



# Victoria Government Gazette

By Authority of Victorian Government Printer

**No. G 23 Thursday 7 June 2007**

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**GENERAL**

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As from 7 June 2007

The last Special Gazette was No. 120 dated 6 June 2007.

The last Periodical Gazette was No. 2 dated 27 October 2006.

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- 1 Treasury Place, Melbourne (behind the Old Treasury Building)
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**VICTORIA GOVERNMENT GAZETTE**

**Subscribers and Advertisers**

Please note that the principal office of the Victoria Government Gazette, published and distributed by The Craftsman Press Pty Ltd, has changed from 28 July 2005.

**The new office and contact details are as follows:**

Victoria Government Gazette Office  
Level 1, 520 Bourke Street  
Melbourne, Victoria 3000

PO Box 1957  
Melbourne, Victoria 3001

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

JENNY NOAKES  
Government Gazette Officer

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**PUBLICATION OF THE VICTORIA GOVERNMENT GAZETTE (GENERAL)  
QUEEN'S BIRTHDAY WEEK 2007**

**Please Note:**

The Victoria Government Gazette for Queen's Birthday week (G24/07) will be published on **Thursday 21 June 2007**.

**Copy deadlines:**

Private Advertisements **9.30 am on Friday 8 June 2007**

Government and Outer  
Budget Sector Agencies Notices **9.30 am on Monday 12 June 2007**

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

#### DISSOLUTION OF PARTNERSHIP

Take notice that the partnership between John Henry Sandy, Robyn Kaye Sandy and Barry James Sandy in the poultry business and carried on by them at Tooradin, Victoria, under the name, style or firm of "R., J. & B. Sandy", was dissolved on 29 May 2007.

Dated 31 May 2007

BARRY JAMES SANDY

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Re: HUGH WILLIAM CAFFREY, late of Samarinda Lodge, 286 High Street, Ashburton, Victoria 3147, retired gentleman, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 3 January 2007, are required by the trustee, Ann Margaret Glenn, to send particulars to the trustee care of the undermentioned solicitors by a date not later than two months from the date of publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she has notice.

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

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Re: NORMAN EMMANUEL CHONG, late of 10 Wishart Street, East Kew, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 5 February 2007, are required by the trustee, Michael Anthony Chong, in the Will called Michael Chong, to send particulars to the trustee care of the undermentioned solicitors by a date not later than two months from the date of publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he has notice.

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

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Re: BARRY EDWARD SMITH, late of 2 Selborne Road, Toorak, Victoria, company director, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 21 October 2006, are required by the trustees, Barbara Mary Smith of 2 Selborne Road, Toorak, Victoria, and Shawn Robert Hennig of 29 Sims Street, Sandringham, Victoria, to send particulars to the trustees care of Suite 9, 318–322 Stephenson's Road, Mount Waverley, Victoria 3149, by 14 August 2007, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

AITKEN WALKER & STRACHAN, solicitors,  
2nd Floor, 114 William Street, Melbourne 3000.

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Re: LILLIAN ADELA AGNES JONES, late of 37 Mellor Grove, Swan Hill, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 19 February 2007, are required by the trustee, Barbara Lynette Jones of 7 Adams Road, Swan Hill, Victoria, to send particulars to the trustee by 6 August 2007, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

BASILE PINO & CO., solicitors,  
213 Campbell Street, Swan Hill 3585.

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Re: WALTER WILLIAM WATSON, late of 25 Duncan Street, Birchip, primary producer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 December 2005, are required by the trustees, Walter John Watson of "Ormonde", Berriwillock, Victoria, Robyn Joy Ferrier of 111 Ferrier Road, Birchip, Victoria and Susanne May Ferrier of 870 Woolshed Road, Birchip, Victoria, to send particulars to the trustees by 6 August 2007, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

BASILE PINO & CO., solicitors,  
213 Campbell Street, Swan Hill 3585.

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Re: HEATHER JEAN YOUNG, late of 18 Hill Street, Shepparton, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 November 2006, are required by the trustees, Heather Lorraine James and Ian Weymouth James, both of 9 Barratta Street, Moulamein, New South Wales, to send particulars to the trustees by 6 August 2007, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

BASILE PINO & CO., solicitors,  
213 Campbell Street, Swan Hill 3585.

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Re: EDWARD CHARLES GARDNER, late of Griffiths Point Lodge Hostel, Davis Point Road, San Remo, Victoria, but formerly of 18 Brighton Street, Frankston, Victoria, retired manager, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 March 2007, are required by the trustee, Patricia Joan Trapnell, c/- 44 Douglas Street, Noble Park, Victoria, retired, to send particulars to the trustee by 22 August 2007, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

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Creditors, next-of-kin and others having claims in respect of the estate of the late RUBY KATHLEEN KERR, late of 6 Leura Avenue, Rosanna, home duties, deceased, who died on 5 January 2007, are required by the executor, Belinda Robyn Parker of 11 Abelia Court, Bundoora, in the State of Victoria, to send particulars of their claim to her care of the undermentioned lawyer by 7 September 2007, after which date the said executor will distribute the assets of the deceased, having regard only to the claims of which she then shall have notice.

D. J. THWAITES, LL.B., solicitor,  
106 Lower Plenty Road, Rosanna.

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Re: Estate of EDNA MAY CLARKE, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of EDNA MAY CLARKE, formerly of Nullawil, Victoria, but late of Grandview Lodge Nursing Home, Wycheproof, Victoria, widow, deceased, who died on 7 December 2006, are to send particulars of their claim to the executors care of the undermentioned legal practitioners by 17 August 2007, after which date the executors will distribute the assets, having regard only to the claims of which they then have notice.

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

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Re: LORRAINE VALENTINE STEWART, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 January 2007, are required by the trustees, Robyn Elizabeth Morton and Leanne Joy Mellier, to send particulars to them care of the undersigned by 8 August 2007, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

GARDEN & GREEN, solicitors,  
4 McCallum Street, Swan Hill 3585.

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STEFAN DJURINA, late of 32 Fairview Avenue, Cheltenham, Victoria, process worker, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 3 April 2007, are required by the trustee, care of Harris & Chambers lawyers, of 338 Charman Road, Cheltenham 3192, to send particulars to them by 8 August 2007, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

HARRIS & CHAMBERS, lawyers,  
338 Charman Road, Cheltenham 3192.

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Re: WILLIAM GORDON SPOONER, late of "Viewhills Manor", 55 Heatherton Road, Endeavour Hills, Victoria, widower, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 October 2006, are requested by the trustee, to send particulars of their claim to him at the office of his solicitors, John Burgess & Co., solicitors, 255 Springvale Road, Springvale, by 9 August 2007, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

JOHN BURGESS & CO., solicitors,  
255 Springvale Road, Springvale.

STANLEY ERIC HOOPER, late of 12 Jolly Street, Wycheproof.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 9 March 2007, are required by the personal representatives, Anthony Eric Hooper and Vivian Dawn Scullion, to send particulars to them care of the solicitor named below by 8 August 2007, after which date the personal representatives may distribute the assets, having regard only to the claims of which they then have notice.

KAREN LEE PROBST, solicitor,  
116 Napier Street, St Arnaud 3478.

Re: SHANE MICHAEL O'NEILL, late of 1103/38 Bank Street, South Melbourne, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate the deceased, who died on 18 June 2006 are required by the trustee, Shirley Ann O'Neill, care of Kenna Teasdale Lawyers of Level 4, 114 William Street, Melbourne, Victoria 3000, to send particulars to her by 7 August 2007, after which date the Trustee may convey or distribute the assets, having regard only to the claims of which she then has notice.

KENNA TEASDALE, lawyers,  
Level 4, 114 William Street, Melbourne 3000.

Re: AUBREY PORTER STARK, late of "Balmoral Grove", Smith Street, Grovedale, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 April 2007, are required by the deceased's personal representative, Aubrey Porter Stark Junior, to send particulars to him care of the undermentioned solicitors by 10 August 2007, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which he then has notice.

SEWELLS LARKINS McCARTHY, lawyers,  
119 Murray Street, Colac.

DOROTHY LOUISE CLEELAND, also known as Dorothy Cleeland, deceased.

Creditors, next-of-kin and others having claims against the estate of DOROTHY LOUISE CLEELAND, also known as Dorothy Cleeland, late of 73 Thomas Street, Hampton, Victoria, retired, deceased, who died on 15 March 2007, are required to send particulars of their claims to the executors care of the undermentioned solicitor by 15 August 2007, after which date the executors will proceed to distribute the assets, having regard only to the claims of which they shall then have had notice.

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

IRIS MANN, deceased.

Creditors, next-of-kin and others having claims against the estate of IRIS MANN, late of 14 Teasdale Drive, Nerang, Queensland, retired, deceased, who died on 31 January 2007, are required to send particulars of their claims to the executor care of the undermentioned solicitor by 15 August 2007, after which date the executor will proceed to distribute the assets, having regard only to the claims of which she shall then have had notice.

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

In the Supreme Court of the State of Victoria  
SALE BY THE SHERIFF

On Wednesday, 4 July 2007 at 2.30 p.m. at the Sheriff's Office, 8-20 King Street, Oakleigh (unless process be stayed or satisfied).

All the estate and interest (if any) of Bruce Robert Newell of 82 Glen Alvie Road, Grantville, joint proprietor with Tracy Leanne Newell of an estate in fee simple in the land described on Certificate of Title Volume 8513, Folio 033 upon which is erected a dwelling known as 82 Glen Alvie Road, Grantville.

Registered Mortgage No. AB776784A and Registered Transfer of Mortgage No. AE820209T affect the said estate and interest.

Terms – Cash/Eftpos, Bank Cheque or Solicitors Trust Account cheque  
(Debit Cards only/No Credit Cards)  
GST plus 10% on fall of hammer price  
SW-07-000121-1  
Dated 31 May 2007

T. HOWELL  
Sheriff's Office

All the estate and interest (if any) of Marlene (Marleine) Mekhael of 91 Wright Street, Sunshine, as shown on Certificate of Title as Marleine Mekhael, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 9273, Folio 327 upon which is erected a house known as 15 Melwood Court, Meadow Heights.

Registered Mortgage No. AC441559T affects the said estate and interest.

No Reserve set  
Terms – Cash/Eftpos, Bank Cheque or Solicitors Trust Account Cheque  
(Debit Cards only/No Credit Cards)  
GST plus 10% on fall of hammer price  
CW-06-003474-9  
Dated 31 May 2007

T. HOWELL  
Sheriff's Office

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In the Supreme Court of the State of Victoria  
SALE BY THE SHERIFF

On Wednesday, 4 July 2007 at 2.30 p.m. at the Sheriff's Office, 8-20 King Street, Oakleigh (unless process be stayed or satisfied).

All the estate and interest (if any) of Glyn W. Treadwell of 4 Shalimar Place, Melton West as shown on Certificate of Title as Glyn William Treadwell, joint proprietor with Cora Lynn Treadwell of an estate in fee simple in the land described on Certificate of Title Volume 9145, Folio 488 upon which is erected a house known as 4 Shalimar Place, Melton West.

Registered Mortgage No. AC892104U affects the said estate and interest.

Terms – Cash/Eftpos, Bank Cheque or Solicitors Trust Account Cheque  
(Debit Cards only/No Credit Cards)  
GST plus 10% on fall of hammer price  
SW-07-000673-3  
Dated 31 May 2007

T. HOWELL  
Sheriff's Office

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In the County Court of the State of Victoria  
SALE BY THE SHERIFF

To the Highest Bidder at the Best Price offered

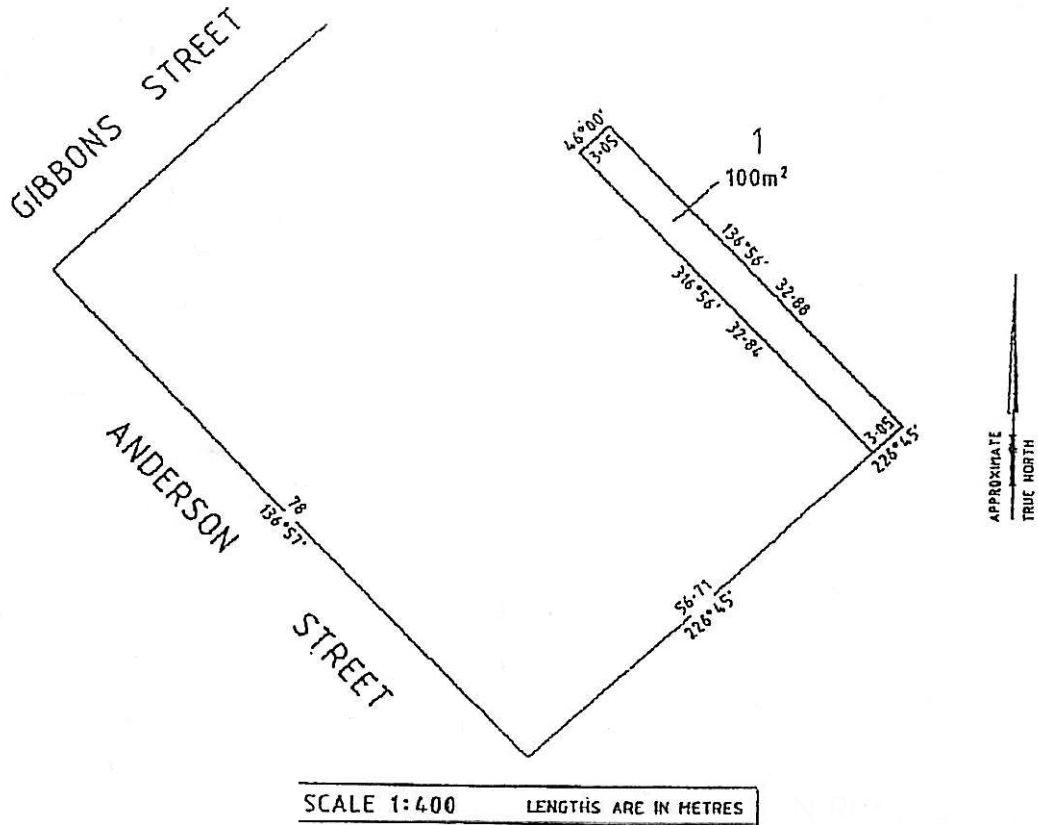
On Wednesday, 4 July 2007 at 2.30 p.m. at the Sheriff's Office, 8-20 King Street, Oakleigh (unless process be stayed or satisfied).

**GOVERNMENT AND OUTER BUDGET  
SECTOR AGENCIES NOTICES**



Road Discontinuance

Under section 206 and schedule 10, clause 3 of the **Local Government Act 1989**, the Wyndham City Council at its Ordinary Meeting held on 2 April 2007 has formed the opinion that the revenge strip shown on the attached plan below is not reasonably required as a road for public use and has resolved to discontinue the roadway and to transfer the land from the road to the abutting owners.



IAN ROBINS  
Chief Executive Officer



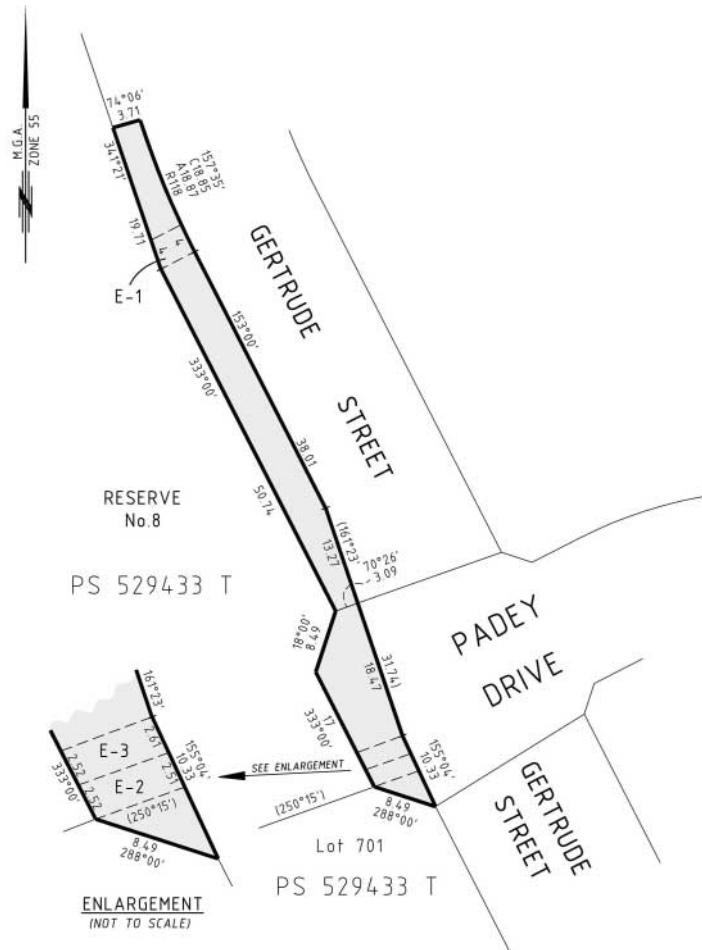
MONASH CITY COUNCIL  
Road Discontinuance

At its meeting on 12 December 2006 and acting under Clause 3 of Schedule 10 to the **Local Government Act 1989**, Monash City Council ("Council"):

1. formed the opinion that part of the road known as Gertrude Street and Padey Drive shown shaded and contained within the continuous thick black line on the plan below and being part of the land contained within Plan of Subdivision PS 529433 T ("the Road") is not reasonably required as a road for public use; and
2. resolved to discontinue the Road and sell or retain the land from the discontinued Road.

The Road is to be sold or retained subject to any right, power or interest held by the following authorities:

- a. United Energy Limited – in the Road in connection with any wires or cables under the control of that authority in or near the Road, in respect of the land shown E-1;
- b. Yarra Valley Water Limited – in the Road in connection with any sewers under the control of that authority in or near the Road, in respect of the land shown E-2;
- c. Monash City Council – in the Road in connection with any drains under the control of that authority in or near the Road, in respect of the land shown E-3.



DAVID CONRAN  
Chief Executive Officer

MONASH CITY COUNCIL  
Road Discontinuance

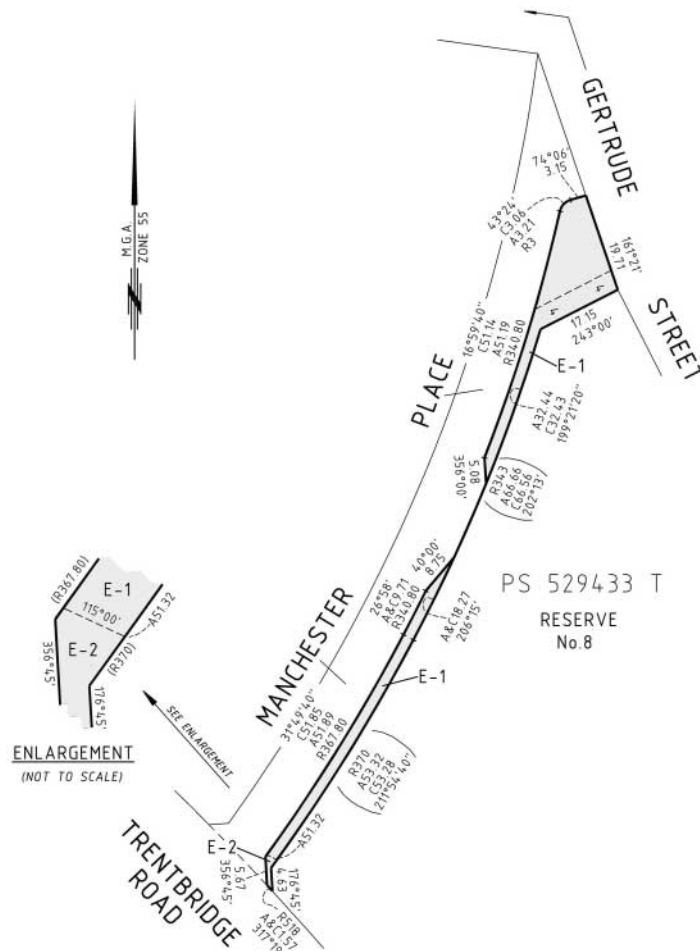
At its meeting on 12 December 2006 and acting under Clause 3 of Schedule 10 to the **Local Government Act 1989**, Monash City Council (“Council”):

1 formed the opinion that part of the road known as Manchester Place shown shaded and contained within the continuous thick black line on the plan below and being part of the land contained within Plan of Subdivision PS 529433 T (“the Road”) is not reasonably required as a road for public use; and

2. resolved to discontinue the Road and sell or retain the land from the discontinued Road.

The Road is to be sold or retained subject to any right, power or interest held by the following authorities:

- a. United Energy Limited – in the Road in connection with any wires or cables under the control of that authority in or near the Road in respect of the land shown E-1 and E-2.
- b. Monash City Council – in the Road in connection with any drains under the control of that authority in or near the Road, in respect of the land shown E-2.



DAVID CONRAN  
Chief Executive Officer

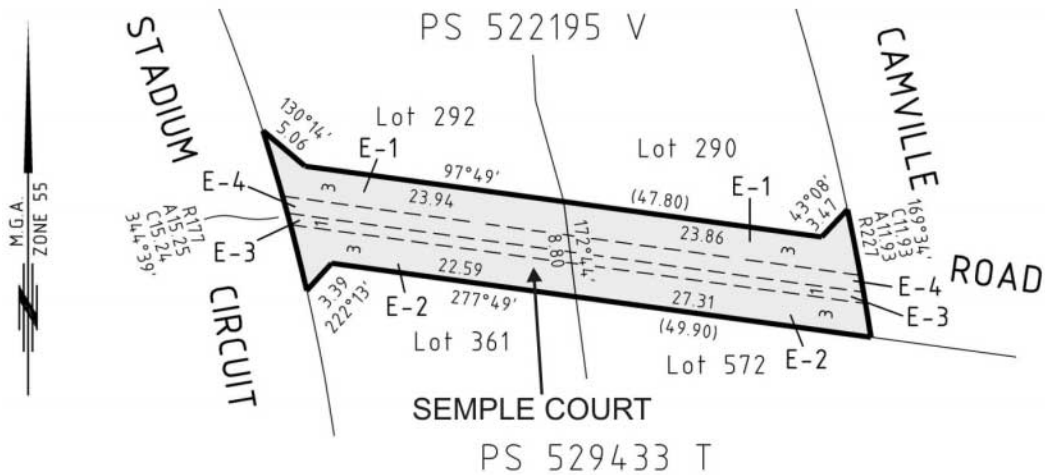
MONASH CITY COUNCIL  
Road Discontinuance

At its meeting on 12 December 2006 and acting under Clause 3 of Schedule 10 to the **Local Government Act 1989**, Monash City Council ("Council"):

1. formed the opinion that part of the road known as Semple Court, Mulgrave, shown shaded and contained within the continuous thick black line on the plan below and being part of the land contained within Plan of Subdivision PS 522195 V ("the Road") is not reasonably required as a road for public use; and
2. resolved to discontinue the Road and sell or retain the land from the discontinued Road.

The Road is to be sold or retained subject to any right, power or interest held by the following authorities:

- a. United Energy Limited – in the Road in connection with any wires or cables under the control of that authority in or near the Road in respect of the land shown E-1;
- b. Multinet Gas – Multinet Gas (DB No 1) Pty Ltd & Multinet Gas (DB No 2) Pty Ltd – in the Road in connection with any pipes or plants under the control of that authority in or near the Road, in respect of the land shown E-2;
- c. Yarra Valley Water Limited – in the Road in connection with any pipes or sewers under the control of that authority in or near the Road, in respect of the land shown E-2 and E-3;
- d. Monash City Council – in the Road in connection with any drains under the control of that authority in or near the Road, in respect of the land shown E-1, E-2, E-3 and E-4.



DAVID CONRAN  
Chief Executive Officer

## GREATER SHEPPARTON CITY COUNCIL

## Local Law No. 5 – Drainage of Land

Notice is hereby given pursuant to section 119 of the **Local Government Act 1989** that Greater Shepparton City Council at its Ordinary meeting held 5 June 2007 resolved to make Local Law No. 5 – Drainage of Land.

The purpose and general purport of Local Law No. 5 is to:

- (a) better enable the implementation of an exercise of power, under section 163(1) of the **Local Government Act 1989**;
- (b) define the obligations of:
  - (i) a member of Council staff; and
  - (ii) a person authorised by Council when entering land to investigate the carrying out of drainage works on or adjacent to or for the benefit of that Land;
- (c) define what:
  - (i) a member of Council staff; and
  - (ii) a person authorised by Council may do once having entered land to investigate the carrying out of drainage works on or adjacent to or for the benefit of that land; and
- (d) provide for the peace, order and good government of the Municipal District.

A copy of the Local Law may be obtained free of charge from the Greater Shepparton City Council Office, 90 Welsford Street, Shepparton during office hours or from the Council's website [www.greatershepparton.com.au](http://www.greatershepparton.com.au).

## GREATER SHEPPARTON CITY COUNCIL

## Local Law No. 1 – Environment

Notice is hereby given pursuant to section 119 of the **Local Government Act 1989** that Greater Shepparton City Council at its Ordinary meeting held 5 June 2007 resolved to make Local Law No. 1 – Environment.

The purpose and general purport of Local Law No. 1 is to:

- (a) provide for the peace, order and good government of the municipal district of the Greater Shepparton City Council;
- (b) provide for those matters which require a Local Law under the **Local Government Act 1989**, and any other Act;

- (c) provide for the administration of Council powers and functions, and for the issue of permits and infringement notices;
- (d) prohibit, regulate and control activities, events, practices or behaviour in places so that no detriment is caused to the amenity of the neighbourhood, nor nuisance to a person, nor detrimental effect to a person's property;
- (e) prohibit, regulate and control activities, events, practices or behaviour in the Maude Street Mall so that no detriment is caused to the amenity of the Mall;
- (f) regulate the droving and movement of livestock throughout the municipal district, minimise the damage to road surfaces, formations, drainage, native vegetation and surrounding areas arising from livestock and to alert other road users to the presence of livestock on roads in the interests of road safety; and
- (g) enhance public safety and community amenity.

A copy of the Local Law may be obtained free of charge from the Greater Shepparton City Council Office, 90 Welsford Street, Shepparton during office hours or from the Council's website [www.greatershepparton.com.au](http://www.greatershepparton.com.au).



## Local Law 5 Environment and Amenity

Notice is hereby given that at its meeting held on 28 May 2007, the Council of the City of Kingston adopted amendments to its Local Law 5 Environment and Amenity.

## Purpose of amendments

1. Local Law 5 to include a new provision to ban the sale of aerosol spray paint containers to minors (under 18 years), and amend existing provision relating to clothing recycling bins, trees and plants overhanging

roads/Council property, directive powers and camping on roads and public places;

2. prescribe the manner in which aerosol spray paint containers are to be stored at the point of sale, in that they are not to be accessible to the public.

General Purport of amendments

Control of Sale of Aerosol Paint Containers

The new provision makes it an offence:

- to sell aerosol spray containers to minors (under 18 yrs); and
- for a person who sells aerosol spray paint containers to store or display any aerosol spray paint container containing spray paint in an area accessible to the public.

Local Law 5.14 Clothing Recycling Bins

This provision is designed to regulate the placement of clothing recycling bins. The amount of public liability required in section (3)(m) is amended from 5 million dollars to 10 million dollars.

Local Law 5.19(2) Trees and Plants Overhanging Roads/Council Property

The required height that overhanging branches must be pruned to has been amended to 2.4 metres from 3 metres.

Local Law 5.38A Directive Powers

Included are directive powers for Authorised Officers, or an officer of the Country Fire Authority, Metropolitan Fire Brigade or Victoria Police to direct a person to extinguish an unauthorised fire in the open air.

Local Law 5 Schedule 1

The penalty notice for Local Law 5.18 Camping on Roads or Public Places has been amended from 1 penalty unit to 2 penalty units.

A copy of Local Law 5 (as amended) may be inspected at or obtained from the Council office, 1230 Nepean Highway, Cheltenham. Office hours are 8.30 am – 5.30 pm Monday to Friday.

JOHN NEVINS  
Chief Executive Officer

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

#### **GREATER GEELONG PLANNING SCHEME**

Notice of the Preparation of an Amendment to a Planning Scheme and Notice of an Application for Planning Permit given under S96C of the **Planning and Environment Act 1987**  
Amendment C143

Authorisation No. A0578

Planning Permit Application 1382/2006

The Greater Geelong City Council has prepared Amendment C143 to the Greater Geelong Planning Scheme.

In accordance with Section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning has authorised the Greater Geelong City Council as the planning authority to prepare the Amendment.

The land affected by the Amendment and the subject site, is the area at the end of Corio Quay North as defined by the proposed seabed lease. The proposed seabed lease area follows the existing alignment of Corio Quay North for a distance of 330 metres to the east, heading 30 metres north and back 240 metres north-west to the existing wharf.

The land affected by the planning permit application is the area at the end of Corio Quay North within the defined seabed lease as described above.

The Amendment proposes to rezone the subject site from Public Park and Recreation Zone (PPRZ) to Special Use Zone Schedule 6 (SUZ6).

The application for the Planning Permit is required for buildings and works associated with the construction of a berth extension. An accompanying Section 173 Agreement is also being exhibited with the Amendment.

The person who requested the Amendment is Maunsell Australia Pty Ltd on behalf of Toll GeelongPort.

The applicant for the permit is Maunsell Australia Pty Ltd on behalf of Toll GeelongPort.

You may inspect the Amendment, the explanatory report about the Amendment, the planning permit application, the application, S173 Agreement and any documents that support the Amendment and application at the following locations: at the office of the planning

authority, City of Greater Geelong, Ground Floor, 131 Myers Street, Geelong; at the Customer Service Booth at Corio Shopping Centre, Bacchus Marsh Road, Corio; Public Comment section of the City's website [www.geelongaustralia.com.au](http://www.geelongaustralia.com.au); at the Department of Sustainability and Environment, Level 4, State Government Offices, corner of Little Malop & Fenwick Streets, Geelong; and at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne.

This can be done during office hours and is free of charge.

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

The closing date for submissions is Monday 9 July 2007. Submissions must be in writing and sent to The Coordinator, Strategic Implementation Unit, City of Greater Geelong, either by mail to PO Box 104, Geelong, Vic. 3220; or by e-mail to [strategicplanning@geelongcity.vic.gov.au](mailto:strategicplanning@geelongcity.vic.gov.au).

Any person who may be affected by the Amendment may make a submission to the planning authority. All submissions will be made available for any person to inspect, upon request by appointment, at the office of the planning authority, City of Greater Geelong, Ground Floor, 131 Myers Street, Geelong, free of charge until the end of two months after the Amendment comes into operation or lapses. Anonymous submissions will not be considered.

PETER SMITH  
Acting Co-ordinator  
Strategic Planning

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**Planning and Environment Act 1987**

MORNINGTON PENINSULA  
PLANNING SCHEME

Notice of the Preparation of an  
Amendment to a Planning Scheme

Notice of an Application for  
Planning Permit under S96C of the  
**Planning and Environment Act 1987**  
Amendment C88

Planning Permit Application No. CP06/002

Authorisation No. A00606

The land affected by the Amendment is the site known as the "Moorooduc Coolstores" located at No. 475 Moorooduc Highway, Moorooduc and otherwise described as Lot 1 on PS 500205U.

The Amendment proposes to insert a new site-specific provision in the schedule to Clause 52.03 of the Mornington Peninsula Planning Scheme to enable the land to be used and developed as an integrated tourist, food, leisure and entertainment centre in accordance with the incorporated document "Moorooduc Coolstores Development, August 2006".

The Amendment proposes to amend the existing references to the site at Clause 52.03 (Specific Sites and Exclusions) and Clause 81 (Incorporated Documents) by deleting reference to the document "Moorooduc Coolstore Development, April 1999" and replacing this with the incorporated document, "Moorooduc Coolstores Development, August 2006".

The Amendment will facilitate the continued and co-ordinated use and development of the land as an integrated tourist, food, leisure and entertainment centre in accordance with the "Moorooduc Coolstores Development, August 2006".

The application is for a permit to use and develop the land as an integrated tourist, food, leisure and entertainment centre (including licensed multi-purpose function centre with lounge bar, licensed restaurants/cafes, licensed food and wine centre including packaged liquor sales, tourist information, public toilets, tourist interpretive displays and community radio station) with associated landscaping and car parking; alteration of access to a main road, car parking dispensation and advertising signage.

The person who requested the Amendment is RMCO Pty Ltd.

The applicant for the permit is RMCO Pty Ltd.

You may inspect the Amendment and the application, any documents that support the Amendment and application, and the explanatory report about the Amendment at the following locations: at the offices of the planning authority, Mornington Peninsula Shire Council, Queen Street Mornington and Marine Parade, Hastings; and at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne.

This can be done during office hours and is free of charge.

Any person who may be affected by the Amendment or by the granting of the permit may make a submission to the planning authority. The closing date for submissions is 20 July 2007. A submission must be sent to the Mornington Peninsula Shire Council, Private Bag 1000, Rosebud 3939.

Signature for the Planning Authority  
LYNTON SHEDDEN  
Manager – Strategic Planning  
Mornington Peninsula Shire Council

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

#### MORNINGTON PENINSULA PLANNING SCHEME

#### Notice of Preparation of Amendment

#### Amendment C90

#### Authorisation A00660

The Mornington Peninsula Shire Council has prepared Amendment C90 to the Mornington Peninsula Planning Scheme.

In accordance with section 9(2) of the **Planning and Environment Act 1987**, the Minister for Planning authorised the Mornington Peninsula Shire Council as planning authority to prepare the Amendment. The Minister also authorised the Mornington Peninsula Shire Council to approve the Amendment under section 35B of the Act.

The land affected by the Amendment is:

- 7 Stony Point Road Crib Point (CA5, Sec. 11, Vol. 10205, Fol. 134), 9 Stony Point Road Crib Point (CA4, Sec. 11, Vol. 9344, Fol. 783) and 11 Stony Point Road Crib Point (CA4A, Sec. 11, Vol. 10314, Fol. 904);
- 818 Esplanade Mornington (Lot 5, PS 013981, Vol. 08123, Fol. 144);
- Part of 49 Eramosa Road West Somerville (Lot 1, PS 505223, Vol. 10745, Fol. 711) and Part of 57 Eramosa Road West Somerville (Lot 1, PS 505244, Vol. 10774, Fol. 504);
- Part of 2 St Aubins Way Sorrento (Lot 1, TP 8415, Vol. 10317, Fol. 559); Part of 2 Leonard Court Sorrento (Lot 1, TP 111986, Vol. 10188, Fol. 800); Part of 3440 Point Nepean Road Sorrento (PC 156391, Vol. 10819, Fol. 050); and Part of 3444 Point Nepean Road Sorrento (CP 156390); and

- Coastal Crown land adjacent to 9 Kildrummie Court Sorrento, 3444 Point Nepean Road Sorrento and 3446 Point Nepean Road Sorrento.

The Amendment proposes to:

- rezone the land at 7 Stony Point Road, Crib Point, 9 Stony Point Road, Crib Point and 11 Stony Point Road, Crib Point from a Public Park and Recreation Zone (PPRZ) to a Residential 1 Zone (R1Z) and apply the Design and Development Overlay Schedule 3 (DDO3) and the Vegetation Protection Overlay Schedule 1 (VPO1) to these allotments;
- apply an Environmental Audit Overlay (EAO) to the land at 9 Stony Point Road, Crib Point;
- delete the interim Heritage Overlay at 818 Esplanade, Mornington and apply a permanent Heritage Overlay (HO);
- delete the Public Acquisition Overlay (PAO) from the land at 49 and 57 Eramosa Road West, Somerville;
- delete the Public Conservation and Resource Zone (PCRZ) on the land at 2 St Aubins Way, Sorrento, 2 Leonard Court, Sorrento, 3440 Point Nepean Road, Sorrento, and 3444 Point Nepean Road, Sorrento and include the land within a Residential 1 Zone (R1Z) and apply the Vegetation Protection Overlay Schedule 1 (VPO1) and Design and Development Overlay Schedule 3 (DDO3) to the remainder of the land; and
- rezone the coastal Crown land adjacent to 9 Kildrummie Court, Sorrento, 3444 Point Nepean Road, Sorrento and 3446 Point Nepean Road, Sorrento from a Residential 1 Zone (R1Z) to a Public Conservation and Resource Zone (PCRZ).

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: at the office of the Mornington Peninsula Shire Council, Queen Street, Mornington; Marine Parade, Hastings; Besgrove Street, Rosebud; and at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne.

This can be done during office hours and is free of charge.

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

The closing date for submissions is Monday 9 July 2007. A submission must be sent to: The Manager – Strategic Planning, Mornington Peninsula Shire Council, Private Bag 1000, Rosebud 3939.

LYNTON SHEDDEN  
Manager – Strategic Planning  
Mornington Peninsula Shire Council

SCHWAB, Ronald James, late of 30 Lee Avenue, Springvale, Victoria 3171, who died on 2 March 2007.

SOUKUP, Vojtech, also known as Albert Soukup, late of Merv Irvine Nursing Home, 1231 Plenty Road, Bundoora, Victoria 3083, retired, and who died on 2 December 2006.

Dated 29 May 2007

MARY AMERENA  
Manager  
Executor and Trustee 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, 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 7 August 2007, 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.

ARMSTRONG, Malcolm Noel, late of 38 Ruskin Street, Elwood, Victoria 3184, who died on 5 March 2007.

BURNETT, Frederick Charles, late of Unit Northcliff Amity At Edithvale, 256 Station Street, Edithvale, Victoria 3196, pensioner, and who died on 10 March 2007.

DE LEEUW, Antje Saakje, late of The Homestead Nursing Home, 22 Homestead Avenue, Wallington, Victoria 3221, pensioner, and who died on 23 February 2007.

D'ROSE, Nelson Joseph, formerly of 6 Desla Court, Keysborough, Victoria 3173, but late of Homewood Residential Aged Care, 8 Young Road, Hallam, Victoria 3803, retired, and who died on 21 May 2007.

MILIC, Zivojin, also known as Zika Milic, late of 26 Cleghorn Street, Altona North, Victoria 3025, who died on 16 November 2001.

OSWALD, Kevin James, formerly of 150 Ashley Street, Maidstone, Victoria 3012, but late of Westhaven Community, 50 Pickett Street, Footscray, Victoria 3011, who died on 18 February 2007.

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 10 August 2007, 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.

ASHINGTON, Alfred, late of R.S.L. Park, Overport Road, Frankston, Victoria 3199, pensioner, and who died on 19 July 2006.

BLOOMER, Frederick Jackson, late of George Vowell Centre, 1254 Neapean Highway, Mount Eliza, Victoria 3930, pensioner, and who died on 6 March 2007.

CLIFFORD, Leslie John, late of Colanda Training Centre, 20 Forest Street, Colac, Victoria 3250, pensioner, and who died on 24 April 2007.

CONWAY, Betty, late of Sorrento Lodge, 211 Ocean Beach Road, Sorrento, Victoria 3943, pensioner, and who died on 17 April 2007.

DRYSDALE, Donald Randall, late of 68 Blooms Road, Warrandyte, Victoria 3113, retired, and who died on 16 May 2007.

GEREDY, Christine Helena Marie also known as Christine H. Geredy, late of 7301 East 16th Street, Marion County, Indiana, USA, retired, and who died on 18 September 2006.

HING, May, late of 3 Agnes Court, Glen Waverley, Victoria 3150, retired, and who died on 12 April 2007.



HUTCHINSON, Jean Doris Christina, late of 264 High Street, Ashburton, Victoria 3147, retired, and who died on 30 December 2006.

KING, Henry John, late of Ibis Caravan Park, Murray Valley Road, Kerang, Victoria 3579, pensioner, and who died on 21 June 2006.

LAIDLAW, Geoffrey Boyd, late of South Morang Mews, 806 Plenty Road, South Morang, Victoria 3752, retired, and who died on 27 January 2007.

Dated 1 June 2007

MARY AMERENA  
Manager  
Executor and Trustee Services

STUART, Mary Josephine, late of Berwick Special Accommodation, 21–25 Parkhill Drive, Berwick, Victoria 3806, pensioner, and who died on 25 February 2007.

WARREN, Barbara Leigh, late of 2 Abercorn Avenue, Ivanhoe, Victoria 3079, home duties, and who died on 13 November 2006.

WOODMAN, Louisa Mapstone, late of Eltham Lodge, 43 Diamond Street, Eltham, Victoria 3095, pensioner, and who died on 13 May 2007.

Dated 4 June 2007

MARY AMERENA  
Manager  
Executor and Trustee 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, 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 13 August 2007, 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.

CAMPBELL, William Keith, late of Myrtleford Lodge, 73 Princess Street, Myrtleford, Victoria 3737, who died on 19 March 2007.

GAULT, Edward John, late of 42 Mandowie Road, Glen Waverley, Victoria 3150, retired, and who died on 12 March 2007.

LIGHT, Dorothy, formerly of 577 Inkerman Road, Caulfield North, but late of Mayflower Retirement Home, 7 Centre Road, East Brighton, Victoria 3187, retired, and who died on 8 April 2007.

LONG, Nanette Betty, late of Sheridan Hall, 16 Castlebar Road, Malvern East, Victoria 3145, pensioner, and who died on 14 February 2007.

NIPPARD, Clara Maria, late of Deloraine Private Nursing Home, 18 Adeline Street, Greensborough, Victoria 3088, who died on 3 February 2007.

PRICE, Rona Hornsby, late of Claremont Terrace Hostel, 231 McKinnon Road, McKinnon, Victoria 3204, retired, and who died on 22 March 2007.

#### EXEMPTION

Application No. A103/2007

The Victorian Civil and Administrative Tribunal has considered an application pursuant to section 83 of the **Equal Opportunity Act 1995** by Brotherhood of St Laurence for exemption from sections 13, 14, 42, 100 and 195 of that Act. The application for exemption is to enable the applicant to engage in the specified conduct.

In this exemption, “specified conduct” means any of the following –

- to enable the applicant, in its Home Interaction Program for Parents and Youngsters (whether conducted by the applicant or its sub-licensees) in employing or engaging home tutors or home visitors, to give preference to parents or carers with children participating in, or who are to participate in, the program; and
- to advertise these matters.

Upon reading the material submitted in support of the application and upon hearing submissions from Ms Susan Davies, National Manager (HIPPI Australia), and for the reasons for decision given by the Tribunal on 29 May 2007, the Tribunal is satisfied that it is appropriate to grant an exemption from sections 13, 14, 42, 100 and 195 of the Act to enable the applicant to engage in the specified conduct.

The Tribunal hereby grants an exemption to the applicant from the operation of sections 13, 14, 42, 100 and 195 of the **Equal Opportunity Act 1995** to enable the applicant to engage in the specified conduct.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 6 June 2010.

Dated 29 May 2007

C. McKENZIE  
Deputy President

#### EXEMPTION

Application No. A131/2007

The Victorian Civil and Administrative Tribunal has considered an application pursuant to section 83 of the **Equal Opportunity Act 1995** by State of Victoria (Corrections Victoria) for exemption from sections 13, 14, 100 and 195 of that Act. The application for exemption is to enable the applicant to advertise for and employ a male clinician (psychologist or social worker) to work with offenders at her Majesty's Prison, Barwon.

Upon reading the material submitted in support of the application and upon hearing submissions from Ms Harris of counsel, and for the reasons for decision given by the Tribunal on 4 June 2007, the Tribunal is satisfied that it is appropriate to grant an exemption from sections 13, 14, 100 and 195 of the Act to enable the Applicant to advertise for and employ a male clinician (psychologist or social worker) to work with offenders at her Majesty's Prison, Barwon.

The Tribunal hereby grants an exemption to the applicant from the operation of sections 13, 14, 100 and 195 of the **Equal Opportunity Act 1995** to enable the applicant to advertise for and employ a male clinician (psychologist or social worker) to work with offenders at her Majesty's Prison, Barwon.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 6 June 2010.

Dated 4 June 2007

C. McKENZIE  
Deputy President

#### EXEMPTION

Application No. A134/2007

The Victorian Civil and Administrative Tribunal has considered an application, pursuant to Section 83 of the **Equal Opportunity Act 1995**, by U3A Moorleigh Inc. The application for exemption is to enable the applicant to provide services to persons aged 55 and over (the exempt conduct).

Upon reading the material submitted in support of the application the Tribunal is satisfied that it is appropriate to grant an exemption from Sections 13, 100 and 195 of the Act to enable the applicant to engage in the exempt conduct.

In granting this exemption the Tribunal noted:

- the services are for those who are retired or semi-retired.
- The services have sociological and educational purposes.

The Tribunal hereby grants an exemption to the applicant from the operation of Sections 13, 100 and 195 of the **Equal Opportunity Act 1995** to enable the applicant to engage in the exempt conduct.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 1 June 2010.

Dated 1 June 2007

HER HONOUR JUDGE HARBISON  
Vice President

#### EXEMPTION

Application No. A139/2007

The Victorian Civil and Administrative Tribunal has considered an application, pursuant to Section 83 of the **Equal Opportunity Act 1995**, by Kangan Batman TAFE. The application for exemption is to enable the applicant to advertise and provide for the position of Koori traineeships for the Kangan Batman TAFE (the exempt conduct).

Upon reading the material submitted in support of the application the Tribunal is satisfied that it is appropriate to grant an exemption from Sections 13, 100 and 195 of the Act to enable the applicant engage in the exempt conduct.

In granting this exemption the Tribunal noted:

- The TAFE targets positions identified in the "Yering-Garrine" Indigenous Employment Strategy that complements the State Governments' "Wur-cumbarra" employment strategy for Indigenous people within all levels of the public sector.

- The Traineeships address the training and employment aims of the Wurrekar strategy – a partnership between the Victorian Aboriginal Education Association Inc. (VAEAI) and the Victorian Department of Education and Training.

The Tribunal hereby grants an exemption to the applicant from the operation of Sections 13, 100 and 195 of the **Equal Opportunity Act 1995** to enable the applicant to engage in the exempt conduct.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 1 May 2010.

Dated 23 May 2007

HER HONOUR  
JUDGE HARBISON  
Vice President

#### **Adoption Act 1984**

##### APPOINTMENT OF COUNSELLOR FOR RELINQUISHMENT COUNSELLING

Under the functions and powers assigned to me by the Secretary, Department of Human Services Victoria under Section 10(2) of the **Community Services Act 1970** in relation to Section 5 of the **Adoption Act 1984**. I, Regional Director, approve the following person under Section 5(1) and Section 5(2)(A) of the **Adoption Act 1984** as approved Counsellor for the purpose of Section 35 of the **Adoption Act 1984**.

Hume Region  
Dodgshun, Michelle

ANGELA CONNORS  
Regional Director  
Hume

#### **Associations Incorporation Act 1981**

##### NOTICE OF ISSUE OF CERTIFICATE OF INCORPORATION PURSUANT TO SECTION 10 OF THE ASSOCIATIONS INCORPORATION ACT 1981

Notice is hereby given pursuant to section 10 of the **Associations Incorporation Act 1981** that a certificate of incorporation was issued by

the Registrar of Incorporated Associations on 31 May 2007 to Hazelnut Growers of Australia Inc. The Association is now incorporated under the said Act.

Dated at Melbourne 7 June 2007

MELANIE SABA  
Deputy Registrar  
of Incorporated Associations  
GPO Box 4567  
Melbourne, Vic. 3001

#### **Education Act 1958**

##### NOTICE OF MAKING OF ORDER UNDER SECTION 13 AND ADMINISTRATIVE ARRANGEMENTS ORDER (No. 194) 2007

An Order of the Minister for Education was made on 22 May 2007 under sections 13(4) and 13(11) of the **Education Act 1958** and Administrative Arrangements Order (No. 194) 2007 amending the constituting Order of Timboon P-12 School Council in respect of the membership of the school council.

JOHN LENDERS, MP  
Minister for Education

#### **Evidence Act 1958**

##### MEDIATORS

I, Penny Armytage, Secretary to the Department of Justice, under the power found in section 21K of the **Evidence Act 1958**, declare each of the persons listed below to be a mediator with the Dispute Settlement Centre of Victoria:

Bernadette Maree Coghlan, Peter Charles Moore, Julie Louise Heath, Catherine Amy McDonald, Ross Phillip Boyd Hunter, Laurel Jeanne Ling, Irean Zudunis, Joseph Mundine, Samantha Megan Purcell, Giuseppina Ciach, Cassie Nicole Silva, Joanne Christine Sinclair, Nigel Aubrey John White, Peter Bernard Coghlan, Graeme George Angus, Kylie Jane Ito, Elsie Teer, David Pano Marshall, Robert Noel Jolly, Trish Helen Jardine.

Dated 1 June 2007

PENNY ARMYTAGE  
Secretary

**Electoral Act 2002**

## DE-REGISTRATION OF POLITICAL PARTY

In accordance with Section 56 of the **Electoral Act 2002**, People Power is hereby de-registered.

Dated 1 June 2007

STEVE TULLY  
Victorian Electoral Commission

found, on 30 May 2007, that the nurse had engaged in unprofessional conduct of a serious nature.

The Panel therefore determined that:

1. under section 48(2)(g) of the Act, Ms Hee is suspended for a period of one month from 30 May 2007 until 29 June 2007.

KERRY BRADLEY  
Acting Chief Executive Officer

**Medical Practice Act 1994 & Health Professions Registration Act 2005**

The Governor in Council is empowered, pursuant to section 64B of the **Medical Practice Act 1994** and section 95 of the **Health Professions Registration Act 2005** ("the Acts") to issue guidelines about the minimum standards formulated by the Medical Practitioners Board of Victoria ("the Board"), and approved by the Minister for Health for or with respect to the advertising of medical services.

The Acts specify that the Board must ensure that any guidelines it has formulated for approval by the Minister have been notified with a request for public comment in the Government Gazette.

The Board is reviewing the current Advertising Guidelines and is seeking comment from the community, the profession and other stakeholders. The revised Guidelines, an issues paper and an online survey are published on the Board's website at [www.medicalboardvic.org.au](http://www.medicalboardvic.org.au). The public consultation process is open until 7 August 2007. The Board is also accepting written submissions, which can be directed to the Medical Advertising Committee, Medical Practitioners Board of Victoria, PO Box 773, Melbourne, Vic. 3001.

Dated 5 June 2007

JOANNE BOOTH  
Chief Executive Officer  
Medical Practitioners Board of Victoria

**Subordinate Legislation Act 1994**

## NOTICE OF DECISION

Proposed Country Fire Authority  
(Contributions) (Amendment)  
Regulations 2007

Proposed Metropolitan Fire Brigades  
(Contributions) (Amendment)  
Regulations 2007

I, Bob Cameron, Minister for Police & Emergency Services and Minister responsible for administering the **Country Fire Authority Act 1958** and **Metropolitan Fire Brigades Act 1958** give notice under section 12 of the **Subordinate Legislation Act 1994** as follows:

A Regulatory Impact Statement (RIS) was prepared in relation to the above proposed Regulations. The RIS and proposed Regulations were released and public submissions were invited.

The RIS process facilitated a more detailed quantification of the likely costs and benefits of the proposed Regulations. After further consultation, full consideration of submissions and the expected impact of the proposed Regulations, I have decided not to proceed with the making of the proposed Regulations.

Dated 24 May 2007

BOB CAMERON MP  
Minister for Police &  
Emergency Services

**Nurses Act 1993**

## NURSES BOARD OF VICTORIA

Re: Lisa Jane Hee

Identification Number 138888

Registered in Division 1

Following a formal hearing into the professional conduct of Lisa Jane Hee, a Panel appointed by the Nurses Board of Victoria

**Transport Act 1983**TOW TRUCK DIRECTORATE  
OF VICTORIA

Tow Truck Application

Notice is hereby given that the following application will be considered by the Licensing Authority after 11 July 2007.

Notice of any objection to the granting of an application should be forwarded to reach the Director, Tow Truck Directorate of Victoria, Level 6, 14–20 Blackwood Street, North Melbourne (PO Box 666, North Melbourne 3051) not later than 5 July 2007.

It will not be necessary for interested parties to appear on the date specified, unless advised in writing.

Wilson Bolton & Co. Pty Ltd. Application for variation of conditions of tow truck licence number TOW123 which authorises the licensed vehicle to be managed, controlled and operated from a depot situated at 47–49 Pynsent Street, Horsham to change the depot address to 22 O'Callaghans Parade, Horsham.

Dated 7 June 2007

STUART SHEARER  
Director

**Victorian Institute of Teaching Act 2001**

NOTICE OF SUSPENSION OF  
REGISTRATION TO TEACH

Pursuant to section 42 of the **Victorian Institute of Teaching Act 2001** ('the Act'), the Victorian Institute of Teaching may find a teacher guilty of serious misconduct and/or not fit to teach and may make a determination pursuant to sub-section 42(2) including cancelling the registration of a teacher.

On 27 October 2004 Anthony William Davidson was found guilty of serious misconduct and not fit to teach.

On 27 October 2004 Anthony William Davidson was disqualified from teaching and his registration as a teacher in Victoria was cancelled from 27 October 2004.

Pursuant to section 52 of the Act, Mr Davidson applied to the Victorian Civil and Administration Tribunal ('VCAT') for review of the Institute Panel's findings and determination.

On 30 May 2007, VCAT found Mr Davidson guilty of serious misconduct. It ordered that the decision of the Panel dated 27 October 2004 be set aside and that Mr Davidson be suspended from teaching until 1 January 2008.

Dated 5 June 2007

SUSAN HALLIDAY  
Chairperson –  
Disciplinary Proceedings Committee  
Victorian Institute of Teaching

**Retirement Villages Act 1986**

SECTION 39

Cancellation of Retirement Village Notice

I hereby declare that the Retirement Village Notice No. V424914R pursuant to section 9 of the **Retirement Villages Act 1986**, registered on 15 May 1998 on Certificate of Title Volume 10211, Folio 780 under the **Transfer of Land Act 1958**, is cancelled.

Dated 30 May 2007

DR DAVID COUSINS  
Director  
Consumer Affairs Victoria

**Retirement Villages Act 1986**

SECTION 32

Extinguishment of Charge

I hereby declare that the charge No. V424915N pursuant to section 29 of the **Retirement Villages Act 1986**, registered on 15 May 1998 on Certificate of Title Volume 10211, Folio 780 under the **Transfer of Land Act 1958**, is extinguished.

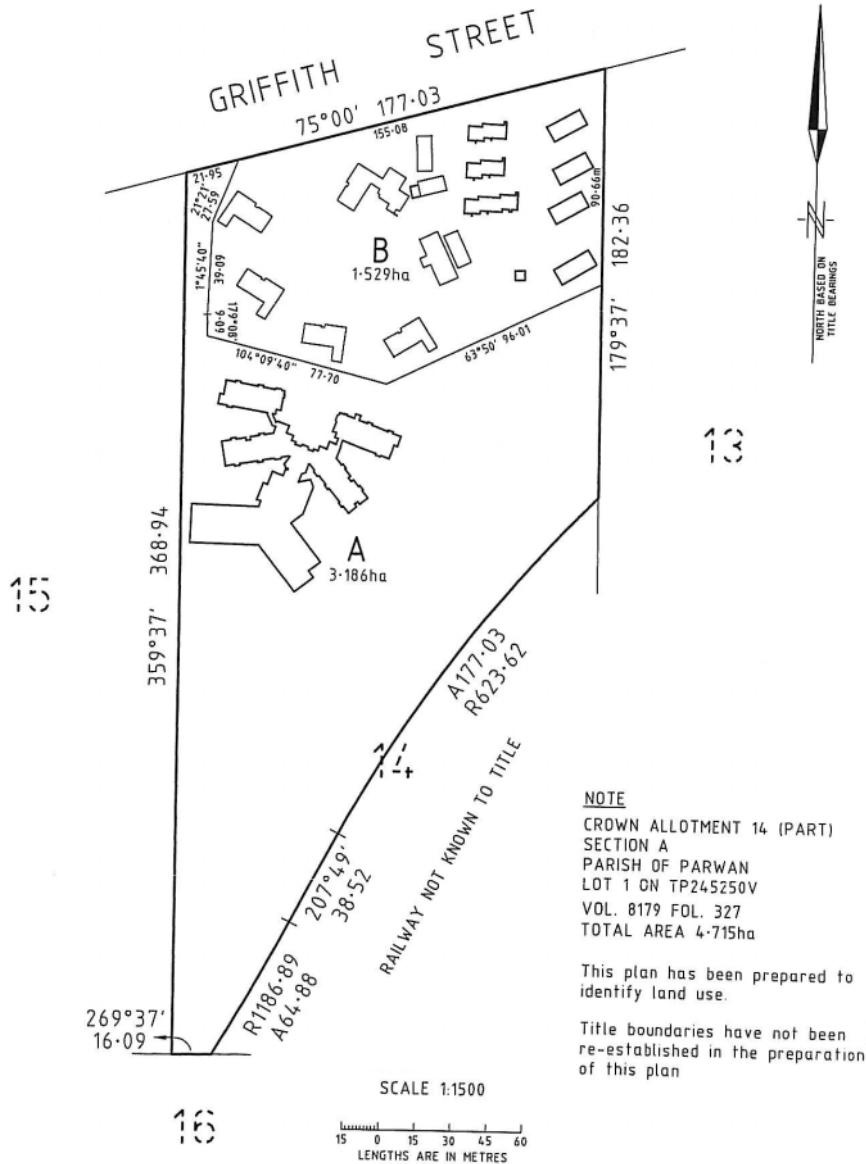
Dated 30 May 2007

DR DAVID COUSINS  
Director  
Consumer Affairs Victoria

**Retirement Villages Act 1986**  
SECTION 47

Extinguishment of Retirement Village Charge

I hereby declare that the charge No. V055650J pursuant to section 29 of the **Retirement Villages Act 1986**, registered on 23 October 1997 on Certificate of Title Volume 08179, Folio 327 under the **Transfer of Land Act 1958**, is extinguished in so far as it affects the part of the land identified as A on the survey plan.



Dated 30 May 2007

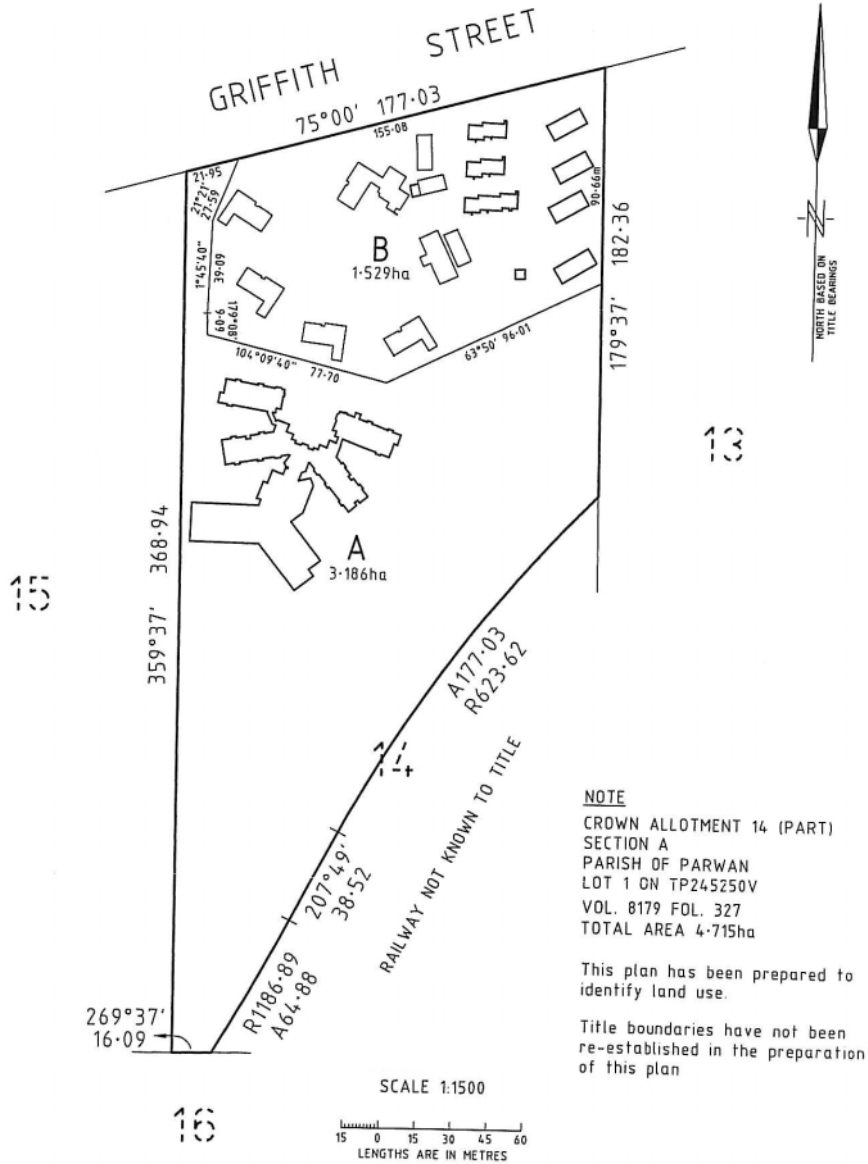
DR DAVID COUSINS  
Director  
Consumer Affairs Victoria

**Retirement Villages Act 1986**

**SECTION 48**

**Cancellation of Retirement Village Notice**

I hereby declare that the Retirement Village Notice No U866066T pursuant to section 9 of the **Retirement Villages Act 1986**, registered on 10 July 1997 on Certificate of Title Volume 08179, Folio 327 under the **Transfer of Land Act 1958**, is cancelled in so far as it affects the part of the land identified as A on the survey plan.



Dated 30 May 2007

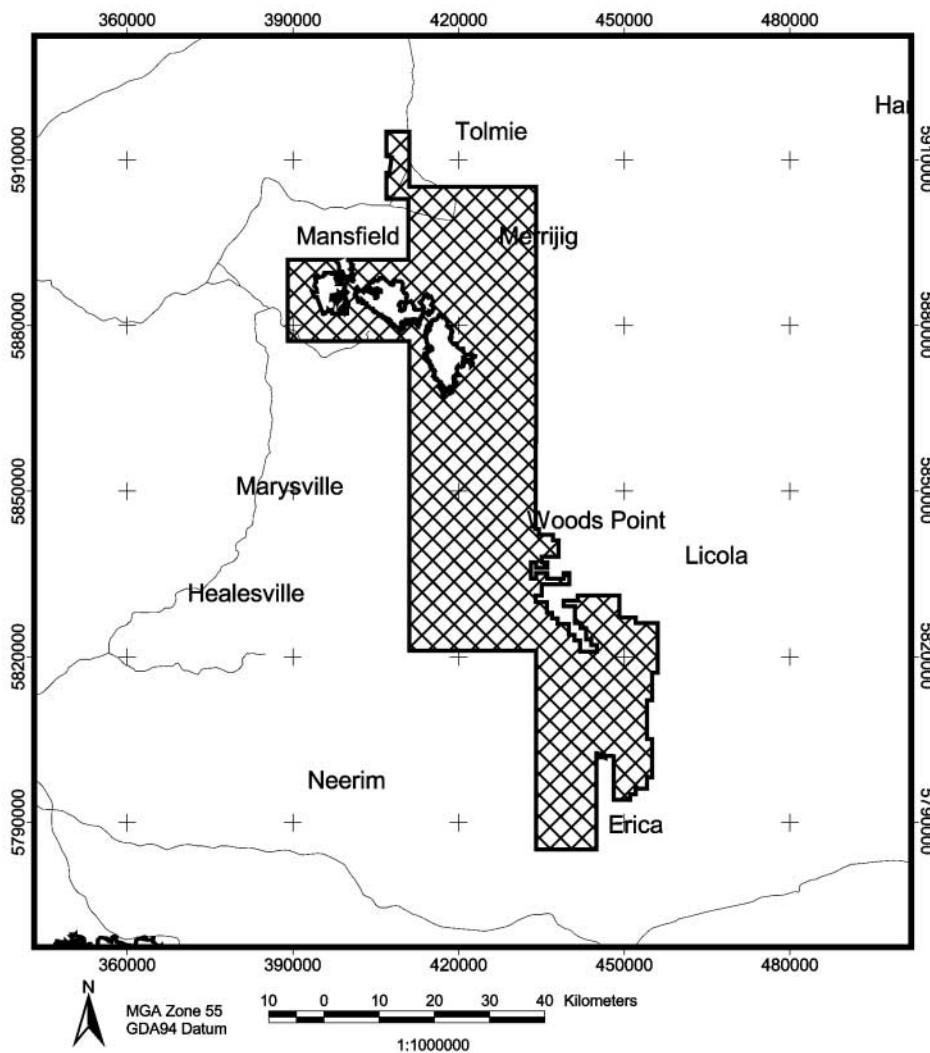
DR DAVID COUSINS  
 Director  
 Consumer Affairs Victoria

**Mineral Resources (Sustainable Development) Act 1990**  
 NOTICE OF REVOCATION

I, Philip Roberts, Acting Executive Director, Minerals and Petroleum, pursuant to section 7 of the **Mineral Resources (Sustainable Development) Act 1990** and under delegation by the Minister for Energy and Resources –

hereby give notice that the exemption from being subject to an exploration or mining licence over all land situated within the boundaries of the hatched area of the attached map (Schedule A) will be revoked from 1 July 2007.

**Schedule A**



Dated 21 May 2007

PHILIP ROBERTS  
 Acting Executive Director, Minerals and Petroleum  
 Delegate of the Minister



**Private Agents Act 1966****NOTICE OF RECEIPT OF APPLICATIONS FOR LICENCES  
UNDER THE PROVISIONS OF THE PRIVATE AGENTS ACT 1966**

I, the undersigned, being the Deputy Registrar of the Magistrates' Court of Victoria at Sunshine, hereby give notice that the applications as listed below have been lodged for hearing by the said Court on the date specified.

Any person desiring to object to any of such applications must:-

- (a) lodge with me a notice in the prescribed form of his objection and of the grounds thereof;
- (b) cause a copy of such notice to be served personally or by post upon the applicant at least three days before the hearing of the application; and
- (c) send or deliver
  - (i) where the objection is not made by the officer in charge of the police district in which the Court is situated – a copy of the notice to such officer; and
  - (ii) where the objection is not made by the Registrar or Deputy Registrar – a copy to the Registrar.

<i>Full name of Applicant or in the case of a Firm or Corporation, of the Nominee</i>	<i>Place of Abode of Applicant or Nominee</i>	<i>Type of Licence</i>	<i>Date of Hearing</i>
Russell Julian Taylor	Suite 1, 3 Alexandra Street, Melton	Commercial Agents Licence	21/06/2007
Julianne Mary Bartels	Suite 1, 3 Alexandra Street, Melton	Commercial Agents Licence	21/06/2007

Dated at Sunshine 30 May 2007

ROBERT M. BRUGGERMANN  
Deputy Registrar  
Magistrates' Court of Victoria

**Private Agents Act 1966**

NOTICE OF RECEIPT OF APPLICATION FOR  
COMMERCIAL SUB-AGENT'S LICENCE  
UNDER THE PROVISIONS OF THE **PRIVATE AGENTS ACT 1966**

I, the undersigned, being the Deputy Registrar of the Magistrates' Court at Dandenong hereby give notice that application as under, has been lodged for hearing by the said Court on the date specified.

Any person desiring to object to any of such applications must –

- (a) lodge with me a notice in the prescribed form of his objection and of the grounds thereof;
- (b) cause a copy of such notice to be served personally or by post upon the applicant at least three days before the hearing of the application; and
- (c) send or deliver
  - (i) where the objection is not made by the officer in charge of the police district in which the Court is situated – a copy of the notice to such officer; and
  - (ii) where the objection is not made by the Registrar or Deputy Registrar – a copy to the Registrar.

<i>Full Name of Applicant or in the case of a Firm or Corporation, of the Nominee</i>	<i>Place of Abode of Applicant or Nominee</i>	<i>Name of Firm or Corporation</i>	<i>Address for Registration</i>	<i>Type of Licence</i>	<i>Date of Hearing of Application</i>
Peter George Buttigieg	116 Bridge-water Way, Rowville, Vic.	Brookmost Pty Ltd	Suite 11, 57 Robinson Street, Dandenong	Commercial Sub-Agent's Licence	13/07/07

Dated at Dandenong 1 June 2007

IAIN GRIFFITHS  
Deputy Registrar  
Magistrates' Court of Victoria

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**Supreme Court Act 1986**  
IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
Common Law Division

No. 9997 of 2006

**BETWEEN:**

THE ATTORNEY GENERAL FOR THE STATE OF VICTORIA Plaintiff  
and  
BRIAN WILLIAM SHAW Defendant

**GENERAL FORM OF ORDER**

JUDGE: The Honourable Justice Hansen  
DATE GIVEN: 17 May 2007  
ORIGINATING PROCESS: Origination Motion  
HOW OBTAINED: At the trial of the proceeding  
ATTENDANCE: Mr R. M. Niall of Counsel for the Plaintiff.  
Dr J. Walsh of Brannagh of Counsel for the Defendant.  
OTHER MATTERS: This matter coming on to be heard before the Court on 28 March 2007 and the Court having, on 28 March 2007, directed that this matter should stand for judgment and this matter standing for judgment this day accordingly.

THE COURT ORDERS THAT:

1. The Defendant is a vexatious litigant.
2. Without leave of the Court, the Defendant not commence or continue any legal proceeding (whether civil or criminal) in the Court, an inferior court or any tribunal constituted or presided over by an Australian lawyer provided however that, subject to further order, the Defendant may continue the proceeding of Shaw & Ors v Fragapane Nominees Pty Ltd (Proceeding Number 6890 of 1999) in this Court.
3. The Defendant's summons filed on 12 February 2007 be dismissed.
4. There is no order as to costs.

DATE AUTHENTICATED: 23 May 2007

PROTHONOTARY

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**Valuation of Land Act 1960**

## DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT

## Fees for the Provision of Information

I, Jonathan Roy Dunham, Valuer-General, pursuant to section 5(2) of the **Valuation of Land Act 1960**, set the following fees to be paid for the provision of the information held on my behalf by LANDATA® and known as PRISM Property Sales Information data, providing details of sale or transfer of land or of an interest in land:

- 1) For the supply of data through the Internet service via the LANDATA® web site –
  - (i) Details of an individual record: 22.05 cents per record subject to (iii) below;
  - (ii) For all sales and transfer data in the whole of any municipality: 22.05 cents per record subject to (iii) below and subject to discounts for subscribers to additional municipalities as follows:
 

No. of Municipalities	Percentage Discount
1	0
2+	5
  - (iii) A minimum charge of \$25 per month applies.
- 2) For the supply of data via a person or organisation contracted by the Department to provide services to those classes of person listed in (a), (b) and (c) of the Minister's policy direction;
  - (i) For all sales and transfer data: 15.75 cents per record.
- 3) For the supply of data via other media (e.g. Fax, email, telephone) –
 

For the supply of details of all or specific records in any municipality;

  - (i) As a regular service – \$30 per month plus 27.31 cents per record; or
  - (ii) As a request – \$30 per request plus 27.31 cents per record.

NOTE: All of the above fees in 1, 2 and 3 are GST exclusive.

In accordance with the policy direction of The Hon. Justin Madden MLC, Minister for Planning, the following persons are entitled to be supplied with the above information:

- (a) A Municipal Council or its agent;
- (b) A person practising as a land valuer or his or her agent;
- (c) A person being a licensed real estate agent as defined in section 4 of the **Estate Agents Act 1980** or his or her agent;
- (d) A person or his or her agent whose land is being compulsorily acquired under the provisions of any Act or who is claiming compensation for loss or damage resulting from the exercise of powers under any Act relating to land whether for the acquisition of the land or for any other purpose;
- (e) A person or his or her agent who has lodged an objection to the assessment of the value of any land in accordance with the provisions of Part III of the **Valuation of Land Act 1960**; and
- (f) A person or organisation contracted by the Department to provide services to those classes of person listed in (a), (b) and (c) above, provided that the service provider shall not provide the information to any other class of persons.

JONATHAN ROY DUNHAM  
Valuer-General

**JUDICIAL REMUNERATION TRIBUNAL  
JUDICIAL ALLOWANCES AND CONDITIONS OF SERVICE:  
REPORT 1 OF 2007  
MAY 2007**

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## 1. Background

### 1.1 Legislative Regime for Judicial Entitlements

The **Judicial Remuneration Tribunal Act 1995** (the JRT Act) and the **Judicial Salaries Act 2004** (the Judicial Salaries Act) establish a legislative regime for the payment of salaries and conditions of service and allowances for all judicial office holders in Victoria.

The Acts<sup>1</sup> establishing each court state that their judicial office holders shall be paid allowances at such rate or amount or of such kind as are for the time being applicable under the **Judicial Salaries Act 2004**.

The **Judicial Salaries Act 2004** states that judicial officeholders are entitled to allowances:

- at such rate or of such amount or of such kind that they were entitled to before the commencement of the **Judicial Salaries Act 2004** (9 June 2004); or
- at such rate or of such amount or of such kind as are for the time being applicable pursuant to a certificate under the JRT Act.

The Tribunal considers the effect of these provisions to be that judicial officers appointed after 9 June 2004 are only entitled to allowances at the rates specified in certificates issued by the Attorney-General in accordance with the JRT Act. However, the certificates to date do not cover the range of allowances which judicial office holders currently receive.

### 1.2 Role of the Judicial Remuneration Tribunal

The Judicial Remuneration Tribunal (the Tribunal) was established by the JRT Act, and is responsible for providing the Attorney-General with:

- recommendations relating to conditions of service and allowances for judicial office holders; and
- advisory opinions, when requested, on any matter relating to salaries, allowances or conditions of service of judicial office holders.

The Tribunal is required to report on recommendations to the Attorney-General at intervals of not less than one year and not more than two years. The Tribunal last reported to the Attorney-General in March 2004. This report was the result of the 2003 review and made recommendations in relation to judicial salaries and a number of specific allowances.

Once a report of the Tribunal is delivered to the Attorney-General, he or she must ensure that it is published in the Government Gazette within 21 days of receipt. The Attorney-General must also cause a copy of the report to be laid before each House of Parliament within 10 sitting days of receipt. If the Attorney-General intends to vary or not accept a recommendation, he or she must cause a statement to be made to the Parliament within 10 sitting days after the tabling of the report, providing reasons for varying or not accepting the recommendations.

In the case of recommendations authorising the adjustment of conditions of service, the Attorney-General must issue a certificate authorising such adjustment and specifying the date on which the adjustment comes into effect, except so far as the Attorney-General varies or does not accept the recommendation.

### 1.3 Background to the Review

In December 2004, Mr Peter Hanks QC provided advice to the Attorney-General regarding the validity of certain allowances and conditions of service provided to Magistrates in Victoria.

Mr Hanks' advice raised doubt whether some of the allowances and conditions of service for Magistrates were being paid lawfully under the current legislative framework. Mr Hanks noted that only some of the allowances being paid to Magistrates were the subject of certificates pursuant to the JRT Act. He advised that individual Magistrates might have entitlements based on statute or contract that pre-dated the commencement of the Judicial Salaries Act in 2004, but this depended upon the date and circumstances of each Magistrate's appointment. Mr Hanks found that reliance on a regime for judicial entitlements containing such inconsistencies and uncertainty was unsatisfactory.

<sup>1</sup> Supreme Court Act 1986, County Court Act 1980, Magistrates' Court Act 1989



Mr Hanks proposed that the payment of Magistrates' allowances be regularised and given a clear statutory basis through recommendations and certificates pursuant to the JRT Act.

In September 2005, Mr Hanks provided similar advice in relation to allowances and conditions of service for Judges and Masters of the Supreme Court and County Court.

Following the 2004 advice, the Attorney-General, the Hon Rob Hulls MP, requested that the Tribunal conduct a review of all allowances and conditions of service provided to judicial officers, with the intention of establishing a clear and comprehensive regime for the payment of all judicial entitlements.

## **2. 2006 Review**

### **2.1 Method of Inquiry**

When conducting a review, the Tribunal is free to determine its own method of inquiry.

Section 12 of the JRT Act provides that the Tribunal:

- may inform itself in such manner as it sees fit;
- receive written or oral statements;
- is not required to conduct any proceedings in a formal manner; and
- is not bound by the rules of evidence.

Traditionally, in conducting a review, the Tribunal has largely relied on submissions received from the courts and the Victorian Government. However, given the nature and scale of the current review, the Tribunal also undertook a thorough investigation of the status of judicial allowances in Victoria.

#### **Audit and Issues Paper**

In May 2005, the Tribunal circulated its Terms of Review, which provided a framework and scope for the new review process, to the heads of jurisdiction and the Attorney-General.

Throughout June and July 2005, the Tribunal undertook an audit of the current allowances and conditions of service provided to all judicial officers. This was achieved through consultation with members of the judiciary, court staff and Department of Justice staff.

The audit confirmed Mr Hanks' advice that the payment of judicial allowances is both inconsistent and unsatisfactory.

The Tribunal found that some entitlements were paid in accordance with Attorney-General certificates or previous statutory provisions, while others seemed to have developed over many years as a matter of convention. As a result the latter allowances did not appear to be supported by the process set out in the JRT Act, suggesting a need for them to be placed on a transparent basis and brought within the ambit of the JRT Act.

These results, in addition to a detailed analysis of each allowance and condition of service, were distributed to the courts and the Attorney-General in an Issues Paper dated May 2006.

The Issues Paper called for submissions on the current provision of judicial allowances and conditions of service, including their history and how entitlements could be better structured.

#### **Submissions**

The Tribunal received the following submissions in response to the Issues Paper:

- Submission of the Judges and Masters of the Supreme Court, dated 30 June 2006;
- Letter from Judge JK Nixon Acting Chief Judge on behalf of the County Court, dated 3 July 2006;

- Submission of the Council of Magistrates' and Response to Issues Paper, dated 17 July 2006;
- Letter of Mr Tim McDonald, Magistrate, dated 19 July 2006;
- Letter of the Chief Magistrate regarding acting Magistrates, dated 6 September 2006;
- Letter from the Secretary of the Department of Justice on behalf of an Inter-Departmental Steering Committee, dated 24 October 2006; and
- Supplementary submission of the Judges and Masters of the Supreme Court, dated 10 November 2006.

The Tribunal notes that the Issues Paper requested that submissions be received no later than 1 July 2006. Despite this timeframe, the Tribunal granted a number of extensions and was prepared to receive supplementary submissions. The Tribunal considered that it was in the interests of all parties to accept these supplementary submissions and deal with all issues comprehensively, rather than leaving some issues outstanding and requiring consideration at a later time.

#### ***Supreme Court***

The Supreme Court advised that it saw no uncertainty, confusion or ambiguity in the current provisions for judicial allowances and conditions of service and considered that no action was necessary.

In its supplementary submission, the Court requested a number of changes to judicial conditions of service, based on the need to attain broad parity with comparable jurisdictions, such as the Federal Court and the Supreme Courts of New South Wales and Queensland, thus removing the disadvantage that presently operates in respect of its Judges. The Court noted that, given the disparity in allowances provided to it and other jurisdictions, it is not surprising that it may be perceived by suitably qualified candidates for judicial appointment as less attractive than the Federal Court, thus inhibiting the attraction and retention of suitably qualified candidates to the Court.

#### ***County Court***

The County Court accepted that the various allowances and conditions of service set out in the Issues Paper correctly reflect those which are currently accorded to its Judges. The Court noted that it did not see a need to alter the current terms and conditions and that the status quo should be maintained. Furthermore, whether allowances and conditions of service which have developed as a matter of convention over time are officially formulated is a matter for the Government. The Court did not provide comments on individual allowances.

#### ***Magistrates' Court***

The Magistrates' Court provided the Tribunal with both a formal submission and a response to the Issues Paper. The Court submitted that it is essential that the Tribunal make recommendations with respect to those conditions for which there is no existing legislative basis. In providing its view on the various entitlements which relate to Magistrates, the Court requested that the Tribunal make numerous changes and adjustments.

The theme and underlying argument throughout the Court's submission was that Magistrates should be recognised as the third arm of the judiciary, and provided with allowances relative to those applicable to other judicial officers in Victoria and other jurisdictions. The Court noted that it has undergone significant jurisdictional increases over the last ten years and yet the terms and conditions applicable to Magistrates have not altered in any significant way or been brought into line with the rest of the judiciary.

The Court endorsed the adoption of entitlements that relate equally to all judicial officers.

**Department of Justice**

The submission of the Department of Justice on behalf of an Inter-Departmental Steering Committee argued that allowances and conditions of service should be on a basis that ensures certainty and consistency.

**Matters Considered by the Tribunal**

As noted above, when reporting and providing recommendations to the Attorney-General, the Tribunal is not bound by a particular method of inquiry and may inform itself in such "manner as it sees fit". Section 12(1A) of the JRT Act, does however, require that the Tribunal consider the following factors when making recommendations:

- (a) the importance of the judicial function to the community;
- (b) the need to maintain the judiciary's standing in the community;
- (c) the need to attract and retain suitably qualified candidates to judicial office;
- (d) movements in judicial remuneration levels in other Australian jurisdictions;
- (e) movements in the following indicators –
  - (i) the Consumer Price Index;
  - (ii) average weekly ordinary time earnings;
  - (iii) executive salaries, including those of executives within the meaning of the **Public Administration Act 2004** in the Victorian public service;
- (f) improvements of operational efficiency;
- (g) work value changes;
- (h) factors relevant to Victoria, including –
  - (i) current public sector wages policy;
  - (ii) Victoria's economic circumstances;
  - (iii) the capacity of the State to meet a proposed increase in judicial salaries, allowances and conditions of service;
  - (iv) any other relevant local factors; and
  - (v) relativities between Victorian courts and tribunals.

In developing its recommendations and writing this report, the Tribunal has considered the information and data collected in the audit, the views and comments of the courts and the Department of Justice provided in the submissions, and the allowances and conditions of service provided to executive officers in Victoria and judicial officers in all Australian jurisdictions, as well as the various factors listed in its terms of reference, to the extent that they are relevant.

The Tribunal appreciates the importance of ensuring that Victoria's courts, in particular the Supreme Court, are able to attract and retain appropriately qualified candidates to judicial office. As such, the Tribunal in making its recommendations has attempted to bring Victoria's Supreme Court into line with comparable jurisdictions, thereby increasing its attractiveness for candidates for judicial appointment. The Tribunal is of the view that achieving such parity is appropriate and consistent with the Government's move to achieve salary parity between the Supreme Court and Federal Court Judges, as provided for in the Judicial Salaries Act.

The Tribunal notes the Magistrates' Court's view that allowances should be provided consistently across all jurisdictions. The Tribunal notes that in all Australian jurisdictions, including Victoria, allowances are provided relative to the judicial office held. This is consistent with the provision of salaries on the basis of relativities between the courts. The Tribunal also notes that it is required to give consideration to the relativities between the courts and tribunals under section 12(1A) of the JRT Act. The Tribunal's recommendations are consistent with the approach of considering relativities.

### **3. Allowances and Conditions of Service**

This Part individually addresses the provision of each allowance and condition of service and includes the Tribunal's recommendations. It should be noted that entitlements to allowances for acting Magistrates are considered separately at 3.11.

Appendix 1 contains a list of the Tribunal's recommendations and Appendix 2 contains a list of all entitlements to be provided for each judicial office.

#### **3.1 Structure of Allowances**

The Tribunal considers this review to be an opportunity to provide the Attorney-General with recommendations which will provide a clear and comprehensive regime for the payment of all judicial allowances and covering conditions of service.

The analysis below addresses the status of all existing allowances and conditions of service and provides a range of recommendations for validating allowances and making adjustments.

The Tribunal acknowledges, as it did in the Issues Paper, that both the Victorian Constitution and the various pieces of court legislation prohibit the reduction of the aggregate value of allowances payable to a judicial officer upon appointment, throughout their term in office. This principle is intended to protect judicial independence. The Tribunal has not attempted to estimate the cost of the various judicial allowances as it has not recommended the reduction of any allowances that currently exist. As such, the Tribunal considers that none of its recommendations, if accepted by the Attorney-General, will be in breach of the prohibition against the reduction of the aggregate value of allowances.

##### **Adjustment Mechanism**

Historically, the Tribunal's recommendations and the Attorney-General's certificates provide for the payment of allowances to judicial officers either at a set amount or by a link to a government policy. As a result of setting allowances at specific amounts, the rate of an allowance does not increase until such a time as the Tribunal considers that specific allowance again. This has resulted in a situation where some allowances have become stagnant.

The Tribunal considers that allowances should be regularly adjusted in appropriate increments to account for inflation.

The Magistrates' Court raised this issue in its submission and suggested that the Tribunal build into its recommendations an adjustment mechanism to apply annually to allowances. This would ensure that the rates of allowances increase annually by an appropriate amount, without the need for frequent consideration by the Tribunal.

The Tribunal accepts the merit of this suggestion and therefore recommends that specific allowances be linked to the Consumer Price Index (CPI) to ensure that they are adjusted each year. Throughout the following analysis the Tribunal will identify the allowances which should increase in line with this adjustment mechanism.

The Tribunal notes that such automatic increases do not remove its ability to review and adjust allowances.

##### **Individual Allowances vs Expense of Office Allowance**

Judicial officers currently receive a range of allowances, which could be described as "expense of office" allowances. These include home telephone, library, Cabcharge, gold pass, regalia and chambers fitout.

The Tribunal posed the following question in the Issues Paper:

“Should the various allowances and some conditions of service such as the Cabcharge and gold pass be consolidated into a single expense of office allowance? If so, what should it cover?”

In response to this question, the Supreme Court advised that it supports the current arrangement for the payment of individual allowances.

The Magistrates’ Court supported the establishment of a consolidated allowance, noting that it could encompass a component of \$700 per annum for out of chambers access to internet (discussed in detail at 3.4).

The Department of Justice supported the exploration of a consolidated allowance, stating that the elements of the allowance and specific amounts should be clearly established and a review mechanism provided. The Department noted that the Tribunal might consider engaging a consultant to assist with determining the amount of any new allowance.

### **Recommendations**

The Tribunal has reviewed the range of allowances which could be consolidated into one allowance. It has considered the submissions of the parties and reviewed the circumstances that exist in other Australian jurisdictions. The Tribunal understands that all jurisdictions, except Queensland, provide for individual allowances. Queensland has adopted a consolidated allowance (referred to as the Jurisprudential Expense and Expense of Office Allowance) which covers attendance at official functions, conferences and conventions, subscription to personal associations, library books, purchase of newspapers and periodicals, travel and purchase and maintenance of wigs and regalia.

The Tribunal appreciates that it would be convenient for both the Government to provide one single payment and for judicial officers to receive and use a single payment for the purposes which they deem to be the most relevant to them. However, the Tribunal is of the view that there is considerable benefit in retaining the current arrangement of payment of individual allowances.

The allowances which could form part of an “expense of office” allowance are provided to judicial officers as a form of compensation for expenses incurred as a result of their judicial duties. The allowances are set at what are deemed to be reasonable rates to cover those individual expenses. If the set amounts are not required by a judicial officer as the expense has not been incurred, the allowance cannot be put to another purpose. The allowances are not intended to be an addition to the judicial salary. In addition, the Tribunal notes that the Queensland allowance largely covers travel and library expenses, two allowances for which the Tribunal has provided clear recommendations.

The Tribunal considers that the payment of individual allowances is appropriate and therefore does not support or recommend the introduction of an expense of office allowance.

## **3.2 Travel**

### **Current Arrangements**

Overseas travel for Judges of the Supreme Court and County Court is currently set by the Department of Premier and Cabinet’s *Public Sector Overseas and Domestic Travel Policy and Guidelines* (DPC Guidelines) and the Department of Justice’s *Public Sector Overseas and Domestic Travel Policy and Guidelines* (DoJ Guidelines).

The DPC Guidelines provide that before the Chief Justice of the Supreme Court, the Chief Judge of the County Court or the Chief Magistrate may travel, they must obtain approval from the Attorney-General. All Judges and Masters of the Supreme Court must seek approval of the Chief Justice before travelling. Judges of the County Court must seek approval from the Chief Judge before travelling and all Magistrates must seek approval

from the Chief Magistrate. The DoJ Guidelines set out arrangements for airfares and rates of allowances covering accommodation, meals and incidentals.

Interstate travel for Judges of the Supreme Court and County Court is governed by the Attorney-General's certificate dated 28 March 2000 which states:

When the Chief Justice or Chief Judge is satisfied having regard to the costs involved that it is in the interests of the court for one or more Judges to attend an interstate conference, course of instruction or similar occasion lasting more than two days, the business class air fares of that Judge or those Judges, together with their partners, should be paid by the Court.

The current entitlements to travel for Masters, Magistrates and acting judicial officers is unclear given that neither the DPC or DoJ guidelines, nor the Attorney-General's certificate, refer to these offices. The Tribunal is aware however that Magistrates currently travel in accordance with the DoJ guidelines.

### **Submissions**

The Tribunal posed the following question in the Issues Paper:

“On what basis should a judicial officer be entitled to travel overseas on official business and how should approval be provided? Should there be a limit to the number of overseas trips allowed by each judicial officer in a twelve month period?”

### ***Supreme Court***

In relation to overseas travel the Supreme Court advised that it has no difficulty in administering the Court's current travel policy, except that the allocation for the Court's "travel budget" is unrealistically low. The Court noted that, in practice a Judge is entitled to have his or her appropriate costs of attending one interstate conference or seminar a year reimbursed by the Court. The Court noted that approval for judicial officers to travel overseas and be reimbursed for their appropriate costs is only given on rare occasions.

### ***Magistrates' Court***

The Magistrates' Court noted that their travel allowance is currently set by the Chief Magistrate. The allowance is presently \$110 for country accommodation and up to \$170 for accommodation in Melbourne. The Court commented that while Magistrates are currently entitled to four star accommodation, the allowance is an insufficient amount to meet that level of accommodation.

The Court submitted that the travel allowance of Magistrates should not be subject to the discretion of the Chief Magistrate, and proposed the introduction of a judicial travel allowance of \$300 per night for accommodation or reimbursement of expenditure. The Court noted that the allowance for meals and incidentals ought to be adjusted to recognise increased expenses associated with the nature of judicial office and the limitations on the locations at which meals may be eaten. The Court stated that the same rates should be applied to all judicial officers and should be adjusted automatically based on CPI.

The Court also requested that the Tribunal create an entitlement to attend an international conference bi-annually, with provision for spousal attendance.

### ***Department of Justice***

The Department of Justice queried whether travel should be an entitlement or part of the terms and conditions of judicial office. The Department proposed that any judicial travel should be approved by an 'appropriately authorised person' in accordance with the Victorian public service travel policy. Spousal attendance should also be considered against the background of that policy.

### Recommendations

In considering whether to adopt the Departmental travel policy or introduce a travel allowance, the Tribunal reviewed the entitlements of judicial officers in other jurisdictions. In Queensland, Judges receive a Jurisprudential Expense and Expense of Office Allowance that can be used for travel. This policy does not apply to Magistrates. In Queensland, South Australia, the Australian Capital Territory (ACT) (whose Judges are linked to Federal Judges) and the Commonwealth, government travel policies apply to overseas travel for Judges. Governmental or Departmental travel policies apply to Magistrates in all jurisdictions (including Queensland and the ACT).

The Tribunal has also reviewed the current Department of Justice and newly adopted Department of Premier and Cabinet travel policies and guidelines. The Tribunal believes that these policies appropriately provide for judicial travel, setting rates for airfares, accommodation and meals and incidentals, and therefore should continue to apply.

The Tribunal notes the Department of Justice's comment that travel should be approved by an "appropriately authorised person" in accordance with the Victorian public service travel policy. The Tribunal considers that in the case of travel by Judges and Magistrates the "appropriately authorised person" should be the head of jurisdiction. Travel by the heads of jurisdiction should be approved by the relevant Minister, in this case the Attorney-General. This is consistent with the Department of Premier and Cabinet guidelines.

The Tribunal does not support the Magistrates' Court proposal for a biannual entitlement to attend an international conference.

The Tribunal recommends that the current Attorney-General's certificate be adjusted to apply to both interstate and overseas travel for Judges and Masters of the Supreme Court and County Court and for Magistrates. The certificate should provide that judicial officers may travel in accordance with Departmental travel policies and that such travel should be approved by the relevant head of jurisdiction, and in the case of the heads of jurisdiction, the Attorney-General. This adjustment would ensure that all judicial travel is governed by the same policy thereby removing any doubt surrounding the entitlements of Masters and Magistrates.

The Tribunal notes the Magistrates' Court proposal that the allowance be adjusted annually in accordance with CPI. The Tribunal understands that the daily rates listed in the Department of Justice policy for meals and incidentals are adjusted annually in accordance with the annual Australian Taxation Office ruling. As such, the Tribunal sees no need to link this entitlement to any other adjustment mechanism.

#### Recommendation 1

Judges and Masters of the Supreme Court and County Court and Magistrates be entitled to travel overseas or interstate in accordance with the Department of Premier and Cabinet and Department of Justice travel policies as amended from time to time. Prior to travelling, Judges, Masters and Magistrates must seek the approval of the relevant head of jurisdiction and the heads of jurisdiction must seek the approval of the Attorney-General. Provided that the entitlement of Business Class interstate air travel of the partner of a Supreme Court or County Court Judge continue in accordance with the Attorney-General's Certificate dated 28 March 2000.

### 3.3 Circuit Allowances

#### Current Arrangements

Judicial officers who are required to travel on circuit receive an allowance paid in accordance with the Department of Justice's *Travel, Accommodation and Personal Expenses Policy* to cover meals and incidentals, and have their accommodation paid for when an overnight stay is required.

**Submissions**

The Supreme Court noted that, save for unrealistically low funding, there is no difficulty in administering the Court's circuit travel policy.

The Magistrates' Court considered this issue in light of the broader travel context and provided no direct comments on the circuit allowance.

**Recommendations**

The Tribunal notes that in all other Australian jurisdictions allowances paid to judicial officers on circuit are governed by either an administrative policy or a remuneration tribunal determination. Such policies and determinations specify the rates which apply for accommodation and meals and incidentals. To ensure a consistent approach to all travel related expenses in Victoria and other jurisdictions, the Tribunal recommends that the relevant Departmental travel policy should also apply to circuit travel. The Tribunal therefore recommends the formalisation of the current practice of a payment for meals and incidentals and accommodation in accordance with the Departmental policy, in an Attorney-General's certificate.

**Recommendation 2**

When travelling on circuit, Judges and Masters of the Supreme Court and County Court and Magistrates be paid a travel allowance to cover accommodation (if an overnight stay is necessary) and meals and incidentals, in accordance with the relevant Department of Justice travel policy as amended from time to time.

**3.4 Library Allowance**

Pursuant to the Attorney-General's certificates dated 18 May 2004 and 29 November 1996, judicial officers receive a library allowance on the following terms. Reimbursement of 80% of actual expenditure to a maximum of:

- \$8,000 per annum for Supreme Court Judges;
- \$2,500 per annum for Supreme Court Masters and County Court Judges;
- \$1,500 per annum for Magistrates based in country regions; and
- \$1,000 per annum for Magistrates based in Melbourne.

**Submissions*****Supreme Court***

The Supreme Court advised that it has assumed that the library allowance may be used not only for books and periodicals but also to meet the cost of acquiring and maintaining electronic facilities. The Court requested that the Tribunal clarify that the library allowance is indeed available for this purpose.

***Magistrates' Court***

The Magistrates' Court submitted that the current library allowance for Magistrates is inadequate and sought an increase in the allowance to the same level as a Judge of the County Court, that is \$2,500. The Court submitted that its jurisdiction overlaps with that of the County Court and therefore Magistrates require the same library resources as a judge of the County Court. The Court also suggested that the allowance should be redefined as an expense of office allowance and be made payable to each judicial officer annually.

The Magistrates' Court also requested that the Tribunal introduce a "internet and technology allowance", to support the research capacity of Magistrates. The Court noted that the Department of Justice no longer provides Magistrates with out of chambers access to internet. To obtain home based access to internet and email through the Department of Justice intranet, Magistrates are required to pay \$700 for the connection and to install and pay for their own server capacity. The Court claims that no other judicial officer in Australia



is required to pay for the capacity to access court based computer systems. The Court considers that an allowance of \$700 per annum be introduced to compensate Magistrates for the costs associated with connection and maintenance of private internet access.

### **Recommendations**

The Tribunal agrees with the Magistrates' Court that the current library allowance is inadequate and therefore recommends that it be increased to a maximum of \$2,500 for all Magistrates.

The Tribunal recognises that the needs of judicial officers have changed over time with the availability of legislation, case law and legal commentaries through electronic resources. While the library allowance was traditionally used exclusively for books and periodicals, the Tribunal appreciates that this no longer meets the needs of judicial officers. The Tribunal supports the view of the Supreme Court that the library allowance can be used for both books and electronic facilities and recommends that the Attorney-General's certificate be adjusted to reflect this position and place the matter beyond doubt.

Throughout the review process the Tribunal has been made aware of the range of information that is available to Judges of the County Court, on the access to which the library allowance can be put and the range of electronic facilities that are available. The Tribunal is also aware that a range of services are available through the Judicial Officers Information Network (JOIN). The Tribunal would like to encourage judicial officers to utilise this valuable service.

The Tribunal has considered the Magistrates' Court's request for the introduction of an internet and technology allowance. The Tribunal has had the benefit of reviewing the Department of Justice's policy on remote access to internet and notes that this applies across all Victorian courts.

The Tribunal has been advised that Judges of the County Court who wish to obtain remote access to the internet from their homes, are required to follow this policy and pay for the connection and maintenance costs personally. The County Court has advised that some Judges opt to use their library allowances for this purpose.

The Magistrates' Court's submission that it is the only court which is required to pay for this service therefore appears inaccurate.

Given the example of the County Court and the increase in the library allowance for Magistrates, the Tribunal is not persuaded that an additional allowance is necessary. The Tribunal would encourage Magistrates to use the library allowance for the purpose of obtaining remote access to the internet, as do the Judges of the County Court.

The Tribunal also notes that the Departmental policy provides for the reimbursement, on application, of some of the costs associated with internet connection, therefore reducing the total amount that judicial officers are required to pay.

To ensure that the library allowance increases appropriately over time with inflation, it should be linked with the relevant CPI.

### **Recommendation 3**

Judges and Masters of the Supreme Court and County Court and Magistrates be provided with a library allowance fixed at 80% of expenditure, up to a maximum of:

- \$8,000 per annum for Supreme Court Judges; and
- \$2,500 per annum for Supreme Court Masters, County Court Judges and Masters and Magistrates.

The allowance may be used for books, periodicals and the costs of acquiring and maintaining electronic facilities (including remote internet access for official purposes only as provided for in the Department of Justice Remote Internet Access Policy).

The allowance increase annually in accordance with CPI from the date of the Certificate.

### 3.5 Home Telephone Allowance

The provision of a telephone allowance seems to have evolved over time as a matter of convention. Currently, the Chief Justice of the Supreme Court and the Chief Judge of the County Court receive reimbursement for the cost of a home telephone and 100% of all calls, while Judges of the Supreme Court and County Court do not receive any telephone allowance. Magistrates are reimbursed for 50% of the cost of the line rental for a home phone and the cost of 50% of calls from that phone.

#### Submissions

##### *Supreme Court*

The Supreme Court noted that its Judges and Masters use their home phones for court purposes on occasions 'that are not insubstantial' without reimbursement, while judicial officers in other jurisdictions receive reimbursement for some of the costs of a home phone and calls.

The Supreme Court submitted that judges of the Federal Court are entitled to be reimbursed for the costs of their home telephone and electronic services at their primary place of residence and like costs at a second home. A number of other states including Queensland and New South Wales have made moves to address the disparity between the allowances of their Judges and those received at the Federal Court level. The Court requested that the Tribunal recommend that its Judges be entitled to recoup the reasonable costs of their home telephone and electronic services up to a maximum of \$1,500 per annum in respect of their primary residence and \$500 per annum in respect of any secondary residence (this is comparable to the Queensland allowance).

##### *Magistrates' Court*

The Magistrates' Court submitted that the current telephone allowance should be retained, and requested that as Magistrates often use personal mobile phones for court purposes, they be permitted to elect to apply the telephone allowance to either a home or mobile phone, with costs compensated for by an allowance of 80% of the actual cost of the nominated device.

#### Recommendations

The Tribunal accepts the submission of the Supreme Court that its Judges should receive reimbursement of telephone related expenses. The Tribunal also accepts the Magistrates' Court submission that the telephone allowance should be available to be applied to either a home or mobile telephone.

However, the Tribunal is not persuaded that the Supreme Court's proposal that its Judges should receive a telephone allowance of \$1,500 per annum for their primary residence and \$500 per annum for any secondary residence is reasonable. Neither does the Tribunal consider that the Magistrates' Court's proposal that the allowance should be increased to 80% of the actual cost of the nominated device is reasonable.

The Tribunal considers that most judicial officers would likely own a home or mobile telephone that is used for both personal and court purposes. The Tribunal therefore considers that reimbursement of 50% of the cost of calls is reasonable. The Tribunal recommends that the telephone allowance be validated in an Attorney-General certificate, which provides for judicial officers to be reimbursed for 50% of the cost of calls from an elected home or mobile telephone and 50% of the cost of line rental, if the elected phone is a home phone.

Given that the Chief Justice of the Supreme Court and the Chief Judge of the County Court currently receive the full cost of a home telephone and 100% of call costs, the Tribunal recommends that this be validated in an Attorney-General's certificate, and be extended to the President of the Court of Appeal and the Chief Magistrate.

As the allowance provides for the reimbursement of a percentage of costs spent it should not be linked to CPI.

**Recommendation 4**

Judges and Masters of the Supreme Court and County Court and Magistrates be reimbursed for 50% of the cost of calls from an elected mobile or home telephone and 50% of line rental costs for a home telephone, if that phone is the elected phone.

**Recommendation 5**

The Chief Justice of the Supreme Court, the President of the Court of Appeal, the Chief Judge of the County Court and the Chief Magistrate be reimbursed for 100% of the cost of calls from an elected mobile or home telephone and 100% of line rental costs for a home telephone, if that phone is the elected phone.

**3.6 Senior Magistrate Co-ordinating Function**

The Attorney-General's Certificate of 29 April 1996 authorised an allowance equivalent to 2% of salary for a Co-ordinating Magistrate. The Attorney-General's Certificate of 24 August 1998 authorised an increase in the allowance to 4% and noted that the role of Senior Magistrate replaced that of Co-ordinating Magistrate. The Tribunal considers it appropriate to continue the allowance equivalent to 4% of salary for Senior Magistrates for the Co-ordinating function.

**Recommendation 6**

An allowance equivalent to 4% of salary be paid to Senior Magistrates for the Co-ordinating function.

**3.7 Other Matters – Gold Pass, Cabcharge, Car Park, Chambers Fitout, Regalia**

Judicial officers also receive a range of miscellaneous allowances and conditions of service, which have not been validated or clearly provided for. These allowances are:

- **Cabcharges** – Cabcharges are provided to Judges of the Supreme Court and County Court for use for official purposes. Access to Cabcharges is also available for Magistrates.
- **Gold passes** – Gold passes (travel cards for rail, bus and tram travel within Melbourne) are provided to Judges of the Supreme Court and County Court, covering zones 1 and 2 depending on the judicial officer's home address.
- **Regalia** – Judges of the Supreme Court and County Court are provided with wigs and robes as required.
- **Chambers fitout** – Judicial chambers are fitted out for judicial officers across the courts at varying standards.
- **Car Parks** – most Judicial officers are provided with car parking.

**Submissions*****Supreme Court***

The Supreme Court supported the continuation of the current arrangements in relation to gold passes and cabcharges. The Court also submitted that it has no difficulty with the supply of regalia or chambers fitout for its Judges, other than budgetary constraints.

***Magistrates' Court***

The Magistrates' Court submitted that Magistrates do not have access to gold passes and rarely use cabcharges due to uncertainty surrounding when they can be used. The Court also noted that as cabcharge facilities are largely only available in Melbourne, they do not accommodate Magistrates who sit in country courts. The Court supported consolidating the entitlements into one allowance applied proportionately across the jurisdictions and subject to regular adjustment.

The Court submitted that chambers fitout is a significant issue for Magistrates, and identified the difficulties it faces in ensuring that Magistrates have appropriate facilities. For example, the Court noted that it is common for one or two printers to be shared between thirty Magistrates. The Court also noted that chambers allocation to Magistrates is inadequate, citing the example of Magistrates sitting at the State Coroner's Office who are located in portables without adequate heating, cooling and toilet facilities. The Court requested that the Tribunal set minimum standards and entitlements to chambers fitout to ensure that adequate facilities are provided to all judicial officers.

The Court advised that car parking should not be considered a benefit for any judicial officer, as it is a security and safety measure.

#### **Recommendations**

The Tribunal notes the submission of the Supreme Court in relation to gold passes and agrees that this entitlement for Judges of the Supreme Court and County Court should be retained and validated in an Attorney-General's certificate.

The Tribunal considers that the provision of cabcharges, car parking, regalia and appropriate chambers are matters for the internal management of the Court and should not be deemed to be allowances or conditions of service. Consequently the Tribunal will not make recommendations on these issues.

#### **Recommendation 7**

Judges of the Supreme Court and County Court receive a gold pass for the duration of their term in judicial office.

### **3.8 Motor Vehicles**

#### **Current Arrangements**

Judges of the Supreme Court and County Court and the Chief Magistrate are currently provided with motor vehicles in accordance with the terms and conditions of the Judicial Car Scheme set out in the *Department of Justice Fleet Management Policies and Guidelines 2001* (the Fleet Policy). Judges are required to pay a nominal contribution of \$837 per annum towards the running costs of the vehicle. In addition to receiving a vehicle, the Chief Justice of the Supreme Court, the President of the Court of Appeal and the Chief Judge of the County Court are also provided with a driver.

The Chief Justice of the Supreme Court is also provided with a car on a novated-leasing basis for private use.

While Masters of the Supreme Court and County Court and Magistrates are not provided with a car on these terms, they are entitled to a car allowance of \$5,400 per annum pursuant to the Attorney-General's certificate dated 29 November 1996. The allowance may be offset against the cost of a car to be provided through the Executive Officer Car Scheme set out in the Fleet Policy. Masters and Magistrates are then required to fund the remaining amount required for providing the car.

The Attorney-General's certificate dated 18 May 2004, adjusted the car allowance for Masters of the Supreme Court to provide that the allowance of \$5,400 may be incorporated into "salary for all purposes".

A judicial officer who uses his or her personal vehicle for official purposes is entitled to reimbursement of mileage in accordance with the rates specified in the Fleet Policy.

**Submissions**

In relation to motor vehicles and related allowances, the Tribunal posed the following question in the Issues Paper:

“Should Judges and Magistrates be provided with a car allowance instead of a car (in the case of Judges) to allow some choice in the type of vehicle purchased? Or should the current provisions be retained?”

**Supreme Court**

The Supreme Court noted its preference for the retention of the current arrangements, rather than converting the entitlement to a vehicle into an allowance.

**Magistrates' Court**

The Magistrates' Court submitted that the same scheme regardless of what the Tribunal determines should apply across all levels of the judiciary. The Court argued that Magistrates should receive a motor vehicle on the same basis as Judges of the Supreme Court and County Court, seeing no reason for the distinction between the offices.

The Court submitted that, if they are not provided with a car, the current car allowance should be increased and provided in accordance with the Judicial Car Scheme and not the Executive Officer Car Scheme. The Court provided the following arguments to support this submission:

- The current allowance has not been adjusted since it was introduced in 1996.
- Magistrates regularly travel between the various Magistrates' Court locations, essentially “funding the travel arrangements of the court” as they are excluded from the financial benefits of the Judicial Car Scheme.
- VicFleet, the Victorian Government authority, which provides vehicles to Magistrates under the Executive Officer Car Scheme, has unilaterally increased charges to Magistrates without reference to the Tribunal. In June 2005, VicFleet sought to increase charges but deferred this action pending the outcome of the Tribunal's review, after the intervention of the Attorney-General and protest of the Court.

The Court also noted that Magistrates, other than acting Magistrates, do not receive a mileage allowance when using a private vehicle for official purposes.

**Department of Justice**

The Department of Justice submitted that the range of motor vehicles available under the current scheme is considered appropriate and that the range of options available for car allowances or the provision of vehicles would require expert assistance to consider the Fringe Benefits Tax, superannuation and salary packaging implications of each option.

**Recommendations**

In considering whether judicial officers should be entitled to a motor vehicle or car allowance, the Tribunal has reviewed the entitlements of judicial officers in other jurisdictions, considered the terms of the Fleet Policy and relied on the submissions of the courts.

The Tribunal considers that the current arrangements for the Judges of the Supreme Court and County Court and the heads of jurisdiction should be retained. The Tribunal agrees with the Department of Justice that the Fleet Policy is appropriate and meets the needs of these judicial officers. The Tribunal also notes the Supreme Court's preference for the current arrangements to be maintained.

The Tribunal recommends that the current arrangement for the provision of a motor vehicle to these judicial officers be formalised in an Attorney-General certificate.

The Tribunal accepts the position presented in the Magistrates' Court submission that Magistrates are disadvantaged by the current motor vehicle entitlements. While the Tribunal is not persuaded that Magistrates should be entitled to a motor vehicle on the same basis as Judges of the Supreme Court and County Court, it does agree that the current car allowance should be adjusted.

The Tribunal has considered the entitlements of judicial officers in other jurisdictions referred to in the Magistrates' Court submission and has conducted its own interstate comparison. At the time of writing, the Tribunal understands that these entitlements are as follows:

- Commonwealth: Private plated vehicle or \$9,060;
- New South Wales: Conveyance allowance of \$15,840;
- Queensland: \$6,675 added to salary to compensate for lack of vehicle;
- South Australia: Conveyance allowance of \$11,440 (the Tribunal notes that this allowance was \$5,400 in 1996 when the allowance in Victoria was introduced and has been adjusted over time);
- Western Australia, Tasmania, Northern Territory and the Australian Capital Territory: Fully funded vehicle.

The Tribunal understands that under the Executive Officer Car Scheme, a judicial officer will pay approximately \$10,500 to \$12,500 per annum for a vehicle (non prestige class). The Magistrates' Court submission notes that a Magistrate will pay \$10,987 for a Ford Fairmont. Once the current car allowance is deducted from this amount, the Magistrate is required to personally contribute \$5,587 towards the motor vehicle.

The Tribunal considers that it would be appropriate to adjust the car allowance by \$3,660, increasing it to \$9,060 which is the amount provided to federal Magistrates. This would decrease a Magistrate's personal contribution for a Ford Fairmont to \$1,927 per annum.

The Tribunal also recommends that this increase and recommendation be adopted for Masters of the Supreme Court and County Court and that the allowance be linked to CPI to allow for annual adjustments.

Having regard to the previous authorisation under the Attorney-General's certificate of 8 May 2004 for the car allowance payable to Masters to be incorporated into salary for all purposes, the Tribunal considers that it is appropriate that the allowance payable to Magistrates be similarly incorporated.

The Tribunal is of the view that under the current Fleet Policy all judicial officers should be reimbursed for mileage when using a private vehicle for official purposes. However the Tribunal notes the Magistrates' Court submission which states that this does not occur other than for acting Magistrates. Therefore the Tribunal recommends that the entitlement to reimbursement be made clear and formalised under an Attorney-General's certificate.

**Recommendation 8**

Judges of the Supreme Court and County Court and the Chief Magistrate be provided with a motor vehicle in accordance with the Judicial Car Scheme set out in the *Department of Justice Fleet Management Policies and Guidelines 2001* (or any other Departmental policy that is adopted from time to time), and be required to contribute a nominal contribution of \$837 per annum towards the running costs of the vehicle.

**Recommendation 9**

The Chief Justice of the Supreme Court, the President of the Court of Appeal and the Chief Judge of the County Court be provided with a motor vehicle in accordance with the Judicial Car Scheme set out in the *Department of Justice Fleet Management Policies and Guidelines 2001* (or any other Departmental policy that is adopted from time to time), and be required to contribute a nominal contribution of \$837 per annum towards the running costs of the vehicle. These judicial officers should also be provided with a driver.

**Recommendation 10**

Masters of the Supreme Court and County Court and Magistrates be provided with a car allowance in the amount of \$9,060, which may be offset against the cost of a car to be provided through the current Executive Officer Car Scheme, set out in the *Department of Justice Fleet Management Policies and Guidelines 2001* (or any other Departmental policy that is adopted from time to time). This allowance be adjusted annually in accordance with CPI.

The allowance provided to Masters of the Supreme Court and Magistrates is to be incorporated into salary for all purposes.

**Recommendation 11**

A Judge, Master or Magistrate who uses his or her private vehicle for official purposes be reimbursed for mileage in accordance with the rates outlined in the *Department of Justice Fleet Management Policies and Guidelines 2001* (or any other Departmental policy that is adopted from time to time).

**3.9 Living Away from Home Allowance****Current Arrangements**

Under section 13 of the **Magistrates' Court Act 1989**, the Chief Magistrate is able to assign duties to Magistrates and as such can assign a Magistrate to sit in country Victoria.

Where a Magistrate relocates on a temporary basis to fulfil such an assignment (for a period not less than 21 days) and intends to return to his or her former location, he or she is paid a "living away from home allowance" (LAFH allowance). Currently Magistrates receive a weekly allowance of \$350 which represents \$215 rental assistance and \$135 for food, for a period of up to two years. In addition, the Court meets reasonable costs associated with the removal of furniture and personal effects and connection fees for essential services.

Where a Magistrate permanently relocates, the Chief Magistrate may approve expenses including:

- Removal of furniture and personal effects;
- Storage of furniture and personal effects for a maximum period of 12 months;
- Costs associated with sale and acquisition of residence; and
- Connection fees for essential services.

Where a Magistrate permanently relocates to a county region and maintains a residence in the assigned region for at least three years prior to retirement, upon retirement the Magistrate is paid reasonable expenses for the removal of furniture and personal effects if the Magistrate relocates to a location in Victoria outside the assigned region.

In addition, due to local practice and convention, some country Magistrates are provided with certain goods and services, such as whitegoods, payment of school fees, payment of removal expenses and payment of rent.

**Submissions**

The Magistrates' Court submitted that the amount paid in accordance with the current LAFH allowance is the minimum required to attract Magistrates to sit in country regions and is appropriate to compensate for the numerous expenses and inconveniences incurred by such an assignment. The Court submitted that the amounts outlined in its submission (noted above) represent the minimum provision for executives in the public and private sectors.

The Court submitted that Magistrates should be entitled to the allowances as a minimum standard, subject to the capacity of the Chief Magistrate, by agreement with an individual Magistrate, to vary the details of the entitlement to the prescribed matters to accommodate particular circumstances. The Court submitted that the allowance should be formalised by the Tribunal to ensure that its validity is beyond doubt.

**Recommendations**

The Tribunal is aware that Magistrates are expected to sit in regional courts for periods of their career and that this is made clear to candidates upon appointment. While Magistrates accept these conditions upon appointment, it does not mean that the Magistrate should be required to bear the financial burden and inconvenience of relocation. The Tribunal in particular notes that, given the average age of Magistrates, relocation could involve inconvenience to a young family, including requiring children to move schools.

In some areas of the public and private sectors, employers provide employees with living away from home allowances and costs for relocation, where an employee agrees to or is required to relocate for work purposes.

The Tribunal agrees with the submission of the Magistrates' Court and recommends the validation of the existing living away from home allowance and relocation expenses for Magistrates who relocate to regional areas for extended periods.

**Recommendation 12**

Magistrates required to relocate on a temporary basis to regional areas for extended periods (longer than 21 days and less than 2 years) receive a living away from home allowance in the amount of \$350 a week for a period of up to but not exceeding 2 years (for the period of the relocation) and that adjustment of such allowance be linked to the CPI.

Magistrates also be reimbursed for reasonable relocation expenses, such as removal and storage of furniture and personal effects and connection fees for essential services.



### 3.10 Leave Entitlements

#### Current Arrangements

The current leave arrangements for judicial officers are outlined in the table below:

Type of Leave	Supreme Court	County Court	Magistrates' Court
Annual Leave/ Court Vacation	8 weeks	8 weeks	4 weeks
Sick Leave	Sick leave provided at the discretion of the head of jurisdiction		
Sabbatical/Long Service Leave	6 months leave after 7 years of service, one month of which may be accessed after 5 years of service and 6/7th of a month's leave is accrued for every additional year of service completed		3 months after 10 years of service
48/52	Not available	Not available	Access to additional annual leave through 48/52*
Parental Leave	No provisions		

\* This entitlement allows Magistrates to reduce their salary throughout the year in return for an additional four weeks of annual leave. The reduced salary thereby pays for the additional four weeks of leave. The entitlement has been available since at least 2001 and approximately 25% of Magistrates utilise it each year.

#### Submissions

In relation to the various types of leave outlined above, the Tribunal posed the following question in the Issues Paper:

“Should judicial officers be entitled to [these] various types of leave?”

#### *Supreme Court*

The Supreme Court noted that the reference to annual leave in the Issues Paper is incorrect as Judges take leave during the court vacation period which is determined by the Court as part of its control over its own process. Further, while Judges generally do not sit during this period, many continue to work. The Court submitted that no action is required by the Tribunal in relation to leave and the court vacation period.

In relation to sick leave, the Court noted that as judicial salaries cannot be reduced, it is not helpful to put artificial limits on the amount of time a Judge may stay away due to illness on “full pay”. The Court noted that very few court days are lost to illness and Judges with prolonged illness ordinarily retire.

In its supplementary submission, the Court noted that the current entitlement for Judges to six months long service leave after seven years of service is of less benefit than that available to Judges of the Federal Court and the New South Wales Supreme Court who are entitled to such a benefit after five years of service. The Court further noted that in Queensland, rather than leave, the Judges receive a compensatory allowance of 2.86% of the salary component, representing the value of the difference between the respective entitlements to long service leave.

**Magistrates' Court**

The Magistrates' Court submitted that Magistrates should receive the same leave entitlements applicable to other judicial officers. While noting that remuneration cannot be reduced throughout a leave period, the Court requested that the following leave provisions be formalised for Magistrates:

- 8 weeks annual leave;
- 6 months long service leave after 7 years of service;
- access to 48/52 leave (the court noted that this should not result in a reduction of other allowances payable to Magistrates who take advantage of the scheme); and
- access to maternity leave, paternity leave, adoption leave, bereavement leave and special leave (the court noted the terms and arrangements pursuant to the repealed Public Service Act have traditionally continued to apply to Magistrates).

While discussing leave arrangements the Court also noted the lack of disability entitlements for Magistrates (considered further at 4.3).

The Court supported the application of public service parental leave arrangements to Magistrates. The Court advised that a number of Magistrates have taken full time maternity leave or are working on a part time basis as part of their maternity leave.

**Department of Justice**

The Department of Justice submitted that the review should establish a consistent position on the leave entitlements of judicial officers, providing flexible arrangements that accommodate family responsibilities. The Department noted that sick leave should continue to be identified as a specific type of leave as, while it may not affect remuneration, it is important from a management perspective that the Court has information about sick leave that is being taken. The Department noted that consideration should also be given to supporting a more general recording of leave arrangements to ensure greater transparency in the application of entitlements.

**Recommendations**

While the Tribunal appreciates that judicial salaries cannot be reduced while a judicial officer is on leave, it is important that formal entitlements to leave for judicial officers be recognised.

The Tribunal supports the position of the Department of Justice that measures should be put in place to ensure the appropriate recording of leave by judicial officers, thereby ensuring greater transparency in the application of the entitlement. The Tribunal considers that leave should be appropriately recorded.

The Tribunal does not accept the Magistrates' Court submission that Magistrates should be entitled to the same leave arrangements as Judges of the County Court.

The Tribunal notes that this matter was raised during the 2003 review when the Magistrates' Court requested an increase in annual leave from four to eight weeks. At that time the Tribunal was not persuaded by the Court's arguments and considered that the cost to the Government of such an increased entitlement would be too significant. The Tribunal maintains this view.

With the exception of long service leave which will be discussed below, the Tribunal accepts that the current leave arrangements are appropriate and recommends their formalisation in an Attorney-General's certificate, on the following terms.

- **Annual leave (court vacation)** – 8 weeks for Judges and Masters of the Supreme Court and County Court and 4 weeks for Magistrates.
- **Sick leave** – The Tribunal agrees with the Supreme Court that to provide a limit on sick leave would be inappropriate, and therefore recommends the formalisation of the current procedure whereby leave is provided at the discretion of the head of jurisdiction. However, such absences should be recorded.
- **48/52** – The Tribunal accepts the submission of the Magistrates' Court that Magistrates should be entitled to 48/52 leave. Given that the Judges and Masters of the Supreme Court and County Court are entitled to an eight week annual leave period, access to 48/52 need not be made available to them.

- **Parental, bereavement and other forms of leave** – The Tribunal recommends that these types of leave be available to all judicial officers on the same terms as set out in the Victorian Public Service agreement.

***Long Service Leave/Sabbatical Leave***

In relation to long service leave, the Tribunal accepts and agrees with the submission of the Supreme Court that Judges should accrue leave on the same terms as Judges in the Federal Court and other jurisdictions. The Tribunal has considered the terms of the allowance in Queensland and the operation of the equation.

The Tribunal notes that the current legislative scheme for conditions is governed by its recommendations and subsequent Attorney-General's certificates. The Tribunal also notes that section 11(c)(ii) of the JRT Act specifically gives the Tribunal jurisdiction to provide recommendations on the provision of long service/sabbatical leave (including long leave and sabbatical leave) to judicial officers. Further the current provision for long service leave is under an Attorney-General's certificate. The Tribunal is therefore of the view that it has jurisdiction to recommend an adjustment of the certificate.

As such the Tribunal recommends that the current certificate be amended to provide that Judges of the Supreme Court and County Court be able to access six months of long service/sabbatical leave after five years of service, thereby bringing Victoria into line with other jurisdictions.

The Tribunal appreciates that the adjustment of this condition will impose a financial burden on the Government as well as having an operational impact on the Court. However, the Tribunal considers it appropriate that the Supreme Court of Victoria remain comparable with other jurisdictions, to ensure that suitably qualified candidates for judicial office are attracted to and remain at the Court.

The Tribunal does not support the extension of this entitlement to Magistrates and Masters, and considers that the current entitlement to 3 months leave after 10 years of service should continue and be formalised in an Attorney-General's certificate. The Tribunal notes that this matter was raised by the Masters and Magistrates during the 2003 review and the proposed increase was opposed by the Government.

**Recommendation 13**

Judges and Masters of the Supreme Court and County Court be entitled to eight weeks of annual leave per annum.

Magistrates be entitled to four weeks of annual leave per annum.

**Recommendation 14**

Judges and Masters of the Supreme Court and County Court and Magistrates have access to sick leave at the discretion of the relevant head of jurisdiction, with such leave being recorded.

**Recommendation 15**

Judges of the Supreme Court and County Court be able to access 6 months of long service leave after 5 years of service.

Masters and Magistrates be able to access 3 months long service leave after 10 years of service.

**Recommendation 16**

Magistrates be able to access 48/52 leave.

**Recommendation 17**

Judges and Masters of the Supreme Court and County Court and Magistrates have access to parental, bereavement and other special leave on the terms set out in the Victorian Public Service Agreement as amended from time to time.

### **3.11 Recognition of Prior Service**

#### **Current Arrangements**

Recognition of prior service is recognised for Supreme Court and County Court Judges in the form of a pay out of partially accrued long service leave entitlements.

The Attorney-General's certificate dated 18 May 2004, which came into effect on 1 July 2004 allows Judges of the Supreme Court and County Court to have their prior service recognised and subsequently paid out. The certificate states:

A Judge of the Supreme or County Court who served in public office immediately prior to judicial appointment and had not accrued a long service leave entitlement is to be paid on a pro rata basis an amount that could have accrued under the long service leave accrual rules for the Victorian Public Service. This is to apply when the Judge completes the balance of that period in judicial office or leaves office as a result of death or disability.

There is currently no entitlement for Masters or Magistrates to have their prior service recognised.

#### **Submissions**

The Magistrates' Court noted that prior public service has been recognised for Magistrates as time spent in the public service is counted towards magisterial long service leave.

The Court submitted that it should be entitled to the same long service leave arrangements as the Supreme Court and County Court. The Court noted that if such leave is provided for, prior service should not be recognised for the purposes of calculating the entitlement to long service leave. In the absence of this change, the current arrangements with respect to recognition of prior public service should continue.

#### **Recommendations**

In the Issues Paper, the Tribunal identified a number of issues that have been raised in relation to the entitlement to prior recognition of service, including whether:

- the condition of service only applies to Judges appointed after 1 July 2004 (date of certificate);
- the rate of the entitlement should be equal to the remuneration level of the public office the Judge held before his or her appointment, or the remuneration level of the judicial office the Judge holds;
- the entitlement can be taken as leave instead of money; and
- the effect of the Victorian Public Sector Agreement in relation to long service leave on the condition of service.

#### **Operation of Current Certificate**

The Tribunal is aware that there has been a range of issues with interpreting this entitlement and as such proposes to clarify its operation.

The intention of the entitlement to recognition of prior service is to ensure that a Judge who has served in the public service immediately prior to accepting a judicial appointment is not disadvantaged by moving from one long service leave scheme to another. The intention of the entitlement was that it would operate in the following way.

A Judge, who immediately prior to his or her appointment served in the public service but did not accrue a long service leave entitlement, is entitled to a payout on a pro rata basis of that entitlement in accordance with the relevant long service leave accrual rules for the public service which are current at the time of appointment. This payout should occur once the Judge serves in the judicial office the balance of time which would have been required to provide a long service leave entitlement in the public office.

The current long service leave accrual rules for the public service state that a person is entitled to three months leave after ten years of service. So, for example, if a person is appointed after serving 5 years in public office, that person will be entitled to a payment of 1.5 months of their annual salary, once they have served 5 years as a Judge. The payout is to be based on the years of service in public office provided that a minimum of 4 years has been served in that office (this being the minimum period of service giving rise to a long service leave payout under public service conditions in case of leaving a public office because of disability or death).

The payout is to be calculated at the level of remuneration for the former public office prevailing at the time of payout.

The date of the certificate is 1 July 2004 and therefore applies only to Judges of the Supreme Court and County Court appointed after that date.

Further, the Tribunal notes that though the certificate specifies that the Judge is to receive a payout, it does not allow for prior service to be used towards judicial long service leave. The Tribunal therefore clarifies that the entitlement is to a payout of leave and does not count towards judicial long service/sabbatical leave which accrues from the date of judicial appointment.

#### **Adjustments**

The Tribunal recommends that the certificate continue to operate.

In the case of Masters and Magistrates, the Tribunal recommends that the entitlement to have prior public service recognised for the purpose of long service leave as a Master or Magistrate be formalised in an Attorney-General's certificate. This means a Master or Magistrate who has served eight years in a public office need only serve another two years as a Master or Magistrate and their long service leave entitlement will accrue. The Tribunal considers that this is appropriate given that the long service leave schemes for public office and Masters and Magistrates operate on the same terms, and also for this reason recommends that it apply to all serving Masters and Magistrates from the operative date of the Attorney-General's Certificate.

#### **Recommendation 18**

A Judge of the Supreme Court or County Court who served a minimum of four years in public office immediately prior to judicial appointment but who had not accrued a long service leave entitlement in that public office shall be paid a pro-rata amount based on the length of service in the public office and on the rate of remuneration for that office prevailing at the time of payout once the officer's length of combined service in public office and the judicial office equals the length of service that would have provided a long service leave entitlement in the public office. This payout provision also applies, irrespective of length of service in the judicial office, where the officer leaves the judicial office as a result of death or disability.

The long service leave provisions for Judges operate separate from this provision.

#### **Recommendation 19**

A Master or Magistrate who served in public office immediately prior to judicial appointment is entitled to have that service recognised for the purposes of long service leave entitlement as a Master or Magistrate, with such entitlement to apply to all serving Masters and Magistrates from the operative date of the Attorney-General's Certificate.

### **3.12 Acting/Reserve Judges**

#### **Current Arrangements**

The Tribunal notes that acting/reserve Judges receive benefits of office on a pro-rata basis. Such benefits are a motor vehicle, judicial library allowance, travel allowances, travel card and gold pass.

**Recommendation**

The Tribunal recommends that acting/reserve Judges continue to receive the benefits of office available on a pro-rata basis as set out above.

**Recommendation 20**

Acting/reserve Judges continue to receive the benefits of office available on a pro-rata basis for the following allowances: motor vehicle; judicial library; travel; travel card and gold pass.

**3.13 Acting Magistrates****Current Arrangements**

Currently acting Magistrates receive a daily sitting fee and are not entitled to the range of allowances that judicial officers receive as discussed above. Acting Magistrates are however entitled to have their mileage paid for in accordance with the *Department of Justice Fleet Management Policies and Guidelines 2001*.

**Submissions**

The Tribunal posed the following question in the Issues Paper:

“Are there circumstances where it is unreasonable or impractical for part-time, reserve and acting judicial officers to receive pro-rated allowances and conditions of service?”

The Magistrate Court submission noted the current travel allowance received by acting Magistrates and requested that this be endorsed.

In a letter to the Tribunal by the Chief Magistrate on behalf of the acting Magistrates, the acting Magistrates requested that the Tribunal consider their position in the context of the current review.

The acting Magistrates sought a recommendation for adjustment of their daily fee, asking that the absence of leave and other allowances and the fact that they perform the same duties as full time Magistrates be taken into account.

In addition, the acting Magistrates requested that in the interest of flexibility a half daily sitting fee be made available. The reason being an acting Magistrate could often be released from court after half a day when there has been a substantial clearance of the day's caseload. Currently however, there is no provision for a half daily fee to be paid when this occurs.

A representative of the acting Magistrates has also requested that the Tribunal recommend that acting Magistrates receive all of the allowances that Magistrates receive on a pro rata basis, or alternatively a separate overall allowance. It has also been requested that the Tribunal make any allowance retrospective, thereby covering the last 12 months of service when no allowances were provided. Alternatively the Tribunal may consider providing an overall allowance to cover the last 12 months.

**Recommendations**

While the Tribunal recognises that acting Magistrates perform the same functions as Magistrates, it is not persuaded that acting Magistrates should be provided with the same level of allowances on a pro rata basis. For example it is arguable that an acting Magistrate would not have a need for a library allowance in the same way as a full time Magistrate, nor a need to travel.

The Tribunal recognises that many acting Magistrates use personal vehicles for official purposes and accepts the Court's submission on this issue. As such the Tribunal recommends that acting Magistrates be entitled to reimbursement of mileage when using a vehicle for official purposes in accordance with the *Department of Justice Fleet Management Policies and Guidelines 2001*. In addition the Tribunal recommends that Acting Magistrates be entitled to travelling allowances in accordance with the relevant departmental policy.

In relation to the request that the Tribunal recommend an increase in the rate of the daily sitting fee and provision for a half daily fee, the Tribunal notes that it has no jurisdiction to make such recommendations as they relate to salaries. Salaries are currently governed by the **Judicial Salaries Act 2004** and therefore any change to the daily sitting fee would require legislative amendment.

**Recommendation 21**

An acting Magistrate who uses his or her private vehicle for official purposes be reimbursed for mileage in accordance with the rates outlined in the *Department of Justice Fleet Management Policies and Guidelines 2001* (or any other Departmental policy that is adopted from time to time). Acting Magistrates also be entitled to travelling allowances in accordance with the relevant departmental policy.

**4. Other Matters**

Both the Supreme Court and the Magistrates' Court requested that the Tribunal consider specific issues which were not raised in the Issues Paper.

**4.1 Raising the Retirement Age**

The Supreme Court requested that the Tribunal recommend that the retirement age for Judges be raised from 70 to 72 years of age. The Court argued that a balance must be struck between ensuring experienced Judges are not compelled to retire where they wish to continue to act as judicial officers, and ensuring that Judges do not remain in office beyond an arbitrary date when judicial work may be perceived as unduly burdensome. The Court argued that increasing the retirement age to 72 years would achieve such a balance, be in line with the circumstances in New South Wales and reflect community thinking. As this matter is outside the jurisdiction of the Tribunal, it is brought to the attention of the Attorney-General.

**4.2 Entitlement to a Judicial Pension upon Obtaining the Age of 60 years**

The Supreme Court requested that the Tribunal recommend that the pre-1995 entitlement to retire on a full pension after having served 10 years and attained the age of 60 be reinstated. Currently, a judicial officer may retire on a full pension after having served 10 years and attained the age of 65.

The Court argued that the change in 1995 marked a deterioration in judicial conditions of service. The higher retiring age is in contrast to the pension provisions of other jurisdictions and is discriminatory, particularly towards female Judges who are generally appointed at a younger age than their male counterparts. The Court suggests the discrepancy is yet another reason why the Court is seen as less attractive than other comparable jurisdictions to suitable candidates for judicial office.

The Magistrates' Court also requested, as it did in the 2003 review, that the Tribunal recommend that the Chief Magistrate be able to retire on a full pension at the age of 60 after 10 years of service.

The Tribunal considers that this issue is outside the scope of the current review given that the Issues Paper noted that pensions would not be considered at this time. As such the Tribunal has not had the opportunity to consider comments from other jurisdictions or the Government, for which this proposal would have a significant financial impact.

**4.3 Judicial Pensions for Magistrates****Judicial Pensions**

The Magistrates' Court requested that the Tribunal recommend that Magistrates receive a judicial pension comparable with that enjoyed by Judges of the Supreme Court and County Court. The Court submitted that this would recognise Magistrates as the third tier of the judiciary and strengthen their judicial independence.

The Tribunal notes that the Magistrates' Court raised this issue in the 2003 review. At that time the Government opposed the proposal, submitting that the provision of a judicial pension to Magistrates would have a significant budgetary impact.

As noted at 4.2, the Issues Paper stated that pensions would not be considered at this time and as such the Department of Justice has not provided comments on this issue. Given the financial impact of this request, the Tribunal will not make a recommendation without first receiving the views of the Government.

#### **Disability Benefits**

The Court also submitted that Magistrates should receive disability benefits equal to that received by all other judicial officers. Currently Judges of the Supreme Court or County Court who resign or retire as a result of becoming afflicted with some permanent incapacity disabling them from the due execution of office are entitled to a full pension payable fortnightly at the rate of 60% of the annual salary applicable to the office held, immediately prior to retirement.

The disability benefits which a Magistrate receives are determined by the superannuation scheme to which the individual Magistrate belongs. The Court argued that the adoption of a disability benefits scheme would provide Magistrates with a reasonable degree of financial security in sickness and ill health which has been recognised as a necessary precondition for an independent judiciary.

The Court notes that the Federal Government has legislated to give federal Magistrates a disability pension of 60% of their salary to the age of 65 should they retire as a result of disability. The Court proposes that a similar arrangement should be adopted in Victoria.

Once again, the Tribunal notes that a recommendation on this issue would have a considerable financial impact on the Government and as such will not provide a recommendation without first receiving the views of the Government.

The Tribunal notes for the sake of accuracy that at the time of writing, the Federal Government is yet to enact legislation which provides federal Magistrates with an entitlement to a disability pension. The Bill which proposes to introduce such an entitlement is the Federal Magistrates Amendment (Disability and Death) Benefits Bill 2006 (the Bill). The Bill was introduced into the House of Representatives on 29 March 2006 and was referred to the Senate Legal and Constitutional Legislation Committee (the Committee) on 30 March 2006. The Committee has since delivered its report, however the Bill is yet to be reconsidered by the House.

#### **4.4 Salary Relativities**

The Magistrates' Court submitted that the appropriate salary relativity between Magistrates and County Court Judges should be 85%. The Magistrates Court advise that the relativity is currently 80% and was determined in 1986. The Court argued that this adjustment would reflect the appropriate relativities having regard to the extensive exercise of concurrent jurisdiction by the Magistrates' Court and County Court, and the various jurisdictional increases which have occurred in the Magistrates' Court.

The Tribunal notes that it has no jurisdiction to make recommendations in relation to salaries and therefore will not consider or provide comment on the issue of salary relativities.

#### **5. Legislative Anomalies**

The Issues Paper identified a number of legislative anomalies and suggested that the Government consider introducing amendments to remedy them. The Tribunal notes that neither the Department of Justice nor the courts made submissions on these issues.



### 5.1 Conditions of Service and Allowances

The JRT Act makes no clear distinction between what constitutes an “allowance” as opposed to a “condition of service”. The distinction is important in terms of legal appropriation of revenue to pay for allowances as well as to protect them. The Issues Paper noted that there appears to be little judicial guidance in this area. The Tribunal has been provided with a copy of an advice dated 1 April 1996 from Crown Counsel (as he then was), Dr Len Hallett. The advice stated that, although it would be difficult to predict the finding of a court, judicial consideration of the meaning of allowances would be likely to be confined to monetary sums that have been paid to judicial officers.

While the JRT Act is silent on the definition of allowances and conditions of service, section 11 appears to categorise allowances as a sub-set of conditions of service.

As the definition concern appears to relate only to the matter of appropriations, this seems not to be a matter for the Tribunal.

### 5.2 Jurisdiction over Coroners

The JRT Act provides the Tribunal with the jurisdiction to make recommendations on allowances and conditions of service for the State Coroner and the Deputy State Coroner but contains no reference to coroners.

Traditionally coroners held dual appointments as Magistrates and so the Tribunal has been able to ensure they are adequately provided for through their entitlements as a Magistrate. However, the Tribunal is aware of one coroner who is not a Magistrate and another who has been appointed on an acting basis, and recognises that similar appointments may be made in the future. If this is the case, those who are appointed as coroners but not Magistrates will not enjoy the same security as judicial officers, as their conditions and allowances must be made on a case by case basis by the Governor in Council.

The Tribunal suggests that the Attorney-General consider amending the JRT Act to include coroners within the Tribunal’s jurisdiction. This would be consistent with the Tribunal’s role in advising on the allowances and conditions of service of the State Coroner, Deputy State Coroner and all judicial officers. This would also comply with section 9 of the **Coroners Act 1985** which provides:

“A coroner holds office on the terms and conditions in the instrument of appointment and is entitled to be paid the salary at the rate specified in the instrument or at such higher rate as is for the time being applicable under the JRT Act, together with allowances so specified, as adjusted from time to time under that Act.”

### 5.3 Jurisdiction over Non-Judicial Members of VCAT

While the Tribunal has jurisdiction under the JRT Act to make recommendations to the Attorney-General regarding allowances and conditions of service for Victorian Civil and Administrative Tribunal (VCAT) non-judicial members, there appears to be an inconsistency between the JRT Act and section 17 of the **Victorian Civil and Administrative Tribunal Act 1998**, which provides that the remuneration and allowances of VCAT members may be fixed by the Governor in Council.

The Tribunal considers that it is impractical and inconsistent with the aim of improving transparency and clarity of entitlements to have conflicting provisions. The Tribunal therefore suggests that the Attorney-General consider clarifying whether the allowances and conditions of service of VCAT non-judicial members fall within the Tribunal’s jurisdiction or are a matter for the Governor in Council.

## 6. Conclusion

The Tribunal feels this report contains a comprehensive list of recommendations, which if adopted, will provide a clear and concise regime for the payment of judicial allowances and conditions of service in Victoria. The Tribunal is confident this regime will provide clarity and certainty, removing the concerns surrounding the legality of some allowances arising out of the advice of Mr Hanks, referred to above.

The recommendations largely validate the current arrangements and provide for some adjustments. The recommendations also incorporate the use of an adjustment mechanism to ensure that allowances increase over time to take account of inflation, without need for reconsideration by the Tribunal.

The Tribunal has given appropriate consideration to the level of entitlements across the judiciary, and the circumstances that exist in other Australian jurisdictions, arriving at levels of entitlements which are fair and appropriate for judicial office.

The Tribunal would like to thank all stakeholders who provided comments and information to assist with formulating this report and recommendations.

**Recommendation 22**

That the Attorney-General's Certificate serve as the basis for a Manual or Handbook covering the range of conditions of employment (conditions and allowances) of Victorian Judicial Officers.

**7. Retrospectivity**

Because of the prevailing uncertainty about the authority for a range of allowances and conditions and the length of time taken to review such matters, the Tribunal considers these factors constitute exceptional circumstances and that therefore it would be appropriate for the certificate certifying whichever of the Tribunal's recommendations are approved by the Attorney-General to have 12 months retrospective effect.

**Recommendation 23**

That the Attorney-General's Certificate certifying the Tribunal's recommendations have 12 months retrospective effect.

Dated 17 May 2007

THE HON MICHAEL DUFFY  
Chairperson

**Appendix 1****Recommendations**

1. Judges and Masters of the Supreme Court and County Court and Magistrates be entitled to travel overseas or interstate in accordance with the Department of Premier and Cabinet and Department of Justice travel policies as amended from time to time. Prior to travelling, Judges, Masters and Magistrates must seek the approval of the relevant head of jurisdiction and the heads of jurisdiction must seek the approval of the Attorney-General. Provided that the entitlement of Business Class Interstate travel of the partner of a Supreme Court or County Court Judge continue in accordance with the Attorney-General's Certificate dated 28 March 2000.
2. When travelling on circuit, Judges and Masters of the Supreme Court and County Court and Magistrates be paid a travel allowance to cover accommodation (if an overnight stay is necessary) and meals and incidentals, in accordance with the relevant Department of Justice travel policy as amended from time to time.
3. Judges and Masters of the Supreme Court and County Court and Magistrates be provided with a library allowance fixed at 80% of expenditure, up to a maximum of:
  - \$8,000 per annum for Supreme Court Judges; and
  - \$2,500 per annum for Supreme Court Masters, County Court Judges and Masters and Magistrates.

The allowance may be used for books, periodicals and the costs of acquiring and maintaining electronic facilities (including remote internet access for official purposes only as provided for by the Department of Justice Remote Internet Access Policy).

The allowance increase annually in accordance with CPI from the date of the Certificate.
4. Judges and Masters of the Supreme Court and County Court and Magistrates be reimbursed for 50% of the cost of calls from an elected mobile or home telephone and 50% of line rental costs for a home telephone, if that phone is the elected phone.
5. The Chief Justice of the Supreme Court, the President of the Court of Appeal, the Chief Judge of the County Court and the Chief Magistrate be reimbursed for 100% of the cost of calls from an elected mobile or home telephone and 100% of line rental costs for a home telephone, if that phone is the elected phone.
6. An allowance equivalent to 4% of salary be paid to Senior Magistrates for the Co-ordinating function.
7. Judges of the Supreme Court and County Court receive a gold pass for the duration of their term in judicial office.
8. Judges of the Supreme Court and County Court and the Chief Magistrate be provided with a motor vehicle in accordance with the Judicial Car Scheme set out in the *Department of Justice Fleet Management Policies and Guidelines 2001* (or any other Departmental policy that is adopted from time to time), and be required to contribute a nominal contribution of \$837 per annum towards the running costs of the vehicle.
9. The Chief Justice of the Supreme Court, the President of the Court of Appeal and the Chief Judge of the County Court be provided with a motor vehicle in accordance with the Judicial Car Scheme set out in the *Department of Justice Fleet Management Policies and Guidelines 2001* (or any other Departmental policy that is adopted from time to time), and be required to contribute a nominal contribution of \$837 per annum towards the running costs of the vehicle. These judicial officers should also be provided with a driver.
10. Masters of the Supreme Court and County Court and Magistrates be provided with a car allowance in the amount of \$9,060, which may be offset against the cost of a car to be provided through the current Executive Officer Car Scheme, set out in the *Department of Justice Fleet Management Policies and Guidelines 2001* (or any other Departmental policy that is adopted from time to time). This allowance should be adjusted annually in accordance with CPI.

The allowance provided to Masters of the Supreme Court and Magistrates is to be incorporated into salary for all purposes.

11. A Judge, Master or Magistrate who uses his or her private vehicle for official purposes be reimbursed for mileage in accordance with the rates outlined in the *Department of Justice Fleet Management Policies and Guidelines 2001* (or any other Departmental policy that is adopted from time to time).
12. Magistrates required to relocate on a temporary basis to regional areas for extended periods (longer than 21 days and less than 2 years) receive a living away from home allowance in the amount of \$350 a week for a period of up to but not exceeding 2 years (for the period of the relocation) and that adjustment of such allowance be linked to the CPI.  
Magistrates also be reimbursed for reasonable relocation expenses, such as removal and storage of furniture and personal effects and connection fees for essential services.
13. Judges and Masters of the Supreme Court and County Court be entitled to eight weeks of annual leave per annum.  
Magistrates be entitled to four weeks of annual leave per annum.
14. Judges and Masters of the Supreme Court and County Court and Magistrates have access to sick leave at the discretion of the relevant head of jurisdiction, with such leave being recorded.
15. Judges of the Supreme Court and County Court be able to access 6 months of long service leave after 5 years of service.  
Masters and Magistrates be able to access 3 months long service leave after 10 years of service.
16. Magistrates be able to access 48/52 leave.
17. Judges and Masters of the Supreme Court and County Court and Magistrates have access to parental, bereavement and other special leave on the terms set out in the Victorian Public Service Agreement as amended from time to time.
18. A Judge of the Supreme Court or County Court who served a minimum of four years in public office immediately prior to judicial appointment but who had not accrued a long service leave entitlement in that public office shall be paid a pro-rata amount based on the length of service in the public office and on the rate of remuneration for that office prevailing at the time of payout once the officer's length of combined service in public office and the judicial office equals the length of service that would have provided a long service leave entitlement in the public office. This payout provision also applies, irrespective of length of service in the judicial office, where the officer leaves the judicial office as a result of death or disability.  
The long service leave provisions for Judges operate separate from this division.
19. A Master or Magistrate who served in public office immediately prior to judicial appointment is entitled to have that service recognised for the purposes of long service leave entitlement as a Master or Magistrate, with such entitlement to apply to all serving Masters and Magistrates from the operative date of the Attorney-General's Certificate.
20. Acting/reserve Judges continue to receive the benefits of office available on a pro-rata basis as set out below:
  - motor vehicle;
  - judicial library allowance;
  - travel allowances;
  - travel card; and
  - gold pass.

21. An acting Magistrate who uses his or her private vehicle for official purposes be reimbursed for mileage in accordance with the rates outlined in the *Department of Justice Fleet Management Policies and Guidelines 2001* (or any other Departmental policy that is adopted from time to time). Acting Magistrates also be entitled to travelling allowances in accordance with the relevant departmental policy.
  22. That the Attorney-General's Certificate serve as the basis for a Manual or Handbook covering the range of conditions of employment (conditions and allowances) of Victorian Judicial Officers.
  23. That the Attorney-General's Certificate certifying the Tribunal's recommendations have 12 months retrospective effect.
- Please note that where the recommendation relates to judicial officers of a particular court, this is taken to include the head of that jurisdiction unless the recommendation specifically provides for the head of jurisdiction.

**Appendix 2**  
**Consolidated Conditions/Allowances**

<b>Allowance/ Condition of Service</b>	<b>Judicial Office</b>	<b>Terms of Allowance</b>
Travel Allowance	Judges and Masters of the Supreme Court Judges and Masters of the County Court Magistrates	Overseas or interstate in accordance with the Department of Premier and Cabinet and Department of Justice travel policies as apply from time to time. Provided that the entitlement of Business Class Interstate travel of the partner of a Supreme Court or County Court Judge continue in accordance with the Attorney-General's Certificate dated 28 March 2000.
Circuit Allowance	Judges and Masters of the Supreme Court Judges Masters of the County Court Magistrates	Travel allowance to cover accommodation and (if an overnight stay is necessary) meals and incidentals, in accordance with the relevant Department of Justice travel policy as applies from time to time.
Library Allowance	Judges of the Supreme Court	80% of expenditure, up to a maximum of \$8,000 per annum. Increased annually in accordance with CPI.
	Masters of the Supreme Court Judges and Masters of the County Court Magistrates	80% of expenditure, up to a maximum of \$2,500. Increased annually in accordance with CPI.
Co-ordinating Function Allowance	Senior Magistrate Co-ordinating function	An allowance equivalent to 4% of salary be paid to Senior Magistrates for the Co-ordinating function
Home Telephone Allowance	Judges and Masters of the Supreme Court Judges and Masters of the County Court Magistrates	Reimbursement for 50% of the cost of calls from an elected mobile or home telephone and 50% of line rental for a home telephone (if that phone is the elected phone).
	Chief Justice of the Supreme Court Chief Judge of the County Court President of the Court of Appeal Chief Magistrate	Reimbursement for 100% of the cost of calls from an elected mobile or home telephone and 100% of line rental for a home telephone (if that phone is the elected phone).
Gold Pass	Judges of the Supreme Court Judges of the County Court	Gold pass for the duration of their term in judicial office.
Motor Vehicles	Judges of the Supreme Court Judges of the County Court Chief Magistrate	Provided with a motor vehicle in accordance with the Judicial Car Scheme set out in the <i>Department of Justice Fleet Management Policies and Guidelines 2001</i> (or any other Departmental policy that is adopted from time to time), and be required to contribute a nominal contribution of \$837 per annum.

	Chief Justice of the Supreme Court President of the Court of Appeal Chief Judge of the County Court	Provided with a motor vehicle in accordance with the Judicial Car Scheme set out in the <i>Department of Justice Fleet Management Policies and Guidelines 2001</i> (or any other Departmental policy that is adopted from time to time), and be required to contribute a nominal contribution of \$837 per annum, and a driver.
Motor Vehicle Allowance	Masters of the Supreme Court Masters of the County Court Magistrates	Car allowance in the amount of \$9,060, which may be offset against the cost of a car to be provided through the current Executive Officer Car Scheme, set out in the <i>Department of Justice Fleet Management Policies and Guidelines 2001</i> (or any other Departmental policy that is adopted from time to time). Adjusted annually in accordance with CPI. Allowance provided to Masters of the Supreme and County Court and Magistrates is to be incorporated into salary for all purposes.
Mileage	Judges and Masters of the Supreme Court Judges and Masters of the County Court Magistrates Acting Magistrates	Judicial officers who use a private vehicle for official purposes are entitled to be reimbursed for mileage in accordance with the rates outlined in the <i>Department of Justice Fleet Management Policies and Guidelines 2001</i> (or any other Departmental policy that is adopted from time to time).
Pro-rata benefits of office	Acting/Reserve Judges	Acting/Reserve Judges continue to receive the benefits of office available on a pro-rata basis as set out below: <ul style="list-style-type: none"> <li>● motor vehicle;</li> <li>● judicial library allowance;</li> <li>● travel allowances;</li> <li>● travel card; and</li> <li>● gold pass.</li> </ul>
Travelling Allowance	Acting Magistrates	Travelling allowance provided to Acting Magistrates in accordance with the relevant departmental policy
Living away from home allowance	Magistrates	Living away from home allowance for Magistrates required to relocate on a temporary basis to regional areas in the amount of \$350 a week for a period of up to but not exceeding 2 years and that adjustment of such allowance be linked to the CPI. Reimbursement for reasonable relocation expenses.

Annual Leave	Judges and Masters of the Supreme Court Judges and Masters of the County Court	Eight weeks of recreation leave per annum.
	Magistrates	Four weeks of recreation leave per annum.
Sick Leave	Judges and Masters of the Supreme Court Judges and Masters of the County Court Magistrates	Sick leave at the discretion of the relevant head of jurisdiction, with such leave being recorded.
48/52	Magistrates	Access to 48/52 leave.
Parental, bereavement and other special leave	Judges and Masters of the Supreme Court Judges and Masters of the County Court Magistrates	Access to parental, bereavement and other special leave in the terms set out in the Victorian Public Service Agreement as amended from time to time.
Sabbatical/Long Service Leave	Judges of the Supreme Court Judges of the County Court	6 months of sabbatical/long service leave after 5 years of judicial service.
	Masters of the Supreme Court Masters of the County Court Magistrates	3 months of long service leave after 10 years of service.
Recognition of Prior Service	Judges of the Supreme Court Judges of the County Court	A Judge of the Supreme Court or County Court who served a minimum of four years in public office immediately prior to judicial appointment but who had not accrued a long service leave entitlement in that public office shall be paid a pro-rata amount based on the length of service in the public office and on the rate of remuneration for that office prevailing at the time of payout once the officer's length of combined service in public office and the judicial office equals the length of service that would have provided a long service leave entitlement in the public office. This payout provision also applies, irrespective of length of service in the judicial office, where the officer leaves the judicial office as a result of death or disability. The long service leave provisions for Judges operate separate from this provision.
	Masters of the Supreme and County Court and Magistrates	Service in the public office immediately prior to judicial appointment is recognised for the purposes of long service leave as a Master or Magistrate.



**Planning and Environment Act 1987**

## DAREBIN PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C67

The Minister for Planning has approved Amendment C67 to the Darebin Planning Scheme.

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

The Amendment will:

- introduce the Priority Development Zone and Schedule 1 to the Priority Development Zone;
- rezone land known as the Preston Market site to a Priority Development Zone (PDZ1);
- introduce Schedule 6 to the Design and Development Overlay;
- apply the Design and Development Overlay (DDO6) to land known as the Western Gateway, Southern Gateway and High Street South Precincts, Preston Central;
- amend the Schedule to the Business 2 Zone to remove retail floor area limits for the above sites;
- amend the Schedule to Clause 81 to include the "Preston Market Incorporated Plan March 2007" as an incorporated document.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, 8 Nicholson Street, East Melbourne; and at the offices of Darebin City Council, Gower Street, Preston.

GENEVIEVE OVERELL  
General Manager  
Office of Planning and Urban Design  
Department of Sustainability  
and Environment

**Planning and Environment Act 1987**

## GREATER GEELONG PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C149

The Minister for Planning has approved Amendment C149 to the Greater Geelong Planning Scheme.

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

The Amendment amends the schedules to clauses 52.03 and 81.01 of the Greater Geelong Planning Scheme to facilitate the establishment of transitional offices for the Transport Accident Commission at 312–328 Moorabool Street, Geelong.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne; and at the offices of the Greater Geelong City Council, 131 Myers Street, Geelong.

GENEVIEVE OVERELL  
General Manager  
Office of Planning and Urban Design  
Department of Sustainability  
and Environment

**Planning and Environment Act 1987**

## HEPBURN PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C39

The Hepburn Shire Council approved Amendment C39 to the Hepburn Planning Scheme on 22 May 2007.

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

The Amendment makes minor adjustments to Heritage Overlay mapping to correct unintended results from a previous Amendment.

The Amendment was approved by the Hepburn Shire Council in accordance with authorisation given by the Minister under section 11(1) of the **Planning and Environment Act 1987** on 22 December 2006. The authorisation has not been withdrawn.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne; the Department of Sustainability and Environment South West Regional Office, 402–406 Mair Street, Ballarat; and at the offices of the Hepburn Shire Council, Duke Street, Daylesford.

GENEVIEVE OVERELL  
General Manager  
Office of Planning and Urban Design  
Department of Sustainability  
and Environment

**Planning and Environment Act 1987**

## HUME PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C81

The Hume City Council approved Amendment C81 to the Hume Planning Scheme on 18 May 2007.

The Amendment:

- makes a formatting change to the Seth Raistrick Reserve (HO217) in the schedule to the Heritage Overlay;
- adds the word 'former' to the St Paul's Vicarage (HO385) listed in the schedule to the Heritage Overlay;
- removes the reference to the Gellibrand Hill Quarry Precinct (HO241) from the schedule to the Heritage Overlay;
- removes the Greenan Outbuilding (HO243) from the schedule to the Heritage Overlay and Map 16HO.

The Amendment was approved by the Hume City Council in accordance with authorisation given by the Minister under section 11(1) of the **Planning and Environment Act 1987** on 25 October 2006. The authorisation has not been withdrawn.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne; and at the offices of the Hume City Council, 1079 Pascoe Vale Road, Broadmeadows.

GENEVIEVE OVERELL  
General Manager

Office of Planning and Urban Design  
Department of Sustainability  
and Environment

**Planning and Environment Act 1987**

## MOONEE VALLEY PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C67

The Moonee Valley City Council approved Amendment C67 to the Moonee Valley Planning Scheme on 23 May 2007.

The Amendment corrects a number of errors and inconsistencies that have been identified in the Moonee Valley Planning Scheme.

The Amendment was approved by the Moonee Valley City Council in accordance with authorisation given by the Minister under section 11(1) of the **Planning and Environment Act 1987** on 30 October 2006. The authorisation has not been withdrawn.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Ground Floor, 8 Nicholson Street, East Melbourne; and at the offices of the Moonee Valley City Council, 9 Kellaway Avenue, Moonee Ponds, Vic. 3039.

GENEVIEVE OVERELL  
General Manager

Office of Planning and Urban Design  
Department of Sustainability  
and Environment

**Planning and Environment Act 1987**

## BASS COAST PLANNING SCHEME

## Notice of Lapsing of Amendment

## Amendment C18

The Bass Coast Shire Council has resolved to abandon Amendment C18 to the Bass Coast Planning Scheme.

The Amendment proposed to introduce Parking Precinct Plans to the townships of Cowes, Grantville, Inverloch, San Remo & Wonthaggi; together with a combined plan for the small townships of Bass, Cape Patterson, Corinella, Coronet Bay, Dalyston, Kilcunda, Newhaven & Rhyll.

The Amendment lapsed on 1 October 2003.

GENEVIEVE OVERELL  
General Manager

Office of Planning and Urban Design  
Department of Sustainability  
and Environment

**Planning and Environment Act 1987**

## GREATER GEELONG PLANNING SCHEME

## Notice of Lapsing of Amendment

## Amendment C121

The Greater Geelong City Council has resolved to abandon Amendment C121 to the Greater Geelong Planning Scheme.

The Amendment proposed to rezone the land bounded by Geelong–Portarlington, Batman, Allens and Tower Roads, Portarlington from Rural Zone to Residential 1 Zone and apply a Design and Development Overlay Schedule 14 and a Development Plan Overlay.

The Amendment lapsed on 8 May 2007.

GENEVIEVE OVERELL  
General Manager  
Office of Planning and Urban Design  
Department of Sustainability  
and Environment

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## ORDERS IN COUNCIL

### Crown Land (Reserves) Act 1978

#### INCORPORATION OF COMMITTEES OF MANAGEMENT AND APPOINTMENT OF CHAIRMEN

##### Order in Council

The Governor in Council, under section 14A(1) of the **Crown Land (Reserves) Act 1978**, being satisfied that it is in the public interest to declare to be corporations the committees of management appointed under section 14(2) of the Act of the lands described in Column 1 hereunder:—

- (a) declares that the committees of management shall be corporations;
- (b) assigns the names shown in Column 2 to the corporations; and

under section 14B(3) of the Act, appoints the persons listed in Column 3 to be Chairmen of the corporations.

Column 1 Crown Reserves currently managed by Committee	Column 2 Corporate name	Column 3 Chairman
<p><b>Edenhope Showgrounds Reserve</b> – The Crown lands in the Township of Edenhope, Parish of Edenhope temporarily reserved as Site for Show Yards by Orders in Council of 21 October 1901 and 30 September 1935 (vide Government Gazettes of 30 October 1901 – page 4077 and 2 October 1935 – page 2534 respectively) along with the Crown land temporarily reserved as a Site for Public purposes (Show Yards) by Order in Council of 1 February 1966 (vide Government Gazette of 9 February 1966 – page 554) and Crown Allotment 20A, Section 22A, temporarily reserved for Public Purposes (Show Yards) by Order in Council of 24 January 1989 (vide Government Gazette of 1 February 1989 – page 237) [Rs 1546].</p>	<p>Edenhope Showgrounds Reserve Committee Incorporated</p>	<p>John Stanley WARNER</p>
<p><b>Tahara Recreation Reserve</b> – The remaining Crown lands in the Township of Tahara, Parish of Tahara temporarily reserved as a Site for Public Recreation by Orders in Council of 10 March 1914 and 12 December 1950 (vide Government Gazettes of 18 March 1914 – page 1369 and 20 December 1950 – page 6714 respectively) [Rs 832].</p>	<p>Tahara Hall and Recreation Reserve Committee Incorporated</p>	<p>Howard MacInnes TEMPLETON</p>

<b>Column 1 Crown Reserves currently managed by Committee</b>	<b>Column 2 Corporate name</b>	<b>Column 3 Chairman</b>
<b>Flowerdale Public Hall Reserve</b> – The Crown land in the Parish of Flowerdale temporarily reserved as a Site for Public Hall by Order in Council of 19 April 1955 (vide Government Gazette of 27 April 1955 – page 1823) [Rs 7343].	Flowerdale Community Hall Committee Incorporated	Vicky Margaret PARRY
<b>Nyora Public Hall Reserve</b> – The Crown land in the of Township of Nyora, Parish of Lang Lang East temporarily reserved as a Site for Public purposes (Public Hall) by Order in Council of 10 September 1968 (vide Government Gazette of 18 September 1968 – page 3239) [Rs 774].	Nyora Public Hall Committee Incorporated	David William MILLS
<b>Sea Lake Court House Reserve</b> – Crown Allotment 30, Section 1, Township of Sea Lake, Parish of Burupga temporarily reserved for Public purposes by Order in Council of 4 April 2006 (vide Government Gazette of 6 April 2006 – page 699) [Rs 14075].	Sea Lake Court House Committee of Management Incorporated	Brian FREEMAN
<b>Benalla Racecourse and Recreation Reserve</b> – The Crown land in the Parish of Benalla permanently reserved as a Site for a Racecourse and for other purposes of Public Recreation by Order in Council of 8 October 1888 (vide Government Gazette of 12 October 1888 – page 3117) [Rs 786].	Benalla Racecourse and Recreation Reserve Committee Incorporated	Robert Graham CHILDS
<b>Kulwin Public Recreation Reserve</b> – The Crown land in the Township of Kulwin, Parish of Kulwin temporarily reserved as a Site for Public Recreation by Order in Council of 3 March 1970 (vide Government Gazette of 11 March 1970 – page 602) [Rs 9291].	Kulwin Recreation Reserve Committee Incorporated	Alan Geoffrey CROOK
<b>Thowgla Public Recreation Reserve</b> – The Crown land in the Parish of Towong temporarily reserved as a Site for Public Recreation by Order in Council of 17 March 1953 (vide Government Gazette of 25 March 1953 – page 1310 [Rs 7084].	Thowgla Hall and Recreation Reserve Committee of Management Incorporated	Kenneth John WILSON

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<b>Column 1 Crown Reserves currently managed by Committee</b>	<b>Column 2 Corporate name</b>	<b>Column 3 Chairman</b>
<b>Mount Richmond Public Recreation Reserve</b> – Crown Allotment 15A, Section 10, Parish of Mouzie temporarily reserved as a Site for Public Recreation by Order in Council of 28 November 1938 (vide Government Gazette of 30 November 1938 – page 3976) [Rs 4889].	Mount Richmond Recreation Reserve Committee Incorporated	David Richard GOLDBY

This Order is effective from the date on which it is published in the Government Gazette.

Dated 5 June 2007

Responsible Minister  
JUSTIN MADDEN MLC  
Minister for Planning

RUTH LEACH  
Clerk of the Executive Council

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**Crown Land (Reserves) Act 1978**  
**INCORPORATION OF COMMITTEES OF MANAGEMENT AND**  
**APPOINTMENT OF CHAIRMEN**

Order in Council

The Governor in Council, under section 14A(1) of the **Crown Land (Reserves) Act 1978**, being satisfied that it is in the public interest to declare to be corporations the committees of management appointed under section 14(2) of the Act of the lands described in Column 1 hereunder:—

(a) declares that the committees of management shall be corporations;

(b) assigns the names shown in Column 2 to the corporations; and

under section 14B(3) of the Act, appoints the persons listed in Column 3 to be Chairmen of the corporations.

<b>Column 1</b> <b>Crown Reserves</b> <b>currently managed by Committee</b>	<b>Column 2</b> <b>Corporate name</b>	<b>Column 3</b> <b>Chairman</b>
<b>Lawloit Public Hall Reserve</b> – The Crown land in the Township of Lawloit, Parish of Lawloit temporarily reserved as a Site for Public Hall purposes by Order in Council of 5 December 1972 (vide Government Gazette of 13 December 1972 – page 4015) [Rs 7327].	Lawloit Public Hall Committee Incorporated	Coral May MERRITT
<b>Patchewollock Airfield Reserve</b> – Crown Allotments 28 and 28A, Parish of Patchewollock temporarily reserved as a Site for Landing Ground for Aircraft by Order in Council of 27 March 1979 (vide Government Gazette of 4 April 1979 – page 937) [Rs 10811].	Patchewollock Airfield Reserve Committee Incorporated	Roger John YOUNG
<b>Officer Public Hall and Library Reserve</b> – The Crown land in the Parish of Pakenham temporarily reserved as a Site for Public Hall and Library by Order in Council of 9 September 1940 (vide Government Gazette of 11 September 1940 – page 3356) [Rs 5088].	Officer Public Hall Committee of Management Incorporated	Glenn John HICKS
<b>Slaty Creek Public Hall Reserve</b> – The Crown land in the Parish of Gowar temporarily reserved as a Site for a Public Hall by Order in Council of 9 October 1956 (vide Government Gazette of 17 October 1956 – page 5412) [Rs 7507].	Slaty Creek Hall Reserve Committee Incorporated	Robert Anthony BATTERS

<b>Column 1</b> <b>Crown Reserves</b> <b>currently managed by Committee</b>	<b>Column 2</b> <b>Corporate name</b>	<b>Column 3</b> <b>Chairman</b>
<b>Korweinguboorra Public Recreation Reserve</b> – Crown Allotment 2007, Parish of Korweinguboorra temporarily reserved for Public Recreation by Order in Council of 29 August 2006 (vide Government Gazette of 31 August 2006 – page 1854) [0702798].	Korweinguboorra Recreation Reserve Committee Incorporated	John Edward HAMILTON
<b>Glenorchy Public Recreation Reserve</b> – Crown Allotment 2A, Section 13, Township of Glenorchy, Parish of Glenorchy temporarily reserved as a Site for Public Recreation by Order in Council of 30 November 1976 (vide Government Gazette of 8 December 1976 – page 3529) [Rs 10205].	Glenorchy Recreation Reserve Committee Incorporated	Stewart William MacPHERSON
<b>Forrest Public Recreation Reserve</b> – The remaining Crown lands in the Parish of Yagher temporarily reserved for Public Recreation by Orders in Council of 17 August 1927 and 28 January 1981 (vide Government Gazettes of 24 August 1927 – page 2590 and 4 February 1981 – page 363 respectively) [Rs 180 & Rs 3543 respectively].	Forrest Recreation Reserve Committee Incorporated	Bruce NEALE
<b>Patchewollock Racecourse, Showgrounds and Public Recreation Reserve</b> – Crown Allotment 31C, Parish of Patchewollock temporarily reserved for Racecourse, Showgrounds and Public Recreation by Order in Council of 5 August 1980 (vide Government Gazette of 13 August 1980 – page 2795 [Rs 3563]).	Patchewollock Racecourse Showgrounds and Public Recreation Reserve Committee Incorporated	Ryan John SCOTT



<b>Column 1 Crown Reserves currently managed by Committee</b>	<b>Column 2 Corporate name</b>	<b>Column 3 Chairman</b>
<b>Yambuk Public Hall and Recreation Reserve</b> – The Crown land in the Township of Yambuk, Parish of Yambuk temporarily reserved as Public Recreation by Order in Council of 25 October 1966 (vide Government Gazette of 2 November 1966 – page 3852) and the Crown land temporarily reserved as a Site for Public Hall by Order in Council of 3 May 1938 (vide Government Gazette of 11 May 1938 – page 1436) [Rs 1997 & Rs 4156 respectively].	Yambuk Public Hall and Recreation Reserve Committee Incorporated	David Anthony SINNOTT

This Order is effective from the date on which it is published in the Government Gazette.

Dated 5 June 2007

Responsible Minister  
JUSTIN MADDEN MLC  
Minister for Planning

RUTH LEACH  
Clerk of the Executive Council

**Local Government Act 1989**

ALTERATION OF WARD BOUNDARIES  
OF THE WHITEHORSE CITY COUNCIL

Order in Council

The Governor in Council under Section 220Q(k) of the **Local Government Act 1989** alters the ward boundaries of the Whitehorse City Council as described in plan LEGL./07-305 lodged in the Central Plan Office.

Under Section 220S(1)(a) of the **Local Government Act 1989** this Order comes into operation on the date it is published in the Government Gazette.

The changes are to have effect for the purposes of the next general election of the Whitehorse City Council, and shall continue to have effect from the election day for that election.

Dated 5 June 2007

Responsible Minister  
RICHARD WYNNE MP  
Minister for Local Government

RUTH LEACH  
Clerk of the Executive Council

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**Local Government Act 1989**

ALTERATION OF ELECTORAL  
STRUCTURE OF THE  
MANNINGHAM CITY COUNCIL

Order in Council

The Governor in Council under Section 220Q(k), 220Q(l), 220Q(m) and 220Q(n) of the **Local Government Act 1989** alters the boundaries and number of the wards, gives names to the wards and alters the number of councillors assigned to each ward of the Manningham City Council as described in plan LEGL./07-306 lodged in the Central Plan Office.

Under Section 220S(1)(a) of the **Local Government Act 1989** this Order comes into operation on the date it is published in the Government Gazette.

The changes are to have effect for the purposes of the next general election of the Manningham City Council, and shall continue to have effect from the election day for that election.

Dated 5 June 2007

Responsible Minister  
RICHARD WYNNE MP  
Minister for Local Government

RUTH LEACH  
Clerk of the Executive Council

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**SUBORDINATE LEGISLATION ACT 1994  
NOTICE OF MAKING OF STATUTORY  
RULES**

Notice is hereby given under Section 17(2) of the **Subordinate Legislation Act 1994** of the making of the following Statutory Rules:

43. *Statutory Rule:* Victims of Crime Assistance (Procedure) Rules 2007  
*Authorising Act:* Magistrates' Court Act 1989  
*Date of making:* 30 May 2007
44. *Statutory Rule:* Supreme Court (Chapter V Amendment No. 3) Rules 2007  
*Authorising Act:* Supreme Court Act 1986 Corporations (Ancillary Provisions) Act 2001  
*Date of making:* 31 May 2007
45. *Statutory Rule:* Subdivision (Registrar's Fees) Amendment Regulations 2007  
*Authorising Act:* Subdivision Act 1988 Transfer of Land Act 1958  
*Date of making:* 5 June 2007

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

Notice is hereby given under Section 17(3) of the **Subordinate Legislation Act 1994** that the following Statutory Rules were first obtainable from Information Victoria, 505 Little Collins Street, Melbourne on the date specified:

41. *Statutory Rule:* Aboriginal Heritage Regulations 2007  
*Authorising Act:* Aboriginal Heritage Act 2006  
*Date first obtainable:* 5 June 2007  
*Code D*
42. *Statutory Rule:* Evidence (Transcript Fees) Regulations 2007  
*Authorising Act:* Evidence Act 1958  
*Date first obtainable:* 5 June 2007  
*Code A*

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