



# Victoria Government Gazette

By Authority of Victorian Government Printer

**No. G 38 Thursday 22 September 2016**

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**GENERAL**

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**Advertisers Please Note**

As from 22 September 2016

The last Special Gazette was No. 289 dated 20 September 2016.

The last Periodical Gazette was No. 1 dated 18 May 2016.

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**How To Submit Copy**

- See our webpage [www.gazette.vic.gov.au](http://www.gazette.vic.gov.au)
  - or contact our office on 8523 4601  
between 8.30 am and 5.30 pm Monday to Friday
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## **2016 AFL GRAND FINAL PUBLIC HOLIDAY**

### **Grand Final Friday**

The Friday before the Australian Football League (AFL) Grand Final was declared a public holiday and published in Special Gazette S229 dated 19 August 2015. The 2016 public holiday will fall on Friday 30 September 2016.

**Please Note: this office will be closed on Friday 30 September 2016.**

The Victoria Government Gazette (General) for GRAND FINAL FRIDAY week (G40/16) will be published on **Thursday 6 October 2016**.

#### **Copy deadlines:**

Private Advertisements	<b>9.30 am on Monday 3 October 2016</b>
Government and Outer Budget Sector Agencies Notices	<b>9.30 am on Tuesday 4 October 2016</b>

#### **Office Hours:**

The Victoria Government Gazette Office is open normal office hours during that week, i.e. 8.30 am to 5.30 pm **Monday** to **Thursday**, excluding the public holiday.

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

JENNY NOAKES  
Government Gazette Officer

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## PRIVATE ADVERTISEMENTS

### Corporations Act 2001

Section 509 (2)

#### NOTICE OF FINAL MEETING (MEMBERS)

Albury Wodonga Cycling Club Inc.  
(In Liquidation)

Registration No: A0003110G

Notice is given that a Final Meeting of the Members of Albury Wodonga Cycling Club Inc. (In Liquidation) will be held at the offices of Suite 103, 1st Floor, Wollundry Chambers, Johnston Street, Wagga Wagga, New South Wales 2650, on 31 October 2016 at 9.30 am.

The purpose of the meeting is to lay accounts before it, showing the manner in which the winding up has been conducted and the property of the company disposed of, and for hearing any explanation that may be given by the Liquidator.

Dated 19 September 2016

Chris Chamberlain – Liquidator,  
CHAMBERLAIN'S SBR,  
Chartered Accountants, PO Box 852,  
Wagga Wagga, New South Wales 2650.

Re: JANET MORRISON, late of 34 Coppin Avenue, Clifton Hill, Victoria, retired, deceased.

Creditors, next-of-kin and all others having claims in respect of the estate of the deceased, who died on 23 June 2016, are required by the executors, Jacob Franklin Okno and Jonathan Joel Okno, to send particulars to the executors, care of the lawyers named below, by 23 December 2016, after which date the executors will distribute the assets, having regard only to the claims of which they have notice.

ALAN WAINWRIGHT J. OKNO & CO.,  
lawyers,  
3/170 Queen Street, Melbourne 3000.

Re: ALBERT MILLER WEBSTER, late of 9 Kent Street, Glen Iris, Victoria, retired bricklayer, deceased.

Creditors, next-of-kin and all others having claims in respect of the estate of the deceased, who died on 23 April 2016, are required by the executors, David Ross Mentiplay and

Jonathan Joel Okno, to send particulars to the executors, care of the lawyers named below, by 23 December 2016, after which date the executors will distribute the assets, having regard only to the claims of which they have notice.

ALAN WAINWRIGHT J. OKNO & CO.,  
lawyers,  
3/170 Queen Street, Melbourne 3000.

THEODOTA GIULES, also known as Dorothy Dosta Theodota Giules and Theodota Giules, late of 56 Banff Street, Reservoir, in the State of Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 3 January 2016, are required by the executor, Petros Giules, care of Arthur J. Dines & Co., solicitors, 2 Enterprise Drive, Bundoora, in the said State, to send particulars to him by 21 November 2016, after which date the executor may convey or distribute the assets, having regards only to claims to which he has notice.

Dated 22 September 2016

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

Re: SANDRA FITZSIMONS, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 May 2016, are required by the trustees, Colleen Coll and Gillian Verna Palmer, to send particulars of such claims to them, in care of the below mentioned lawyers, by 23 November 2016, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

COLIN G. MORRIS & ASSOCIATES,  
barrister and solicitor,  
PO Box 7454, Dandenong, Victoria 3175.

Re: The estate of LEO BRITT, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 11 April 2016, are required by the executor, Michael Vincent Britt, care of Suite 3, 197 Bay Street, Brighton, Victoria, to send particulars of such claims to the

said executor by 23 November 2016, after which date the executor may convey or distribute the assets, having regard only to the claims of which he has notice.

DKP LAWYERS,  
Suite 3, 197 Bay Street, Brighton, Victoria 3186.

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Re: JOYCE ELIZABETH DINGELDEI, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of JOYCE ELIZABETH DINGELDEI, late of Tarago Views Aged Care, 29–39 Main Neerim Road, Neerim South, Victoria, and formerly of 14 Armadale Drive, Warragul, Victoria, who died on 9 June 2016, are required by the executor to send particulars of their claim to him, care of the undermentioned solicitors, by 8 March 2017, after which date the said executor will distribute the assets of the deceased, having regard only to the claims of which he then shall have notice.

DONALD & RYAN LAWYERS, solicitors,  
304 High Street, Kew 3101.

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Re: MARTIN McCORMACK, late of 13 Bartlett Street, Frankston South, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 7 March 2016, are required by the trustee, Paul Andrew Walker, to send particulars to him, care of the undersigned, by 22 November 2016, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

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OWEN RUTHERFORD BROWNE, late of 23 High Street, Mont Albert, Victoria 3127, chartered accountant, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 19 March 2012, are required by the trustees, Suzanne Faye Browne and Pamela Margaret Browne, care of Goodman Group Lawyers, 488 Nepean Highway, Frankston, Victoria, 3199, to send particulars of their claims to them by 25 November 2016, after which date the trustees may convey or

distribute the assets, having regard only to the claims of which they then have notice. Probate was granted in Victoria on 11 September 2015.

Dated 22 September 2016

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Re: LEWIS ERNEST FIANDER, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 May 2016, are required by the trustees, Adam David Fiander and Catherine Bainbridge, care of Henderson & Ball, lawyers, 17 Cotham Road, Kew, to send particulars to the trustees by 22 November 2016, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

HENDERSON & BALL,  
17 Cotham Road, Kew 3101.

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Re: IRIS MARY HILL, late of Langford Grange Aged Care Facility, 105 Berwick Cranbourne Road, Cranbourne East, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 3 April 2016, are required by the trustee, Peter Lee Tong Ng, to send particulars to the undermentioned solicitors by 18 November 2016, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

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KAY DAPHNE BROWNE, late of 160 Epsom Road, Ascot Vale, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the Will of the abovenamed, who died on 19 April 2016, are required by the executors, Mrs G. Miles and Mrs S. Poulson, care of 307A Keilor Road, Essendon, Victoria 3040, to send particulars of their claims to J. & L. Lawyers Essendon by 22 November 2016, 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 25 July 2016.

Dated 14 September 2016

J. & L. LAWYERS ESSENDON PTY LTD,  
307A Keilor Road, Essendon, Victoria 3040.  
Ph: (03) 9379 8616, Fax: (03) 9374 2819.  
LB:5816

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EILEEN MARGARET McNAMARA, late of 11 Opal Street, Melton South, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the Will of the abovenamed, who died on 12 July 2016, are required by the executor, Ms M. McNamara, care of 307A Keilor Road, Essendon, Victoria 3040, to send particulars of their claims to J. & L. Lawyers Essendon by 30 November 2016, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice. Probate was granted in Victoria on 12 September 2016.

Dated 16 September 2016

J. & L. LAWYERS ESSENDON PTY LTD  
307A Keilor Road, Essendon, Victoria 3040.  
Ph: (03) 9379 8616, Fax: (03) 9374 2819.

WILLIAM BRETT, late of 17 Montague Street, Preston, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 18 June 2016, are required by James Joseph McGarvey, the executor of the Will of the deceased, to send particulars of their claims to him, care of the undermentioned solicitor, by 6 December 2016, after which date he will convey or distribute the assets, having regard only to the claims of which he then has notice.

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

Re: MARY FAJWUL, late of 9 Lexington Place, Carrum, Victoria, commercial cleaner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 July 2016, are required by the trustee, Paul Kirton, care of 40–42 Scott Street, Dandenong, Victoria 3175, to send particulars to the trustee by 21 November 2016, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

M. & K. LAWYERS GROUP PTY LTD,  
40–42 Scott Street, Dandenong 3175.

### Trustee Act 1958

#### SECTION 33 NOTICE

KEVIN JAMES WEBB, late of 4/1 Campbell Road, Briar Hill, in the State of Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died at Austin Health, Austin Hospital, Heidelberg, on 11 January 2016, are required by Muriel Elizabeth Webb and Kathryn Anne Webb, the executors and trustees of the estate of the said named deceased, to send particulars of their claims to them, care of McNab McNab & Starke, 21 Gorge Road, South Morang 3752, by 2 December 2016, after which date they may convey or distribute the assets of the estate, having regard only to the claims of which they then have notice.

Dated 23 September 2016

McNAB McNAB & STARKE,  
21 Gorge Road, South Morang, Victoria 3752.  
Ph: 9404 1244, Fax: 9404 1621.

ANNIE JESS HALL, late of 61 Robertson Street, Gisborne, Victoria 3437, bookkeeper, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 7 May 2016, are required by the trustee, Melanie Jane John, care of PO Box 60, Gisborne, Victoria 3437, to send particulars of their claims to her by 21 November 2016, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she then has notice. Probate was granted in Victoria on 8 September 2016.

Re: EDWARD ALAN REICHER, in the Will called Alan Edward Reicher, late of 1 Shalimar Court, Sorrento, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 29 April 2015, are required by John William McBride and Anita Thyssing, the executors of the Will of the deceased, to send particulars of their claim to them, care of the undermentioned solicitors, by 23 November 2016, after which date the executors may convey or distribute the assets of the estate, having regard only to the claims of which the executors then have notice.

MARSHALLS + DENT LAWYERS,  
Level 21, 570 Bourke Street, Melbourne,  
Victoria 3000.

WILLIAM JOHN MARX, late of 'The Gables' of 629 Riversdale Road, Camberwell 3124, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 July 2016, are required by the executor, James Ewen Marx, with leave being reserved to John Alfred Marx and Jillian Alison Drew, the other executors appointed in the Will, to send particulars to him, care of the undermentioned solicitors, by the date not later than 60 days from the date of publication hereof, after which date the executors may convey or distribute the assets, having regard of which they then have notice.

MARTIN J. HULL LAWYER,  
49 Blake Street, Nathalia, Victoria 3638.

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Re: JOHN FIFE NIXON-SMITH, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 July 2016, are required by the applicant for a grant of representation of the estate of the deceased, Heather June Nixon-Smith ('the applicant'), to send particulars to the applicant, care of Moores, 9 Prospect Street, Box Hill, Victoria, by 24 November 2016, after which date the applicant may convey or distribute the assets, having regard only to the claims of which the applicant has notice.

MOORES, lawyers,  
9 Prospect Street, Box Hill, Victoria 3128.

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Re: JOHN THOMAS SLATTERY, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 July 2016, are required by the trustees to send particulars to the trustees' solicitors, O'Halloran Davis, 12-14 Kirk Street, Moe, by 15 November 2016, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

O'HALLORAN DAVIS, solicitors,  
12-14 Kirk Street, Moe 3825.

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Re: LENA JOAN ROSS, late of Prom Country Aged Care, 9 O'Connell Road, Foster, Victoria 3960, racehorse owner/farmer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased,

who died on 8 September 2015, are required by the trustees, Ross Alexander McGrice and Maxine Janette Salvatore, to send particulars to the trustees, care of the undermentioned solicitors, by 22 November 2016, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

OAKLEYS WHITE LAWYERS,  
65 Main Street, Foster 3960.

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Re: KATHLEEN RUBY STRATON, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of KATHLEEN RUBY STRATON, late of 6/1 Monaro Road, Kooyong, Victoria, home duties, deceased, who died on 14 January 2016, are required to send particulars of their claims to the executor, Yvonne Ellen Madison, care of the undermentioned solicitors, by 30 November 2016, after which date she will convey or distribute the assets, having regard only to the claims of which she then has notice.

OGGE & LEE, solicitors,  
403/34 Queens Road, Melbourne 3004.

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EVA LANYON, late of Blue Willows Residential Aged Care, 74 Warrandyte Road, Ringwood, Victoria, retired telephonist, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 February 2016, are required to send particulars of their claims to the executors, care of Perpetual Trustee Company Limited, ACN 000 001 007, of GPO Box 5035, Melbourne, Victoria 3001, by 1 December 2016, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

PERPETUAL LEGAL SERVICES PTY LTD,  
35/525 Collins Street, Melbourne, Victoria 3000.

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DIVA MARIA HARTMANN, late of 104 Old Warrandyte Road, Donvale 3111, in the State of Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased,

who died on 1 March 2016, are required by the executor, Richard Alexander Hartmann, to send particulars of their claims to the undermentioned solicitors, within 60 days from the date of publication of this notice, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

PLAZA LEGAL, barristers and solicitors,  
Suite 6, 857–859 Doncaster Road,  
Doncaster East, Victoria 3109.  
DX 34407 East Doncaster.  
Ph: (03) 9848 4144, Fax: (03) 9848 4599.  
RM:KT: 21444. Contact Rosa Mimmo.

Re: NOEL JUDITH WISE, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 January 2016, are required by the trustees, Darryl Raymond Wise, Catherine Anne Evans, Anthony Phillip Wise and Josephine Susannah Wise, to send particulars of such claims to them, in care of the below mentioned lawyers, by 23 November 2016, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

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

ELIZABETH OLIVE TEELow, late of  
Unit 5, 86 St Pauls Road, Sorrento, Victoria,  
deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 June 2016, are required by the executor, Brian Frederick Teelow, to send particulars to him, care of the undermentioned solicitors, by 20 November 2016, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

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

Creditors, next-of-kin and others having claims against the estate of HELEN PHILIP HALDANE, late of 24 Cambrian Crescent, Wheelers Hill, retired, deceased, who died on 29 July 2016, are required by John Patrick Toohey, the executor of the Will of the deceased, to send to him, care of the undersigned solicitors,

particulars thereof by 25 November 2016, after which date he will distribute the assets, having regard only to the claims of which he shall then have notice.

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

JESSIE BLACKWOOD BODDINGTON,  
late of 124 Maroondah Highway, Croydon,  
Victoria 3136, curator of photography, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 15 November 2015, are required by the executor, James John Boddington, care of 13 Castella Street, Lilydale, Victoria 3140, to send particulars of their claims to him by 23 November 2016, after which date the executor may distribute the assets and distribute the estate, having regard only to the claims of which he then has notice. Probate was granted in Victoria on 6 September 2016.

Dated 16 September 2016

WILLIAMS & LAY LAWYERS,  
13 Castella Street, Lilydale, Victoria 3140.  
PO Box 125, Lilydale, Victoria 3140.  
DX 34048 Lilydale.  
Ph: (03) 9737 6100, Fax: (03) 9737 6155.  
EL:JK:16/4403. Contact Evan Joseph Lay.

Re: JELENA LATOWICZ, late of 21 Tyrone  
Street, Ormond, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 July 1992, are required to send particulars of their claims to the administrator, care of GPO Box 1946, Melbourne, Victoria 3001, by 16 December 2016, after which date the administrator may convey or distribute the assets, having regard only to the claims of which he may then have notice.

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

Re: MANES LATOWICZ, late of  
20 McNabb Court, Dandenong North, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 29 June 2000, are required to send particulars of their claims to the administrator, care of GPO Box 1946, Melbourne, Victoria 3001, by 16 December 2016, after which date



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

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

ADVERTISEMENT OF AUCTION BY  
THE SHERIFF

On Thursday 27 October 2016 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 John Ferdinand Bruce of 55 Woods Street, Newport, joint proprietor with Kylie Margaret Bruce, of an estate in fee simple in the land described on Certificate of Title Volume 05433 Folio 413, upon which is erected a residential house and known as 55 Woods Street, Newport, will be auctioned by the Sheriff.

Registered Mortgage (Dealing Number AE934151N) and Registered Mortgage (Dealing Number AE934152L) 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 visit Sheriff's Office Real Estate Section website at [www.justice.vic.gov.au/sheriffrealestate](http://www.justice.vic.gov.au/sheriffrealestate) 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 27 October 2016 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 Darryn Kenneth McGregor of 4 Chase Boulevard, Alfredton, as shown on Certificate of Title as Daryn Kenneth McGregor, joint proprietor with Susan McGregor of an estate in fee simple in the land described on Certificate of Title Volume 10249 Folio 050, upon which is erected a residential dwelling and known as 42 Paramount Crescent, St Albans Park, will be auctioned by the Sheriff.

Registered Mortgage (Dealing Number AF083876X), Registered Mortgage (Dealing Number AF131220P), Registered Caveat (Dealing Number AL490358Y), Registered Caveat (Dealing Number AL578139Y) and Agreement Section 173 **Planning and Environment Act 1987** S585040J 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 visit Sheriff's Office Real Estate Section website at [www.justice.vic.gov.au/sheriffrealestate](http://www.justice.vic.gov.au/sheriffrealestate) 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 27 October 2016 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 James Bradley Roy Nichols, of Unit 2, 2–4 Cernan Court, Whittington, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 09939 Folio 175, upon which is erected a residential unit and known as Unit 2, 2–4 Cernan Court, Whittington, will be auctioned by the Sheriff.

Registered Mortgage (Dealing Number AH116511V), Registered Covenant L312084M and Owners Corporation Plan No. SP034666Y 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 visit Sheriff's Office Real Estate Section website at [www.justice.vic.gov.au/sheriffrealestate](http://www.justice.vic.gov.au/sheriffrealestate) for an information sheet on Sheriff's Auctions, a contract of sale and any other enquiries.

SHERIFF



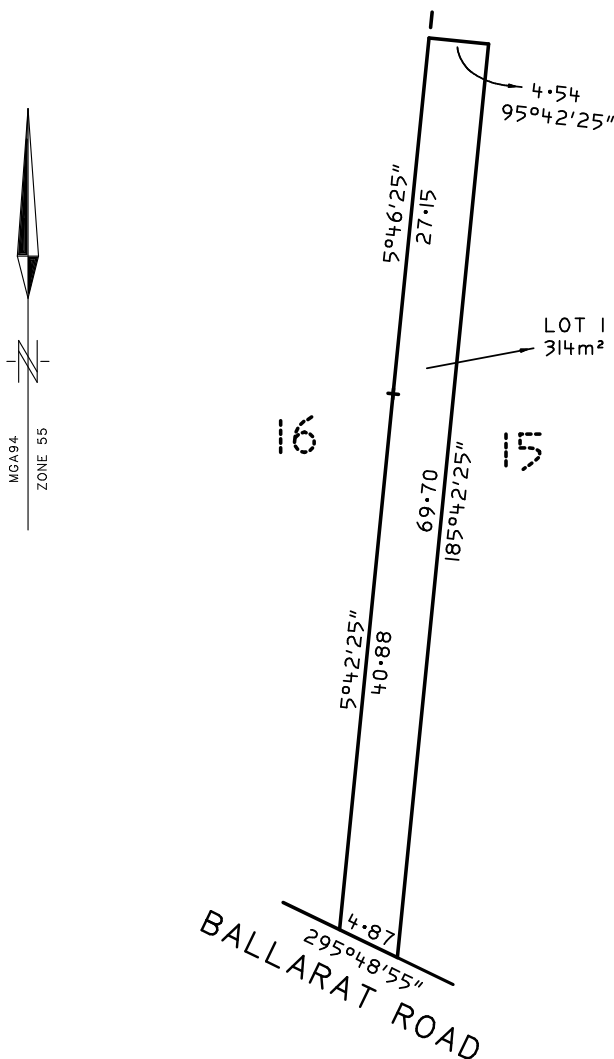
MARIBYRNONG CITY COUNCIL

Erratum – Notice of Road Discontinuance

On 21 January 1987, the City of Footscray, as predecessor in title to Maribyrnong City Council, gave notice in edition G3 of the Victoria Government Gazette (Gazettal Notice) of its resolution to discontinue the road known as the road adjacent to 258 Ballarat Road, Footscray, being part of the land contained in Certificate of Title Volume 449 Folio 764 shown hatched and cross-hatched on the plan contained in that notice.

The Gazettal Notice is amended by:

1. deleting the words ‘shown by hatching and cross hatching’ and replacing them with the words ‘marked Lot 1’; and
2. replacing the plan contained in the Gazettal Notice with the below plan.



STEPHEN WALL  
 Chief Executive Officer  
 Maribyrnong City Council

## BENALLA RURAL CITY COUNCIL

## Governance Local Law 2016

Benalla Rural City Council resolved at its meeting on 31 August 2016 to make the Governance Local Law 2016 (the Local Law) pursuant to section 119(3) of the **Local Government Act 1989**.

The Local Law will come into operation the day following the day on which notice of the making of the Local Law is published in the Victoria Government Gazette. On the commencement of the Local Law, Council's Local Law No. 1 Meeting Procedures 2008 is revoked.

The Local Law will operate throughout the municipal district of Benalla Rural City to:

- establish a law which will govern order of business, rules of debate, meeting procedure, public participation and the conduct of meetings;
- regulate the use and control of the Council's Common Seal, and create an offence for a person using the Common Seal without authority or using a replica of the Common Seal without authority;
- regulate the procedure for the election of Mayor;
- regulate the availability of agenda papers;
- regulate the procedure of public question time at Council meetings;
- regulate the procedure in relation to people making a submission to a Special Committee of the Council;
- regulate the procedure for petitions;
- regulate the procedure for Points of Order;
- describe the protocol for Council to suspend Standing Orders;
- establish the rules of behaviour for those participating in, or present at, meetings; and
- revoke Local Law No. 1 Meeting Procedures made in November 2008.

A copy of the Local Law may be inspected at the Customer Service Centre, 1 Bridge Street East, Benalla, and on Council's website, [www.benalla.vic.gov.au](http://www.benalla.vic.gov.au)

TONY McILROY  
Chief Executive Officer

## CITY OF CASEY

## Local Law Meeting Procedures and Use of the Common Seal 2016

Notice is hereby given that pursuant to section 119 of the **Local Government Act 1989**, the Casey City Council, at its meeting on 6 September 2016, resolved to make the Local Law Meeting Procedures and Use of the Common Seal 2016.

The purpose and general purport of the proposed Local Law is to govern the way in which the business of Council is conducted regarding meeting procedures, election of the Mayor and use of the Common Seal.

The proposed Local Law is being made under section 111 of the Act and will operate throughout the municipal district of Casey City Council.

A copy of the Local Law Meeting Procedures and of the Common Seal 2016 may be inspected at the City of Casey Civic Centre, Magid Drive, Narre Warren, and is also available on Council's website ([www.casey.vic.gov.au](http://www.casey.vic.gov.au)).



## NOTICE OF LOCAL LAW

## General Local Law 2016 – No. 8

Notice is hereby given pursuant to the provisions of section 119(2) of the **Local Government Act 1989** that at its meeting on 19 August 2016, Frankston City Council resolved to make General Local Law 2016 – No. 8.

The purpose of the Local Law is to regulate peace, order and good government of the municipality, a safe and healthy environment so that the community within the municipality can enjoy a quality of life that meets its expectations, the safe and fair use and enjoyment of public places, the protection and enhancement of the amenity and environment of the municipality, the fair and reasonable use and enjoyment of private land, and the uniform and fair administration of this Local Law.

A copy of the Local Law may be obtained from the Civic Centre, Davey Street, Frankston, during office hours. The document may be accessed also on Council's website – [www.frankston.vic.gov.au](http://www.frankston.vic.gov.au)

DENNIS HOVENDEN  
Chief Executive Officer

**PROPOSED LOCAL LAW 1 – 2016**

The Goulburn Valley Regional Library Corporation is proposing to make a new Local Law 1 – 2016 to replace the current Local Law No. 1 – 2010.

The purpose of the proposed Local Law is to:

- provide a mechanism to facilitate and govern board meetings;
- regulate and control use of the Corporations seal;
- provide for the administration of the boards powers and functions;
- regulate conduct in Corporation Libraries;
- enable remote participation in board meetings;
- clarify the quorum required for board meetings; and
- provide for minor administrative updates.

A copy of the proposed Local Law 1 – 2016 can be obtained from the Corporation's office at 79 Benalla Road, Shepparton, during normal office hours, or can be obtained from the Corporation website at [www.gvlibraries.vic.gov.au](http://www.gvlibraries.vic.gov.au)

Any person affected by the proposed Local Law may make a submission under section 223 of the **Local Government Act 1989**.

Goulburn Valley Regional Library Corporation will consider all written and online submissions and hear any person who wishes to be heard in support of their submission.

Submissions will be received until 5 pm, 21 October 2016.

KEVIN PREECE  
Chief Executive Officer

**Planning and Environment Act 1987****BRIMBANK PLANNING SCHEME****Notice of the Preparation of an Amendment****Amendment C170**

The Brimbank City Council has prepared Amendment C170 to the Brimbank Planning Scheme.

The land affected by the Amendment is 53 Sunshine Avenue, St Albans (Lot 2 on Plan of Subdivision 416596T, Volume 10446, Folio 728).

The Amendment proposes to rezone 53 Sunshine Avenue, St Albans, from the Neighbourhood Residential Zone to the Commercial 2 Zone and applies an Environmental Audit Overlay on the land.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: during office hours, at the office of the planning authority, the Brimbank Community and Civic Centre, 301 Hampshire Road, Sunshine; at the Department of Environment, Land, Water and Planning website, [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection)

Any person who may be affected by the Amendment may make a submission to the planning authority about the Amendment. 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. The closing date for submissions is 24 October 2016. A submission must be sent to the Brimbank City Council Strategic Planning Unit, PO Box 70, Sunshine, Victoria 3020.

The planning authority must make a copy of every submission available at its office for any person to inspect, free of charge, for two months after the Amendment comes into operation or lapses.

LORRAINE DOWSEY  
Coordinator Strategic Planning

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**Planning and Environment Act 1987**

**COLAC OTWAY PLANNING SCHEME**

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

Amendment C91

Planning Permit Application PP58/2016-1

The land affected by the Amendment is 120 and 200 Barham River Road, Apollo Bay.

The land affected by the application is 120 Barham River Road, Apollo Bay.

The Amendment proposes to rezone part of the affected land at 120 Barham River Road, Apollo Bay, from the Rural Conservation Zone to the Public Use Zone 1 (Service and Utility); and to rezone part of the affected land at 200 Barham River Road, Apollo Bay, from the Public Use Zone 1 to the Rural Conservation Zone.

The application is for a permit to resubdivide 120 Barham River Road, Apollo Bay, from four lots into two lots.

The applicant for the permit is SMEC on behalf of Barwon Region Water Corporation.

You may inspect the Amendment, the explanatory report about the Amendment, the application, and any documents that support the Amendment and the application, including the proposed permit, free of charge, at the following locations: during office hours, at the office of the planning authority, Colac Otway Shire Council, located at 101–105 Gellibrand Street, Colac; and at the Department of Environment, Land, Water and Planning website, [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection)

Any person who may be affected by the Amendment or by the granting of the permit may make a submission to the planning authority about the Amendment and the application. 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.

The closing date for submissions is Wednesday 16 November 2016. Written submissions should be titled 'Amendment C91 Submission' and must be sent to Strategic Planning, Colac Otway Shire Council, PO Box 283, Colac, Victoria 3250, or via email to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)

The planning authority must make a copy of every submission available at its office for any person to inspect, free of charge, for two months after the Amendment comes into operation or lapses.

SUE WILKINSON  
Chief Executive Officer  
Colac Otway Shire Council

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**Planning and Environment Act 1987**

**COLAC OTWAY PLANNING SCHEME**

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

**Amendment C92**

**Planning Permit Application PP82/2016-1**

The land affected by the Amendment and application is 120 Pound Road, Elliminyt.

The Amendment proposes to rezone a part of 120 Pound Road, Elliminyt, from the Rural Living Zone to the General Residential Zone; and to amend the long-term settlement boundary of the Colac Framework Plan within Clause 21.03-2 of the Colac Otway Planning Scheme.

The application is for a permit to subdivide the land into two lots, so that each of the existing dwellings is on its own lot.

The applicant for the permit is Rod Bright and Associates Pty Ltd on behalf of Damien and Jenny Gatens.

You may inspect the Amendment, the explanatory report about the Amendment, the application, and any documents that support the Amendment and the application, including the proposed permit, free of charge, at the following locations: during office hours, at the office of the planning authority, Colac Otway Shire Council, located at 101–105 Gellibrand Street, Colac; and at the Department of Environment, Land, Water and Planning website, [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection)

Any person who may be affected by the Amendment or by the granting of the permit may make a submission to the planning authority about the Amendment and the application. 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.

The closing date for submissions is Wednesday 2 November 2016. Written submissions should be titled 'Amendment C92 Submission' and must be sent to Strategic Planning, Colac Otway Shire Council, PO Box 283, Colac, Victoria 3250, or via email to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)

The planning authority must make a copy of every submission available at its office for any person to inspect, free of charge, for two months after the Amendment comes into operation or lapses.

SUE WILKINSON  
Chief Executive Officer  
Colac Otway Shire Council

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## Planning and Environment Act 1987

### GREATER DANDENONG PLANNING SCHEME

#### Notice of Preparation of Amendment Amendment C191

The City of Greater Dandenong has prepared Amendment C191 to the Greater Dandenong Planning Scheme.

The land affected by the Amendment relates to all the neighbourhood centres throughout the municipality as identified in the Neighbourhood Centre Planning Framework (NCPF).

The Amendment proposes to:

- insert the Neighbourhood Centre Planning Framework as a reference document in Clause 21.08; and
- amend Clauses 21.02, 21.03, 21.04 and 22.04 of the Municipal Strategic Statement and Local Planning Policy Framework to implement the NCPF.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, during office hours, at any of the following: City of Greater Dandenong Council Offices at 225 Lonsdale Street, Dandenong; City of Greater Dandenong Council Offices at 397–405 Springvale Road, Springvale; City of Greater Dandenong Customer Service Centre, Shop A7 Parkmore Shopping Centre, Cheltenham Road, Keysborough; City of Greater Dandenong website at [www.greaterdandenong.com](http://www.greaterdandenong.com); and Department of Environment, Land, Water and Planning website at [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/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 Friday 21 October 2016.

A submission must be sent to Strategic Planning, Planning Scheme Amendment C191, City of Greater Dandenong, PO Box 200, Dandenong, Victoria 3175.

The following panel hearing dates have been set for this Amendment:

- directions hearing: the week commencing 23 January 2017.
- panel hearing: the week commencing 20 February 2017.

MR JODY BOSMAN

Director, City Planning, Design and Amenity

## Planning and Environment Act 1987

### KNOX PLANNING SCHEME

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

#### Amendment C145 and Planning Permit Application P/2016/6175

The Amendment proposes to rezone 1, 5, 7, 9, 11, 11A, 15–17 and 21–23 Erica Avenue, Boronia, from a Commercial 2 Zone to a Commercial 1 Zone. The land affected by the planning permit application is land at 1–13 Erica Avenue, Boronia (specifically, Lots 1–4 PS413457A, Lot 67 PS027678, PC102902).

The application is for a permit for buildings and works associated with a supermarket and a shop, reduction in car parking requirements and erection of internally illuminated business identification signs. The planning permit is at Attachment 1 to the explanatory report.

The applicant for the permit is Ratio Consultants on behalf of ALDI Stores (A Limited Partnership).

You may inspect the Amendment, the explanatory report about the Amendment, the application, and any documents that support the Amendment and the application, including the



proposed permit, free of charge, at the following locations: during office hours, at the office of the Planning Authority: Knox City Council, Civic Centre, Burwood Highway, Wantirna South, operating hours: Monday, Wednesday, Thursday and Friday: 8.30 am–5.00 pm; Tuesday: 8.30 am–8.00 pm; at the Department of Environment, Land, Water and Planning website, [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection); and Boronia Branch Library, Park Crescent, Boronia, operating hours: Monday to Wednesday 10.00 am–8.00 pm, Thursday and Friday 10.00 am–5.30 pm, Saturday 10.00 am–1.00 pm.

Any person who may be affected by the Amendment or by the granting of the permit may make a submission to the planning authority about the Amendment and the application. 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.

The closing date for submissions is 5 pm, Monday 24 October 2016. A submission must be sent to Knox City Council by: email: [psamendments@knox.vic.gov.au](mailto:psamendments@knox.vic.gov.au), Attention: Submission to Amendment C145; or by post (no stamp required): City Futures, Knox City Council, Reply Paid 70243, Wantirna South, Victoria 3152.

The planning authority must make a copy of every submission available at its office for any person to inspect, free of charge, until the end of the of two months after the Amendment comes into operation or lapses.



## MANNINGHAM

### Planning and Environment Act 1987

#### MANNINGHAM PLANNING SCHEME

#### Notice of the Preparation of an Amendment

#### Amendment C112

The Manningham City Council has prepared Amendment C112 to the Manningham Planning Scheme.

The land affected by the Amendment is:

- 775 Doncaster Road, Doncaster (Lot 20 on Plan of Subdivision 54013 Certificate of Title Volume 8308 Folio 572);
- 777 Doncaster Road, Doncaster (Lot 19 on Plan of Subdivision 54013 Certificate of Title Volume 8308 Folio 571); and
- 779 Doncaster Road, Doncaster (Lot 18 on Plan of Subdivision 54013 Certificate of Title Volume 8308 Folio 570).

The Amendment proposes to facilitate the removal of the restrictive covenant from each of the lots to which the Amendment applies by modifying the Schedule to Clause 52.02 of the Manningham Planning Scheme.

The Amendment has been made at the request of Wilman Pty Ltd.

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, Manningham City Council, 699 Doncaster Road, Doncaster; at the Manningham website at [www.yoursaymanningham.com.au/amendment-C112](http://www.yoursaymanningham.com.au/amendment-C112); at the Doncaster branch library; and at the Department of Environment, Land, Water and Planning website, [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection)

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

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. The closing date for submissions is 24 October 2016. Submissions must be sent to: Manager Economic and Environmental Planning, Manningham City Council, PO Box 1, Doncaster, Victoria 3108, or submitted online at [www.yoursaymanningham.com.au/amendment-C112](http://www.yoursaymanningham.com.au/amendment-C112)

The planning authority must make a copy of every submission available at its office for any person to inspect, free of charge, for two months after the Amendment comes into operation or lapses.

WARWICK WINN  
Chief Executive Officer

Certified by the Chief Executive Officer, Warwick Winn, in accordance with section 55D of the **Local Government Act 1989**.

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

#### SWAN HILL PLANNING SCHEME

##### Notice of the Preparation of an Amendment Amendment C59

The Swan Hill Rural City Council has prepared Amendment C59 to the Swan Hill Planning Scheme.

The land affected by the Amendment is:

- Lot 1, PS731117, 52 Werril Street, Swan Hill (part of); and
- Lot 2, PS313547, 54 Werril Street, Swan Hill (part of).

The Amendment proposes to:

- rezone part of 52 Werril Street, Swan Hill, from General Residential Zone to Low Density Residential Zone;
- delete the Development Plan Overlay, Schedule 1, from part of 52 Werril Street and part of 54 Werril Street, Swan Hill;
- amend Planning Scheme Map No. 40; and
- amend Planning Scheme Map No. 40DPO.

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, Swan Hill Rural City Council, 45 Splatt Street, Swan Hill; at the Swan Hill Rural City Council website, <http://www.swanhill.vic.gov.au/building-and-planning/strategic-planning/>; and at the Department of Environment, Land, Water and Planning website, [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection)

Any person who may be affected by the Amendment may make a submission to the planning authority about the Amendment. 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. The closing date for submissions is Friday 21 October 2016. A submission must be sent to: Planning Department, Swan Hill Rural City Council, PO Box 488, Swan Hill, Victoria 3585, or via email to [planning@swanhill.vic.gov.au](mailto:planning@swanhill.vic.gov.au)

The planning authority must make a copy of every submission available at its office for any person to inspect, free of charge, until the end of the two months after the Amendment comes into operation or lapses.

JOHN McLINDEN  
Chief Executive Officer

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

#### YARRA RANGES PLANNING SCHEME

##### Notice of the Preparation of an Amendment Amendment C160

The Yarra Ranges Shire Council has prepared Amendment C160 to the Yarra Ranges Planning Scheme.

The land affected by the Amendment is 30–32 Melba Highway, Yering.

The Amendment proposes to insert a new entry in Clause 52.03 allowing consideration of a planning permit application to extend an existing rural building on the site in accordance with an incorporated document.

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, Yarra Ranges Council: Lilydale – 15 Anderson Street, Lilydale; Monbulk – 21 Main Road, Monbulk; Healesville – 110 River Street, Healesville; Upwey – 40 Main Street, Upwey; Yarra Junction – Warburton Highway/Hoddle Street, Yarra Junction; on Council’s website, [www.yarraranges.vic.gov.au](http://www.yarraranges.vic.gov.au), search C160; and on the Department of Environment, Land, Water and Planning website, [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection)

Any person who may be affected by the Amendment may make a submission to the planning authority about the Amendment. 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. The closing date for submissions is 24 October 2016. A submission must be sent to the Manager Development Services, Yarra Ranges Council, PO Box 105, Lilydale 3140, or to [mail@yarraranges.vic.gov.au](mailto:mail@yarraranges.vic.gov.au)

The planning authority must make a copy of every submission available at its office for any person to inspect, free of charge, for two months after the Amendment comes into operation or lapses.

DAMIAN CLOSS  
Manager Development Services

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 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 23 November 2016, 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.

ANDERSON, Keith Francis Carey, late of Lyrebird Village for the Aged, 8 Neerim Street, Drouin, Victoria 3818, clerk, deceased, who died on 16 February 2016. Grant of Probate dated 6 September 2016.

BIBER, Eldina, late of 8/1–3 Emily Street, St Albans, Victoria 3021, deceased, who died on 28 July 2016.

BOSANCIC, Anton, late of Rosewood Downs Special Accommodation, 24 Railway Parade, Dandenong, Victoria 3175, deceased, who died on 1 July 2016.

BRADLEY, Dianne, late of Unit 2, 51 Second Street, Black Rock, Victoria 3193, deceased, who died on 29 January 2016.

DOWSE, Percival Thomas, late of Joan Pinder Nursing Home, 26 Gibson Street, North Bendigo, Victoria 3550, deceased, who died on 4 July 2016.

FERRIS, Andrew Borthwick, late of Flat 2, 9 Pampas Street, North Melbourne, Victoria 3051, deceased, who died on 2 July 2016.

JESSOP, Brian, late of Unit 4, 4–6 Musk Court, Melton, Victoria 3337, deceased, who died on 8 August 2016.

LEVIN, Efraim, late of Unit 74, 27 King Street, Prahran, Victoria 3181, deceased, who died on 15 June 2016.

MAHER, Veronica Eileen, late of Flat 130, 127 Gordon Street, Footscray, Victoria 3011, deceased, who died on 27 April 2016.

McLACHLAN, Ronald John, late of Darley House Aged Care Facility, 300 Waterdale Road, Heidelberg Heights, Victoria 3081, deceased, who died on 5 August 2016.

PHILIPSON, George Stewart, late of 3 Nodding Avenue, Frankston North, Victoria 3200, deceased, who died on 18 June 2016.

SCHNEIDER, Renate Rose Ruth, late of Bupa Aged Care Caulfield, 349–351a North Road, Caulfield South, Victoria 3162, pensioner, deceased, who died on 2 July 2016.

SUMMERS, Brian Hugh, late of Darvall Lodge, 521 Princess Highway, Noble Park, Victoria 3174, deceased, who died on 23 June 2016.

WALKER, Susan Marie, late of Darley House, 300 Waterdale Road, Heidelberg West, Victoria 3081, deceased, who died on 25 January 2016. Grant of Probate dated 7 September 2016.

Dated 14 September 2016

STEWART MacLEOD  
Manager

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 28 November 2016, 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.

AITKEN, Betty May, late of Community Residential Unit, 7 Larkings Street, Wangaratta, Victoria 3676, deceased, who died on 18 July 2016.

BRETHERTON, Margaret Helena, late of Room 36, 124–126 Exford Road, Melton South, Victoria 3338, deceased, who died on 20 July 2016.

DUNCAN, Terry, late of Unit 1, 18–20 McLean Street, Brunswick West, Victoria 3055, deceased, who died on 16 July 2016.

DWYER, Michael, late of Unit 2, 26 Hammond Road, Dandenong South, Victoria 3175, deceased, who died on 3 November 2015.

FINEMORE, Valda Dorothy, late of Southern Cross Care Lynbrook, 500 Evan Road, Lynbrook, Victoria 3975, deceased, who died on 3 August 2016.

GATT, Salvatore, late of St Joseph's Home, 112B St Georges Road, Northcote, Victoria 3070, deceased, who died on 12 August 2016.

KISH, Elizabeth, late of Lovell House, 389 Alma Road, Caulfield, Victoria 3162, deceased, who died on 23 March 2016.

LAMBERT, Alfred James, late of Bribie Island Aged Care, Foley Street, Bongaree, Queensland 4507, deceased, who died on 22 April 2016.

McARDLE, Sheila, late of Carrum Downs Private Nursing Home, 1135 Frankston–Dandenong Road, Carrum Downs, Victoria 3201, deceased, who died on 2 September 2011.

McMAHON, Patrick Thomas, late of 2 Charles Grimes Court, Williamstown North, Victoria 3016, deceased, who died on 24 June 2016.

PAIS, Delfina Dores, late of McKellar Centre, 45–95 Ballarat Road, Geelong North, Victoria 3215, deceased, who died on 15 March 2016.

PATRICK, Elizabeth Ann, late of Unit 1, 8 Ashby Court, Bayswater, Victoria 3153, deceased, who died on 5 July 2016.

SMITH, Dorothy Joan, late of 7 Batman Street, Footscray, Victoria 3011, deceased, who died on 2 February 2012.

SOUTHWICK, Bruce John, late of Unit 12, 152 Inkerman Street, St Kilda, Victoria 3182, deceased, who died on 13 May 2016.

Dated 19 September 2016

STEWART MacLEOD  
Manager

#### Adoption Act 1984

I, Denise Harrison, as a delegate of the Secretary to the Department of Health and Human Services under section 17(5) of the **Children, Youth and Families Act 2005** and in relation to section 5 of the **Adoption Act 1984** approve the following persons as counsellors for the purposes of the **Adoption Act 1984**.

Kathleen Radbone

Rachel House

Dated 12 September 2016

DENISE HARRISON  
Director, Child Protection  
South Division

#### Associations Incorporation Reform Act 2012

##### SECTION 135

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

City of Casey Pipe Band Inc.; Duduroa Traditional Custodians Inc.; Hurstbridge and District Advisory Committee Inc.; The '509' Club Inc.; The Melbourne Nationals Inc.; Uniting our Rural Communities Inc.; Victorian Arabian Jockey Club Inc.

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

Dated 22 September 2016

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

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

#### SECTION 134

I, David Joyner, under delegation provided by the Registrar, hereby give notice that pursuant to section 134(1) of the Act, the registration of the incorporated associations mentioned below have been cancelled on this day:

Catholic Solo Parents Inc.; Real Life Christian Church Inc.; Eaglehawk Golf Club Inc.

Dated 22 September 2016

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

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

Pursuant to section 2.6.29 of the **Education and Training Reform Act 2006** ('the Act') a person who is registered as a teacher under Part 2.6 of the Act ceases to be so registered and is disqualified from teaching in a school if the person is convicted or found guilty in Victoria or elsewhere of a sexual offence as defined by the Act.

On 23 August 2016, Wesley Kane Ellis, male, 37 year old, being a person who was convicted of a sexual offence in Victoria, being one count of sexual penetration of a 16 or 17 year old child contrary to section 48(1) of the **Crimes Act 1958**, ceased to be a registered teacher in accordance with section 2.6.29(1) of the Act and was disqualified from teaching in a school in accordance with section 2.6.29(3) of the Act.

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**Education and Training Reform Act 2006**

MINISTERIAL ORDER NO. 937

Barton Primary School Council

Constituting Order

**A. Purpose**

The purpose of this Order is to constitute a school council for Barton Primary School.

**B. Authorising provisions**

This Order is made under section 2.3.2 (1) and (2) and all other enabling provisions of the **Education and Training Reform Act 2006**.

**C. Commencement**

This Order comes into operation on the day it is made.

**PART A – CONSTITUTION****1. Incorporation**

A school council is hereby constituted, under section 2.3.2(1) of the **Education and Training Reform Act 2006**, by the name of **Barton Primary School Council**, as a body corporate to exercise and discharge the powers, duties and functions conferred or imposed on it by or under that Act in relation to the Government school No. 5560 named Barton Primary School situated at 90 Everlasting Boulevard, Cranbourne West, Victoria 3977.

**1A. Objectives of the Council**

The objectives of the Council with regard to the School are:

- (a) To assist in the efficient governance of the School;
- (b) To ensure that its decisions affecting students of the School are made having regard, as a primary consideration, to the best interest of the students;
- (c) To enhance the educational opportunities of students at the School; and
- (d) To ensure the School and the council comply with any requirements of the **Education and Training Reform Act 2006**, any regulations or a Ministerial Order made under that Act, or a direction, guideline or policy issued under that Act.

**1B. Functions of the Council**

The functions of the Council with regard to the School are:

- (a) To establish the broad direction and vision of the School within the School's community;
- (b) To arrange for the supply of goods, services, facilities, materials, equipment and other things or matters that are required for the conduct of the School including the provision of preschool programs;
- (c) To raise funds for School related purposes;
- (d) To regulate and facilitate the after-hours use of the School premises and grounds;
- (e) To exercise a general oversight of the School buildings and grounds and ensure that they are kept in good order and condition;
- (f) To provide for the cleaning and sanitary services that are necessary for the School;
- (g) To ensure that all money coming into the hands of the Council is expended for proper purposes relating to the School;
- (h) To provide meals and refreshments for the staff and students of the School and make charges for those meals or refreshments;
- (i) To inform itself and take into account any views of the School community for the purpose of making decisions in regard to the School and the students at the School;

- (j) To generally stimulate interest in the School in the wider community; and
- (k) To perform any other function or duty or to exercise any power conferred or imposed on the Council:
  - (i) By or under the **Education and Training Reform Act 2006** or any regulations made under that Act; or
  - (ii) By a Ministerial Order made, or direction issued, by the Minister under the **Education and Training Reform Act 2006**.

### **1C. Powers of the Council**

- 1C.1 For the purpose of meeting its objectives or performing its functions or duties the Council may:
- (a) Enter into contracts, agreements or arrangements;
  - (b) Establish trusts and act as trustee of them;
  - (c) Subject to section 2.2.4 of the **Education and Training Reform Act 2006** and in accordance with any Ministerial Order made under that Act, charge fees to parents for goods, services or other things provided by the School to a child of the parent; and
  - (d) Do any other thing that is necessary or convenient to be done for, or in connection with, meeting its objectives or performing its functions or duties.
- 1C.2 In addition to the powers under clause 1C.1, the Council has any other powers conferred on it by or under the **Education and Training Reform Act 2006**, or any regulations or a Ministerial Order made under that Act.
- 1C.3 The Council does not have the power to do any of the following:
- (a) Employ a teacher with no date fixed for the termination of that employment;
  - (b) Purchase or acquire for consideration any land or building; or
  - (c) Unless authorised by or under the **Education and Training Reform Act 2006** or any regulations or a Ministerial Order made under that Act:
    - (i) License or grant any interest in land, including School lands or buildings;
    - (ii) Enter into hire purchase agreements;
    - (iii) Obtain loan or credit facilities;
    - (iv) Form or become a member of a corporation;
    - (v) Provide for any matter or thing outside Victoria unless it is related to an excursion by students from the School or the professional development of staff of the School;
    - (vi) Purchase a motor vehicle, boat or plane.

### **1D. Accountability and executive officer**

- 1D.1 The Council is accountable to the Minister for Education in respect of the performance by the Council of its functions in accordance with any Order made by the Minister.
- 1D.2 The principal of the School is the executive officer of the Council and must ensure that:
- (a) Adequate and appropriate advice is provided to the Council on educational and other matters;
  - (b) The decisions of the Council are implemented; and
  - (c) Adequate support and resources are provided for the conduct of Council meetings.

**PART B – GENERAL****2. Regulations**

Part 3 of the Education and Training Reform Regulations 2007 apply to the Council.

**3. Definitions**

3.1 In this Order:

‘Composition and Election Provisions’ means the Composition and Election provisions of the School Council Composition and Elections Order (Ministerial Order No. 52);

‘Council’ means the school council constituted by this Order;

‘DET’ means the Department of Education and Training;

‘Principal’ includes the person or persons for the time being authorised to perform the duties of principal of the School;

‘Public Reporting Meeting’ means a public reporting meeting as described in regulation 28 of the Education and Training Reform Regulations 2007, as amended from time to time;

‘School’ means the Government school referred to in clause 1 of this Order;

‘School Council Composition and Elections Order’ means Ministerial Order No. 52 made under the **Education and Training Reform Act 2006**, as amended and in force from time to time.

**4. Specific clauses to prevail over general clauses**

To the extent that there is any inconsistency between:

(a) Clause 1B; or

(b) Clause 1C,

and any other clause in this Order, that other clause will prevail.

**5. Council composition and elections**

(a) The Composition and Election Provisions are incorporated in this Order and apply, inter alia, to the Council election process and the tenure of Council members.

(b) The size and composition of the elected membership of the Council, including members co-opted by the Council, are specified in Schedule 1.

(c) Options for change in the authorised size and/or composition of the Council membership pursuant to the Composition and Election Provisions are specified in Schedule 2.

(d) Schedules 1 and 2 are part of this Order.

**PART C – POWERS****6. Employment**

6.1 The Council, in accordance with the **Education and Training Reform Act 2006**, may:

(a) Employ:

(i) Teachers for a fixed period not exceeding one year or on a casual basis;

(ii) Teacher aides; or

(iii) Any other staff,

for the purpose of performing its functions and duties; and

(b) Employ any person to enable the Council to do anything it is authorised to do by section 2.3.11 or Division 6 of the **Education and Training Reform Act 2006**.



- 6.2 If the Council employs a person under clause 6.1, it may do so on behalf of a group of school councils and the group of school councils may decide from time to time in a manner determined by agreement amongst themselves the time which the person is to spend on each school.

**7. Use of buildings and grounds**

7.1 The Council may:

- (a) Conduct programs in or use;
- (b) Subject to any conditions imposed by the Council, join with any other person or body to conduct programs in or use; or
- (c) Subject to any conditions imposed by the Council, allow any other person or body to conduct programs in or use,

any buildings or grounds of the School in relation to which the Council is constituted for the purposes of educational, recreational, sporting or cultural activities for students, the local community or young persons.

7.2 The Council may only allow buildings and grounds of the School to be used under clause 7.1 when the buildings or grounds are not required for ordinary School purposes.

**8. Council may carry out works**

8.1 The Council may, in regard to the School, with the approval of the Minister for Education given either generally or in any particular case:

- (a) Construct, or carry out any improvements to any building structure on the School grounds, or carry out any improvements in or to the School grounds;
- (b) Enter into a contract with any person for or in relation to the construction or carrying out by that person of any such building structure or improvements or of any other work which the Council is authorised or required by or under the **Education and Training Reform Act 2006** to carry out; or
- (c) Construct or carry out any improvements to any building structure, or carry out any improvements, on, in or to the School grounds or any other land that the Minister for Education has acquired an estate or interest in to provide preschool programs.

8.2 The Council may obtain and accept offers or tenders for any work approved by the Minister for Education under this clause that it proposes to carry out.

**9. Other School Council works**

The Council if so authorised by the Minister for Education is authorised and empowered to:

- (a) Enter into contracts with another school council for or in connection with:
  - (i) the construction of buildings or structures or the carrying out of improvements on, in or to the grounds of the school in relation to which the council is constituted; or
  - (ii) any other work which the Council is authorised or required by or under the **Education and Training Reform Act 2006** to carry out; and
- (b) Do or comply with anything necessary or expedient for carrying the contract into effect.

**10. Council may form sub-committee**

Subject to the **Education and Training Reform Act 2006** and regulations made under that Act, the Council may form a sub-committee, consisting of at least one member of the Council and any other persons, to assist the Council.

**11. Council may delegate powers, duties or functions**

Subject to the **Education and Training Reform Act 2006** and regulations made under that Act, the Council may by instrument delegate all or any of the powers, duties or functions conferred or imposed on the Council by or under the **Education and Training Reform Act 2006**, the regulations, a Ministerial Order or a direction issued by the Minister under that Act, except this power of delegation to another person or body.

**12. Council may form committees to manage joint facilities**

If the Council enters into an agreement under its powers under the **Education and Training Reform Act 2006** for the use of any real or personal property by other persons or bodies, the Council may agree with the other parties to the agreement to form a committee for the management of the property.

**13. Delegation to committee**

If the Council agrees to form a committee to manage property under clause 12 the Council may, with the approval of the Minister for Education, delegate by instrument to members of the committee all or any of the Council's powers, duties or functions conferred or imposed on the Council by or under the **Education and Training Reform Act 2006** in relation to that property except this power of delegation.

**14. Council may sell property**

14.1 The Council may sell equipment, goods or other similar personal property acquired for use in the School.

14.2 If the proceeds from the sale of property under clause 14.1 are less than the amount determined by the Minister for Education, the Council may keep those proceeds.

14.3 If the proceeds from the sale of property under clause 14.1 are equal to or more than the amount determined by the Minister for Education, the Council may keep those proceeds, if the person appointed by the Secretary to the DET has given approval for the Council to do so.

14.4 For the purposes of clauses 14.2 and 14.3, a determination of the Minister for Education:

(a) Must be in writing; and

(b) May be varied or revoked by the Minister in writing.

14.5 The Secretary to the DET may appoint a person to give approvals under clause 14.3.

14.6 An approval given under clause 14.3 must be:

(a) In writing; and

(b) Given before the property is sold.

**15. Preschool programs****15.1 Council may provide for preschool programs**

(1) If the School provides primary education, the Council may:

(a) Provide preschool programs on the premises of the School or on any other land or premises under the control of the Minister for Education;

(b) Enter into an agreement or arrangement with any other school council or other person or body for that council, person or body to use part of the premises of that school or other premises under the control of the Minister for Education to provide a preschool program on those premises; or

(c) Enter into an agreement or arrangement with any other school council or other person or body to jointly provide a preschool program.

- (2) If the Council provides a preschool program or enters into an arrangement or agreement to provide a preschool program, it must ensure that, in any records kept by the School or the Council, the preschool children using the program are accounted for separately from students enrolled at the School in school programs.

**15.2 Council may grant lease or licence over preschool land**

The Council may, if authorised in writing by the Minister for Education, either generally or in any specified circumstances, grant a leasehold interest in, or a licence over, land of the School to be used to operate a preschool program or programs for children.

**15.3 Fees for preschool programs**

The Council or any other person or body authorised by the Council under clause 15.1, may require the payment of fees for the provision of preschool programs and other related services.

**15.4 Application of, and accounting for, money received**

In relation to any agreement or arrangement made by the Council for the provision of preschool programs under clause 15 the Council must ensure:

- (a) That any fees or other money received by the Council in the course of that provision or those agreements or arrangements is applied to the provision of preschool programs unless directed otherwise by a direction or guideline issued by the Minister for Education; and
- (b) That separate accounts and financial records are maintained in relation to the provision of those programs.

**16. Payment of members**

- 16.1 A member of the Council is not to receive any payment for his or her services as a member.
- 16.2 This does not prevent the Council reimbursing a member for any reasonable expenses incurred in the performance of his or her duties as a member.

17–23. Not used

**24. Student dress code**

- (1) The Council may determine a student dress code which is to apply to students of the School while they are at the School, travelling to and from School and/or attending School activities.
- (2) A student dress code may cover any matters which the Council considers appropriate in relation to clothing and other items worn, carried or used by students and to grooming, physical appearance and the general presentation of students, including without limiting the generality of the above –
  - (a) Whether a school uniform may or must be worn by students, and the school uniform to be worn;
  - (b) Clothing (including shoes) to be worn during classes and specified School activities such as sport, laboratory experiments and extra-curricular activities, and bags to be taken to School;
  - (c) The grounds on which any student may be exempted from complying with the dress code; and
  - (d) How the dress code may be enforced, provided the methods of enforcement are consistent with section 2.2.19 of the **Education and Training Reform Act 2006**, and the School's Student Code of Conduct (referred to in section 5.2.12 of the **Education and Training Reform Act 2006**).

- (3) The Council may enter into a contract with any person for the supply of school uniforms for students of the School.

**25. Power to purchase**

The Council may, subject to compliance with any directions issued by the Secretary to the DET, purchase goods, equipment or material for the purposes of the School.

**26. Children's services**

The Council may apply for and obtain under the **Children's Services Act 1996** approval to operate a children's service on premises of the School or on premises under the control of the Minister and may apply for and obtain a licence to operate a children's service and, subject to the **Children's Services Act 1996** and the **Education and Training Reform Act 2006** –

- (1) may operate, either solely or jointly, a children's service on part of the School premises or on other premises under the control of the Minister and may require payment of fees for the service and other related services;
- (2) may enter into a licence agreement, or a lease agreement if authorised in writing by the Minister, with another person for that person to use part of the School premises or other premises under the control of the Minister to provide a children's service or to provide a children's service on behalf of the Council on those premises; and
- (3) may carry out improvements to the School buildings and grounds for the provision of a children's service under subsection (1) or (2).

**27. Other powers**

**27.1 Activities outside School Hours**

The Council may conduct or join with any other school council in conducting any educational, recreational or cultural activity for the students of the School outside School hours at the School or any other location.

**27.2 Fund Raising**

The Council may raise funds for School purposes by conducting local efforts or amusements.

**27.3 Gifts**

- (1) Subject to section 5.2.6 of the **Education and Training Reform Act 2006**, the Council may –
  - (a) accept gifts including real estate, providing that if a gift is encumbered or conditional, consent must be obtained from the Secretary to the DET before acceptance of such gifts; and
  - (b) purchase or maintain goods, equipment and material for the carrying out of its powers duties or functions under the **Education and Training Reform Act 2006** or any other Act, but may not purchase any vehicle without the prior consent of the Secretary to the DET.
- (2) For the purposes of this clause, 'vehicle' means the same as 'vehicle' in the **Road Safety Act 1986**.

**27.4 Hire or use of Equipment**

- (1) Definitions  
In this clause –  
'Equipment' includes goods and products but does not include fixtures.  
'Equipment agreement' means a contract to hire equipment or a licence to use equipment under which –
  - (a) the Council has the right to use the equipment; and

- (b) there is no option, right or obligation of the Council or any other person to buy the equipment; and
  - (c) at the end of the contract or licence the School Council has to return the equipment to the other party to the contract or licence.
- (2) The Council may enter into an equipment agreement with another party if the sole or main purpose of entering into the equipment agreement is to benefit the education of students at the School or to assist with the efficient conduct of the School.
- (3) Prior to entering into an equipment agreement the Council must –
- (a) obtain more than one written quotation or tender for the hire or use of the equipment if the annual cost of the hire or use of the equipment is expected to exceed \$1000; and
  - (b) carry out a financial evaluation of the proposal to hire or use the equipment; and
  - (c) ensure that the equipment to be hired or used has appropriate insurance cover, either through the terms of the equipment agreement or by separate cover.
- (4) The Council must not –
- (a) enter into an equipment agreement for a continuous period exceeding four years until the Regional Director has approved the entering into of that equipment agreement; and
  - (b) enter into an equipment agreement for the hire or use of equipment previously owned or operated by the Council or for the purposes of the DET, and
  - (c) commit funds of a non-recurrent nature or funds granted for a specific purpose, towards the costs of an equipment agreement until the donor or provider of the funds has consented to that in writing; or
  - (d) enter into an equipment agreement unless it is satisfied that it will be able to meet all the costs of the equipment agreement.

#### 27.5 Reporting

- (1) The Council must report the details of all equipment agreements it has entered into to the Council's Public Reporting Meeting. The report must include a description of the equipment hired or used, the purpose, the duration and the cost of the equipment agreement.
- (2) The costs of each equipment agreement must be fully identified in the Council's audited statement of receipts and expenditure presented to the Council's Public Reporting Meeting.

#### 27.6 Exclusions

Clauses 27.4(3) and 27.5 do not apply to –

- (a) the hire of a video recording, or
- (b) the hire of any other equipment for less than four weeks in any one calendar year where the cost of the hire is less than \$1,000.00.

### 28. Transport Accident Commission agreements

The Council may enter into one or more agreements with the Transport Accident Commission concerning the provision of staff, facilities, equipment, support or other services for any student of the School who is the subject of a claim under the **Transport Accident Act 1986**.

**29. Power to provide goods, services or facilities**

- (a) Subject to subclauses (b) and (c), the Council may, for the purpose of the efficient conduct of the School, enter into arrangements or agreements, for reward or otherwise, to provide or supply goods, services or facilities to other Government schools or other educational institutions.
- (b) Any arrangement or agreement under subclause (a) may only be for goods, services or facilities that the Council is empowered under the **Education and Training Reform Act 2006**, the Education and Training Reform Regulations 2007, this Order, or any Ministerial Order made under the **Education and Training Reform Act 2006**, to provide or supply to the School.
- (c) Any arrangement or agreement under subclause (a) must comply with any directions issued by the Secretary to the DET.

**30. Power to purchase by use of purchasing card facilities**

- (a) Subject to this clause the Council may enter into arrangements with a financial institution under which the Council may purchase goods, services, equipment or material only for the purposes of the School by the use of purchasing card facilities provided by the financial institution.
- (b) Any purchase of goods, services, equipment or material under subclause (a) must comply with:
  - (i) any guidelines and directions issued by the Minister under section 5.2.1 of the **Education and Training Reform Act 2006**;
  - (ii) any directions issued by the Secretary to the DET; and
  - (iii) the terms and conditions relating to the use of any purchasing card issued by the financial institution to the Council from time to time.

31. Not used.

**32. Trusts**

The Council may act as a trustee of any trust fund established for the benefit of the School or its students with power to do any act or thing authorised under the terms of the relevant trust fund.

**PART D – TRANSITIONAL PROVISIONS****33. Transitional provisions**

- 33.1 (a) Subject to subclause (b), this clause 33 operates until and inclusive of the date of the declaration of the poll in 2017 (or, if no election is held that year, 31 March of that year);
- (b) Subclause 33.12 operates until and inclusive of the day after the date of the declaration of the poll in 2017 (or, if no election is held that year, 31 March of that year).
- 33.2 Subject to subclause 33.11, during the operation of this clause the Composition and Election provisions, namely clauses 5A to 5V of the School Council Composition and Elections Order (Ministerial Order No. 52), except clauses 5A, 5B.3 (insofar as it defines eligibility for election), 5B.3A (a) and 5R thereof, do not operate.
- 33.3 The School Council shall consist of a total of 12 members comprising the principal *ex officio* and three other DET employees, six parents and two community members.
- 33.4 (a) By ministerial appointment made for the purposes of this clause on the date of this Order the principal *ex officio*, two other DET employees, and two parents are appointed as members of the Council from the date this clause takes effect until and inclusive of the date of declaration of the poll in 2017.

- (b) The School Council may, prior to the date of the declaration of the poll in 2017 (or if no election is held that year, 31 March of that year), appoint up to two persons who are eligible for appointment to the community member category of the school council for a term of office until and inclusive of the date of the declaration of the poll in 2017 (or if no election is held that year, 31 March of that year).
- 33.5 The School Council may, prior to the date of the declaration of the poll in 2017 (or, if no election is held that year, 31 March of that year), fill any casual vacancy that occurs in the membership of the School Council, by appointing to the School Council a person who is eligible for election or appointment (as the case may be) to the relevant membership category, provided that any person who fills a vacant position created by a casual vacancy shall only serve the unexpired portion of the vacating member's term of office.
- 33.6 Not used.
- 33.7 A parent appointed under clause 33.4 who does not have a child enrolled at the School at the time of the Notice of Election and Call for Nominations for any School Council election shall cease to be a member of the Council on that date, and a casual vacancy is thereby created.
- 33.8 In the event that the School Council is unable to comply with the quorum provisions of Part 3 of the Education and Training Reform Regulations 2007 owing to the number of casual vacancies in its membership, the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** may fill any casual vacancy that occurs in the membership of the School Council by appointing to the School Council for a term of office that does not extend beyond the unexpired portion of the vacating member's term of office a person who is eligible for election or appointment (as the case may be) to the relevant membership category.
- 33.9 In the event that the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** is satisfied that a School Council member no longer intends to attend School Council meetings, but a casual vacancy has not been created in respect of that member's position on the School Council, the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** may remove the person as a School Council member and appoint to the School Council for a term of office that does not extend beyond the unexpired portion of the vacating member's term of office a person who is eligible for election or appointment (as the case may be) to the relevant membership category.
- 33.10 (a) The School Council may not conduct any School Council meeting unless the quorum provisions of Part 3 of the Education and Training Reform Regulations 2007 are satisfied.
- (b) Subject to clause 33.10(c), the School Council must not decide any matter unless a majority of the School Council members present are not DET employees.
- (c) If at any time the membership of the School Council is such that it is impossible for the School Council to decide a matter in accordance with clause 33.10(b), the School Council may nonetheless decide to fill a casual vacancy under clause 33.5 or appoint or co-opt a member under clause 33.4(b) and (c).
- (d) Subject to subclauses 33.10(a), 33.10(b), and 33.10(c), an act or decision of the School Council is not invalid, and the School Council is properly constituted, notwithstanding –
- (i) a vacancy in the office of a member (including a Community member);
  - (ii) a defect or irregularity in or in connection with the appointment or co-option of a member;

- (iii) a casual vacancy is not filled; or  
 (iv) for any other reason the total number of school council members stated in clause 33.3 has not been appointed.

33.11 The first School Council election must be completed between the 2017 school year commencement date and 31 March 2017 in respect of six Parent member positions and three DET employee member positions and the Composition and Election provisions (except clause 5D.3) shall apply to that School Council election.

33.12 The term of office of members of the School Council elected at the School Council election referred to in clause 33.11 shall commence on the day after the date of declaration of the poll in 2017.

This Order is made 14 September 2016

THE HON. JAMES MERLINO, MP  
 Minister for Education

### SCHEDULE 1

Barton Primary School Council

12T 6P 4DET 2CO

### SCHEDULE 2

#### SCHOOL COUNCIL MEMBERSHIP TABLE

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
15	6	5	4	7	2
15	6	4	5	7	3
15	6	3	6	7	4
15	6	2	7	7	5
15	6	1	8	7	6
15	7	5	3	7	2
15	7	4	4	7	3
15	7	3	5	7	4
15	7	2	6	7	5
15	7	1	7	7	6
15	8	5	2	7	2
15	8	4	3	7	3
15	8	3	4	7	4
15	8	2	5	7	5
15	8	1	6	7	6
15	9	5	1	7	2
15	9	4	2	7	3
15	9	3	3	7	4
15	9	2	4	7	5
15	9	1	5	7	6
15	10	5	0	7	2
15	10	4	1	7	3
15	10	3	2	7	4
15	10	2	3	7	5
15	10	1	4	7	6



Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
15	11	4	0	7	3
15	11	3	1	7	4
15	11	2	2	7	5
15	11	1	3	7	6
15	12	3	0	7	4
15	12	2	1	7	5
15	12	1	2	7	6
15	13	2	0	7	5
15	13	1	1	7	6
15	14	1	0	7	6
14	5	4	5	6	2
14	5	3	6	6	3
14	5	2	7	6	4
14	5	1	8	6	5
14	6	4	4	6	2
14	6	3	5	6	3
14	6	2	6	6	4
14	6	1	7	6	5
14	7	4	3	6	2
14	7	3	4	6	3
14	7	2	5	6	4
14	7	1	6	6	5
14	8	4	2	6	2
14	8	3	3	6	3
14	8	2	4	6	4
14	8	1	5	6	5
14	9	4	1	6	2
14	9	3	2	6	3
14	9	2	3	6	4
14	9	1	4	6	5
14	10	4	0	6	2
14	10	3	1	6	3
14	10	2	2	6	4
14	10	1	3	6	5
14	11	3	0	6	3
14	11	2	1	6	4
14	11	1	2	6	5
14	12	2	0	6	4
14	12	1	1	6	5
14	13	1	0	6	5
13	5	4	4	6	2

<b>Total</b>	<b>Parent members</b>	<b>DET employee members</b>	<b>Community members</b>	<b>Max DET employees</b>	<b>Max DET employee parents*</b>
13	5	3	5	6	3
13	5	2	6	6	4
13	5	1	7	6	5
13	6	4	3	6	2
13	6	3	4	6	3
13	6	2	5	6	4
13	6	1	6	6	5
13	7	4	2	6	2
13	7	3	3	6	3
13	7	2	4	6	4
13	7	1	5	6	5
13	8	4	1	6	2
13	8	3	2	6	3
13	8	2	3	6	4
13	8	1	4	6	5
13	9	4	0	6	2
13	9	3	1	6	3
13	9	2	2	6	4
13	9	1	3	6	5
13	10	3	0	6	3
13	10	2	1	6	4
13	10	1	2	6	5
13	11	2	0	6	4
13	11	1	1	6	5
13	12	1	0	6	5
12	5	4	3	5	1
12	5	3	4	5	2
12	5	2	5	5	3
12	5	1	6	5	4
12	6	4	2	5	1
12	6	3	3	5	2
12	6	2	4	5	3
12	6	1	5	5	4
12	7	4	1	5	1
12	7	3	2	5	2
12	7	2	3	5	3
12	7	1	4	5	4
12	8	4	0	5	1
12	8	3	1	5	2
12	8	2	2	5	3
12	8	1	3	5	4
12	9	3	0	5	2

<b>Total</b>	<b>Parent members</b>	<b>DET employee members</b>	<b>Community members</b>	<b>Max DET employees</b>	<b>Max DET employee parents*</b>
12	9	2	1	5	3
12	9	1	2	5	4
12	10	2	0	5	3
12	10	1	1	5	4
12	11	1	0	5	4
11	4	3	4	5	2
11	4	2	5	5	3
11	4	1	6	5	4
11	5	3	3	5	2
11	5	2	4	5	3
11	5	1	5	5	4
11	6	3	2	5	2
11	6	2	3	5	3
11	6	1	4	5	4
11	7	3	1	5	2
11	7	2	2	5	3
11	7	1	3	5	4
11	8	3	0	5	2
11	8	2	1	5	3
11	8	1	2	5	4
11	9	2	0	5	3
11	9	1	1	5	4
11	10	1	0	5	4
10	4	3	3	4	1
10	4	2	4	4	2
10	4	1	5	4	3
10	5	3	2	4	1
10	5	2	3	4	2
10	5	1	4	4	3
10	6	3	1	4	1
10	6	2	2	4	2
10	6	1	3	4	3
10	7	3	0	4	1
10	7	2	1	4	2
10	7	1	2	4	3
10	8	2	0	4	2
10	8	1	1	4	3
10	9	1	0	4	3
9	4	3	2	4	1
9	4	2	3	4	2

<b>Total</b>	<b>Parent members</b>	<b>DET employee members</b>	<b>Community members</b>	<b>Max DET employees</b>	<b>Max DET employee parents*</b>
9	4	1	4	4	3
9	5	3	1	4	1
9	5	2	2	4	2
9	5	1	3	4	3
9	6	3	0	4	1
9	6	2	1	4	2
9	6	1	2	4	3
9	7	2	0	4	2
9	7	1	1	4	3
9	8	1	0	4	3
8	3	2	3	3	1
8	3	1	4	3	2
8	4	2	2	3	1
8	4	1	3	3	2
8	5	2	1	3	1
8	5	1	2	3	2
8	6	2	0	3	1
8	6	1	1	3	2
8	7	1	0	3	2
7	3	2	2	3	1
7	3	1	3	3	2
7	4	2	1	3	1
7	4	1	2	3	2
7	5	2	0	3	1
7	5	1	1	3	2
7	6	1	0	3	2
6	3	2	1	2	0
6	3	1	2	2	1
6	4	2	0	2	0
6	4	1	1	2	1
6	5	1	0	2	1

\* A DET employee parent is a DET employee who is a parent of a child at the school.

**Education and Training Reform Act 2006**

MINISTERIAL ORDER NO. 941

Harvest Home Primary School Council

Constituting Order

**A. Purpose**

The purpose of this Order is to constitute a school council for Harvest Home Primary School.

**B. Authorising provisions**

This Order is made under section 2.3.2 (1) and (2) and all other enabling provisions of the **Education and Training Reform Act 2006**.

**C. Commencement**

This Order comes into operation on the day it is made.

**PART A – CONSTITUTION**

**1. Incorporation**

A school council is hereby constituted, under section 2.3.2(1) of the **Education and Training Reform Act 2006**, by the name of **Harvest Home Primary School Council**, as a body corporate to exercise and discharge the powers, duties and functions conferred or imposed on it by or under that Act in relation to the Government school No. 5500 named Harvest Home Primary School situated at 365 Harvest Home Road, Epping, Victoria 3076.

**1A. Objectives of the Council**

The objectives of the Council with regard to the School are:

- (a) To assist in the efficient governance of the School;
- (b) To ensure that its decisions affecting students of the School are made having regard, as a primary consideration, to the best interest of the students;
- (c) To enhance the educational opportunities of students at the School; and
- (d) To ensure the School and the council comply with any requirements of the **Education and Training Reform Act 2006**, any regulations or a Ministerial Order made under that Act, or a direction, guideline or policy issued under that Act.

**1B. Functions of the Council**

The functions of the Council with regard to the School are:

- (a) To establish the broad direction and vision of the School within the School's community;
- (b) To arrange for the supply of goods, services, facilities, materials, equipment and other things or matters that are required for the conduct of the School including the provision of preschool programs;
- (c) To raise funds for School related purposes;
- (d) To regulate and facilitate the after-hours use of the School premises and grounds;
- (e) To exercise a general oversight of the School buildings and grounds and ensure that they are kept in good order and condition;
- (f) To provide for the cleaning and sanitary services that are necessary for the School;
- (g) To ensure that all money coming into the hands of the Council is expended for proper purposes relating to the School;
- (h) To provide meals and refreshments for the staff and students of the School and make charges for those meals or refreshments;
- (i) To inform itself and take into account any views of the School community for the purpose of making decisions in regard to the School and the students at the School;

- (j) To generally stimulate interest in the School in the wider community; and
- (k) To perform any other function or duty or to exercise any power conferred or imposed on the Council:
  - (i) By or under the **Education and Training Reform Act 2006** or any regulations made under that Act; or
  - (ii) By a Ministerial Order made, or direction issued, by the Minister under the **Education and Training Reform Act 2006**.

#### **1C. Powers of the Council**

1C.1 For the purpose of meeting its objectives or performing its functions or duties the Council may:

- (a) Enter into contracts, agreements or arrangements;
- (b) Establish trusts and act as trustee of them;
- (c) Subject to section 2.2.4 of the **Education and Training Reform Act 2006** and in accordance with any Ministerial Order made under that Act, charge fees to parents for goods, services or other things provided by the School to a child of the parent; and
- (d) Do any other thing that is necessary or convenient to be done for, or in connection with, meeting its objectives or performing its functions or duties.

1C.2 In addition to the powers under clause 1C.1, the Council has any other powers conferred on it by or under the **Education and Training Reform Act 2006**, or any regulations or a Ministerial Order made under that Act.

1C.3 The Council does not have the power to do any of the following:

- (a) Employ a teacher with no date fixed for the termination of that employment;
- (b) Purchase or acquire for consideration any land or building; or
- (c) Unless authorised by or under the **Education and Training Reform Act 2006** or any regulations or a Ministerial Order made under that Act:
  - (i) License or grant any interest in land, including School lands or buildings;
  - (ii) Enter into hire purchase agreements;
  - (iii) Obtain loan or credit facilities;
  - (iv) Form or become a member of a corporation;
  - (v) Provide for any matter or thing outside Victoria unless it is related to an excursion by students from the School or the professional development of staff of the School;
  - (vi) Purchase a motor vehicle, boat or plane.

#### **1D. Accountability and executive officer**

1D.1 The Council is accountable to the Minister for Education in respect of the performance by the Council of its functions in accordance with any Order made by the Minister.

1D.2 The principal of the School is the executive officer of the Council and must ensure that:

- (a) Adequate and appropriate advice is provided to the Council on educational and other matters;
- (b) The decisions of the Council are implemented; and
- (c) Adequate support and resources are provided for the conduct of Council meetings.

**PART B – GENERAL****2. Regulations**

Part 3 of the Education and Training Reform Regulations 2007 apply to the Council.

**3. Definitions**

3.1 In this Order:

‘Composition and Election Provisions’ means the Composition and Election provisions of the School Council Composition and Elections Order (Ministerial Order No. 52);

‘Council’ means the school council constituted by this Order;

‘DET’ means the Department of Education and Training;

‘Principal’ includes the person or persons for the time being authorised to perform the duties of principal of the School;

‘Public Reporting Meeting’ means a public reporting meeting as described in regulation 28 of the Education and Training Reform Regulations 2007, as amended from time to time;

‘School’ means the Government school referred to in clause 1 of this Order;

‘School Council Composition and Elections Order’ means Ministerial Order No. 52 made under the **Education and Training Reform Act 2006**, as amended and in force from time to time.

**4. Specific clauses to prevail over general clauses**

To the extent that there is any inconsistency between:

- (a) Clause 1B; or
- (b) Clause 1C,

and any other clause in this Order, that other clause will prevail.

**5. Council composition and elections**

- (a) The Composition and Election Provisions are incorporated in this Order and apply, inter alia, to the Council election process and the tenure of Council members.
- (b) The size and composition of the elected membership of the Council, including members co-opted by the Council, are specified in Schedule 1.
- (c) Options for change in the authorised size and/or composition of the Council membership pursuant to the Composition and Election Provisions are specified in Schedule 2.
- (d) Schedules 1 and 2 are part of this Order.

**PART C – POWERS****6. Employment**

6.1 The Council, in accordance with the **Education and Training Reform Act 2006**, may:

- (a) Employ:
  - (i) Teachers for a fixed period not exceeding one year or on a casual basis;
  - (ii) Teacher aides; or
  - (iii) Any other staff,for the purpose of performing its functions and duties; and
- (b) Employ any person to enable the Council to do anything it is authorised to do by section 2.3.11 or Division 6 of the **Education and Training Reform Act 2006**.

6.2 If the Council employs a person under clause 6.1, it may do so on behalf of a group of school councils and the group of school councils may decide from time to time in a manner determined by agreement amongst themselves the time which the person is to spend on each school.

## 7. Use of buildings and grounds

7.1 The Council may:

- (a) Conduct programs in or use;
- (b) Subject to any conditions imposed by the Council, join with any other person or body to conduct programs in or use; or
- (c) Subject to any conditions imposed by the Council, allow any other person or body to conduct programs in or use,

any buildings or grounds of the School in relation to which the Council is constituted for the purposes of educational, recreational, sporting or cultural activities for students, the local community or young persons.

7.2 The Council may only allow buildings and grounds of the School to be used under clause 7.1 when the buildings or grounds are not required for ordinary School purposes.

## 8. Council may carry out works

8.1 The Council may, in regard to the School, with the approval of the Minister for Education given either generally or in any particular case:

- (a) Construct, or carry out any improvements to any building structure on the School grounds, or carry out any improvements in or to the School grounds;
- (b) Enter into a contract with any person for or in relation to the construction or carrying out by that person of any such building structure or improvements or of any other work which the Council is authorised or required by or under the **Education and Training Reform Act 2006** to carry out; or
- (c) Construct or carry out any improvements to any building structure, or carry out any improvements, on, in or to the School grounds or any other land that the Minister for Education has acquired an estate or interest in to provide preschool programs.

8.2 The Council may obtain and accept offers or tenders for any work approved by the Minister for Education under this clause that it proposes to carry out.

## 9. Other School Council works

The Council if so authorised by the Minister for Education is authorised and empowered to:

- (a) Enter into contracts with another school council for or in connection with:
  - (i) the construction of buildings or structures or the carrying out of improvements on, in or to the grounds of the school in relation to which the council is constituted; or
  - (ii) any other work which the Council is authorised or required by or under the **Education and Training Reform Act 2006** to carry out; and
- (b) Do or comply with anything necessary or expedient for carrying the contract into effect.

## 10. Council may form sub-committee

Subject to the **Education and Training Reform Act 2006** and regulations made under that Act, the Council may form a sub-committee, consisting of at least one member of the Council and any other persons, to assist the Council.



**11. Council may delegate powers, duties or functions**

Subject to the **Education and Training Reform Act 2006** and regulations made under that Act, the Council may by instrument delegate all or any of the powers, duties or functions conferred or imposed on the Council by or under the **Education and Training Reform Act 2006**, the regulations, a Ministerial Order or a direction issued by the Minister under that Act, except this power of delegation to another person or body.

**12. Council may form committees to manage joint facilities**

If the Council enters into an agreement under its powers under the **Education and Training Reform Act 2006** for the use of any real or personal property by other persons or bodies, the Council may agree with the other parties to the agreement to form a committee for the management of the property.

**13. Delegation to committee**

If the Council agrees to form a committee to manage property under clause 12 the Council may, with the approval of the Minister for Education, delegate by instrument to members of the committee all or any of the Council's powers, duties or functions conferred or imposed on the Council by or under the **Education and Training Reform Act 2006** in relation to that property except this power of delegation.

**14. Council may sell property**

14.1 The Council may sell equipment, goods or other similar personal property acquired for use in the School.

14.2 If the proceeds from the sale of property under clause 14.1 are less than the amount determined by the Minister for Education, the Council may keep those proceeds.

14.3 If the proceeds from the sale of property under clause 14.1 are equal to or more than the amount determined by the Minister for Education, the Council may keep those proceeds, if the person appointed by the Secretary to the DET has given approval for the Council to do so.

14.4 For the purposes of clauses 14.2 and 14.3, a determination of the Minister for Education:

(a) Must be in writing; and

(b) May be varied or revoked by the Minister in writing.

14.5 The Secretary to the DET may appoint a person to give approvals under clause 14.3.

14.6 An approval given under clause 14.3 must be:

(a) In writing; and

(b) Given before the property is sold.

**15. Preschool programs****15.1 Council may provide for preschool programs**

(1) If the School provides primary education, the Council may:

(a) Provide preschool programs on the premises of the School or on any other land or premises under the control of the Minister for Education;

(b) Enter into an agreement or arrangement with any other school council or other person or body for that council, person or body to use part of the premises of that school or other premises under the control of the Minister for Education to provide a preschool program on those premises; or

(c) Enter into an agreement or arrangement with any other school council or other person or body to jointly provide a preschool program.

- (2) If the Council provides a preschool program or enters into an arrangement or agreement to provide a preschool program, it must ensure that, in any records kept by the School or the Council, the preschool children using the program are accounted for separately from students enrolled at the School in school programs.

**15.2 Council may grant lease or licence over preschool land**

The Council may, if authorised in writing by the Minister for Education, either generally or in any specified circumstances, grant a leasehold interest in, or a licence over, land of the School to be used to operate a preschool program or programs for children.

**15.3 Fees for preschool programs**

The Council or any other person or body authorised by the Council under clause 15.1, may require the payment of fees for the provision of preschool programs and other related services.

**15.4 Application of, and accounting for, money received**

In relation to any agreement or arrangement made by the Council for the provision of preschool programs under clause 15 the Council must ensure:

- (a) That any fees or other money received by the Council in the course of that provision or those agreements or arrangements is applied to the provision of preschool programs unless directed otherwise by a direction or guideline issued by the Minister for Education; and
- (b) That separate accounts and financial records are maintained in relation to the provision of those programs.

**16. Payment of members**

- 16.1 A member of the Council is not to receive any payment for his or her services as a member.
- 16.2 This does not prevent the Council reimbursing a member for any reasonable expenses incurred in the performance of his or her duties as a member.

17–23. Not used

**24. Student dress code**

- (1) The Council may determine a student dress code which is to apply to students of the School while they are at the School, travelling to and from School and/or attending School activities.
- (2) A student dress code may cover any matters which the Council considers appropriate in relation to clothing and other items worn, carried or used by students and to grooming, physical appearance and the general presentation of students, including without limiting the generality of the above –
  - (a) Whether a school uniform may or must be worn by students, and the school uniform to be worn;
  - (b) Clothing (including shoes) to be worn during classes and specified School activities such as sport, laboratory experiments and extra-curricular activities, and bags to be taken to School;
  - (c) The grounds on which any student may be exempted from complying with the dress code; and
  - (d) How the dress code may be enforced, provided the methods of enforcement are consistent with section 2.2.19 of the **Education and Training Reform Act 2006**, and the School's Student Code of Conduct (referred to in section 5.2.12 of the **Education and Training Reform Act 2006**).

- (3) The Council may enter into a contract with any person for the supply of school uniforms for students of the School.

**25. Power to purchase**

The Council may, subject to compliance with any directions issued by the Secretary to the DET, purchase goods, equipment or material for the purposes of the School.

**26. Children's services**

The Council may apply for and obtain under the **Children's Services Act 1996** approval to operate a children's service on premises of the School or on premises under the control of the Minister and may apply for and obtain a licence to operate a children's service and, subject to the **Children's Services Act 1996** and the **Education and Training Reform Act 2006** –

- (1) may operate, either solely or jointly, a children's service on part of the School premises or on other premises under the control of the Minister and may require payment of fees for the service and other related services;
- (2) may enter into a licence agreement, or a lease agreement if authorised in writing by the Minister, with another person for that person to use part of the School premises or other premises under the control of the Minister to provide a children's service or to provide a children's service on behalf of the Council on those premises; and
- (3) may carry out improvements to the School buildings and grounds for the provision of a children's service under subsection (1) or (2).

**27. Other powers**

**27.1 Activities outside School Hours**

The Council may conduct or join with any other school council in conducting any educational, recreational or cultural activity for the students of the School outside School hours at the School or any other location.

**27.2 Fund Raising**

The Council may raise funds for School purposes by conducting local efforts or amusements.

**27.3 Gifts**

- (1) Subject to section 5.2.6 of the **Education and Training Reform Act 2006**, the Council may –
- (a) accept gifts including real estate, providing that if a gift is encumbered or conditional, consent must be obtained from the Secretary to the DET before acceptance of such gifts; and
- (b) purchase or maintain goods, equipment and material for the carrying out of its powers duties or functions under the **Education and Training Reform Act 2006** or any other Act, but may not purchase any vehicle without the prior consent of the Secretary to the DET.
- (2) For the purposes of this clause, 'vehicle' means the same as 'vehicle' in the **Road Safety Act 1986**.

**27.4 Hire or use of Equipment**

- (1) Definitions
- In this clause –
- 'Equipment' includes goods and products but does not include fixtures.
- 'Equipment agreement' means a contract to hire equipment or a licence to use equipment under which –
- (a) the Council has the right to use the equipment; and

- (b) there is no option, right or obligation of the Council or any other person to buy the equipment; and
  - (c) at the end of the contract or licence the School Council has to return the equipment to the other party to the contract or licence.
- (2) The Council may enter into an equipment agreement with another party if the sole or main purpose of entering into the equipment agreement is to benefit the education of students at the School or to assist with the efficient conduct of the School.
- (3) Prior to entering into an equipment agreement the Council must –
- (a) obtain more than one written quotation or tender for the hire or use of the equipment if the annual cost of the hire or use of the equipment is expected to exceed \$1000; and
  - (b) carry out a financial evaluation of the proposal to hire or use the equipment; and
  - (c) ensure that the equipment to be hired or used has appropriate insurance cover, either through the terms of the equipment agreement or by separate cover.
- (4) The Council must not –
- (a) enter into an equipment agreement for a continuous period exceeding four years until the Regional Director has approved the entering into of that equipment agreement; and
  - (b) enter into an equipment agreement for the hire or use of equipment previously owned or operated by the Council or for the purposes of the DET, and
  - (c) commit funds of a non-recurrent nature or funds granted for a specific purpose, towards the costs of an equipment agreement until the donor or provider of the funds has consented to that in writing; or
  - (d) enter into an equipment agreement unless it is satisfied that it will be able to meet all the costs of the equipment agreement.

#### 27.5 Reporting

- (1) The Council must report the details of all equipment agreements it has entered into to the Council's Public Reporting Meeting. The report must include a description of the equipment hired or used, the purpose, the duration and the cost of the equipment agreement.
- (2) The costs of each equipment agreement must be fully identified in the Council's audited statement of receipts and expenditure presented to the Council's Public Reporting Meeting.

#### 27.6 Exclusions

Clauses 27.4(3) and 27.5 do not apply to –

- (a) the hire of a video recording, or
- (b) the hire of any other equipment for less than four weeks in any one calendar year where the cost of the hire is less than \$1,000.00.

### 28. Transport Accident Commission agreements

The Council may enter into one or more agreements with the Transport Accident Commission concerning the provision of staff, facilities, equipment, support or other services for any student of the School who is the subject of a claim under the **Transport Accident Act 1986**.

**29. Power to provide goods, services or facilities**

- (a) Subject to subclauses (b) and (c), the Council may, for the purpose of the efficient conduct of the School, enter into arrangements or agreements, for reward or otherwise, to provide or supply goods, services or facilities to other Government schools or other educational institutions.
- (b) Any arrangement or agreement under subclause (a) may only be for goods, services or facilities that the Council is empowered under the **Education and Training Reform Act 2006**, the Education and Training Reform Regulations 2007, this Order, or any Ministerial Order made under the **Education and Training Reform Act 2006**, to provide or supply to the School.
- (c) Any arrangement or agreement under subclause (a) must comply with any directions issued by the Secretary to the DET.

**30. Power to purchase by use of purchasing card facilities**

- (a) Subject to this clause the Council may enter into arrangements with a financial institution under which the Council may purchase goods, services, equipment or material only for the purposes of the School by the use of purchasing card facilities provided by the financial institution.
- (b) Any purchase of goods, services, equipment or material under subclause (a) must comply with:
  - (i) any guidelines and directions issued by the Minister under section 5.2.1 of the **Education and Training Reform Act 2006**;
  - (ii) any directions issued by the Secretary to the DET; and
  - (iii) the terms and conditions relating to the use of any purchasing card issued by the financial institution to the Council from time to time.

31. Not used.

**32. Trusts**

The Council may act as a trustee of any trust fund established for the benefit of the School or its students with power to do any act or thing authorised under the terms of the relevant trust fund.

**PART D – TRANSITIONAL PROVISIONS****33. Transitional provisions**

- 33.1 (a) Subject to subclause (b), this clause 33 operates until and inclusive of the date of the declaration of the poll in 2018 (or, if no election is held that year, 31 March of that year);
- (b) Subclause 33.12 operates until and inclusive of the day after the date of the declaration of the poll in 2018 (or, if no election is held that year, 31 March of that year).
- 33.2 Subject to subclause 33.11, during the operation of this clause the Composition and Election provisions, namely clauses 5A to 5V of the School Council Composition and Elections Order (Ministerial Order No. 52), except clauses 5A, 5B.3 (insofar as it defines eligibility for election), 5B.3A(a) and 5R thereof, do not operate.
- 33.3 The School Council shall consist of a total of six members comprising the principal *ex officio* and one other DET employee, three parents and one community member.
- 33.4 (a) By ministerial appointment made for the purposes of this clause on the date of this Order the principal *ex officio*, one other DET employee, and three parents are appointed as members of the Council from the date this clause takes effect until and inclusive of the date of declaration of the poll in 2018.

- (b) The School Council may, prior to the date of the declaration of the poll in 2018 (or if no election is held that year, 31 March of that year), appoint one person who is eligible for appointment to the community member category of the school council for a term of office until and inclusive of the date of the declaration of the poll in 2018 (or if no election is held that year, 31 March of that year).
- 33.5 The School Council may, prior to the date of the declaration of the poll in 2018 (or, if no election is held that year, 31 March of that year), fill any casual vacancy that occurs in the membership of the School Council, by appointing to the School Council a person who are eligible for election or appointment (as the case may be) to the relevant membership category, provided that any person who fills a vacant position created by a casual vacancy shall only serve the unexpired portion of the vacating member's term of office.
- 33.6 Not used.
- 33.7 A parent appointed under clause 33.4 who does not have a child enrolled at the School at the time of the Notice of Election and Call for Nominations for any School Council election shall cease to be a member of the Council on that date, and a casual vacancy is thereby created.
- 33.8 In the event that the School Council is unable to comply with the quorum provisions of Part 3 of the Education and Training Reform Regulations 2007 owing to the number of casual vacancies in its membership, the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** may fill any casual vacancy that occurs in the membership of the School Council by appointing to the School Council for a term of office that does not extend beyond the unexpired portion of the vacating member's term of office a person who is eligible for election or appointment (as the case may be) to the relevant membership category.
- 33.9 In the event that the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** is satisfied that a School Council member no longer intends to attend School Council meetings, but a casual vacancy has not been created in respect of that member's position on the School Council, the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** may remove the person as a School Council member and appoint to the School Council for a term of office that does not extend beyond the unexpired portion of the vacating member's term of office a person who is eligible for election or appointment (as the case may be) to the relevant membership category.
- 33.10 (a) The School Council may not conduct any School Council meeting unless the quorum provisions of Part 3 of the Education and Training Reform Regulations 2007 are satisfied.
- (b) Subject to clause 33.10(c), the School Council must not decide any matter unless a majority of the School Council members present are not DET employees.
- (c) If at any time the membership of the School Council is such that it is impossible for the School Council to decide a matter in accordance with clause 33.10(b), the School Council may nonetheless decide to fill a casual vacancy under clause 33.5 or appoint or co-opt a member under clause 33.4(b) and (c).
- (d) Subject to subclauses 33.10(a), 33.10(b), and 33.10(c), an act or decision of the School Council is not invalid, and the School Council is properly constituted, notwithstanding –
- (i) a vacancy in the office of a member (including a Community member);
  - (ii) a defect or irregularity in or in connection with the appointment or co-optation of a member;

- (iii) a casual vacancy is not filled; or
- (iv) for any other reason the total number of school council members stated in clause 33.3 has not been appointed.

33.11 The first School Council election must be completed between the 2018 school year commencement date and 31 March 2018 in respect of three Parent member positions and one DET employee member position and the Composition and Election provisions (except clause 5D.3) shall apply to that School Council election.

33.12 The term of office of members of the School Council elected at the School Council election referred to in clause 33.11 shall commence on the day after the date of declaration of the poll in 2018.

This Order is made 14 September 2016

THE HON. JAMES MERLINO, MP  
Minister for Education

### SCHEDULE 1

Harvest Home Primary School Council 6T 3P 2DET 1CO

### SCHEDULE 2

#### SCHOOL COUNCIL MEMBERSHIP TABLE

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
15	6	5	4	7	2
15	6	4	5	7	3
15	6	3	6	7	4
15	6	2	7	7	5
15	6	1	8	7	6
15	7	5	3	7	2
15	7	4	4	7	3
15	7	3	5	7	4
15	7	2	6	7	5
15	7	1	7	7	6
15	8	5	2	7	2
15	8	4	3	7	3
15	8	3	4	7	4
15	8	2	5	7	5
15	8	1	6	7	6
15	9	5	1	7	2
15	9	4	2	7	3
15	9	3	3	7	4
15	9	2	4	7	5
15	9	1	5	7	6
15	10	5	0	7	2
15	10	4	1	7	3
15	10	3	2	7	4
15	10	2	3	7	5
15	10	1	4	7	6
15	11	4	0	7	3

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
15	11	3	1	7	4
15	11	2	2	7	5
15	11	1	3	7	6
15	12	3	0	7	4
15	12	2	1	7	5
15	12	1	2	7	6
15	13	2	0	7	5
15	13	1	1	7	6
15	14	1	0	7	6
14	5	4	5	6	2
14	5	3	6	6	3
14	5	2	7	6	4
14	5	1	8	6	5
14	6	4	4	6	2
14	6	3	5	6	3
14	6	2	6	6	4
14	6	1	7	6	5
14	7	4	3	6	2
14	7	3	4	6	3
14	7	2	5	6	4
14	7	1	6	6	5
14	8	4	2	6	2
14	8	3	3	6	3
14	8	2	4	6	4
14	8	1	5	6	5
14	9	4	1	6	2
14	9	3	2	6	3
14	9	2	3	6	4
14	9	1	4	6	5
14	10	4	0	6	2
14	10	3	1	6	3
14	10	2	2	6	4
14	10	1	3	6	5
14	11	3	0	6	3
14	11	2	1	6	4
14	11	1	2	6	5
14	12	2	0	6	4
14	12	1	1	6	5
14	13	1	0	6	5
13	5	4	4	6	2
13	5	3	5	6	3



<b>Total</b>	<b>Parent members</b>	<b>DET employee members</b>	<b>Community members</b>	<b>Max DET employees</b>	<b>Max DET employee parents*</b>
13	5	2	6	6	4
13	5	1	7	6	5
13	6	4	3	6	2
13	6	3	4	6	3
13	6	2	5	6	4
13	6	1	6	6	5
13	7	4	2	6	2
13	7	3	3	6	3
13	7	2	4	6	4
13	7	1	5	6	5
13	8	4	1	6	2
13	8	3	2	6	3
13	8	2	3	6	4
13	8	1	4	6	5
13	9	4	0	6	2
13	9	3	1	6	3
13	9	2	2	6	4
13	9	1	3	6	5
13	10	3	0	6	3
13	10	2	1	6	4
13	10	1	2	6	5
13	11	2	0	6	4
13	11	1	1	6	5
13	12	1	0	6	5
12	5	4	3	5	1
12	5	3	4	5	2
12	5	2	5	5	3
12	5	1	6	5	4
12	6	4	2	5	1
12	6	3	3	5	2
12	6	2	4	5	3
12	6	1	5	5	4
12	7	4	1	5	1
12	7	3	2	5	2
12	7	2	3	5	3
12	7	1	4	5	4
12	8	4	0	5	1
12	8	3	1	5	2
12	8	2	2	5	3
12	8	1	3	5	4
12	9	3	0	5	2
12	9	2	1	5	3

<b>Total</b>	<b>Parent members</b>	<b>DET employee members</b>	<b>Community members</b>	<b>Max DET employees</b>	<b>Max DET employee parents*</b>
12	9	1	2	5	4
12	10	2	0	5	3
12	10	1	1	5	4
12	11	1	0	5	4
11	4	3	4	5	2
11	4	2	5	5	3
11	4	1	6	5	4
11	5	3	3	5	2
11	5	2	4	5	3
11	5	1	5	5	4
11	6	3	2	5	2
11	6	2	3	5	3
11	6	1	4	5	4
11	7	3	1	5	2
11	7	2	2	5	3
11	7	1	3	5	4
11	8	3	0	5	2
11	8	2	1	5	3
11	8	1	2	5	4
11	9	2	0	5	3
11	9	1	1	5	4
11	10	1	0	5	4
10	4	3	3	4	1
10	4	2	4	4	2
10	4	1	5	4	3
10	5	3	2	4	1
10	5	2	3	4	2
10	5	1	4	4	3
10	6	3	1	4	1
10	6	2	2	4	2
10	6	1	3	4	3
10	7	3	0	4	1
10	7	2	1	4	2
10	7	1	2	4	3
10	8	2	0	4	2
10	8	1	1	4	3
10	9	1	0	4	3
9	4	3	2	4	1
9	4	2	3	4	2
9	4	1	4	4	3

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
9	5	3	1	4	1
9	5	2	2	4	2
9	5	1	3	4	3
9	6	3	0	4	1
9	6	2	1	4	2
9	6	1	2	4	3
9	7	2	0	4	2
9	7	1	1	4	3
9	8	1	0	4	3
8	3	2	3	3	1
8	3	1	4	3	2
8	4	2	2	3	1
8	4	1	3	3	2
8	5	2	1	3	1
8	5	1	2	3	2
8	6	2	0	3	1
8	6	1	1	3	2
8	7	1	0	3	2
7	3	2	2	3	1
7	3	1	3	3	2
7	4	2	1	3	1
7	4	1	2	3	2
7	5	2	0	3	1
7	5	1	1	3	2
7	6	1	0	3	2
6	3	2	1	2	0
6	3	1	2	2	1
6	4	2	0	2	0
6	4	1	1	2	1
6	5	1	0	2	1

\* A DET employee parent is a DET employee who is a parent of a child at the school.

**Education and Training Reform Act 2006**

MINISTERIAL ORDER NO. 938

John Henry Primary School Council

Constituting Order

**A. Purpose**

The purpose of this Order is to constitute a school council for John Henry Primary School.

**B. Authorising provisions**

This Order is made under section 2.3.2 (1) and (2) and all other enabling provisions of the **Education and Training Reform Act 2006**.

**C. Commencement**

This Order comes into operation on the day it is made.

**PART A – CONSTITUTION****1. Incorporation**

A school council is hereby constituted, under section 2.3.2(1) of the **Education and Training Reform Act 2006**, by the name of John Henry Primary School Council, as a body corporate to exercise and discharge the powers, duties and functions conferred or imposed on it by or under that Act in relation to the Government school No. 5561 named John Henry Primary School situated at 141 Henry Road, Pakenham, Victoria 3810.

**1A. Objectives of the Council**

The objectives of the Council with regard to the School are:

- (a) To assist in the efficient governance of the School;
- (b) To ensure that its decisions affecting students of the School are made having regard, as a primary consideration, to the best interest of the students;
- (c) To enhance the educational opportunities of students at the School; and
- (d) To ensure the School and the council comply with any requirements of the **Education and Training Reform Act 2006**, any regulations or a Ministerial Order made under that Act, or a direction, guideline or policy issued under that Act.

**1B. Functions of the Council**

The functions of the Council with regard to the School are:

- (a) To establish the broad direction and vision of the School within the School's community;
- (b) To arrange for the supply of goods, services, facilities, materials, equipment and other things or matters that are required for the conduct of the School including the provision of preschool programs;
- (c) To raise funds for School related purposes;
- (d) To regulate and facilitate the after-hours use of the School premises and grounds;
- (e) To exercise a general oversight of the School buildings and grounds and ensure that they are kept in good order and condition;
- (f) To provide for the cleaning and sanitary services that are necessary for the School;
- (g) To ensure that all money coming into the hands of the Council is expended for proper purposes relating to the School;
- (h) To provide meals and refreshments for the staff and students of the School and make charges for those meals or refreshments;
- (i) To inform itself and take into account any views of the School community for the purpose of making decisions in regard to the School and the students at the School;

- (j) To generally stimulate interest in the School in the wider community; and
- (k) To perform any other function or duty or to exercise any power conferred or imposed on the Council:
  - (i) By or under the **Education and Training Reform Act 2006** or any regulations made under that Act; or
  - (ii) By a Ministerial Order made, or direction issued, by the Minister under the **Education and Training Reform Act 2006**.

### **1C. Powers of the Council**

- 1C.1 For the purpose of meeting its objectives or performing its functions or duties the Council may:
- (a) Enter into contracts, agreements or arrangements;
  - (b) Establish trusts and act as trustee of them;
  - (c) Subject to section 2.2.4 of the **Education and Training Reform Act 2006** and in accordance with any Ministerial Order made under that Act, charge fees to parents for goods, services or other things provided by the School to a child of the parent; and
  - (d) Do any other thing that is necessary or convenient to be done for, or in connection with, meeting its objectives or performing its functions or duties.
- 1C.2 In addition to the powers under clause 1C.1, the Council has any other powers conferred on it by or under the **Education and Training Reform Act 2006**, or any regulations or a Ministerial Order made under that Act.
- 1C.3 The Council does not have the power to do any of the following:
- (a) Employ a teacher with no date fixed for the termination of that employment;
  - (b) Purchase or acquire for consideration any land or building; or
  - (c) Unless authorised by or under the **Education and Training Reform Act 2006** or any regulations or a Ministerial Order made under that Act:
    - (i) License or grant any interest in land, including School lands or buildings;
    - (ii) Enter into hire purchase agreements;
    - (iii) Obtain loan or credit facilities;
    - (iv) Form or become a member of a corporation;
    - (v) Provide for any matter or thing outside Victoria unless it is related to an excursion by students from the School or the professional development of staff of the School;
    - (vi) Purchase a motor vehicle, boat or plane.

### **1D. Accountability and executive officer**

- 1D.1 The Council is accountable to the Minister for Education in respect of the performance by the Council of its functions in accordance with any Order made by the Minister.
- 1D.2 The principal of the School is the executive officer of the Council and must ensure that:
- (a) Adequate and appropriate advice is provided to the Council on educational and other matters;
  - (b) The decisions of the Council are implemented; and
  - (c) Adequate support and resources are provided for the conduct of Council meetings.

**PART B – GENERAL****2. Regulations**

Part 3 of the Education and Training Reform Regulations 2007 apply to the Council.

**3. Definitions**

3.1 In this Order:

‘Composition and Election Provisions’ means the Composition and Election provisions of the School Council Composition and Elections Order (Ministerial Order No. 52);

‘Council’ means the school council constituted by this Order;

‘DET’ means the Department of Education and Training;

‘Principal’ includes the person or persons for the time being authorised to perform the duties of principal of the School;

‘Public Reporting Meeting’ means a public reporting meeting as described in regulation 28 of the Education and Training Reform Regulations 2007, as amended from time to time;

‘School’ means the Government school referred to in clause 1 of this Order;

‘School Council Composition and Elections Order’ means Ministerial Order No. 52 made under the **Education and Training Reform Act 2006**, as amended and in force from time to time.

**4. Specific clauses to prevail over general clauses**

To the extent that there is any inconsistency between:

- (a) Clause 1B; or
- (b) Clause 1C,

and any other clause in this Order, that other clause will prevail.

**5. Council composition and elections**

- (a) The Composition and Election Provisions are incorporated in this Order and apply, inter alia, to the Council election process and the tenure of Council members.
- (b) The size and composition of the elected membership of the Council, including members co-opted by the Council, are specified in Schedule 1.
- (c) Options for change in the authorised size and/or composition of the Council membership pursuant to the Composition and Election Provisions are specified in Schedule 2.
- (d) Schedules 1 and 2 are part of this Order.

**PART C – POWERS****6. Employment**

6.1 The Council, in accordance with the **Education and Training Reform Act 2006**, may:

- (a) Employ:
  - (i) Teachers for a fixed period not exceeding one year or on a casual basis;
  - (ii) Teacher aides; or
  - (iii) Any other staff,for the purpose of performing its functions and duties; and
- (b) Employ any person to enable the Council to do anything it is authorised to do by section 2.3.11 or Division 6 of the **Education and Training Reform Act 2006**.

- 6.2 If the Council employs a person under clause 6.1, it may do so on behalf of a group of school councils and the group of school councils may decide from time to time in a manner determined by agreement amongst themselves the time which the person is to spend on each school.

**7. Use of buildings and grounds**

7.1 The Council may:

- (a) Conduct programs in or use;
- (b) Subject to any conditions imposed by the Council, join with any other person or body to conduct programs in or use; or
- (c) Subject to any conditions imposed by the Council, allow any other person or body to conduct programs in or use,

any buildings or grounds of the School in relation to which the Council is constituted for the purposes of educational, recreational, sporting or cultural activities for students, the local community or young persons.

7.2 The Council may only allow buildings and grounds of the School to be used under clause 7.1 when the buildings or grounds are not required for ordinary School purposes.

**8. Council may carry out works**

8.1 The Council may, in regard to the School, with the approval of the Minister for Education given either generally or in any particular case:

- (a) Construct, or carry out any improvements to any building structure on the School grounds, or carry out any improvements in or to the School grounds;
- (b) Enter into a contract with any person for or in relation to the construction or carrying out by that person of any such building structure or improvements or of any other work which the Council is authorised or required by or under the **Education and Training Reform Act 2006** to carry out; or
- (c) Construct or carry out any improvements to any building structure, or carry out any improvements, on, in or to the School grounds or any other land that the Minister for Education has acquired an estate or interest in to provide preschool programs.

8.2 The Council may obtain and accept offers or tenders for any work approved by the Minister for Education under this clause that it proposes to carry out.

**9. Other School Council works**

The Council if so authorised by the Minister for Education is authorised and empowered to:

- (a) Enter into contracts with another school council for or in connection with:
  - (i) the construction of buildings or structures or the carrying out of improvements on, in or to the grounds of the school in relation to which the council is constituted; or
  - (ii) any other work which the Council is authorised or required by or under the **Education and Training Reform Act 2006** to carry out; and
- (b) Do or comply with anything necessary or expedient for carrying the contract into effect.

**10. Council may form sub-committee**

Subject to the **Education and Training Reform Act 2006** and regulations made under that Act, the Council may form a sub-committee, consisting of at least one member of the Council and any other persons, to assist the Council.

**11. Council may delegate powers, duties or functions**

Subject to the **Education and Training Reform Act 2006** and regulations made under that Act, the Council may by instrument delegate all or any of the powers, duties or functions conferred or imposed on the Council by or under the **Education and Training Reform Act 2006**, the regulations, a Ministerial Order or a direction issued by the Minister under that Act, except this power of delegation to another person or body.

**12. Council may form committees to manage joint facilities**

If the Council enters into an agreement under its powers under the **Education and Training Reform Act 2006** for the use of any real or personal property by other persons or bodies, the Council may agree with the other parties to the agreement to form a committee for the management of the property.

**13. Delegation to committee**

If the Council agrees to form a committee to manage property under clause 12 the Council may, with the approval of the Minister for Education, delegate by instrument to members of the committee all or any of the Council's powers, duties or functions conferred or imposed on the Council by or under the **Education and Training Reform Act 2006** in relation to that property except this power of delegation.

**14. Council may sell property**

14.1 The Council may sell equipment, goods or other similar personal property acquired for use in the School.

14.2 If the proceeds from the sale of property under clause 14.1 are less than the amount determined by the Minister for Education, the Council may keep those proceeds.

14.3 If the proceeds from the sale of property under clause 14.1 are equal to or more than the amount determined by the Minister for Education, the Council may keep those proceeds, if the person appointed by the Secretary to the DET has given approval for the Council to do so.

14.4 For the purposes of clauses 14.2 and 14.3, a determination of the Minister for Education:

(a) Must be in writing; and

(b) May be varied or revoked by the Minister in writing.

14.5 The Secretary to the DET may appoint a person to give approvals under clause 14.3.

14.6 An approval given under clause 14.3 must be:

(a) In writing; and

(b) Given before the property is sold.

**15. Preschool programs****15.1 Council may provide for preschool programs**

(1) If the School provides primary education, the Council may:

(a) Provide preschool programs on the premises of the School or on any other land or premises under the control of the Minister for Education;

(b) Enter into an agreement or arrangement with any other school council or other person or body for that council, person or body to use part of the premises of that school or other premises under the control of the Minister for Education to provide a preschool program on those premises; or

(c) Enter into an agreement or arrangement with any other school council or other person or body to jointly provide a preschool program.



- (2) If the Council provides a preschool program or enters into an arrangement or agreement to provide a preschool program, it must ensure that, in any records kept by the School or the Council, the preschool children using the program are accounted for separately from students enrolled at the School in school programs.

**15.2 Council may grant lease or licence over preschool land**

The Council may, if authorised in writing by the Minister for Education, either generally or in any specified circumstances, grant a leasehold interest in, or a licence over, land of the School to be used to operate a preschool program or programs for children.

**15.3 Fees for preschool programs**

The Council or any other person or body authorised by the Council under clause 15.1, may require the payment of fees for the provision of preschool programs and other related services.

**15.4 Application of, and accounting for, money received**

In relation to any agreement or arrangement made by the Council for the provision of preschool programs under clause 15 the Council must ensure:

- (a) That any fees or other money received by the Council in the course of that provision or those agreements or arrangements is applied to the provision of preschool programs unless directed otherwise by a direction or guideline issued by the Minister for Education; and
- (b) That separate accounts and financial records are maintained in relation to the provision of those programs.

**16. Payment of members**

- 16.1 A member of the Council is not to receive any payment for his or her services as a member.
- 16.2 This does not prevent the Council reimbursing a member for any reasonable expenses incurred in the performance of his or her duties as a member.

**17–23.** Not used

**24. Student dress code**

- (1) The Council may determine a student dress code which is to apply to students of the School while they are at the School, travelling to and from School and/or attending School activities.
- (2) A student dress code may cover any matters which the Council considers appropriate in relation to clothing and other items worn, carried or used by students and to grooming, physical appearance and the general presentation of students, including without limiting the generality of the above –
  - (a) Whether a school uniform may or must be worn by students, and the school uniform to be worn;
  - (b) Clothing (including shoes) to be worn during classes and specified School activities such as sport, laboratory experiments and extra-curricular activities, and bags to be taken to School;
  - (c) The grounds on which any student may be exempted from complying with the dress code; and
  - (d) How the dress code may be enforced, provided the methods of enforcement are consistent with section 2.2.19 of the **Education and Training Reform Act 2006**, and the School's Student Code of Conduct (referred to in section 5.2.12 of the **Education and Training Reform Act 2006**).

- (3) The Council may enter into a contract with any person for the supply of school uniforms for students of the School.

**25. Power to purchase**

The Council may, subject to compliance with any directions issued by the Secretary to the DET, purchase goods, equipment or material for the purposes of the School.

**26. Children's services**

The Council may apply for and obtain under the **Children's Services Act 1996** approval to operate a children's service on premises of the School or on premises under the control of the Minister and may apply for and obtain a licence to operate a children's service and, subject to the **Children's Services Act 1996** and the **Education and Training Reform Act 2006** –

- (1) may operate, either solely or jointly, a children's service on part of the School premises or on other premises under the control of the Minister and may require payment of fees for the service and other related services;
- (2) may enter into a licence agreement, or a lease agreement if authorised in writing by the Minister, with another person for that person to use part of the School premises or other premises under the control of the Minister to provide a children's service or to provide a children's service on behalf of the Council on those premises; and
- (3) may carry out improvements to the School buildings and grounds for the provision of a children's service under subsection (1) or (2).

**27. Other powers**

**27.1 Activities outside School Hours**

The Council may conduct or join with any other school council in conducting any educational, recreational or cultural activity for the students of the School outside School hours at the School or any other location.

**27.2 Fund Raising**

The Council may raise funds for School purposes by conducting local efforts or amusements.

**27.3 Gifts**

- (1) Subject to section 5.2.6 of the **Education and Training Reform Act 2006**, the Council may –
- (a) accept gifts including real estate, providing that if a gift is encumbered or conditional, consent must be obtained from the Secretary to the DET before acceptance of such gifts; and
- (b) purchase or maintain goods, equipment and material for the carrying out of its powers duties or functions under the **Education and Training Reform Act 2006** or any other Act, but may not purchase any vehicle without the prior consent of the Secretary to the DET.
- (2) For the purposes of this clause, 'vehicle' means the same as 'vehicle' in the Road Safety Act 1986.

**27.4 Hire or use of Equipment**

- (1) Definitions
- In this clause –
- 'Equipment' includes goods and products but does not include fixtures.
- 'Equipment agreement' means a contract to hire equipment or a licence to use equipment under which –
- (a) the Council has the right to use the equipment; and

- (b) there is no option, right or obligation of the Council or any other person to buy the equipment; and
  - (c) at the end of the contract or licence the School Council has to return the equipment to the other party to the contract or licence.
- (2) The Council may enter into an equipment agreement with another party if the sole or main purpose of entering into the equipment agreement is to benefit the education of students at the School or to assist with the efficient conduct of the School.
- (3) Prior to entering into an equipment agreement the Council must –
  - (a) obtain more than one written quotation or tender for the hire or use of the equipment if the annual cost of the hire or use of the equipment is expected to exceed \$1000; and
  - (b) carry out a financial evaluation of the proposal to hire or use the equipment; and
  - (c) ensure that the equipment to be hired or used has appropriate insurance cover, either through the terms of the equipment agreement or by separate cover.
- (4) The Council must not –
  - (a) enter into an equipment agreement for a continuous period exceeding four years until the Regional Director has approved the entering into of that equipment agreement; and
  - (b) enter into an equipment agreement for the hire or use of equipment previously owned or operated by the Council or for the purposes of the DET, and
  - (c) commit funds of a non-recurrent nature or funds granted for a specific purpose, towards the costs of an equipment agreement until the donor or provider of the funds has consented to that in writing; or
  - (d) enter into an equipment agreement unless it is satisfied that it will be able to meet all the costs of the equipment agreement.

#### 27.5 Reporting

- (1) The Council must report the details of all equipment agreements it has entered into to the Council's Public Reporting Meeting. The report must include a description of the equipment hired or used, the purpose, the duration and the cost of the equipment agreement.
- (2) The costs of each equipment agreement must be fully identified in the Council's audited statement of receipts and expenditure presented to the Council's Public Reporting Meeting.

#### 27.6 Exclusions

Clauses 27.4(3) and 27.5 do not apply to –

- (a) the hire of a video recording, or
- (b) the hire of any other equipment for less than four weeks in any one calendar year where the cost of the hire is less than \$1,000.00.

### 28. Transport Accident Commission agreements

The Council may enter into one or more agreements with the Transport Accident Commission concerning the provision of staff, facilities, equipment, support or other services for any student of the School who is the subject of a claim under the **Transport Accident Act 1986**.

**29. Power to provide goods, services or facilities**

- (a) Subject to subclauses (b) and (c), the Council may, for the purpose of the efficient conduct of the School, enter into arrangements or agreements, for reward or otherwise, to provide or supply goods, services or facilities to other Government schools or other educational institutions.
- (b) Any arrangement or agreement under subclause (a) may only be for goods, services or facilities that the Council is empowered under the **Education and Training Reform Act 2006**, the Education and Training Reform Regulations 2007, this Order, or any Ministerial Order made under the **Education and Training Reform Act 2006**, to provide or supply to the School.
- (c) Any arrangement or agreement under subclause (a) must comply with any directions issued by the Secretary to the DET.

**30. Power to purchase by use of purchasing card facilities**

- (a) Subject to this clause the Council may enter into arrangements with a financial institution under which the Council may purchase goods, services, equipment or material only for the purposes of the School by the use of purchasing card facilities provided by the financial institution.
- (b) Any purchase of goods, services, equipment or material under subclause (a) must comply with:
  - (i) any guidelines and directions issued by the Minister under section 5.2.1 of the **Education and Training Reform Act 2006**;
  - (ii) any directions issued by the Secretary to the DET; and
  - (iii) the terms and conditions relating to the use of any purchasing card issued by the financial institution to the Council from time to time.

**31.** Not used.

**32. Trusts**

The Council may act as a trustee of any trust fund established for the benefit of the School or its students with power to do any act or thing authorised under the terms of the relevant trust fund.

**PART D – TRANSITIONAL PROVISIONS****33. Transitional provisions**

- 33.1 (a) Subject to subclause (b), this clause 33 operates until and inclusive of the date of the declaration of the poll in 2017 (or, if no election is held that year, 31 March of that year);
- (b) Subclause 33.12 operates until and inclusive of the day after the date of the declaration of the poll in 2017 (or, if no election is held that year, 31 March of that year).
- 33.2 Subject to subclause 33.11, during the operation of this clause the Composition and Election provisions, namely clauses 5A to 5V of the School Council Composition and Elections Order (Ministerial Order No. 52), except clauses 5A, 5B.3 (insofar as it defines eligibility for election), 5B.3A(a) and 5R thereof, do not operate.
- 33.3 The School Council shall consist of a total of 9 members comprising the principal *ex officio* and two other DET employees, four parents and two community members.
- 33.4 (a) By ministerial appointment made for the purposes of this clause on the date of this Order the principal *ex officio*, two other DET employees, and four parents are appointed as members of the Council from the date this clause takes effect until and inclusive of the date of declaration of the poll in 2017.

- (b) The School Council may, prior to the date of the declaration of the poll in 2017 (or if no election is held that year, 31 March of that year), appoint two persons who are eligible for appointment to the community member category of the school council for a term of office until and inclusive of the date of the declaration of the poll in 2017 (or if no election is held that year, 31 March of that year).
- 33.5 The School Council may, prior to the date of the declaration of the poll in 2017 (or, if no election is held that year, 31 March of that year), fill any casual vacancy that occurs in the membership of the School Council, by appointing to the School Council a person who is eligible for election or appointment (as the case may be) to the relevant membership category, provided that any person who fills a vacant position created by a casual vacancy shall only serve the unexpired portion of the vacating member's term of office.
- 33.6 Not used.
- 33.7 A parent appointed under clause 33.4 who does not have a child enrolled at the School at the time of the Notice of Election and Call for Nominations for any School Council election shall cease to be a member of the Council on that date, and a casual vacancy is thereby created.
- 33.8 In the event that the School Council is unable to comply with the quorum provisions of Part 3 of the Education and Training Reform Regulations 2007 owing to the number of casual vacancies in its membership, the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** may fill any casual vacancy that occurs in the membership of the School Council by appointing to the School Council for a term of office that does not extend beyond the unexpired portion of the vacating member's term of office a person who is eligible for election or appointment (as the case may be) to the relevant membership category.
- 33.9 In the event that the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** is satisfied that a School Council member no longer intends to attend School Council meetings, but a casual vacancy has not been created in respect of that member's position on the School Council, the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** may remove the person as a School Council member and appoint to the School Council for a term of office that does not extend beyond the unexpired portion of the vacating member's term of office a person who is eligible for election or appointment (as the case may be) to the relevant membership category.
- 33.10 (a) The School Council may not conduct any School Council meeting unless the quorum provisions of Part 3 of the Education and Training Reform Regulations 2007 are satisfied.
- (b) Subject to clause 33.10(c), the School Council must not decide any matter unless a majority of the School Council members present are not DET employees.
- (c) If at any time the membership of the School Council is such that it is impossible for the School Council to decide a matter in accordance with clause 33.10(b), the School Council may nonetheless decide to fill a casual vacancy under clause 33.5 or appoint or co-opt a member under clause 33.4(b) and (c).
- (d) Subject to subclauses 33.10(a), 33.10(b), and 33.10(c), an act or decision of the School Council is not invalid, and the School Council is properly constituted, notwithstanding -
- (i) a vacancy in the office of a member (including a Community member);
  - (ii) a defect or irregularity in or in connection with the appointment or co-option of a member;

- (iii) a casual vacancy is not filled; or  
 (iv) for any other reason the total number of school council members stated in clause 33.3 has not been appointed.

33.11 The first School Council election must be completed between the 2017 school year commencement date and 31 March 2017 in respect of four Parent member positions and two DET employee member position and the Composition and Election provisions (except clause 5D.3) shall apply to that School Council election.

33.12 The term of office of members of the School Council elected at the School Council election referred to in clause 33.11 shall commence on the day after the date of declaration of the poll in 2017.

This Order is made 14 September 2016

THE HON. JAMES MERLINO, MP  
 Minister for Education

### SCHEDULE 1

John Henry Primary School

9T 4P 3DET 2CO

### SCHEDULE 2

#### SCHOOL COUNCIL MEMBERSHIP TABLE

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
15	6	5	4	7	2
15	6	4	5	7	3
15	6	3	6	7	4
15	6	2	7	7	5
15	6	1	8	7	6
15	7	5	3	7	2
15	7	4	4	7	3
15	7	3	5	7	4
15	7	2	6	7	5
15	7	1	7	7	6
15	8	5	2	7	2
15	8	4	3	7	3
15	8	3	4	7	4
15	8	2	5	7	5
15	8	1	6	7	6
15	9	5	1	7	2
15	9	4	2	7	3
15	9	3	3	7	4
15	9	2	4	7	5
15	9	1	5	7	6
15	10	5	0	7	2
15	10	4	1	7	3
15	10	3	2	7	4
15	10	2	3	7	5
15	10	1	4	7	6

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
15	11	4	0	7	3
15	11	3	1	7	4
15	11	2	2	7	5
15	11	1	3	7	6
15	12	3	0	7	4
15	12	2	1	7	5
15	12	1	2	7	6
15	13	2	0	7	5
15	13	1	1	7	6
15	14	1	0	7	6
14	5	4	5	6	2
14	5	3	6	6	3
14	5	2	7	6	4
14	5	1	8	6	5
14	6	4	4	6	2
14	6	3	5	6	3
14	6	2	6	6	4
14	6	1	7	6	5
14	7	4	3	6	2
14	7	3	4	6	3
14	7	2	5	6	4
14	7	1	6	6	5
14	8	4	2	6	2
14	8	3	3	6	3
14	8	2	4	6	4
14	8	1	5	6	5
14	9	4	1	6	2
14	9	3	2	6	3
14	9	2	3	6	4
14	9	1	4	6	5
14	10	4	0	6	2
14	10	3	1	6	3
14	10	2	2	6	4
14	10	1	3	6	5
14	11	3	0	6	3
14	11	2	1	6	4
14	11	1	2	6	5
14	12	2	0	6	4
14	12	1	1	6	5
14	13	1	0	6	5
13	5	4	4	6	2

<b>Total</b>	<b>Parent members</b>	<b>DET employee members</b>	<b>Community members</b>	<b>Max DET employees</b>	<b>Max DET employee parents*</b>
13	5	3	5	6	3
13	5	2	6	6	4
13	5	1	7	6	5
13	6	4	3	6	2
13	6	3	4	6	3
13	6	2	5	6	4
13	6	1	6	6	5
13	7	4	2	6	2
13	7	3	3	6	3
13	7	2	4	6	4
13	7	1	5	6	5
13	8	4	1	6	2
13	8	3	2	6	3
13	8	2	3	6	4
13	8	1	4	6	5
13	9	4	0	6	2
13	9	3	1	6	3
13	9	2	2	6	4
13	9	1	3	6	5
13	10	3	0	6	3
13	10	2	1	6	4
13	10	1	2	6	5
13	11	2	0	6	4
13	11	1	1	6	5
13	12	1	0	6	5
12	5	4	3	5	1
12	5	3	4	5	2
12	5	2	5	5	3
12	5	1	6	5	4
12	6	4	2	5	1
12	6	3	3	5	2
12	6	2	4	5	3
12	6	1	5	5	4
12	7	4	1	5	1
12	7	3	2	5	2
12	7	2	3	5	3
12	7	1	4	5	4
12	8	4	0	5	1
12	8	3	1	5	2
12	8	2	2	5	3
12	8	1	3	5	4
12	9	3	0	5	2



Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
12	9	2	1	5	3
12	9	1	2	5	4
12	10	2	0	5	3
12	10	1	1	5	4
12	11	1	0	5	4
11	4	3	4	5	2
11	4	2	5	5	3
11	4	1	6	5	4
11	5	3	3	5	2
11	5	2	4	5	3
11	5	1	5	5	4
11	6	3	2	5	2
11	6	2	3	5	3
11	6	1	4	5	4
11	7	3	1	5	2
11	7	2	2	5	3
11	7	1	3	5	4
11	8	3	0	5	2
11	8	2	1	5	3
11	8	1	2	5	4
11	9	2	0	5	3
11	9	1	1	5	4
11	10	1	0	5	4
10	4	3	3	4	1
10	4	2	4	4	2
10	4	1	5	4	3
10	5	3	2	4	1
10	5	2	3	4	2
10	5	1	4	4	3
10	6	3	1	4	1
10	6	2	2	4	2
10	6	1	3	4	3
10	7	3	0	4	1
10	7	2	1	4	2
10	7	1	2	4	3
10	8	2	0	4	2
10	8	1	1	4	3
10	9	1	0	4	3
9	4	3	2	4	1
9	4	2	3	4	2

<b>Total</b>	<b>Parent members</b>	<b>DET employee members</b>	<b>Community members</b>	<b>Max DET employees</b>	<b>Max DET employee parents*</b>
9	4	1	4	4	3
9	5	3	1	4	1
9	5	2	2	4	2
9	5	1	3	4	3
9	6	3	0	4	1
9	6	2	1	4	2
9	6	1	2	4	3
9	7	2	0	4	2
9	7	1	1	4	3
9	8	1	0	4	3
8	3	2	3	3	1
8	3	1	4	3	2
8	4	2	2	3	1
8	4	1	3	3	2
8	5	2	1	3	1
8	5	1	2	3	2
8	6	2	0	3	1
8	6	1	1	3	2
8	7	1	0	3	2
7	3	2	2	3	1
7	3	1	3	3	2
7	4	2	1	3	1
7	4	1	2	3	2
7	5	2	0	3	1
7	5	1	1	3	2
7	6	1	0	3	2
6	3	2	1	2	0
6	3	1	2	2	1
6	4	2	0	2	0
6	4	1	1	2	1
6	5	1	0	2	1

\* A DET employee parent is a DET employee who is a parent of a child at the school.

**Education and Training Reform Act 2006**

MINISTERIAL ORDER NO. 942

Mernda Park Primary School Council

Constituting Order

**A. Purpose**

The purpose of this Order is to constitute a school council for Mernda Park Primary School.

**B. Authorising provisions**

This Order is made under section 2.3.2 (1) and (2) and all other enabling provisions of the **Education and Training Reform Act 2006**.

**C. Commencement**

This Order comes into operation on the day it is made.

**PART A – CONSTITUTION**

**1. Incorporation**

A school council is hereby constituted, under section 2.3.2(1) of the **Education and Training Reform Act 2006**, by the name of **Mernda Park Primary School Council**, as a body corporate to exercise and discharge the powers, duties and functions conferred or imposed on it by or under that Act in relation to the Government school No. 5525 named Mernda Park Primary School situated at 40 Riverdale Boulevard, Mernda, Victoria 3754.

**1A. Objectives of the Council**

The objectives of the Council with regard to the School are:

- (a) To assist in the efficient governance of the School;
- (b) To ensure that its decisions affecting students of the School are made having regard, as a primary consideration, to the best interest of the students;
- (c) To enhance the educational opportunities of students at the School; and
- (d) To ensure the School and the council comply with any requirements of the **Education and Training Reform Act 2006**, any regulations or a Ministerial Order made under that Act, or a direction, guideline or policy issued under that Act.

**1B. Functions of the Council**

The functions of the Council with regard to the School are:

- (a) To establish the broad direction and vision of the School within the School's community;
- (b) To arrange for the supply of goods, services, facilities, materials, equipment and other things or matters that are required for the conduct of the School including the provision of preschool programs;
- (c) To raise funds for School related purposes;
- (d) To regulate and facilitate the after-hours use of the School premises and grounds;
- (e) To exercise a general oversight of the School buildings and grounds and ensure that they are kept in good order and condition;
- (f) To provide for the cleaning and sanitary services that are necessary for the School;
- (g) To ensure that all money coming into the hands of the Council is expended for proper purposes relating to the School;
- (h) To provide meals and refreshments for the staff and students of the School and make charges for those meals or refreshments;
- (i) To inform itself and take into account any views of the School community for the purpose of making decisions in regard to the School and the students at the School;

- (j) To generally stimulate interest in the School in the wider community; and
- (k) To perform any other function or duty or to exercise any power conferred or imposed on the Council:
  - (i) By or under the **Education and Training Reform Act 2006** or any regulations made under that Act; or
  - (ii) By a Ministerial Order made, or direction issued, by the Minister under the **Education and Training Reform Act 2006**.

#### **1C. Powers of the Council**

1C.1 For the purpose of meeting its objectives or performing its functions or duties the Council may:

- (a) Enter into contracts, agreements or arrangements;
- (b) Establish trusts and act as trustee of them;
- (c) Subject to section 2.2.4 of the **Education and Training Reform Act 2006** and in accordance with any Ministerial Order made under that Act, charge fees to parents for goods, services or other things provided by the School to a child of the parent; and
- (d) Do any other thing that is necessary or convenient to be done for, or in connection with, meeting its objectives or performing its functions or duties.

1C.2 In addition to the powers under clause 1C.1, the Council has any other powers conferred on it by or under the **Education and Training Reform Act 2006**, or any regulations or a Ministerial Order made under that Act.

1C.3 The Council does not have the power to do any of the following:

- (a) Employ a teacher with no date fixed for the termination of that employment;
- (b) Purchase or acquire for consideration any land or building; or
- (c) Unless authorised by or under the **Education and Training Reform Act 2006** or any regulations or a Ministerial Order made under that Act:
  - (i) License or grant any interest in land, including School lands or buildings;
  - (ii) Enter into hire purchase agreements;
  - (iii) Obtain loan or credit facilities;
  - (iv) Form or become a member of a corporation;
  - (v) Provide for any matter or thing outside Victoria unless it is related to an excursion by students from the School or the professional development of staff of the School;
- (vi) Purchase a motor vehicle, boat or plane.

#### **1D. Accountability and executive officer**

1D.1 The Council is accountable to the Minister for Education in respect of the performance by the Council of its functions in accordance with any Order made by the Minister.

1D.2 The principal of the School is the executive officer of the Council and must ensure that:

- (a) Adequate and appropriate advice is provided to the Council on educational and other matters;
- (b) The decisions of the Council are implemented; and
- (c) Adequate support and resources are provided for the conduct of Council meetings.

**PART B – GENERAL****2. Regulations**

Part 3 of the Education and Training Reform Regulations 2007 apply to the Council.

**3. Definitions**

3.1 In this Order:

‘Composition and Election Provisions’ means the Composition and Election provisions of the School Council Composition and Elections Order (Ministerial Order No. 52);

‘Council’ means the school council constituted by this Order;

‘DET’ means the Department of Education and Training;

‘Principal’ includes the person or persons for the time being authorised to perform the duties of principal of the School;

‘Public Reporting Meeting’ means a public reporting meeting as described in regulation 28 of the Education and Training Reform Regulations 2007, as amended from time to time;

‘School’ means the Government school referred to in clause 1 of this Order;

‘School Council Composition and Elections Order’ means Ministerial Order No. 52 made under the **Education and Training Reform Act 2006**, as amended and in force from time to time.

**4. Specific clauses to prevail over general clauses**

To the extent that there is any inconsistency between:

- (a) Clause 1B; or
- (b) Clause 1C,

and any other clause in this Order, that other clause will prevail.

**5. Council composition and elections**

- (a) The Composition and Election Provisions are incorporated in this Order and apply, inter alia, to the Council election process and the tenure of Council members.
- (b) The size and composition of the elected membership of the Council, including members co-opted by the Council, are specified in Schedule 1.
- (c) Options for change in the authorised size and/or composition of the Council membership pursuant to the Composition and Election Provisions are specified in Schedule 2.
- (d) Schedules 1 and 2 are part of this Order.

**PART C – POWERS****6. Employment**

6.1 The Council, in accordance with the **Education and Training Reform Act 2006**, may:

- (a) Employ:
  - (i) Teachers for a fixed period not exceeding one year or on a casual basis;
  - (ii) Teacher aides; or
  - (iii) Any other staff,for the purpose of performing its functions and duties; and
- (b) Employ any person to enable the Council to do anything it is authorised to do by section 2.3.11 or Division 6 of the **Education and Training Reform Act 2006**.

6.2 If the Council employs a person under clause 6.1, it may do so on behalf of a group of school councils and the group of school councils may decide from time to time in a manner determined by agreement amongst themselves the time which the person is to spend on each school.

## 7. Use of buildings and grounds

7.1 The Council may:

- (a) Conduct programs in or use;
- (b) Subject to any conditions imposed by the Council, join with any other person or body to conduct programs in or use; or
- (c) Subject to any conditions imposed by the Council, allow any other person or body to conduct programs in or use,

any buildings or grounds of the School in relation to which the Council is constituted for the purposes of educational, recreational, sporting or cultural activities for students, the local community or young persons.

7.2 The Council may only allow buildings and grounds of the School to be used under clause 7.1 when the buildings or grounds are not required for ordinary School purposes.

## 8. Council may carry out works

8.1 The Council may, in regard to the School, with the approval of the Minister for Education given either generally or in any particular case:

- (a) Construct, or carry out any improvements to any building structure on the School grounds, or carry out any improvements in or to the School grounds;
- (b) Enter into a contract with any person for or in relation to the construction or carrying out by that person of any such building structure or improvements or of any other work which the Council is authorised or required by or under the **Education and Training Reform Act 2006** to carry out; or
- (c) Construct or carry out any improvements to any building structure, or carry out any improvements, on, in or to the School grounds or any other land that the Minister for Education has acquired an estate or interest in to provide preschool programs.

8.2 The Council may obtain and accept offers or tenders for any work approved by the Minister for Education under this clause that it proposes to carry out.

## 9. Other School Council works

The Council if so authorised by the Minister for Education is authorised and empowered to:

- (a) Enter into contracts with another school council for or in connection with:
  - (i) the construction of buildings or structures or the carrying out of improvements on, in or to the grounds of the school in relation to which the council is constituted; or
  - (ii) any other work which the Council is authorised or required by or under the **Education and Training Reform Act 2006** to carry out; and
- (b) Do or comply with anything necessary or expedient for carrying the contract into effect.

## 10. Council may form sub-committee

Subject to the **Education and Training Reform Act 2006** and regulations made under that Act, the Council may form a sub-committee, consisting of at least one member of the Council and any other persons, to assist the Council.

**11. Council may delegate powers, duties or functions**

Subject to the **Education and Training Reform Act 2006** and regulations made under that Act, the Council may by instrument delegate all or any of the powers, duties or functions conferred or imposed on the Council by or under the **Education and Training Reform Act 2006**, the regulations, a Ministerial Order or a direction issued by the Minister under that Act, except this power of delegation to another person or body.

**12. Council may form committees to manage joint facilities**

If the Council enters into an agreement under its powers under the **Education and Training Reform Act 2006** for the use of any real or personal property by other persons or bodies, the Council may agree with the other parties to the agreement to form a committee for the management of the property.

**13. Delegation to committee**

If the Council agrees to form a committee to manage property under clause 12 the Council may, with the approval of the Minister for Education, delegate by instrument to members of the committee all or any of the Council's powers, duties or functions conferred or imposed on the Council by or under the **Education and Training Reform Act 2006** in relation to that property except this power of delegation.

**14. Council may sell property**

14.1 The Council may sell equipment, goods or other similar personal property acquired for use in the School.

14.2 If the proceeds from the sale of property under clause 14.1 are less than the amount determined by the Minister for Education, the Council may keep those proceeds.

14.3 If the proceeds from the sale of property under clause 14.1 are equal to or more than the amount determined by the Minister for Education, the Council may keep those proceeds, if the person appointed by the Secretary to the DET has given approval for the Council to do so.

14.4 For the purposes of clauses 14.2 and 14.3, a determination of the Minister for Education:

(a) Must be in writing; and

(b) May be varied or revoked by the Minister in writing.

14.5 The Secretary to the DET may appoint a person to give approvals under clause 14.3.

14.6 An approval given under clause 14.3 must be:

(a) In writing; and

(b) Given before the property is sold.

**15. Preschool programs****15.1 Council may provide for preschool programs**

(1) If the School provides primary education, the Council may:

(a) Provide preschool programs on the premises of the School or on any other land or premises under the control of the Minister for Education;

(b) Enter into an agreement or arrangement with any other school council or other person or body for that council, person or body to use part of the premises of that school or other premises under the control of the Minister for Education to provide a preschool program on those premises; or

(c) Enter into an agreement or arrangement with any other school council or other person or body to jointly provide a preschool program.

- (2) If the Council provides a preschool program or enters into an arrangement or agreement to provide a preschool program, it must ensure that, in any records kept by the School or the Council, the preschool children using the program are accounted for separately from students enrolled at the School in school programs.

**15.2 Council may grant lease or licence over preschool land**

The Council may, if authorised in writing by the Minister for Education, either generally or in any specified circumstances, grant a leasehold interest in, or a licence over, land of the School to be used to operate a preschool program or programs for children.

**15.3 Fees for preschool programs**

The Council or any other person or body authorised by the Council under clause 15.1, may require the payment of fees for the provision of preschool programs and other related services.

**15.4 Application of, and accounting for, money received**

In relation to any agreement or arrangement made by the Council for the provision of preschool programs under clause 15 the Council must ensure:

- (a) That any fees or other money received by the Council in the course of that provision or those agreements or arrangements is applied to the provision of preschool programs unless directed otherwise by a direction or guideline issued by the Minister for Education; and
- (b) That separate accounts and financial records are maintained in relation to the provision of those programs.

**16. Payment of members**

- 16.1 A member of the Council is not to receive any payment for his or her services as a member.
- 16.2 This does not prevent the Council reimbursing a member for any reasonable expenses incurred in the performance of his or her duties as a member.

17–23. Not used

**24. Student dress code**

- (1) The Council may determine a student dress code which is to apply to students of the School while they are at the School, travelling to and from School and/or attending School activities.
- (2) A student dress code may cover any matters which the Council considers appropriate in relation to clothing and other items worn, carried or used by students and to grooming, physical appearance and the general presentation of students, including without limiting the generality of the above –
  - (a) Whether a school uniform may or must be worn by students, and the school uniform to be worn;
  - (b) Clothing (including shoes) to be worn during classes and specified School activities such as sport, laboratory experiments and extra-curricular activities, and bags to be taken to School;
  - (c) The grounds on which any student may be exempted from complying with the dress code; and
  - (d) How the dress code may be enforced, provided the methods of enforcement are consistent with section 2.2.19 of the **Education and Training Reform Act 2006**, and the School's Student Code of Conduct (referred to in section 5.2.12 of the **Education and Training Reform Act 2006**).



- (3) The Council may enter into a contract with any person for the supply of school uniforms for students of the School.

**25. Power to purchase**

The Council may, subject to compliance with any directions issued by the Secretary to the DET, purchase goods, equipment or material for the purposes of the School.

**26. Children's services**

The Council may apply for and obtain under the **Children's Services Act 1996** approval to operate a children's service on premises of the School or on premises under the control of the Minister and may apply for and obtain a licence to operate a children's service and, subject to the **Children's Services Act 1996** and the **Education and Training Reform Act 2006** –

- (1) may operate, either solely or jointly, a children's service on part of the School premises or on other premises under the control of the Minister and may require payment of fees for the service and other related services;
- (2) may enter into a licence agreement, or a lease agreement if authorised in writing by the Minister, with another person for that person to use part of the School premises or other premises under the control of the Minister to provide a children's service or to provide a children's service on behalf of the Council on those premises; and
- (3) may carry out improvements to the School buildings and grounds for the provision of a children's service under subsection (1) or (2).

**27. Other powers**

**27.1 Activities outside School Hours**

The Council may conduct or join with any other school council in conducting any educational, recreational or cultural activity for the students of the School outside School hours at the School or any other location.

**27.2 Fund Raising**

The Council may raise funds for School purposes by conducting local efforts or amusements.

**27.3 Gifts**

- (1) Subject to section 5.2.6 of the **Education and Training Reform Act 2006**, the Council may –
  - (a) accept gifts including real estate, providing that if a gift is encumbered or conditional, consent must be obtained from the Secretary to the DET before acceptance of such gifts; and
  - (b) purchase or maintain goods, equipment and material for the carrying out of its powers duties or functions under the **Education and Training Reform Act 2006** or any other Act, but may not purchase any vehicle without the prior consent of the Secretary to the DET.
- (2) For the purposes of this clause, 'vehicle' means the same as 'vehicle' in the **Road Safety Act 1986**.

**27.4 Hire or use of Equipment**

- (1) Definitions  
In this clause –  
'Equipment' includes goods and products but does not include fixtures.  
'Equipment agreement' means a contract to hire equipment or a licence to use equipment under which –
  - (a) the Council has the right to use the equipment; and

- (b) there is no option, right or obligation of the Council or any other person to buy the equipment; and
  - (c) at the end of the contract or licence the School Council has to return the equipment to the other party to the contract or licence.
- (2) The Council may enter into an equipment agreement with another party if the sole or main purpose of entering into the equipment agreement is to benefit the education of students at the School or to assist with the efficient conduct of the School.
- (3) Prior to entering into an equipment agreement the Council must -
- (a) obtain more than one written quotation or tender for the hire or use of the equipment if the annual cost of the hire or use of the equipment is expected to exceed \$1000; and
  - (b) carry out a financial evaluation of the proposal to hire or use the equipment; and
  - (c) ensure that the equipment to be hired or used has appropriate insurance cover, either through the terms of the equipment agreement or by separate cover.
- (4) The Council must not –
- (a) enter into an equipment agreement for a continuous period exceeding four years until the Regional Director has approved the entering into of that equipment agreement; and
  - (b) enter into an equipment agreement for the hire or use of equipment previously owned or operated by the Council or for the purposes of the DET, and
  - (c) commit funds of a non-recurrent nature or funds granted for a specific purpose, towards the costs of an equipment agreement until the donor or provider of the funds has consented to that in writing; or
  - (d) enter into an equipment agreement unless it is satisfied that it will be able to meet all the costs of the equipment agreement.

#### 27.5 Reporting

- (1) The Council must report the details of all equipment agreements it has entered into to the Council's Public Reporting Meeting. The report must include a description of the equipment hired or used, the purpose, the duration and the cost of the equipment agreement.
- (2) The costs of each equipment agreement must be fully identified in the Council's audited statement of receipts and expenditure presented to the Council's Public Reporting Meeting.

#### 27.6 Exclusions

Clauses 27.4(3) and 27.5 do not apply to –

- (a) the hire of a video recording, or
- (b) the hire of any other equipment for less than four weeks in any one calendar year where the cost of the hire is less than \$1,000.00.

### 28. Transport Accident Commission agreements

The Council may enter into one or more agreements with the Transport Accident Commission concerning the provision of staff, facilities, equipment, support or other services for any student of the School who is the subject of a claim under the **Transport Accident Act 1986**.

**29. Power to provide goods, services or facilities**

- (a) Subject to subclauses (b) and (c), the Council may, for the purpose of the efficient conduct of the School, enter into arrangements or agreements, for reward or otherwise, to provide or supply goods, services or facilities to other Government schools or other educational institutions.
- (b) Any arrangement or agreement under subclause (a) may only be for goods, services or facilities that the Council is empowered under the **Education and Training Reform Act 2006**, the Education and Training Reform Regulations 2007, this Order, or any Ministerial Order made under the **Education and Training Reform Act 2006**, to provide or supply to the School.
- (c) Any arrangement or agreement under subclause (a) must comply with any directions issued by the Secretary to the DET.

**30. Power to purchase by use of purchasing card facilities**

- (a) Subject to this clause the Council may enter into arrangements with a financial institution under which the Council may purchase goods, services, equipment or material only for the purposes of the School by the use of purchasing card facilities provided by the financial institution.
- (b) Any purchase of goods, services, equipment or material under subclause (a) must comply with:
  - (i) any guidelines and directions issued by the Minister under section 5.2.1 of the **Education and Training Reform Act 2006**;
  - (ii) any directions issued by the Secretary to the DET; and
  - (iii) the terms and conditions relating to the use of any purchasing card issued by the financial institution to the Council from time to time.

31. Not used.

**32. Trusts**

The Council may act as a trustee of any trust fund established for the benefit of the School or its students with power to do any act or thing authorised under the terms of the relevant trust fund.

**PART D – TRANSITIONAL PROVISIONS****33. Transitional provisions**

- 33.1 (a) Subject to subclause (b), this clause 33 operates until and inclusive of the date of the declaration of the poll in 2018 (or, if no election is held that year, 31 March of that year);
- (b) Subclause 33.12 operates until and inclusive of the day after the date of the declaration of the poll in 2018 (or, if no election is held that year, 31 March of that year).
- 33.2 Subject to subclause 33.11, during the operation of this clause the Composition and Election provisions, namely clauses 5A to 5V of the School Council Composition and Elections Order (Ministerial Order No. 52), except clauses 5A, 5B.3 (insofar as it defines eligibility for election), 5B.3A(a) and 5R thereof, do not operate.
- 33.3 The School Council shall consist of a total of six members comprising the principal *ex officio* and one other DET employee, three parents and one community member.
- 33.4 (a) By ministerial appointment made for the purposes of this clause on the date of this Order the principal *ex officio*, one other DET employee, and three parents are appointed as members of the Council from the date this clause takes effect until and inclusive of the date of declaration of the poll in 2018.

- (b) The School Council may, prior to the date of the declaration of the poll in 2018 (or if no election is held that year, 31 March of that year), appoint one persons who is eligible for appointment to the community member category of the school council for a term of office until and inclusive of the date of the declaration of the poll in 2018 (or if no election is held that year, 31 March of that year).
- 33.5 The School Council may, prior to the date of the declaration of the poll in 2018 (or, if no election is held that year, 31 March of that year), fill any casual vacancy that occurs in the membership of the School Council, by appointing to the School Council a person who is eligible for election or appointment (as the case may be) to the relevant membership category, provided that any person who fills a vacant position created by a casual vacancy shall only serve the unexpired portion of the vacating member's term of office.
- 33.6 Not used.
- 33.7 A parent appointed under clause 33.4 who does not have a child enrolled at the School at the time of the Notice of Election and Call for Nominations for any School Council election shall cease to be a member of the Council on that date, and a casual vacancy is thereby created.
- 33.8 In the event that the School Council is unable to comply with the quorum provisions of Part 3 of the Education and Training Reform Regulations 2007 owing to the number of casual vacancies in its membership, the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** may fill any casual vacancy that occurs in the membership of the School Council by appointing to the School Council for a term of office that does not extend beyond the unexpired portion of the vacating member's term of office a person who is eligible for election or appointment (as the case may be) to the relevant membership category.
- 33.9 In the event that the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** is satisfied that a School Council member no longer intends to attend School Council meetings, but a casual vacancy has not been created in respect of that member's position on the School Council, the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** may remove the person as a School Council member and appoint to the School Council for a term of office that does not extend beyond the unexpired portion of the vacating member's term of office a person who is eligible for election or appointment (as the case may be) to the relevant membership category.
- 33.10 (a) The School Council may not conduct any School Council meeting unless the quorum provisions of Part 3 of the Education and Training Reform Regulations 2007 are satisfied.
- (b) Subject to clause 33.10(c), the School Council must not decide any matter unless a majority of the School Council members present are not DET employees.
- (c) If at any time the membership of the School Council is such that it is impossible for the School Council to decide a matter in accordance with clause 33.10(b), the School Council may nonetheless decide to fill a casual vacancy under clause 33.5 or appoint or co-opt a member under clause 33.4(b) and (c).
- (d) Subject to subclauses 33.10(a), 33.10(b), and 33.10(c), an act or decision of the School Council is not invalid, and the School Council is properly constituted, notwithstanding –
- (i) a vacancy in the office of a member (including a Community member);
- (ii) a defect or irregularity in or in connection with the appointment or co-option of a member;

- (iii) a casual vacancy is not filled; or
- (iv) for any other reason the total number of school council members stated in clause 33.3 has not been appointed.

33.11 The first School Council election must be completed between the 2018 school year commencement date and 31 March 2018 in respect of three Parent member positions and one DET employee member position and the Composition and Election provisions (except clause 5D.3) shall apply to that School Council election.

33.12 The term of office of members of the School Council elected at the School Council election referred to in clause 33.11 shall commence on the day after the date of declaration of the poll in 2018.

This Order is made 14 September 2016

THE HON. JAMES MERLINO, MP  
Minister for Education

### SCHEDULE 1

Mernda Park Primary School Council 6T 3P 2DET 1CO

### SCHEDULE 2

#### SCHOOL COUNCIL MEMBERSHIP TABLE

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
15	6	5	4	7	2
15	6	4	5	7	3
15	6	3	6	7	4
15	6	2	7	7	5
15	6	1	8	7	6
15	7	5	3	7	2
15	7	4	4	7	3
15	7	3	5	7	4
15	7	2	6	7	5
15	7	1	7	7	6
15	8	5	2	7	2
15	8	4	3	7	3
15	8	3	4	7	4
15	8	2	5	7	5
15	8	1	6	7	6
15	9	5	1	7	2
15	9	4	2	7	3
15	9	3	3	7	4
15	9	2	4	7	5
15	9	1	5	7	6
15	10	5	0	7	2
15	10	4	1	7	3
15	10	3	2	7	4
15	10	2	3	7	5
15	10	1	4	7	6
15	11	4	0	7	3

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
15	11	3	1	7	4
15	11	2	2	7	5
15	11	1	3	7	6
15	12	3	0	7	4
15	12	2	1	7	5
15	12	1	2	7	6
15	13	2	0	7	5
15	13	1	1	7	6
15	14	1	0	7	6
14	5	4	5	6	2
14	5	3	6	6	3
14	5	2	7	6	4
14	5	1	8	6	5
14	6	4	4	6	2
14	6	3	5	6	3
14	6	2	6	6	4
14	6	1	7	6	5
14	7	4	3	6	2
14	7	3	4	6	3
14	7	2	5	6	4
14	7	1	6	6	5
14	8	4	2	6	2
14	8	3	3	6	3
14	8	2	4	6	4
14	8	1	5	6	5
14	9	4	1	6	2
14	9	3	2	6	3
14	9	2	3	6	4
14	9	1	4	6	5
14	10	4	0	6	2
14	10	3	1	6	3
14	10	2	2	6	4
14	10	1	3	6	5
14	11	3	0	6	3
14	11	2	1	6	4
14	11	1	2	6	5
14	12	2	0	6	4
14	12	1	1	6	5
14	13	1	0	6	5
13	5	4	4	6	2
13	5	3	5	6	3

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
13	5	2	6	6	4
13	5	1	7	6	5
13	6	4	3	6	2
13	6	3	4	6	3
13	6	2	5	6	4
13	6	1	6	6	5
13	7	4	2	6	2
13	7	3	3	6	3
13	7	2	4	6	4
13	7	1	5	6	5
13	8	4	1	6	2
13	8	3	2	6	3
13	8	2	3	6	4
13	8	1	4	6	5
13	9	4	0	6	2
13	9	3	1	6	3
13	9	2	2	6	4
13	9	1	3	6	5
13	10	3	0	6	3
13	10	2	1	6	4
13	10	1	2	6	5
13	11	2	0	6	4
13	11	1	1	6	5
13	12	1	0	6	5
12	5	4	3	5	1
12	5	3	4	5	2
12	5	2	5	5	3
12	5	1	6	5	4
12	6	4	2	5	1
12	6	3	3	5	2
12	6	2	4	5	3
12	6	1	5	5	4
12	7	4	1	5	1
12	7	3	2	5	2
12	7	2	3	5	3
12	7	1	4	5	4
12	8	4	0	5	1
12	8	3	1	5	2
12	8	2	2	5	3
12	8	1	3	5	4
12	9	3	0	5	2
12	9	2	1	5	3

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
12	9	1	2	5	4
12	10	2	0	5	3
12	10	1	1	5	4
12	11	1	0	5	4
11	4	3	4	5	2
11	4	2	5	5	3
11	4	1	6	5	4
11	5	3	3	5	2
11	5	2	4	5	3
11	5	1	5	5	4
11	6	3	2	5	2
11	6	2	3	5	3
11	6	1	4	5	4
11	7	3	1	5	2
11	7	2	2	5	3
11	7	1	3	5	4
11	8	3	0	5	2
11	8	2	1	5	3
11	8	1	2	5	4
11	9	2	0	5	3
11	9	1	1	5	4
11	10	1	0	5	4
10	4	3	3	4	1
10	4	2	4	4	2
10	4	1	5	4	3
10	5	3	2	4	1
10	5	2	3	4	2
10	5	1	4	4	3
10	6	3	1	4	1
10	6	2	2	4	2
10	6	1	3	4	3
10	7	3	0	4	1
10	7	2	1	4	2
10	7	1	2	4	3
10	8	2	0	4	2
10	8	1	1	4	3
10	9	1	0	4	3
9	4	3	2	4	1
9	4	2	3	4	2
9	4	1	4	4	3



Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
9	5	3	1	4	1
9	5	2	2	4	2
9	5	1	3	4	3
9	6	3	0	4	1
9	6	2	1	4	2
9	6	1	2	4	3
9	7	2	0	4	2
9	7	1	1	4	3
9	8	1	0	4	3
8	3	2	3	3	1
8	3	1	4	3	2
8	4	2	2	3	1
8	4	1	3	3	2
8	5	2	1	3	1
8	5	1	2	3	2
8	6	2	0	3	1
8	6	1	1	3	2
8	7	1	0	3	2
7	3	2	2	3	1
7	3	1	3	3	2
7	4	2	1	3	1
7	4	1	2	3	2
7	5	2	0	3	1
7	5	1	1	3	2
7	6	1	0	3	2
6	3	2	1	2	0
6	3	1	2	2	1
6	4	2	0	2	0
6	4	1	1	2	1
6	5	1	0	2	1

\* A DET employee parent is a DET employee who is a parent of a child at the school.

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**Food Act 1984**

REVOCATION OF REGISTRATION OF A FOOD SAFETY PROGRAM TEMPLATE

I, Dr Milena Canil, as delegate of the Secretary to the Department of Health and Human Services –

- (a) noting that the **Crust Franchisee Food Handling and Safety template Version 2** was registered under section 19DB of the **Food Act 1984** (the Act) in a notice published in the Government Gazette on 1 May 2014;
  - (b) revoke the registration of that food safety program template under section 19DB of the Act.
- This revocation takes effect on the date this notice is published in the Government Gazette.

DR MILENA CANIL  
Senior Manager  
Food Safety Unit

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**Food Act 1984**

REGISTRATION OF A FOOD SAFETY PROGRAM TEMPLATE

I, Dr Milena Canil, as delegate of the Secretary to the Department of Health and Human Services, under section 19DB of the **Food Act 1984** (the Act) –

1. state that the template entitled **Crust Franchisee Food Handling and Safety template Version 3** (the template) is registered for use; and
2. specify that this template is suitable for use by food businesses trading as Crust carried out at, on or from class 2 food premises.

In this instrument –

**‘class 2 food premises’** means food premises declared to be class 2 food premises under section 19C of the Act.

This instrument takes effect on the date it is published in the Government Gazette.

DR MILENA CANIL  
Senior Manager  
Food Safety Unit

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**Forests Act 1958**

REVOCATION OF DETERMINATION OF FIREWOOD COLLECTION AREAS

I, Christopher Stephenson, Assistant Chief Fire Officer, Gippsland, Department of Environment, Land, Water and Planning, as delegate of the Secretary to the Department of Environment, Land, Water and Planning, under section 57U of the **Forests Act 1958**, revoke the determination of the firewood collection areas described in items 4 and 6 of the table in the determination made under section 57U of the **Forests Act 1958** on 22 August 2016 and published in the Government Gazette No. S 274 pages 1–4 on 31 August 2016.

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

Dated 16 September 2016

CHRISTOPHER STEPHENSON  
Assistant Chief Fire Officer, Gippsland  
Department of Environment, Land, Water and Planning  
as delegate of the Secretary to the  
Department of Environment, Land, Water and Planning

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**Forests Act 1958**

## DETERMINATION OF FIREWOOD COLLECTION AREAS

I, Christopher Stephenson, Assistant Chief Fire Officer, Gippsland, Department of Environment, Land, Water and Planning, make the following determination under section 57U of the **Forests Act 1958**.

**Definitions**

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

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

**Determination**

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

Table – Firewood collection areas

Item no.	Column 1 LEGL no.	Column 2 DELWP region	Column 3 DELWP district	Column 4 Name of firewood collection area	Column 5 Opening date	Column 6 Closing date
1	LEGL./16-454	Gippsland	Latrobe	Boolarra North	22/09/2016	30/11/2016
2	LEGL./16-455	Gippsland	Latrobe	Piggery Road	22/09/2016	30/11/2016
3	LEGL./15-442	Gippsland	Latrobe	Neerim East	22/09/2016	30/11/2016
4	LEGL./16-482	Gippsland	Tambo	Red Knob	22/09/2016	30/11/2016

**Notes**

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

Dated 16 September 2016

CHRISTOPHER STEPHENSON  
Assistant Chief Fire Officer, Gippsland  
Department of Environment, Land, Water and Planning  
as delegate of the Secretary to  
Department of Environment, Land, Water and Planning

**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:

<b>Change Request Number</b>	<b>Road Name</b>	<b>Locality</b>	<b>Naming Authority and Location</b>
94248	William Vahland Place	Bendigo	Greater Bendigo City Council Formerly known as part Bull Street. Located between Pall Mall and the Bendigo Creek.

Office of Geographic Names

Land Victoria  
570 Bourke Street  
Melbourne 3000

JOHN E. TULLOCH  
Registrar of Geographic Names

**Land Acquisition and Compensation Act 1986****FORM 7**

S. 21  
Reg. 16

## Notice of Acquisition

## Compulsory Acquisition of Interest in Land

Barwon Region Water Corporation of 55–67 Ryrie Street, Geelong, Victoria 3220, declares that by this notice it acquires the following interests in the land described as 1910 Colac–Forrest Road, Gerangamete, being more particularly described as Certificates of Title Volume 2953 Folio 560, Volume 9150 Folio 356 and Volume 9168 Folio 035:

Easements for water supply purposes over those parts of the land described in:

1. Certificate of Title Volume 2953 Folio 560 shown as E–1 on Plan for Creation of Easement dated 19 July 2016 having an area of 477.8 square metres;
2. Certificate of Title Volume 9150 Folio 356 and shown as E–1 on Plan for Creation of Easement dated 19 July 2016 having an area of 5,581.6 square metres; and
3. Certificate of Title Volume 9168 Folio 035 and shown as E–1 on Plan for Creation of Easement dated 19 July 2016 and having an area of 8,319.1 square metres.

Copies of each Plan for Creation of Easement are available for perusal at the offices of Barwon Region Water Corporation at 155 Mercer Street, Geelong.

Published with the authority of Barwon Region Water Corporation for and on behalf of Barwon Region Water Corporation.

Signed MICHAEL WATSON

Name and position Michael Watson  
Secretary

Dated 22 September 2016

**Land Acquisition and Compensation Act 1986**

## FORM 7

S. 21  
Reg. 16

## Notice of Acquisition

## Compulsory Acquisition of Interest in Land

Barwon Region Water Corporation of 55–67 Ryrie Street, Geelong, Victoria 3220, declares that by this notice it acquires the following interest in the land described as 380 Dewings Bridge Road, Gerangamete, Victoria 3249, being more particularly described in Certificate of Title Volume 5960 Folio 995:

An easement for water supply purposes over that part of the land described in Certificate of Title Volume 5960 Folio 995 and shown as E–1 on Plan for Creation of Easement dated 18 July 2016 having an area of 7,371.7 m<sup>2</sup>, and which Plan for Creation of Easement is available for perusal at the offices of Barwon Region Water Corporation at 155 Mercer Street, Geelong.

Published with the authority of Barwon Region Water Corporation for and on behalf of Barwon Region Water Corporation.

Signed MICHAEL WATSON  
Name and position Michael Watson  
Secretary  
Dated 22 September 2016

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**Land Acquisition and Compensation Act 1986**

## FORM 7

S. 21  
Reg. 16

## Notice of Acquisition

## Compulsory Acquisition of Interest in Land

Barwon Region Water Corporation declares that by this notice it acquires the following interest in the land described as 420 Dewings Bridge Road, Gerangamete, being more particularly described as Certificate of Title Volume 10784 Folio 080 and shown as E–1 on Plan for Creation of Easement dated 18 July 2016 having an area of 5,105 m<sup>2</sup>:

An easement for water supply purposes over that part of the land described in Certificate of Title Volume 10784 Folio 080 and shown as E–1 on Plan for Creation of Easement dated 18 July 2016 having an area of 5,105 m<sup>2</sup>, and which Plan for Creation of Easement is available for perusal at the offices of Barwon Water Region Corporation at 155 Mercer Street, Geelong.

Published with the authority of Barwon Region Water Corporation for and on behalf of Barwon Region Water Corporation.

Signed MICHAEL WATSON  
Name and position Michael Watson  
Secretary  
Dated 22 September 2016

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**Land Acquisition and Compensation Act 1986**

FORM 7

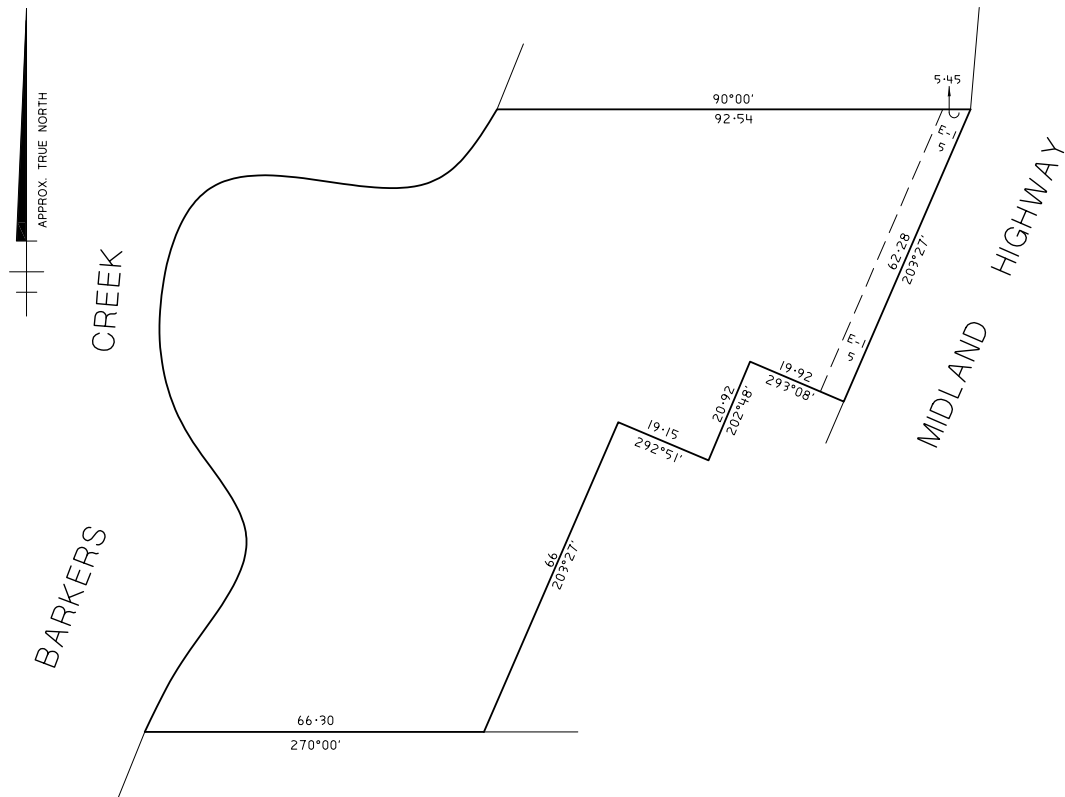
S. 21(a)  
Reg. 16

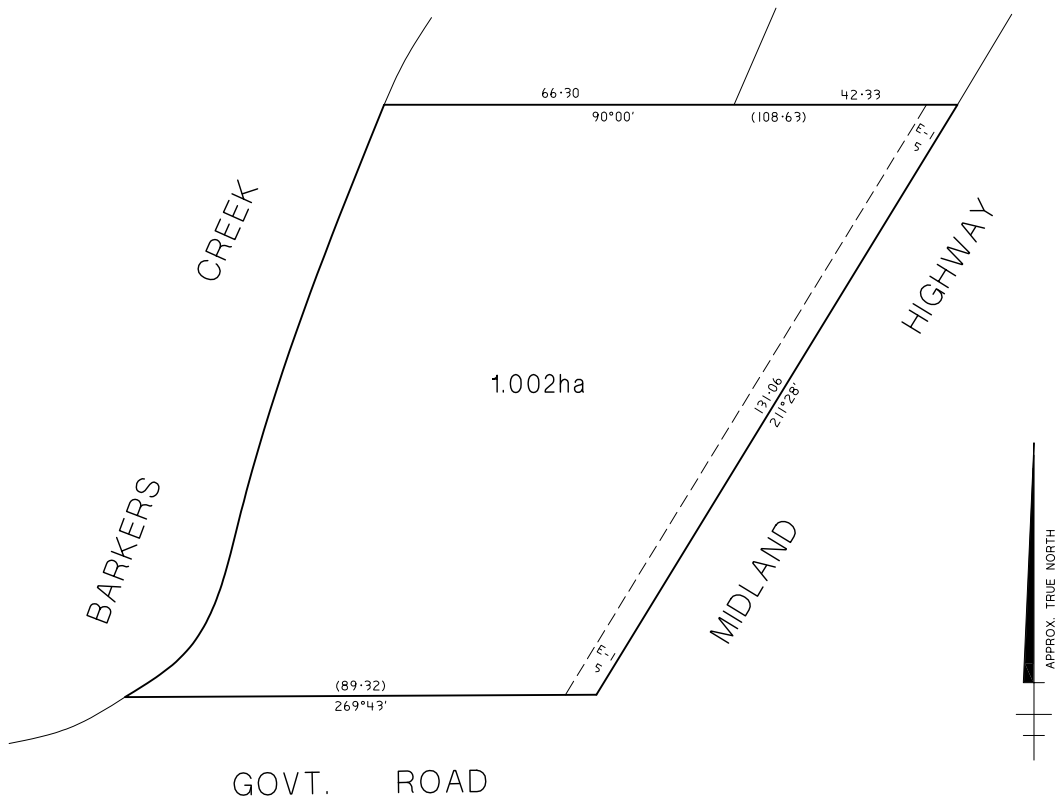
Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Coliban Region Water Corporation (ABN 96 549 082 363) of 37–45 Bridge Street, Bendigo 3550, declares that by this notice it acquires the following interest in the land described as Lot 1 on Title Plan 18352F and Crown Allotment 5, Section 6 Parish of Harcourt, being more particularly contained within Certificates of Title Volume 10549 Folio 011 and Volume 10549 Folio 012:

An Easement for a Pipeline for Water Supply purposes over that part of the land shown as 'E-1' on the Plans of Creation of Easement (Ref 2004-R068 and 2004-R070) which are annexed hereto.





Published with the authority of the Coliban Region Water Corporation.  
For and on behalf of the Coliban Region Water Corporation  
Signed ROSLYN WAI  
Name Roslyn Wai  
Corporate Secretary (Interim)  
Dated 20 September 2016

**Land Acquisition and Compensation Act 1986**

FORM 7

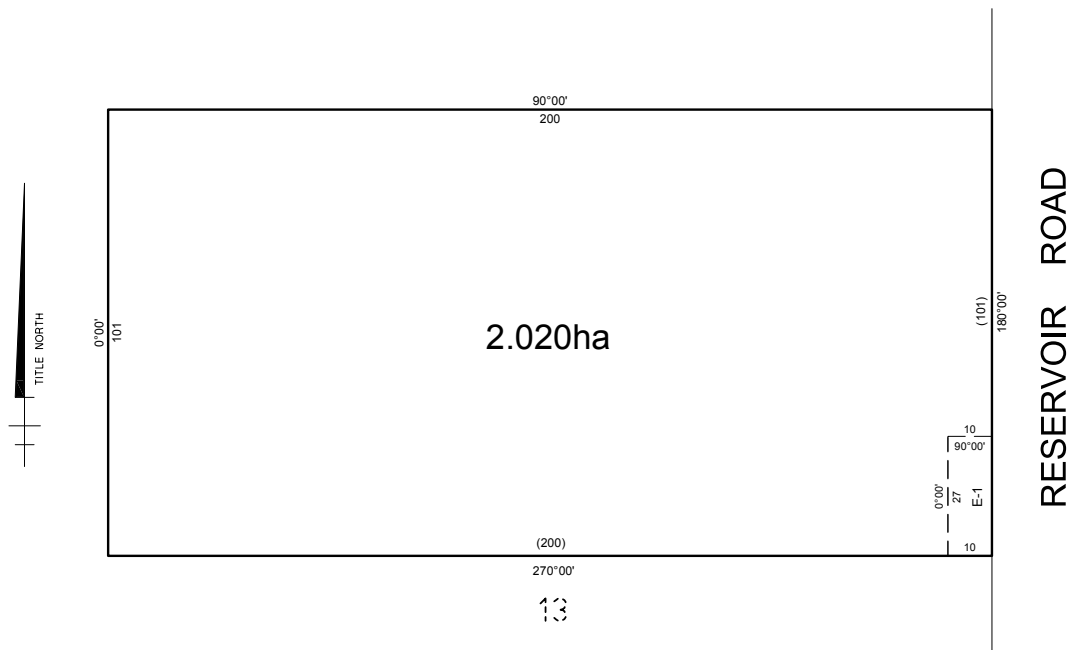
S. 21(a)  
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Coliban Region Water Corporation (ABN 96 549 082 363) of 37–45 Bridge Street, Bendigo 3550, declares that by this notice it acquires the following interest in the land described as Lot 2 on Plan of Subdivision 312689Q and being part of the land comprised in Certificate of Title Volume 10104 Folio 538.

An Easement for a Pipeline for Water Supply purposes over that part of the land shown as ‘E-1’ on the Plan of Creation of Easement (Ref 2004-P246) which are annexed hereto.



Published with the authority of the Coliban Region Water Corporation.

For and on behalf of the Coliban Region Water Corporation

Signed ROSLYN WAI

Name Roslyn Wai  
Corporate Secretary (Interim)

Dated 20 September 2016



**Land Acquisition and Compensation Act 1986**

FORM 7

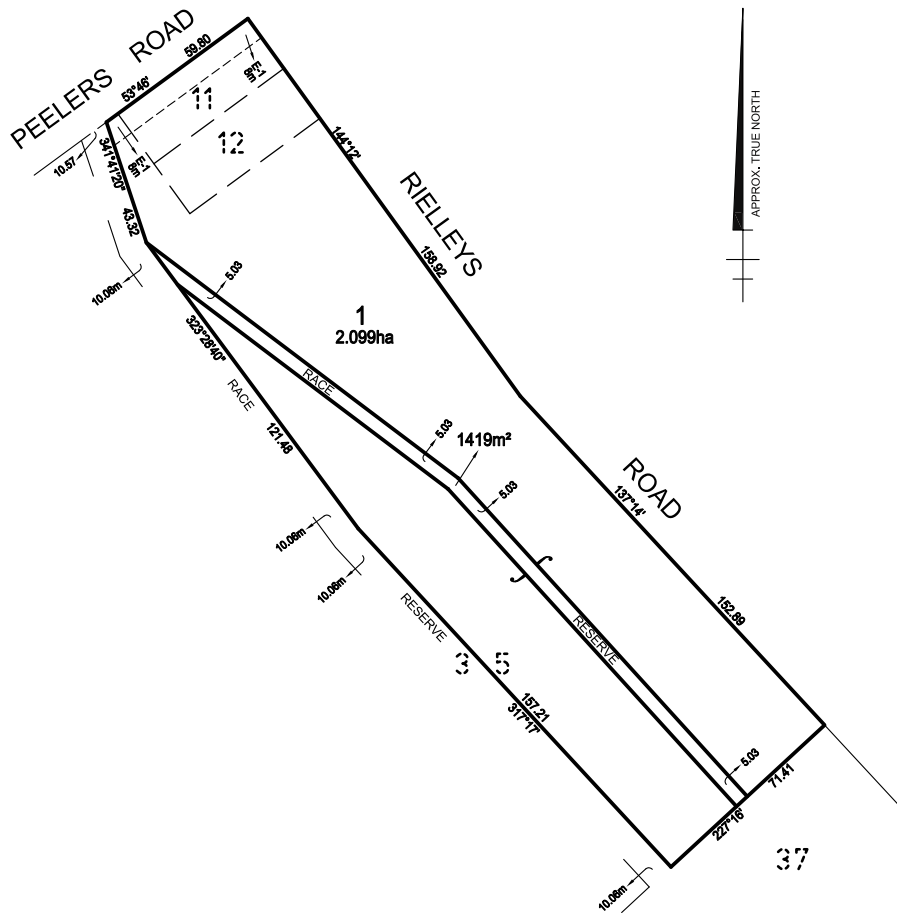
S. 21(a)  
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Coliban Region Water Corporation (ABN 96 549 082 363) of 37–45 Bridge Street, Bendigo 3550, declares that by this notice it acquires the following interest in the land described as Lot 1 on 320360J, being more particularly contained within Certificate of Title Volume 10091 Folio 831.

An Easement for a Pipeline for Water Supply purposes over that part of the land shown as 'E-1' on the Plan of Creation of Easement (Ref 2004-R274) which are annexed hereto.



Published with the authority of the Coliban Region Water Corporation.

For and on behalf of the Coliban Region Water Corporation

Signed ROSLYN WAI

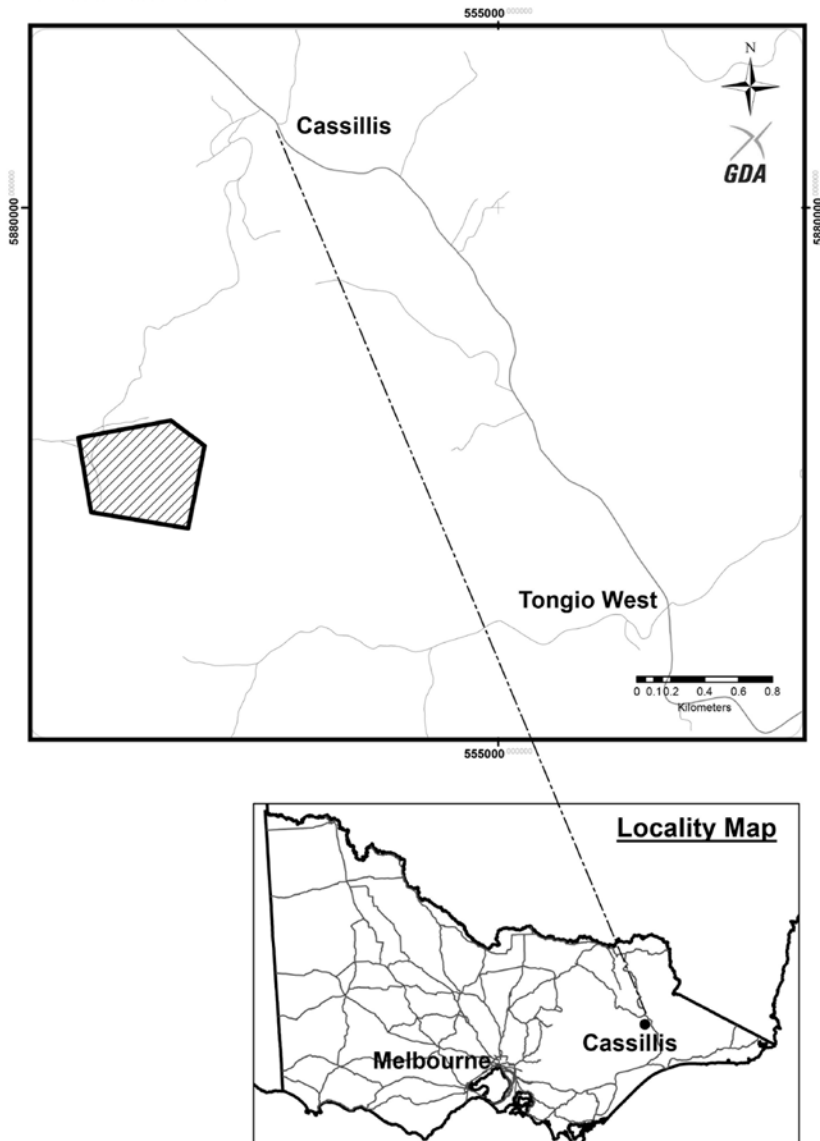
Name Roslyn Wai  
Corporate Secretary (Interim)

Dated 20 September 2016

**Mineral Resources (Sustainable Development) Act 1990**  
EXEMPTION OF LAND FROM AN EXPLORATION, MINING,  
RETENTION OR PROSPECTING LICENCE

I, Ross McGowan, Executive Director, Earth Resources Regulation, 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 land situated within the boundaries of the hatched area on attached Schedule A from being subject to a licence under the **Mineral Resources (Sustainable Development) Act 1990**.

**Schedule A**



Dated 14 September 2016

ROSS MCGOWAN  
Executive Director, Earth Resources Regulation

**Plant Biosecurity Act 2010**  
ORDER DECLARING RESTRICTED AREAS IN VICTORIA FOR THE  
CONTROL OF GREEN SNAIL

I, Jaala Pulford, Minister for Agriculture, being of the reasonable belief that the exotic pest green snail (*Cantareus apertus* (Born)) is present in Victoria, make the following Order under section 32(1) of the **Plant Biosecurity Act 2010**, declaring areas described in Clause 6 of this Order to be restricted areas.

**1. Objectives**

The objectives of this Order are –

- (a) to declare restricted areas for the control of green snail in Victoria; and
- (b) to specify the prohibitions, restrictions and requirements which are to operate in relation to the restricted areas.

**2. Authorising provision**

This Order is made under section 32(1) of the **Plant Biosecurity Act 2010**.

**3. Commencement**

This Order comes into operation on the day that it is published in the Government Gazette.

**4. Revocation**

The Order made under section 32 of the **Plant Biosecurity Act 2010**, and published in Victoria Government Gazette G41 on 15 October 2015 at pages 2196–2197, is **revoked**.

**5. Definitions**

In this Order –

**green snail host material** means green snail host plant, used agricultural equipment, used package or earth material;

**green snail host plant** means any plant, including any leafy vegetable, cutting, potted plant, turf, bare rooted plant, mature tree, cut flower, foliage, or hay, but excluding fruit and plants in tissue culture.

**6. Declaration of restricted areas for the control of green snail**

Each parcel of land described in Schedule 1 and Schedule 2 is declared to be a restricted area for the control of green snail.

**7. Affected plants and materials**

This Order affects green snail host materials.

**8. Prohibitions, restrictions and requirements**

- (1) The removal of any green snail host material from a restricted area declared in Clause 6 is prohibited.
- (2) Subclause (1) does not apply to a person who removes any green snail host material from the restricted area under and in accordance with a permit issued by an inspector and complies with any conditions set out in the permit.
- (3) The removal of any green snail host plant from a restricted area declared in Clause 6 is prohibited.
- (4) Subclause (3) does not apply to a person who removes any green snail host plant from the restricted area under and in accordance with a permit issued by an inspector and complies with any conditions set out in the permit.

**9. Inspector may issue directions**

An inspector is authorised to issue a direction to any owner or occupier of any parcel of land described in Schedule 1 –

- (a) requiring the owner or occupier to –
  - (i) destroy any green snail host plant where this is considered necessary to control or prevent the spread of green snail; or
  - (ii) apply, to any green snail host material, or land on which any host material is being grown or propagated, any treatment for the purpose of controlling green snail, including chemicals registered, approved or permitted for the purpose of controlling green snail; or
  - (iii) clean used equipment; or
- (b) prohibiting the planting or propagation of any green snail host plant.

#### 10. Expiry

This Order remains in force for a period of 12 months after the date that it is published in the Victoria Government Gazette.

#### Schedule 1

The parcels of land described by Property Title References: Parish of Cobram (Allotment 83); LP85108 (Lot 1); LP97689 (Lot 2); LP97710 (Lot 2); LP146801 (Lot 2); TP243174 (Lot 1); TP515135 (Lot 2); TP580835 (Lot 1); TP591590 (Lot 1); TP79806 (Lots 1–4).

#### Schedule 2

The parcels of land described by Property Title References: Parish of Cobram (Allotment 88); LP16185 (Lot 3); LP62102 (Lot 2); LP113130 (Lot 1); LP121674 (Lot 1); LP123399 (Lot 1); LP125395 (Lot 1); LP125889 (Lot 1); LP139278 (Lots 1 & 2); LP142986 (Lot 3); LP142944 (Lot 1); LP144384 (Lot 2); LP146801 (Lot 1); LP206697 (Lot 1); LP206791 (Lot 2); LP209522 (Lot 1); LP209523 (Lots 3 & 4); LP209886 (Lot 9); LP211203 (Lots 1 & 2); LP215193 (Lot 3); LP216470 (Lot 1); LP220329 (Lot 2); PC358473; PS300771 (Lots 1–3); PS326225 (Lots 1 & 2); PS327671 (Lot 3); PS349945 (Lot 1); PS441414 (Lots 1 & 2); PS446195 (Lots 1–4); TP107474 (Lots 4 & 5); TP170163 (Lot 1); TP172230 (Lot 1); TP172348 (Lot 2); TP189148 (Lot 1); TP194107 (Lot 1); TP212975 (Lot 1); TP214440 (Lot 1); TP215641 (Lot 1); TP234689 (Lot 1); TP248290 (Lot 1); TP423145 (Lot 1); TP593436 (Lots 1 & 2); TP601180 (Lot 1); TP743019 (Lot 1); TP821251 (Lot 1); TP828928 (Lot 1); TP862309 (Lot 1); TP880931 (Lot 1); TP882806 (Lot 1).

#### Notes

Section 33 of the Act provides that it is an offence for a person to knowingly cause or permit the movement of any plant, plant product, plant vector, used package, used equipment, earth material or beehive to which the declaration of the restricted area applies into, within or from that area or to contravene any prohibition, restriction or requirement specified in this order, unless authorised to do so by a permit issued by an inspector and in accordance with that permit. A maximum penalty of 60 penalty units applies in the case of a natural person and 300 penalty units in the case of a body corporate.

Section 35(2) of the Act provides that an order under section 32 may authorise an inspector to issue directions to any person to do any of the things listed in section 35(1). Section 35(3) of the Act provides that a person must not contravene any direction of an inspector under section 35(2). A penalty of 60 penalty units applies.

Terms used in this Order that are defined in the Act have that meaning.

Dated 8 September 2016

HON. JAALA PULFORD MP  
Minister for Agriculture

**Racing Act 1958**

**CERTIFICATION BY MINISTER FOR RACING UNDER  
SECTION 3B(5) OF THE RACING ACT 1958**

Pursuant to section 3B(5) of the **Racing Act 1958**, I, Martin Pakula MP, in my capacity as Minister for Racing, hereby certify that the Special Resolutions dated 27 July 2016 and tabled before each House of Parliament on 16 August 2016 in relation to amendments to the Constitution of Racing Victoria Limited have not been disapproved by a House of Parliament.

Dated 14 September 2016

THE HON. MARTIN PAKULA MP  
Minister for Racing

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**Victorian Responsible Gambling Foundation Act 2011**

**NOTICE OF DETERMINATION OF FEES AND CHARGES FOR  
EDUCATION AND INFORMATION PROGRAMS**

I, Marlene Kairouz MP, Minister for Consumer Affairs, Liquor and Gaming, approve the determination of fees and charges proposed by the Foundation under section 7A of the **Victorian Responsible Gambling Foundation Act 2011**. I am satisfied that the determination is –

- consistent with the achievement of the Foundation’s objectives; and
- in the public interest.

The following fees and charges have been determined by the Foundation for attendance at the Foundation’s Conference:

- \$400 (ex GST) per External Delegate
- \$200 (ex GST) per Student Delegate

In this determination –

‘Foundation’ means Victorian Responsible Gambling Foundation

‘Conference’ means 2016 Many Ways to Help conference

‘External Delegates’ means Interstate/Overseas or other delegates, as designated by the Foundation.

‘Student Delegate’ means a person holding a valid student card.

Dated 17 August 2016

MARLENE KAIROUZ, MP  
Minister for Consumer Affairs, Gaming and Liquor Regulation

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AGREEMENT FOR THE MELBOURNE CITY LINK AND AGREEMENT FOR THE  
EXHIBITION STREET EXTENSION PROJECT

Notice under Schedule 4 of the Agreement for Integrating and Facilitating the Project and the Exhibition Street Extension Project between the Crown in right of the State of Victoria, CityLink Melbourne Limited, Transurban Infrastructure Management Limited and City Link Extension Pty Limited (the 'IFA') (as substituted for (and as if incorporated in lieu of) Schedule 3 of the Agreement for the Melbourne City Link between the Crown in right of the State of Victoria, CityLink Melbourne Limited and Transurban Infrastructure Management Limited (the 'Concession Deed') and Schedule 1 of the Agreement for the Exhibition Street Extension Project between the Crown in right of the State of Victoria and City Link Extension Pty Limited ('the ESEP Deed')).

CityLink Melbourne Limited (ABN 65 070 810 678) (for itself and as agent of City Link Extension Pty Limited (ABN 40 082 058 615)) ('CityLink Melbourne') gives notice of the following Charge Tolls, Maximum Charge Tolls, Day Tolls, Taxi Tolls and Taxi Day Tolls for the Melbourne City Link and the Exhibition Street Extension:

### Schedule of Charge Tolls and Maximum Charge Tolls

#### Charge Tolls (\$/vehicle)

Category of Vehicle Tollable Section	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
Tullamarine Freeway Upgrade, between Moreland Road and Brunswick Road	2.34	3.75	4.45	1.17
Western Link Section 1, between Racecourse Road and Dynon Road	2.34	3.75	4.45	1.17
Western Link Section 2, between Footscray Road and West Gate Freeway	2.93	4.68	5.56	1.46
Domain Tunnel and that part of the Southern Link leading into that Tunnel between the eastern portal of that Tunnel and Punt Road, other than that part of Southern Link Section 1:	2.93	4.68	5.56	1.46
(a) between Punt Road and the exit to Boulton Parade; and				
(b) comprising Boulton Parade				
Burnley Tunnel and that part of the Southern Link leading out of that Tunnel between the eastern portal of that Tunnel and Burnley Street	5.27	8.42	10.00	2.63
Southern Link Section 1, between Burnley Street and Punt Road and including that part of Southern Link Section 1:	2.34	3.75	4.45	1.17
(a) between Punt Road and the exit to Boulton Parade; and				
(b) comprising Boulton Parade				
Southern Link Section 5, between Punt Road and Burnley Street other than that part of the Southern Link leading out of the Burnley Tunnel between the eastern portal of that Tunnel and Burnley Street	2.34	3.75	4.45	1.17
Southern Link Section 1, between Glenferrie Road and Burnley Street	2.34	3.75	4.45	1.17
Southern Link Section 5, between Burnley Street and Glenferrie Road	2.34	3.75	4.45	1.17
Exhibition Street Extension	1.46	2.34	2.76	0.74

Southern Link Section 1, between Punt Road and Swan Street Intersection, other than:	1.46	2.34	2.76	0.74
(a) that part of Southern Link Section 1:				
(i) between Punt Road and the exit to Boulton Parade; and				
(ii) comprising Boulton Parade; and				
(b) that part of the Southern Link leading into the Domain Tunnel between the eastern portal of that Tunnel and Punt Road				
Southern Link Section 5, between Swan Street Intersection and Punt Road	1.46	2.34	2.76	0.74

## Notes:

- When travelling on Southern Link Section 1 between Burnley Street and Punt Road and then onto Batman Avenue, the Tollable Sections may be combined for the purposes of levying Tolls.
- When travelling on Southern Link Section 1 and into the Domain Tunnel, the Tollable Sections may be combined for the purposes of levying Tolls.
- A reference in the description of a Tollable Section to a part of the Southern Link between a particular street or road and Burnley Street includes that part of the Southern Link between that particular street or road and where Burnley Street would cross the Southern Link if Burnley Street continued in a straight southerly direction from its southernmost extremity.
- In this table:
  - ‘Boulton Parade’ includes the off-ramp connecting the rest of the Southern Link to Boulton Parade;
  - ‘Burnley Tunnel’ means the eastbound tunnel between Sturt Street and Burnley Street;
  - ‘Domain Tunnel’ means the westbound tunnel between Punt Road and Sturt Street; and
  - ‘Swan Street Intersection’ means the intersection between Swan Street and Batman Avenue.

**Maximum Charge Tolls (\$/vehicle)**

Category of Vehicle	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
Trips where the passage of the Vehicle on the last Tollable Section comprising the Trip before exiting the Total Link occurs between 6.00 am and 8.00 pm	8.78	11.70	11.70	4.38
Trips where the passage of the Vehicle on the last Tollable Section comprising the Trip before exiting the Total Link occurs between 8.00 pm and 6.00 am	8.78	8.78	8.78	4.38



**Day Tolls (\$/vehicle)**

<b>Category of Vehicle</b>	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
<b>Day Toll</b>	17.06	27.31	32.43	8.51

**Taxi Tolls (\$/Taxi)**

<b>Trip</b>	<b>Taxi Toll</b>
Trips involving use of any or all of the Tollable Sections which comprise the Western Link* and no other Tollable Sections	6.00
Trips involving use of any or all of the Tollable Sections which comprise the Southern Link** and/or Exhibition Street Extension*** and no other Tollable Sections	6.00
Trips involving use of Tollable Sections which comprise both the Western Link* and either or both of the Southern Link** and the Exhibition Street Extension***	7.90

\* The Western Link comprises the following three Tollable Sections:

1. Tullamarine Freeway Upgrade, between Moreland Road and Brunswick Road.
2. Western Link Section 1, between Racecourse Road and Dynon Road.
3. Western Link Section 2, between Footscray Road and West Gate Freeway.

\*\* The Southern Link comprises the following eight Tollable Sections:

1. Domain Tunnel and that part of the Southern Link leading into that Tunnel between the eastern portal of that Tunnel and Punt Road, other than that part of Southern Link Section 1:
  - (a) between Punt Road and the exit to Boulton Parade; and
  - (b) comprising Boulton Parade.
2. Southern Link Section 1, between Burnley Street and Punt Road and including that part of Southern Link Section 1:
  - (a) between Punt Road and the exit to Boulton Parade; and
  - (b) comprising Boulton Parade.
3. Southern Link Section 5, between Punt Road and Burnley Street other than that part of the Southern Link leading out of the Burnley Tunnel between the eastern portal of that Tunnel and Burnley Street.
4. Burnley Tunnel and that part of the Southern Link leading out of that Tunnel between the eastern portal of that Tunnel and Burnley Street.
5. Southern Link Section 1, between Glenferrie Road and Burnley Street.
6. Southern Link Section 5, between Burnley Street and Glenferrie Road.

7. Southern Link Section 1, between Punt Road and Swan Street Intersection, other than:
- (a) that part of Southern Link Section 1:
    - (i) between Punt Road and the exit to Boulton Parade; and
    - (ii) comprising Boulton Parade; and
  - (b) that part of the Southern Link leading into the Domain Tunnel between the eastern portal of that Tunnel and Punt Road.
8. Southern Link Section 5, between Swan Street Intersection and Punt Road.

\*\*\* The Exhibition Street Extension comprises the following Tollable Section:

1. Exhibition Street Extension.

**Taxi Day Tolls (\$/Taxi)**

<b>Taxi</b>	<b>Taxi Day toll</b>
Metropolitan Taxi	17.06
A Taxi not being a Metropolitan Taxi	7.00

CityLink Melbourne intends that each Charge Toll, Maximum Charge Toll, Day Toll, Taxi Toll and Taxi Day Toll specified above will first apply in the quarter ending 31 December 2016.

Capitalised terms in this notice that are defined in:

- (a) the Concession Deed have, subject to paragraph (b), that meaning in this notice;
- (b) the ESEP Deed have that meaning in this notice, but only to the extent that the provision applies to the ESEP Deed,

subject to the provisions of the IFA.

C. M. MURPHY  
 Company Secretary  
 CityLink Melbourne Limited  
 (ABN 65 070 810 678)

V. E. VASSALLO  
 Director  
 CityLink Melbourne Limited  
 (ABN 65 070 810 678)

**AGREEMENT FOR THE EXHIBITION STREET EXTENSION PROJECT**

Notice under Schedule 1 of the Agreement for the Exhibition Street Extension Project between the Crown in right of the State of Victoria and City Link Extension Pty Limited (the 'ESEP Deed').

City Link Extension Pty Limited (ABN 40 082 058 615) ('Clepeco') gives notice of the following Charge Tolls for the Exhibition Street Extension:

**Charge Tolls (\$/vehicle)**

<b>Category of Vehicle</b>	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
<b>Tollable Section</b>				
Exhibition Street Extension	1.46	2.34	2.76	0.74

Clepeco intends that these Charge Tolls will first apply in the quarter ending 31 December 2016.

Capitalised terms in this notice that are defined in the ESEP Deed have the same meaning as given by the ESEP Deed.

C. M. MURPHY  
 Company Secretary  
 City Link Extension Pty Limited  
 ABN 40 082 058 615

V. E. VASSALLO  
 Director  
 City Link Extension Pty Limited  
 ABN 40 082 058 615

**AGREEMENT FOR THE MELBOURNE CITY LINK**

Notice under Schedule 3 of the Agreement for the Melbourne City Link between the Crown in right of the State of Victoria, CityLink Melbourne Limited and Transurban Infrastructure Management Limited (the 'Concession Deed').

CityLink Melbourne Limited (ABN 65 070 810 678) ('CityLink Melbourne') gives notice of the following Charge Tolls, Maximum Charge Tolls, Day Tolls, Taxi Tolls and Taxi Day Tolls for the Melbourne City Link:

**Charge Tolls (\$/vehicle)**

<b>Category of Vehicle</b>	<b>Car</b>	<b>Light Commercial Vehicle</b>	<b>Heavy Commercial Vehicle</b>	<b>Motor Cycle</b>
<b>Tollable Section</b>				
Tullamarine Freeway Upgrade, between Moreland Road and Brunswick Road	2.34	3.75	4.45	1.17
Western Link Section 1, between Racecourse Road and Dynon Road	2.34	3.75	4.45	1.17
Western Link Section 2, between Footscray Road and West Gate Freeway	2.93	4.68	5.56	1.46
Domain Tunnel and that part of the Southern Link leading into that Tunnel between the eastern portal of that Tunnel and Punt Road, other than that part of Southern Link Section 1:	2.93	4.68	5.56	1.46
(a) between Punt Road and the exit to Boulton Parade; and				
(b) comprising Boulton Parade				
Burnley Tunnel and that part of the Southern Link leading out of that Tunnel between the eastern portal of that Tunnel and Burnley Street	5.27	8.42	10.00	2.63
Southern Link Section 1, between Burnley Street and Punt Road and including that part of Southern Link Section 1:	2.34	3.75	4.45	1.17
(a) between Punt Road and the exit to Boulton Parade; and				
(b) comprising Boulton Parade				

Southern Link Section 5, between Punt Road and Burnley Street other than that part of the Southern Link leading out of the Burnley Tunnel between the eastern portal of that Tunnel and Burnley Street	2.34	3.75	4.45	1.17
Southern Link Section 1, between Glenferrie Road and Burnley Street	2.34	3.75	4.45	1.17
Southern Link Section 5, between Burnley Street and Glenferrie Road	2.34	3.75	4.45	1.17
Southern Link Section 1, between Punt Road and Swan Street Intersection, other than:	1.46	2.34	2.76	0.74
(a) that part of Southern Link Section 1:				
(i) between Punt Road and the exit to Boulton Parade; and				
(ii) comprising Boulton Parade; and				
(b) that part of the Southern Link leading into the Domain Tunnel between the eastern portal of that Tunnel and Punt Road				
Southern Link Section 5, between Swan Street Intersection and Punt Road	1.46	2.34	2.76	0.74

## Notes:

1. When travelling on Southern Link Section 1 between Burnley Street and Punt Road and then onto Batman Avenue, the Tollable Sections may be combined for the purposes of levying Tolls.
2. When travelling on Southern Link Section 1 and into the Domain Tunnel, the Tollable Sections may be combined for the purposes of levying Tolls.
3. A reference in the description of a Tollable Section to a part of the Southern Link between a particular street or road and Burnley Street includes that part of the Southern Link between that particular street or road and where Burnley Street would cross the Southern Link if Burnley Street continued in a straight southerly direction from its southernmost extremity.
4. In this table:
  - ‘Boulton Parade’ includes the off-ramp connecting the rest of the Southern Link to Boulton Parade;
  - ‘Burnley Tunnel’ means the eastbound tunnel between Sturt Street and Burnley Street;
  - ‘Domain Tunnel’ means the westbound tunnel between Punt Road and Sturt Street; and
  - ‘Swan Street Intersection’ means the intersection between Swan Street and Batman Avenue.

**Maximum Charge Tolls (\$/vehicle)**

<b>Category of Vehicle</b>	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
Trips where the passage of the Vehicle on the last Tollable Section comprising the Trip before exiting the Link occurs between 6.00 am and 8.00 pm	8.78	11.70	11.70	4.38
Trips where the passage of the Vehicle on the last Tollable Section comprising the Trip before exiting the Link occurs between 8.00 pm and 6.00 am	8.78	8.78	8.78	4.38

**Day Tolls (\$/vehicle)**

<b>Category of Vehicle</b>	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
<b>Day Toll</b>	17.06	27.31	32.43	8.51

**Taxi Tolls (\$/Taxi)**

<b>Trip</b>	<b>Taxi Toll</b>
Trips involving use of any or all of the Tollable Sections which comprise the Western Link* and no other Tollable Sections	6.00
Trips involving use of any or all of the Tollable Sections which comprise the Southern Link** and no other Tollable Sections	6.00
Trips involving use of Tollable Sections which comprise both the Western Link* and the Southern Link**	7.90

\* The Western Link comprises the following three Tollable Sections:

1. Tullamarine Freeway Upgrade, between Moreland Road and Brunswick Road.
2. Western Link Section 1, between Racecourse Road and Dynon Road.
3. Western Link Section 2, between Footscray Road and West Gate Freeway.

\*\* The Southern Link comprises the following eight Tollable Sections:

1. Domain Tunnel and that part of the Southern Link leading into that Tunnel between the eastern portal of that Tunnel and Punt Road, other than that part of Southern Link Section 1:
  - (a) between Punt Road and the exit to Boulton Parade; and
  - (b) comprising Boulton Parade.

2. Southern Link Section 1, between Burnley Street and Punt Road and including that part of Southern Link Section 1:
  - (a) between Punt Road and the exit to Boulton Parade; and
  - (b) comprising Boulton Parade.
3. Southern Link Section 5, between Punt Road and Burnley Street other than that part of the Southern Link leading out of the Burnley Tunnel between the eastern portal of that Tunnel and Burnley Street.
4. Burnley Tunnel and that part of the Southern Link leading out of that Tunnel between the eastern portal of that Tunnel and Burnley Street.
5. Southern Link Section 1, between Glenferrie Road and Burnley Street.
6. Southern Link Section 5, between Burnley Street and Glenferrie Road.
7. Southern Link Section 1, between Punt Road and Swan Street Intersection, other than:
  - (a) that part of Southern Link Section 1:
    - (i) between Punt Road and the exit to Boulton Parade; and
    - (ii) comprising Boulton Parade; and
  - (b) that part of the Southern Link leading into the Domain Tunnel between the eastern portal of that Tunnel and Punt Road.
8. Southern Link Section 5, between Swan Street Intersection and Punt Road.

**Taxi Day Tolls (\$/Taxi)**

<b>Taxi</b>	<b>Taxi Day toll</b>
Metropolitan Taxi	17.06
A Taxi not being a Metropolitan Taxi	7.00

CityLink Melbourne intends that each Charge Toll, Maximum Charge Toll, Day Toll, Taxi Toll and Taxi Day Toll specified above will first apply in the quarter ending 31 December 2016.

Capitalised terms in this notice that are defined in the Concession Deed have the same meaning as given by the Concession Deed.

C. M. MURPHY  
Company Secretary  
CityLink Melbourne Limited  
(ABN 65 070 810 678)

V. E. VASSALLO  
Director  
CityLink Melbourne Limited  
(ABN 65 070 810 678)

**Melbourne City Link Act 1995**

## NOTICE UNDER SECTION 71(1)

Under section 71(1)(b) of the **Melbourne City Link Act 1995** ('the Act'), CityLink Melbourne Limited ABN 65 070 810 678 (the relevant corporation in relation to the Link road) hereby fixes tolls which are payable in respect of the use of vehicles (as set out herein) on toll zones on the Link road.

For the purposes of this Notice, the following definitions apply:

**Boulton Parade** includes the off-ramp connecting the rest of the Link road to Boulton Parade;

**Burnley Tunnel** means the eastbound tunnel between Sturt Street and Burnley Street;

**Bus** is a Motor Vehicle having more than 12 seating positions (including that of the driver);

**Car** is a Motor Vehicle, other than:

- (a) a Motor Cycle;
- (b) a Light Commercial Vehicle;
- (c) a Heavy Commercial Vehicle; or
- (d) a Taxi;

even if such a Motor Vehicle is towing a trailer or caravan;

**Domain Tunnel** means the westbound tunnel between Punt Road and Sturt Street;

**Full Link road** is the road included within both the Link road and the Extension road;

**Full Link Taxi Trip** is a Trip by a Taxi on:

- (a) one or more of the toll zones described in this Notice as toll zones 1, 2 and 3; and
- (b) one or more of the toll zones described in this Notice as toll zones 4, 5, 6, 7, 8, 9, 10 and 11;

**Half Link Taxi Trip** is a Trip by a Taxi on:

- (a) one or more of the toll zones described in this Notice as toll zones 1, 2 and 3; or
- (b) one or more of the toll zones described in this Notice as toll zones 4, 5, 6, 7, 8, 9, 10 and 11, and no other toll zone;

**Heavy Commercial Vehicle** or **HCV** is a Motor Vehicle, other than a Taxi, which is:

- (a) a rigid Truck with three or more axles;
- (b) an articulated Truck;
- (c) a Bus; or
- (d) a two-axle rigid Truck having a gross vehicle mass which exceeds 4.5 tonnes;

**Light Commercial Vehicle** or **LCV** is a Motor Vehicle, other than a Taxi, which is a two-axle rigid Truck having a gross vehicle mass which exceeds 1.5 tonnes, but does not exceed 4.5 tonnes;

**Motor Cycle** is a two-wheeled Motor Vehicle (and includes such a Motor Vehicle even if it has a trailer, fore car or side car attached) other than a Taxi;

**Motor Vehicle** is a vehicle which is used or intended to be used on a highway or in a public place and which has its own motive power (other than human or animal power) but does not include:

- (a) a vehicle intended to be used on a railway or tramway; or
- (b) a motorised wheelchair capable of a speed of not more than 10 kilometres per hour which is used solely for the conveyance of an injured or disabled person;

**Swan Street Intersection** means the intersection between Swan Street and Batman Avenue;

**Taxi** is, at any particular time, a Motor Vehicle in relation to which a commercial passenger vehicle licence (issued under the **Transport Act 1983**) then subsists, being a licence allowing for the operation of the Motor Vehicle as a Taxi-Cab (within the meaning of the **Transport Act 1983**);

**the Agreement** has the same meaning as in the Act;

**the Integration and Facilitation Agreement** has the same meaning as in the Act;



**Trip** is the passage of a vehicle on one or more toll zones:

- (a) uninterrupted by exit and subsequent re-entry; or
- (b) if so interrupted, the interruption consists only of travel directly between:
  - (i) that part of the Link road between Bulla Road and the West Gate Freeway; and
  - (ii) that part of the Link road between Sturt Street and Glenferrie Road;

**Truck** is a Motor Vehicle other than a Bus which has a cab-chassis construction and a gross vehicle mass which exceeds 1.5 tonnes; and

**vehicle** has the same meaning as in the Act.

Under section 71(1)(b) of the Act and in accordance with the Agreement, the tolls listed in Table One are payable in respect of the use of vehicles on toll zones on the Link road, where those vehicles are a Car, a LCV, a HCV or a Motor Cycle:

<b>Table One</b>					
<b>Toll Zone</b>		<b>Toll</b>			
		<b>Car</b>	<b>LCV</b>	<b>HCV</b>	<b>Motor Cycle</b>
1.	That part of the Link road between Moreland Road and Brunswick Road.	\$2.34	\$3.75	\$4.45	\$1.17
2.	That part of the Link road between Racecourse Road and Dynon Road.	\$2.34	\$3.75	\$4.45	\$1.17
3.	That part of the Link road between Footscray Road and the West Gate Freeway.	\$2.93	\$4.68	\$5.56	\$1.46
4.	That part of the Link road being the Domain Tunnel and that part of the Link road leading into that Tunnel between the eastern portal of that Tunnel and Punt Road, other than that part of the Link road – <ul style="list-style-type: none"> <li>(a) being the eastbound carriageways of the Link road;</li> <li>(b) between Punt Road and the exit to Boulton Parade; and</li> <li>(c) comprising Boulton Parade.</li> </ul>	\$2.93	\$4.68	\$5.56	\$1.46
5.	That part of the Link road being the Burnley Tunnel and that part of the Link road leading out of that Tunnel between the eastern portal of that Tunnel and Burnley Street.	\$5.27	\$8.42	\$10.00	\$2.63
6.	That part of the Link road being the eastbound carriageways between Punt Road and Burnley Street other than that part of the Link road being the Burnley Tunnel and that part of the Link road leading out of that Tunnel between the eastern portal of that Tunnel and Burnley Street.	\$2.34	\$3.75	\$4.45	\$1.17

<p>7. That part of the Link road between Burnley Street and Punt Road and including that part of the Link road –</p> <p>(a) between Punt Road and the exit to Boulton Parade, other than the eastbound carriageways; and</p> <p>(b) comprising Boulton Parade, other than:</p> <p>(i) the eastbound carriageways between Burnley Street and Punt Road; and</p> <p>(ii) that part of the Link road being the Burnley Tunnel and that part of the Link road leading out of that Tunnel between the eastern portal of that Tunnel and Burnley Street.</p>	\$2.34	\$3.75	\$4.45	\$1.17
<p>8. That part of the Link road being the eastbound carriageways between Burnley Street and Glenferrie Road.</p>	\$2.34	\$3.75	\$4.45	\$1.17
<p>9. That part of the Link road between Glenferrie Road and Burnley Street, other than the eastbound carriageways.</p>	\$2.34	\$3.75	\$4.45	\$1.17
<p>10. That part of the Link road being the eastbound carriageways between Swan Street Intersection and Punt Road, other than –</p> <p>(a) that part of the Link road being the Burnley Tunnel; and</p> <p>(b) that part of the Link road comprising Boulton Parade.</p>	\$1.46	\$2.34	\$2.76	\$0.74
<p>11. That part of the Link road between Punt Road and Swan Street Intersection, other than –</p> <p>(a) the eastbound carriageways;</p> <p>(b) that part of the Link road being the Burnley Tunnel;</p> <p>(c) that part of the Link road:</p> <p>(1) between Punt Road and the exit to Boulton Parade; and</p> <p>(2) comprising Boulton Parade; and</p> <p>(d) that part of the Link road being the Domain Tunnel and that part of the Link road leading into that Tunnel between the eastern portal of that Tunnel and Punt Road.</p>	\$1.46	\$2.34	\$2.76	\$0.74

For the avoidance of doubt, a reference in this Notice to the specification of a toll zone by reference to Burnley Street refers to that point on the Link road where Burnley Street would cross the Link road if Burnley Street continued in a straight southerly direction from its southernmost extremity. For the avoidance of doubt, a reference in this Notice to 'eastbound' means in a general easterly direction from the eastern end of the West Gate Freeway towards Glenferrie Road.

Notwithstanding anything to the contrary in Table One, under section 71(1) (b) of the Act and in accordance with the Agreement, the maximum tolls payable in respect of the use of a vehicle on a toll zone on the Link road where that vehicle is a Car, a LCV, a HCV or a Motor Cycle for a Trip are as listed in Table Two:

<b>Table Two</b>				
<b>Trip Cap</b>	<b>Toll</b>			
	<b>Car</b>	<b>LCV</b>	<b>HCV</b>	<b>Motor Cycle</b>
1. Where the passage of the vehicle on the last toll zone comprising the Trip before exiting the Full Link road occurs between 6 am and 8 pm on the same day.	\$8.78	\$11.70	\$11.70	\$4.38
2. Where the passage of the vehicle on the last toll zone comprising the Trip before exiting the Full Link road occurs between 8 pm on the one day and 6 am on the next.	\$8.78	\$8.78	\$8.78	\$4.38

Under section 71(1)(b) of the Act, and in accordance with the Agreement, the tolls listed in Table Three are payable in respect of the use of vehicles on toll zones on the Link road where those vehicles are Taxis:

<b>Table Three</b>	
<b>Taxis</b>	<b>Toll</b>
Each Half Link Taxi Trip	\$6.00
Each Full Link Taxi Trip	\$7.90

For the avoidance of doubt, this Notice does not set Charge Tolls, Maximum Charge Tolls or Taxi Tolls for the purposes of Schedule 3 (the Toll Calculation Schedule) of the Agreement, or Schedule 4 (the Toll Calculation Schedule) of the Integration and Facilitation Agreement.

For the avoidance of doubt, this Notice also:

- (i) revokes or repeals; or, in the alternative
- (ii) amends –

the NOTICE UNDER SECTION 71(1) dated 3 June 2016 and published in the Victoria Government Gazette No. G 23 (pages 1404 to 1408), dated 9 June 2016 ('the Last Notice').

This notice takes effect on 1 October 2016 and for the avoidance of doubt, the Last Notice ceases to have effect when this Notice takes effect, and the revocation, repeal, amendment or ceasing to have effect of the Last Notice shall not:

- (a) revive anything not in force or existing at the time at which the revocation, repeal, amendment or ceasing to have effect becomes operative;
- (b) affect the previous operation of the Last Notice or anything duly done or suffered under the Last Notice;

- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Last Notice;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed relating (directly or indirectly) to or in respect of the Last Notice; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as is mentioned in paragraphs (c) and (d) –

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Last Notice had not been revoked or repealed or amended or had not expired, lapsed or otherwise ceased to have effect.

For the avoidance of doubt, the revocation, repeal, amendment or ceasing to have effect of the Last Notice does not in any way affect the direct amendments made in or by the Last Notice to, or the operation or effect of those amendments to, any NOTICE UNDER SECTION 71(1) published in the Victoria Government Gazette prior to the publication of the Last Notice.

Dated 16 September 2016

C. M. MURPHY  
Company Secretary  
CityLink Melbourne Limited  
(ABN 65 070 810 678)

V. E. VASSALLO  
Director  
CityLink Melbourne Limited  
(ABN 65 070 810 678)

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**Melbourne City Link Act 1995**

## NOTICE UNDER SECTION 71(1)

Under section 71(1)(b) of the **Melbourne City Link Act 1995** ('the Act'), City Link Extension Pty Limited ABN 40 082 058 615 (the relevant corporation in relation to the Extension road) hereby fixes tolls which are payable in respect of the use of vehicles (as set out herein) on the toll zone on the Extension road.

For the purposes of this Notice, the following definitions apply:

**Bus** is a Motor Vehicle having more than 12 seating positions (including that of the driver);

**Car** is a Motor Vehicle, other than:

- (a) a Motor Cycle;
- (b) a Light Commercial Vehicle;
- (c) a Heavy Commercial Vehicle; or
- (d) a Taxi;

even if such a Motor Vehicle is towing a trailer or caravan;

**Heavy Commercial Vehicle** or **HCV** is a Motor Vehicle, other than a Taxi, which is:

- (a) a rigid Truck with three or more axles;
- (b) an articulated Truck;
- (c) a Bus; or
- (d) a two-axle rigid Truck having a gross vehicle mass which exceeds 4.5 tonnes;

**Light Commercial Vehicle** or **LCV** is a Motor Vehicle, other than a Taxi, which is a two-axle rigid Truck having a gross vehicle mass which exceeds 1.5 tonnes, but does not exceed 4.5 tonnes;

**Motor Cycle** is a two-wheeled Motor Vehicle (and includes such a Motor Vehicle even if it has a trailer, fore car or side car attached) other than a Taxi;

**Motor Vehicle** is a vehicle which is used or intended to be used on a highway or in a public place and which has its own motive power (other than human or animal power) but does not include:

- (a) a vehicle intended to be used on a railway or tramway; or
- (b) a motorised wheelchair capable of a speed of not more than 10 kilometres per hour which is used solely for the conveyance of an injured or disabled person;

**Taxi** is, at any particular time, a Motor Vehicle in relation to which a commercial passenger vehicle licence (issued under the **Transport Act 1983**) then subsists, being a licence allowing for the operation of the Motor Vehicle as a Taxi-Cab (within the meaning of the **Transport Act 1983**);

**the Extension Agreement** has the same meaning as in the Act;

**the Integration and Facilitation Agreement** has the same meaning as in the Act;

**Truck** is a Motor Vehicle other than a Bus which has a cab-chassis construction and a gross vehicle mass which exceeds 1.5 tonnes; and

**vehicle** has the same meaning as in the Act.

Under section 71(1)(b) of the Act and in accordance with the Extension Agreement, the tolls listed in Table One are payable in respect of the use of vehicles on the toll zone on the Extension road, where those vehicles are a Car, a LCV, a HCV or a Motor Cycle:

Table One				
Toll Zone	Toll			
	Car	LCV	HCV	Motor Cycle
12. The Extension road	\$1.46	\$2.34	\$2.76	\$0.74

For the avoidance of doubt, this Notice does not set Charge Tolls for the purposes of Schedule 1 (the Toll Calculation Schedule) of the Extension Agreement, or Schedule 4 (the Toll Calculation Schedule) of the Integration and Facilitation Agreement.

For the avoidance of doubt, this Notice also:

- (i) revokes or repeals; or, in the alternative
- (ii) amends –

the NOTICE UNDER SECTION 71(1) dated 3 June 2016 and published in the Victoria Government Gazette No. G 23 (pages 1409 to 1410), dated 9 June 2016 ('the Last Notice').

This Notice takes effect on 1 October 2016, and for the avoidance of doubt, the Last Notice ceases to have effect when this Notice takes effect, and the revocation, repeal, amendment or ceasing to have effect of the Last Notice shall not:

- (a) revive anything not in force or existing at the time at which the revocation, repeal, amendment or ceasing to have effect becomes operative;
- (b) affect the previous operation of the Last Notice or anything duly done or suffered under the Last Notice;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Last Notice;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed relating (directly or indirectly) to or in respect of the Last Notice; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as is mentioned in paragraphs (c) and (d) –

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Last Notice had not been revoked or repealed or amended or had not expired, lapsed or otherwise ceased to have effect.

For the avoidance of doubt, the revocation, repeal, amendment or ceasing to have effect of the Last Notice does not in any way affect the direct amendments made in or by the Last Notice to, or the operation or effect of those amendments to, any NOTICE UNDER SECTION 71(1) published in the Victoria Government Gazette prior to the publication of the Last Notice.

Dated 16 September 2016

C. M. MURPHY  
Company Secretary  
City Link Extension Pty Limited  
(ABN 40 082 058 615)

V. E. VASSALLO  
Director  
City Link Extension Pty Limited  
(ABN 40 082 058 615)

**Melbourne City Link Act 1995**

## NOTICE UNDER SECTION 71(1)

Under section 71(1)(b) of the **Melbourne City Link Act 1995** ('the Act'), CityLink Melbourne Limited ABN 65 070 810 678 (the relevant corporation in relation to the Link road) ('CityLink Melbourne') hereby fixes tolls which are payable in respect of the use of vehicles on toll zones on the Link road where those vehicles are the subject of a CityLink Pass for that use.

For the purposes of this Notice, the following definitions apply:

**Bus** is a Motor Vehicle having more than 12 seating positions (including that of the driver);

**Car** is a Motor Vehicle, other than a Motor Cycle, a Light Commercial Vehicle, a Heavy Commercial Vehicle or a Taxi even if such a Motor Vehicle is towing a trailer or caravan;

**CityLink Pass** is a 24 Hour Pass, a Tulla Pass or a Weekend Pass;

**Full Link road** is the road included within both the Link road and the Extension road;

**Heavy Commercial Vehicle** or **HCV** is a Motor Vehicle, other than a Taxi, which is:

- (a) a rigid Truck with three or more axles;
- (b) an articulated Truck;
- (c) a Bus; or
- (d) a two-axle rigid Truck having a gross vehicle mass which exceeds 4.5 tonnes;

**Light Commercial Vehicle** or **LCV** is a Motor Vehicle, other than a Taxi, which is a two-axle rigid Truck having a gross vehicle mass which exceeds 1.5 tonnes, but does not exceed 4.5 tonnes;

**Motor Cycle** is a two-wheeled Motor Vehicle (and includes such a Motor Vehicle even if it has a trailer, fore car or side car attached) other than a Taxi;

**Motor Vehicle** is a vehicle which is used or intended to be used on a highway or in a public place and which has its own motive power (other than human or animal power) but does not include:

- (a) a vehicle intended to be used on a railway or tramway; or
- (b) a motorised wheelchair capable of a speed of not more than 10 kilometres per hour which is used solely for the conveyance of an injured or disabled person;

**Taxi** is, at any particular time, a Motor Vehicle in relation to which a commercial passenger vehicle licence (issued under the **Transport Act 1983**) then subsists, being a licence allowing for the operation of the Motor Vehicle as a Taxi-Cab (within the meaning of the **Transport Act 1983**);

**the Agreement** has the same meaning as in the Act;

**the Integration and Facilitation Agreement** has the same meaning as in the Act;

**Trip** is the passage of a vehicle on one or more toll zones:

- (a) uninterrupted by exit and subsequent re-entry; or
- (b) if so interrupted, consists only of travel directly between:
  - (i) that part of the Link road between Bulla Road and the West Gate Freeway; and
  - (ii) that part of the Link road between Sturt Street and Glenferrie Road;

**Truck** is a Motor Vehicle other than a Bus which has a cab-chassis construction and a gross vehicle mass which exceeds 1.5 tonnes;

**Tulla Pass** is an agreement with CityLink Melbourne for CityLink Melbourne to register a Car, Light Commercial Vehicle or Motor Cycle under Part 4 of the Act for use only on that part of the Link road being the Tullamarine Freeway Upgrade, between Bulla Road and Flemington Road including the toll zone between Moreland Road and Brunswick Road, for a fixed 24 hour period commencing at the time of the first Tulla Trip by that Car, Light Commercial Vehicle or Motor Cycle on a specified day;

**Tulla Trip** is the passage of a Car, Light Commercial Vehicle or Motor Cycle on that part of the Link road being the toll zone between Moreland Road and Brunswick Road;

**24 Hour Pass** is an agreement with CityLink Melbourne to register a vehicle (other than a Taxi) under Part 4 of the Act for use of any or all toll zones comprising the Full Link road for a fixed 24 hour period commencing at the time of the first Trip by the vehicle on a specified day;

**vehicle** has the same meaning as in the Act; and

**Weekend Pass** is an agreement with CityLink Melbourne to register a Car, Light Commercial Vehicle or Motor Cycle under Part 4 of the Act for use of any or all toll zones comprising the Full Link road for a fixed period commencing at 12.00 pm on the Friday immediately before a specified Saturday and ending at midnight on the Sunday immediately following that specified Saturday. The fact that CityLink Melbourne also registers a Car, Light Commercial Vehicle or Motor Cycle for an additional period at no extra charge does not prevent the agreement from being a Weekend Pass.

Under section 71(1)(b) of the Act and in accordance with the Agreement, the tolls listed in Table One are payable in respect of the use of vehicles on toll zones on the Link road where the vehicle is the subject of a 24 Hour Pass for that use.

<b>Table One</b>				
<b>24 Hour Pass</b>	<b>Toll</b>			
	<b>Car</b>	<b>LCV</b>	<b>HCV</b>	<b>Motor Cycle</b>
	\$17.06	\$27.31	\$32.43	\$8.51

Under section 71(1)(b) of the Act and in accordance with the Agreement, the tolls listed in Table Two are payable in respect of the use of vehicles on toll zones on the Link road where the vehicle is the subject of a Weekend Pass for that use.

<b>Table Two</b>			
<b>Weekend Pass</b>	<b>Toll</b>		
	<b>Car</b>	<b>LCV</b>	<b>Motor Cycle</b>
	\$17.06	\$27.31	\$8.51

Under section 71(1)(b) of the Act and in accordance with the Agreement, the tolls listed in Table Three are payable in respect of the use of Cars, Light Commercial Vehicles or Motor Cycles on the toll zone, consisting of that part of the Link road between Moreland Road and Brunswick Road, where the Car, Light Commercial Vehicle or Motor Cycle is the subject of a Tulla Pass for that use.

<b>Table Three</b>			
<b>Tulla Pass</b>	<b>Toll</b>		
	<b>Car</b>	<b>LCV</b>	<b>Motor Cycle</b>
	\$6.08	\$9.72	\$3.01

For the avoidance of doubt, this Notice does not set Charge Tolls or Day Tolls for the purpose of Schedule 3 (the Toll Calculation Schedule) of the Agreement or Schedule 4 (the Toll Calculation Schedule) of the Integration and Facilitation Agreement.

For the avoidance of doubt, this Notice also:

- (i) revokes or repeals; or, in the alternative
- (ii) amends –

the NOTICE UNDER SECTION 71(1) dated 3 June 2016 and published in the Victoria Government Gazette No. G 23 (pages 1411 to 1413), dated 9 June 2016 ('the Last Notice').



This Notice takes effect on 1 October 2016, and for the avoidance of doubt, the Last Notice ceases to have effect when this Notice takes effect, and the revocation, repeal, amendment or ceasing to have effect of the Last Notice shall not:

- (a) revive anything not in force or existing at the time at which the revocation, repeal, amendment or ceasing to have effect becomes operative;
- (b) affect the previous operation of the Last Notice or anything duly done or suffered under the Last Notice;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Last Notice;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed relating (directly or indirectly) to or in respect of the Last Notice; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as is mentioned in paragraphs (c) and (d) –

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Last Notice had not been revoked or repealed or amended or had not expired, lapsed or otherwise ceased to have effect.

For the avoidance of doubt, the revocation, repeal, amendment or ceasing to have effect of the Last Notice does not in any way affect the direct amendments made in or by the Last Notice to, or the operation or effect of those amendments to, any NOTICE UNDER SECTION 71(1) published in the Victoria Government Gazette prior to the publication of the Last Notice.

Dated 16 September 2016

C. M. MURPHY  
Company Secretary  
CityLink Melbourne Limited  
(ABN 65 070 810 678)

V. E. VASSALLO  
Director  
CityLink Melbourne Limited  
(ABN 65 070 810 678)

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**Melbourne City Link Act 1995**

## NOTICE UNDER SECTION 71(1)

Under section 71(1)(b) of the **Melbourne City Link Act 1995** ('the Act'), City Link Extension Pty Limited ABN 40 082 058 615 (the relevant corporation in relation to the Extension road) hereby fixes tolls which are payable in respect of the use of vehicles on the toll zone on the Extension road where those vehicles are the subject of a CityLink Pass for that use.

For the purposes of this Notice, the following definitions apply:

**Bus** is a Motor Vehicle having more than 12 seating positions (including that of the driver);

**Car** is a Motor Vehicle, other than a Motor Cycle, a Light Commercial Vehicle, a Heavy Commercial Vehicle or a Taxi even if such a Motor Vehicle is towing a trailer or caravan;

**CityLink** is CityLink Melbourne Limited ABN 65 070 810 678, the relevant corporation for the purposes of section 73C of the Act;

**CityLink Pass** is a 24 Hour Pass or a Weekend Pass;

**Full Link road** is the road included within both the Link road and the Extension road;

**Heavy Commercial Vehicle** or **HCV** is a Motor Vehicle, other than a Taxi, which is:

- (a) a rigid Truck with three or more axles;
- (b) an articulated Truck;
- (c) a Bus; or
- (d) a two-axle rigid Truck having a gross vehicle mass which exceeds 4.5 tonnes;

**Light Commercial Vehicle** or **LCV** is a Motor Vehicle, other than a Taxi, which is a two-axle rigid Truck having a gross vehicle mass which exceeds 1.5 tonnes, but does not exceed 4.5 tonnes;

**Motor Cycle** is a two-wheeled Motor Vehicle (and includes such a Motor Vehicle even if it has a trailer, fore car or side car attached) other than a Taxi;

**Motor Vehicle** is a vehicle which is used or intended to be used on a highway or in a public place and which has its own motive power (other than human or animal power) but does not include:

- (a) a vehicle intended to be used on a railway or tramway; or
- (b) a motorised wheelchair capable of a speed of not more than 10 kilometres per hour which is used solely for the conveyance of an injured or disabled person;

**Taxi** is, at any particular time, a Motor Vehicle in relation to which a commercial passenger vehicle licence (issued under the **Transport Act 1983**) then subsists, being a licence allowing for the operation of the Motor Vehicle as a Taxi-Cab (within the meaning of the **Transport Act 1983**);

**the Extension Agreement** has the same meaning as in the Act;

**the Integration and Facilitation Agreement** has the same meaning as in the Act;

**Trip** is the passage of a vehicle on one or more toll zones:

- (a) uninterrupted by exit and subsequent re-entry; or
- (b) if so interrupted, consists only of travel directly between:
  - (i) that part of the Link road between Bulla Road and the West Gate Freeway; and
  - (ii) that part of the Link road between Sturt Street and Glenferrie Road;

**Truck** is a Motor Vehicle other than a Bus which has a cab-chassis construction and a gross vehicle mass which exceeds 1.5 tonnes;

**24 Hour Pass** is an agreement with CityLink to register a vehicle (other than a Taxi) under Part 4 of the Act for use of any or all toll zones comprising the Full Link road for a fixed 24 hour period commencing at the time of the first Trip by the vehicle on a specified day;

**vehicle** has the same meaning as in the Act; and

**Weekend Pass** is an agreement with CityLink to register a Car, Light Commercial Vehicle or Motor Cycle under Part 4 of the Act for use of any or all toll zones comprising the Full Link road for a fixed period commencing at 12.00 pm on the Friday immediately before a specified Saturday and ending at midnight on the Sunday immediately following that specified Saturday. The fact that CityLink also registers that Car, Light Commercial Vehicle or Motor Cycle for an additional period at no extra charge does not prevent the agreement from being a Weekend Pass.

Under section 71(1)(b) of the Act and in accordance with the Extension Agreement, the tolls listed in Table One are payable in respect of the use of vehicles on the toll zone on the Extension road where the vehicle is the subject of a 24 Hour Pass for that use.

<b>Table One</b>				
<b>24 Hour Pass</b>	<b>Toll</b>			
	<b>Car</b>	<b>LCV</b>	<b>HCV</b>	<b>Motor Cycle</b>
	\$17.06	\$27.31	\$32.43	\$8.51

Under section 71(1)(b) of the Act and in accordance with the Extension Agreement, the tolls listed in Table Two are payable in respect of the use of vehicles on the toll zone on the Extension road where the vehicle is the subject of a Weekend Pass for that use.

<b>Table Two</b>			
<b>Weekend Pass</b>	<b>Toll</b>		
	<b>Car</b>	<b>LCV</b>	<b>Motor Cycle</b>
	\$17.06	\$27.31	\$8.51

For the avoidance of doubt, this Notice does not set Charge Tolls or Day Tolls for the purpose of Schedule 1 (the Toll Calculation Schedule) of the Extension Agreement or Schedule 4 (the Toll Calculation Schedule) of the Integration and Facilitation Agreement.

For the avoidance of doubt, this Notice also:

- (i) revokes or repeals; or, in the alternative
- (ii) amends –

the NOTICE UNDER SECTION 71(1) dated 3 June 2016 and published in the Victoria Government Gazette No. G 23 (pages 1414 to 1416), dated 9 June 2016 ('the Last Notice').

This Notice takes effect on 1 October 2016, and for the avoidance of doubt, the Last Notice ceases to have effect when this Notice takes effect, and the revocation, repeal, amendment or ceasing to have effect of the Last Notice shall not:

- (a) revive anything not in force or existing at the time at which the revocation, repeal, amendment or ceasing to have effect becomes operative;
- (b) affect the previous operation of the Last Notice or anything duly done or suffered under the Last Notice;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Last Notice;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed relating (directly or indirectly) to or in respect of the Last Notice; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as is mentioned in paragraphs (c) and (d) –

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Last Notice had not been revoked or repealed or amended or had not expired, lapsed or otherwise ceased to have effect.

For the avoidance of doubt, the revocation, repeal, amendment or ceasing to have effect of the Last Notice does not in any way affect the direct amendments made in or by the Last Notice to, or the operation or effect of those amendments to, any NOTICE UNDER SECTION 71(1) published in the Victoria Government Gazette prior to the publication of the Last Notice.

Dated 16 September 2016

C. M. MURPHY  
Company Secretary  
City Link Extension Pty Limited  
(ABN 40 082 058 615)

V. E. VASSALLO  
Director  
City Link Extension Pty Limited  
(ABN 40 082 058 615)

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**Subordinate Legislation Act 1994**

## NOTICE OF DECISION UNDER SECTION 12

## Planning and Environment (Fees) Regulations 2016

## Subdivision (Fees) Regulations 2016

I, Richard Wynne, Minister for Planning, and Minister responsible for the **Planning and Environment Act 1987** and the **Subdivision Act 1988**, give notice under section 12 of the **Subordinate Legislation Act 1994** of my decision to make the proposed Planning and Environment (Fees) Regulations 2016 and the proposed Subdivision (Fees) Regulations 2016 (proposed Regulations).

The objectives of the proposed Regulations is to prescribe fees to recover an appropriate amount of the costs of providing services under the **Planning and Environment Act 1987** and the **Subdivision Act 1988**. A Regulatory Impact Statement (RIS) was prepared in respect to the proposed Regulations.

A notice announcing the availability of the RIS was placed in the Government Gazette and the Herald Sun on 26 May 2016. The notice invited public comment, with a closing date for submissions of 24 June 2016. Following notice, 54 submissions were received in response (including late submissions).

After consideration of all submissions in accordance with section 11 of the **Subordinate Legislation Act 1994**, I have determined that the proposed Regulations should be made with some changes.

The changes include:

## Proposed Planning Regulations

- An additional non-monetary VicSmart class of 13.5 fee units has been included in the Table to regulation 9 of the proposed Planning Regulations. The fee applies to the three minor classes of subdivision currently classified as VicSmart.
- The way that the fee is determined for an amendment to a permit in regulation 11 has changed. For clarity, the regulation maintains the method of determining the fee on the basis of additional development value, now set out in the table to regulation 11.
- The fee for a planning certificate under regulation 17 has been amended to provide a new fee of \$7 for electronic processing of a planning certificate. The fee for manual processing is 1.5 fee units.
- Other minor and consequential amendments.

## Proposed Subdivision Regulations

- Regulation 12 has been removed and the remaining regulations consequentially renumbered. For ease of administration, the fee for a certificate of compliance has been included in the application to certify a plan fee.

HON. RICHARD WYNNE MP  
Minister for Planning

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**Planning and Environment Act 1987**

ARARAT PLANNING SCHEME

Notice of Approval of Amendment

Amendment C35

The Minister for Planning has approved Amendment C35 to the Ararat Planning Scheme.

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

The Amendment facilitates a component of the Murray Basin Rail Project by rezoning land in Ararat from Industrial 1 Zone to Public Use Zone 4 – Transport and deleting the Public Acquisition Overlay and the Road Closure Overlay from the land.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection) and free of charge, during office hours, at the offices of Ararat Rural City Council, Municipal Offices, corner of Vincent and High Streets, Ararat.

RACHAEL JOINER

Director

State Planning Services

Department of Environment, Land, Water and Planning

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**Planning and Environment Act 1987**

BASS COAST PLANNING SCHEME

Notice of Approval of Amendment

Amendment C146

The Minister for Planning has approved Amendment C146 to the Bass Coast Planning Scheme.

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

The Amendment removes the Environmental Significance Overlay Schedule 1 from part of Lot 3 PS419423, Bass Highway, Grantville, and applies the Public Acquisition Overlay Schedule 2 to this land, and amends the Schedule to Clause 45.01 Public Acquisition Overlay.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection) and free of charge, during office hours, at the offices of the Bass Coast Shire Council, 76 McBride Street, Wonthaggi.

RACHAEL JOINER

Director

State Planning Services

Department of Environment, Land, Water and Planning

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**Planning and Environment Act 1987**  
**BOROONDARA PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C222 (Part 2)

The Minister for Planning has approved Amendment C222 (Part 2) to the Boroondara Planning Scheme.

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

The changes to the scheme are:

- Rezoning 81 to 89 Denmark Street, Kew, and 90 to 94 High Street South, Kew, from Neighbourhood Residential Zone – Schedule 3 (NRZ3) to General Residential Zone – Schedule 4 (GRZ4).
- Rezoning the following properties from NRZ3 to General Residential Zone – Schedule 1 (GRZ1):
  - 14 Elizabeth Street, Glen Iris
  - 42 Warrigal Road, Surrey Hills
  - 54 to 90 (inc. 90A) Glyndon Road, Camberwell.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection) and free of charge, during office hours, at the offices of the Boroondara City Council, 8 Inglesby Road, Camberwell.

RACHAEL JOINER  
Director  
State Planning Services  
Department of Environment, Land, Water and Planning

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**Planning and Environment Act 1987**  
**CASEY PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C211

The Minister for Planning has approved Amendment C211 to the Casey Planning Scheme.

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

The Amendment applies the Public Acquisition Overlay to land known as Lots 68 and 69 at 197S Evans Road, Cranbourne West.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection) and free of charge, during office hours, at the offices of the Casey City Council, Magid Drive, Narre Warren, Victoria 3805.

RACHAEL JOINER  
Director  
State Planning Services  
Department of Environment, Land, Water and Planning

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**Planning and Environment Act 1987**  
**GREATER GEELONG PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C336

The Minister for Planning has approved Amendment C336 to the Greater Geelong Planning Scheme.

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

The Amendment inserts a new incorporated document titled 'BUPA Aged Care Facility, Bellarine Lakes, May 2016' in the Schedule to Clause 52.03 and the Schedule to Clause 81.01 to enable a two-lot subdivision to create a separate lot for a previously approved residential aged care facility.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection) and free of charge, during office hours, at the offices of the Greater Geelong City Council, 100 Brougham Street, Geelong.

RACHAEL JOINER  
Director  
State Planning Services  
Department of Environment, Land, Water and Planning

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

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

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

The Amendment implements the 'Mildura South Urban Design Plan Precinct Structure Plan, 2014' (the precinct structure plan) by rezoning land at 634–670 Ontario Avenue, Mildura South, from General Residential Zone to Urban Growth Zone (Schedule 1) (GRZ1), land at 127–135 Sixteenth Street, Mildura, from Public Use Zone (Service and Utility) to UGZ1 and three parcels of council-owned land at 624–682 Deakin Avenue, Mildura, from Farming Zone to Public Park and Recreation Zone, and applies the Salinity Management Overlay to this land. The Amendment makes changes to Clause 21.04 (Settlement and Housing), Clause 21.05 (Environment) and Clause 21.10 (Local Areas), inserts the Urban Growth Zone (UGZ) Clause 37.07 and a new Schedule 1 to the UGZ (Mildura South Precinct Structure Plan – Activity Centre), and includes the precinct structure plan as an incorporated document in the Schedule to Clause 81.01.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection) and free of charge, during office hours, at the offices of the Mildura Rural City Council, 108–116 Madden Avenue, Mildura.

RACHAEL JOINER  
Director  
State Planning Services  
Department of Environment, Land, Water and Planning

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**Planning and Environment Act 1987**  
**STONNINGTON PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C241

The Minister for Planning has approved Amendment C241 to the Stonnington Planning Scheme. The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment updates planning scheme Map No. 7HO to reflect the correct location of the Gardiner Railway Station Signal Box, amends the Schedule to the Heritage Overlay and incorporated 'City of Stonnington Railway and Road Heritage Places – Permit Exemptions' to remove reference to the Gardiner Railway Station Switch House and updates the Schedule to Clause 81.01.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection) and free of charge, during office hours, at the offices of the Stonnington City Council, 311 Glenferrie Road, Malvern.

RACHAEL JOINER  
Director  
State Planning Services  
Department of Environment, Land, Water and Planning

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**Planning and Environment Act 1987**  
**WARRNAMBOOL PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C93

The Minister for Planning has approved Amendment C93 to the Warrnambool Planning Scheme. The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment implements Stage 1 of the Warrnambool Planning Scheme Rewrite Project by:

- introducing a new Municipal Strategic Statement (MSS) by replacing existing Clauses 21.01 to 21.10 (inclusive) with new Clauses 21.01 to 21.11 (inclusive);
- deleting existing Clauses 22.01, 22.02-1 to 22.02-7, 22.02-9, 22.03-3 to 22.03-5, and 22.04 (inclusive) by translating policy into the MSS, where appropriate;
- replacing existing Clause 22.03-2 with new Clause 22.01;
- replacing existing Clause 22.03-1 with new Clause 22.02;
- replacing existing Clause 22.02-8 with new Clause 22.03;
- updating Schedules 1 and 2 to Clause 37.01 to correct formatting.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection) and free of charge, during office hours, at the offices of the Warrnambool City Council, 25 Liebig Street, Warrnambool.

RACHAEL JOINER  
Director  
State Planning Services  
Department of Environment, Land, Water and Planning

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

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

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

The Amendment rezones land at 13 Kelly Street and 36 Jellicoe Street, Werribee, from General Residential Zone Schedule 1 to Commercial 1 Zone.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection) and free of charge, during office hours, at the offices of the Wyndham City Council, 45 Princes Highway, Werribee, Victoria.

RACHAEL JOINER  
Director  
State Planning Services  
Department of Environment, Land, Water and Planning

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**Planning and Environment Act 1987**  
**YARRA PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C221

The Minister for Planning has approved Amendment C221 to the Yarra Planning Scheme.

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

The Amendment introduces interim heritage controls to 95 Hoddle Street, Richmond, until 30 November 2016.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection) and free of charge, during office hours, at the offices of the Yarra City Council, Customer Service Centre, 333 Bridge Road, Richmond.

RACHAEL JOINER  
Director  
State Planning Services  
Department of Environment, Land, Water and Planning

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**ORDERS IN COUNCIL****Education and Training Reform Act 2006**APPOINTMENTS OF PERSONS TO THE POOLS OF PERSONS WHO MAY BE  
SELECTED AS MEMBERS OF THE MERIT PROTECTION BOARDS

## Order in Council

The Governor in Council appoints:

- under section 2.4.45A(1)(b) of the **Education and Training Reform Act 2006**, the following persons to the pool of persons who have been nominated by the Secretary to be members of Merit Protection Boards from 22 September 2016 until 21 September 2019 (both dates inclusive):  
Rowena Archer, Kathryn Atkin, Clare Berger, Melissa Bray, Tanya Burton, Roger Chao, Louise Chocholis, Meagan Cook, Ian Dendle, Janet Evison, Ricky Gervasoni, Sandra Greenhill, Andrew Harnett, Karen Hutchinson, Alison Ivey, Matthew McKittrick, Dean McLean, Leanne Preece, Paula Robinson, Wendy Sengotta, Rhonda Warburton.
- under section 2.4.45A(1)(c) of the **Education and Training Reform Act 2006**, the following persons to the pool of persons who are employees in the teaching service who have been nominated by the Minister to be members of Merit Protection Boards from 22 September 2016 until 21 September 2019 (both dates inclusive):  
Steven Adams, Andrew Bennett, Rachel Carlyon, Nathan Chisholm, Jason Coningsby, Tracey Cronin, Rebekah Fewkes, Lynette Hannon, Sally Lasslett, Susan Mattingley, Alison Murphy, Natalie Nelson, George Porter, Susan Seneviratne, Glenda Splatt, Meredith Stephenson, Aaron Wolaniuk, Chris Woodhouse.

The terms and conditions of the appointment(s) are contained in the attached Schedule.

Dated 20 September 2016

Responsible Minister:

THE HON JAMES MERLINO, MP

Minister for Education

MONICA BIRD

Acting Clerk of the Executive Council

**Education and Training Reform Act 2006**APPOINTMENTS OF PERSONS TO THE POOLS OF PERSONS WHO MAY BE  
SELECTED AS MEMBERS OF THE MERIT PROTECTION BOARDS

## SCHEDULE TO THE ORDER IN COUNCIL

**1. Appointment Arrangements**

Each of the appointments referred to in this Order are part time.

**2. Period of Appointment**

Each of the appointments referred to in this Order are from 22 September 2016 to 21 September 2019, both dates inclusive.

**3. Duties and responsibilities of the position**

The duties and responsibilities of the appointees are to, when selected to be a member of a Merit Protection Board (Board), do everything necessary and convenient to be done for or in connection with, or incidental to, the performance of the functions of the Board as provided for in section 2.4.44(2) of the **Education and Training Reform Act 2006** (the Act), and in accordance with the allocation of business by the senior chairperson under section 2.4.48.

**4. Termination Arrangements**

- a) Section 2.4.46(1) of the Act provides that a member of a pool appointed under section 2.4.45A may resign from office by sending to the Governor a signed letter of resignation.
- b) Section 2.4.46(2) of the Act provides that the Governor in Council may at any time remove a member of the pool from office.

**5. Payment Provisions**

- a) In accordance with the remuneration fixed by the Minister under section 2.4.45B(2) of the Act, appointees to the pools of persons who have been nominated by the Secretary or the Minister to be members of the Boards under sections 2.4.45A(1)(b) and (c) of the Act, and who are eligible, will be remunerated at the sessional fee of \$350 per day.
- b) Eligible appointees are all appointees who are not:
  - a. public servants; or
  - b. on-going employees in the teaching service; or
  - c. temporary employees in the teaching service.

**6. Superannuation Obligations**

Not applicable.

**7. Travel and Personal Expenses arrangements**

Each of the appointees referred to in this Order may be reimbursed for reasonable out of pocket expenses such as travelling, accommodation, meals and other incidental expenses associated with attendance at meetings, overnight absence from home or absence from the normal work location in the course of field duties. Such reimbursement will be in accordance with relevant policies of the Department of Education and Training.

**8. Leave Arrangements**

Not applicable.

**9. Prior Service**

Not applicable.

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**Education and Training Reform Act 2006**APPOINTMENTS OF PERSONS TO THE POOL OF PERSONS WHO MAY BE  
SELECTED AS CHAIRPERSONS OF THE MERIT PROTECTION BOARDS

## Order in Council

The Governor in Council, under section 2.4.45A(1)(a) of the **Education and Training Reform Act 2006**, appoints the following persons to the pool of persons who have been nominated by the Minister to be chairpersons of Merit Protection Boards from 22 September 2016 until 21 September 2019 (both dates inclusive):

Neill Campbell, Mary Cannon, David Finnerty, Vernon Hilditch, Jo-Anne Mazzeo, Wayne Smith.

The terms and conditions of the appointment(s) are contained in the attached Schedule.

Dated 20 September 2016

Responsible Minister:

THE HON JAMES MERLINO, MP

Minister for Education

MONICA BIRD

Acting Clerk of the Executive Council

**Education and Training Reform Act 2006**APPOINTMENTS OF PERSONS TO THE POOL OF PERSONS WHO MAY BE  
SELECTED AS CHAIRPERSONS OF THE MERIT PROTECTION BOARDS

## SCHEDULE TO THE ORDER IN COUNCIL

**1. Appointment Arrangements**

Each of the appointments referred to in this Order are part time.

**2. Period of Appointment**

Each of the appointments referred to in this Order are from 22 September 2016 to 21 September 2019, both dates inclusive.

**3. Duties and responsibilities of the position**

The duties and responsibilities of the appointees are to, when selected to be a member of a Merit Protection Board (Board), do everything necessary and convenient to be done for or in connection with, or incidental to, the performance of the functions of the Board as provided for in section 2.4.44(2) of the **Education and Training Reform Act 2006** (the Act), and in accordance with the allocation of business by the Senior Chairperson under section 2.4.48.

**4. Termination Arrangements**

- a) Section 2.4.46(1) of the Act provides that a member of a pool appointed under section 2.4.45A may resign from office by sending to the Governor a signed letter of resignation.
- b) Section 2.4.46(2) of the Act provides that the Governor in Council may at any time remove a member of the pool from office.

**5. Payment Provisions**

- a) In accordance with the remuneration fixed by the Minister under section 2.4.45B(2) of the Act appointees to the pool of persons who have been nominated by the Minister to be chairpersons of the Boards under section 2.4.45A(1)(a) of the Act and who are eligible will be remunerated at the sessional fee of \$450 per day.
- b) Eligible appointees are all appointees who are not:
  - a. public servants; or
  - b. on-going employees in the Teaching Service; or
  - c. temporary employees in the Teaching Service.

**6. Superannuation Obligations**

Not applicable.

**7. Travel and Personal Expenses arrangements**

Each of the appointees referred to in this Order may be reimbursed for reasonable out of pocket expenses such as travelling, accommodation, meals and other incidental expenses associated with attendance at meetings, overnight absence from home or absence from the normal work location in the course of field duties. Such reimbursement will be in accordance with relevant policies of the Department of Education and Training.

**8. Leave Arrangements**

Not applicable.

**9. Prior Service**

Not applicable.

**State Owned Enterprises Act 1992**

STATE OWNED ENTERPRISES (STATE BODY – VICTORIAN ASBESTOS  
ERADICATION AGENCY) ORDER 2016

Order in Council

The Governor in Council under section 14 of the **State Owned Enterprises Act 1992**, makes the following Order.

**1. Commencement**

This Order comes into operation on the later of 31 December 2016 or the date on which it is published in the Government Gazette.

**2. Definitions**

In this Order –

‘**Act**’ means the **State Owned Enterprises Act 1992**.

‘**Board**’ means the Board of directors established by clause 5.

‘**Chairperson**’ means the independent chairperson appointed pursuant to clause 5(2).

‘**FM Act**’ means the **Financial Management Act 1994**.

‘**Minister**’ means the relevant Minister designated in clause 3.

‘**public sector body**’ has the same meaning as in the **Public Administration Act 2004**.

‘**VAEA**’ means the Victorian Asbestos Eradication Agency established by this Order.

‘**Victorian Government building**’ means:

- (1) any premises occupied by a hospital listed in Schedule 1 of the **Health Services Act 1988** or by a ‘public health service’ as defined in the **Health Services Act 1988**;
- (2) any premises used as a ‘Government school’ as defined in the **Education and Training Reform Act 2006**; and
- (3) any other building in Victoria that is owned by one or more public sector bodies, but excludes premises that are leased or sub-leased to tenants by the Director of Housing pursuant to the **Housing Act 1983**.

‘**WIRC Act**’ means the **Workplace Injury Rehabilitation and Compensation Act 2013**.

‘**worker**’ has the same meaning as in the WIRC Act.

‘**WorkSafe Victoria**’ means the Victorian WorkCover Authority established under the **Accident Compensation Act 1985** and continued in existence under the **Workplace Injury Rehabilitation and Compensation Act 2013**.

**3. Relevant Minister**

The Minister for Finance is the relevant Minister for the purposes of section 14(2)(eb) of the Act.

**4. Establishment of the Victorian Asbestos Eradication Agency**

- (1) There is established for the purposes of the Act a State Body by the name of the 'Victorian Asbestos Eradication Agency'.
- (2) The VAEA is established as a subsidiary of WorkSafe Victoria.
- (3) The particular purpose of establishing the VAEA is to prioritise and plan for the removal of the asbestos from Victorian Government buildings.
- (4) The functions of the VAEA are to:
  - (a) develop an aggregated register of asbestos in Victorian Government buildings, including the aggregated identification of the presence and condition of asbestos in Victorian Government buildings;
  - (b) within 24 months of its establishment, prepare and submit to the Minister:
    - i. an asbestos register listing the Victorian Government buildings containing asbestos; and
    - ii. a report on, including a schedule for, the prioritised removal of asbestos from Victorian Government buildings based on an analysis of the relative present and future risk posed to workers of experiencing injury arising out of, or in the course of, employment by reason of the presence and condition of the asbestos identified on the register.
  - (c) after the submission of the register and report referred to in sub-clause (b), report annually to the Minister on any progress made by the owners or occupiers of Victoria Government buildings in removing asbestos from Victorian Government buildings; and
  - (d) liaise with relevant public sector bodies including through participation in the Victorian Asbestos Forum, to co-ordinate the conduct of the functions set out in sub-clauses (a) and (b) with the conduct of any other asbestos identification, assessment and eradication activities carried out by those Departments and agencies.
- (5) The VAEA has the power to do all things necessary or convenient to be done for, or in connection with, or as incidental to the performance of its functions, including requesting and compelling asbestos registers and information from persons who may have such information in relation to Victorian Government buildings.

**5. Board of directors**

- (1) There is a board of directors of the VAEA, which:
  - (a) is responsible for managing the affairs of the VAEA; and
  - (b) may exercise the powers of the VAEA.
- (2) Each of the directors of the VAEA shall be appointed by the Governor in Council on the recommendation of the Minister, and will comprise the executive director of the VAEA, a non-executive director of WorkSafe Victoria, and an independent Chairperson. In appointing directors to the VAEA, the Governor in Council will have regard to the expertise and experience relevant to the conduct of the functions of the VAEA.
- (3) The terms and conditions of appointment of the directors will be as determined by the Minister.

- (4) The office of a director of the VAEA immediately becomes vacant if the director:
  - (a) dies;
  - (b) would, if the VAEA were a company incorporated under the **Corporations Act 2001** (Cth), be prohibited by that Act from holding office or continuing as a director;
  - (c) cannot manage the VAEA because of his or her mental incapacity and is a person whose estate or property has had a personal representative or trustee appointed to administer it;
  - (d) resigns by notice in writing to the Governor in Council; or
  - (e) is removed by the Governor in Council.
- (5) The Board may:
  - (a) delegate any of its powers (other than this power of delegation) to a committee of the Board, a single director of the VAEA, an employee of the VAEA or any other person; and
  - (b) revoke any delegation of power at any time.
- (6) A committee or person to which any powers have been delegated must exercise its powers in accordance with any directions of the Board and a power exercised in that way is taken to have been exercised by the Board.

## 6. Proceedings of the Board

- (1) Subject to this Order, the Board may meet together, adjourn and regulate its meetings and otherwise regulate its own proceedings as the Board thinks fit.
- (2) The Chairperson may at any time convene a Board meeting, and must do so on the request of a director.
- (3) Meetings of the Board will be held at the times and places determined by the Chairperson.
- (4) The directors need not all be physically present in the same place for a Board meeting to be held. A Board meeting may be held by the directors communicating with each other by any technological means by which they are able simultaneously to hear each other and to participate in discussion. A director who attends a Board meeting through such technological means is deemed to be present at the meeting.
- (5) Reasonable written notice of a Board meeting must be given to each director.
- (6) If the Chairperson is not present at any Board meeting within 10 minutes after the time appointed for the meeting to begin, the directors present must elect a director to preside over the meeting.
- (7) At a meeting of the Board, a quorum is two directors.
- (8) A member of the Board must give the other members of the Board notice of any material personal interest in a matter that relates to the affairs of the VAEA.
- (9) A director who has a material personal interest in a matter that is being considered at a Board meeting must not be present while the matter is being considered at the meeting, and must not vote on the matter.
- (10) Questions arising at a meeting of the Board are to be decided by a simple majority of votes of the directors present and voting. Each director has one vote.
- (11) The person presiding at a Board meeting has a casting vote in addition to his or her deliberative vote if there is an equality of votes.
- (12) The Board may pass a resolution without a Board meeting being held if all the directors entitled to vote on the resolution sign a document containing a statement that they are in favour of the resolution set out in the document. The resolution is passed when the last director entitled to vote on the resolution signs. Separate copies of a document may be used for signing by directors if the wording of the resolution and statement is identical in each copy.



- (13) The Board must cause minutes to be made of:
- (a) the names of the directors present at all Board meetings;
  - (b) all proceedings and resolutions of Board meetings;
  - (c) all resolutions passed by the Board; and
  - (d) all orders made by the Board,
- and such minutes must be retained by the VAEA.

**7. Validity of acts of Board**

- (1) If it is discovered that:
- (a) there was a defect in the appointment of a person as a director of the VAEA; or
  - (b) a person appointed to the position of director of the VAEA was disqualified,
- all acts of the Board before the discovery was made are as valid as if the person had been duly appointed and was not disqualified.
- (2) Any vacancy in any office of director, or any defect or irregularity in the giving of notice of a Board meeting, does not invalidate any act of the Board.

**8. Reports to the Minister**

- (1) The Minister may require the Board to give the Minister any information and reports as they require.
- (2) The Minister exempts the ‘accountable officer’ (as defined in the FM Act) of the VAEA from the requirement to prepare and provide a report of the VAEA’s operations and financial statements pursuant to the FM Act to the extent that WorkSafe Victoria is required under the FM Act and/or the WIRC Act to provide to the Minister (or any other Victorian Government Minister) any information that would otherwise be included in that report or those financial statements.
- (3) The Board must comply with a request to provide information or reports under this clause.

Dated 20 September 2016

Responsible Minister:  
TIM PALLAS MP  
Treasurer

MONICA BIRD  
Acting Clerk of the Executive Council

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**Cemeteries and Crematoria Act 2003**

**ORDER TO INCLUDE ADDITIONAL RESERVED CROWN LAND INTO THE  
NORTHERN MEMORIAL PARK**

**Order in Council**

The Governor in Council under section 4(4)(b) of the **Cemeteries and Crematoria Act 2003** orders that the land known as Crown Allotment 2037, Parish of Will Will Rook, be included in the Northern Memorial Park.

This Order comes into effect on the date it is published in the Government Gazette.

Dated 2 August 2016

Responsible Minister:

HON JILL HENNESSY MP

Minister for Health

ANDREW ROBINSON  
Clerk of the Executive Council

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

Notice is hereby given under section 17(3) of the **Subordinate Legislation Act 1994** that the following Statutory Rule was first obtainable from SAI Global Bookshop, 85 Buckhurst Street, South Melbourne, on the date specified:

116. *Statutory Rule:* Racing (Specified  
Race-course)  
Regulations 2016
- Authorising Act:* Racing Act 1958
- Date first obtainable:* 20 September 2016
- Code C*
-

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