



Victoria Government Gazette

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GENERAL

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As from 5 September 2013

The last Special Gazette was No. 315 dated 4 September 2013.

The last Periodical Gazette was No. 1 dated 13 June 2013.

How To Submit Copy

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

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

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

PRIVATE ADVERTISEMENTS

DIMITRIOS KOSTIDIS, late of 367 Edgars Road, Lalor, 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 9 May 2013, are required by the executor, Anastasios Kostidis, care of Arthur J. Dines & Co., solicitors, 2 Enterprise Drive, Bundoora, in the said State, to send particulars to him by 5 November 2013, after which date the executor may convey or distribute the assets, having regard only to claims to which he has notice.

Dated 24 August 2013

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

Re: AMANDA CORINNA LOVELL, deceased, late of 9 Page Street, Mitcham, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 18 May 2013, are required by the trustee, Leanne Judith Blundell of care of Beck Legal, 165–171 Hargreaves Street, Bendigo, Victoria, to send particulars to the trustee by 28 November 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

Re: JUDY ANNE WAALWYK-KUBEIL (also known as Judith Anne Waalwyk-Kubeil), late of 2 Juliet Crescent, Healesville, Victoria, 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 trustee, Gregory Allen Black, to send particulars to him, care of the undersigned, by 5 November 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

Estate JOAN MARGARET MCKENZIE, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 February 2013, are required by the trustees, Geoffrey Leigh McKenzie, Neil David McKenzie and Graeme William McKenzie, to send particulars to them, care of the undersigned, by 6 November 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.

Re: ALISON RAE WILSON, late of 3/440 Dandenong Road, Caulfield, Victoria, bar manager, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of ALISON RAE WILSON, deceased, who died on 24 August 2012, are required by the trustee to send particulars of their claim to the undermentioned firm by 15 November 2013, after which date the trustee will convey or distribute assets, having regard only to the claims of which then he has notice.

KINGSTON LAWYERS PTY LTD,
barristers and solicitors,
8 Station Road, Cheltenham, Victoria 3192.

Re: VINCENT DE LISLE CLANCY, late of Margery Cole Residential Care Service, Matthews Crescent, Traralgon, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 22 October 2012, are required by the trustees, Stella Lorraine Morris and Kenneth Charles Clancy, care of 40–42 Scott Street, Dandenong, Victoria 3175, to send particulars to the trustees by 4 November 2013, after which date the trustees 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.

Re: AUDREY CORALIE NEWGREEN, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 April 2013, are required by the trustees, Shawn Robert Hennig and Philip Douglas Newgreen, to send particulars to their solicitors at the address below by 5 November 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

FRANK ENSABELLA (also known as Francesco Ensabella), deceased, late of 5 Wild Street, Reservoir, Victoria, chartered accountant.

Creditors, next-of-kin and all others having claims in respect of the deceased, who died on 18 November 2011, are required by the executor, Giuseppe Ensabella, to send particulars of such claims to the said executor by 6 November 2013, after which date the executor will distribute the assets, having regard only to the claims of which he has notice.

NOVATSIS & ALEXANDER, lawyers,
980 High Street, Reservoir 3073.

VARLEY, JOHN CHARLES, late of 4 Collins Street, Red Hill, Victoria, shoe retailer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died 23 November 2011, are required by the trustee, Ian Murray Armstrong, to send particulars to him, care of the undermentioned solicitors, by 7 November 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

PARKE LAWYERS PTY LTD,
Level 1, 35 Seymour Street, Ringwood 3134.

FRANCES DAVIS, late of 28 Ingrid Street, Dandenong, deceased.

Creditors, next-of-kin and others having claims in respect of the Will of the abovenamed deceased, who died on 26 October 2012, are required by the executors, Wayne Davis and

Graeme Leigh Davis, care of 329 Thomas Street, Dandenong, to send particulars of their claims to them, by 7 November 2013, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice. Probate was granted in Victoria on 14 August 2013.

Dated 29 August 2013

PETER A. LUNN & CO., lawyers,
329 Thomas Street, Dandenong, Victoria 3175.

SHIRLEY MARGARET CLARKE, late of Lilley Lodge Nursing Home, 9 Brown Street, Bendigo, Victoria 3550, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 8 June 2013, are required by the trustee, Richard Allan Wigmore, care of the undermentioned solicitor, to send particulars of their claims to him by 16 February 2014, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

RADFORD LEGAL,
78 Napier Street, St Arnaud, Victoria 3478.

MARIA SINGER, late of Waverley Valley Aged Care, 29–33 Chesterville Road, Glen Waverley, Victoria, retired bookkeeper, 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 executors, Tom Richard Michael Singer of 12 Emden Crescent, Mulgrave, Victoria, engineer, and Ruth Margaret Singer of 37 Regent Street, Elsternwick, Victoria, retired, to send particulars to them (care of the undersigned) by 5 November 2013, after which date they may convey or distribute the assets, having regard only to the claims of which they then have notice.

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

Re: SHEILA MARY BOX, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 August 2011, are required by the

trustees, Sandhurst Trustees Limited, ACN 004 030 737, of 18 View Street, Bendigo, Victoria, to send particulars to the trustees by 5 November 2013, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

SANDHURST TRUSTEES LIMITED,
18 View Street, Bendigo 3550.

JOHN ROBERT KNEALE, late of 11 Normanby Terrace, Mornington, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 April 2013, are required by the executors, John Scott of 11 Normanby Terrace, Mount Martha, Victoria, and Sunny Marie Scott of 11 Normanby Terrace, Mount Martha, Victoria, to send particulars to them, care of Stidston Warren Lawyers, by 10 November 2013, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

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

NOEL LEONARD HARRIS, late of 15A Devon Drive, Doncaster East, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 5 August 2013, are required to send particulars of their claims to the executor, Philip John Tiernan, care of the undermentioned solicitors, within 60 days from the date of publication of this notice, after which date the said executors will distribute the assets, having regard only to the claims of which they then have notice.

T. J. MULVANY & CO., lawyers,
Suite 5.01, Level 5, 45 William Street,
Melbourne, Victoria 3000.

CATHERINE MULLER, late of 31 Creswick Drive, Point Cook, teacher, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 2 May 2013, are required by Elizabeth Kay Meyer and Marina Butterworth,

the executors of the Will of the deceased, to send particulars of their claims to them, care of the undermentioned solicitors, by 4 November 2013, after which date they will convey or distribute the assets, having regard only to the claims of which they then have notice.

TRAPSKI FAMILY LAW, solicitors,
C5, Level 1, 2 Main Street, Point Cook,
Victoria 3030.

JOAN MEYERS, deceased.

Creditors, next-of-kin and others having claims against the estate of JOAN MEYERS, late of 629 Riversdale Road, Camberwell, Victoria, retired, deceased, who died on 2 May 2013, are required to send particulars of their claims to the executors, care of the undermentioned solicitor, by 8 November 2013, after which date the executors will proceed to distribute the assets, having regard only to the claims of which they shall then have had notice.

VERNA A. COOK, solicitor,
5/8 St Andrews Street, Brighton 3186.

Re: WILLIAM WRENFRED AVERY, late of 23 Forest Drive, Frankston North, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 29 June 2013, are required by the trustees, Allen Albert Avery and Ivy Doreen Parker, to send particulars to the trustees, care of the undermentioned solicitors, by a date not later than two months from the date of publication of this notice, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

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

ADVERTISEMENT OF AUCTION BY THE SHERIFF

On Thursday 10 October 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 Betty Wai Yoong Chan of Unit 4, 11 Eldridge Street, Footscray, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 09219 Folio 373 upon which is erected a residential unit known as Unit 4, 11 Eldridge Street, Footscray, and Certificate of Title Volume 09219 Folio 383 which is an accessory unit (car park) known as Unit 14, 11 Eldridge Street, Footscray, will be auctioned by the Sheriff.

Owners Corporation Plan RP010116 affects the said estate and interest. The Sheriff is unable to provide access to this property.

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 realestate@justice.vic.gov.au for an information sheet on Sheriff's auctions, a contract of sale and any other enquiries.

SHERIFF

ADVERTISEMENT OF AUCTION BY
THE SHERIFF

On Thursday 10 October 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 Jose Pereja Juanillo of Unit 4, 12 Cranbourne Avenue, Sunshine North, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 09742 Folio 777 upon which is erected a residential unit known as Unit 4, 12 Cranbourne Avenue Sunshine North, and Certificate of Title Volume 09742 Folio 793 which is an accessory unit (car park) known as Unit 20, 12 Cranbourne Avenue, Sunshine North, will be auctioned by the Sheriff.

Registered Mortgage (Dealing Number AG206950A), Registered Caveat (Dealing Number AG601857L), Owners Corporation Plan SP026168M, Covenant as to part 1491431 and Covenant as to part A054140, affect the said estate and interest. The Sheriff is unable to provide access to this property.

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

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

SHERIFF

ADVERTISEMENT OF AUCTION BY
THE SHERIFF

On Thursday 10 October 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 Jeremy Alvin Man of Apartment 114, 367-369 Burwood Road, Hawthorn, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 11251 Folio 696 upon which is erected a residential unit known as Unit 507, 1 Glenferrie Place, Hawthorn, will be auctioned by the Sheriff.

Agreement Section 173, **Planning and Environment Act 1987** (Dealing Number AH570956S), Owners Corporation 1 Plan PS618396B, affect the said estate and interest. The Sheriff is unable to provide access to this property.

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

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

SHERIFF

ADVERTISEMENT OF AUCTION BY
THE SHERIFF

On Thursday 10 October 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 Evan J. Sofos of 2 Kiah Mews, Eltham, as shown on Certificate of Title as Evan Jesse Sofos, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 08481

Folio 853 upon which is erected a house known as 53 Norfolk Crescent, Bundoora, will be auctioned by the Sheriff.

Registered Mortgage (Dealing Number AG653785R), and Covenant (Dealing No. C218099) affect the said estate and interest. The Sheriff is unable to provide access to this property.

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

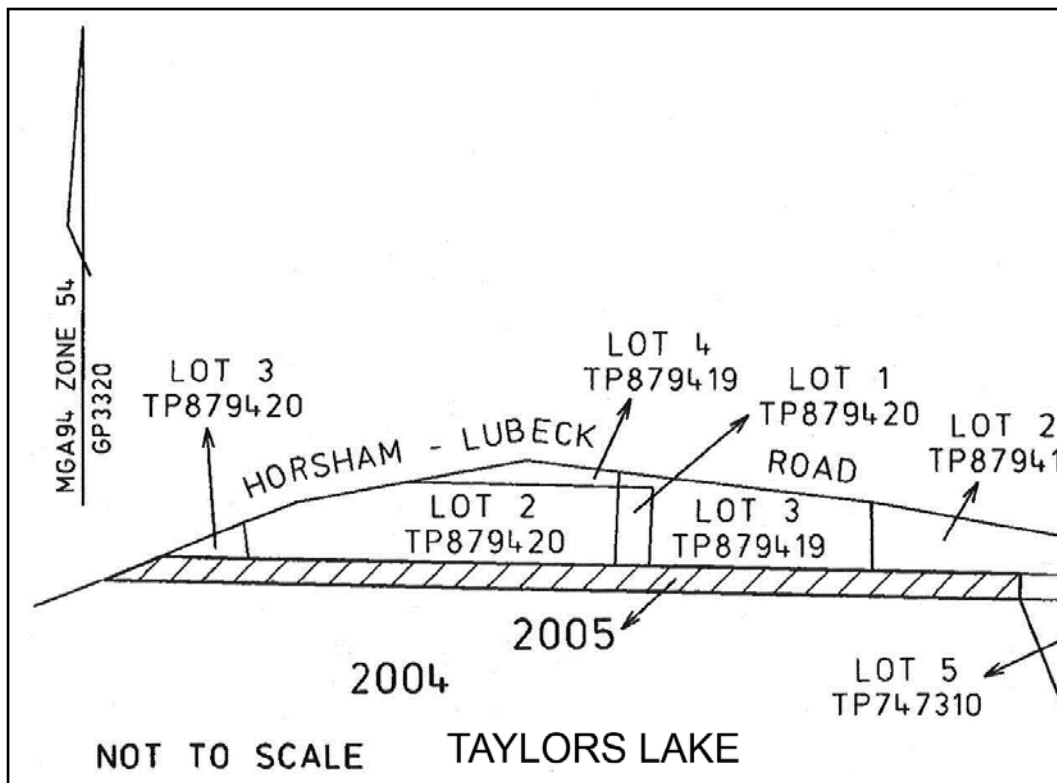
**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES**

HORSHAM RURAL CITY COUNCIL

Discontinuance of Road

Pursuant to section 206 and Clause 3 of Schedule 10 of the **Local Government Act 1989**, Horsham Rural City Council, at its Ordinary Meeting held on 1 July 2013, has resolved to formally discontinue the unused road identified as Crown Allotment 2005, Parish of Drung Drung.

That part of the road shown hatched on the plan below is not reasonably required for public road purposes and will be discontinued.



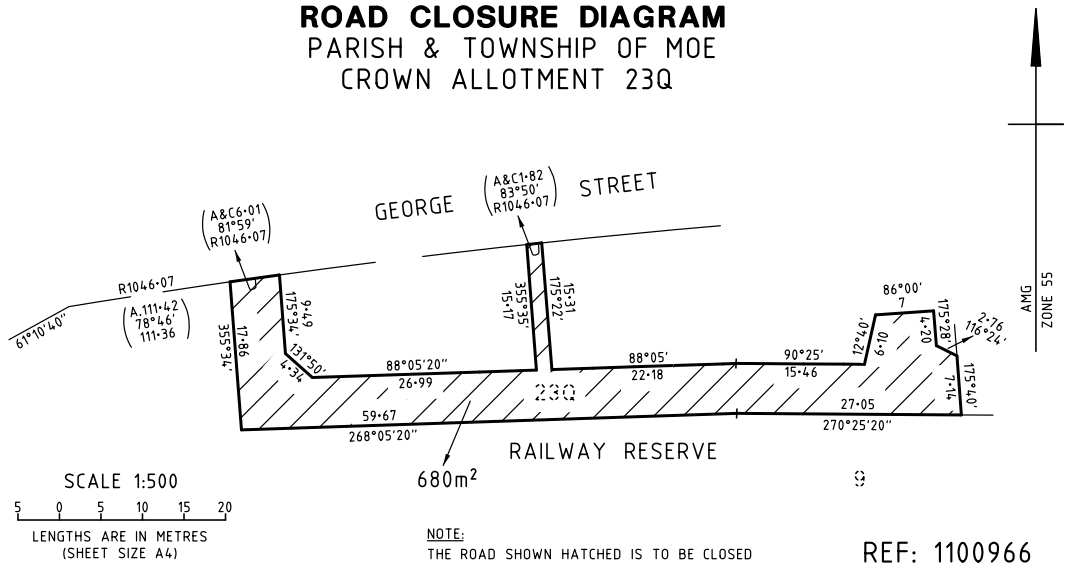
PETER BROWN
Chief Executive



ROAD DISCONTINUANCE

Pursuant to section 206 and schedule 10, clause 3 of the **Local Government Act 1989**, the Latrobe City Council, at its ordinary meeting held on 24 June 2013, formed the opinion that the unnamed Government road off George Street, Moe, being Crown Allotment 23Q in the Parish of Moe, shown hatched on the plan below, is not reasonably required as a road for public use and resolved to discontinue the road with the land reverting to the Crown.

ROAD CLOSURE DIAGRAM
PARISH & TOWNSHIP OF MOE
CROWN ALLOTMENT 23Q



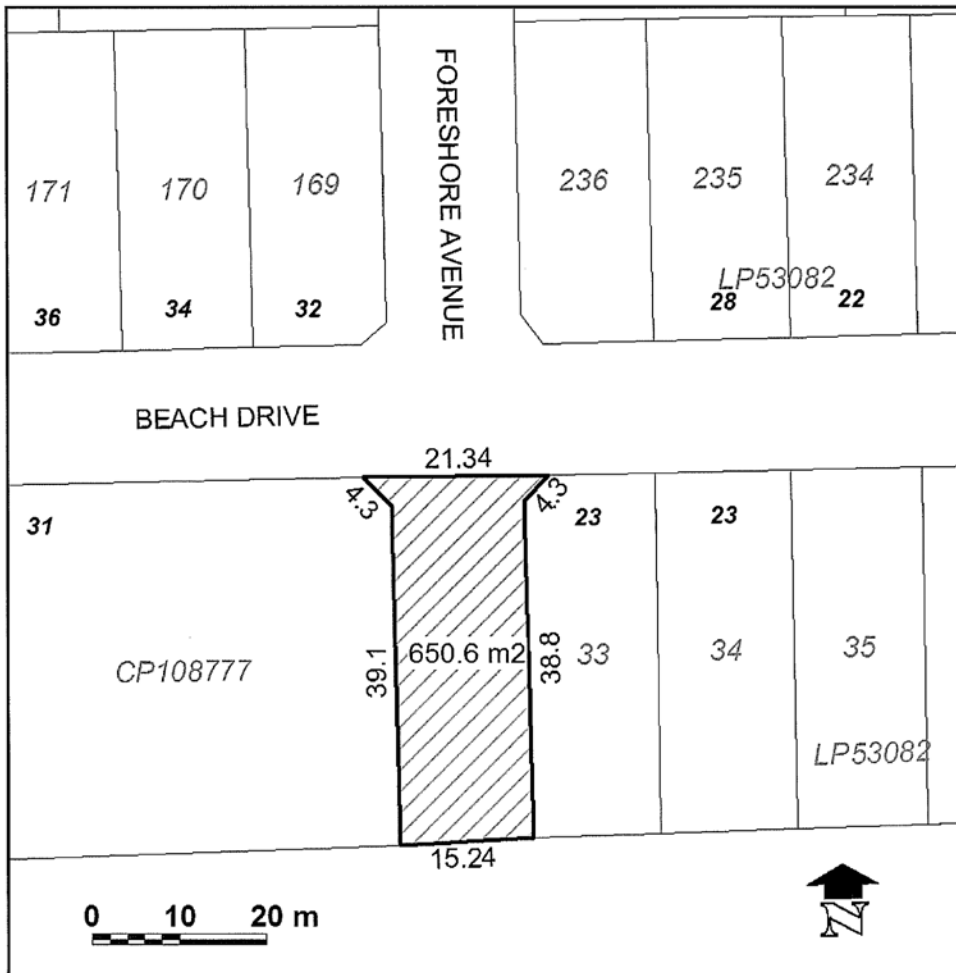
Latrobe City Council will subsequently make application to the Department of Environment and Primary Industries to acquire the land pursuant to the **Land Act 1958**.

PAUL BUCKLEY
Chief Executive Officer



DISCONTINUANCE AND SALE OF ROAD RESERVE
 – PART FORESHORE AVENUE, HASTINGS

Pursuant to section 206 and Schedule 10, Clause 3 of the **Local Government Act 1989**, the Mornington Peninsula Shire Council has formed the opinion that part of the road reserve of Foreshore Avenue, Hastings, as shown hatched on the plan below, is not reasonably required as a road for public use. The Shire has resolved to discontinue the road and to sell the land by private treaty to the adjoining land-owner.



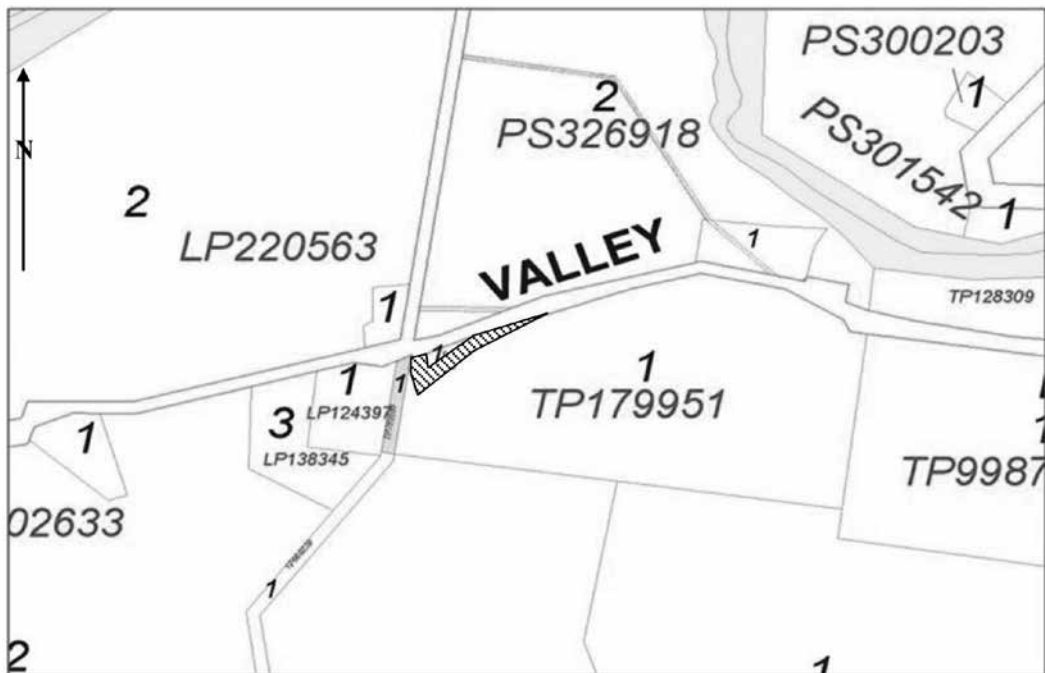
12.028636

DR MICHAEL KENNEDY (OAM)
 Chief Executive Officer

WELLINGTON SHIRE COUNCIL
Discontinuance of Road (Former Part Of)
Tarra Valley Road, Tarra Valley

Pursuant to section 206(1) including Clause 3 of Schedule 10 of the **Local Government Act 1989**, the Wellington Shire Council, after consultation with relevant Statutory Authorities, advertising its intention as well as serving notice on the registered proprietors of the land and owners and occupiers of land adjacent to the Road (part) abutting Lot 1 TP179951 in the Parish of Devon, resolved at its meeting on 6 August 2013 as follows:—

- (a) to discontinue a section of the former Tarra Valley Road, Tarra Valley (known as Volume 3692 Folio 211 Lot 1 TP616764) in the Parish of Devon, abutting Lot 1 TP179951 as shown hatched on the plan hereunder, shall be discontinued upon publication of this resolution in the Government Gazette;
- (b) Council dispose of the land contained in the section of road (part) to the abutting land owner in accordance with Wellington Shire Council Policy 4.3.6 Sale, Exchange and Acquisition of Land.



 ROAD TO BE DISCONTINUED

Dated 30 August 2013

DAVID MORCOM
Chief Executive Officer



ADOPTION OF AMENDED ROAD MANAGEMENT PLAN

Notice is hereby given that in accordance with section 54 of the **Road Management Act 2004**, Gannawarra Shire Council gives notice that Council, at its ordinary meeting on 21 August 2013, resolved to adopt the Road Management Plan (August 2013).

Copies of the Road Management Plan (August 2013) may be inspected at, or obtained from, Council's Kerang Office at 47 Victoria Street, Kerang, or accessed online at Council's website, www.gannawarra.vic.gov.au and following the links.

JASON RUSSELL
Chief Executive Officer



PUBLIC NOTICE

Amendments to Incorporated Documents in Schedules 1 and 2

Local Law No. 1 Community Amenity 2012

Public Notice is hereby given that at a meeting of Gannawarra Shire Council held on 17 July 2013, Council adopted Smoke Free Zones Policy 121. The new policy includes the declaration of smoke free zones under Clause 70 of Local Law No. 1 Community Amenity 2012. Council is incorporating the new policy in the Schedules of Local Law No. 1 Community Amenity 2012 as follows:

- Schedule 1 Discretion Guideline Cl.70 (5) now reads: 'Ensure the recommendation is not inconsistent with Council's Smoke Free Zones Policy 121, as amended from time to time.'
- Schedule 2 Policies and Other Incorporated Documents now includes an incorporated copy of Council's Smoke Free Zones Policy 121, as amended from time to time.

The purpose of the policy is to support the community to become safer and healthier in a smoke-free environment.

The general purport of the incorporated policy is as follows:

'In the interests of providing a smoke-free environment, smoking will not be permitted in specified public places and Council controlled land, in particular places used for recreation and places used by children.

The following locations have been declared 'smoke-free zones' at all times by Gannawarra Shire Council:

1. Council controlled infrastructure and buildings, including children centres:
 - (a) All indoor areas;
 - (b) Within five (5) metres of major thoroughfares and access points to buildings, such as doors, windows, air conditioning vents and air intakes.
2. Within five (5) metres of substantially enclosed courtyards and building surrounds.
3. Within 10 metres of play equipment, including skate parks.
4. Inside the external fence of all swimming pools, including Koondrook and Quambatook swimming pools, which are located on Crown land and managed by an appointed Committee of Management.
5. Council will erect and maintain in all proclaimed no smoking areas signage that clearly indicates that the area has been declared a 'Smoke-free zone'.

Adherence to Policy No. 121 – Smoke Free Zones will be enforced by Local Law No. 1 – Community Amenity 2012 and will attract a penalty in accordance with Clause 70 of Part 8 of the Local Law No. 1 – Community Amenity 2012.'

Copies of Local Law No. 1 Community Amenity 2012 with the amended Schedules 2013 may be inspected or obtained at Gannawarra Shire Council's Offices at Patchell Plaza, 47 Victoria Street, Kerang, Victoria 3579, and at 23–25 King Edward Street, Cohuna, Victoria 3568, during office hours.

The Local Law may also be viewed on Council's website: www.gannawarra.vic.gov.au

JASON RUSSELL
Chief Executive Officer



REVIEW OF COUNCIL'S ROAD MANAGEMENT PLAN

In accordance with the **Road Management Act 2004**, Council, at its meeting on Tuesday 20 August 2013, resolved to adopt Council's Road Management Plan (July 2013 Review). Copies of the Road Management Plan are available for inspection on Council's website – www.pyrenees.vic.gov.au or at the Council offices.

Council office hours are between 8.30 am and 5.00 pm Monday to Friday.

S. G. CORNISH
Chief Executive Officer

SOUTHERN GRAMPIANS SHIRE COUNCIL

Proposal to Make the Meeting Procedure Local Law

At its meeting on 14 August 2013 Council resolved to give notice of its intention to make the Meeting Procedure Local Law No. 10 of 2013 in accordance with the provisions of the **Local Government Act 1989**.

The purpose of the Local Law is to:

- provide a mechanism to facilitate the good government of the Council and provide procedures for fair and open decision making;
- regulate and control the election of the Mayor, Deputy Mayor and the chairperson of special committees; and
- regulate and control the use of the Council seal.

The general purport of the Local Law is to:

- ensure that accountable and transparent procedures, including the effects of legislative changes are incorporated into Council's meeting procedures and processes; and
- provide for more simple and easier to understand processes.

Copies of the Local Law and the accompanying explanatory documentation can be obtained from Council Offices at 111 Brown Street, Hamilton, or from Council's website at www.sthgrampians.vic.gov.au

Any person wishing to make a submission on the proposal must do so in writing by Monday 30 September 2013. Submissions should be addressed to the Chief Executive Officer, Southern Grampians Shire Council, 111 Brown Street (Locked Bag 685), Hamilton, Victoria 3300 or mail@sthgrampians.vic.gov.au

A person making a submission is entitled to request in the submission that they wish to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of that submission. Any person requesting to appear in person or to be represented by a person specified in his or her submission will be notified of the day, time and place of the meeting of Council (or a Committee of Council) determined by the Council to hear submissions.

All submissions will be considered in accordance with section 223 of the Act.

Submitters should note that Council is required to make available for public inspection submissions received in accordance with section 223 for a period of 12 months.

Following consideration of submissions Council will determine whether or not to make the Local Law.

Further information on the proposal can be obtained from Peter Elliott on 5573 0425.

RICHARD PERRY
Chief Executive Officer



NOTICE OF PROPOSED LOCAL LAW Meetings Procedures and Common Seal Local Law 2013

Council is proposing to introduce a local law titled Meetings Procedures and Common Seal Local Law 2013.

This process is being conducted in accordance with the Local Government Minister's 'Guidelines for Local Laws Manual' which has been introduced to increase the involvement and awareness of the community in the making of local laws, as well as ensuring that Councils apply a robust, transparent and consistent approach.

The purpose and general purport of the proposed local law is to –

- (a) regulate proceedings for the election of the Mayor;
- (b) regulate proceedings of Ordinary and Special Meetings of Council;
- (c) regulate proceedings of Special Committees;
- (d) promote and encourage community participation in the system of local government by providing mechanisms within the meeting arrangements, for the Council to ascertain the community's views and expectations;
- (e) regulate and control the use of Council's Common Seal; and
- (f) revoke Local Law No. 14 – Meeting Procedures and Common Seal.

The proposed local law, together with Council's Local Laws Community Impact Statement, can be viewed on Council's website at www.whitehorse.vic.gov.au. Alternatively, copies of both documents are available for inspection at, and obtainable from, Council's Customer Service Centre located at 379–397 Whitehorse Road, Nunawading, between 9.00 am and 5.00 pm. Please contact the Customer Service Centre on (03) 9262 6333.

Any person may lodge a written submission relating to the proposed local law under section 223 of the **Local Government Act 1989** by 4 October 2013. Submissions should be mailed to Whitehorse City Council, Locked Bag 2, Nunawading DC, Victoria 3131, or emailed to customer.service@whitehorse.vic.gov.au

Persons having requested to be heard in support of their submission may appear in person, or be represented by a person specified in the submission, before the Special Committee of Council to be held at 8.00 pm on Monday 14 October 2013.

Any person requiring further information concerning the proposed local law or supporting Community Impact Statement, the making of a written submission or being heard in support of the submission should contact Mr A. (Tony) De Fazio Manager of Civic Services on (03) 9262 6339.

Planning and Environment Act 1987

BOROONDARA PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C186

Authorisation A02553

The Boroondara City Council has prepared Amendment C186 to the Boroondara Planning Scheme.

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

The land affected by the Amendment is:

- 605–639 Camberwell Road, Camberwell (odd numbers only);
- 1111–1149 Toorak Road, Camberwell (odd numbers only);
- 1116–1172 Toorak Road, Camberwell (even numbers only);
- 1176 Toorak Road, Camberwell (Railway Bridge); and
- 1210–1230 Toorak Road, Camberwell (even numbers only).

The Amendment proposes to place a Heritage Overlay over the properties listed above.

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 Boroondara, 8 Inglesby Road, Camberwell; and at the Department of Transport, Planning and Local Infrastructure website, www.dpcl.vic.gov.au/planning/publicinspection

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. In accordance with the **Planning and Environment Act 1987**, Council must make available for inspection a copy of any submissions made.

The closing date for submissions is 11 October 2013. A submission must be sent to the Strategic Planning Department, City of Boroondara, 8 Inglesby Road, Camberwell 3124.

PHIL STORER
Chief Executive Officer

Planning and Environment Act 1987
GREATER GEELONG PLANNING SCHEME

Notice of Preparation of Amendment
Amendment C296

Authorisation A02532

The Greater Geelong City Council has prepared Amendment C296 to the Greater Geelong Planning Scheme.

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

The land affected by the Amendment is located at 360–380 Moorabool Street and 10 Kilgour Street, South Geelong (known as Simonds Stadium, Kardinia Park).

The Amendment proposes to amend the schedule to the Public Park and Recreation Zone (clause 36.02s) to identify the applicable Advertising Sign Category for Simonds Stadium as Category 2. This Amendment will enable consideration of a planning permit application for the display of promotion and/or major promotion advertising signage at Simonds Stadium Kardinia Park. This includes the ability to apply for a planning permit for the display of promotion signs on the light towers at Simonds Stadium.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: during office hours, at the office of the planning authority, Greater Geelong City Council, 100 Brougham Street, Geelong, 8.00–5.00 weekdays; ‘Have Your Say’ section of the City’s website: www.geelongaustralia.com.au/council/yoursay; and at the Department of Transport, Planning and Local Infrastructure website, www.dpcd.vic.gov.au/planning/publicinspection

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

The closing date for submissions is Monday 7 October 2013.

A submission must be sent to: The Coordinator, Strategic Implementation Unit, City of Greater Geelong, PO Box 104, Geelong, Victoria 3220; or via email to: strategicplanning@geelongcity.vic.gov.au

PETER SMITH
Coordinator Strategic Implementation

Please be aware that all submissions received will be made publicly available as part of the planning process. Submissions can be viewed at the City of Greater 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

KINGSTON PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C128

Authorisation A02234

The City of Kingston has prepared Amendment C128 to the Kingston Planning Scheme.

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

The land affected by the Amendment is:

- 90–116 Nepean Highway, Mentone (even nos.)
- 202–208 Nepean Highway, Parkdale (even nos.)
- 10–44 Balcombe Road, Mentone (even nos.)
- 1–27 Balcombe Road, Mentone (odd nos.)
- 33–35 Childers Street, Mentone (odd nos.)

The Amendment proposes to introduce the Design and Development Overlay Schedule 22 at Clause 43.02.

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 Kingston, Level 1, 1230 Nepean Highway, Mentone, and corner Brindisi Street and Mentone Parade, Mentone; and at the Department of Transport, Planning and Local Infrastructure website, www.dpcd.vic.gov.au/planning/publicinspection

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. In accordance with the **Planning and Environment Act 1987**, Council must make available for inspection a copy of any submissions made.

The closing date for submissions is 4 October 2013. A submission must be sent to the Kingston City Council, Strategic Planning Team, City Strategy, 1230 Nepean Highway, Cheltenham 3192. Attention: Rosa Zouzoulas, Team Leader Strategic Planning.

JONATHAN GUTTMANN
Manager City Strategy



Planning and Environment Act 1987
PORT PHILLIP PLANNING SCHEME
Notice of Preparation of Amendment
Amendment C103
Authorisation A02517

The Port Phillip City Council has prepared Amendment C103 to the Port Phillip Planning Scheme.

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

The land affected by the Amendment is the area generally bound by Beach Street, Pickles Street, Boundary Street and Evans Street.

The Amendment proposes to give statutory effect to the draft 'Bay Street Activity Centre Structure Plan (2013)' by:

- modifying the Local Planning Policy Framework (Clauses 21.04 and 21.06 'Municipal Strategic Statement') to reflect the strategic intent of the Structure Plan;
- introducing a new local planning policy at Clause 22.12 – Bay Street Major Activity Centre of the Local Planning Policy Framework to reflect the intent of the Structure Plan;
- rezoning land at 35–83 Crockford Street from an Industrial 3 Zone to a Mixed Use Zone;
- rezoning land at 316–342 Bay Street and 55 Lyons Street from a Residential 1 Zone to a Commercial 1 Zone;
- rezoning land at 374–420 Bay Street from a Residential 1 Zone to a Mixed Use Zone;
- rezoning land at 124–136 Heath Street from a Commercial 1 Zone to a Residential 1 Zone;
- inserting a new schedule, Schedule 25 to Clause 43.02 – Design and Development Overlay to apply to land at 35–83 Crockford Street;
- applying an Environmental Audit Overlay to land at 35–83 Crockford Street and 86 Crockford Street;
- amending the Schedule to Clause 52.28-4 – Gaming to prohibit the installation or use of gaming machines on land at 316–348 Bay Street (even numbers) and 55 Lyons Street;
- inserting a revised Schedule 1 to Clause 43.02 – Design and Development Overlay (DDO1);
- removing the Design and Development Overlay 1 (DDO1) from land in the Residential 1 Zone in Graham Street, and south of Graham Street in Stokes, Princes, Dow and Pickles streets, Esplanade West and Beaconsfield Parade;
- replacing the existing precinct-based Heritage Overlay 1 (HO1) applying to land south of 105 Bay Street in Bay, Beach, Dow and Rouse streets with individual heritage overlay controls to 1 Bay Street (Pier Hotel); 22 Bay Street (Local Hotel); 39 Bay Street (Exchange Hotel); 79–85 Bay Street; 95 Bay Street (former WJ Carr Warehouse); land

bounded by Beach, Rouse and Dow streets and Esplanade West (former Australasian Sugar Refining Company complex); 49 Beach Street (former Mission to Seamen); part 100–128 Bay Street (shop); part 100–128 Bay Street – fronting Dow Street (former Army and Navy Hotel, 95 Dow Street); and 183–187 Rouse Street, Port Melbourne; and

- introducing Preferred Character Statements for four established residential areas adjacent to the activity centre.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: City of Port Phillip – Municipal Offices: Port Melbourne Town Hall, 333 Bay Street, Port Melbourne; South Melbourne Town Hall, 208–220 Bank Street, South Melbourne; and St Kilda Town Hall, corner Carlisle Street and Brighton Road, St Kilda (Please note Strategic Planning Officers are only available at the St Kilda Town Hall to assist with enquiries); Municipal Libraries: Albert Park Library, 319 Montague Street, Albert Park; Emerald Hill Library, 208–220 Bank Street, South Melbourne; Middle Park Library, 254–256 Richardson Street, Middle Park; and St Kilda Library, 150 Carlisle Street, St Kilda.

The Amendment may also be viewed online at: The City of Port Phillip website: www.portphillip.vic.gov.au/planning_amendments.htm

The Department of Transport, Planning and Local Infrastructure website: www.dpcd.vic.gov.au/planning/publicinspection

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. In accordance with the **Planning and Environment Act 1987**, Council must make available for inspection a copy of any submissions made.

The closing date for submissions is Monday 7 October 2013.

A submission must be sent to: Coordinator – Strategic Planning, City of Port Phillip, Private Bag 3, PO St Kilda, Victoria 3182.

SANDRA WADE
Manager City Strategy

Section 19 **Planning and Environment Act 1987** and Regulation 8 Planning and Environment Regulations 1998

Privacy Notice: Please be aware that copies of submission received may be made available to any person for the purpose of consideration as part of the planning process.

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 November 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.

BARRETT, George Lawrey, late of Glendale Aged Care Hostel, 1 Glendale Court, Werribee, Victoria 3030, retired, deceased, who died on 29 May 2013.

CHESTERFIELD, Marian Lucija, late of Hope Aged Care, 34 Lux Way, Brunswick, Victoria 3056, retired, deceased, who died on 10 June 2013.

DOVE, Audrey Gwen, late of Waldreas Village, 211–217 Wantirna Road, Ringwood, Victoria 3134, home duties, deceased, who died on 23 March 2013.

FINLAY, Demetrius, late of Unit 4, 9 Kinane Street, Brighton, Victoria 3186, retired, deceased, who died on 19 May 2013.

FLAXMAN, Ida, late of Room 30, Arpad Hostel, 9 Garrisson Grove, Wantirna, Victoria 3152, pensioner, deceased, who died on 4 July 2013.

HICKFORD, Betty Joy, late of 39 Banool Quadrant, Doncaster East, Victoria 3109, deceased, who died on 30 May 2013.

KIERNAN, Patricia Frances, late of 187 Dorking Road, Box Hill, Victoria 3128, deceased, who died on 27 February 2013.

LICKORISH, Dora May, late of Clovelly Cottage, 16 Stewart Street, Boronia, Victoria 3155, retired, deceased, who died on 17 July 2013.

TORELLI, Adele, late of Villa Del Sole, 73 William Street, Glenroy, Victoria 3046, retired, deceased, who died on 14 June 2013.

Dated 27 August 2013

STEWART MacLEOD
Manager

EXEMPTION

Application No. H4/2013

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

Upon reading the material filed in support of this application, including the affidavits of Joanna Fletcher and detailed written submissions, 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 was established in 1981 and is a not for profit organisation that specialises in legal issues arising from relationship breakdown and violence against women. These include issues relating to separation and divorce, custody and access, division of property after separation, protection from family violence, personal safety intervention orders and victims of crime applications. Of the applicant's clients, 79% disclose that they have suffered from family violence. Advice is also provided on matters relating to homelessness and mental health. The applicant particularly seeks to provide legal advice to women who are disadvantaged, vulnerable and otherwise unable to obtain legal assistance.
- The applicant only provides advice to women members of the public. It operates a telephone advice service and also provides face-to-face advice. The applicant provides a legal service at the Melbourne Magistrates' Court in relation to intervention order matters. The applicant works with and

refers its clients to a number of community based support organisations and provides education to community workers and others. It undertakes policy work in relation to the issues faced by its clients.

- Given the predominance of matters relating to family violence and sensitive personal matters, it is preferable that the applicant's staff are women. All staff from time to time answer the telephones and greet women who attend the applicant's premises. The employment of women only allows the applicant's services to be provided in the most non-threatening environment, and for these clients to feel secure and comfortable when speaking about legal issues.
- I am satisfied on the material before me that the services provided by the applicant fall within the meaning of a special needs service as provided for in section 88 of the Act. I am also satisfied that, where staff are dealing with women seeking advice relating to family violence and similar matters, the evidence would support a finding that the exception contained in section 28 of the Act would apply as those services are likely to be most effectively provided by other women. However, I am not satisfied that the material before me proves that other advice work and services relating to education and policy can be provided most effectively by women only. Where I am not satisfied that an exception applies to the whole of the exempt conduct but accept that it is preferable that vulnerable women who have suffered family and similar violence and who make up a significant proportion of the applicant's client base receive services from women only, it is appropriate that an exemption be granted.
- Previous exemptions were granted to the applicant in similar terms in 2006, 2009 and in 2013. The latter interim exemption expires on 30 October 2013. After that date, in the absence of an exemption the exempt conduct would amount to prohibited discrimination.
- When making decisions about exemptions, the Tribunal is required to give proper consideration to relevant human rights as set out in the **Charter of Human Rights and Responsibilities Act 2006** (Charter). Arguably, this exemption limits the right to equality and in particular the right to equal and effective protection against discrimination of men who wish to be employed by the applicant. In the circumstances discussed

above, I am satisfied that the limit imposed by this exemption is reasonable and justified under the Charter.

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

This exemption is to remain in force from 31 October 2013 to 30 October 2018.

Dated 21 August 2013

A. DEA
Member

INTERIM EXEMPTION

Application No. H30/2013

The Victorian Civil and Administrative Tribunal has considered an application pursuant to section 89 of the **Equal Opportunity Act 2010** (the Act) by Geelong Grammar School (the applicant). The application for exemption is to enable the applicant to, from time to time,

- (a) Structure waiting and enrolment lists to target prospective students of either gender;
- (b) Offer places to students of either gender required to maintain gender balance;
- (c) Reject applications based on gender to maintain a co-educational balance;
- (d) Advertise for prospective male or female students in any year level where future waiting lists show a gender imbalance;
- (e) Offer scholarships to students of a minority gender at a particular year level and advertise the availability of such scholarships; and
- (f) Grant incentive rebates or discounts to parents of a minority gender in a particular year level to achieve a co-educational balance and advertise that such rebates or discounts are available.

(the exempt conduct).

Upon reading the material filed in support of this application, including the affidavit of Andrew Kenneth Moore, the Tribunal is satisfied that it is appropriate to grant an interim exemption from sections 38, 44 107 and 182 of the Act to enable the applicant to engage in the exempt conduct until the application is finally heard and determined.

In granting this exemption, the Tribunal noted:

- The applicant school was established in 1855 and operates across four campuses: Bostock House in Newtown, Toorak, Timbertop at

Merrijig and Corio. The school provides education from kindergarten to year 12 and currently has 1545 students across its campuses.

- The school became co-educational in 1976 following the amalgamation of The Hermitage and Clyde Schools with the applicant. The applicant school prides itself on being able to offer a true co-educational environment to its students, which it believes encourages a sound intellectual, emotional, physical and social base from which students are able to flourish in society after graduation. For a co-educational school to work best, the applicant considers that it is essential that there be, as far as practicable, equal numbers of female and male students at each year level in the school.
- At present across the campuses, 59% of the students are male and 41% are female. There are particular gender imbalances in some year levels at present, for example in year 5 at the Toorak campus 82% of students are male and 18% are female. The applicant believes that, where the proportion of either gender falls below 35% the gender imbalance becomes significant in terms of providing a true co-education. The applicant has tried a range of strategies to date to achieve gender balance, however disparities remain. The applicant believes that an exemption would allow it to offer a true co-education and meet the needs and expectations of students and their parents.
- I am not currently satisfied that an exception applies to the exempt conduct. Accordingly, in the absence of an exemption the exempt conduct would amount to prohibited discrimination.
- When making decisions about exemptions, the Tribunal is required to give proper consideration to relevant human rights as set out in the **Charter of Human Rights and Responsibilities Act 2006** (Charter). Arguably, this exemption limits the right to equality and in particular the right to equal and effective protection against discrimination of students of students who would wish to be offered a place at the school on the sole basis of their place on a waiting list or obtain a scholarship, rebate or incentive based on gender neutral criteria. I am satisfied that for the purposes of this interim exemption, the limit imposed by this exemption is reasonable and justified under the Charter.

The Tribunal hereby grants an interim exemption from the operation of sections 44, 107 and 182 of the Act to enable the applicant to engage in the exempt conduct.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 15 December 2013.

Dated 22 August 2013

A. DEA
Member

Children's Services Act 1996

I, Madeleine Smith, as delegate of the Secretary, Department of Education and Early Childhood Development, under subregulation 66(1) of the Children's Services Regulations 2009, hereby approve each of the courses in first aid and anaphylaxis management contained in the attached schedule for the purposes of regulation 63 of the Children's Services Regulations 2009.

This notice revokes the notices published in Victoria Government Gazette S 305 on 3 September 2009 and G 52 on 30 December 2010.

Dated 3 September 2013

MADELEINE SMITH
Delegate of the Secretary
Department of Education and Early Childhood Development

SCHEDULE

Approved First Aid Qualifications – Children's Services Regulations 2009

Name of course/unit name	National unit of competency/provider
Apply advanced first aid	HLTFA2A
Apply advanced first aid	HLTFA402B
Apply advanced first aid	HLTFA402C
Apply advanced first aid	HLTFA412A
Apply first aid	HLTFA301B
Apply first aid	HLTFA301C
Apply first aid	HLTFA311A
Provide an emergency first aid response in an education and care setting	HLTAID004
Provide first aid in remote situation	HLTFA302B
Provide first aid in remote situation	HLTFA302C

Approved Anaphylaxis Management Training – Children's Services Regulations 2009

Name of course/unit name	National unit of competency/provider
Anaphylaxis E-Training for Australasian Childcare	Australasian Society of Clinical Immunology and Allergy (ACSI A)
Anaphylaxis Training for NSW Childcare	Australasian Society of Clinical Immunology and Allergy (ACSI A)

Name of course/unit name	National unit of competency/provider
Anaphylaxis Training for WA Childcare	Australasian Society of Clinical Immunology and Allergy (ACSIA)
Apply advanced first aid	HLTFA412A
Course in Anaphylaxis Awareness	10313NAT
Course in Anaphylaxis Awareness	21827VIC *
Course in Anaphylaxis Management	30728QLD
Course in Emergency Asthma and Anaphylaxis Management	80969ACT
Course in First Aid Management of Anaphylaxis	21659VIC *
Course in First Aid Management of Anaphylaxis	22099VIC
Ensure the Health and Safety of Children (Element 7 – Manage and respond to allergy/anaphylaxis)	CHCCN301B
Provide an emergency first aid response in an education and care setting	HLTAID004
Vocational Graduate Certificate in Anaphylaxis Management Training	21830VIC

*This course is no longer current and will be removed from the list of approved anaphylaxis management training three years after the completion of the last training.

Co-operatives Act 1996

CRESWICK PRIMARY SCHOOL COUNCIL CO-OPERATIVE LTD
ALEXANDRA HIGH SCHOOL CO-OPERATIVE SOCIETY LIMITED

On application under section 601AA(2) of the **Corporations Act 2001** (the Act), by the co-operatives named above, notice is hereby given under section 601AA(4) of the Act, as applied by section 316 of the **Co-operatives Act 1996**, that, at the expiration of two months from the date of this notice, the names of the co-operatives listed above will, unless cause is shown to the contrary, be removed from the register of co-operatives and the registration will be dissolved.

Dated at Melbourne 5 September 2013

DAVID BETTS
Deputy Registrar of Co-operatives
Consumer Affairs Victoria

Co-operatives Act 1996

RANFURLY PRIMARY SCHOOL CO-OPERATIVE LTD

On application under section 601AA(2) of the **Corporations Act 2001** (the Act), by the co-operative named above, notice is hereby given under section 601AA(4) of the Act, as applied by section 316 of the **Co-operatives Act 1996**, that, at the expiration of two months from the date of

this notice, the name of the co-operative listed above will, unless cause is shown to the contrary, be removed from the register of co-operatives and the registration will be dissolved.

Dated at Melbourne 5 September 2013

DAVID BETTS
Deputy Registrar of Co-operatives
Consumer Affairs Victoria

Coastal Management Act 1995

CONSENT FOR USE AND DEVELOPMENT OF COASTAL CROWN LAND

I, the Hon Ryan Smith MP, Minister for Environment and Climate Change under section 40(1)(b) of the **Coastal Management Act 1995**, hereby consent to the following uses and developments on coastal Crown land, subject to the conditions and limitations contained herein:

- 1) Existing Uses
 - a. Any use or development of land that was lawfully commenced prior to the commencement of Part 2 of the **Coastal Management Act 1995** (26 April 1995).
 - b. Any use or development where all necessary approvals were obtained prior to the commencement of Part 2 of the **Coastal Management Act 1995** and have not yet expired.
 - c. Any use of the land that is a normal permitted use of the land under the relevant instrument of management.
 - i. Instrument of management is defined for the purpose of this consent as any reservation, appointment, regulations, Act of Parliament or tenure that provides for the control and management of the land by a land manager for defined purpose.
 - d. Any use of the land that the land manager has the authority to permit. Such consent does not extend to:
 - i. Any occupation of the land; or
 - ii. A use that would detrimentally affect the normal use and enjoyment of the land by other users.
 - e. Any use of the land consistent with a current lease or licence issued under the **Crown Land (Reserves) Act 1978** or the **Land Act 1958**.
 - f. Consent under this section does not apply to any use of the land that involves the erection of structures or excavation of land.
- 2) Buildings and Structures
 - a. Repairs, maintenance, restoration and renovation of existing buildings that do not occur outside of the:
 - i. existing building footprint; or
 - ii. existing building height; and
 - iii. Do not involve the excavation of any land.
 - b. Repairs and maintenance of fences that does not involve:
 - i. Increasing the length or size or height of fencing; or
 - ii. Re-alignment of fencing.
 - c. Sub-clauses (b)(i) and (b)(ii) do not apply to the installation of emergency or temporary fencing that is required for the purposes of public safety.
 - d. Repairs, maintenance and replacement of signs that does not involve increasing the number or size of signs.
 - e. Sub-clause (d) does not apply where signage is required for emergency or public safety purposes.

- f. Repairs, maintenance or replacement of navigational aids by the relevant port authority.
 - g. Repairs, maintenance and replacement of any other structure that does not include:
 - i. Increasing the size of the structure;
 - ii. Altering the location of the structure; or
 - iii. Altering the nature of the structure so the purpose of the structure is varied.
 - h. For the purposes of this consent a structure is defined as any built asset fixed to the land that does not include, buildings, services, roads, fences or signs.
- 3) Roads and Tracks
- a. Maintain and repair roads where the works occur within the alignment of an existing formed road.
 - b. For the purposes of sub-clause (a) a road includes roadways, road surfaces, kerbs, gutters, footpaths, boardwalks, bridges, stairways, safety barriers adjoining roads, roundabouts, car parks and median strips.
- 4) Services
- a. Repair and maintenance of existing gas, electricity, water, navigational, drainage, sewerage and telecommunications infrastructure.
 - b. Consent does not apply where the repair or maintenance works requires the clearance of vegetation or the breaking of soil.
 - c. Sub-clause (b) does not apply where emergency repairs are required.
- 5) Management of Plants and Animals.
- a. Maintenance of vegetation which includes:
 - i. Trimming and pruning of vegetation to improve ecological health or to maintain paths, roads, fire access tracks, existing buildings and structures, signs and overhead services;
 - ii. Mowing of grass;
 - iii. Removal of dangerous trees and tree limbs for public risk management;
 - iv. Revegetation using indigenous plant species;
 - v. Erosion stabilisation works;
 - vi. Control and removal of pest plants.
 - vii. Maintenance of vegetation does not include:
 - 1. clearance of vegetation
 - 2. increasing the area of exotic plantings; or
 - 3. altering the contours of the land.
 - b. Control and eradication of pest animals.
- 6) Estuary openings
- a. Any works undertaken to artificially open an estuary where a licence has been issued under section 67 of the **Water Act 1989**.
- 7) Emergency Services and Works
- a. Any actions carried out that falls within the provisions of the **Emergency Management Act 1986** and is carried out by a person or body that is empowered to carry out functions under that Act.
 - b. Any emergency or temporary risk mitigation works undertaken by a land manager to ensure the safety of the land users or general public, including the demolition of dangerous structures, buildings and roads.
 - c. The removal or burying of dead animals that pose a risk to public health.

- 8) Conditions on consent
- a. Prior to any use or development commencing, all procedural requirements under relevant native title legislation must be met.
 - b. This consent does not apply to any use or development of coastal Crown land that is in contradiction of any approved coastal action plan, management plan, works plan, pest management plan or fire management plan.
 - c. This consent does not apply to any use or development of coastal Crown land that is in contradiction of any local coastal recommendation or the purpose for which the land is reserved under the **Crown Land (Reserves) Act 1978**.
 - d. This consent is given without prejudice and only constitutes consent under the **Coastal Management Act 1995**. Where any use or development that is consented to here is subject to a planning process under the provisions of the **Planning and Environment Act 1987**, any requirement for the Department of Environment and Primary Industries' consent as land owner, public land manager or referral authority is still required.
 - e. Consent under clauses 2(a), 2(b), 2(g), 3(a) and 4(a) is limited to developments and works under the value of \$100,000.
 - f. Right is reserved for this consent to be withdrawn where a particular use or development is deemed worthy of special consideration.

Revocation

The earlier general consent issued on 14 March 2000 by the then Minister for Environment and Conservation, the Hon Sheryl Garbutt MP, and published in the Victoria Government Gazette on 13 April 2000, is revoked.

Dated 27 August 2013

THE HON RYAN SMITH MP
Minister for Environment and Climate Change

Education and Training Reform Act 2006

NOTICE OF ORDER

Woolum Bellum College Council

Notice is given that an Order under sub-section (6) of section 2.3.2 of the **Education and Training Reform Act 2006** has been made and took effect on 19 August 2013.

The general purpose of the Order (No. 692) is to dissolve Woolum Bellum College Council three months after that date.

THE HON. MARTIN DIXON, MP
Minister for Education

Health Services Act 1988

DECLARATION OF APPROVED QUALITY ASSURANCE BODY

I declare the Mortality and Clinical Review Committee, established by St Vincent's Hospital (Melbourne), is an approved quality assurance body under section 139 for the purposes of Part 7 of the **Health Services Act 1988**.

Dated 16 August 2013

HON DAVID DAVIS MP
Minister for Health

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
60526	Crowland Drive	Warrnambool	Warrnambool City Council Formerly known as part Heazlewood Road. The road traverses south from Heazlewood Road.
60656	Paperbark Lane	Lakes Entrance	East Gippsland Shire Council The road traverses west from Baades Road.

Feature Naming:

Change Request Number	Place Name	Naming Authority and Location
58414	Harradine Park	Swan Hill Rural City Council McLennan Drive, Robinvale 3549. For further details see map at www.dse.vic.gov.au/namingplaces
59516	Boulevard Bush Reserve	Greater Shepparton City Council Crown Allotment 9 Section B and Crown Allotment 10 Section B situated on The Boulevard, Shepparton 3630. For further details see map at www.dse.vic.gov.au/namingplaces
60367	St Enochs Reservoir	Pyrenees Shire Council Formerly known as Saint Enochs Reservoir Situated between Stockyard Hill Road and Carngham–Streatham Road, Stockyard Hill 3373. For further details see map at www.dse.vic.gov.au/namingplaces

Office of Geographic Names

Land Victoria
570 Bourke Street
Melbourne 3000

JOHN E. TULLOCH
Registrar of Geographic Names

Interpretation of Legislation Act 1984**MARINE SAFETY AMENDMENT (DOMESTIC COMMERCIAL VESSEL
NATIONAL LAW APPLICATION) REGULATIONS 2013**

Notice of Incorporation of Documents

As required by section 32 of the **Interpretation of Legislation Act 1984**, I give notice that the Marine Safety Amendment (Domestic Commercial Vessel National Law Application) Regulations 2013 apply, adopt or incorporate the following documents:

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Schedule 1 – Part 3 PDF type 2	European Standard EN 393:1993 E Superseded ‘Lifejackets and personal buoyancy aids – Buoyancy aids – 50N’ as published by the European Committee for Standardization (CEN) November 1993 incorporating the corrigendum dated November 1993 and reissued incorporating (Amendment) No. 1: 1998 published July 1998	Whole

A copy of the material applied, adopted or incorporated by the Marine Safety Amendment (Domestic Commercial Vessel National Law Application) Regulations 2013 has been lodged with the Clerk of the Parliaments on 7 August 2013 and is available for inspection by members of the public, free of charge, during normal office hours at the Department of Transport, Planning and Local Infrastructure, Level 12, 121 Exhibition Street, Melbourne 3000.

Dated 29 August 2013

DAVID HODGETT MP
Minister for Ports

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 the whole of Lot 3 on Plan of Subdivision 029671, Parish of Ballarat, comprising 743 square metres approximately and being land described in Certificate of Title Volume 08065 Folio 014.

Interest Acquired: That of Richard Philip Bennet as to one of two equal undivided shares and Katriona Louise Bennet as to one of two equal undivided shares as tenants in common and all other interests.

Published with the authority of VicRoads.

For and on behalf of VicRoads

Signed NATALIE LAWLOR

Name Natalie Lawlor

Dated 5 September 2013

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 whole of Lot 1 on Plan of Subdivision 029671, Parish of Ballarat, comprising 990 square metres approximately and being land described in Certificate of Title Volume 08065 Folio 012.

Interest Acquired: That of David Geoffrey Floyd and Jill Maree Balfour and all other interests.

Published with the authority of VicRoads.

For and on behalf of VicRoads

Signed NATALIE LAWLOR

Name Natalie Lawlor

Dated 5 September 2013

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 whole of Lot 1 on Plan of Subdivision 029671, Parish of Ballarat, comprising 990 square metres approximately and being land described in Certificate of Title Volume 08065 Folio 012.

Interest Acquired: That of Thomas Dan White and Allan Clissett (leasehold interest) and all other interests.

Published with the authority of VicRoads.

For and on behalf of VicRoads

Signed NATALIE LAWLOR

Name Natalie Lawlor

Dated 5 September 2013

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 whole of Lot 2 on Plan of Subdivision 029671, Parish of Ballarat, comprising 743 square metres approximately and being land described in Certificate of Title Volume 08065 Folio 011.

Interest Acquired: That of Mary Victoria O'Brien and all other interests.

Published with the authority of VicRoads.

For and on behalf of VicRoads

Signed NATALIE LAWLOR

Name Natalie Lawlor

Dated 5 September 2013

Land Acquisition and Compensation Act 1986

FORM 7

S. 21(a)
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Public Transport Development Authority, as acquiring authority, declares that by this notice it acquires the following interest in the land described as Lot 1 on proposed Plan of Subdivision 717169L, being all of the land contained in Certificates of Title Volume 11203 Folio 466 and Volume 11203 Folio 467 and part of the land contained in Certificate of Title Volume 11305 Folio 178, more commonly known as Valley Estate, Waurin Ponds.

Interest Acquired: The estate in fee simple of Mhy Properties Australia Pty Ltd of 79 Gheringhap Street, Geelong, Victoria 3220, and Wombah Park Developments Pty Ltd of Level 2, 1 Yarra Street, Geelong, Victoria 3220, and all or any other interests in the Land.

Published with the authority of Public Transport Development Authority 750 Collins Street, Docklands.

For and on behalf of

Public Transport Development Authority

Signed ADELE McCARTHY

Acting Director Network Planning

Dated 5 September 2013

Mineral Resources (Sustainable Development) Act 1990

DEPARTMENT OF STATE DEVELOPMENT, BUSINESS AND INNOVATION

Exemption of Land from a Licence

I, David Boothroyd, Manager Earth Resources Tenements, pursuant to section 7 of the **Mineral Resources (Sustainable Development) Act 1990** and under delegation from the Minister for Energy and Resources, hereby exempt all that Crown land situated within the boundaries of exploration licence application 5490 from being subject to a licence application under the **Mineral Resources (Sustainable Development) Act 1990**.

Dated 26 August 2013

DAVID BOOTHROYD
Manager Earth Resources Tenements
Earth Resources Regulation Victoria

Professional Standards Act 2003

CORRIGENDUM

Authorisation and Publication Pursuant to Section 14

Amendment to the Law Institute of Victoria Limited Scheme

In the Victoria Government Gazette No. S 164 Wednesday 1 May 2013, I make the following corrections to the Instrument Amending the Law Institute of Victoria Limited Scheme:

- add at the end of clause 1.10 ‘and delete the existing clause 2.1.4’;
- delete from clause 1.11 ‘*All persons to whom clause 2.1.3 applied at the Relevant Time but no longer applies*’ and insert ‘*All corporations to which clause 2.1.2 applied at the Relevant Time but no longer applies*’; and
- delete from clause 1.12 ‘Amend existing clause 2.1.4 of the Scheme to become clause 2.1.6;’ and insert ‘Insert a new clause 2.1.6 which provides: *All persons to whom clause 2.1.3 applied at the Relevant Time but no longer applies.*’

Dated 26 August 2013

ROBERT CLARK MP
Attorney-General

Pipelines Act 2005

SECTION 70

Significant Alteration to Authorised Route

PIPELINE LICENCE NUMBER: 17

NAME AND ADDRESS OF
LICENSEE(S): SPI Networks (Gas) Pty Ltd
Level 31
2 Southbank Boulevard
Southbank, Victoria 3006

DESCRIPTION OF EXISTING
AUTHORISED ROUTE: The transmission pipeline transports natural gas and is a DN150 carbon steel pipeline, 15.7 km in length, commencing at the regulator station located at Fairburn Road, Derrimut. It then traverses generally in a southerly direction along Fairburn Road for approximately 1.0 km and continues along Little Boundary Road for approximately 1.1 km to Geelong Road where it then heads generally in a north-easterly direction along Geelong Road for approximately 4.0 km to Angliss Street into Kidman Street and then along Charlotte Street, then Julian Street, then Somerville Road, then Bishop Street, then Chatfield Street, then Queensville Street. The pipeline then heads in an easterly direction for approximately 1.3 km along Dickson Street and Charles Street, then Nicholson Street, then approximately 0.6 km along Lyons Street where it heads north along Maribyrnong Street until Footscray Road where it proceeds in a south-easterly direction for approximately 3.3 km, then Harbour Esplanade for approximately 1.1 km before terminating at the West Melbourne Regulation Station at the corner of Harbour Esplanade and Collins Street.

ALTERATION:

As from today:

1. The authorised route of the pipeline is for a DN80 hot tap and branch valve off the existing pipeline and DN80 x 25-m pipeline extension to a new below ground field regulator that will be located in Lyons Street Road Reserve in Seddon.
2. The authorised route of the pipeline is delineated by the red and green hashed line on drawing number T306-1-1 Rev B and in greater detail in respect to the alteration, the red line, the red hashed line and the crossed lines depicted on drawing number T55-15 H2 and all other drawings are hereby deleted from the pipeline licence.

CONDITIONS:

As from today the conditions of Pipeline Licence 17 are revoked and replaced with the following conditions:

1. The pipeline shall have the following features:
 - a. Maximum Allowable Operating Pressure: 2,756 kPa
 - b. Contents: Gaseous Hydrocarbons
 - c. Internal diameter: 150 mm
 - d. Length: 15.7 km

2. 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 26 August 2013

KYLIE WHITE
Executive Director Earth Resources Regulation
Delegate of the Minister

University of Ballarat Act 2010

APPOINTMENT OF A MEMBER TO THE UNIVERSITY OF BALLARAT COUNCIL

It is recommended under sections 76(3)(b) and 12(2) of the **University of Ballarat Act 2010**, having considered the recommendation of the Council, I appoint –

Mr Steven Davies

as a member of the University of Ballarat Council from 1 July 2013 until 31 December 2015 (inclusive).

Dated 14 June 2013

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

La Trobe University Act 2009

APPOINTMENT OF A MEMBER TO THE LA TROBE UNIVERSITY COUNCIL

Under sections 76(3)(b) and 12(2) of the **La Trobe University Act 2009**, I appoint –

Professor Marilyn Anderson

as a Ministerial appointment to the La Trobe University Council from 1 August 2013 until 31 December 2015 (inclusive).

Dated 25 July 2013

Signed by Minister
THE HON. PETER HALL, MLC
Minister for Higher Education and Skills
Minister responsible for the Teaching Profession

Planning and Environment Act 1987
VICTORIA PLANNING PROVISIONS
Notice of Approval of Amendment
Amendment VC103

The Minister for Planning has approved Amendment VC103 to the Victoria Planning Provisions (VPP) and all planning schemes in Victoria.

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

The Amendment changes the Victoria Planning Provisions and all planning schemes in Victoria by:

- amending Clause 35.03 – Rural Living Zone;
- amending Clause 35.04 – Green Wedge Zone;
- amending Clause 35.05 – Green Wedge A Zone;
- amending Clause 35.06 – Rural Conservation Zone;
- amending Clause 35.07 – Farming Zone;
- amending Clause 35.08 – Rural Activity Zone;
- amending Clauses 11 and 16 of the State Planning Policy Framework;
- amending Clause 62.02-1 to exempt crop support and protection structures from permit requirements; and
- amending Clause 74 relating to the definitions of host farm, rural industry and primary produce sales.

The Amendment changes planning schemes by:

- amending the schedule to the Rural Conservation Zone; and
- amending Clause 57 of the Particular Provisions to align with the provisions of the reformed rural zones and to give affect to changes applying to green wedge land.

The Amendment is available for public inspection on the Department of Transport, Planning and Local Infrastructure (DTPLI) website www.dpcd.vic.gov.au/planning/publicinspection

JOHN PHILLIPS
Director
Planning and Building Systems
Department of Transport, Planning and Local Infrastructure

ORDERS IN COUNCIL

Education and Training Reform Act 2006

THE CONSTITUTION OF ADULT MULTICULTURAL EDUCATION SERVICES ORDER 2013

The Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council acting under section 3.3.28 of the **Education and Training Reform Act 2006**, on the recommendation of the Minister for Higher Education and Skills made in accordance with that section, makes the following Order:

Dated 3 September 2013

Responsible Minister:

HON. PETER HALL MLC

Minister for Higher Education and Skills

YVETTE CARISBROOKE
Clerk of the Executive Council

DIVISION 1 – PRELIMINARY

1. *Title of Order*

This Order is called the Constitution of Adult Multicultural Education Services Order 2013.

2. *Purposes*

The purposes of this Constitution are –

- (a) to continue in existence Adult Multicultural Education Services; and
- (b) to make provision or further provision for or with respect to the objectives, functions and powers of Adult Multicultural Education Services; and
- (c) to establish a board to oversee and govern Adult Multicultural Education Services; and
- (d) to make provision or further provision for or with respect to the constitution, management structure, membership, objectives, powers, duties or functions of the board of Adult Multicultural Education Services, the manner of appointment and the terms and conditions of appointment of directors of the board; and
- (e) to make provision for the board to make rules for the governance of Adult Multicultural Education Services; and
- (f) to make provision for the board to delegate its powers and functions; and
- (g) to revoke previous Orders relating to the board of Adult Multicultural Education Services; and
- (h) to make provision for or with respect to matters of a consequential, transitional or savings nature.

3. *Authorising powers*

This Constitution is made under the powers conferred by section 3.3.28 of the **Education and Training Reform Act 2006** and all other enabling powers.

4. *Commencement*

This Constitution comes into operation on 1 November 2013.

5. *Interpretation*

In this Constitution, unless inconsistent with the context or subject-matter –

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

board means the governing board of Adult Multicultural Education Services established under this Constitution;

board nominee director means a director appointed under clause 15 for the purposes of section 3.3.33(1)(c) of the Act;

board secretary means the person appointed by the board under clause 27;

chairperson means the chairperson of the board appointed under clause 13;

commercial activity means –

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

Notes

An adult education institution may engage in an activity on a commercial basis if the activity is consistent with any direction or guideline issued by the Minister from time to time in relation to commercial activity. At the time of the making of this Constitution, the current guidelines are known as the *Guidelines concerning commercial activities in accordance with Part 5.2 of the Act*.

committee member means a member of a committee established by the board under this Constitution and includes an acting member of a committee;

this Constitution means this Order in Council;

controlling interest has the same meaning as it has in section 72(2) of the **Payroll Tax Act 2007**;

Department has the same meaning as it has in section 1.1.3(1) of the Act;

Deputy Secretary means the person for the time being holding, acting in or performing the duties of the Deputy Secretary, Higher Education and Skills Group within the Department, and if its name is changed, means the person for the time being holding, acting in or performing the duties of the Deputy Secretary of that part of the Department with responsibility for vocational education and training;

director includes the chairperson, a Ministerial nominee director and a board nominee director and includes any person acting as a director;

Note

Under clause 4 of Schedule 2 to the Act, the Minister may appoint an acting director in certain circumstances.

Institution means Adult Multicultural Education Services continued in existence by clause 6 of this Constitution;

internal auditor means an auditor appointed by the board under clause 25;

major commercial activity means commercial activity that involves a transaction or transactions with a total estimated cost greater than 5 per cent of annual revenues of the Institution, but does not include –

- (a) the supply of vocational training or higher education in accordance with the Institution's strategic plan; or
- (b) the supply of vocational training or higher education that is supplied pursuant to a competitive tender process;

Ministerial nominee director means a director appointed under clause 14 for the purposes of section 3.3.33(1)(b) of the Act;

Secretary has the same meaning as it has in section 1.1.3(1) of the Act.

Notes

This Constitution is a subordinate instrument for the purposes of the **Interpretation of Legislation Act 1984**. That Act contains provisions that apply to this Constitution's interpretation.

Expressions used in this Constitution have the same meaning as they have in the **Education and Training Reform Act 2006** unless the contrary intention appears – see **Interpretation of Legislation Act 1984**, section 23.

DIVISION 2 – ESTABLISHMENT, POWERS, AND DUTIES OF THE INSTITUTION**6. *Establishment of the Institution***

There continues to be established an adult education institution called Adult Multicultural Education Services.

Notes

The Institution was originally established under section 65 of the **Education Act 1958**. It was continued and reconstituted under the **Council of Adult Education Act 1981**. On 1 March 2001, that Act was repealed, and the Institution continued as Adult Multicultural Education Services by section 45 of the **Adult, Community and Further Education Act 1991**. Since 1 July 2007, the Institution has been continued in existence under section 3.3.26 of the **Education and Training Reform Act 2006**.

The Institution is a body corporate by operation of sections 3.3.29 and 6.1.32 of the **Education and Training Reform Act 2006** with effect from 1 January 2013.

The Institution is the successor in law to the Board of Adult Multicultural Education Services, which was established under the previous Orders to be revoked by clause 43 of this Constitution. That Board was an incorporated body up to and including 31 December 2012.

See the transitional and savings provisions in section 6.1.32 of the Act and in clause 45.

7. *Objectives of the Institution*

In addition to the objectives of the institution set out in section 3.3.29A of the Act, the objectives of the Institution include providing specialist settlement services which improve the social and economic opportunities for people from culturally and linguistically diverse backgrounds.

8. *Functions of the Institution*

In addition to the functions set out in section 3.3.29B of the Act, the functions of the Institution include undertaking generally the development and provision of specialist settlement services considered necessary for the objectives of the Institution.

9. *Powers of the Institution*

- (1) The powers of the Institution are subject to, and must be exercised in accordance with, the functions, duties and obligations conferred or imposed on it by –
 - (a) the Act and other laws; and
 - (b) this Constitution; and
 - (c) Ministerial and Government directions and guidelines under the Act and other legislation, laws and conventions; and
 - (d) the general administrative, social and economic directives and policies established by the Government of Victoria from time to time.
- (2) For the avoidance of doubt, it is the intention of subclause (1) to limit the power of the Institution so that it does not have power to act in a manner that is contrary to, or inconsistent with, its duties and obligations under laws, legislation, guidelines, directions and policies that apply to the Institution.

Note

Section 3.3.29C of the Act sets out general powers of the adult education institutions. The exercise of these powers may be subject to directions issued by the Minister under section 5.2.1 of the Act, or to the provisions of this constitution. Subclause (1) requires that the Institution's powers be exercised in accordance with legislation, policies and directions that apply to the Institution.

Examples

The Institution must exercise its powers subject to the directions of the Minister for Finance under section 8 of the **Financial Management Act 1994**, which have legislative force. Direction 4.5.6 of the *Standing Directions of the Minister for Finance under the Financial Management Act 1994* sets out binding requirements in relation to public sector agencies' borrowings, investments and financial arrangements.

The Institution must also exercise its powers in relation to commercial activity, borrowing or investment subject to direction or guidelines issued by the Minister administering the Act.

DIVISION 3 – ESTABLISHMENT, POWERS AND DUTIES OF THE BOARD**10. Establishment of the board**

- (1) In accordance with section 3.3.28(2)(a) of the Act, there is established a board to oversee and govern the institution.
- (2) The board established under subclause (1) is named the Board of Adult Multicultural Education Services.

Note

See the transitional and savings provisions in section 6.1.33(4) of the Act.

11. General duties of the board

- (1) The board must –
 - (a) take all reasonable steps for the advancement of the objectives of the Institution and the board under the Act and this Constitution;
 - (b) operate in accordance with the economic and social objectives and public sector management policy established from time to time by the Government of Victoria;
 - (c) meet at intervals prescribed in this Constitution;
- Note**
See section 3.3.34D of the Act and clauses 20(2) and 21.
- (d) provide all assistance and information as the Minister, the Secretary or the Deputy Secretary may reasonably require from the board; and
 - (e) ensure the safe custody and proper use of the common seal of the Institution.
- (2) These duties are in addition to, and do not take away from, the duties imposed on the board by the Act, other provisions of this Constitution, and any other duties imposed by any other Act or law.

DIVISION 4 – COMPOSITION OF THE BOARD**12. Board composition**

The board consists of not less than nine and not more than eleven directors, of whom –

- (a) one is the chairperson of the board appointed by the Governor in Council under clause 13; and

Note

See section 3.3.33(1)(a) of the Act and clause 13.

- (b) of the remaining directors –
 - (i) if there is an even number, half are to be Ministerial nominee directors;
 - (ii) if there is an odd number, half of that number rounded up to the next whole number are to be Ministerial nominee directors –appointed by the Minister under clause 14 for the purposes of section 3.3.33(1)(b) of the Act; and

Notes

Section 3.3.33(1)(b) of the Act requires the Constitution to provide that a certain proportion of the directors are to be appointed by the Minister.

Directors appointed for the purposes of paragraph (b) are referred to in this Constitution as *Ministerial nominee directors*.

- (c) the remaining directors are appointed under clause 15 for the purposes of section 3.3.33(1)(c) of the Act.

Notes

Directors appointed for the purposes of paragraph (c) are referred to in this Constitution as *board nominee directors*.

See section 3.3.33(1)(c) of the Act and clause 15 of this Constitution in relation to the appointment of board nominee directors.

The criteria for appointment of all directors are set out in section 3.3.33(2) of the Act.

The Chief Executive Officer of the Institution is not eligible to be appointed as a director: see section 3.3.33(3) (b) of the Act.

Staff (other than the Chief Executive Officer) and students of the Institution may be eligible to be appointed as directors, if qualified.

13. Appointment of chairperson

The Governor in Council may, by instrument, appoint a person as the chairperson of the board.

Notes

The chairperson holds office for the term specified in the instrument of appointment, not being more than three years: see clause 2(1) of Schedule 2 to the Act.

The Minister may appoint an acting chairperson in the case of illness, absence or inability to act, and the Governor in Council may appoint an acting chairperson in the case of a vacancy: see clause 4(1) of Schedule 2 to the Act and section 41 of the **Interpretation of Legislation Act 1984**.

14. Appointment of Ministerial nominee directors

- (1) The Minister may, by instrument, appoint a person to a Ministerial nominee director position referred to in clause 12(b).
- (2) The Minister may consult with the chairperson before appointing a person to a Ministerial nominee position.

Note

Under section 3.3.33(1)(b) of the Act, these director appointments are made by the Minister alone.

15. Appointment of board nominee directors

- (1) The Minister may, in accordance with this clause and clause 16, by instrument, appoint a person to a board nominee director position referred to in clause 12(c).

Note

Section 3.3.33(1)(c) of the Act provides that the Constitution must provide that the remaining directors are to be appointed by the Minister after considering the advice of the directors who have been appointed under paragraphs (a) and (b) of section 3.3.33(1), namely, the chairperson and the directors appointed by the Minister alone.

- (2) The chairperson and Ministerial nominee directors must provide advice to the Minister within four months of a board nominee director position becoming vacant.
- (3) In providing advice to the Minister for the purposes of subclause (2), the chairperson and Ministerial nominee directors must comply with clause 16.
- (4) Subject to subclause (5), before appointing a board nominee director, the Minister must consider advice provided by the chairperson and Ministerial nominee directors in accordance with subclause (2) and clause 16.
- (5) If the chairperson and Ministerial nominee directors do not provide advice within four months, or such longer period approved by the Minister, of a position of board nominee director becoming vacant, the Minister may proceed to make an appointment.

16. Merit-based assessment and advice on appointment of board nominee directors

- (1) When a board nominee director position falls vacant, the chairperson and Ministerial nominee directors must provide advice to the Minister, for the purposes of section 3.3.33(1)(c) of the Act, on one or more candidates who have been assessed by the chairperson and Ministerial nominee directors as suitable for appointment to the position.

- (2) Before providing advice on the appointment of a board nominee director, the chairperson and Ministerial nominee directors must assess candidates for appointment on merit against the criteria set out in section 3.3.33(2) of the Act.
- (3) When providing advice to the Minister on the appointment of a board nominee director, the chairperson and Ministerial nominee directors must also provide to the Minister –
 - (a) a report on the process that was used by the chairperson and Ministerial nominee directors in identifying potential candidates for appointment and the assessment of those candidates; and
 - (b) a report on the qualifications, skills and experience of each candidate assessed as suitable for appointment, including an assessment of the candidate against the criteria set out in section 3.3.33(2) of the Act.

17. Notification of vacancies, absences or inability of directors to perform their duties

- (1) If a vacancy occurs in an office of the chairperson or a director, the board must inform the Minister of the vacancy in writing as soon as practicable, and in any event no later than 20 business days after a vacancy arises.

Note

Notification of a vacancy starts the process for filling it. Notifications also enable the Minister to appoint an acting chairperson or director where necessary. Where an office of chairperson or director is vacant, the Minister may appoint an acting director under section 41(1) of the **Interpretation of Legislation Act 1984**.

- (2) If, in the opinion of the board, the chairperson or a director is absent or, for any other reason, unable to perform the duties of the office for 10 or more consecutive business days, the board must immediately inform the Minister.

Note

Where a director is absent or, for any other reason, unable to perform the duties of the office, the Minister may appoint an acting director under clause 4(1) of Schedule 2 to the Act. Notifications under this subclause enable the Minister to exercise this power to appoint an acting chairperson or director.

- (3) A notice under subclause (1) or (2) must state –
 - (a) the date on which the office became vacant, or from which the chairperson or director has been absent or otherwise unable to act; and
 - (b) the reason for the vacancy, absence or inability –
as the case requires.

Note

Notifying the Minister is also a responsibility of the board secretary – see clause 27(4).

18. Terms and conditions of office of directors

- (1) Directors hold office for the term, not exceeding 3 years, that is specified in the instrument of appointment.

Notes

Ministerial directions or guidelines or Government policy may set limits on the number of terms a director may serve.

Appointment of directors must be consistent with any applicable Victorian Government policies as amended from time to time. At the time of the making of this Constitution, the relevant guidelines are known as the *Appointment and Remuneration Guidelines for Victorian Government Boards, Statutory Bodies and Advisory Committees*.

A director is eligible for reappointment: see clause 2(1) of Schedule 2 to the Act.

- (2) A director may resign by writing to the Minister.

19. Indemnity of directors and committee members

The board must arrange insurance or an indemnity for each director and committee member for an amount of not less than \$10 million per event to indemnify that director or committee member against liability in respect of any injury, damage or loss suffered by the board or any person caused or arising out of anything necessarily or reasonably done by that director or committee member in good faith –

- (a) in the exercise of a power or the performance of a function or duty of a director or committee member; or
- (b) in the reasonable belief that the act or omission was in the exercise of a power or the performance of a function or duty of a director or committee member.

Note

The Victorian Managed Insurance Authority advises and assists authorities, including centres for adult education, in relation to risk management.

DIVISION 5 – MEETINGS**20. Procedure for meetings of the board, other than the annual meeting**

- (1) The board must hold a meeting designated as the Annual General Meeting for the purpose of electing office bearers on or before 31 May each calendar year.

Notes

The Annual General Meeting under this clause is different from the Annual Meeting to be conducted under section 3.3.34D of the Act, which is a public meeting.

Clause 5 of Schedule 2 to the Act sets out some matters in relation to meeting procedure.

Office bearers may include, for example, the deputy chairperson, and the chairperson and members of committees.

- (2) The board must meet at least six times between each Annual General Meeting and at least once every three months.

Notes

Clause 5(4) of Schedule 2 to the Act sets out quorum requirements for a meeting of the board, namely, a majority of the directors in office at the time.

Clause 12 of Schedule 2 to the Act relevantly provides that an act or decision of an authority is not invalid only because –

- of a vacancy in its membership; or
- of a defect or irregularity in the appointment of any of its members; or
- in the case of a presiding or acting member, the occasion for that person so presiding or acting had not arisen or had ceased.

21. Procedure for annual meetings

- (1) The board must conduct its annual meeting, for the purposes of section 3.3.34D of the Act, in accordance with this clause.
- (2) The notice required under section 3.3.34D(2) of the Act must be published at least 15 business days before the date on which the annual meeting is to be held.

Notes

Sections 3.3.34D(2) of the Act requires that the Chief Executive Officer of the Institution must cause notice of the annual meeting to be published in a newspaper circulating generally in the area where an institution is located giving notice –

- (a) of the date, time and place of the meeting; and
- (b) that the meeting is open to the public.

Notice must also be given to the Secretary.

- (3) A notice for the purposes of section 3.3.34D(2) of the Act must also include –
 - (a) the date, time and location at which the meeting will be held; and

- (b) a contact person, including telephone number, postal and email address, in relation to arrangements for attendance at the meeting and to obtain a copy of the papers referred to in subclause (4).
- (4) The board must arrange for copies of the material referred to in section 3.3.34D(4) of the Act to be available on request to members of the public at least 10 business days before the date on which the annual meeting is to be held.

22. *Minutes of meetings and records of decisions to be kept and made available to the Deputy Secretary*

- (1) The board must –
 - (a) keep a record of its decisions, including decisions of its committees; and
 - (b) keep full and accurate minutes of its meetings, its committee meetings and of annual meetings conducted for the purposes of section 3.3.34D of the Act.
- (2) The board must make a copy of all –
 - (a) records of decisions of the board, its committees and its delegates; and
 - (b) minutes of the board, its committees and of annual meetings conducted for the purposes of section 3.3.34D of the Act –available to the Deputy Secretary on request.

Note

Keeping minutes and making copies of documents available to the Deputy Secretary is also a responsibility of the board secretary – see clauses 27(3) and (4).

DIVISION 6 – BOARD COMMITTEES

23. *Establishment of committees*

- (1) The board may, to facilitate its functioning, establish and dissolve committees.
- (2) The board may, at any time –
 - (a) appoint to office a member of a committee;
 - (b) remove from office a member of a committee and must provide in writing to the member the reasons for the removal;
 - (c) by resolution, make rules and give directions, with which committees must comply, about –
 - (i) their quorums;
 - (ii) voting powers of their members;
 - (iii) their proceedings; and
 - (iv) any other matter; and
 - (d) confer any functions on a committee to advise or assist the board in relation to the performance or exercise of any of the board's powers, duties, objectives or functions as are delegated by the board from time to time.
- (3) A committee may meet and act despite vacancies in its membership so long as a quorum is present.
- (4) The position of a committee member becomes vacant if –
 - (a) the member becomes bankrupt; or
 - (b) the member is found guilty of an offence which is, or which would if committed in Victoria be, an indictable offence; or
 - (c) the member is absent from 3 consecutive meetings of the committee without the leave of the chairperson of the committee, or in the case of the chairperson without the leave of the chairperson of the board; or

- (d) becomes a represented person within the meaning of the **Guardianship and Administration Board Act 1986** (Vic); or
- (e) ceases to hold a qualification necessary for his or her appointment.

Notes

For the corresponding provision in relation to a director, see clause 2(3) of Schedule 2 to the Act.
Any remuneration must be in accordance with current Government policy.

DIVISION 7 – FINANCIAL AND ASSET MANAGEMENT**24. General powers and duties**

- (1) The board and each of its directors are subject to the same duties that apply to investments by trustees under the law relating to trustees.

Note

See section 6 of the **Trustee Act 1958**, which requires a trustee exercising a power of investment to “exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons”.

- (2) The board must develop and implement procurement policies and procedures for letting contracts or authorising expenditure on the supply of goods or services or the carrying out of works for the Institution.
- (3) The procurement policies and procedures must include –
 - (a) provision in relation to the expenditure levels at which tenders or competitive quotations are required;
 - (b) the process for calling for tenders and competitive quotations;
 - (c) the evaluation of tenders and competitive quotations –
 - (i) based on objective criteria designed to assess value for money; and
 - (ii) that provide tenderers and prospective tenderers a fair opportunity to compete for work;
 - (d) the level of clearance required for letting contracts of particular kinds or of particular value;
 - (e) contract management procedures, responsibilities and accountabilities; and
 - (f) regular review of the procurement policy and its implementation.
- (4) In developing and reviewing its procurement policy and procedures, the board must have regard to the procurement policies adhered to by departments of the Victorian Government from time to time.

Note

Victorian Government departments currently apply procurement policies published by the Victorian Government Purchasing Board.

- (5) When entering any contract for or authorising expenditure on the supply of goods or services or the carrying out of works for the Institution, the Institution must apply its procurement policies and procedures.
- (6) The Institution need not comply with subclause (5) for the engagement of professional advisors whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (7) The board must ensure that adequate records of the tenders sought and received are retained as part of the records of the Institution.

Note

Keeping these records is also a responsibility of the board secretary – see clause 27(3).

25. Audits

The board may, in its discretion, appoint an internal auditor to advise and assist the board in the management of the Institution and its other functions, subject to and in accordance with any requirements under the **Financial Management Act 1994**.

Notes

The Institution and entities it controls are subject to annual audit by the Auditor-General – see section 9 of the **Audit Act 1994**.

Section 3.3.32(2) of the Act sets out the requirements to arrange for a continuous audit of the income and expenditure of the Institution.

DIVISION 8 – MANAGEMENT AND GOVERNANCE**26. Staff**

(1) The board must have a process for recruitment and employment of the Chief Executive Officer of the Institution based on merit and must exercise appropriate oversight over the Chief Executive Officer.

(2) The board must decide what powers, duties and responsibilities it will assign to the Chief Executive Officer.

Notes

The board must give proper direction to, and exercise proper control over, the Chief Executive Officer and other staff employed by the Institution and to monitor that they are carrying out their functions in a fit and proper manner: See section 3.3.30(1)(g) of the Act.

The Chief Executive Officer of the Institution must promote to the staff of the Institution the public sector values that are set out in section 7 of the **Public Administration Act 2004**.

In relation to the employment of staff, see section 3.3.40 of, and Schedule 3 to, the Act.

27. Board secretary

(1) The board must appoint a board secretary.

(2) The board secretary must be –

(a) an executive member of the staff of the Institution; or

(b) if not an executive member of the staff of the Institution, must be qualified to be a company secretary under the *Corporations Act 2001* of the Commonwealth – but must not be the Institution’s Chief Executive Officer.

Note

In relation to the employment of executive staff, see section 3.3.40 of, and Part 2 of Schedule 3 to, the Act.

(3) It is the duty of the board secretary to keep full and accurate minutes of meetings and records of decisions of the board and of its committees.

(4) Where a duty is imposed on the board –

(a) to give notice or information to the Minister, the Department or the Deputy Secretary; or

(b) to publish or provide information to any person – that duty is also the personal duty of the board secretary.

(5) Non-compliance by the board secretary with the duties imposed by this clause is capable of being misconduct.

Note

Section 41 of the **Interpretation of Legislation Act 1984** enables the board to appoint a qualified person as acting secretary of the board.

28. Delegations

(1) The board’s power of delegation under clause 11(3) of Schedule 2 to the Act may be exercised subject to subclauses (2) to (4).

Note

Clause 11(3) of Schedule 2 to the Act enables the board, by instrument, to delegate to –

- the members of a committee established by the board,
 - a director of the board,
 - the Chief Executive Officer of the Institution, or any other person employed in the Institution,
 - or any person employed in the Department in the administration or execution of the Act –
- any power of the board, other than the power of delegation itself.

- (2) The board must not, and does not have power to, delegate –
- (a) the making, amending or revoking of institution rules, the standing orders, nor any regulation made by it;
 - (b) the approval of, or a decision to undertake or participate in, any major commercial activity;
 - (c) the submission of the strategic plan to the Minister;

Note

Section 3.3.34A of the Act requires that a strategic plan is submitted to the Minister.

- (d) the submission of the annual statement of corporate intent to the Minister;

Note

Section 3.3.34B of the Act requires that a statement of corporate intent is submitted to the Minister.

- (e) the approval of the audited financial annual reports; or

Note

Audited financial annual reports are required to be submitted in accordance with the **Financial Management Act 1994**.

- (f) the formation of a partnership, trust or joint venture.
- (3) A delegation by the board may limit the delegated authority by reference to the type of commercial activity, financial limits or any other criteria determined by the board.
- (4) In delegating a power or function, the board must take into account the need for the delegate to have appropriate commercial or other experience relevant to the power or function or to have access to the advice of an appropriately qualified person.
- (5) A delegation must be recorded in the board's minutes and given in writing and must specify –
- (a) the period for which it is valid; and
 - (b) any limitations or conditions on the delegation.

Note

It is the duty of the board secretary to keep full and accurate minutes of meetings and records of decisions of the board and of its committees – see clause 27(3).

- (6) The board may revoke a delegation at any time.
- (7) The board may continue to exercise or perform a power, duty or function which it has delegated.
- (8) Anything done under a delegation –
 - (a) has the same effect as if it had been done by the board; and
 - (b) will not be invalidated by the later lapse, revocation or variation of the delegation.
- (9) If the power, duty or function depends on the board's opinion or belief, a delegate will exercise or perform it in accordance with his or her or its own opinion or belief.
- (10) The board remains responsible for actions taken under delegation.
- (11) The board must ensure a copy of every delegation is retained as part of the records of the board and available to the Deputy Secretary on request.

- (12) A delegation of the board is revoked by operation of this subclause three years after its making.
- (13) For the avoidance of doubt –
- (a) the purpose of the sunseting of delegations under subclause (12) is to require the board to review the appropriateness of delegations periodically; and
 - (b) the revocation of a delegation by subclause (12) does not prevent the making of a new delegation in the same or a similar form by the board following that review.

Note

In relation to delegations made by the former board, see clauses 48(1) to (3).

29. Institution rules

- (1) The board may make institution rules for the good order and management of the Institution on matters within its power and may amend or revoke those institution rules.

Note

Section 3.3.28(2)(f) of the Act states that a constitution may make provision for the governing board of an adult education institution to make rules for the governance of the institution.

- (2) The board may amend or revoke any rule or regulation made by its predecessors.
- (3) An institution rule is revoked by operation of this subclause 5 years after its making.
- (4) For the avoidance of doubt –
- (a) the purpose of the sunseting of institution rules under subclause (3) is to require the board to review the appropriateness of institution rules periodically; and
 - (b) the revocation of an institution rule by subclause (3) does not prevent the making of a new institution rule in the same or a similar form by the board following that review.

Note

In relation to institution rules made by the former board, see clauses 48(4) to (6).

30. Common seal

- (1) The common seal of the Institution must –
- (a) be kept in the custody of the board secretary or such other custody as the board directs;
 - (b) not be used except as authorised by the board.
- (2) Every document on which the common seal is affixed must be signed by at least two directors who are not members of staff of the Institution, or by the board secretary and at least one director who is not a member of staff of the Institution.

Note

Section 3.3.29(b) of the Act provides that the Institution has a common seal.

**DIVISION 9 – CONDUCT AND ACCOUNTABILITY OF DIRECTORS,
COMMITTEE MEMBERS AND INSTITUTION STAFF**

Note

The provisions of this Division are in addition to requirements of other legislation in relation to the conduct of public officials, such as the **Public Administration Act 2004** and Codes of Conduct for directors and public sector employees under that Act.

31. Interpretation

In this Division –

direct interest means an interest in a matter of a kind described in clause 40;

family member has the same meaning as in section 78(1) of the **Local Government Act 1989**;

indirect interest means an interest in a matter of a kind described in clause 41;

matter means a matter with which the board, committee or a member of Institution staff is concerned and that will require –

- (a) a power to be exercised, or a duty or function to be performed, or a decision to be made, by the board or a committee in respect of the matter;
- (b) a power to be exercised, or a duty or function to be performed, or a decision to be made by a member of Institution staff in respect of the matter;

relative has the same meaning as in section 78(1) of the **Local Government Act 1989**;

relevant person means –

- (a) a director; and
- (b) a committee member; and
- (c) a member of the Institution staff, including the Institution’s Chief Executive Officer.

32. Primary principle of director and committee member conduct

A director or a committee member must, in performing their duties –

- (a) act with integrity; and
- (b) impartially exercise his or her responsibilities in the interests of the Institution; and
- (c) not improperly seek to confer an advantage or disadvantage on any person.

33. General conduct principles

(1) In addition to acting in accordance with the primary principle of conduct specified in clause 32, in performing the role of a director or committee member, a relevant person must –

- (a) take all reasonable steps to avoid conflicts between his or her duties as a director or committee member and his or her personal interests and obligations;
- (b) disclose any conflict of interest in accordance with the Act and this Constitution;
- (c) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
- (d) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other directors, committee members, Institution staff and other persons;
- (e) exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;
- (f) endeavour to ensure that Institution resources are used prudently and solely in the Institution’s and the public interest;
- (g) act lawfully and in accordance with the trust placed in him or her as director of a major State public sector body or as a member of one of that body’s committees;
- (h) support and promote these principles by leadership and example and act in a way that secures and preserves confidence in the office of director or committee member; and
- (i) not make improper use of any information acquired as a member of the committee.

Note

Clause 2(4)(c) of Schedule 2 to the Act provides that a director must not make improper use of information acquired as a director.

(2) For the avoidance of doubt, a committee member is subject to any code of conduct applicable to a director under section 63 of the **Public Administration Act 2004**.

34. Misuse of position

- (1) A relevant person must not misuse his or her position –
 - (a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
 - (b) to cause, or attempt to cause, detriment to the board or another person.
- (2) For the purposes of this clause, circumstances involving the misuse of a position by a director or a committee member include –
 - (a) making improper use of information acquired as a result of the position he or she held or holds; or
 - (b) disclosing information that is confidential information within the meaning of clause 36; or
 - (c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Institution staff in contravention of clause 35; or
 - (d) exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform; or
 - (e) using Institution funds or resources in a manner that is improper or unauthorised; or
 - (f) failing to disclose a conflict of interest as required under the Act or this Constitution.
- (3) This clause has effect in addition to, and not in derogation from, any Act or law relating to the criminal or civil liability of directors or members of committees.

35. Improper direction and improper influence

- (1) A director or a committee member must not improperly direct or improperly influence, or seek to improperly direct or improperly influence, a member of Institution staff in the exercise of any power or in the performance of any duty or function by the member.
- (2) A director or committee member must not direct, or seek to direct, a member of Institution staff –
 - (a) in the exercise of a delegated power, or the performance of a delegated duty or function of the board; or
 - (b) in the exercise of a power or the performance of a duty or function exercised or performed by the director or committee member under the Act or this Constitution; or
 - (c) in the exercise of a power or the performance of a duty or function the director or committee member exercises or performs in an office or position the director or committee member holds under another Act; or
 - (d) in relation to advice provided to the board or a committee, including advice in a report to the board or committee.

Note

This does not apply in the circumstances set out in subclause (3) below.

- (3) This clause does not apply to a decision of the board or a committee that is made within the powers, duties or functions conferred under this or any other Act.

36. Confidential information

- (1) A relevant person must not release information that the person knows, or should reasonably know, is confidential information.
- (2) For the purposes of this clause, information is *confidential information* if –

- (a) the information has been designated as confidential information by a resolution of the board or a committee and the board or committee has not passed a resolution that the information is not confidential; or
- (b) subject to subclause (3), the information has been designated in writing as confidential information by the board secretary and the board has not passed a resolution that the information is not confidential.

Example

A director must not disclose information relating to the board's position in commercial or industrial negotiations which –

- the board or the committee has resolved is confidential information, or
- the board secretary has certified is confidential information.

- (3) Confidential information referred to in subclause (2)(b) ceases to be confidential at the expiry of the period of 65 days after the designation is made unless subclause (2)(a) applies to the information.
- (4) For the avoidance of doubt, this clause does not prevent the disclosure of information as required by law, including this Constitution.

37. Disclosure of interests of committee members

- (1) A committee member who has a pecuniary or other interest in any matter in which the committee is concerned must –
 - (a) if the committee member is present at a meeting of the committee at which the matter is to be considered, disclose the nature of the interest immediately before the consideration of that matter; or
 - (b) if the committee member is aware that the matter is to be considered at a meeting of the committee at which the committee member does not intend to be present, disclose the nature of the interest to the committee chairperson before the meeting is held.
- (2) A committee member who has made a disclosure in accordance with subclause (1) –
 - (a) may, at the discretion of the board, take part in the discussion in the meeting; and
 - (b) must leave the meeting while any vote is taken on a question relating to the matter.
- (3) The chairperson of the committee must ensure that a disclosure made to a committee is reported to the next meeting of the board.
- (4) All disclosures must be recorded in the minutes of the committee and the board.

Note

It is the duty of the board secretary to keep full and accurate minutes of meetings and records of decisions of the board and of its committees – see clause 27(3).

- (5) A disclosure can be in the form of a general notice read at a board meeting and entered in its minutes that the committee member holds an office or possesses certain property or has other relevant interests.
- (6) The requirements of this clause in relation to committee members do not apply to conflicts in respect of positions, offices or employment held which are a necessary qualification for the appointment of a person to the committee.

Note

If it is a necessary qualification for a particular committee member to be a member of staff of the Institution, then the mere fact that the person is a member of staff would not be something that the committee member has to disclose under this clause.

- (7) For the avoidance of doubt, this clause applies to a director who is a member of a committee when acting in that capacity.

Note

In relation to disclosures of interest of a director, see clause 6 of Schedule 2 to the Act.

38. Disclosure of interest of staff members

A member of the Institution's staff who –

- (a) prepares material for the board or a committee in relation to a matter; or
- (b) is present at a meeting of the board or a committee to provide assistance or advice in relation to a matter –

must disclose to the board or committee (as the case may be) if he or she has an interest in relation to that matter.

39. Assessing whether a person has an interest in a matter

(1) For the purposes of –

- (a) in relation to directors – clause 6 of Schedule 2 to the Act and this Division; and
 - (b) in relation to committee members and Institution staff – this Division –
- a relevant person will be taken to have an interest in any matter in which the board or committee (as the case may be) is concerned if the relevant person has a direct interest or indirect interest in the matter.

(2) A relevant person does not have an interest in a matter under this Division if the direct interest or indirect interest of the relevant person is so remote or insignificant that the direct interest or indirect interest could not reasonably be regarded as capable of influencing any actions or decisions of the relevant person in relation to the matter.

(3) A relevant person does not have an interest in a matter if the direct interest or indirect interest the relevant person holds –

- (a) is held as a resident of the area served by the Institution and does not exceed the interests generally held by other residents of the areas served by the Institution; or
- (b) is held in common with a large class of persons and does not exceed the interests generally held by the class of persons.

(4) A relevant person does not have an interest in a matter if the relevant person –

- (a) does not know the circumstances that give rise to the interest; and
- (b) would not reasonably be expected to know the circumstances that give rise to the interest.

(5) For the avoidance of doubt, this provision operates in addition to and is not intended to take away from the operation of clause 6 of Schedule 2 to the Act.

40. Assessing whether a person has a direct interest in a matter

(1) For the purposes of this Division, a person has a direct interest in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way.

(2) Without limiting subclause (1), a person has a direct interest in a matter if –

- (a) there is a reasonable likelihood that the person will receive a direct benefit or loss that can be measured in financial terms if the matter is decided in a particular way; or
- (b) the person has, or the person together with a member or members of the person's family have, a controlling interest in a company or other body that has a direct interest in the matter.

Note

For the definition of *controlling interest*, see clause 5.

41. Assessing whether a person has an indirect interest in a matter

- (1) For the purposes of this Division, a person has an indirect interest in a matter in the circumstances set out in this clause.
- (2) A person has an indirect interest in a matter if –
 - (a) a family member of the person has a direct interest or an indirect interest in a matter; or
 - (b) a relative of the person has a direct interest in a matter; or
 - (c) a member of the person’s household has a direct interest in a matter.
- (3) A person has an indirect interest in a matter if the person is likely to receive a benefit or incur a loss, measurable in financial terms, as a consequence of a benefit received or loss incurred by another person who has a direct or indirect interest in the matter.
- (4) A person has an indirect interest in a matter if the person –
 - (a) has a beneficial interest in shares of a company or other body that has a direct interest in the matter, unless the combined total value of all the shares owned by the person and their family members is less than \$10,000 and the total value of issued shares of the company or body exceeds \$10 million; or
 - (b) is owed money from another person and that other person has a direct interest in the matter, unless the money is owed by an approved deposit taking institution.
- (5) A person has an indirect interest in a matter because of conflicting duties if the person –
 - (a) is a manager or a member of a governing body of a company or body that has a direct interest in a matter; or
 - (b) is a partner, consultant, contractor, agent or employee of a person, company or body that has a direct interest in a matter; or
 - (c) is a trustee for a person who has a direct interest in a matter –
but does not have an indirect interest in a matter under this subclause only because the person –
 - (d) is a member of the Victorian Public Service or a member of staff of a Victorian public sector body and the person has no expected duties in that capacity in relation to the matter; or
 - (e) holds a position, with the board’s approval as a representative of the board, in an organisation for which the person receives no remuneration; or
 - (f) is a director who holds a position in the Victorian TAFE Association Inc. (registration no. A37584B, ABN 43 308 387 581) or in another body that has the purpose of representing the interests of TAFE institutions.
- (6) A person has an indirect interest in a matter if the person has received a gift or gifts with a total value of \$10,000 or more in the preceding 5 years, directly or indirectly from –
 - (a) a person who has a direct interest in the matter; or
 - (b) a director, contractor, consultant, agent or employee of a person, company or body that the person knows has a direct interest in a matter; or
 - (c) a person who gave the gift or gifts to the person on behalf of a person, company or body that has a direct interest in the matter.

42. Additional duties

- (1) The duties imposed by this clause are in addition to, and do not take away from, those imposed by the Act or other laws.

Note

In relation to duties of directors, see in particular Schedule 2 to the Act.

- (2) Before being eligible to take up the position of director, a person must sign an instrument agreeing to be bound by and to comply with –
- (a) the Act and other laws applying to the Institution and board;
 - (b) this Constitution; and
 - (c) subject to the above, any governance protocols adopted by the board from time to time.
- (3) A person who is, or has been a director of the board must not disclose confidential information acquired in the course of his or her duties as a board director except as authorised by the board.

43. Breach of this Division may be misconduct

A breach of this Division by a relevant person is capable of being misconduct.

Examples

Breach of conflict disclosure requirements by a chairperson could be grounds for removal from office under section 3.3.34 of the Act.

Breach of conflict disclosure requirements by a member of staff could be grounds for disciplinary action.

DIVISION 10 – REVOCATION, SAVINGS AND TRANSITIONAL**44. Revocation of former Orders**

On the day this Constitution takes effect (*the handover date*), the following Orders (*the former Orders*) are revoked –

- (a) the Order in Council, dated 13 February 2001, made under the **Adult, Community and Further Education Act 1991** that established the board of the Institution; and
- (b) all amending Orders that amended the Order in Council referred to in paragraph (a).

Note

The Order in Council dated 13 February 2001 made under the **Adult, Community and Further Education Act 1991** (as amended) continued in operation after the repeal of that Act on 1 July 2007 as if the Order were made under the **Education and Training Reform Act 2006**: see section 6.1.13 of, and item 1.12 of Schedule 8 to, the **Education and Training Reform Act 2006** and section 16 of the **Interpretation of Legislation Act 1984**.

45. Abolition of former board and transitional arrangements

- (1) On the handover date, the board established under the former Orders (*the former board*) is abolished and the directors of the former board go out of office.

Note

The effect of sections 6.1.33(4)(b) and (c) of the Act is that, despite changes to board membership requirements in section 3.3.33 of the Act under the amendments made by the **Education Legislation Amendment (Governance) Act 2012** on 1 January 2013, the current boards and directors remain in place until the handover date.

- (2) Subclause (1) does not affect the eligibility of any person for appointment to the board established by this Constitution (*the incoming board*).

46. First appointments to the incoming board

For the avoidance of doubt, directors may be appointed to the incoming board after this Constitution is made but before the commencement date in accordance with and subject to section 26 of the **Interpretation of Legislation Act 1984**.

Note

Section 26(1)(c) of the **Interpretation of Legislation Act 1984** enables appointments to be made under a subordinate instrument, such as this Constitution, after it is made but before it is in operation, for implementation purposes.

47. Savings of acts under the former Orders

Unless otherwise specified, this Constitution does not affect the validity or continuity of anything validly done in accordance with the former Orders before the handover date.

Note

See section 6.1.33(4)(c) of the **Education and Training Reform Act 2006**, which provides that, despite the amendments made to board composition requirements under section 3.3.33 of that Act by the **Education Legislation Amendment (Governance) Act 2012**, the former board, its directors and the constitution under which it was established remain in place until remade following the required review.

48. Matters relating to the establishment of the new board

- (1) Delegations made by the former board continue in operation as if they were made by the incoming board until they are revoked –
 - (a) by resolution of the incoming board; or
 - (b) by operation of subclause (2) –whichever is the earlier.
- (2) All delegations made by the former board or its predecessors are revoked by operation of this subclause on the day that is six months after the handover date.
- (3) For the avoidance of doubt –
 - (a) the purpose of subclause (2) is to require the incoming board to review all delegations by the former board and its predecessors; and
 - (b) the revocation by subclause (2) of a delegation by the former board or one of its predecessors does not prevent the making of a new delegation in the same or a similar form by the incoming board following that review.
- (4) Institution rules and standing orders made by the former board continue in operation, as if they were made as institution rules by the incoming board under clause 29, until they are revoked –
 - (a) by resolution of the incoming board; or
 - (b) by operation of subclause (5) –whichever is the earlier.
- (5) All institution rules and standing orders made by the former board or its predecessors are revoked by operation of this subclause on the day that is six months after the handover date.
- (6) For the avoidance of doubt –
 - (a) the purpose of subclause (5) is to require the incoming board to review all institution rules and standing orders by the former board and its predecessors; and
 - (b) the revocation by subclause (5) of an institution rule or a standing order made by the former board or one of its predecessors does not prevent the making of a new institution rule in the same or a similar form by the incoming board following that review.

Note

This Constitution does not authorise the making of standing orders in future.

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

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

107. *Statutory Rule:* Drugs, Poisons and Controlled Substances Amendment (Continued Dispensing) Regulations 2013
- Authorising Act:* Drugs, Poisons and Controlled Substances Act 1981
- Date first obtainable:* 2 September 2013
- Code A*
108. *Statutory Rule:* Drugs, Poisons and Controlled Substances Amendment (Schedule 8 Permit) Regulations 2013
- Authorising Act:* Drugs, Poisons and Controlled Substances Act 1981
- Date first obtainable:* 2 September 2013
- Code A*
109. *Statutory Rule:* Public Health and Wellbeing Amendment Regulations 2013
- Authorising Act:* Public Health and Wellbeing Act 2008
- Date first obtainable:* 2 September 2013
- Code A*

110. *Statutory Rule:* County Court (Chapter III Amendment No. 2) Rules 2013
- Authorising Act:* Criminal Procedure Act 2009
County Court Act 1958
- Date first obtainable:* 2 September 2013
- Code B*
-

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