Headroom
Shepparton (zone 1A)	19.852	3.970	19.813
Central Goulburn (zone 1A)	43.855	8.771	49.793
Rochester & Loddon Valley (zone 1A & 1B)	48.952	9.790	50.195
<b>Total Goulburn Component of GMID</b>	<b>112.659</b>	<b>22.532</b>	<b>119.800</b>

**10 Amendment of Schedule 8 – Making Seasonal Determinations**

For paragraph P. of Schedule 8 of the Bulk Entitlement **substitute** –

- ‘P. Minus the volume required to meet Schedules 1 and 2 high-reliability entitlements in the first year, including the remaining distribution losses required to deliver the maximum delivery volume to the end of the season and any gross modernisation savings reserved in accordance with Schedule 3. The Goulburn System early reserve must be set aside on a pro-rata basis for seasonal determinations beyond 30%, up to a maximum of 270 GL.’.

Dated 28 May 2013

PETER WALSH MLA  
Minister for Water

**Water Act 1989**

BULK ENTITLEMENT (RIVER MURRAY – GOULBURN–MURRAY WATER)  
AMENDMENT ORDER 2013

I, Peter Walsh, as Minister administering the **Water Act 1989** (the Act), make the following Order –

**1 Title**

This Order is called the Bulk Entitlement (River Murray – Goulburn–Murray Water) Amendment Order 2013.

**2 Purpose**

The purpose of this Amendment Order is to amend the Bulk Entitlement (River Murray – Goulburn–Murray Water) Conversion Order 1999 (the Bulk Entitlement) to adjust Goulburn–Murray Water’s loss allowances following the allocation of audited water savings from the Goulburn–Murray Water Connections Project and to incorporate the early reserve policy, an outcome of the Carryover Review 2012.

**3 Authorising provision**

This Order is made in accordance with section 44 of the **Water Act 1989**.

**4 Commencement**

This Order comes into effect when it is published in the Government Gazette or on 1 July 2013, whichever is later.

**5 Amendment of clause 6 – Bulk entitlement**

In sub-clause 6.3 of the Bulk Entitlement, delete the words ‘as shown in Schedule 1’.

**6 Amendment of clause 8 – The resources Victoria could divert in the current year**

For sub-clause 8.1(d) of the Bulk Entitlement **substitute** –

- ‘(d) check if the remaining volume of water is equal to or more than the total off-take commitment for a high-reliability determination of 100%, including an early reserve volume of 218 GL.’.

**7 Amendment of clause 12 – Making seasonal determinations**

In sub-clause 12(e) of the Bulk Entitlement, after paragraph (iii) **insert** –

- ‘(iv) the requirement to set aside an early reserve in accordance with the method detailed in clause 1 of Schedule 3;’.



**Table 2: Low-reliability Entitlements (GL)**

User group	Low Reliability Entitlements (GL)	Off-take commitments for low reliability seasonal determinations of									
		10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Goulburn-Murray Water	Murray Valley	At farm: 11,160 4,191 15,350	22,320 8,381 30,701	33,480 12,572 46,051	44,639 16,762 61,402	55,799 20,953 76,752	66,959 25,143 92,103	78,119 29,334 107,453	89,279 33,524 122,803	100,439 37,715 138,154	111,599 41,905 153,504
	Torrumbarry	At farm: 15,694 5,853 2,594	31,388 11,706 43,613	47,082 17,559 64,641	62,776 23,412 86,188	78,470 29,265 107,735	94,164 35,118 129,282	109,858 40,971 150,829	125,552 46,824 172,376	141,246 52,677 193,923	156,940 58,530 215,470
	Pental Is	Losses: 0,259 21,806	0,519 43,613	0,778 65,419	1,038 87,226	1,297 109,032	1,557 130,839	1,816 152,645	2,076 174,451	2,335 196,258	2,594 218,064
Water Holder - Living Murray	Murray diverters	1,358	2,716	4,075	5,433	6,791	8,149	9,507	10,866	12,224	13,582
	Mitta diverters	0,586	1,171	1,757	2,342	2,928	3,514	4,099	4,685	5,271	5,856
Total		1,944	3,888	5,831	7,775	9,719	11,663	13,607	15,551	17,494	19,438
		9,884	19,767	29,651	39,534	49,418	59,301	69,185	79,068	88,952	98,835
Off-take commitments for 100% high reliability entitlements		48,984	97,968	146,953	195,937	244,921	293,905	342,889	391,874	440,858	489,842
		1521,917	1521,917	1521,917	1521,917	1521,917	1521,917	1521,917	1521,917	1521,917	1521,917
<b>Total off-take commitments</b>		<b>1570,201</b>	<b>1619,885</b>	<b>1668,869</b>	<b>1717,854</b>	<b>1766,838</b>	<b>1815,822</b>	<b>1864,806</b>	<b>1913,790</b>	<b>1962,775</b>	<b>2011,759</b>

**Notes on Tables 1 and 2:**

- Seasonal determinations may be made in intervals of 1% by interpolation between the values shown or extrapolation below 10% (or above 100% for the losses), not just in the 10% intervals shown.
- Murray Valley and Torrumbarry have fixed losses of 75,339 GL and 70,446 GL (including 0.352 GL for Tesco) respectively, plus two variable loss components as follows:
  - for high-reliability rights, variable loss varies from zero at zero allocation, increasing linearly to 12,432 GL for Murray Valley and to 22,565 GL for Torrumbarry at an allocation of 100%;
  - for low-reliability rights, variable loss varies from zero at zero low allocation, increasing linearly to 41,905 GL for Murray Valley and to 58,530 GL for Torrumbarry at an allocation of 100% to low-reliability entitlements; and these losses may be allocated as required to deliver water carried over in these irrigation areas based on the equivalent maximum allocation in each area (calculated as the seasonal determination + carryover)
- Allocations against the 22.1 GL of high-reliability entitlement added to Table 1 in November 2009 for Snowy EWR commenced when the Lake Boga-Lake Kangaroo-Lake Charm component of the Victorian Mid-Murray Storages was first deemed by the Resource Manager to have been operated in accordance with clause 8A (which occurred on 1 April 2010).
- Broken Creek entitlements, including town supplies for Numurkah and Nathalia and relevant environmental entitlements, are not included in Tables 1 and 2, but receive Murray allocation regardless of whether they are supplied from the Murray or Goulburn Systems.
- The allocation to the Murray Valley and Torrumbarry losses shown may be increased up to the maximum accumulated unused loss volume available for each in order to allow for delivery of allocation carried over in these districts from the previous year.
- This table does not show changes in water share volumes as a result of trade since 2007, or entitlements to unregulated flows in the River Murray or River Murray Increased Flows.



**9 Amendment of Schedule 3 – Method for determining the Victorian Reserve**

For Schedule 3 of the Bulk Entitlement substitute –

**‘SCHEDULE 3: METHOD FOR DETERMINING THE VICTORIAN RESERVE**

(clause 8.4)

1. In making seasonal determinations for the Murray System, the resource manager must set aside an early reserve each year to improve the early season water allocation in the subsequent year in accordance with the following method:
  - (a) when the seasonal determination reaches 30% of high-reliability entitlements, half of the resource improvement will be used to further increase the water allocation in the current (first) year, while the other half must be set in reserve for the subsequent (second) year;
  - (b) when the volume in early reserve reaches 218 GL, all resource improvement will be used to further increase the water allocation in the current year up to 100% of high-reliability entitlements.
2. When Victoria has sufficient resources to meet 100% of the high-reliability entitlements in the current year, any additional resource improvement is set aside together with water reserved in accordance with clause 1 until the total volume of the reserve is sufficient to deliver a water allocation of 100% of high-reliability entitlements in the subsequent year.
3. The method for determining the reserve once seasonal determinations for high-reliability entitlements in the current year are 100% is set out in paragraph 5, and is calculated as the amount of resources Victoria could divert in the current year and still meet high-reliability entitlements in the following year, using the allocations to Victoria that the MDBA would make over a planning period to the end of May in the following year if the MDBA used estimates of inflows that have a 99% probability of being exceeded, both over the two-year period and in the second year by itself.
4. Once there is sufficient resource to ensure the current and following years' high-reliability entitlements are met, any additional resource will be allocated to meet low-reliability entitlements in the current year up to a maximum determination of 100% of these entitlements. When sufficient resources have been allocated to meet these entitlements any additional resource will be carried over for use in the following year.
5. **Method**

The resources Victoria could divert in the current year (item L plus item M) are derived from a water balance over two years, involving items A to Z, such that there is just enough water to meet high-reliability entitlements fully in the second year.

**FIRST YEAR ASSESSMENT – from current month to end of May**

- A. Victoria's share of current volume in store in Dartmouth, Hume, L Victoria and Menindee Lakes, less dead storage.
- B. plus Victoria's share of useful MDBA inflows to May this year, including transfers from the Snowy.

*These inflows are the 99% probability of exceedance inflows for the two years to May of the second year, minus the 99% probability of exceedance inflows for the second year, to May. For Menindee, just water in transit. Add the minimum Snowy transfers for the first year. Spills from storages which cannot be used are not counted.*
- C. plus the change in water in transit.

- D. minus Victoria's share of MDBA losses to May in the first year – evaporation from storages and transmission losses.
- E. minus Victoria's contribution to South Australian dilution flow in the first year.
- F. minus water spilt into NSW's share of storages, ceded, or traded.
- G. minus any water taken out for Lindsay or Barmah.
- H. plus the useful Victorian tributary inflow.  
*This is the portion of estimated drought inflows to the Murray from the Ovens R, Goulburn R Broken Ck, Loddon R, Campaspe R and Barr Ck that can be harvested to the end of May in the first year.*
- I. minus Victoria's share of South Australian non-dilution entitlement in the first year.
- J. plus Victoria's diversion since July.
- K. to get **Victorian resources in the first year.**  
*This is the allocation that MDBA would make to Victoria if it assumed the inflows under B, except that the minimum reserve has not been subtracted.*
- L. minus the water required to meet Murray entitlements in the first year other than those in Schedule 1, including:
  - Barmah/Millewa forest water and any saved Lindsay water
  - additional distribution loss in particular years, c.13
  - supplement to the Broken Creek part of Murray Valley, c.8.1(c)(ii)
- M. minus **the resources Victoria could divert to meet all Schedule 1 entitlements in the first year and the volume in the early reserve.**  
*This is determined by trial and error so that second year carryover (item Z) is not negative.*  
*The minimum volume equates to 100% of high-reliability entitlements and the maximum equates to 100% of high-reliability plus 100% of low-reliability entitlements. It may be limited by availability of water in Lakes Hume and Dartmouth as opposed to Menindee Lakes and Lake Victoria, or by maximum possible usage for the rest of the year.*
- N. to get **the Victorian reserve at the end of the first year.**  
*It is also the starting resource for the second year.*

**SECOND YEAR ASSESSMENT – from June in second year to end of May**

- O. plus Victoria's share of MDBA inflows for next year, including transfers from the Snowy.  
*These inflows are the 99% probability of exceedance inflows for the 12 months from June to May in the second year. For Menindee, zero. Add the minimum Snowy transfers in the second year.*
- P. plus the change in water in transit.
- Q. minus Victoria's share of MDBA losses for the second year – evaporation from storages and transmission losses.
- R. minus Victoria's contribution to South Australian dilution flow in the second year.

- S. minus water spilt into NSW's share of storages, ceded, or traded.
- T. minus any water taken out for Lindsay or Barmah.
- U. plus the useful Victorian tributary inflow.  
*This is the portion of estimated drought inflows to the Murray from the Ovens R, Goulburn R Broken Ck, Loddon R, Campaspe R and Barr Ck that can be harvested in the second year.*
- V. minus Victoria's share of South Australian non-dilution entitlement, second year.
- W. to get **Victorian resources in the second year**.  
*This is the allocation that MDBA would make to Victoria if it assumed the inflows under O, except that the minimum reserve has not been subtracted.*
- X. minus the water required to meet Murray entitlements in the second year other than those in Schedule 1, including Barmah/Millewa forest water and any saved Lindsay water.
- Y. minus **the water required to meet high-reliability entitlements (those in Table 1 of Schedule 1) in the second year**.
- Z. to get **the Victorian carryover at the end of May in the second year**.  
*There should be no carryover until all Schedule 1 entitlements in the first year are fully met (item M). If the carryover is negative, then the value in item M should be reduced – or if it is at its minimum value, the two year assessment is not applicable and a one year assessment in accordance with sub-clause 8.2 should be used.'*

**10 Amendment of Schedule 5 – G-MW River Murray Primary Entitlements**(1) For Table (a) of clause 1 of Schedule 5 of the Bulk Entitlement **substitute** –*(a) High-reliability entitlements*

Description of Entitlement	Nominal Volume (ML)	Comment
<b>MURRAY VALLEY</b>		
<b>G-MW retail customers</b>		
Water shares	245,860.5	
Supplies by Agreement	39.3	
Other	0.0	
<b>Total</b>	<b>245,899.8</b>	
Fixed loss M Valley	75,339.1	reduced for NVIRP2 w ater shares at 1 July 2013
Var loss M Valley @ 100%	12,431.9	reduced for IMSVID, & Reconfig savings & NVIRP2 w ater shares at 1 July 2013
<b>Total Loss</b>	<b>87,771.0</b>	
<b>Total G-MW MV</b>	<b>333,670.8</b>	Schedule 1 entitlement
<b>Other BEs</b>		
Katamatite	84.0	Supplies to Goulburn Valley Water's River Murray Entitlements
Picola	44.0	
<b>Total</b>	<b>128.0</b>	
<b>Entitlements supplied in Broken Creek System</b>		
<b>G-MW retail customers</b>		
Water shares Broken Ck	26,619.3	
Broken Ck Supplies by Agreement	4.3	
Operational loss		Up to 20 GL in Broken Ck w hich runs back to River Murray at Rice's Weir
Loss in getting water via Murray Valley	11,076.2	Estimate at 100% allocation
<b>Total</b>	<b>37,699.8</b>	
<b>Other BEs (supplied via Broken Ck system)</b>		
Numurkah (Broken Ck)	1,206.0	Supplies to Goulb Vall Water; Goulb Vall Water's R Murray Entitlements
Nathalia (Broken Ck)	652.0	
<b>Total</b>	<b>1,858.0</b>	
<b>Total, Broken Ck</b>	<b>39,557.8</b>	These are Murray entitlements w ith most of water supplied from the Goulburn system and only top-up from the Murray therefore are not included in Schedule 1
<b>Total Murray Valley (excluding Broken Ck)</b>	<b>246,027.8</b>	
<b>Total Murray Valley (including Broken Ck)</b>	<b>283,727.6</b>	
<b>TORRUMBARRY (including Woorinen and Tresco)</b>		
<b>G-MW retail customers</b>		
Water Shares Kerang/Cohuna and Swan Hill	333,551.4	
Water shares Woorinen	12,519.0	
Water shares Tresco	8,119.3	
Supplies by Agreement	2,160.1	
Other	0.0	
<b>Total</b>	<b>356,349.8</b>	
Fixed loss excl Tresco	70,094.4	reduced for MMS operating losses in Nov 2009 & NVIRP2 w ater shares at 1 July 2013
Fixed loss Tresco	352.0	
Variable loss at 100% alloc	22,564.8	reduced for IMSVID, Woorinen & Reconfig savings & NVIRP2 w ater shares at 1 July 2013
<b>Total Losses</b>	<b>93,011.2</b>	
Water Shares Pental Island	5,426.0	
Other	2.0	Commercial and industrial
<b>Total Pental Island</b>	<b>5,428.0</b>	
<b>Total G-MW Torrumbarry</b>	<b>454,789.0</b>	Schedule 1 entitlement
<b>Other BEs (supplied via Torrumbarry system)</b>		
Cohuna	677.0	
Gunbower	131.0	Supplies to Coliban Water's River Murray Entitlements
Leitchville	422.0	
Kerang	2,100.0	Supplies to LMW; LMW's R Murray Entitlements
Murrabit	60.0	
Flora and Fauna	27,600.0	
<b>Total</b>	<b>30,990.0</b>	
<b>Total Torrumbarry - excluding loss</b>	<b>387,339.8</b>	

NYAH IRRIGATION DISTRICT		
<b>G-MW retail customers</b>		
Water Shares	8,942.2	
Fixed loss	500.0	
Other	1,695.0	
<b>Total Nyah</b>	<b>11,137.2</b>	Schedule 1 entitlement
PRIVATE DIVERSIONS - MITTA		
<b>G-MW retail customers</b>		
Water shares Mitta diverters	12,327.5	
Other	24.0	
<b>Total private diversions</b>	<b>12,351.5</b>	Includes Recreation, Community, Commercial & Industrial
PRIVATE DIVERSIONS (OTHER)		
<b>G-MW retail customers</b>		
Water shares Murray diverters	61,995.9	
Other	2,082.7	
<b>Total private diversions</b>	<b>64,078.6</b>	Includes Recreation, Community, Commercial & Industrial

(2) For Table (b) of clause 1 of Schedule 5 of the Bulk Entitlement **substitute** –

(b) *Low-reliability entitlements*

Description of Entitlement	Nominal Volume (ML)	Comment
<b>MURRAY VALLEY</b>		
<b>G-MW retail customers</b>		
Water shares	111,598.7	
Var loss M Valley @ 100%	41,905.5	= (Water shares+Supp by agreement)*28/72 & reduced for NV/FP2 water shares at 1 July 2013
Other	0.0	
<b>Total Murray Valley (excluding Broken Creek)</b>	<b>153,504.2</b>	Schedule 1 entitlement
<b>Entitlements supplied in Broken Creek System</b>		
<b>G-MW retail customers</b>		
Water shares Broken Ck	12,058.2	
Loss allowance Broken Ck	4,689.3	
<b>Total</b>	<b>16,747.5</b>	= (Water shares+Supp by agreement)*28/72
<b>Other BEs</b>		
Murray EWR based on Broken Creek (20% sales deal)	3,014.6	Goulburn allocation applies
<b>Total Broken Creek</b>	<b>19,762.1</b>	These are Murray entitlements with most of water supplied from the Goulburn system and only top-up from the Murray therefore are not included in Schedule 1
<b>Total Murray Valley (including Broken Creek)</b>	<b>170,251.7</b>	
<b>TORRUMBARRY (including Woorinen and Tresco)</b>		
<b>G-MW retail customers</b>		
Water Shares Kerang/Cohuna and Swan Hill	151,272.1	
Water shares Woorinen	5,667.6	
Water shares Tresco	0.0	
Other	0.0	
<b>Total Water Share</b>	<b>156,939.7</b>	
Variable loss @ 100%	58,530.1	= (Water shares+Supp by Agr)*28/72 & reduced for NV/FP2 water shares to 1 July 2013
<b>Total district commitment</b>	<b>215,469.8</b>	
Water Shares Pental Island	2,594.4	
Other	0.0	
<b>Total Pental Island</b>	<b>2,594.4</b>	
<b>Total Torrumbarry</b>	<b>218,064.2</b>	Schedule 1 entitlement
<b>NYAH IRRIGATION DISTRICT</b>		
<b>G-MW retail customers</b>		
Water Shares	0.0	
Other	0.0	
<b>Total Nyah</b>	<b>0.0</b>	
<b>PRIVATE DIVERSIONS - MITTA</b>		
<b>G-MW retail customers</b>		
Water shares	5,856.2	
Other	0.0	
<b>Total private diversions</b>	<b>5,856.2</b>	
<b>PRIVATE DIVERSIONS (OTHER)</b>		
<b>G-MW retail customers</b>		
Water shares	13,582.0	Excludes Mitta and Pental Island
Other	0.0	
<b>Total private diversions</b>	<b>13,582.0</b>	

Dated 28 May 2013

PETER WALSH MLA  
Minister for Water

**Planning and Environment Act 1987**

ARARAT PLANNING SCHEME

Notice of Approval of Amendment

Amendment C17

The Minister for Planning has approved Amendment C17 to the Ararat Planning Scheme.

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

The Amendment rezones land which forms part of a declared arterial road under the **Road Management Act 2004** to the Road Zone, Category 1 and rezones land where the Road Zone, Category 1 incorrectly applies to its underlying 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 Ararat Rural City Council, corner Vincent and High Streets, Ararat.

CON TSOTSOROS

Acting Director

Planning and Building Systems

Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**

BOROONDARA PLANNING SCHEME

Notice of Approval of Amendment

Amendment C179

The Minister for Planning has approved Amendment C179 to the Boroondara Planning Scheme.

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

The Amendment inserts an incorporated document into the Boroondara Planning Scheme to allow the construction of a bridge over the Yarra River at 27 Willow Grove, Kew East, without the need for a permit.

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, 8 Inglesby Road, Camberwell.

CON TSOTSOROS

Acting Director

Planning and Building Systems

Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**

CASEY PLANNING SCHEME

Notice of Approval of Amendment

Amendment C155

The Minister for Planning has approved Amendment C155 to the Casey Planning Scheme.

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

The Amendment deletes the Cranbourne Development Contributions Plan and Hampton Park Development Contributions Plan from the Casey Planning Scheme and associated references to both incorporated documents in the Schedule to Clause 81.01.

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 Casey City Council, Customer Service Centre, Municipal Offices, Magid Drive, Narre Warren.

CON TSOTSOROS

Acting Director

Planning and Building Systems

Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**

CASEY PLANNING SCHEME

Notice of Approval of Amendment

Amendment C175

The Minister for Planning has approved Amendment C175 to the Casey Planning Scheme.

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

The effect of the Amendment is to extend the expiry date of the significant trees control under the Environmental Significance Overlay and Heritage Overlay for a period of 12 months. The controls will now expire on 17 May 2014. It further deletes an erroneous asterisk against the HO190, now affording the land permanent heritage protection. It also deletes a site-specific control in Clause 52.03 which applies to land in the Pound/Shrives Road, Hampton Park area, and removes reference to the associated incorporated document under the Schedule to Clause 81.01.

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 Casey City Council, Magid Drive, Narre Warren.

CON TSOTSOROS

Acting Director

Planning and Building Systems

Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**

DAREBIN PLANNING SCHEME

Notice of Approval of Amendment

Amendment C124

The Minister for Planning has approved Amendment C124 to the Darebin Planning Scheme.

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

The Amendment rezones land which forms part of a declared arterial road under the **Road Management Act 2004** to the Road Zone – Category 1; deletes redundant overlay controls from land which forms part of a declared road under the **Road Management Act 2004**.

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.

CON TSOTSOROS

Acting Director

Planning and Building Systems

Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**

FRANKSTON PLANNING SCHEME

Notice of Approval of Amendment

Amendment C79

The Minister for Planning has approved Amendment C79 to the Frankston Planning Scheme.

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

The Amendment rezones land which forms part of a declared arterial road under the **Road Management Act 2004** to the Road Zone – Category 1 and deletes redundant overlay controls from land which forms part of a declared road.

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 Davey and Young Streets, Frankston.

CON TSOTSOROS

Acting Director

Planning and Building Systems

Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**  
**GANNAWARRA PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C29

The Minister for Planning has approved Amendment C29 to the Gannawarra Planning Scheme. The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment rezones land which forms part of a declared arterial road under the **Road Management Act 2004** to the Road Zone, Category 1.

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 Gannawarra Shire Council at Patchell Plaza, 47 Victoria Street, Kerang, and Cohuna Office, 23–25 King Edward Street, Cohuna.

CON TSOTSOROS  
Acting Director  
Planning and Building Systems  
Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**  
**GREATER BENDIGO PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C145

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

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

The Amendment rezones approximately 14.5 hectares of land at 39 and 59 Patas Road and 95 and part of 101 Golf Links Road, Maiden Gully, from Farming Zone to Special Use Zone, Schedule 1 (Private Educational or Religious Institutions) and applies the Bushfire Management Overlay to part of the land.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](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 and Development Unit, Hopetoun Mill, 15 Hopetoun Street, Bendigo.

CON TSOTSOROS  
Acting Director  
Planning and Building Systems  
Department of Transport, Planning and Local Infrastructure

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

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

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

The Amendment rezones land which forms part of a declared arterial road under the **Road Management Act 2004** to the Road Zone – Category 1, removes redundant overlays, and rezones land where the Road Zone, Category 1 incorrectly applies to its underlying 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 Greater Dandenong City Council, 39 Clow Street, Dandenong.

CON TSOTSOROS  
Acting Director  
Planning and Building Systems  
Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**  
MANNINGHAM PLANNING SCHEME  
Notice of Approval of Amendment  
Amendment C97

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

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

The Amendment rezones land which forms part of a declared arterial road under the **Road Management Act 2004** to the Road Zone, Category 1.

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 Manningham City Council, 699 Doncaster Road, Doncaster.

CON TSOTSOROS  
Acting Director  
Planning and Building Systems  
Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**

## NILLUMBIK PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C77

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

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

The Amendment applies an updated suite of controls and polices to the Eltham Gateway area including: rezoning some areas from a Mixed Use Zone to either a Residential 1 Zone, Public Use Zone 1 or a Low Density Residential Zone; amending Clause 22.07 Signage Policy, Clause 22.10 Eltham Gateway Policy, Clause 22.12 Neighbourhood Character Policy and Design and Development Overlay Schedule 1; and applying Significant Landscape Overlay Schedule 7 to the Eltham Gateway area.

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 Nillumbik Shire Council, Civic Drive, Greensborough.

CON TSOTSOROS

Acting Director

Planning and Building Systems

Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**

## STRATHBOGIE PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C62

The Minister for Planning has approved Amendment C62 to the Strathbogie Planning Scheme.

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

The Amendment rezones land which forms part of a declared arterial road under the **Road Management Act 2004** to the Road Zone – Category 1 and deletes redundant overlay controls from land which forms part of a declared road under the **Road Management Act 2004**.

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 Strathbogie Shire Council, Euroa Head Office, 109a Binney Street, Euroa.

CON TSOTSOROS

Acting Director

Planning and Building Systems

Department of Transport, Planning and Local Infrastructure

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## ORDERS IN COUNCIL

### Livestock Disease Control Act 1994

#### ORDER DECLARING DISEASES AND EXOTIC DISEASES

##### Order in Council

The Governor in Council under section 6 of the **Livestock Disease Control Act 1994** –

- (a) revokes the Order made by the Governor in Council listed in Schedule 1; and
- (b) declares the contagious or infectious diseases and conditions listed in Schedule 2 to be diseases for the purposes of the Act; and
- (c) declares the contagious or infectious diseases and conditions listed in Schedule 3 to be exotic diseases for the purposes of the Act.

This Order comes into operation and has effect for 12 months from the day it is published in the Government Gazette.

#### SCHEDULE 1

##### Revocation

Order	Date Order made by Governor in Council	Publication of Order in Government Gazette
Order declaring diseases and exotic diseases	5 June 2012	Published in Government Gazette No. G23 on 7 June 2012 at pages 1182–1185.

#### SCHEDULE 2

##### \*Diseases

\*See section 3 of Act for definition of 'disease'

##### Part A Diseases of Mammals and Birds

Anaplasmosis	Lead Poisoning (in food producing livestock)
Anthrax	Leptospirosis
Avian paramyxovirus Type 1	Listeriosis
Babesiosis	Mucosal disease
Bovine genital campylobacteriosis	Ovine brucellosis
Bovine malignant catarrh	Ovine footrot
Bovine malignant tumour of the eye larger than 2 cm	Ovine ked
Buffalo fly	Ovine lice
Caprine arthritis encephalitis	Paratuberculosis (Johne's disease)
Cattle tick	Psittacosis
Cysticercosis ( <i>C. bovis</i> )	Pullorum disease ( <i>Salmonella pullorum</i> )
Enzootic bovine leukosis	Salmonellosis
Equine herpes-virus 1 (abortigenic and neurological strains)	Strangles
Equine infectious anaemia	Swine brucellosis ( <i>B. suis</i> )
Equine viral arteritis	Trichomoniasis
Infectious bovine rhinotracheitis	Tuberculosis (other than <i>Mycobacterium bovis</i> )
Infectious laryngotracheitis	Verocytotoxigenic <i>E. coli</i>

**Part B Diseases of Bees**

American foul brood ( <i>Paenibacillus</i> larvae)	European foul brood ( <i>Melisococcus plutonius</i> )
Braula fly ( <i>Braula coeca</i> )	Nosema ( <i>Nosema apis</i> and <i>Nosema ceranae</i> )
Chalk brood disease	Small hive beetle ( <i>Aethina tumida</i> )

**Part C Diseases of Fish****Diseases of Fin Fish**

*Aeromonas salmonicida* (atypical strains)  
 Epizootic haematopoietic necrosis (EHN virus)  
 Epizootic ulcerative syndrome (*Aphanomyces invadans*)

**Diseases of Amphibians**

Chytridiomycosis (*Batrachochytrium dendrobatidis*)  
 Ranavirus

**Diseases of Molluscs**

Bonamiosis (*Bonamia* species)

**SCHEDULE 3****\*Exotic Diseases**

\* See section 3 of Act for definition of 'exotic disease'

**Part A Exotic Diseases of Mammals and Birds**

African horse sickness	Epizootic lymphangitis
African swine fever	Equine encephalomyelitis (eastern, western, Venezuelan)
Aujeszky's disease	Equine encephalosis
Australian lyssaviruses including bat lyssavirus	Equine influenza
Avian influenza (highly pathogenic)	Equine piroplasmiasis ( <i>Babesia caballi</i> and <i>Theileria equi</i> )
Avian influenza (low pathogenic virus subtypes)	<i>Fasciola gigantica</i>
Bluetongue	Foot and mouth disease
Borna disease	Fowl typhoid ( <i>S. gallinarum</i> )
Bovine Viral Diarrhoea Virus Type 2	Getah virus
<i>Brucella canis</i>	Goat pox
Brucellosis – bovine ( <i>B. abortus</i> )	Glanders
Brucellosis – caprine and ovine ( <i>B. melitensis</i> )	Haemorrhagic septicaemia
Camel pox	Heartwater
Chagas disease ( <i>T. cruzi</i> )	Hendra virus
Classical swine fever	Infectious bursal disease (hypervirulent and exotic antigenic variant forms)
Contagious agalactia	Japanese encephalitis
Contagious bovine pleuropneumonia	Jembrana disease
Contagious caprine pleuropneumonia	Leishmaniasis
Contagious equine metritis	Louping ill
Crimean Congo haemorrhagic fever	Lumpy skin disease
Cysticercosis ( <i>C. cellulosae</i> )	Maedi-visna
Devil facial tumour disease	Malignant catarrhal fever (wildebeest associated)
Dourine	Menangle virus (porcine paramyxovirus)
Duck virus enteritis (duck plague)	Nairobi sheep disease
Duck virus hepatitis	Newcastle disease ( <i>virulent</i> )
East coast fever ( <i>Theileria parva</i> ) and Mediterranean Theileriosis ( <i>Theileria annulata</i> )	Nipah virus
Elaphostrongylosis	Peste des petits ruminants
Encephalitides (tick-borne)	Porcine myocarditis (Bungowannah virus)
Enzootic abortion of ewes	
Epizootic haemorrhagic disease (clinical disease)	

Porcine reproductive and respiratory syndrome	Swine vesicular disease
Post-weaning multi-systemic wasting syndrome	Teschen disease (Porcine enterovirus encephalomyelitis)
Potomac fever	Transmissible gastroenteritis
Pulmonary adenomatosis (Jaagsiekte)	Transmissible spongiform encephalopathies (bovine spongiform encephalopathy, chronic wasting disease of deer, feline spongiform encephalopathy, scrapie)
Rabies	Trichinellosis
Rift Valley fever	Trypanosomosis (tsetse fly associated)
Rinderpest	Tuberculosis ( <i>Mycobacterium bovis</i> )
<i>Salmonella enteritidis</i> infection in poultry	Tularaemia
Salmonellosis ( <i>S. abortus-equi</i> )	Turkey rhinotracheitis (avian metapneumovirus)
Salmonellosis ( <i>S. abortus-ovis</i> )	Vesicular exanthema
Screw worm fly ( <i>Cochliomyia hominivorax</i> )	Vesicular stomatitis
Screw worm fly ( <i>Chrysomya bezziana</i> )	Warble fly myiasis
Sheep pox	Wesselsbron disease
Sheep scab	West Nile virus clinical infection
Spongiform encephalopathies	
Surra ( <i>Trypanosoma evansi</i> )	
Swine influenza	

#### Part B Exotic Diseases of Bees

Africanised bees	Tropilaelaps mite ( <i>Tropilaelaps clareae</i> )
Tracheal mite ( <i>Acarapis woodi</i> )	Varroosis ( <i>Varroa mite</i> )
	Varroosis ( <i>Varroa jacobsoni</i> )

#### Part C Exotic Disease of Fish

##### Exotic Diseases of Fin Fish

Bacterial kidney disease ( <i>Renibacterium salmoninarum</i> )
Channel catfish virus disease
Enteric Redmouth disease ( <i>Yersinia ruckeri</i> – Hagerman strain)
Enteric septicaemia of catfish ( <i>Edwardsiella ictaluri</i> )
Epizootic haematopoietic necrosis – European catfish virus/European sheatfish virus
Furunculosis ( <i>Aeromonas salmonicida</i> subsp. <i>salmonicida</i> )
Grouper iridoviral disease
Gyrodactylosis ( <i>Gyrodactylus salaris</i> )
Infectious haematopoietic necrosis
Infectious pancreatic necrosis
Infectious salmon anaemia
Infectious spleen and kidney necrosis virus-like (ISKNV-like) viruses
Koi herpesvirus disease
Piscirickettsiosis ( <i>Piscirickettsia salmonis</i> )
Red sea bream iridoviral disease
Spring viraemia of carp
Viral encephalopathy and retinopathy
Viral haemorrhagic septicaemia
Whirling disease ( <i>Myxobolus cerebralis</i> )

**Exotic Diseases of Molluscs**

Abalone viral mortality

Abalone viral ganglioneuritis

Akoya Oyster disease

Bonamiosis (*Bonamia ostreae*, *Bonamia exitiosus*)

Iridoviroses

*Marteilioides chungmuensis*

Marteiliosis (*Marteilia refringens*, *Marteilia sydneyi*)

Mikrocytosis (*Mikrocytos mackini*)

Ostreid herpesvirus-1  $\mu$  variant (OsHV-1  $\mu$ var)

Perkinsosis (*Perkinsus marinus*, *Perkinsus olseni*)

Withering syndrome of abalones (*Xenohalotis californiensis*)

**Exotic Diseases of Crustacea**

Crayfish plague (*Aphanomyces astaci*)

Gill-associated virus

Infectious hepatopancreatitis

Infectious hypodermal and haematopoietic necrosis

Infectious myonecrosis

Milky haemolymph diseases of spiny lobsters (*Panulirus* spp.)

*Monodon* slow growth syndrome

Taura syndrome

White spot disease

White tail disease

Yellowhead disease – Yellowhead virus

Dated 4 June 2013

PETER WALSH

Minister for Agriculture and Food Security

MATTHEW McBEATH  
Acting Clerk of the Executive Council

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**LATE NOTICES**

**Planning and Environment Act 1987**  
**SOUTHERN GRAMPIANS PLANNING SCHEME**  
Notice of Preparation of Amendment  
Amendment C29  
Authorisation A02540

The Southern Grampians Shire Council has prepared Amendment C29 to the Southern Grampians Planning Scheme.

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

The Amendment affects land within the Township of Dunkeld and land immediately to the north and west of the Township abutting the Wannon River, and land along the Salt Creek corridor to the east of the Township.

The Amendment proposes to implement the recommendations of the Dunkeld Structure Plan and associated Urban Design Guidelines (Hansen, 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, Southern Grampians Shire Council, 1 Market Place, Hamilton, Victoria 3300; the Dunkeld Visitor Information Centre, 85–87 Wills Street, Dunkeld, Victoria 3294; 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 8 July 2013. A submission must be sent to Michael McCarthy, Director Shire Futures, Southern Grampians Shire Council at 1 Market Place, Hamilton, Victoria 3300.

RICHARD PERRY  
Chief Executive Officer  
Southern Grampians Shire Council

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

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- Code A*
56. *Statutory Rule:* Building and  
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- Authorising Act:* Building and  
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