



Victoria Government Gazette

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Transport (Compliance and Miscellaneous) Act 1983
ORDER MADE UNDER SECTION 143A OF THE
TRANSPORT (COMPLIANCE AND MISCELLANEOUS) ACT 1983

Order for the Granting of Taxi-cab Licences in a Taxi-cab Zone

DEFINITIONS

In this Order:

Application Forms means the application forms specified by the licensing authority (Taxi Services Commission);

Conventional Fixed-Term Licence means a taxi-cab licence granted or applied for under this Order which will operate for a fixed-term of one year, other than a WAT Fixed-Term Licence;

Fixed-Term Licence means a Conventional Fixed-Term Licence or a WAT Fixed-Term Licence;

Metropolitan Taxi-cab Zone means the area described as such in Schedule 1 to this Order;

Rules means the document attached as Appendix 1 to this Order;

Transport Act means the **Transport (Compliance and Miscellaneous) Act 1983** (Vic.);

WAT means a wheelchair accessible taxi-cab, which is a taxi-cab specially constructed or modified for the carriage of at least one person seated in a wheelchair; and

WAT Fixed-Term Licence means a taxi-cab licence granted or applied for under this Order which will operate for a fixed-term of one year and to which is attached (or intended to be attached) a condition that the taxi-cab licensed to operate under the licence is a WAT.

Unless otherwise indicated, words used in this Order have the meanings given in the Transport Act.

ORDER

I, Graeme Samuel AC, Chairperson of the Taxi Services Commission, under an Instrument of Delegation from the Minister for Public Transport dated 16 February 2014 and by Order under section 143A of the Transport Act relating to the granting of taxi-cab licences in taxi-cab zones:

Taxi-cab zones

1. proclaim the Metropolitan Taxi-cab Zone as a proclaimed taxi-cab zone for the purpose of this Fixed-Term Licence issue;

Characteristics of licences

2. specify that each Fixed-Term Licence may be granted for a fixed term of one year only. This term will commence on the date the Fixed-Term Licence is granted by the licensing authority;
3. specify that each Fixed-Term Licence will be subject to a condition that the Fixed-Term Licence cannot be assigned.

Note: The information in paragraph 3 is stated for the purpose of section 143D(2) of the Transport Act; the non-assignment condition will be imposed under section 143D(1)(b) of the Transport Act.

Licence fee

4. specify that the licence fee to be paid for each Fixed-Term Licence is:
 - a. \$22,000 (GST exempt) for each Conventional Fixed-Term Licence;
 - b. \$18,400 (GST exempt) for each WAT Fixed-Term Licence.

Note: Application fees, annual fees and any other applicable fees determined by the licensing authority under section 147B of the Transport Act must be paid in addition to the licence fee.

SPECIAL

Class and qualifications of persons eligible to apply

5. specify that a person is eligible to apply for a Fixed-Term Licence if and only if the person satisfies the eligibility criteria specified in rule 6.2 of the Rules;

Procedures

6. specify that the procedures to be followed for the granting of Fixed-Term Licences by the licensing authority are the procedures set out in Parts B to D of the Rules;

Particulars

7. specify that:
- each application for a Conventional Fixed-Term Licence must include a completed Application Form specified to be applicable to applications for that licence type; and
 - each application for a WAT Fixed-Term Licence must include a completed Application Form specified to be applicable to applications for that licence type.

Note: An application must be accompanied by the appropriate application fee determined by the licensing authority under section 147B of the Transport Act (section 143A(7)).

Due date

8. specify that each application for a Fixed-Term Licence must be lodged with the licensing authority on or before 7 April 2014.

Dated 17 March 2014

GRAEME SAMUEL AC
Chairperson, Taxi Services Commission

SCHEDULE 1: PROCLAIMED TAXI-CAB ZONE**Metropolitan Taxi-cab Zone**

The Metropolitan Taxi-cab Zone is the area bounded by the coastline, the mouth of the Werribee River, a direct line to Cherry Tree Creek and its intersection with the Princes Highway, a direct line to the intersection of Bulban and Ball Roads, a direct line to the Werribee River and its intersection with Hobbs Road, Hobbs, Boundary and Robinsons Roads, Western Highway, Clarke Road, Monaghans Road, a straight line from the intersection of Monaghans Road and Taylors Road to the intersection of Holden Road and Calder Highway, a straight line to the intersection of Bulla Road and Quartz Street, Bulla, Somerton, Oaklands, Konagadera, Mt Ridley, Summerhill, Epping, Bridge Inn and Doctors Gully Roads, Bannans Lane North, Hurstbridge–Arthurs Creek, Heidelberg–Kinglake, Cherry Tree, Kangaroo Ground–St Andrews, Eltham–Yarra Glen and Kangaroo Ground–Warrandyte Roads, Pigeon Bank Lane, Pigeon Bank Gully Creek, Yarra River in a north-easterly direction, Victoria Road, McIntyre Lane, Yarra Glen, St Huberts, Boundary, Killara and Gruyere Roads, Old Gippsland Road, Sebire Avenue, Warburton Highway, Beenak, Wandin East, Queens, Monbulk, Stonyford, Olinda Creek, Barbers, Doughtys Falls, The Georgian, Olinda–Monbulk, Main, Emerald–Monbulk, Moxhams, Priors, Kallista–Emerald, William, Grantulla, Belgrave–Gembrook, Wellington and Garden Roads, Princes Highway, McNaughton and Kombi Roads, railway line, Westall, Heatherton and Boundary Roads, Old Dandenong, Centre Dandenong, Lower Dandenong, Springvale, Pillars, Wilson and McMahrens Roads a direct south line to Rossiter Road, northern boundary of City of Frankston, Eel Race Road to the coastline.

APPENDIX 1: PROCEDURAL RULES

PROCEDURAL RULES**A. PRELIMINARY****1. Definitions****1.1. In these Rules:**

Applicant means a person who makes an Application for one or two Fixed-Term Licences by lodging an Application Form;

Application means an application for a Fixed-Term Licence, which is made by an Applicant completing and lodging an Application Form;

Application Due Date means the due date for Applications for Fixed-Term Licences, as specified by the Chairperson in the Order and published in the Application Information Booklet;

Application Fee means the application fee of AUD\$168.60 that must accompany an Application, as determined by the Licensing Authority under section 147B of the Transport Act;

Application Form means the specified form to be used to lodge an Application for a Fixed-Term Licence;

Application Information Booklet means the booklet referred to in Rule 3.1 which will be prepared and issued by the Licensing Authority and will include these Rules as an Appendix;

Application Period means from 9.30 am on Monday 31 March 2014 until 4.00 pm on Monday 7 April 2014;

Authorisation to Lodge Application Form means the specified form to be used when an Authorised Representative is lodging an Application on behalf of an Applicant;

Authorised Representative means person who has been authorised in writing to lodge an Application on behalf of an Applicant;

Business Day means Monday to Friday excluding public holidays in Melbourne, Victoria;

Chairperson means the Chairperson of the Taxi Services Commission;

Conventional Fixed-Term Licence means a taxi-cab licence granted or applied for under the Order which will operate for a fixed-term of one year, other than a WAT Fixed-Term Licence;

Eligibility Criteria means the criteria described in Rule 6.2;

Fixed-Term Licence means a Conventional Fixed-Term Licence or a WAT Fixed-Term Licence;

Licence Fee means the fee payable for a Fixed-Term Licence in accordance with section 143A(4) of the Transport Act, as specified in the Order and set out in Rule 3.3;

Licence Release Process means the procedures for the granting of Fixed-Term Licences specified by the Chairperson under the Order and documented in these Rules, which operates in the following three sequential phases:

(a) Phase 1: Application Process;

(b) Phase 2: Lottery; and

(c) Phase 3: Offer Stage;

Licence Types means the two types of Fixed-Term Licence available to be granted in the Licence Release Process;

Licensing Authority has the meaning given in section 2 of the Transport Act;

Metropolitan Taxi-cab Zone means the area described as such in the Order;

Offer Stage means the stage described in Part D;

Order means the Order of the Chairperson under section 143A(1) of the Transport Act, published in the Victoria Government Gazette, which gives effect to these Rules;

Phase 2 Applicant means an Applicant whose Application progresses from the Application Process to the Lottery, as described in Rule 8.2;

Phase 3 Applicant means an Applicant whose Application progresses from the Lottery to the Offer Stage, as described in Rule 12.3 and 12.7 (as applicable);

Responsible Person has the meaning given in section 130A of the Transport Act;

Rules means these Procedural Rules which govern the Licence Release Process;

Taxi-cab Zone means the Metropolitan Taxi-cab Zone;

Taxi Services Commission means the body corporate established under section 115B of the **Transport Integration Act 2010** (Vic.) whose primary object is to regulate the commercial passenger vehicle industry;

Transport Act means the **Transport (Compliance and Miscellaneous) Act 1983** (Vic.);

WAT means a wheelchair accessible taxi-cab, which is a taxi-cab specially constructed or modified for the carriage of at least one person seated in a wheelchair;

WAT Fixed-Term Licence means a taxi-cab licence granted or applied for under the Order which will operate for a fixed-term of one year and to which is attached (or intended to be attached) a condition that the taxi-cab licensed to operate under the licence is a WAT;

1.2. Unless otherwise indicated, words used in these Rules have the meanings given in the Transport Act.

2. Statutory Power

2.1. Order

2.1.1. These Rules are made by the Chairperson under the Order.

2.1.2. In these Rules, the Chairperson specifies:

2.1.2.1. the particulars that must be included in an Application;

2.1.2.2. the classes of people and the qualifications of people eligible to apply for Fixed-Term Licences; and

2.1.2.3. the procedures to be followed for the granting of Fixed-Term Licences.

2.2. Purpose of Rules

The purpose of these Rules is for the Chairperson to specify criteria and procedures that determine:

2.2.1. who is eligible to apply for a Fixed-Term Licence;

2.2.2. how many Fixed-Term Licences are available to be granted by the Licensing Authority;

2.2.3. which Applicants may be granted a Fixed-Term Licence;

2.2.4. how many Fixed-Term Licences each Applicant may be granted; and

2.2.5. the amount of the Licence Fee payable for each Fixed-Term Licence.

3. Outline

Note: This Rule provides an outline of the Licence Release Process and gives an overview of the key concepts and mechanisms used in these Rules.

3.1. Application Information Booklet

The Licensing Authority will prepare and release an Application Information Booklet to provide information to prospective Applicants about this Licence Release Process. The Application Information Booklet will include these Rules as an Appendix and, to the extent of any inconsistency between the Application Information Booklet and these Rules, these Rules will prevail.

3.2. **Licence Types**

There are two types of Fixed-Term Licences available in the Licence Release Process:

- 3.2.1. Conventional Fixed-Term Licence; and
- 3.2.2. WAT Fixed-Term Licence.

3.3. **Licence Fees**

A fixed fee is payable for each Fixed-Term Licence:

- 3.3.1. \$22,000 (GST exempt) for a Conventional Fixed-Term Licence;
- 3.3.2. \$18,400 (GST exempt) for a WAT Fixed-Term Licence.

3.4. **Taxi-cab Zones**

The Fixed-Term Licences will be subject to a condition restricting the area in which the licensed taxi-cab is permitted to operate to the Metropolitan Taxi-cab Zone.

3.5. **Phases in the Licence Release Process**

There are three phases in the release of Fixed-Term Licences governed by these Rules:

3.5.1. **Phase 1: Application Process (described in Part B)**

- 3.5.1.1. Applicants lodge their Application using the specified Application Form during the Application Period by the Application Due Date and are assessed against the Eligibility Criteria.
- 3.5.1.2. Applicants who meet the Eligibility Criteria become Phase 2 Applicants.
- 3.5.1.3. Applicants who do not meet the Eligibility Criteria are ineligible for a Fixed-Term Licence and their Application will be refused by the Licensing Authority.

3.5.2. **Phase 2: Lottery (described in Part C)**

- 3.5.2.1. Phase 2 Applicants will progress to the Lottery.

3.5.3. **Phase 3: Offer Stage (described in Part D)**

- 3.5.3.1. A specified number of Phase 2 Applicants whose Applications are randomly selected in the Lottery will progress to the Offer Stage.

4. **Standing Rules**

4.1. **Application**

- 4.1.1. The following Rules apply to Applicants from the time an Application is made until the time a decision is made on the Application by the Licensing Authority.
- 4.1.2. The Licensing Authority may refuse the Application of any Applicant who fails to comply with any requirement in these Rules.

4.2. **Improper Assistance and Communications**

Applicants must not:

- 4.2.1. seek or obtain assistance from personnel, consultants or contractors of the Licensing Authority unless such assistance is authorised by the Licensing Authority (all assistance contemplated in the Application Information Booklet will be deemed to be authorised by the Licensing Authority for the purpose of this Rule) or make any unlawful inducements in connection with the preparation and lodgement of an Application;
- 4.2.2. engage in any activities that may be perceived as, or that may have the effect of, improperly influencing the outcomes of the Licence Release Process in any way; or
- 4.2.3. make any media release or other public comment, announcement or statement in connection with the Licence Release Process or the Fixed-Term Licences without the prior written authorisation of the Licensing Authority.

4.3. Anti-competitive Conduct

The Applicant must not engage in anti-competitive conduct during the Licence Release Process (including when preparing and lodging an Application), including any collusion with other taxi-cab industry participants.

4.4. Suspension or Cancellation of Licence Release Process

The Licensing Authority may, exercising absolute discretion, suspend or cancel the Licence Release Process at any time without granting any Fixed-Term Licences.

PART B**PHASE 1: APPLICATION PROCESS****5. Outline**

Note: This Rule provides an outline of the Application Process.

5.1. Purpose

In this phase:

- 5.1.1. persons who wish to apply for a Fixed-Term Licence lodge their Application using the specified Application Form;
- 5.1.2. an Applicant who wishes to apply for both a Conventional Fixed-Term Licence and a WAT Fixed-Term Licence must lodge a separate Application Form for each Licence Type; and
- 5.1.3. on receipt of the Application, the Licensing Authority checks each Application Form received to determine whether the Applicant is eligible to apply for a Fixed-Term Licence.

5.2. Progress to Lottery

Applicants who progress through the Application Process without having their Application refused by the Licensing Authority become Phase 2 Applicants and their Application progresses to the Lottery.

6. Eligibility**6.1. Entitlement to Lodge**

- 6.1.1. A person is only eligible to apply for a Fixed-Term Licence if that person satisfies the Eligibility Criteria.
- 6.1.2. Each person who satisfies the Eligibility Criteria may only apply for:
 - 6.1.2.1. one Conventional Fixed-Term Licence; or
 - 6.1.2.2. one WAT Fixed-Term Licence; or
 - 6.1.2.3. one Conventional Fixed-Term Licence and one WAT Fixed-Term Licence.

6.2. Eligibility Criteria

The Eligibility Criteria are as follows:

6.2.1. The Applicant must be:

- 6.2.1.1. accredited as a metropolitan taxi-cab operator as at the date of the Order; and
- 6.2.1.2. the Responsible Person listed on the Licensing Authority's database for that operator accreditation.

6.2.2. The Application must:

- 6.2.2.1. be lodged in person by either the Applicant or an Authorised Representative at the Licensing Authority's Customer Service Centre on or before the Application Due Date;

- 6.2.2.2. include the following information or documentation:
- the Applicant's:
 - full name (this must be the full name of the Responsible Person);
 - operator accreditation number;
 - postal address;
 - contact telephone number;
 - two forms of proof of identity evidence in compliance with the requirements stated in the Application Form; and
 - a signed privacy consent and statutory declaration in compliance with the requirements stated in the Application Form.
- 6.2.3. The Applicant must bring the original proof of identity documents to be sighted by the Licensing Authority's Customer Service staff member at the time of lodging the Application Form unless Rule 6.2.4 applies.
- 6.2.4. If the Application Form is lodged by a third party on behalf of the Applicant, the Applicant must provide a signed Authorisation to Lodge Application Form. The Authorised Representative must submit the Authorisation to Lodge Application Form together with certified copies of the Applicant's proof of identity evidence in compliance with the requirements stated in the Application Form. The Authorised Representative must also provide two forms of proof of identity evidence in compliance with the requirements stated in the Application Form.
- 6.2.5. Subject to Rule 6.2.6, at the time of lodging the Application, the Applicant (or the Authorised Representative) must pay the Application Fee to the Licensing Authority by bank cheque or money order.
- 6.2.6. Where an Applicant applies for both a Conventional Fixed-Term Licence and a WAT Fixed-Term Licence, an Application Fee is payable for each licence type.
- Note: If an Applicant fails to meet any of the Eligibility Criteria, the Licensing Authority must refuse the Application.

7. Applications

7.1. Application Form

- 7.1.1. The Applicant must indicate, in the relevant section of the Application Form, whether they wish to apply for Conventional Fixed-Term Licence or a WAT Fixed-Term Licence.
- 7.1.2. If the Applicant applies for both a Conventional Fixed-Term Licence and a WAT Fixed-Term Licence, a separate Application Form must be submitted for each licence type.
- 7.1.3. The Applicant must complete all information as required in the applicable Application Form and must provide all documents and evidence requested in the Application Form. It is the Applicant's responsibility to ensure that there are no errors in the Application Form and that no information is missing.

7.2. Lodgement

Applications must be lodged:

- 7.2.1. in person with the Licensing Authority (a Customer Service staff member) at the Licensing Authority's Customer Service Centre (Level 23, 80 Collins Street, Melbourne);
- 7.2.2. during the Licensing Authority's business hours (Monday to Friday, 9.30 am to 4.00 pm);
- 7.2.3. during the Application Period; and
- 7.2.4. by no later than the Application Due Date.

8. Eligibility Check

8.1. Check

At the time the Application is received in accordance with these Rules, the Licensing Authority will check the Application Form to determine whether the Applicant meets the Eligibility Criteria.

8.2. Phase 2 Applicant

8.2.1. If an Applicant meets the Eligibility Criteria, that Applicant becomes a Phase 2 Applicant and the Application will progress to the Lottery.

8.2.2. If the Applicant provides a valid email address on the Application Form, they will receive a receipt acknowledging that their Application has been received.

8.2.3. If an Applicant does not meet the Eligibility Criteria, the Licensing Authority must refuse the Application.

9. Cap on Number of Fixed-Term Licences

9.1. Licensing Authority will Determine Number of Fixed-Term Licences

9.1.1. The Licensing Authority has determined that up to 30 Fixed-Term Licences are to be made available in first tranche of the Licence Release Process (**First Tranche**).

9.1.2. Twenty-three Conventional Fixed-Term Licences will be made available and seven WAT Fixed-Term Licences will be made available in the First Tranche.

9.1.3. The Licensing Authority may decide to make available an additional 30 Fixed-Term Licences in the second tranche of the Licence Release Process (**Second Tranche**).

PART C

PHASE 2: LOTTERY

10. Entering Electronic Data for Lottery

10.1. The electronic lottery lodgement system and lottery process will be provided by a third party contracted by the Licensing Authority.

10.2. If the Applicant meets the Eligibility Criteria as outlined at Rule 6.2, the Licensing Authority will immediately enter the Applicant's information into the online lodgement system.

10.3. Each eligible Application will be allocated a number (**Unique Identifier**) that will be utilised for the lottery.

10.4. If the Applicant has provided a valid email address, an acknowledgement receipt will be sent to the Applicant. This receipt will list the Unique Identifier as well as the Applicant's accreditation number, surname and the Licence Type they have applied for.

11. Lottery

11.1. Separate Lotteries

11.1.1. Two electronic lotteries will be conducted. One for the Conventional Fixed-Term Licences and one for the WAT Fixed-Term Licences.

11.1.2. The lotteries will be conducted by no later than 11 April 2014.

11.1.3. The lotteries will be conducted by an independent company engaged by the Licensing Authority and will be overseen by the Licensing Authority's auditors.

11.1.4. The Unique Identifier will be entered into the lottery draw. No personalised information will be included in the lottery draw.

11.1.5. Sixty-nine Unique Identifiers will be drawn at random from the Conventional Fixed-Term Licence lottery and numbered sequentially in the order that they were drawn from one to 69.

11.1.6. Twenty-one Unique Identifiers will be drawn at random from the WAT Fixed-Term Licence lottery and numbered sequentially in the order that they were drawn from one to 21.

12. Outcome of Lotteries

- 12.1. The 69 Unique Identifiers drawn from the Conventional Fixed-Term Licences lottery and the 21 Unique Identifiers drawn from the WAT Fixed-Term Licences lottery will be sent to the Licensing Authority. The Licensing Authority will match each Unique Identifier with its corresponding Application.
- 12.2. The first 23 ranked Applications obtained from the Conventional Fixed-Term Licence lottery and the first seven ranked Applications obtained from the WAT Fixed-Term Licence lottery (**Selected Applications**) will be offered a Fixed-Term Licence in the First Tranche.
- 12.3. Applicants with a Selected Application will become First Tranche Phase 3 Applicants and their Application progresses to the First Tranche Offer Stage.
- 12.4. The Applicants without a Selected Application will be placed on a reserve list (**Reserve List**) and may be granted a licence if unallocated licences become available on or before 30 May 2014 as part of the First Tranche or on or before 30 June 2014 as part of the Second Tranche.
- 12.5. On 2 June 2014, the Licensing Authority will calculate the average metropolitan assignment price (expressed as an annual value) for May 2014.
- 12.6. If the average metropolitan assignment price does not sit within the range of \$22,000 to \$25,000 (excluding GST), the Licensing Authority may determine that up to 30 Fixed-Term Licences will be made available in the Second Tranche.
- 12.7. In the Second Tranche, the next 23 ranked Applicants on the Reserve List from the Conventional Fixed-Term Licence lottery (ie those Applicants who were not offered a Conventional Fixed-Term Licence in the First Tranche) in the First Tranche as of 2 June 2014, will become Second Tranche Phase 3 Applicants and progress to the Second Tranche Offer Stage.
- 12.8. If less than 23 ranked Applicants remain on the Reserve List as of 2 June 2014, all Applicants on the Reserve List will become Second Tranche Phase 3 Applicants and progress to the Second Tranche Offer Stage.
- 12.9. The next seven ranked Applicants on the Reserve List from the WAT Fixed-Term Licence lottery (ie those Applicants who were not offered a WAT Fixed-Term Licence in the First Tranche) as of 2 June 2014, will become Second Tranche Phase 3 Applicants and progress to the Second Tranche Offer Stage.
- 12.10. If less than seven ranked Applicants remain on the Reserve List as of 2 June 2014, all Reserve List Applicants will become Second Tranche Phase 3 Applicants and progress to the Second Tranche Offer Stage.

PART D**PHASE 3: OFFER STAGE****13. Selected Applications**

- 13.1. Phase 3 Applicants must, within 10 business days of receiving written notice of being selected in the lottery (**Letter of Offer**):
 - 13.1.1. pay the applicable Licence Fee by bank cheque or money order;
 - 13.1.2. apply for accreditation as a taxi-cab licence holder (unless the Applicant is already accredited as a licence holder or licence holder accreditation is no longer a relevant requirement to hold a Fixed-Term Licence under the Transport Act);
 - 13.1.3. provide evidence to the Licensing Authority that the Applicant owns (or intends to own) a taxi-cab (in the case of a WAT Fixed-Term Licence, the taxi-cab must be a WAT); and
 - 13.1.4. satisfy all requirements under the Transport Act to hold a Fixed-Term Licence.

14. Licence Grant

- 14.1. Subject to compliance with the requirements in Rule 13.1, the Licensing Authority may grant a Fixed-Term Licence to a Phase 3 Applicant.
- 14.2. If a Phase 3 Applicant does not comply with the requirements in Rule 13.1, the Licensing Authority must refuse the Application.

15. Unallocated Licences

- 15.1. Where the Licensing Authority is required to refuse an Application under Rule 14.2, the Licensing Authority may send a Letter of Offer to the next Applicant on the Reserve List.
 - 15.2. Fixed-Term Licences that remain unallocated after 30 June 2014 will not be offered to Applicants on the Reserve List.
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