



# Victoria Government Gazette

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**GENERAL**

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As from 24 June 2010

The last Special Gazette was No. 238 dated 23 June 2010.

The last Periodical Gazette was No. 1 dated 9 June 2010.

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**How To Submit Copy**

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between 8.30 am and 5.30 pm Monday to Friday
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**Copies of recent Special Gazettes can now be viewed at the following display cabinet:**

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

**VICTORIA GOVERNMENT GAZETTE**

**Subscribers and Advertisers**

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JENNY NOAKES  
Government Gazette Officer

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## PRIVATE ADVERTISEMENTS

### DISSOLUTION OF PARTNERSHIP

Notice is hereby given that the partnership heretofore subsisting between Dennis John Green and Suzanne Elizabeth Green of 642–644 Knowsley–Eppalock Road, Knowsley, and John Littley and Margaret Littley of PO Box 564, Ballarat 3353, carrying on business as Macwood Park, has been dissolved as from 15 April 2010.

Re: MABEL ELIZABETH DICKENSIN DURIE, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 January 2010, are required by the trustee, Elizabeth Jane Kollias of 210 Main Street, Mornington, Victoria, solicitor, to send particulars to the trustee by 9 October 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

Creditors, next-of-kin and others having claims in respect of the estate of JACK HENRY DEVNEY, late of Twin Parks Aged Care, Care Centre, 47 Blake Street, Reservoir, in the State of Victoria, retired, who died on 3 October 2009, are required by the personal representative of the deceased, Roger Michael Stansfield, solicitor, to send particulars to him, care of the undermentioned solicitors, by 31 August 2010, after which date he will distribute the assets, having regard only to the claims of which he then has notice.

HWL EBSWORTH, lawyers,  
Level 26, 530 Collins Street, Melbourne,  
Victoria 3000.  
(Robert Kay 183843 hp)

Re: ALFRED STERNBERG, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 30 October 2009, are required by the trustees, Serge Saubern of Suite 5, Level 1, 22 Horne Street, Elsternwick, Victoria, legal practitioner and Perpetual Trustees Victoria

Limited of Level 28, 360 Collins Street, Melbourne, Victoria, to send particulars to the trustees by 24 August 2010, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

KATZ SILVER, lawyers,  
Suite 5, Level 1, 22 Horne Street,  
Elsternwick 3185.

Re: IAN NOEL BROWN, late of 22 Traralgon–Maffra Road, Glengarry, retired gentleman, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 January 2010, are required by the trustee, William Edward Brown, to send particulars to him, care of the undermentioned solicitors, by 31 August 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

LITTLETON HACKFORD &  
D’ALESSANDRO, solicitors,  
256A Commercial Road, Morwell 3840.

Creditors, next-of-kin and others having claims in respect of the estate of FREDA LAVER CROWE, late of Langford Grange, 105 Berwick Cranbourne Road, Cranbourne, in the State of Victoria, home duties, who died on 9 January 2010, are required by the personal representatives of the deceased, Laurence Edwin Crowe and Lachlan McKinna, executors, to send particulars to them, care of the undermentioned solicitor, by 31 August 2010, after which date the said personal representatives will distribute the assets of the deceased, having regard only to the claims of which they then shall have notices.

LUKAITIS PARTNERS, solicitors and notary,  
123 Church Street, Hawthorn 3122.  
(Ref.: AZ:MW:106509)

GEORGINA VEAL, late of ‘Rosanna Views’, Lower Plenty Road, Rosanna, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 January 2010, are required by

the applicants for grant of representation in the estate, Dianne Maree Eames and Thomas Michael Rodney Ryan, care of the undermentioned firm of solicitors, to send particulars to them by 12 September 2010, after which date the said applicants may convey and distribute the assets, having regard only to the claims of which they then have notice.

MAL. RYAN & GLEN,  
solicitors for the applicants,  
9 High Street, Mansfield 3722.

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Re: GEORGE BRIAN FRANCIS THOMAS, late of 17 Nottingham Avenue, Somerville, Victoria, retired general practitioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 7 July 2009, are required by the trustees, Philippa Jane Thomas and Huw Patrick Thomas, care of Meier Denison Guymmer Pty Ltd, 1/454 Nepean Highway, Frankston 3199, to send particulars to them by 24 August 2010, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

MEIER DENISON GUYMER, solicitors,  
1/454 Nepean Highway, Frankston 3199.

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Re: JOYCE VICTORIA ANDERSON, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 10 February 2010, are required by the trustee, Equity Trustees Limited of Level 2, 575 Bourke Street, Melbourne, Victoria, to send particulars to the trustee by 27 August 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

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VICTORIA GAMIL, late of Montefiore Homes, 619 St Kilda Road, Melbourne, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 October 2009, are required by the trustee, David Laloum, to send particulars to the undermentioned lawyer by 10 January

2011, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MORRIS MARGOLIS, lawyer,  
Suite 7, 1097–1111 High Street, Armadale 3143.

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Re: BETTY ELIZABETH ANNE GELMAN, late of 5/6 Denbigh Road, Armadale 3143, childcare worker, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 22 December 2009, are required by the executor, Giselle Gelman, to send particulars to the executor, care of the undermentioned solicitors, by 30 August 2010, after which date the executor may convey or distribute the assets, having regard only to the claims of which the executor then has notice.

MULCAHY CHURKOVICH, lawyers,  
5/412 Toorak Road, Toorak 3142.

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Re: PETER VAUGHAN JOYNER, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 22 March 2010, are required by the trustee, Joyce Natalie Joyner, to send particulars of such claims to her, in care of the undermentioned lawyers, by 24 August 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she then has notice.

ROBERTS BECKWITH PARTNERS, lawyers,  
16 Blamey Place, Morningside 3931.

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MAXINE GLORIA CROSSMAN, late of 1/37 Chatham Road, Canterbury, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 March 2010, are required by Mark Ahern and Trust Company Fiduciary Services Limited, ACN 000 000 993, of 3/530 Collins Street, Melbourne, Victoria, the executors, to send particulars to them by 3 September 2010, after which date they may convey or distribute the assets, having regard only to the claims of which they then have notice.

TCL LEGAL SERVICES (VIC.) PTY LTD,  
3/530 Collins Street, Melbourne, Victoria 3000.

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OLIVE BETTY LOWE (also known as Betty Lowe) late of 16/26 Rochester Road, Canterbury, Victoria, retired nurse, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 9 February 2010, are required by Trust Company Fiduciary Services Limited, ACN 000 000 993, of 3/530 Collins Street, Melbourne, Victoria, the executor, to send particulars to it by 3 September 2010, after which date it may convey or distribute the assets, having regard only to the claims of which it then has notice.

TCL LEGAL SERVICES (VIC.) PTY LTD,  
3/530 Collins Street, Melbourne, Victoria 3000.

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IVO HENRY ELLIS, late of Amaroo Nursing Home, Weir Street, Euroa, Victoria 3666, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the Will of the abovenamed deceased, who died on 12 January 2010, are required by the executors, Peter Henry Ellis and Michael Henry Tehan, to send particulars of their claims to Tehan George & Co. by 31 August 2010, after which date the executors may convey or distribute the assets and the estate, having regard only to the claims of which they then have notice. Probate was granted in Victoria on 23 March 2010.

Dated 10 June 2010

TEHAN GEORGE & CO., lawyers,  
35 Binney Street, Euroa, Victoria 3666.  
PO Box 176, Euroa, Victoria 3666.  
DX 66801 Euroa.  
Ph: (03) 5795 2101 Fax: (03) 5795 2739.  
Reference: 25515 E

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HERMANN KRAWCZYNSKI, late of 14 Murphy Street, Ararat, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 7 December 2009, are required by the executor, Brendan John Holland, of care of the undermentioned solicitors, to send particulars to them by 24 August 2010, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

TIVEY & HOLLAND, solicitors,  
97 Barkly Street, Ararat 3377.

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TREVOR CRAWFORD BLENCOWE, late of Bribie Island Retirement Village, Bongaree, in the State of Queensland, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 23 October 2009, are required to send particulars of their claims to the administrator, Georgiana Crawford Shaw, care of the undermentioned lawyers, by 23 August 2010, after which date the said administrator will distribute the assets, having regard only to the claims of which she then has notice.

T. J. MULVANY & CO., lawyers,  
PO Box 560, Melbourne 3001.

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Re: ERNEST GEORGE STRICKER, late of Bupa Aged Care, 349–351a North Road, Caulfield South, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 April 2010, are required by the executor, Peter Paul Stricker, to send particulars to him, care of the undermentioned solicitors, by 31 August 2010, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

WILLIS SIMMONDS LAWYERS,  
legal practitioners,  
6/1 North Concourse, Beaumaris 3193.

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Re: Estate of PETER RONALD SHORE, late of 5 Olive Street, Reservoir.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 November 2009, are required by the administrators, Nicole Ann Sing and Belinda Lee Bynon, to send particulars to them, care of Wisewould Mahony Lawyers, Level 8, 419 Collins Street, Melbourne, by 25 August 2010, after which date the administrators will convey and distribute the said estate, having regard only to the claims of which the administrators then have notice.

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## PROCLAMATIONS

### **Credit (Commonwealth Powers) Act 2010** PROCLAMATION OF COMMENCEMENT

I, Marilyn Warren, Lieutenant-Governor of Victoria, as the Governor's Deputy, with the advice of the Executive Council and under section 2 of the **Credit (Commonwealth Powers) Act 2010**, fix 1 July 2010 as the day on which the remaining provisions of Part 3 (except section 20(2) and Division 15 of that Part) and Part 4 of that Act come into operation.

Given under my hand and the seal of Victoria on 23rd June 2010.

(L.S.)                      MARILYN WARREN  
Lieutenant-Governor  
as the Governor's Deputy  
By His Excellency's Command  
TONY ROBINSON  
Minister for Consumer Affairs

### **University of Melbourne Act 2009**

#### PROCLAMATION OF COMMENCEMENT

I, Marilyn Warren, Lieutenant-Governor of Victoria, as the Governor's deputy, with the advice of the Executive Council and under section 2(1) of the **University of Melbourne Act 2009**, fix 1 July 2010 as the day on which that Act comes into operation.

Given under my hand and the seal of Victoria on 23rd June 2010.

(L.S.)                      MARILYN WARREN  
Lieutenant-Governor  
as the Governor's Deputy  
By His Excellency's Command  
BRONWYN PIKE  
Minister for Education  
Minister for Skills and  
Workforce Participation

### **Monash University Act 2009**

#### PROCLAMATION OF COMMENCEMENT

I, Marilyn Warren, Lieutenant-Governor of Victoria, as the Governor's deputy, with the advice of the Executive Council and under section 2(1) of the **Monash University Act 2009**, fix 1 July 2010 as the day on which that Act comes into operation.

Given under my hand and the seal of Victoria on 23rd June 2010.

(L.S.)                      MARILYN WARREN  
Lieutenant-Governor  
as the Governor's Deputy  
By His Excellency's Command  
BRONWYN PIKE  
Minister for Education  
Minister for Skills and  
Workforce Participation

### **La Trobe University Act 2009**

#### PROCLAMATION OF COMMENCEMENT

I, Marilyn Warren, Lieutenant-Governor of Victoria, as the Governor's deputy, with the advice of the Executive Council and under section 2(1) of the **La Trobe University Act 2009**, fix 1 July 2010 as the day on which that Act comes into operation.

Given under my hand and the seal of Victoria on 23rd June 2010.

(L.S.)                      MARILYN WARREN  
Lieutenant-Governor  
as the Governor's Deputy  
By His Excellency's Command  
BRONWYN PIKE  
Minister for Education  
Minister for Skills and  
Workforce Participation

### **Victoria University Act 2010**

#### PROCLAMATION OF COMMENCEMENT

I, Marilyn Warren, Lieutenant-Governor of Victoria, as the Governor's deputy, with the advice of the Executive Council and under section 2(1) of the **Victoria University Act 2010**, fix 1 September 2010 as the day on which that Act comes into operation.

Given under my hand and the seal of Victoria on 23rd June 2010.

(L.S.)                      MARILYN WARREN  
Lieutenant-Governor  
as the Governor's Deputy  
By His Excellency's Command  
BRONWYN PIKE  
Minister for Education  
Minister for Skills and  
Workforce Participation

**Royal Melbourne Institute of Technology  
Act 2010**

PROCLAMATION OF COMMENCEMENT

I, Marilyn Warren, Lieutenant-Governor of Victoria, as the Governor's deputy, with the advice of the Executive Council and under section 2(1) of the **Royal Melbourne Institute of Technology Act 2010**, fix 1 September 2010 as the day on which that Act comes into operation.

Given under my hand and the seal of Victoria on 23rd June 2010.

(L.S.)                      MARILYN WARREN  
Lieutenant-Governor  
as the Governor's Deputy  
By His Excellency's Command  
BRONWYN PIKE  
Minister for Education  
Minister for Skills and  
Workforce Participation

**University of Ballarat Act 2010**

PROCLAMATION OF COMMENCEMENT

I, Marilyn Warren, Lieutenant-Governor of Victoria, as the Governor's deputy, with the advice of the Executive Council and under section 2(1) of the **University of Ballarat Act 2010**, fix 1 July 2010 as the day on which that Act comes into operation.

Given under my hand and the seal of Victoria on 23rd June 2010.

(L.S.)                      MARILYN WARREN  
Lieutenant-Governor  
as the Governor's Deputy  
By His Excellency's Command  
BRONWYN PIKE  
Minister for Education  
Minister for Skills and  
Workforce Participation

**Fair Trading Amendment  
(Unfair Contract Terms) Act 2010**

PROCLAMATION OF COMMENCEMENT

I, Marilyn Warren, Lieutenant-Governor of Victoria, as the Governor's Deputy, with the advice of the Executive Council and under section 2 of the **Fair Trading Amendment (Unfair Contract Terms) Act 2010**, fix 1 July 2010 as the day on which that Act comes into operation.

Given under my hand and the seal of Victoria on 23rd June 2010.

(L.S.)                      MARILYN WARREN  
Lieutenant-Governor  
as the Governor's Deputy  
By His Excellency's Command  
TONY ROBINSON  
Minister for Consumer Affairs

**Justice Legislation Amendment Act 2010**

PROCLAMATION OF COMMENCEMENT

I, Marilyn Warren, Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council and under section 2(4) of the **Justice Legislation Amendment Act 2010** –

- a) fix 26 June 2010 as the day on which section 5, Part 3, Part 5, the remaining provisions of Part 7 (except Divisions 2 and 7 of that Part) and Part 8 of that Act come into operation; and
- b) fix 1 July 2010 as the day on which Part 6 of that Act comes into operation.

Given under my hand and the seal of Victoria on 23rd June 2010.

(L.S.)                      MARILYN WARREN  
Lieutenant-Governor  
as the Governor's Deputy  
By His Excellency's Command  
ROB HULLS  
Attorney-General

**Parks and Crown Land Legislation  
Amendment (River Red Gums) Act 2009**

PROCLAMATION OF COMMENCEMENT

I, Marilyn Warren, Lieutenant-Governor of Victoria, as the Governor's Deputy, with the advice of the Executive Council and under section 2(1) of the **Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009**, fix 29 June 2010 as the day on which the remaining provisions of Parts 2 and 3 and sections 42(1) and 42(4) of that Act come into operation.

Given under my hand and the seal of Victoria on 23rd June 2010.

(L.S.)                      MARILYN WARREN  
Lieutenant-Governor,  
as the Governor's Deputy  
By His Excellency's Command  
GAVIN JENNINGS  
Minister for Environment and Climate Change

**Water Amendment (Entitlements) Act 2010**

PROCLAMATION OF COMMENCEMENT

I, Marilyn Warren, Lieutenant-Governor of Victoria, as the Governor's Deputy, with the advice of the Executive Council and under section 2(1) of the **Water Amendment (Entitlements) Act 2010**, fix 24 June 2010 as the day on which Part 1 and Part 2 of that Act (other than sections 61 and 62), and the Schedule to that Act come into operation.

Given under my hand and the seal of Victoria on 23rd June 2010.

(L.S.)                      MARILYN WARREN  
Lieutenant-Governor  
as the Governor's Deputy  
By His Excellency's Command

TIM HOLDING  
Minister for Water

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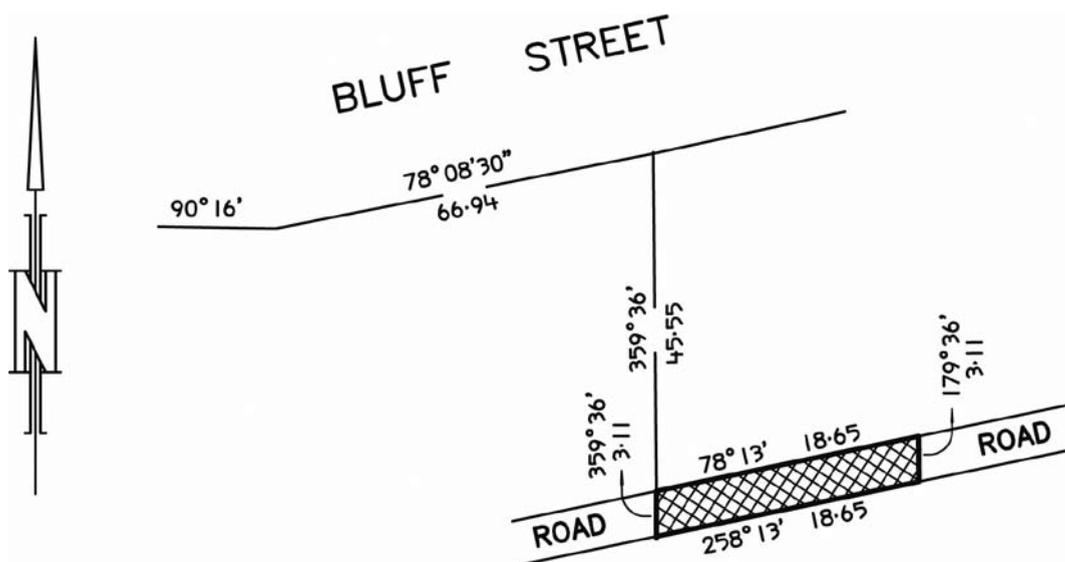
**GOVERNMENT AND OUTER BUDGET  
SECTOR AGENCIES NOTICES**

**BOROONDARA CITY COUNCIL**

**Road Discontinuance**

Pursuant to section 206 and schedule 10, clause 3 of the **Local Government Act 1989**, the Boroondara City Council has formed the opinion that the road at the rear of 14 Bluff Street and 809 Toorak Road, Hawthorn East, shown by cross-hatching on the plan below, is not reasonably required as a road for public use and resolved to discontinue the road and to sell the land from the road by private treaty to the abutting property owner.

The road is to be sold subject to the right, power or interest held by Boroondara City Council and Yarra Valley Water Limited in the road in connection with any sewers, drains or pipes under the control of those authorities in or near the road.

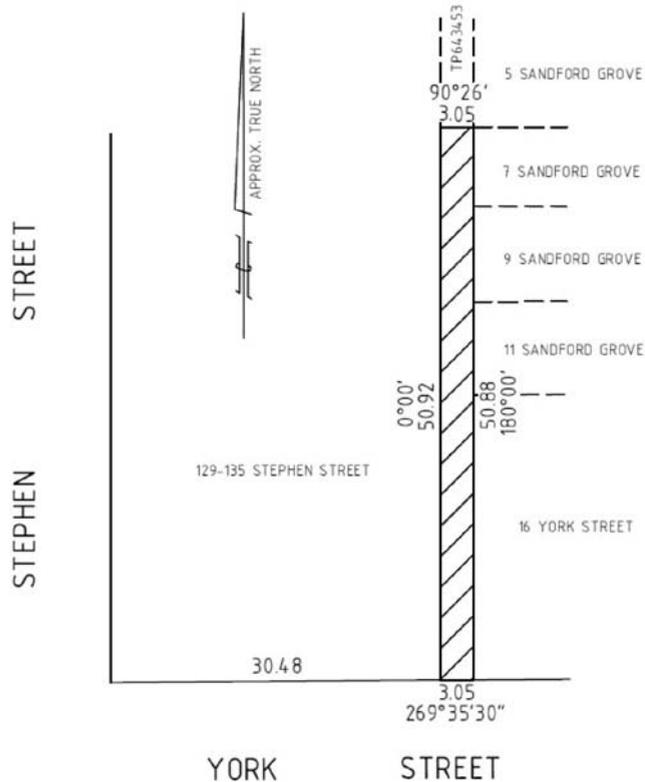


CATHERINE DALE  
Chief Executive Officer

MARIBYRNONG CITY COUNCIL  
**Local Government Act 1989**  
 Discontinuance of Road

Section 206  
 Schedule 10  
 Clause 3

The Maribyrnong City Council declares that by this notice it discontinues the road at the rear of 129–135 Stephen Street, Yarraville, as shown in the marked area on the plan below.



Published with the authority of the Acting Chief Executive Officer of the Maribyrnong City Council, Council Offices, corner Napier and Hyde Streets, Footscray 3011.

Dated 17 June 2010

VINCE HAINING  
 Acting Chief Executive Officer  
 Maribyrnong City Council

## GREATER BENDIGO CITY COUNCIL

## Amendment of Open Air Burning Provisions of the Environment Local Law No. 3

At its meeting of 16 June 2010, the Greater Bendigo City Council resolved to amend the Open Air Burning Provisions of the Local Law No. 3.

The amendment has been adopted considering the objectives of the Environment Local Law No. 3:

- to control, protect and conserve the environment;
- to provide a safe and healthy environment in which the residents of the municipal district enjoy a quality of life that meets the general expectations of the community;
- to maintain quality of life in the municipal district by prohibiting, regulating and controlling activities which may be dangerous or unsafe or detrimental; and
- to provide standards and conditions for certain activities in relation to the physical and visual environment within the municipality.

The table below identifies the key amendments to the open air burning provisions of the Environment Local Law.

Section	Summary of changes
13 (e)	Requires all properties under 1 hectare in size (excluding industrial and business) to obtain written permission to light an open air fire.
13 (i)	Sets out conditions to be followed when lighting an open air fire for all the municipality.
13 (j)	Requires a person lighting an open air fire to notify adjoining property owners and Country Fire Authority.

A copy of the amended Environment Local Law No. 3 may be inspected or obtained from the City of Greater Bendigo Council Offices at Lyttleton Terrace, Bendigo and High Street, Heathcote or online at [www.bendigo.vic.gov.au](http://www.bendigo.vic.gov.au)

CRAIG NIEMANN  
Chief Executive

## SURF COAST SHIRE

**Road Management Act 2004**

## Proposed Amendment of Road Management Plan

In accordance with section 54(6) of the **Road Management Act 2004**, the Surf Coast Shire Council gives notice that it intends to amend its Road Management Plan.

The purpose and general purport of the proposed amendment is to update Council's Road Management Plan to be in line with Council's current practices and community expectations, including improving the level of service for township gravel roads.

The proposed amendment will apply to various local roads throughout the Shire and listed within the attachment titled 'Roads with Changed Hierarchy' which is available for viewing with the proposed amended Road Management Plan.

A copy of the proposed amendment may be inspected at, or obtained from, the Council's Municipal Offices at 25 Grossmans Road, Torquay, or on Council's website, [www.surfcoast.vic.gov.au](http://www.surfcoast.vic.gov.au). The link to the Plan is situated under 'Latest News'.

Any person may make a written submission on the proposed amendment, which must be received by Council by 23 July 2010.

Those wishing to personally address Council to make a verbal submission in support of their written submission, please indicate this in your written submission. Council will then consider all submissions and make a formal resolution at a Council Meeting to be held at a later date.

Any enquiries in regards to the proposed amendment can be directed to John Bertoldi, Manager Contracts and Capital Works on 5261 0600, or by email at [jbortoldi@surfcoast.vic.gov.au](mailto:jbortoldi@surfcoast.vic.gov.au)

MARK DAVIES  
Chief Executive Officer

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#### WHITTLESEA CITY COUNCIL

##### Notice of Intention to Lease

##### Optus Mobile – Epping Soccer Stadium

Pursuant of sections 190 and 223 of the **Local Government Act 1989**, Whittlesea City Council, at its Ordinary Meeting on 16 March 2010, has resolved to formally lease part of the land known as Epping Soccer Stadium to Optus Mobile.

The lease will enable Optus to design and construct a telecommunication tower to improve their global system for mobile network. As the Tenant, Optus will be granted a ten year agreement with two further terms of five years each, and incur an annual rental of \$15,000 (plus GST) subject to fixed 3.5% increments.

No public submissions were received from the general public and relevant statutory authorities in response to the article published in the Whittlesea Leader on Tuesday 23 March 2010.

DAVID TURNBULL  
Chief Executive Officer

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

##### BASS COAST PLANNING SCHEME

##### Notice of Preparation of Amendment

##### Amendment C103

##### Authorisation A01341

The Bass Coast Shire Council has prepared Amendment C103 to the Bass Coast Planning Scheme.

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

The land affected by the Amendment is Lots 1 and 2 – TP 8211886R (PS 302496J); and Lots 1 and 2 – TP 078297W (PS 302496J). The land is located in San Remo along the Phillip Island Tourist Road.

The Amendment proposes to rezone the land from Farming Zone to Residential 1 Zone.

It is proposed to apply two new overlay schedules to the subject sites:

- Development Plan Overlay – Schedule 22; and
- Design and Development Overlay – Schedule 1.

The Amendment also proposes to delete the Significant Landscape Overlay from the land.

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 planning authority, Bass Coast Shire Council, free of charge during office hours; and at the Department of Planning and Community Development website, [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection)

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

The closing date for submissions is 30 July 2010. A written submission must be sent to the Bass Coast Shire Council.

MARTIN GILL  
Development Services Manager

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

##### EAST GIPPSLAND PLANNING SCHEME

##### Notice of Preparation of Amendment

##### Amendment C86

##### Authorisation A01705

The East Gippsland Shire Council has prepared Amendment C86 to the East Gippsland Planning Scheme.

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

The land affected by the Amendment is at 1015 Bairnsdale–Dargo Road, Hillside, more

particularly described as Lot 1 on Title Plan 102160W (Certificate of Title Volume 950 Folio 893) and Lots 1, 2, 3 and 4 on Title Plan 842498C (Certificate of Title Volume 5694 Folio 615).

The Amendment proposes to introduce a new site-specific control via the provisions of Clause 52.03 of the East Gippsland Planning Scheme, to allow the land to be used for the storage of motor vehicles with ancillary maintenance and office.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the offices of the East Gippsland Shire Council, Corporate Centre, 273 Main Street, Bairnsdale, and at the Department of Planning and Community Development website, [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) from 25 June 2010.

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

The closing date for submissions is 26 July 2010. A submission must be sent to the East Gippsland Shire Council, PO Box 1618, Bairnsdale, Victoria 3875.

STEVE KOZLOWSKI  
Chief Executive Officer

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**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 C219 and  
Planning Permit Application 383/2009  
Authorisation No. A01603

The land affected by the Amendment is 307–313 Latrobe Terrace, Geelong. The land affected by the application is 307–313 Latrobe Terrace, Geelong.

The Amendment proposes to rezone the subject land from Residential 1 Zone to Business

5 Zone and remove the Schedule 14 to the Design and Development Overlay.

The application for a Planning Permit seeks approval for the use and development of a car sales premises. The Amendment is accompanied by a Section 173 Agreement to ensure that no loading and unloading activities occur on Maud Street.

The person who requested the Amendment is Poligot P/L on behalf of Aussie Vehicle Finance Pty Ltd.

The applicant for the permit is Poligot P/L on behalf of Aussie Vehicle Finance Pty Ltd.

You may inspect the Amendment, the explanatory report about the Amendment, the application, and any documents that support the Amendment and the application, including the proposed permit, free of charge, at the following locations: during office hours at the office of the planning authority, City of Greater Geelong, Ground Floor, 131 Myers Street, Geelong; electronically via the 'Have a Say' section of the City's website at [www.geelongaustralia.com.au/council/yoursay/](http://www.geelongaustralia.com.au/council/yoursay/); and electronically via the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection)

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 26 July 2010. Submissions must be in writing and sent to The Coordinator, Strategic Planning Unit, City of Greater Geelong, either by mail to PO Box 104, Geelong, Victoria 3220; or by email to [strategicplanning@geelongcity.vic.gov.au](mailto:strategicplanning@geelongcity.vic.gov.au)

PETER SMITH  
Coordinator Strategic Implementation

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

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**Planning and Environment Act 1987****SURF COAST 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 C63

Authorisation No. A01656

Planning Permit Application 09/0260

The land affected by the Amendment and application is 93 Dorman Street, Lorne, known as Lot 1 on Title Plan 515502 (Volume 8240, Folio 184). The Amendment proposes to:

- rezone the south-east portion of the subject site from Rural Conservation Zone to Residential 1 Zone (R1Z);
- apply the Neighbourhood Character Overlay Schedule 2 and the Significant Landscape Overlay Schedule 4 to the area proposed to be rezoned to R1Z;
- remove the Significant Landscape Overlay Schedule 1 from the area proposed to be rezoned to R1Z;
- amend Clause 21.11 (Lorne Strategy) by changing Map 1 to delete the subject site as an 'Investigation Area' and by changing the Lorne Framework Plan to include the land to be rezoned to R1Z within the settlement boundary; and
- amend the Schedule to the Rural Conservation Zone to enable the creation of a lot less than 60 hectares.

The application is for a permit to:

- subdivide the land into four lots, with three lots to be used for residential development and a balance lot comprising the existing dwelling;
- remove native vegetation; and
- carry out works associated with the subdivision.

The person who requested the Amendment is Hansen Partnership Pty Ltd on behalf of Anglicare Victoria Pty Ltd. The applicant for the permit is Hansen Partnership Pty Ltd on behalf of Anglicare Victoria Pty Ltd.

You may inspect the Amendment, the explanatory report about the Amendment, the application, and any documents that support the Amendment and the application, including the proposed permit, free of charge: during office hours, at the office of the planning authority, Surf Coast Shire Council, 25 Grossmans Road, Torquay; during opening hours at the Lorne Visitor Information Centre on Mountjoy Parade, Lorne; and at the Department of Planning and Community Development website [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection)

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

The closing date for submissions is Friday 20 August 2010. A submission must be sent to the Co-ordinator Strategic Planning, Surf Coast Shire, PO Box 350, Torquay 3228.

BRYDON KING

Manager Planning and Development

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 27 August 2010, 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.

CATO, Ellen Elizabeth, also known as Ellen Elizabeth Petschack, formerly of 12 Dacyl Road, Moorabbin, but late of Raynes Park Court, 455 Bluff Road, Hampton, Victoria 3188, deceased, who died on 17 May 2010.

COHEN, Bryan Ernest, also known as Dr Bryan Cohen, late of Woodend Community Aged Care, 2 Sullivans Road, Woodend, Victoria 3442, deceased, who died on 26 April 2010.

CORNALL, Edna Maree, late of 4/45 Warranwood Road, Warranwood, Victoria 3134, deceased, who died on 3 February 2010.

COX, Florence Olive, late of Bupa Care Services Croydon, 124 Maroondah Highway, Croydon, Victoria 3136, deceased, who died on 7 May 2010.

ROBERTSON, Terrence Henry, late of 1/93 Warrandyte Road, Langwarrin, Victoria 3910, deceased, who died on 18 May 2010.

STEVENS, Alan Leo, late of 280 Guthridge Parade, Sale, Victoria 3850, deceased, who died on 28 March 2010.

Dated 18 June 2010

ROD SKILBECK  
Manager  
Client Services

### EXEMPTION

Application No. A154/2010

The Victorian Civil and Administrative Tribunal (the Tribunal) has considered an application, pursuant to section 83 of the **Equal Opportunity Act 1995** (the Act), by Gateway Community Health (the applicant). The application for exemption is to enable the applicant to advertise for and employ an Indigenous person in the role of Parent Learning Project Coordinator (the exempt conduct).

Upon reading the material submitted in support of the application, including the affidavit of Leonard Peady, 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 position of Parent Learning Project Coordinator with the applicant is part of the applicant's Parental and Community Engagement (PaCE) program which is targeted to Indigenous parents of children generally aged 0–19 years and members of Indigenous communities. The holder of the position will work with Indigenous parents to enhance their children's learning. The PaCE program aims to support Indigenous families and communities to reach in to schools and education providers and to develop partnerships with them with the aim of enhancing their children's learning outcomes.
- The position is funded under the PaCE program by the Department of Education, Employment and Workplace Relations. That program is an Indigenous specific program. Key selection criteria for positions

within PaCE programs are a demonstrated knowledge and understanding of Indigenous societies and cultures; an understanding of the issues affecting Indigenous people in contemporary Australian society and the diversity of circumstances of Indigenous people; and a demonstrated ability to communicate sensitively and effectively, including the requirement for proper negotiation and consultation, with Indigenous people on matters relevant to delivery of education services to Indigenous people.

- The applicant's application for funding was submitted in partnership with the Wodonga Local Aboriginal Education Consultative Group after extensive consultation with Indigenous community members. The Indigenous Learning Project is strongly supported by Mungabareena Aboriginal Corporation and the Albury Wodonga Aboriginal Health Service.
- It would be much more acceptable to community members if the position was held by an Indigenous person rather than a non-Indigenous person.

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

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 23 June 2013.

Dated 15 June 2010

A. DEA  
Member

### Associations Incorporation Act 1981

#### SUB-SECTION 36E(5)

Notice is hereby given that the incorporation of the associations mentioned below is cancelled in accordance with section 36E(5) of the **Associations Incorporation Act 1981**.

Danish Shooters Club Inc.; Friends of Bundoora Red Gums Inc.; Westall Kindergarten Inc.; National Urban Connections Inc.; Probus Ladies Club of North Camberwell Inc.; Probus Club of Geelong Inc.; Tibetan Buddhist Tantrayana Centre Inc.; Council of Optometry Registration Authorities Inc.; Mates on a Mission Inc.; Macedon Ranges Social Club Inc.; Yarra Valley Regional Lavender Association Inc.; Probus Ladies Club of Balwyn Central Inc.; Rotary District 9810 Youth Exchange Committee Inc.;

Calabresi Pensioners Association of Australia Inc.; Sri Lankan Family Care Inc.; Melton Baptist Care Inc.; T.P.I.A. Inc.; Northern Workplace Education Network Inc.; Sassafras Village Business Group Inc.; Philip's Gate Inc.; Islamic Education Society Inc.; Meadow Heights Football Club Inc.; Roxburgh Park Football Club Inc.; The Bass Coast Current Inc.; Monash Peninsula Network Computing Society Inc.; Monash Caulfield Club Func Inc.; Monash Glass Student Society Caulfield Inc.; Monash Sculpture Student Society Inc.; Monash Caulfield Society of Chinese Culture Inc.; Monash Peninsula Nurses Society Inc.; Monash Peninsula Residents Society Inc.; Monash Peninsula Frat Club Inc.; Friends of Warrnambool Library Inc.

Dated 24 June 2010

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

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**Cemeteries and Crematoria Act 2003**

SECTION 41(1)

Notice of Approval of Cemetery Trust  
Fees and Charges

I, Bryan Crampton, as Delegate of the Secretary to the Department of Health for the purposes of section 40(2) of the **Cemeteries and Crematoria Act 2003**, give notice that I have approved the scales of fees and charges fixed by the following cemetery trusts. The approved scales of fees and charges will take effect from 1 July 2010 and will be published on the internet.

The Bendigo Cemeteries Trust

The Geelong Cemeteries Trust

BRYAN CRAMPTON  
Manager

Cemeteries and Crematoria Regulation Unit

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**Cemeteries and Crematoria Act 2003**

SECTION 41(1)

Notice of Approval of Cemetery Trust  
Fees and Charges

I, Bryan Crampton, as Delegate of the Secretary to the Department of Health for the purposes of section 40(2) of the **Cemeteries and Crematoria Act 2003**, give notice that I

have approved the scales of fees and charges fixed by the following cemetery trusts. The approved scales of fees and charges will take effect from the date of publication of this notice in the Government Gazette and will be published on the internet.

The Beechworth Cemetery Trust

The Crib Point Cemetery Trust

The Drouin Cemetery Trust

The Newstead Cemetery Trust

The Shepparton Cemetery Trust

BRYAN CRAMPTON

Manager

Cemeteries and Crematoria Regulation Unit

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**Cemeteries and Crematoria Act 2003**

SECTION 41(1)

Notice of Approval of Cemetery Trust  
Fees and Charges

I, Bryan Crampton, as Delegate of the Secretary to the Department of Health for the purposes of section 40(2) of the **Cemeteries and Crematoria Act 2003**, give notice that I have approved the scale of fees and charges fixed by the following cemetery trust. The approved scale of fees and charges will take effect from 1 July 2010 and will be published on the internet.

The Southern Metropolitan Cemeteries Trust

BRYAN CRAMPTON

Manager

Cemeteries and Crematoria  
Regulation Unit

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**Children's Services Act 1996**

NOTICE OF EXEMPTION

Under section 6 of the **Children's Services Act 1996**, the Minister for Children and Early Childhood Development hereby declares that Badger Creek Preschool, Licence Number 1714, is exempt from regulation 95(2) of the Children's Services Regulations 2009 on the days and times that the Boorai Early Years Program operates.

This exemption remains in force until 7 December 2010 unless revoked earlier.

Dated 15 June 2010

HON MAXINE MORAND MP

Minister for Children and

Early Childhood Development

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**Crown Land (Reserves) Act 1978**

## ERRATUM

Incorporation of  
Committee of Management

In the Government Gazette of 15 November 2001, page 2864, Item 2, Column 2 specifies the name of the incorporated committee of management as the 'Hawkesdale Reserve Incorporated'. The correct constituted name of the committee of management is the 'Hawkesdale Racecourse Reserve Incorporated' as specified by the subject Order in Council made on 14 November 2001 under section 14A(1) of the **Crown Land (Reserves) Act 1978**. The balance of the published information in the original Order is correct and valid.

DICK FORD  
Manager

Property Services

Public Land Division

Department of Sustainability and Environment

**Education and Training Reform Act 2006**

## NOTICE OF ORDER

Notice is given that an Order dissolving Glenroy Primary School Council and Glenroy North Primary School Council was made under section 2.3.2(6)(a) of the **Education and Training Reform Act 2006** on 15 June 2010.

The general purpose of the Order (Ministerial Order No. 270) is to constitute Glenroy Central Primary School Council and provide for the dissolution and succession of Glenroy Primary School Council and Glenroy North Primary School Council.

BRONWYN PIKE, MP  
Minister for Education

**Fundraising Act 1998**

## EXEMPTION ORDER

I, Tony Robinson, Minister for Consumer Affairs, make this Order under section 16A of the **Fundraising Act 1998**:

An organisation which is registered as a political party on the Register of Political Parties maintained for the purposes of Part XI of the **Commonwealth Electoral Act 1918** and which is not exempted under section 16(e) of the **Fundraising Act 1998** from compliance with

Part 3 of that Act is exempt from compliance with Part 3 of the **Fundraising Act 1998**.

This Order will take effect on the day that it is published in the Government Gazette.

Dated 7 June 2010

TONY ROBINSON MP  
Minister for Consumer Affairs

**Gas Industry Act 2001**

AURORA ENERGY PTY LTD  
(ABN 85 082 464 622)

## Notice of Grant of Licence

The Essential Services Commission gives notice under section 39 of the **Gas Industry Act 2001** (GI Act) that it has, pursuant to section 26 of the GI Act, granted a licence to Aurora Energy Pty Ltd (ABN 85 082 464 622) to sell (retail) gas in Victoria. This licence takes effect from 15 June 2010.

A copy of the licence is available on the Commission's website located at <http://www.esc.vic.gov.au> or a copy can be obtained by contacting the Commission's reception on (03) 9651 0222.

Dated 15 June 2010

DR RON BEN-DAVID  
Chairperson

**Liquor Control Reform Act 1998**LIQUOR LICENSING POLL –  
CAMBERWELL NEIGHBOURHOOD

In the matter of an application by La Casalinga under the **Liquor Control Reform Act 1998** for an on-premises licence at 259 Camberwell Road, Camberwell.

The resolution submitted to a poll on Monday 21 June was:

'That an on-premises licence be granted in the neighbourhood of the premises situated at 259 Camberwell Road, Camberwell.'

The result of the La Casalinga poll was:

Votes polled for the resolution	370
Votes polled against the resolution	142
Informal votes polled	4
Total votes polled	516

S. TULLY  
Victorian Electoral Commission

**Marine Act 1988****SECTION 15 NOTICE**

I, Diane Julie Bates, the Director of Marine Safety, on the recommendation of David Jackson, Manager Land and Water, Goulburn–Murray Water (the Waterway Manager for Lake William Hovell), hereby give notice under subsection 15(1) of the **Marine Act 1988** that:

1. the rules regulating the operation of vessels on the waters of Lake William Hovell set out in Schedule 92 of Notice No.1 under section 15(2) of the **Marine Act 1988** are hereby revoked; and
2. replaced by the following rules regulating the operation of vessels on the waters of Lake William Hovell.

**SCHEDULE 92****WATERS – LAKE WILLIAM HOVELL**

Waterway Manager – Goulburn–Murray Water

1. 5 knot speed restriction zone for the purposes of Clause 7.

The whole of the waters of Lake William Hovell except in the prohibited area are subject to a speed restriction of 5 knots.

2. Area prohibited to vessels for the purposes of Clause 9.

The waters of Lake William Hovell between the dam wall and a line between two beacons inscribed 'Stop' and 'Prohibited Water Beyond This Point', the beacon on the western shore being located approximately 300 metres south of the dam wall and the beacon on the eastern shore being located approximately 100 metres south of the dam wall, are prohibited to vessels.

Reference No. 9035/10/328820

Dated 10 June 2010

DIANE JULIE BATES  
Director of Marine Safety

**Retirement Villages Act 1986****SECTION 39**

Cancellation of Retirement Village Notice

I hereby declare that pursuant to section 9 of the **Retirement Villages Act 1986**, Retirement Village Notice AC859020P, registered on 14

May 2004, on Certificate of Title Volume 08650 Folio 742, under the **Transfer of Land Act 1958**, is cancelled.

Dated 16 June 2010

CLAIRE NOONE  
Director  
Consumer Affairs Victoria

**Retirement Villages Act 1986****SECTION 32**

Extinguishment of Retirement Village Charge

I hereby declare that pursuant to section 29 of the **Retirement Villages Act 1986**, Retirement Village Charge AC957232B created on 2 July 2004 on Certificate of Title Volume 08650 Folio 742, under the **Transfer of Land Act 1958**, is extinguished.

Dated 16 June 2010

CLAIRE NOONE  
Director  
Consumer Affairs Victoria

**Retirement Villages Act 1986****SECTION 39**

Cancellation of Retirement Village Notice

I hereby declare that pursuant to section 9 of the **Retirement Villages Act 1986**, Retirement Village Notice S360540W, registered on 17 February 1993, on Certificates of Title Volume 10202 Folio 847, Volume 10202 Folio 848, Volume 10202 Folio 849, Volume 10202 Folio 850, Volume 10202 Folio 851, Volume 10202 Folio 852, Volume 10202 Folio 853, Volume 10202 Folio 854, Volume 10202 Folio 855, Volume 10202 Folio 856, Volume 10202 Folio 857, Volume 10202 Folio 858, Volume 10202 Folio 859, Volume 10202 Folio 860, Volume 10202 Folio 861, Volume 10202 Folio 862, Volume 10202 Folio 863, Volume 10202 Folio 864, Volume 10202 Folio 865, Volume 10202 Folio 866, Volume 10202 Folio 867, Volume 10202 Folio 868, Volume 10202 Folio 869, Volume 10202 Folio 870, Volume 10202 Folio 871, Volume 10202 Folio 872, Volume 10202 Folio 873, Volume 10202 Folio 874, Volume 10202 Folio 875 under the **Transfer of Land Act 1958**, are cancelled.

Dated 16 June 2010

CLAIRE NOONE  
Director  
Consumer Affairs Victoria

**State Superannuation Act 1988**

## DECLARATION OF ELIGIBLE

## SALARY SACRIFICE CONTRIBUTORS

I, Tim Holding MP, in my capacity as Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (b) of section 3A of the **State Superannuation Act 1988** ('the Act'), by this instrument declare employees covered by the Victorian Psychiatric Services Agreement 2004–2007 who are members of the revised scheme or new scheme (as those terms are defined in the Act) to be eligible salary sacrifice contributors from the date of gazettal of this declaration.

Dated 10 June 2010

TIM HOLDING MP

Minister for Finance, WorkCover  
and the Transport Accident Commission

**State Employees Retirement Benefits Act 1979**

## DECLARATION OF ELIGIBLE

## SALARY SACRIFICE CONTRIBUTORS

I, Tim Holding MP, in my capacity as Minister for Finance, WorkCover and the Transport Accident Commission for the State of Victoria, under paragraph (b) of section 2A of the **State Employees Retirement Benefits Act 1979**, by this instrument declare employees covered by the Victorian Psychiatric Services Agreement 2004–2007 who are members of the State Employees Retirement Benefits Scheme to be eligible salary sacrifice contributors from the date of gazettal of this declaration.

Dated 10 June 2010

TIM HOLDING MP

Minister for Finance, WorkCover  
and the Transport Accident Commission

**Valuation of Land Act 1960**DEPARTMENT OF SUSTAINABILITY  
AND ENVIRONMENT

## Fees for the Provision of Information

I, Robert Marsh, 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® website –
  - (i) Details of an individual record: 23.90 cents per record subject to (iii) below;
  - (ii) For all sales and transfer data in the whole of any municipality or locality: 23.90 cents per record subject to (iii) below;
  - (iii) A minimum charge of \$25.00 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: 17.07 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) \$30.00 per request plus 29.60 cents per record.

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

ROBERT MARSH  
Valuer-General

**Victorian Managed Insurance Authority Act 1996**

## PUBLIC HEALTHCARE PROGRAM

Pursuant to section 25A of the **Victorian Managed Insurance Authority Act 1996**, I direct the Victorian Managed Insurance Authority (VMIA) to provide a full range of insurance to the Public Healthcare Program. The Public Healthcare Program covers the following entities:

1. Victorian Bush Nursing Hospitals;
2. Victorian Denominational Hospital;
3. Victorian Privately Operated Public Hospitals;
4. Department of Human Services or Department of Health Funded Medical Research Agencies;
5. Victorian Mental Health Service Agencies;
6. Department of Human Services or Department of Health Funded Specialised Health Agencies;

7. Department of Human Services or Department of Health entities covered by the Rural General Practitioner Program;
8. Victorian Community Health Service Agencies;
9. Victorian Cemeteries Trust;
10. Community Emergency Response Teams;
11. Primary Care Partnership Agencies;
12. Post Acute Care Agencies;
13. Department of Human Services or Department of Health Funded Needle Syringe Exchange Agencies;
14. Department of Human Services or Department of Health Miscellaneous Healthcare Risks;
15. Former Public Healthcare Agencies that no longer operate;
16. Community Service Organisations; and
17. Entities or persons engaged in the Direct Employment Project.

This direction is effective for one year from 1 July 2010 to 30 June 2011 (both dates inclusive), with the VMIA to determine the premium payable by the Public Healthcare Program.

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

#### **Victorian Managed Insurance Authority Act 1996**

##### ALLIANCE PROFESSIONAL INDEMNITY INSURANCE

Pursuant to section 25A of the **Victorian Managed Insurance Authority Act 1996**, I direct the Victorian Managed Insurance Authority (VMIA) to provide professional indemnity insurance to bodies within a project alliance where those bodies can demonstrate the following:

- a) that they have failed to obtain an appropriate level of insurance from a provider, other than from the Victorian Managed Insurance Authority (VMIA), for the duration of the project, or the duration of the project alliance or any related period thereafter;
- b) having failed to obtain appropriate project alliance insurance from an alternative provider, a representative of the project alliance has sought such cover from the Victorian Managed Insurance Authority; and

- c) the steps taken to obtain comparable cover from alternative providers upon request by the VMIA or the Department of Treasury and Finance.

The VMIA shall charge such bodies a commercial premium for the insurance provided in accordance with this Direction. The VMIA shall provide the insurance on its usual terms, conditions and exclusions, subject to any deductibles, amendments or variations the VMIA agrees or deems necessary.

For the purposes of this direction, a project alliance refers to a commercial/legal framework between a department, agency, Government-backed enterprise or other Government-funded body, as owner-participant, and one or more private sector parties, for the purpose of delivering a capital works project where the project alliance has the following characteristics: agrees to a collective sharing of project risks; no fault, no blame, no dispute arrangements; three-limb compensation model; unanimous principle based decision-making on all key project issues; and uses an integrated project team.

This direction is effective for one year from 1 July 2010 to 30 June 2011 (both dates inclusive).

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

#### **Victorian Managed Insurance Authority Act 1996**

##### INSURANCE FOR THE MEMBERS OF THE VICTORIAN BUSHFIRE APPEAL FUND ADVISORY PANEL

Pursuant to section 25A of the **Victorian Managed Insurance Authority Act 1996**, I direct the Victorian Managed Insurance Authority (VMIA) to provide appropriate insurance to the following members of the Victorian Bushfire Appeal Fund Advisory Panel (the Panel members), and any additional members appointed during the period of this direction:

- The Hon Pat McNamara (Chair);
- Professor Glyn Davis AC;
- Ms Lyn Gunter;
- The Hon Robert Tickner;
- Ms Christine Nixon; and
- Mr Kerry Murphy.

This direction is effective from 1 July 2010 until 30 June 2011 (both dates inclusive), with the VMIA to determine the premiums payable by the Panel members, as well as any policy terms and conditions as it sees fit.

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

**Victorian Urban Development Authority  
Act 2003**

VICTORIAN URBAN DEVELOPMENT  
AUTHORITY

Division 5A – Charges

Notice of Amendment to the  
Interest Rate applied on Unpaid Charges

In accordance with section 51ZC of the **Victorian Urban Development Authority Act 2003**, the Victorian Urban Development Authority (VicUrban) has set the following interest rate of 10% which is to apply to any unpaid Infrastructure Recovery Charge in central Dandenong, for the financial year 2010/11.

Dated 24 June 2010

For and on behalf of VicUrban  
ANDREW ILES  
Acting General Manager  
Urban Revitalisation

**Land Acquisition and Compensation Act 1986**

FORM 7 S. 21  
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Roads Corporation (VicRoads) declares that by this notice it acquires the following interest in the land described as part of Lot 1 on Plan of Subdivision 418176G, Parish of Burgoyne, comprising 560.0 square metres and being land described in Certificate of Title Volume 10579 Folio 083, shown as Parcel 15 on Survey Plan 19128C.

**Interest Acquired:** That of Statton Plumbing Pty Ltd, ACN 005230875, and all other interests.

Published with the authority of VicRoads.

Dated 24 June 2010

For and on behalf of VicRoads  
Signed ADRIAN O'BRIEN  
Acquisition and Compensation Manager  
Property Services

**Land Acquisition and Compensation Act 1986**

FORM 7 S. 21  
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Roads Corporation (VicRoads) declares that by this notice it acquires the following interest in the land described as Lot 1 on Title Plan 912790T, Parish of Corio, comprising 716.0 square metres and being land described in Certificate of Title Volume 11025 Folio 092, shown as Parcel 173 on Survey Plan 22140.

**Interest Acquired:** That of William Joseph Clarke and Sharon Joy Clarke and all other interests.

Published with the authority of VicRoads.

Dated 24 June 2010

For and on behalf of VicRoads  
Signed ADRIAN O'BRIEN  
Acquisition and Compensation Manager  
Property Services

**Land Acquisition and Compensation Act 1986**

FORM 7 S. 21  
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

Barwon Region Water Corporation declares that by this notice it acquires the following interest in the land described as 185 St Albans Road, Thomson, being more particularly described as Crown Grant Volume 8274 Folio 779:

An easement for sewerage purposes over that part of the land shown as E-1 and comprising an area of 228 m<sup>2</sup> on plan for creation of easement dated 2 March 2010, a copy of which is available for perusal at the offices of Barwon Region Water Corporation of 61–67 Ryrie Street, Geelong.

Published with the authority of Barwon Region Water Corporation.

Dated 24 June 2010

For and on behalf of  
Barwon Region Water Corporation  
By its lawyers  
HARWOOD ANDREWS LAWYERS  
70 Gheringhap Street, Geelong 3220

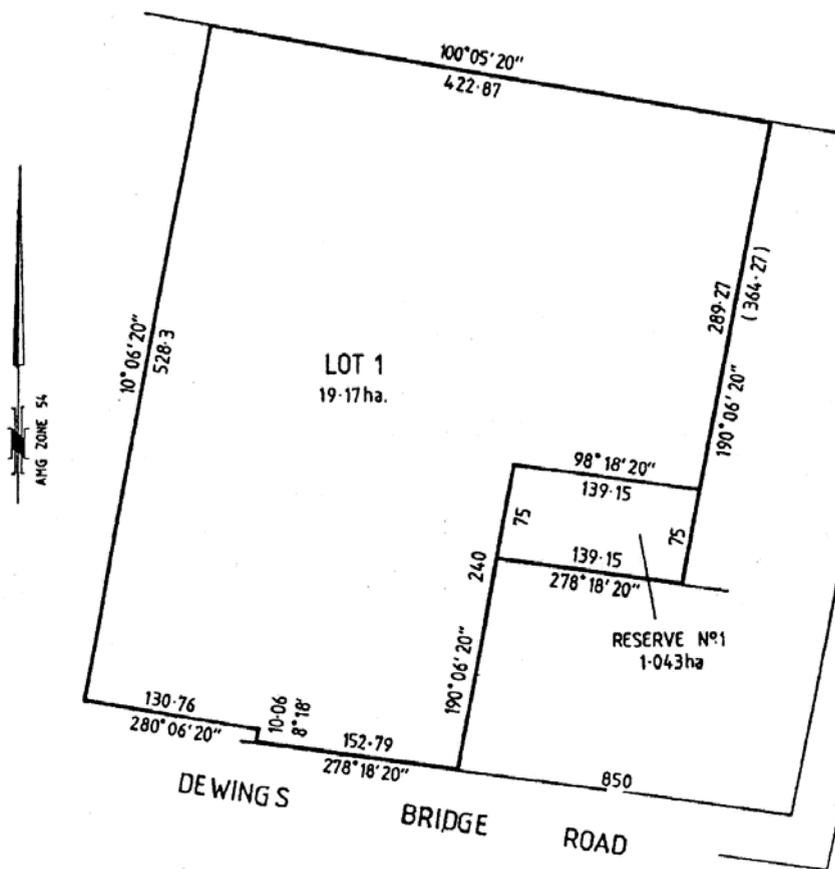
**Land Acquisition and Compensation Act 1986**

**ERRATUM**

Notice of Acquisition

Compulsory Acquisition of Interest in Land

Notice is given that the Notice of Acquisition, Compulsory Acquisition of Interest in Land published on page 1 of the Government Gazette No. S164, dated 6 November 2000, is amended to correctly describe the interest for water supply purposes being acquired by Barwon Region Water Authority (now Barwon Region Water Corporation) to be Reserve No. 1 on plan of subdivision PS406865Y (plan), being part of Certificate of Title Volume 9582 Folio 728. A copy of page 2 of the plan is shown below.



Published with the authority of Barwon Region Water Corporation  
 Dated 24 June 2010

For and on behalf of Barwon Region Water Corporation  
 by its lawyers  
**HARWOOD ANDREWS LAWYERS**  
 70 Gheringhap Street, Geelong



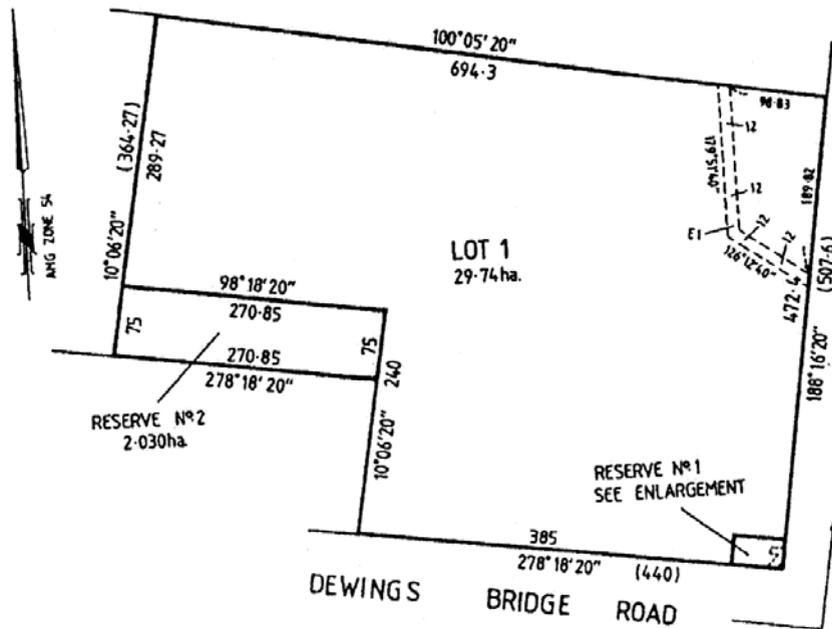
**Land Acquisition and Compensation Act 1986**

**ERRATUM**

Notice of Acquisition

Compulsory Acquisition of Interest in Land

Notice is given that the Notice of Acquisition, Compulsory Acquisition of Interest in Land published on pages 1 and 2 of the Government Gazette No. S164, dated 6 November 2000, is amended to correctly describe the interest for water supply purposes being acquired by Barwon Region Water Authority (now Barwon Region Water Corporation) to be Reserve No. 1 and Reserve No. 2 on plan of subdivision PS406864B (plan) being part of the land comprised in Certificate of Title Volume 2964 Folio 605. A copy of page 2 of the plan is shown below.



Published with the authority of Barwon Region Water Corporation  
 Dated 24 June 2010

For and on behalf of Barwon Region Water Corporation  
 by its lawyers  
**HARWOOD ANDREWS LAWYERS**  
 70 Gheringhap Street, Geelong

**Accident Compensation Act 1985****NOTICE OF INDEXED BENEFIT LEVELS AND OTHER AMOUNTS IN ACCORDANCE WITH SECTION 100 OF THE ACCIDENT COMPENSATION ACT 1985**

Section 100(1) of the **Accident Compensation Act 1985** stipulates that certain amounts in Part IV and in section 5A of the Act are varied on 1 July each year in line with the movement in the average weekly earnings for all employees in Victoria between the two previous December quarters, using the latest figures published by the Australian Statistician as at 30 May following the previous December quarter. Weekly payments are indexed on the anniversary of the entitlement to weekly payments as detailed in section 100(2) of the Act.

The average weekly earnings for all employees in Victoria between the December quarter of 2008 and the December quarter 2009 increased from \$880.30 to \$902.60 which is an increase of 2.53%.

Following legislative changes in December 1997, some amounts are indexed by the rise in Consumer Price Index. The Consumer Price Index between the December quarter of 2008 and the December quarter of 2009 increased from 163.5 to 166.4 which is an increase of 1.77%.

On 11 November 2008 the Australian Bureau of Statistics (ABS) announced a change to the method of calculating average weekly earnings to exclude all amounts that were salary sacrificed. This change has meant a small adjustment by the ABS to the average weekly earnings for the December 2007 quarter. However section 100 of the **Accident Compensation Act 1985** requires use of the average weekly earnings as published by the ABS in the December quarter of the relevant financial year. Accordingly WorkSafe has utilised this figure.

On 10 December 2009, a number of legislative changes to the Act commenced. The changes included:

- an increase in the no-fault maximum lump sum entitlement for a permanent impairment from \$409,200 to \$503,000;
- an increase in the no-fault lump sum entitlements to workers with a permanent psychiatric impairment assessed at the existing 30% whole person impairment threshold from \$13,650 to \$68,240;
- an increase in the maximum lump sum payment for dependants following a workplace death from \$273,970 to \$503,000.

On 5 April 2010, a number of further legislative changes to the Act commenced. The changes included:

- an increase in the statutory maximum for weekly payments from \$1,300 to twice Victoria's average weekly earnings, currently \$1760;
- the introduction of reimbursement of worker's transport costs to attend a conciliation up to a maximum of \$50 per conference;
- the introduction of compensation for non-dependants (where a worker leaves no dependants) who suffer hardship as a result of a worker's death up to a maximum \$30,000.

The cap on the monetary value of weekly payments for claims made on or after 5 April 2010 under section 93B and pensions for dependants of deceased workers for claims made on or after 5 April 2010 under section 92B has been substituted by an amount representing twice the state average weekly earnings. For claims made under 93B and 92B made before 12 November 1997 or on or after 12 November 1997 and before 5 April 2010, the cap on weekly payments and pensions for dependants of deceased workers remains unchanged.

<b>Section</b>	<b>Provision</b>	<b>Rate before 1 July 10</b>	<b>Rate from 1 July 10</b>
<b>DISPUTE RESOLUTION (CPI)</b>			
<b>Costs</b>			
62(3)	Maximum payment for worker's reasonable transportation expenses	\$50	\$51
62(4)	Maximum payment for worker's loss of income	\$350	\$356
<b>COMPENSATION FOR DEATH OF A WORKER (CPI)</b>			
<b>Revised compensation for death of worker</b>			
92A(4)	For a dependent partner or partners in equal shares	\$503,000	\$511,920
92A(5)	For an orphan child or orphan children in equal shares	\$503,000	\$511,920
92A(6)(a)	For a dependent partner(s) where there is one dependent child	\$452,700	\$460,730
92A(6)(b)	For the dependent child	\$50,300	\$51,190
92A(7)	For a dependent partner(s) where there is more than one dependent child but not more than 5 dependent children payable in the following shares: total amount of	\$503,000	\$511,920
92A(7)(a)	To each dependent child	\$25,150	\$25,600
92A(7)(b)	To partner/partners	Balance	Balance
92A(8)	For a dependent partner(s) where there are more than 5 dependent children payable in the following shares: total amount of	\$503,000	\$511,920
92A(8)(a)	To partner or partners in equal shares	\$377,250	\$383,940
92A(8)(b)	To the dependent children in equal shares	\$125,750	\$127,980
92A(8A)	Maximum lump sum for dependent children if no dependent partner	\$503,000	\$511,920
92A(8B)	Maximum lump sum for a partially dependent partner(s), and dependent partner(s) or dependent children	\$503,000	\$511,920
92A(9)	Maximum lump sum for any other dependants if no dependent partner or dependent child	\$503,000	\$511,920
92AA	Maximum amount for reimbursement of expenses incurred by non-dependent family members	\$30,000	\$30,530

**WEEKLY PENSIONS FOR DEPENDANTS OF WORKER WHO DIES (AWE)****During the first 13 weeks**

92B(3)(a)(ii)	Maximum weekly pension for a dependent partner for claims made before 5 April 2010	\$1,300	\$1,330
	Maximum weekly pension for a dependent partner for claims made on or after 5 April 2010	\$1,760	\$1,800
92B(4)(a)(ii)	Maximum weekly pension for 2 or more dependent partners in equal shares for claims made before 5 April 2010	\$1,300	\$1,330
	Maximum weekly pension for 2 or more dependent partners in equal shares for claims made on or after 5 April 2010	\$1,760	\$1,800
92B(5)(a)(ii)	Maximum weekly pension for one orphan child for claims made before 5 April 2010	\$1,300	\$1,330
	Maximum weekly pension for one orphan child for claims made on or after 5 April 2010	\$1,760	\$1,800
92B(6)(a)(ii)	Maximum weekly pension for 2 or more orphan children in equal shares for claims made before 5 April 2010	\$1,300	\$1,330
	Maximum weekly pension for 2 or more orphan children in equal shares for claims made on or after 5 April 2010	\$1,760	\$1,800
<b>After first 13 weeks until the end of 3 years</b>			
92B(3)(b)(i)	Maximum weekly pension for a dependent partner for claims made before 5 April 2010	\$1,300	\$1,330
	Maximum weekly pension for a dependent partner for claims made on or after 5 April 2010	\$1,760	\$1,800
92B(3)(b)(ii)	Weekly pension calculation for a dependent partner where there are not more than 5 dependent children who are entitled to a pension and overall cap applies for claims made before 5 April 2010	\$1,300	\$1,330
	Weekly pension calculation for a dependent partner where there are not more than 5 dependent children who are entitled to a pension and overall cap applies for claims made on or after 5 April 2010	\$1,760	\$1,800
92B(3)(b)(iii)	Weekly pension for a dependent partner where there are more than 5 dependent children who are entitled to a pension and overall cap applies for claims made before 5 April 2010	\$865	\$887

	Weekly pension for a dependent partner where there are more than 5 dependent children who are entitled to a pension and overall cap applies for claims made after 5 April 2010	\$1,170	\$1,200
92B(4)(b)(i)	Maximum weekly pension for 2 or more dependent partners in equal shares for claims made before 5 April 2010	\$1,300	\$1,330
	Maximum weekly pension for 2 or more dependent partners in equal shares for claims made on or after 5 April 2010	\$1,760	\$1,800
92B(4)(b)(ii)	Weekly pension calculation for 2 or more dependent partners, where there are not more than 5 dependent children and overall cap applies for claims made before 5 April 2010	\$1,300	\$1,330
	Weekly pension calculation for 2 or more dependent partners, where there are not more than 5 dependent children and overall cap applies for claims made on or after 5 April 2010	\$1,760	\$1,800
92B(4)(b)(iii)	Weekly pension for 2 or more dependent partners, where there are more than 5 dependent children and overall cap applies in equal shares before 5 April 2010	\$865	\$887
	Weekly pension for 2 or more dependent partners, where there are more than 5 dependent children and overall cap applies in equal shares on or after 5 April 2010	\$1,170	\$1,200
	<b>After first 13 weeks until child ceases to be eligible</b>		
92B(5)(b)(ii)	Maximum weekly pension for one orphan child for claims made before 5 April 2010	\$1,300	\$1,330
	Maximum weekly pension for one orphan child for claims made on or after 5 April 2010	\$1,760	\$1,800
92B(6)(b)(ii)	Maximum weekly pension for 2 or more orphan children in equal shares for claims made before 5 April 2010	\$1,300	\$1,330
	Maximum weekly pension for 2 or more orphan children in equal shares for claims made on or after 5 April 2010	\$1,760	\$1,800
92B(7)(b)	Weekly pension calculation for each dependent child where there are not more than 5 dependent children and overall cap applies for claims made before 5 April 2010	\$1,300	\$1,330

	Weekly pension calculation for each dependent child where there are not more than 5 dependent children and overall cap applies for claims made on or after 5 April 2010	\$1,760	\$1,800
92B(8)(b)	Weekly pension for dependent children where there are more than 5 dependent children and overall cap applies in equal shares for claims made before 5 April 2010	\$430	\$441
	Weekly pension for dependent children where there are more than 5 dependent children and overall cap applies in equal shares for claims made before 5 April 2010	\$587	\$602
92B(11)	Total amount of weekly pensions for claims made before 5 April 2010	\$1,300	\$1,330
	Total amount of weekly pensions for claims made on or after 5 April 2010	\$1,760	\$1,800
<b>PROVISIONAL PAYMENTS (CPI)</b>			
92D(1)(b)	Maximum amount for medical and other costs	\$7,500	\$7,630
<b>WEEKLY PAYMENTS (AWE)</b>			
<b>Weekly payments for First Entitlement Period</b>			
<b>Where worker has no current work capacity</b>			
93A(1)(a)(ii)	Maximum weekly payment for claims made before 12 November 1997	\$1,040	\$1,070
93A(2)(a)(ii)	Maximum weekly payment for claims made on or after 12 November 1997 and before 5 April 2010	\$1,300	\$1,330
93A(3)(a)(ii)	Maximum weekly payment for claims made on or after 5 April 2010	\$1,760	\$1,800
<b>Where worker has a current work capacity</b>			
93A(1)(b)(ii)	Maximum weekly payment for claims made before 12 November 1997 – less worker's current weekly earnings	\$1,040	\$1,070
93A(2)(b)(ii)	Maximum weekly payment for claims made on or after 12 November 1997 and before 5 April 2010 – less worker's current weekly earnings	\$1,300	\$1,330
93A(3)(b)(ii)	Maximum weekly payment for claims made on or after 5 April 2010 – less worker's current weekly earnings	\$1,760	\$1,800
<b>Weekly payments for Second Entitlement Period</b>			
<b>Where worker has no current work capacity</b>			

93B(1)(a)(ii)	Maximum weekly payment for claims made before 12 November 1997 where worker has a serious injury – less 90% of the worker’s current weekly earnings	\$1,040	\$1,070
93B(1)(b)(ii)	Maximum weekly payment for claims made before 12 November 1997 where worker does not have a serious injury	\$1,040	\$1,070
93B(2)(a)(ii)	Maximum weekly payment for claims made on or after 12 November 1997 and before 5 April 2010	\$1,300	\$1,330
93B(3)(a)(ii)	Maximum weekly payment for claims made on or after 5 April 2010	\$1,760	\$1,800
<b>Where worker has a current work capacity</b>			
93B(1)(c)(ii)	Maximum weekly payment for claims made before 12 November 1997 where worker does not have a serious injury – less 80% of the worker’s current weekly earnings	\$1,040	\$1,070
93B(2)(b)(ii)	Maximum weekly payment for claims made on or after 12 November 1997 and before 5 April 2010 – less 80% of worker’s current weekly earnings	\$1,300	\$1,330
93B(3)(b)(ii)	Maximum weekly payment for claims made on or after 5 April 2010 – less 80% of worker’s current weekly earnings	\$1,760	\$1,800
<b>Weekly payments after second entitlement period</b>			
<b>Where worker has no current work capacity</b>			
93C(2)(a)(ii)	Maximum weekly payment for claims made before 12 November 1997 where worker has a serious injury – less 90% of the worker’s current weekly earnings	\$1,040	\$1,070
93C(2)(b)(ii)	Maximum weekly payment for claims made before 12 November 1997 where worker does not have a serious injury	\$1,040	\$1,070
93C(2)(c)(ii)	Maximum weekly payment for claims made on or after 12 November 1997 and before 5 April 2010	\$1,300	\$1,330
93C(2)(d)(ii)	Maximum weekly payment for claims made on or after 5 April 2010	\$1,760	\$1,800
<b>Continuation of weekly payments after second entitlement period</b>			
<b>Compensation for incapacity arising from surgery</b>			
93CA(1)(c)	Minimum current weekly earnings	\$151	\$155
<b>Where worker has a current work capacity</b>			
93CD(4)(a)	Minimum weekly earnings for approval of an application for a worker who has returned to work	\$151	\$155

93CD(5)(a)(ii)	Maximum weekly payment for claims made before 12 November 1997 where an application under s92CD(1) has been approved – less 80% of worker's current weekly earnings	\$1,040	\$1,070
93CD(5)(b)(ii)	Maximum weekly payment for claims made on or after 12 November 1997 and before 5 April 2010 where an application under s92CD(1) has been approved – less 80% of worker's current weekly earnings	\$1,300	\$1,330
93CD(5)(c)(ii)	Maximum weekly payment for claims made on or after 5 April 2010 where an application under s92CD(1) has been approved – less 80% of worker's current weekly earnings	\$1,760	\$1,800

### COMPENSATION FOR NON-ECONOMIC LOSS (CPI)

#### Permanent Impairment – Calculations of Amounts of Non-economic Loss

98C(2)(b)(i)	Where worker's impairment benefit rating is a modified whole person impairment	\$10,570	\$10,760
	of not less than 10% and less than 11%	\$9,010	\$9,170
98C(2)(b)(ii)	Where worker's impairment benefit rating is a modified spinal impairment	\$10,570	\$10,760
	of not less than 10% and less than 11%	\$9,010	\$9,170
98C(2)(c)(i)	Where worker's impairment benefit rating is not less than 10% and not more than 30%	\$17,040	\$17,340
		\$2,560	\$2,610
98C(2)(c)(ii)(A)	Where worker's impairment benefit rating is a spinal impairment and is not less than 10% and not more than 30%	\$17,040	\$17,340
		\$2,560	\$2,610
98C(2)(c)(ii)(B)	Maximum amount where worker's impairment benefit rating is a spinal impairment and is not less than 10% and not more than 30%	\$68,240	\$69,450
98C(2)(d)	Where worker's impairment benefit rating is more than 30% and not more than 70%	\$68,160	\$69,370
		\$4,250	\$4,330
98C(2)(e)(i)	Where worker's impairment benefit rating is more than 70% and not more than 80%	\$237,370	\$241,580
		\$26,570	\$27,040
98C(2)(e)(ii)	Maximum amount where worker's impairment benefit rating is more than 70% and not more than 80%	\$503,000	\$511,920

98C(2)(f)	Where worker's impairment benefit rating is more than 80%	\$503,000	\$511,920
<b>Psychiatric Impairment – Calculations of Amounts of Non-economic Loss</b>			
98C(3)(b)	Where worker's degree of impairment is 30%	\$17,040	\$17,340
		\$2,560	\$2,610
98C(3)(c)	Where worker's degree of impairment is more than 30% and not more than 70%	\$68,160	\$69,370
		\$4,250	\$4,330
98C(3)(d)(i)	Where worker's degree of impairment is more than 70% and not more than 80%	\$237,370	\$241,580
		\$26,570	\$27,040
98C(3)(d)(ii)	Maximum amount where worker's degree of impairment is more than 70% and not more than 80%	\$503,000	\$511,920
98C(3)(e)	Where worker's degree of impairment is more than 80%	\$503,000	\$511,920
<b>Permanent Impairment – Calculation of Amounts of Non-economic Loss for Further Injury Industrial Deafness</b>			
98C(3A)(a)	Where 'T' is not less than 10% and not more than 30% and 'P' is less than 10%	\$2,560	\$2,610
		\$1,690	\$1,720
98C(3A)(b)	Where 'T' is not less than 10% and not more than 30% and 'P' is not less than 10%	\$2,560	\$2,610
98C(3A)(c)	Where 'T' is more than 30% and 'P' is less than 10%	\$4,250	\$4,330
		\$2,560	\$2,610
		\$1,690	\$1,720
98C(3A)(d)	Where 'T' is more than 30% and 'P' is not less than 10% and is less than 30%	\$4,250	\$4,330
		\$2,560	\$2,610
98C(3A)(e)	Where 'T' is more than 30% and 'P' is not less than 30%	\$4,250	\$4,330
<b>Other non-economic loss</b>			
98C(4)	Loss of a foetus or loss of more than one foetus	\$61,280	\$62,370
98C(7)	Maximum amount of compensation for more than one injury suffered on the same occasion	\$503,000	\$511,920
98C(8)	Maximum amount of compensation for more than one kind of non-economic loss for the same injury	\$503,000	\$511,920

**NO DISADVANTAGE – COMPENSATION TABLE (AWE)**

98E	Total loss of the sight of both eyes	\$246,020	\$252,250
	Total loss of the sight of an only eye	\$246,020	\$252,250
	Loss of both hands	\$246,020	\$252,250
	Loss of both feet	\$246,020	\$252,250
	Loss of a hand and a foot	\$246,020	\$252,250
	Total loss of the right arm or of the greater part of the right arm	\$196,810	\$201,800
	Total loss of the left arm or of the greater part of the left arm	\$184,510	\$189,180
	Total loss of the right hand or of five fingers of the right hand, or of the lower part of the right arm	\$172,190	\$176,550
	Total loss of the left hand or of five fingers of the left hand, or of the lower part of the left arm	\$159,930	\$163,980
	Total loss of a leg	\$184,510	\$189,180
	Total loss of a foot	\$159,930	\$163,980
	Total loss of the lower part of the leg	\$172,190	\$176,550
	Total loss of the sight of one eye, together with the serious diminution of the sight of the other eye	\$184,510	\$189,180
	Total loss of hearing	\$159,930	\$163,980
	Total loss of the sight of one eye	\$98,390	\$100,880
	Loss of binocular vision	\$98,390	\$100,880
	Loss of eyeball (in addition to compensation for loss of sight of an eye)	\$54,130	\$55,500
	Total loss of power of speech	\$147,610	\$151,350
	Total loss of sense of taste or smell	\$41,830	\$42,890
	Total loss of senses of both taste and smell	\$83,650	\$85,770
	Total loss of male sexual organs	\$115,640	\$118,570
	Total loss of penis	\$115,640	\$118,570
	Total loss of one testicle	\$24,580	\$25,200
	Total loss of two testicles or an only testicle	\$115,640	\$118,570
	Total loss of female sexual organs	\$115,640	\$118,570
	Total loss of both breasts	\$115,640	\$118,570
	Total loss of one breast	\$73,790	\$75,660

	Total loss of the thumb of the right hand	\$73,790	\$75,660
	Total loss of the thumb of the left hand	\$63,970	\$65,590
	Total loss of the forefinger of the right hand	\$51,690	\$53,000
	Total loss of the forefinger of the left hand	\$44,270	\$45,390
	Total loss of two joints of the forefinger of the right hand	\$39,350	\$40,350
	Total loss of two joints of the forefinger of the left hand	\$29,510	\$30,260
	Total loss of a joint of the thumb	\$39,350	\$40,350
	Total loss of the first joint of the forefinger of the right hand	\$24,580	\$25,200
	Total loss of the first joint of the forefinger of the left hand	\$22,150	\$22,710
	Total loss of the first joint of the middle or little or ring finger of either hand	\$14,750	\$15,120
	Total loss of the middle finger of either hand	\$29,510	\$30,260
	Total loss of the little or ring finger of either hand	\$27,080	\$27,770
	Total loss of two joints of the middle finger of either hand	\$24,580	\$25,200
	Total loss of two joints of the little or ring finger of either hand	\$22,150	\$22,710
	Total loss of the great toe of either foot	\$54,130	\$55,500
	Total loss of a joint of the great toe of either foot	\$24,580	\$25,200
	Total loss of any other toe	\$14,750	\$15,120
	Total loss of a joint of any other toe	\$4,930	\$5,050
	Quadriplegia	\$246,020	\$252,250
	Paraplegia	\$246,020	\$252,250
	Total impairment of the spine	\$246,020	\$252,250
98E(5)	Maximum total amount of compensation allowable under 98E Table	\$246,020	\$252,250
<b>MEDICAL AND LIKE SERVICES (CPI)</b>			
99(1)(aa)	Maximum Family Counselling expenses	\$5,320	\$5,410
99(5)	Employer's Liability	\$582	\$592
125(1)(a)(iii)	Employer's initial liability for medical and like services	\$582	\$592

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125A(3)(c)	Employer's initial liability for medical and like services	\$582	\$592
<b>LIABILITY OF PRIOR INSURER (AWE)</b>			
129B (7)	Minimum payments for contribution injury	\$12,890	\$13,220
<b>ACTIONS FOR DAMAGES</b>			
<b>Pecuniary Loss (CPI)</b>			
134AB(22)(a)(i)	Threshold	\$51,310	\$52,220
134AB(22)(a)(ii)	Maximum	\$1,155,330	\$1,175,820
<b>Pain and Suffering (CPI)</b>			
134AB(22)(b)(i)	Threshold	\$49,560	\$50,440
134AB(22)(b)(ii)	Maximum	\$503,000	\$511,920
<b>Pecuniary Loss (AWE)</b>			
135A(7)(a)(i)	Threshold	\$51,310	\$52,610
135A(7)(a)(ii)	Maximum	\$1,155,330	\$1,184,600
<b>Pain and Suffering (CPI)</b>			
135A(7)(b)(i)	Threshold	\$45,910	\$46,720
135A(7)(b)(ii)	Maximum	\$465,880	\$474,140
<b>Damages under Part III of the Wrongs Act 1958 (AWE)</b>			
135C(2)	Death of a person	\$762,170	\$781,480
<b>SELF-INSURERS</b>			
Schedule 5	Application fee for approval as self-insurer (AWE)		
3(1) & (2)	Fee limit	\$47,570	\$48,780
<b>PRE-INJURY AVERAGE WEEKLY EARNINGS (AWE)</b>			
5A (8)	Where no rate applicable	\$1,760	\$1,800
5A(9)(b)	Deemed Pre-injury Average Weekly Earnings for a full-time student at time of completion of course	\$1,760	\$1,800
5A(11)(b)	Deemed Pre-injury Average Weekly earnings for a full-time student at a primary or secondary school at time of completion of secondary school	\$1,040	\$1,070

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**Workers Compensation Act 1958****NOTICE OF NEW BENEFIT RATES PAYABLE IN ACCORDANCE  
WITH SECTION 9 AND SECTION 11**

- (a) Section 9(3) of the **Workers Compensation Act 1958** provides for rates of compensation to be adjusted on 1 July in any year in line with movements in the Australian male average weekly earnings between the December quarter of the two preceeding years as published by the Australian Statistician at 15 June in each respective year.

The Australian male average weekly earnings for the December quarter of 2008 and 2009 were \$1100.60 and \$1162.70 respectively, an increase of 5.64%.

On 11 November 2008 the Australian Bureau of Statistics (ABS) announced a change to the method of calculating average weekly earnings to exclude all amounts that were salary sacrificed. This change has meant a small adjustment by the ABS to the average weekly earnings for the December 2007 quarter.

However section 100 of the **Accident Compensation Act 1985** requires use of the average weekly earnings as published by the ABS in the December quarter of the relevant financial year. Accordingly WorkSafe has utilised this figure.

Notice is hereby given that calculations in accordance with the said section produce the following rates of compensation which are payable, on and from 1 July 2005 instead of the amounts specified in section 9 of the said Act, in the clauses under the heading 'The Clauses Referred To'.

<b>The amount specified in 'The Clauses Referred To' (wherever occurring)</b>		<b>Rates before 1 July 10</b>	<b>Rates from 1 July 10</b>
<b>COMPENSATION FOR THE DEATH OF A WORKER</b>	Amount as per the 1958 Act		
1(a)(i)	\$33,160	\$170,773	\$180,409
	\$8,088	\$41,660	\$44,011
	\$7,566	\$38,961	\$41,159
	\$7,044	\$36,274	\$38,321
	\$6,523	\$33,593	\$35,488
	\$6,001	\$30,902	\$32,646
	\$5,479	\$28,214	\$29,806
	\$4,957	\$25,526	\$26,966
	\$4,435	\$22,839	\$24,128
	\$3,914	\$20,157	\$21,294
	\$3,392	\$17,463	\$18,448
	\$2,870	\$14,778	\$15,612
	\$2,348	\$12,088	\$12,770
	\$1,826	\$9,402	\$9,932
	\$1,826	\$9,402	\$9,932
1(a)(ii)	\$33,160	\$170,773	\$180,409

**WEEKLY PAYMENTS**

1(b)(i)	\$105	\$544	\$575
	\$30	\$152	\$161
	\$10	\$51	\$54
	\$155	\$800	\$845
	\$78	\$399	\$422
	\$135	\$692	\$731

**TOTAL LIABILITY FOR WEEKLY PAYMENTS**

1(b)(iii)	\$36,960	\$190,345	\$201,085
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- (b) Section 11(1) of the **Workers Compensation Act 1958** provides for rates of compensation for certain specified injuries to be set percentages of the maximum payable, at the time of the injury, under Clause 1(a)(ii).

**Accident Compensation Act 1985**

## MINISTERIAL DIRECTION

## Return to Work Direction No. 1 of 2010

I, Tim Holding, Minister for Finance, WorkCover and the Transport Accident Commission, make the following direction under section 207(2) of the **Accident Compensation Act 1985**.

Dated 9 June 2010

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

**1. Purpose**

The purpose of this direction is to set out the procedure to facilitate the resolution of issues that arise at a workplace between an employer and a worker concerning the worker's return to work if there is no relevant agreed procedure for resolution of those issues.

**2. Authority**

This direction is given pursuant to section 207(2) of the Act.

**3. Commencement**

This direction comes into operation on 1 July 2010.

**4. Definitions**

Unless the context otherwise requires, or the contrary intention appears, terms in this Ministerial Direction have the same meaning as defined in the Act.

In this direction:

**The Act** means the **Accident Compensation Act 1985**.

**Return to work co-ordinator** means the person nominated by the employer to assist the employer to meet the employer's obligations under Part VIIB of the Act, as required by section 197 of the Act.

**Return to work issue** means an issue about a worker's return to work but excludes a complaint about WorkSafe (unless WorkSafe is the employer of the injured worker), the authorised agent, claim liability, payment of a benefit or entitlement, termination or suspension of a claim, reimbursement of an expense, a conciliation application or outcome; and also excludes general matters of policy and practice applying across the workplace and not directly and particularly related to the worker's return to work.

**5. Persons who can raise return to work issues**

A return to work issue may be raised for resolution at the workplace in accordance with the procedure set out in this direction by –

- (a) the worker;
- (b) a representative of the worker;
- (c) the worker's manager or supervisor;
- (d) the return to work co-ordinator;
- (e) the provider of occupational rehabilitation services to the worker; or
- (f) the worker's treating health practitioner.

**6. Procedure for reporting issues**

- (1) A worker who wishes to raise an issue for resolution in accordance with the procedure set out in this direction may do so by reporting the issue to the employer, the worker's manager or supervisor, or the return to work co-ordinator.
- (2) A worker's representative, treating health practitioner, return to work co-ordinator, manager, supervisor or provider of occupational rehabilitation services may raise an issue on behalf of the worker by reporting the issue to the employer.

**7. Procedure for resolving issues**

- (1) As soon as possible but no longer than 20 days after a return to work issue has been reported the following persons must meet and try to resolve the issue –
  - (a) the employer;
  - (b) the return to work coordinator; and
  - (c) the worker.
- (2) If a person referred to in clause 6(2) raises a return to work issue, the employer must also invite that person to participate in the issue resolution process.
- (3) The issues resolution procedure must be conducted in a manner and in a language that is agreed by the parties referred to in clause 7(1) to be appropriate.
- (4) For the purpose of resolving the return to work issue, the parties referred to in clause 7(1)(a) and 7(1)(b) must liaise directly with the worker, however a worker may be represented, assisted and supported during the return to work issue resolution process, including at all meetings referred to in clause 7(1).
- (5) For the purpose of resolving the return to work issue as quickly and effectively as possible the persons referred to in clause 7(1) and any person referred to in clause 7(2) who is participating in the issue resolution process must have regard to –
  - (a) return to work planning for the worker;
  - (b) the worker's progress in recovering from the injury;
  - (c) the employer's return to work obligations as set out in the Act; and
  - (d) the worker's return to work obligations as set out in the Act.
- (6) If a person referred to in clause 6(1) or 6(2) requests the employer to set out in writing details of the return to work issue, and matters relating to its progress, resolution or outcome, the employer must do so, within 14 days of the request, in a manner and a language that is agreed by the parties referred to in clause 7(1) to be appropriate and must provide a copy of the document to each of the parties referred to in clause 7(1)(b) and (c) and to each person referred to in clause 6(2) who has raised the return to work issue or any part of it.

**8. Other procedures**

Nothing in this Direction limits the rights of any worker or employer under the Act to pursue other dispute resolution mechanisms.

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

**Accident Compensation Act 1985**

## MINISTERIAL DIRECTION

## Return to Work Direction No. 2 of 2010

I, Tim Holding, Minister for Finance, WorkCover and the Transport Accident Commission, make the following direction under section 208(3) of the **Accident Compensation Act 1985**.

Dated 9 June 2010

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

**1. Purpose**

The purposes of this direction are to set out the information to be provided to a worker pursuant to section 208(1) and (2) of the Act and to specify the type of circumstances in which advice in writing, pursuant to section 208(2), is not required to be given to a worker.

**2. Authority**

This direction is given pursuant to section 208(3) of the Act.

**3. Commencement**

This direction comes into operation on 1 July 2010.

**4. Definitions**

Unless the context otherwise requires, or the contrary intention appears, terms in this Ministerial Direction have the same meaning as in the Act.

In this direction:

**The Act** means the **Accident Compensation Act 1985**.

**5. Information to be provided to workers pursuant to section 208(1)**

In addition to the information specified by section 208(1) of the Act, the Authority or self-insurer must inform the worker as soon as practicable after accepting a claim for compensation from that worker that the worker may wish to keep records of his or her employment capacity, including copies of certificates of capacity under section 105 and 111 of the Act, and that the calculation of the employment obligation period may be assisted by the worker retaining such records.

**6. Information to be provided to workers pursuant to section 208(2)**

In addition to the information specified in section 208(2) of the Act, within the estimated period of time referred to in section 208(2) of the Act the Authority or self-insurer must advise the worker in writing –

- (a) of the employer's obligation pursuant to section 194(2) of the Act to provide suitable employment or pre-injury employment;
- (b) as to how the employment obligation period is calculated;
- (c) that the worker may request the Authority or self-insurer provide more information in respect of the calculation of the employment obligation period as it relates to the worker's claim.

**7. The type of circumstances that do not require written advice to be given under section 208(2)**

The Authority is not required to provide advice under section 208(2) –

- (a) where the Authority is aware that the worker is no longer employed by the employer in whose employment the worker's injury occurred;
- (b) where the Authority is aware that the employer in whose employment the worker's injury occurred cannot be identified, cannot be found, is deceased, or is a corporation that has been wound up;

- (c) to a worker who has only received payments of compensation that do not exceed the employer's excess for which the employer is liable under section 125A of the Act;
  - (d) during any period that the section 194(4) exclusion from the employer obligation period applies;
- 8. Circumstances that do not require written advice to be given by a self-insurer under section 208(2)**
- A self-insurer is not required to provide advice under section 208(2) –
- (a) to a worker who is no longer employed by the employer in whose employment the worker's injury occurred.

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

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### **Accident Compensation Act 1985**

#### MINISTERIAL ORDER 2010

#### Terms and Conditions of Approval as a Self-insurer

I, Tim Holding, Minister for Finance, WorkCover and the Transport Accident Commission as Minister administering the **Accident Compensation Act 1985**, make the following Order pursuant to subsection 142A(3) and in accordance with section 142A(4) of the **Accident Compensation Act 1985**.

Dated 15 June 2010

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

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#### **1. Citation**

This Order may be cited as the Self-insurer Terms and Conditions of Approval Order 2010.

#### **2. Application**

This Order specifies terms and conditions of approval that a self-insurer is subject to for the purposes of Part V of the **Accident Compensation Act 1985**.

This Order is to take effect on and from 1 July 2010.

#### **3. Definitions**

Unless the context otherwise requires, or the contrary intention appears, terms in this Order have the same meaning as they have in the Act and in the WorkCover Insurance Act, as the case may be.

In this Order:

**'the Act'** means the **Accident Compensation Act 1985**;

**'the Workcover Insurance Act'** means the **Accident Compensation (Workcover Insurance) Act 1993**;

**'rateable remuneration'** of a self-insurer, means the sum of the remuneration paid or payable by the self-insurer and its subsidiaries (if any) that would be rateable remuneration within the meaning of the WorkCover Insurance Act if the self-insurer and any such subsidiaries were an employer required to pay premiums under that Act.

#### **4. Terms and conditions of approval as a self-insurer**

##### **4.1 Case estimating**

A self-insurer must estimate its expected liability for each new reported claim and record the possible recovery on each claim.

All claims estimates must be reviewed periodically as determined by the self-insurer but no less frequently than at 6 monthly intervals.

An estimate of expected claims liabilities must represent the expected total net liabilities on the claims outstanding.

#### **4.2 Claim form**

A self-insurer must ensure that copies of the claim forms, approved by the Authority under section 103(1) of the Act, are kept at a place and in a manner that is readily accessible at all reasonable times to its workers.

#### **4.3 Document retention**

All documents relating to a claim must be retained by the self-insurer for as long as they may foreseeably need to be accessed by the self-insurer, the Authority or another self-insurer for the purposes of the Act and must be retained in a form in which they are able to be so accessed.

#### **4.4 Audit**

A self-insurer is subject to field audits by persons authorised by the Authority in regard to its adherence to –

- (a) the Act or the regulations; or
- (b) any terms or conditions of its approval as a self-insurer; or
- (c) a Ministerial Order; or
- (d) any other subordinate instrument made under the Act or the regulations.

For the purposes of an audit, self-insurers must furnish to the Authority or a person authorised by the Authority, any books or other information as may reasonably be required in writing by the Authority.

#### **4.5 Self-Audit Program**

A self-insurer must participate in a Self-Audit Program approved by the Authority.

A self-insurer must forward to the Authority at its head office a copy of the findings of the approved Self-Audit Program in the time specified by the Authority and in a form approved by the Authority. The findings are to be accompanied by a statement, signed by at least one responsible officer of the self-insurer, certifying that the conduct of the self-audit was in accordance with the approved Self-Audit Program, that the findings of the self-audit are true and correct and that appropriate remedial action, if required, will occur within a timeframe as determined by the Authority in consultation with the self-insurer.

For the purposes of this term and condition, a responsible officer of the self-insurer is –

- (a) if the self-insurer is a body corporate, a director or member of the governing body of the self-insurer;
- (b) if the self-insurer is the MAV, the person occupying the position, however styled, which is responsible for the day to day operations of the MAV.

#### **4.6 Data requirements**

A self-insurer must provide data relating to any of its activities as a self-insurer in the form and in respect of such periods as are specified in writing by the Authority.

Such returns must be lodged with the Authority within 30 days of the expiry of the period in respect of which the return is due.

Upon request in writing by the Authority, a self-insurer must provide any additional information as may reasonably be required concerning the means by which data about any of its activities as a self-insurer is collected, collated, stored or retrieved. Such additional information must be provided to the Authority within 30 days of the request being received by the self-insurer or such other period agreed between the Authority and the self-insurer.

A self-insurer must modify existing practices, or introduce new practices, for the collection, collation, storing, retrieval and transfer of data to the extent necessary to provide the data in the form required by the Authority.

#### **4.7 Information**

A self-insurer must, on the written request of the Authority, furnish to the Authority or a person authorised by the Authority any information relating to any aspect of its activities as a self-insurer as may reasonably be required by the Authority, including the name, address and contact number of any employee who has lodged a workers' compensation claim.

Such information must be provided within 30 days of the request being received by the self-insurer or such other period agreed between the Authority and the self-insurer.

#### **4.8 Duties of self-insurers for any agents appointed**

If a self-insurer appoints a person to act as the self-insurer's agent under section 147A of the Act, the self-insurer must –

- (a) take all reasonable measures to ensure that the agent complies with all requirements of –
  - (i) the Act or the regulations;
  - (ii) any terms or conditions to which the self-insurer's approval is subject;
  - (iii) a Ministerial Order; and
  - (iv) any other subordinate instrument made under the Act or the regulationsapplicable to the functions undertaken by the agent;
- (b) provide written notice to the Authority as soon as it becomes aware that an agent appointed under section 147A of the Act has failed to comply with any of the requirements in 4.8(a) above;
- (c) ensure, so far as is reasonably possible, that the agent provides the Authority or a person authorised by the Authority, access to any records, data or other information which concerns the agent's activity as an agent of the self-insurer; and
- (d) notify the Authority immediately in the event of any change to the arrangement entered into by the self-insurer under section 147A of the Act.

#### **4.9 Immediate notification of certain events affecting self-insurer**

A self-insurer must immediately notify the Authority if –

- (a) at any time the self-insurer is unable to pay any of its debts as and when those debts fall due; or
- (b) the self-insurer becomes aware of any event that may prevent the self-insurer from meeting any other requirement for approval and operation as a self-insurer in accordance with –
  - (i) the Act or the regulations; or
  - (ii) any terms or conditions of its approval as a self-insurer; or
  - (iii) a Ministerial Order; or
  - (iv) any other subordinate instrument made under the Act or the regulations.

#### **4.10 Strategically significant matters**

A self-insurer must –

- (a) notify the Authority as soon as it becomes aware of any strategically significant matter (as defined in guidelines made by the Authority) to which it is a party, in a form approved by the Authority; and
- (b) provide supporting information in relation to any strategically significant matter in accordance with guidelines made by the Authority.

#### 4.11 Documentation of claims management policies

- A A self-insurer, irrespective of whether an agent has been appointed under section 147A of the Act to manage claims on its behalf, must –
- (a) document its claims management policies, provide these policies to the Authority and make the policies readily available to its workers; and
  - (b) maintain current claims management policies in accordance with any amendments to the Act or the regulations or a Ministerial Order or any other subordinate instrument made under the Act or the regulations that occur from time to time.
- B A self-insurer may elect to adopt the WorkSafe Claims Manual in place of developing and maintaining their own claims management policies. If a self-insurer adopts the WorkSafe Claims Manual, the self-insurer must notify the Authority and make the WorkSafe Claims Manual readily available to its workers.
- C If a self-insurer does not elect to adopt the WorkSafe Claims Manual then any policy documented by the self-insurer which differs from the Authority's Claims Manual is to be provided to the Authority prior to implementation by the self-insurer.

#### 4.12 Rateable remuneration

- A The return which each self-insurer must submit pursuant to subsection 146A(1) of the Act must be in accordance with Form A of this Order.
- B A self-insurer must submit a rateable remuneration return as referred to in this clause no later than 31 August next following the end of the financial year in respect of which the return is completed.

#### 4.13 Insurance in respect of contingent liabilities

- A A contract of insurance which a self-insurer must have in force at all times in accordance with section 148(1)(b) of the Act in respect of its contingent liabilities shall be a contract of insurance effected with an insurer approved by the Australian Prudential Regulation Authority pursuant to the **Insurance Act 1973** of the Commonwealth, other than an insurer which is deemed to be related to the self-insurer by reason of section 50 of the **Corporations Act 2001**, or with an insurer which is wholly owned by any State or Territory of the Commonwealth.
- B The contract of insurance referred to in subclause A must be for an unlimited amount in excess of the self-insurer's liability for any one event or series of events arising out of any occurrence during the policy period.
- C A self-insurer's liability under the contract of insurance referred to in subclause A must be an amount chosen by the self-insurer which is not greater than \$5 000 000.
- D A self-insurer must submit to the Authority –
- (a) a certified copy of the contract of insurance effected in accordance with this Order by the day of commencement as a self-insurer and thereafter within 21 days after any day on which –
    - (i) the contract, including the terms set out in the policy of insurance, is altered; or
    - (ii) the contract of insurance is effected with a different insurer; and
  - (b) an annual certificate of currency of that contract of insurance.

- E If a self-insurer wholly acquires an employer and the contract of insurance held by the self-insurer in accordance with subsection 148(1)(b) of the Act specifies the name of the employer or employers which the contract of insurance covers, the self-insurer must within 28 days of the acquisition—
- (a) revise the contract of insurance to include coverage for the employer acquired by the self-insurer; and
  - (b) submit to the Authority a certified copy of the revised contract of insurance within 28 days of the employer being wholly acquired by the self-insurer.

**4.14 Contributions by self-insurers**

The specified surcharge for the purposes of subsection 146(5) of the Act is \$100 per day for each day up to, but not including, the day on which the contribution is paid. The surcharge is to be varied in respect of the financial year beginning on 1 July 2011 and each subsequent financial year, in accordance with the formula in section 100(2A) of the Act.

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

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**Accident Compensation Act 1985**

## MINISTERIAL ORDER UNDER SECTION 150C

I, Tim Holding, Minister for Finance, Workcover and the Transport Accident Commission, hereby issue the following Ministerial Order pursuant to section 150C of the **Accident Compensation Act 1985**.

Dated 15 June 2010

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

**1. PREAMBLE**

This Order is made with respect to the arrangements that apply in relation to the assumption by a self-insurer of liability for tail claims under sections 150(3) and 150A(5) of the **Accident Compensation Act 1985** (the Act) and is made pursuant to section 150C of the Act. Employers, the Authority and self-insurers must comply with this Order.

**2. OBJECTIVES OF THIS ORDER**

The objectives of this Order are to:

- (a) set out the arrangements that apply in relation to the assumption by a self-insurer under section 150(3) of the Act of liability for the tail claims of the self-insurer and/or the assumption by a self-insurer under section 150A(5) of the Act of liability for the tail claims of a scheme-insured body corporate acquired by the self-insurer; and
- (b) specify the method of calculation of the settlement amount that is required to be paid by the Authority to a self-insurer under section 150C(3) of the Act and the manner in which the settlement amount is to be paid, when:
  - (i) a self-insurer has elected to assume liability and claims management in respect of its tail claims and prior to such an election liability for the tail claims rested with the Authority; or
  - (ii) a self-insurer has elected to assume liability and claims management for the tail claims of a scheme-insured body corporate that the self-insurer wholly acquires, provided that prior to such an election liability for the tail claims rested with the Authority.

**3. DEFINITIONS**

**3.1** Unless the context otherwise requires, or the contrary intention appears, terms in this Order have the same meaning as they have in the Act and in the WorkCover Insurance Act, as the case may be.

**3.2** In this Order, unless the context otherwise requires:

**Act** means the **Accident Compensation Act 1985** (Vic.);

**assumption date** means the date on which the self-insurer assumes liability for the tail claim;

**guarantee** means an irrevocable, unconditional guarantee and indemnity issued by an authorised deposit taking institution as defined in the **Banking Act 1959** (Cth) and enforceable in Australia on presentation and otherwise in a form acceptable to the Authority;

**business day** means a day other than a Saturday, Sunday or gazetted public holiday in the State of Victoria;

**claims liability** means the amount assessed, in accordance with guidelines approved by the Authority, as the sum of the actuarial values of the current, non-current and contingent liabilities in respect of the tail claims, including claims which may be TAC claims;

**commencement date** means 1 July 2010;

**election** means the self-insurer's notification to the Authority that the self-insurer wishes to assume liability and claims management for its tail claims, where such liability and claims management would otherwise rest with the Authority;

**electronic communication** has the same meaning it has in the **Electronic Transactions (Victoria) Act 2000**;

**fund** means the WorkCover Authority Fund established under section 32 of the Act;

**government agency** means any government or any public, statutory, governmental, semi-governmental, local governmental or judicial body, entity or authority and includes a Minister of the Crown (in any right);

**health information** has the same meaning it has in section 3 of the **Health Records Act 2001** (Vic.);

**personal information** has the same meaning it has in section 3 of the **Information Privacy Act 2000** (Vic.);

**privacy legislation** means laws in respect of personal and health information, including but not limited to the **Information Privacy Act 2000** (Vic.), the **Health Records Act 2001** (Vic.) and the **Privacy Act 1988** (Cth);

**privacy principles** means the Information Privacy Principles set out in the **Information Privacy Act 2000** (Vic.) and the Health Privacy Principles set out in Schedule 1 of the **Health Records Act 2001** (Vic.);

**tail claim** means:

- (a) in relation to a self-insurer that has under section 150(3) of the Act assumed liability for its tail claims, a claim, regardless of when made, in respect of an injury or death –
  - (i) incurred or suffered by a worker employed by the employer or its subsidiaries (if any) before the date the approval of the employer as a self-insurer takes effect pursuant to section 144(1) of the Act; and
  - (ii) which entitles that worker, the dependants of that worker, or the members of that worker's family to compensation or any other payments, whether under the Act or at common law;
- (b) in relation to a self-insurer that has under section 150A(5) of the Act assumed liability for the tail claims of a scheme-insured body corporate the self-insurer has wholly acquired, a claim, regardless of when made, in respect of an injury or death –
  - (i) incurred or suffered by a worker employed by the scheme-insured body corporate before the scheme-insured body corporate was acquired by the self-insurer; and
  - (ii) which entitles that worker, the dependants of that worker, or the members of that worker's family to compensation or any other payments, whether under the Act or at common law;

**TAC** means the Transport Accident Commission, a body corporate established pursuant to the **Transport Accident Act 1986**;

**TAC claims** means claims under the Act for which the TAC may be liable to pay the Authority under the Act;

**WorkCover Insurance Act** means the **Accident Compensation (WorkCover Insurance) Act 1993** (Vic.).

#### 4. APPLICATION OF THIS ORDER

4.1 This Order is to come into effect on and from 1 July 2010.

4.2 This Order applies to all self-insurers that assume liability for tail claims under sections 150(3) or 150A(5) of the Act on and after the commencement date.

## **5. TERMINATION OF INSURANCE IN RELATION TO TAIL CLAIMS**

### **5.1 Termination of WorkCover insurance policies in relation to tail claims**

Any rights, obligations or liabilities (including any accrued rights, obligations or liabilities) in relation to tail claims:

- (a) under any WorkCover insurance policy to which a self-insurer and the Authority are or were parties;
- (b) under any WorkCover insurance policy to which a scheme-insured body corporate and the Authority are or were parties;
- (c) under any WorkCover insurance policy in respect of a self-insurer which are or were transferred to the Authority by operation of law,

will terminate on the assumption date.

### **5.2 No right of indemnity**

A self-insurer to which this Order applies has no right to be indemnified by the Authority under a contract of insurance pursuant to the Act or under a WorkCover insurance policy in relation to tail claims.

## **6. LIABILITY FOR TAIL CLAIMS**

### **6.1 Compensation**

A self-insurer must pay from its own funds all compensation and all fees, costs, damages and expenses with respect to tail claims without recourse to the Authority for any reimbursement.

### **6.2 Indemnity**

A self-insurer indemnifies the Authority against all liability, fees, costs, damages and expenses suffered or incurred by the Authority resulting directly or indirectly from a failure by a self-insurer to satisfy any tail claim.

### **6.3 No limit on liability**

There is no limit on the liability of a self-insurer under this clause, and in particular the liability of a self-insurer is not limited to the final settlement amount payable by the Authority to a self-insurer under clause 9.

## **7. DELIVERY OF DOCUMENTS**

The Authority must deliver to a self-insurer within 7 days of the assumption date or as soon as practicable after that date all documents, files, disks, tapes, CDs and other records in their possession or under their control in respect of tail claims.

## **8. RECOVERIES**

In respect of all tail claims for which the Authority has paid compensation or other payments a self-insurer shall not obtain recovery of any contributions under sections 137, 137A or 138 of the Act.

## **9. SETTLEMENT AMOUNT**

### **9.1 Definitions**

In this clause, the following definitions apply:

**adjusted estimated discounted liability** for an injury year means the estimated discounted liability plus IBNR claim loading for that injury year plus GUF loading for that injury year plus future claims handling expenses for that injury year;

**adjusted funding ratio** means the funding ratio divided by the loss ratio for each injury year in which claims were incurred by the Authority multiplied by the factor required to reconcile the net assets produced by the adjusted funding ratio with the net assets of the Authority;

**certification date** means the date on which the self-insurer:

- (a) certifies all remuneration paid or payable by the self-insurer under the Act and the WorkCover Insurance Act; or
- (b) makes payment of all outstanding premiums for WorkCover insurance policies, all outstanding penalties under the Act and all other outstanding amounts that are payable under the Act,

whichever is the later;

**estimated discounted liability** means the amount assessed using the Authority's statistical case estimate model (as adopted by the Authority at the time of any assessment) to determine the estimated outstanding liability of the Authority in respect of all reported tail claims, discounted for future investment earnings using discount rates from the actuarial valuation of the scheme as adopted by the Authority at the time of any assessment;

**final settlement amount** means the amount calculated as at the assumption date, being (i) or (ii) below, whichever is less:

- (i) the sum of the following figures for all injury years: the adjusted estimated discounted liability for each injury year multiplied by the adjusted funding ratio for that injury year;
- (ii) the sum of the adjusted estimated discounted liability for all injury years;

**funding ratio** means the ratio of the Authority's total assets to its total net liabilities based on the actuarial valuation of the scheme as adopted by the Authority at the time of any assessment;

**future claims handling expenses** means the expenses estimated to be incurred in claims administration of the tail claims, calculated as a percentage (determined by the Authority) of the sum of the estimated discounted liability, the IBNR claim loading and the GUF loading;

**GUF** means 'gross up factor', and may have a negative or positive value;

**GUF loading** means the amount which aligns the statistical case estimate model with the Authority's actuarially assessed scheme liabilities and adjusts for recoveries, calculated as a percentage (determined by the Authority) of the sum of the estimated discounted liability and the IBNR claim loading;

**IBNR** means 'incurred but not reported';

**IBNR claim loading** means the actuarial value of IBNR claims, calculated as a percentage (determined by the Authority) of the estimated discounted liability and payments to date;

**injury year** means 1 July to 30 June;

**loss ratio** means the Authority's incurred claims cost for an injury year, divided by the Authority's earned premium for that year (where incurred claims cost is defined as the value, discounted to the year of premium payment, of paid claims to date plus actuarially assessed discounted liabilities);

**provisional settlement amount** means the amount calculated, as at 28 days prior to the assumption date (or as at such other date prior to the assumption date that the Authority determines), being (i) or (ii) below, whichever is less:

- (i) 80% of the sum of the following figures for all injury years: the adjusted estimated discounted liability for each injury year multiplied by the adjusted funding ratio for that injury year;
- (ii) 80% of the sum of the adjusted estimated discounted liability for all injury years.

## 9.2 Payment of provisional settlement amount

The Authority shall pay to a self-insurer the provisional settlement amount on the assumption date or as soon as is practicable thereafter.

**9.3 Final settlement amount – payment by Authority**

If the final settlement amount exceeds the provisional settlement amount, the difference between these amounts is payable by the Authority to a self-insurer within 28 days after the certification date and such payment shall, subject to subclause 9.5, constitute full and final payment of the final settlement amount.

**9.4 Final settlement amount – payment by self-insurer**

If the provisional settlement amount exceeds the final settlement amount, the difference between these amounts is payable by a self-insurer to the Authority within 28 days after receiving notice in writing from the Authority of the amount of the difference.

**9.5 GST Payable**

9.5.1 Words or expressions used in this subclause that are defined in the **A New Tax System (Goods and Services Tax) Act 1999** (Cth) have the same meaning in this clause.

9.5.2 Despite any other provision in this Order, if a self-insurer or the Authority ('Supplier') makes a supply under or in connection with this Order to the other party to this Order ('Recipient') on which GST is imposed:

- (a) the consideration payable or to be provided for that supply under this Order but for the application of this clause ('GST exclusive consideration') is increased by, and the Recipient must also pay to the Supplier, an amount calculated by multiplying the GST exclusive consideration by the rate of GST applicable to that supply; and
- (b) the amount by which the GST exclusive consideration is increased must be paid to the Supplier by the Recipient without set off, deduction or requirement for demand, at the same time as the GST exclusive consideration is payable or to be provided.

9.5.3 The Recipient need not make a payment for a taxable supply made under or in connection with this Order until the Supplier has given the Recipient a tax invoice for the supply to which the payment relates.

9.5.4 The Supplier must give the Recipient an adjustment note for an adjustment arising from an adjustment event relating to a taxable supply made under or in connection with this Order within 7 days after the date the Supplier becomes aware of the adjustment event.

9.5.5 If an amount paid to the Supplier by the Recipient under subparagraph 9.5.2(b) differs, by reason of the occurrence of an adjustment event, from the amount of GST payable by the Supplier in respect of the relevant supply:

- (a) if the amount paid by the Recipient exceeds the GST payable by the Supplier, the Supplier will pay to the Recipient an amount equal to the difference; and
- (b) if the amount paid by the Recipient is less than the GST payable by the Supplier, the Recipient will pay to the Supplier an amount equal to the difference.

**10. SELF-INSURANCE LIABILITIES AND SECTION 151 OF THE ACT**

Nothing in this Order limits or affects any liability of a self-insurer, or abrogates any right or entitlement of the Authority, under Subdivision 3 of Division 5 of Part V of the Act.

**11. CONFIDENTIALITY****11.1 Confidential information**

In this clause **confidential information** means

- (a) all information obtained by a self-insurer in managing tail claims in accordance with this Order; and
- (b) any other information provided by the Authority to a self-insurer pursuant to this Order which is designated confidential or which otherwise would be understood

by a reasonable person in the position of a self-insurer to be confidential in nature, excluding information which at the time of the disclosure is in the public domain or after disclosure becomes part of the public domain otherwise than by disclosure in breach of this Order.

### **11.2 Obligations in relation to confidential information**

In relation to confidential information, a self-insurer must and must use its best endeavours to ensure that each officer, employee, agent or subcontractor of a self-insurer:

- (a) keeps confidential all confidential information; and
- (b) does not make a record of, divulge or communicate to any third party any confidential information for any purpose other than a purpose authorised under section 155 of the Act or such purpose as may be authorised by law or under a similar or corresponding statutory provision.

### **11.3 Compliance with the Act**

Nothing contained in this Order reduces or derogates from any requirement imposed upon any person by the Act, including sections 242A and 243 of the Act, in relation to maintaining the secrecy or confidentiality of any document or information acquired by a self-insurer in the performance or discharge of its duties or obligations under this Order.

## **12. PRIVACY**

### **12.1 Health information and personal information**

If the Authority provides the self-insurer with personal information or health information, or the self-insurer obtains health or other personal information in connection with or as a result of this Order, the self-insurer agrees that:

- (a) in relation to that personal information or health information, it will be bound by the Privacy Legislation, and in particular the Privacy Principles in the Privacy Legislation, in the same way as the Authority is bound;
- (b) in particular, it will not collect, store, use or disclose that personal information or health information except to the extent that such collection, use or disclosure is necessary for the performance of its obligations under this Order; and
- (c) it will only collect, use, disclose, store, transfer or otherwise handle that personal information or health information it collects in accordance with such reasonable policies or directions relating to the collection, use, disclosure, storage, transfer or handling of personal information or health information as are notified by the Authority to the self-insurer from time to time.

### **12.2 Restrictions on access to health information and personal information**

The self-insurer must ensure that access to health information and personal information is restricted to those employees and contractors who need to know the information for the purposes of the self-insurer fulfilling its obligations under this Order, and that those employees and contractors are aware of and agree to fulfil the self-insurer's obligations under this clause.

## **13. NOTICES**

### **13.1 Service**

A party giving notice or notifying under this Order must do so in writing

### **13.2 Time of receipt**

A notice given in accordance with subclause 13.1 is taken to be received:

- (a) if hand-delivered, on delivery;
- (b) if sent by prepaid post, three days after the date of posting;
- (c) if sent by facsimile, when the sender's facsimile system generates a message confirming successful transmission of the total number of pages of the notice unless, within one day after that transmission, the recipient informs the sender that it has not received the entire notice; and
- (d) if sent by electronic communication, as determined in accordance with section 13 of the **Electronic Transactions (Victoria) Act 2000**.

**13.3 Deemed receipt**

If any notice would be taken to be received under subclause 13.2 outside the hours of 9.00 am to 5.00 pm on a business day then the notice will be taken to be received at 9.00 am on the next business day.

TIM HOLDING MP  
Minister for Finance, WorkCover  
and the Transport Accident Commission

**Fisheries Act 1995**

## FISHERIES NOTICE NO. 6/2010

I, Anthony Hurst, Executive Director Fisheries Victoria, as delegate of the Minister for Agriculture, make the following Fisheries Notice:

Dated 8 June 2010

ANTHONY HURST  
Executive Director Fisheries Victoria

## FISHERIES (CARCINUS MAENAS) NOTICE NO. 6/2010

**1. Title**

This Notice may be cited as the Fisheries (*Carcinus maenas*) Notice No. 6/2010.

**2. Objectives**

The objectives of this Notice are to remove the recreational catch limit on the European green shore crab, *Carcinus maenas* (*C. maenas*), and to prohibit the use of live *C. maenas* as bait.

**3. Authorising provision**

This Notice is made under sections 68A and 152 of the **Fisheries Act 1995** ('the Act').

**4. Commencement**

This Notice comes into operation on the date of signing.

**5. Removal of catch limit**

For the purposes of Section 68A of the Act, and notwithstanding regulation 124 of the Fisheries Regulations 2009, there is no catch limit with respect to the taking or possession of European green shore crab, *Carcinus maenas* (*C. maenas*).

**Note:** Regulation 124(1) of the Fisheries Regulations 2009 provides a catch limit for crabs. The purpose of this clause is to exempt European green shore crabs from that catch limit.

This Fisheries Notice does not supersede Regulation 96 of the Fisheries Regulations 2009, which states that a person must not take, or attempt to take, marine invertebrates other than marine worms and bass yabby from the intertidal zone of Port Philip Bay.

Section 152(3) of the Act provides that if a provision of a fisheries notice is inconsistent with any regulations, the fisheries notice prevails to the extent of the inconsistency.

**6. Prohibition on the use of live *C. maenas* as bait**

(1) A person must not use live *C. maenas* as bait in or on Victorian waters.

Penalty: 50 penalty units

(2) A person must not release live *C. maenas* into or next to any body of water.

Penalty: 50 penalty units

(3) Sub-clause (2) does not apply to a person who has taken *C. maenas* from a body of water if the person immediately returns it to that water.

**7. Revocation**

Unless sooner revoked, this Fisheries Notice will be automatically revoked 12 months after the day on which it comes into operation.

**Fisheries Act 1995**

FURTHER QUOTA ORDER FOR THE WESTERN ZONE OF THE  
VICTORIAN ROCK LOBSTER FISHERY

Pursuant to Section 64A of the **Fisheries Act 1995**

I, Anthony Hurst, Executive Director Fisheries Victoria, as delegate of the Minister for Agriculture, having consulted in accordance with the Consultation Principles contained in section 3A of the **Fisheries Act 1995**, make the following Further Quota Order for the rock lobster fishery in Victorian waters west of longitude 143°40' east (the western zone).

1. This Further Quota Order applies to the western zone of the Victorian rock lobster fishery for the period commencing on 1 July 2010 and ending on 30 June 2011 ('the quota period').
2. The total allowable catch (TAC) for the western rock lobster zone for the quota period is 240 tonnes of rock lobster.
3. The quantity of rock lobsters comprising a quota unit for the quota period in the western rock lobster zone will be 66 kilograms.<sup>1</sup>

**Note**

1. There are 3633.48 individual quota units for the western zone, as determined in an Initial Quota Order pursuant to section 64(1)(b) of the **Fisheries Act 1995**.

This Order commences on 1 July 2010 and remains in force until 30 June 2011.

Dated 19 June 2010

ANTHONY HURST  
Executive Director Fisheries Victoria

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**Fisheries Act 1995**

FURTHER QUOTA ORDER FOR THE EASTERN ZONE OF THE  
VICTORIAN ROCK LOBSTER FISHERY

Pursuant to Section 64A of the **Fisheries Act 1995**

I, Anthony Hurst, Executive Director Fisheries Victoria, as delegate of the Minister for Agriculture, having consulted in accordance with the Consultation Principles contained in section 3A of the **Fisheries Act 1995**, make the following Further Quota Order for the rock lobster fishery in Victorian waters east of longitude 143°40' east (the eastern zone).

1. This Further Quota Order applies to the eastern zone of the Victorian rock lobster fishery for the period commencing on 1 July 2010 and ending on 30 June 2011 ('the quota period').
2. The total allowable catch (TAC) for the eastern rock lobster zone for the quota period is 66 tonnes of rock lobster.
3. The quantity of rock lobsters comprising a quota unit for the quota period in the eastern rock lobster zone will be 66 kilograms.<sup>1</sup>

**Note**

1. There are 1000 individual quota units for the eastern zone, as determined in an Initial Quota Order pursuant to section 64(1)(b) of the **Fisheries Act 1995**.

This Order commences on 1 July 2010 and remains in force until 30 June 2011.

Dated 19 June 2010

ANTHONY HURST  
Executive Director Fisheries Victoria

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**Pipelines Act 2005**

## SECTION 67

## Minor Alteration to Authorised Route

PIPELINE LICENCE NUMBER: 43

NAME AND ADDRESS OF  
LICENSEE(S): VIC GAS DISTRIBUTION PTY LTD  
(ABN 73 085 899 001)  
1 Wood Street  
Thomastown Vic. 3074

DESCRIPTION OF EXISTING  
AUTHORISED ROUTE: Commencing at the outlet of the Victorian Pipelines Commission's metering and pressure regulating station situated at the point where the Commission's 30 inch natural gas transmission line crosses the South Gippsland Highway, Parish of Glencoe; and proceeding in a northerly direction along such highway, across the Latrobe River to the City of Sale, thence turning right into York Street and proceeding along York Street, thence turning right opposite McMillan Street into McIntosh Drive, thence turning left and proceeding along McIntosh Drive to Foster Street, thence turning right and proceeding along Foster Street to Marley Street, thence turning left and proceeding along Marley Street and crossing Raglan Street to proceed along Templeton Street to Pine Grove, thence turning left and proceeding along Pine Grove to Alexandra Avenue, thence turning right and proceeding along Alexandra Avenue to terminate at a valve at the junction of such avenue and Dawson Street, Sale.

ALTERATION:

As from today:

1. The authorised route of the pipeline will be relocated further east in varying offset distances from its current location; these being 6 m to 30 m, matching the curvature location of the South Gippsland Highway for a distance of 1.2 km.
2. Drawing Number T27-16 indicates the route of the pipeline and all other drawings are hereby deleted from the pipeline licence.

CONDITIONS:

Schedule of Conditions

1. The pipeline shall have the following features:
  - (i) Maximum Allowable Operating Pressure: 4,800 kPa
  - (ii) Contents: Gaseous hydrocarbons
  - (iii) Internal diameter: 100 mm for a length of 15 km
2. The licensee must, as soon as practicable after the construction of the pipeline, lodge with the Minister and Energy Safe Victoria:
  - (i) two copies of a map showing the route of the pipeline and details of the land through which the pipeline is laid; and
  - (ii) two copies of alignment drawings of the constructed pipeline.

3. The licensee must report to the Minister at least once in every year and at such other times as agreed with the Minister on the performance of the licensee in protecting the environment from the pipeline operation.
4. The licensee must give the Minister seven days notice in writing, if the licensee intends to cease to convey substances through the pipeline, otherwise than in the course of the normal operating procedure of the pipeline and does not intend to surrender the licence.

Dated 8 June 2010

DOUG SCENEY  
Director Earth Resources Regulation  
Delegate of the Minister

### **Plant Health and Plant Products Act 1995**

#### ORDER PROHIBITING OR RESTRICTING THE ENTRY OR IMPORTATION OF EUROPEAN HOUSE BORER HOST MATERIAL INTO VICTORIA

I, Patrick Sharkey, as delegate of the Minister for Agriculture, make the following Order:

Dated 21 June 2010

PATRICK SHARKEY  
Manager Plant Standards

#### **1 Objective**

The objective of this Order is to prevent the entry or importation of the exotic pest, European house borer into Victoria.

#### **2 Authorising provision**

This Order is made under section 24 of the **Plant Health and Plant Products Act 1995** ('the Act').

#### **3 Revocation**

The Order made on 30 June 2009 under section 24 of the Act, and published in Government Gazette G27 on 2 July 2009, is revoked.

#### **4 Definitions**

In this Order –

**'accreditation program'** means any program under which a person is permitted to issue an assurance certificate, including any procedures available under the Interstate Certification Assurance (ICA) Scheme;

**'authorised inspector'** means a person authorised as an inspector under the Act;

**'European house borer'** means the exotic pest *Hylotrupes bajulus* (Linnaeus);

**'European house borer host material'** means any timber of pinewood, including seasoned pinewood, or any item made from timber of pinewood which is 100 cm<sup>3</sup> or more in size, and includes furniture, pallets and structural pinewood;

**'Manager Plant Standards'** means the person for the time being occupying or acting in the position of Manager, Plant Standards in the Department of Primary Industries;

**'pinewood'** means any wood from trees of the genera *Abies* Mill, *Picea* A.Dietr., *Pinus* L. or *Pseudotsuga* Carriere;

**'seasoned pinewood'** means pinewood that has a moisture content of 20% or less when tested in accordance with Australian Standard AS1080.1-1997 Timber: methods of test – moisture content;

**'structural pinewood'** means any pinewood which is part of an existing building or is to be used in the construction of a building.

**5 Controls applying to European house borer host materials**

- (1) The entry or importation into Victoria of any European house borer host material is prohibited.
- (2) Sub-clause (1) does not apply if the European house borer host material –
  - (a) was grown on, or sourced from a property, that is located in a State or Territory, or part of a State or Territory, for which an area freedom certificate, issued by an officer responsible for agriculture in the State or Territory where the host material was grown or sourced, is currently in force certifying that the State or Territory, or part of the State or Territory, is known to be free from European house borer; or
  - (b) is packed, labelled and certified in accordance with any conditions prescribed by an accreditation program, administered by the department responsible for agriculture in the affected State or Territory; or
  - (c) is accompanied by a plant health declaration issued by an authorised person declaring that it has been treated in a manner approved by the Manager Plant Standards; or
  - (d) is accompanied by a plant health certificate issued by an officer of the department responsible for agriculture in the affected State or Territory certifying that it has been treated in a manner approved by the Manager Plant Standards.

**6 Verification of consignments**

Where requested by an authorised inspector, European house borer host material imported into Victoria which is required by clause 5(2) to be accompanied by a certificate or declaration must be:

- (a) presented to an authorised inspector for inspection; or
- (b) verified by a person accredited to do so by the Department of Primary Industries.

Note: Section 25 of the **Plant Health and Plant Products Act 1995** provides that a person is guilty of an offence and a penalty not exceeding 50 penalty units in the case of a natural person, and 200 penalty units in the case of a body corporate, for knowingly breaching an Importation Order.

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**Private Agents Act 1966**NOTICE OF RECEIPT OF APPLICATIONS FOR LICENCES  
UNDER THE PROVISIONS OF THE **PRIVATE AGENTS ACT 1966 – 7494**

I, the undersigned, being the Registrar of the Magistrates' Court at Sunshine, hereby give notice that applications, as under, 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/her 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>Name of Firm or Corporation</i>	<i>Address for Registration</i>	<i>Type of Licence</i>	<i>Date of Hearing</i>
Peter Graham Bradley	Bradley Debt Management	c/- Magistrates' Court Sunshine	Commercial Agents (Corporation) Licence	2 July 2010
Frank Grima	Victorian Protection Security Services Pty Ltd	11 Campbell Street, Yarraville, Vic. 3013	Commercial Agents (Corporation) Licence	7 July 2010

Dated at Sunshine 16 June 2010

DAVID CHRISTIE  
Registrar  
Magistrates' Court of Victoria

**Private Agents Act 1966****NOTICE OF RECEIPT OF APPLICATIONS FOR LICENCES  
UNDER THE PROVISIONS OF THE PRIVATE AGENTS ACT 1966 – 7494**

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- (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>Name of Firm or Corporation</i>	<i>Address for Registration</i>	<i>Type of Licence</i>	<i>Date of Hearing</i>
Christopher Galea	Victorian Protection Security Services & Investigations Pty Ltd	c/- Magistrates' Court Sunshine	Commercial Sub-agent's Licence	9 July 2010

Dated at Sunshine 18 June 2010

DAVID CHRISTIE  
Registrar  
Magistrates' Court of Victoria

**Public Health and Wellbeing Act 2008**

## SECTIONS 151(3) AND 4 AND TABLE 1 OF THE SCHEDULE TO THE ACT

I, Fran Thorn, Secretary to the Department of Health, approve the following form of blood donation statement for the purposes of sections 151(3) and (4) of the **Public Health and Wellbeing Act 2008**, and item 1, column 2, paragraph (a), and item 2, column 2, paragraphs (b)(i) and (c)(i) of Table 1, of the Schedule to the **Public Health and Wellbeing Act 2008**.

This approval takes effect on 4 July 2010.

FRAN THORN  
Secretary  
Department of Health

**FORM OF BLOOD DONATION STATEMENT**

There are some people who MUST NOT give blood as it may transmit infections to those who receive it. To determine if your blood or blood products will be safe to be given to people in need, we would like you to answer some questions. These questions are a vital part of our efforts to eliminate diseases from the blood supply. All of the questions are important to answer. Answer each question on the form as honestly as you can and to the best of your knowledge. THERE ARE PENALTIES INCLUDING FINES AND IMPRISONMENT FOR ANYONE PROVIDING FALSE OR MISLEADING INFORMATION.

All donations of blood are tested for the presence of hepatitis B and C, HIV (the AIDS virus), HTLV and syphilis. If your blood test proves positive for any of these conditions, or for any reason the test shows a significantly abnormal result, you will be informed.

Please respond by placing a cross or tick in the relevant box. Do not circle.

**To the best of your knowledge have you:**

- |    |   |        |
|----|---|--------|
| 1. | In the last 12 months, had an illness with swollen glands and a rash, with or without a fever?  | YES/NO |
| 2. | Ever thought you could be infected with HIV or have AIDS?   | YES/NO |
| 3. | Ever 'used drugs' by injection or been injected, even once, with drugs not prescribed by a doctor or dentist?                                   | YES/NO |
| 4. | Ever had treatment with clotting factors such as Factor VIII or Factor IX?  | YES/NO |
| 5. | Ever had a test, which showed you had hepatitis B, hepatitis C, HIV or HTLV?  | YES/NO |
| 6. | In the last 12 months engaged in sexual activity with someone you might think would answer 'yes' to any of questions 1–5?                       | YES/NO |
| 7. | Since your last donation or in the last 12 months, had sexual activity with a new partner who currently lives or has previously lived overseas? | YES/NO |

**Within the last 6 months have you:**

- |    |   |        |
|----|---|--------|
| 8. | Had a tattoo (including cosmetic tattooing), body and/or ear piercing, electrolysis or acupuncture? | YES/NO |
|----|---|--------|

**Within the last 12 months have you:**

- |     |   |        |
|-----|---|--------|
| 9.  | Had male to male sex (that is, oral or anal sex) with or without a condom?                                  | YES/NO |
| 10. | Had sex (with or without a condom) with a man who you think may have had oral or anal sex with another man? | YES/NO |
| 11. | Been a male or female sex worker (e.g. received payment for sex in money, gifts or drugs)?                  | YES/NO |
| 12. | Engaged in sexual activity with a male or female sex worker?  | YES/NO |



**State Trustees (State Owned Company) Act 1994  
Trustee Companies Act 1984**

**STATE TRUSTEES FEES AND CHARGES**

**All fees are inclusive of GST**

**Effective 1 July 2010**

The new fees and charges, and new rates for existing fees and charges, as set out in this Scale will (unless otherwise stated) be charged by State Trustees on and from 1 July 2010.

**1. PREPARATION OF WILLS, ENDURING POWERS OF ATTORNEY, AND TRUSTS**

**1.1 WILL PREPARATION**

	If State Trustees is appointed Executor (sole) or Co-Executor	If State Trustees is not appointed Executor (sole), or Co-Executor
Standard Rate	\$176 per hour*	\$295 per hour*
Rate for individuals 75 years old and over	\$50 per person	\$295 per hour*

\* Minimum charge is one hour

**1.2 ENDURING POWERS OF ATTORNEY PREPARATION**

**1.2(i) Preparation of Enduring Power of Attorney (Financial)**

<b>Prepared but not activated immediately:</b>	If State Trustees is appointed sole Attorney or sole Alternative Attorney where the primary Attorney is a spouse/partner.	All other Attorney appointments.
Individual Rate	\$59 per person	\$125 per person
<b>Prepared and activated immediately:</b>	If State Trustees is appointed sole Attorney	All other Attorney appointments.
Individual Rate	Nil	Rates as above

**1.2(ii) Preparation of Enduring Power of Attorney (Medical Treatment) or Enduring Power of Guardianship**

Individual	\$80 per Enduring Power of Attorney (Medical Treatment) or Enduring Power of Guardianship
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Note: State Trustees will not act or accept appointment as an Agent under an Enduring Power of Attorney (Medical Treatment), nor act or accept appointment as an Enduring Guardian under an Enduring Power of Guardianship.

**1.2(iii) Preparation of Enduring Power of Attorney (Financial), Enduring Power of Attorney (Medical Treatment) and Enduring Power of Guardianship – Package pricing**

	Preparation of: <ul style="list-style-type: none"> <li>● Enduring Power of Attorney (Financial), where State Trustees is appointed sole Attorney or sole alternative Attorney<sup>+</sup></li> <li>● Enduring Power of Attorney (Medical Treatment); and</li> <li>● Enduring Power of Guardianship</li> </ul>
Individual	\$165 <sup>+</sup> Where the Primary Attorney is a spouse/partner

**1.3 TRAVEL FEE**

Travel involved in visiting the client	\$176 per appointment*
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\* Travel fee for visiting any client aged 80 or over at any other venue other than a State Trustees office incurs no charge.

**1.4 TRUST DOCUMENTATION**

Fees for provision of Legal Services (including preparation of Trust documents, such as Trust deeds).		
<b>Charged according to hourly Legal Services rates:</b>	Senior Lawyer	\$407 per hour
	Lawyer	\$308 per hour
	Junior Lawyer	\$187 per hour
	Articled Clerk/Para-Legal/Law Clerk	\$176 per hour

**2. ADMINISTRATION OF WILLS & ESTATES, ENDURING POWERS OF ATTORNEY, AND TRUSTS**

Fees other than those set out in this Section, such as fees in relation to amounts invested in a Common Fund, or for the provision Legal, Taxation, and Financial Planning services, may apply depending on the circumstances of the particular trust or estate. These fees are detailed in Section 4 – Additional Services

**2.1 Estate Administration**

<b>Capital Commission</b>	
Capital commission is charged on the gross value of any assets of the estate.	Up to 5.5% <i>This rate is a legislated maximum and may be negotiated depending on the estate's value and complexity, and the amount of administration required.</i>
<b>Income Commission</b>	
Income Commission is charged on the gross estate income received.	Up to 6.6%

Where the administration of an estate commenced before the introduction of GST on 1 July 2000, and where there was no agreement or other restriction in place, the relevant capital and income commission shall be at the rate of the published scale at the time the administration commenced, plus 10%.

**2.2 Informal Administration and Survivorship**

The administration of a deceased estate where formal Court authorisation is not required and no capital commission is taken.	\$176 per hour
Assisting with a survivorship application where no deceased estate is administered.	\$176 per hour

**2.3 Enduring Power of Attorney (Financial) Administration**

<b>Capital Commission</b>	
A Capital commission is charged on the gross value of any assets of the estate.	Up to 5.5% <i>This rate is a legislated maximum and may be negotiated depending on the estate's value and complexity, and the amount of administration required.</i>
<b>Income Commission</b>	
On Centrelink or Department of Veterans Affairs pensions and allowances received.	Up to 3.3%
On all other gross income received.	Up to 6.6%

Where the administration of an estate commenced before the introduction of GST on 1 July 2000, and where there was no agreement or other restriction in place, the relevant capital and income commission shall be at the rate of the published scale at the time the administration commenced, plus 10%.

**2.4 Trust Administration**

<b>Capital Commission</b>	
Capital Commission is charged on the gross value of any assets of the Trust.	Up to 5.5% <i>This rate is a legislated maximum and may be negotiated depending on the estate's value and complexity, and the amount of administration required.</i>
<b>Income Commission</b>	
Income Commission is charged on the gross trust income received.	Up to 6.6%

Note: The same rates of commission and fees as set out above also apply to Agencies, Court-appointed Administrations, Statutory Administrations and Other Administrations.

**3. ADMINISTRATION SERVICES FOR PEOPLE WITH A DISABILITY (VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (VCAT) ORDERS)**

Fees other than those set out in this Section, such as fees in relation to amounts invested in a Common Fund, or for the provision Legal, Taxation, and Financial Planning services, may apply depending on the circumstances of the particular trust or estate. These fees are detailed in Section 4 – Additional Services.

**(i) Appointed Administrations (including Limited Orders).**

<b>Income Commission</b>	
On Centrelink or Department of Veterans Affairs pensions and allowances received.	Up to 3.3%
On all other gross income received.	Up to 6.6%

<b>Capital Commission</b>	
A once only capital commission is charged on the gross value of any assets of the estate.	Up to 4.4%
Under exceptional circumstances an hourly rate may be charged instead of commissions.	\$176 per hour

**(ii) Temporary Order Administration**

Temporary Order Administration	\$176 per hour
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**4. ADDITIONAL SERVICES****4.1 LEGAL SERVICES**

Legal fees, for services such as document preparation, legal advice and litigation:	Senior Lawyer	\$407 per hour
	Lawyer	\$308 per hour
	Junior Lawyer	\$187 per hour
	Articled Clerk/Para-Legal/Law Clerk	\$176 per hour
<b>Probate Fees</b>	Charged in accordance with current Supreme Court (Administration and Probate) Rules.	

**4.2 CONVEYANCING FEES**

Sale or purchase of residential real estate.	\$798 <sup>s</sup> per sale/purchase
Sale or purchase of commercial real estate.	\$920 <sup>s</sup> per sale/purchase
Sale or purchase of retirement village property.	\$1036 <sup>s</sup> per sale/purchase
§ Fee includes one Transfer of Land and one Discharge of Mortgage (but does not include the Sundries fee below).	
Transfer of Land	\$364
Caveat or withdrawal of Caveat over property	\$147
Arranging the discharge of the mortgage with the Lender	\$182
Application by Personal Representative or Survivorship Application	\$182
Supporting Statutory Declaration	\$94
Lost Title Application	\$1018
Notice of Rescission	\$358
Sundries	\$26 per matter (flat fee)
Production of Certificate of Title or other documentation for a third party	\$74 per document
Any other Conveyancing service not listed above	\$176 per hour or as otherwise agreed

**4.3 TAXATION SERVICES**

Taxation Services:	Accountant, Trainee Accountant: \$176 per hour Senior Accountant, Intermediate Accountant: \$211 per hour
Computer Assisted Reviews	\$88 per review
Application for refund of excess franking credits	\$55 per application

**4.4 FINANCIAL PLANNING SERVICES**

Financial Planning Services for Powers of Attorney, Agencies, Court-appointed Administrations, Statutory Administrations, Other Administrations, Trusts and Deceased Estates.

**4.4(i) Financial Planning Fees**

<b>Plan Preparation and Plan Review Fees:</b>	
● <b>Where the investment assets are valued at \$30,000 to \$75,000:</b>	
<b>Standard Plan/Review Fee</b> Where investment assets such as superannuation, allocated and other superannuation pensions, direct shares, securities or investment real estate are held.	\$165 per Plan/Review
<b>In all other cases</b> (basic investment assets, including managed funds).	\$82.50 per Plan/Review
● <b>Where the investment assets are valued over \$75,000 but not more than \$250,000:</b>	
Plan Preparation Fee	\$176 per hour
Plan Review Fee	\$176 per hour
● <b>Where the investment assets are valued over \$250,000:</b>	
Plan Preparation Fee	\$198 per hour
Plan Review Fee	\$198 per hour
<b>Ancillary Services Fee:</b>	\$176 per hour
All investment entry fees received by State Trustees are rebated to the client. External Fund Managers may pay State Trustees a trail commission of up to 1.1% per annum of the amount of the funds invested (generally no more than 0.4%). Trail commission is rebated wherever possible.	

**4.4(ii) Financial Planning services for other clients (clients not part of 4.4(i) above)**

There is a range of fee options available for this group of clients. Details are agreed upon in advance with the client. The options available are set out in State Trustees' current Financial Services Guide (FSG) for Financial Planning, which is available from State Trustees' website ([www.statetrustees.com.au](http://www.statetrustees.com.au)) or by ringing (03) 9667 6371.

**4.5 STATE TRUSTEES FUNERAL FUND**

The State Trustees Funeral Fund ('the Fund') is issued and administered by the Ancient Order of Foresters in Victoria Friendly Society Limited ABN 27 087 648 842 ('Foresters'). Before making an investment decision and for any further information in relation to the Fund, including fees and charges, please refer to the Fund's Disclosure Document. To obtain a copy of the Disclosure Document, call (03) 9667 6444 or free call 1800 636 203 or visit our website at [www.statetrustees.com.au](http://www.statetrustees.com.au)

Foresters may pay State Trustees the following commissions:

- a) up to 2% of the initial amount invested and any subsequent contributions; and
- b) 0.7% per annum of the Fund's total assets.

#### 4.6 CHARITABLE TRUSTS

##### 4.6(i) State Trustees Australia Foundation

<b>Management Fee on funds held in Common Funds</b> Other direct Fund expenses incurred, such as audit and legal fees, are also paid from the fund.	1.1% per annum
<b>Administration Fee</b>	Up to 0.495% per annum

##### 4.6(ii) Private Charitable Trusts

<b>Management Fee on funds held in Common Funds</b> Other direct Fund expenses incurred, such as audit and legal fees, are also paid from the fund.	1.1% per annum
Plus either an: (a) <b>Administration Fee:</b> or (b) <b>Income Commission<sup>  </sup>; and Capital Commission<sup>  </sup></b>  <sup>  </sup> Applicable to some Charitable Trusts established prior to 1 July 2001.	Up to 0.495% per annum  6.6% Up to 5.5%

#### 4.7 COMMERCIAL TRUSTS

State Trustees acts as Custodial Trustee for a number of public companies and government bodies. As Custodian, State Trustees holds funds or other assets of the Trust and manages them according to the provisions of the Trust Deed.	Fees will be charged in accordance with the amounts set out in the Trust Deed (or other governing document) as agreed with the client.
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#### 4.8 COMMON FUNDS

<b>Management Fee on funds held in Common Funds.</b> Other direct Fund expenses incurred, such as audit and legal fees, are also paid from the fund.	1.1% per annum
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For information relating to State Trustees' inveST Funds, please refer to the current Product Disclosure Statement which is available from State Trustees' website ([www.statetrustees.com.au](http://www.statetrustees.com.au)) or by ringing (03) 9667 6371.

#### 4.9 GENEALOGICAL SERVICES

Probate Genealogy	\$176 per hour
Other commercial research tasks, e.g. locating unidentified Fund members, biographical research for external commercial trusts, etc.	Fees will be charged as agreed with the client.

#### 4.10 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (VCAT) EXAMINATIONS – GUARDIANSHIP LIST

Advice to Administrators	\$165 per hour
Examination of Account by Administrator	\$165 per hour (minimum charge is one hour)

#### 5. OTHER SERVICES

<b>1. Travel (servicing Victoria only)</b>	Travel involved in providing any service within Victoria may be subject to a fee: \$176 per appointment. <i>Travel involved in visiting a represented person for whom State Trustees acts as administrator will not incur this fee.</i>
<b>2. Interpreter Services</b>	Where an interpreter service is required, a qualified interpreter (not a family member or friend) will need to attend the Will or Enduring Power of Attorney (EPA) appointment. An interpreter may also be required at an appointment to discuss Estate, Trust or VCAT-appointed administration issues, or to obtain Financial Planning or Taxation advice. This will ensure that the Will and/or EPA accurately expresses the client's wishes. State Trustees can provide details of recommended professional interpreting services on request. The interpreter service will need to be arranged prior to the appointment. The interpreter service is arranged at the client's cost and will be reimbursed on presentation of a receipt if State Trustees is appointed Executor, Co-Executor or sole Attorney. This offer only applies to the preparation of a Will or Enduring Power of Attorney. State Trustees may charge any interpreter costs for ongoing administration services (including Estate, Attorneyship, Trust or VCAT-appointed administration issues, or for Financial Planning or Taxation advice) to the relevant estate, trust or client.
<b>3. Payment for Wills, Enduring Powers of Attorney and Executor Advice</b>	Payment is required for Will and Enduring Power of Attorney document preparation, and Executor Advice, at the initial appointment time.
<b>4. Disbursements</b>	State Trustees is generally entitled to reimbursement from the client/estate for disbursements it incurs in providing its services. Disbursement charges include the cost of GST where applicable.
<b>5. Reduction or Waiver</b>	State Trustees may reduce or waive its fees, commissions and charges at its discretion.
<b>6. Hourly Fee</b>	State Trustees has the discretion to negotiate an hourly fee for the provision of any of its services. Except where stated otherwise, all hourly fees are taken on a pro rata basis.
<b>7. Advances</b>	Where funds are advanced, State Trustees will fund expenses until the funds become available, or will fund for extraordinary expenses where necessary. The interest charged for these advances is no greater than the interest rate fixed under section 2 of the <b>Penalty Interest Rates Act 1983</b> , less 2.5%.

<b>8. GST</b>	If a service is provided under an existing agreement and the service is GST-free, the agreed charges for the service will remain unaffected by GST-related tax reform until the agreement is able to be reviewed by the parties, or until legislation or other regulatory change permits the adjustment of the charges.
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### **Tobacco Act 1987**

#### **ORDER UNDER SECTION 15N(1) OF THE TOBACCO ACT 1987 BANNING THE SALE OF TOBACCO PRODUCTS**

I, Daniel Andrews, Minister for Health, pursuant to the power conferred on me by section 15N(1) of the **Tobacco Act 1987**, hereby make an order banning the following tobacco products:

1. The following cigarettes manufactured by DJ Tobacco Company Ltd or manufactured by another person under licence agreement with DJ Tobacco Co. Ltd:
  - a. DJ Mix Lemon Fresh;
  - b. DJ Mix Iced Green Apple;
  - c. DJ Mix Strawberry;
  - d. Peel Menthol Orange;
  - e. Peel Sunny Peach;
  - f. Peel Sweet Melon;
  - g. Peel Super Lights Strawberry;
  - h. Peel Super Lights Lemon Fresh;
  - i. Peel Super Lights Iced Green Apple; and
  - j. Any other manufactured by DJ Tobacco Co. Ltd that are substantially the same in character or nature as the above cigarettes (whether sold by retail or advertised under the specified names or otherwise);
2. The following cigarettes manufactured by Heupink and Bloeman Tabac B.V. or manufactured by another person under licence agreement with Heupink and Bloeman Tabac B.V.:
  - a. Black Devil;
  - b. Pink Elephant; and
  - c. Any other manufactured by Heupink and Bloeman Tabac B.V. that are substantially the same in character or nature as the above cigarettes (whether sold by retail or advertised under the specified names or otherwise).

I make this order on the basis of these tobacco products having been prohibited or restricted by the Australian Capital Territory in accordance with the Tobacco (Prohibited Smoking Products) Declaration 2009 (No. 1); by New South Wales in accordance with the Notice under section 29 of the **Public Health (Tobacco) Act 2008** (NSW) published in New South Wales Government Gazette No. 11 of 2010; and by South Australia in accordance with the Tobacco Products Regulation (Prohibited Tobacco Products) Notice 2006 on the grounds that these tobacco products or the smoke of these tobacco products possess a distinctive fruity, sweet or confectionary-like character, thereby satisfying the requirements of section 15N(1)(b) of the **Tobacco Act 1987**.

This order takes effect on 1 July 2010.

Dated 17 May 2010

HON DANIEL ANDREWS MP  
Minister for Health

**Water Act 1989**

**ORDER FOR AMENDMENT OF TRADING RULES FOR DECLARED WATER SYSTEMS  
(4% EXEMPTIONS – LIVING MURRAY)**

**Title**

1. This Order is called the Order for Amendment of Trading Rules for Declared Water Systems (4% Exemptions – Living Murray).

**Purpose**

2. The purpose of this amendment is to allow exemptions to Rule 25 (the 4% rule) for transfers of water shares to the Murray Darling Basin Authority to implement projects listed on the eligible measures register of The Living Murray program.

**Authorising Provision**

3. I, Tim Holding, Minister for Water, in accordance with sections 33AZ(2) and 64AZ(2) of the **Water Act 1989**, make the following Order to amend the Trading Rules for Declared Water Systems:

At the end of Rule 25A, insert –

‘; or

- (g) the application is for transfer of the whole or part of a water share to the Murray Darling Basin Authority to implement a project listed on the eligible measures register of The Living Murray program.’

This Order comes into effect on the date it is published in the Government Gazette.

Dated 17 June 2010

TIM HOLDING MP  
Minister for Water

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**Water Act 1989****EXTENSION OF THE MURRABIT URBAN DISTRICT  
DECLARATION 2010**

I, Allan McPherson, Executive Director, Water Industry Division, Department of Sustainability and Environment, as the delegate of the Minister administering the **Water Act 1989**, make the following Declaration:

**1. Citation**

This Declaration is called the Extension of the Murrabit Urban District Declaration 2010.

**2. Authorising Provision**

This Declaration is made under section 122T of the **Water Act 1989**.

**3. Commencement**

This Declaration takes effect from the date it is published in the Victoria Government Gazette.

**4. Preliminary**

The Lower Murray Urban and Rural Water Corporation submitted the proposal for the extension of the Murrabit Urban District to the Minister on 2 March 2010. This proposal was approved under section 122S of the **Water Act 1989** as dated below.

**5. Area of the Extended District**

The Murrabit Urban District is extended to include an area of land bounded by a red border on the Lower Murray Urban and Rural Water Corporation's Map reference number 10-MB-01, a copy of which may be inspected at the office of the Corporation, situated at 741-759 Fourteenth Street, Mildura 3502.

Dated 21 June 2010

ALLAN McPHERSON  
Executive Director, Water Industry  
Department of Sustainability and Environment  
(as delegate of the Minister)

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**Water Act 1989**  
ESTABLISHMENT OF THE MURRABIT SEWERAGE DISTRICT  
DECLARATION 2010

I, Allan McPherson, Executive Director, Water Industry Division, Department of Sustainability and Environment, as the delegate of the Minister administering the **Water Act 1989**, make the following Declaration:

**1. Citation**

This Declaration is called the establishment of the Murrabit Sewerage District Declaration 2010.

**2. Authorising Provision**

This Declaration is made under section 122T of the **Water Act 1989**.

**3. Commencement**

This Declaration takes effect from the date it is published in the Victoria Government Gazette.

**4. Preliminary**

The Lower Murray Urban and Rural Water Corporation submitted the proposal for the establishment of the Murrabit Sewerage District to the Minister on 2 March 2010. This proposal was approved under section 122S of the **Water Act 1989** as dated below.

**5. Establishment of the Sewerage District**

The Murrabit Sewerage District is established to include an area of land bounded by a red border on the Lower Murray Urban and Rural Water Corporation's Map reference number 11-MB-01, a copy of which may be inspected at the office of the Corporation, situated at 741-759 Fourteenth Street, Mildura 3502.

Dated 21 June 2010

ALLAN McPHERSON  
Executive Director, Water Industry Division  
Department of Sustainability and Environment  
(as delegate of the Minister)

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**Planning and Environment Act 1987**  
**BOROONDARA PLANNING SCHEME**  
 Notice of Approval of Amendment  
 Amendment C102

The Minister for Planning has approved Amendment C102 to the Boroondara Planning Scheme.

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

The Amendment alters the planning scheme maps and the schedule to the Heritage Overlay so that 61 heritage places included in Victorian Heritage Register are shown in the Boroondara Planning Scheme.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the City of Boroondara Council, 8 Inglesby Road, Camberwell, Victoria 3124.

PETER ALLEN  
 Executive Director  
 Statutory Planning Systems Reform  
 Department of Planning and  
 Community Development

**Planning and Environment Act 1987**  
**CARDINIA PLANNING SCHEME**  
 Notice of Approval of Amendment  
 Amendment C114

The Minister for Planning has approved Amendment C114 to the Cardinia Planning Scheme.

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

The Amendment rezones land at Lot 1 TP589471 and Lot 1E H/PP2920 Fechner Road, Koo Wee Rup, from Public Use Zone – Schedule 2 to Special Use Zone – Schedule 1.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and

free of charge, during office hours, at the offices of the Cardinia Shire Council, Henty Way, Pakenham.

PETER ALLEN  
 Executive Director  
 Statutory Planning Systems Reform  
 Department of Planning and  
 Community Development

**Planning and Environment Act 1987**  
**CARDINIA PLANNING SCHEME**  
 Notice of Approval of Amendment  
 Amendment C121

The Minister for Planning has approved Amendment C121 to the Cardinia Planning Scheme.

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

The Amendment applies the Wildfire Management Overlay to land at Lots 1, 2 and 3, PS536639, Magpie Road, Menzies Creek. The Wildfire Management Overlay was omitted from the land in error.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Cardinia Shire Council, Henty Way, Pakenham.

PETER ALLEN  
 Executive Director  
 Statutory Planning Systems Reform  
 Department of Planning and  
 Community Development

**Planning and Environment Act 1987**  
**CASEY PLANNING SCHEME**  
 Notice of Approval of Amendment  
 Amendment C137

The Minister for Planning has approved Amendment C137 to the Casey Planning Scheme.

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

The Amendment:

- corrects the contribution rates for Cranbourne West in the schedule to Clause 52.01 by excising Cranbourne West from areas CR4 and CR5, reinstating the original rates, and creating new areas CR9 and CR10 for Cranbourne West, and makes associated changes to Plan 1 in the Schedule;
- corrects the Plan in Schedule to Clause 52.01 to remove areas inadvertently included that are subject of separate process, including CR7 (Botanic Ridge) and CR5 (Cranbourne North Service Business Precinct);
- corrects the Plan in Schedule to Clause 52.01 to reapply area CR2 over land in the Amstel subdivision; and
- introduces an interim incorporated document in the schedule to Clause 52.03 to restrict subdivision of land in Hampton Park in accordance with the Hampton Park Development Plan.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Casey City Council, Customer Service Centre, Municipal Offices, Magid Drive, Narre Warren.

PETER ALLEN  
Executive Director  
Statutory Planning Systems Reform  
Department of Planning and  
Community Development

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

#### **GREATER DANDENONG PLANNING SCHEME**

##### **Notice of Approval of Amendment Amendment C111**

The Greater Dandenong City Council has approved Amendment C111 to the Greater Dandenong Planning Scheme.

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

The Amendment corrects the location of HO7 and HO374 in Planning Scheme Map 22HO and corrects the address details of HO7 and HO372 in the Schedule to Clause 43.01 (Heritage Overlay).

The Amendment was adopted by the Greater Dandenong City Council on 23 November 2009 in accordance with authorisation given by the Minister under section 11(1) of the **Planning and Environment Act 1987** on 17 August 2009. The authorisation has not been withdrawn.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Greater Dandenong City Council, 397–405 Springvale Road, Springvale.

PETER ALLEN  
Executive Director  
Statutory Planning Systems Reform  
Department of Planning and  
Community Development

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

#### **DAREBIN PLANNING SCHEME**

##### **Notice of Approval of Amendment Amendment C110**

The Minister for Planning has approved Amendment C110 to the Darebin Planning Scheme.

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

The Amendment alters the planning scheme maps and the schedule to the Heritage Overlay so that six heritage places included in Victorian Heritage Register are shown in the Darebin Planning Scheme.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the Darebin City Council, 274 Gower Street, Preston.

PETER ALLEN  
Executive Director  
Statutory Planning Systems Reform  
Department of Planning and  
Community Development

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

#### **GLENELG PLANNING SCHEME**

##### **Notice of Approval of Amendment Amendment C53**

The Minister for Planning has approved Amendment C53 to the Glenelg Planning Scheme.

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

The Amendment removes redundant Development Plan Overlays from the Glenelg Planning Scheme affecting land located in Portland, Nelson, Dartmoor, Heywood, Bolwarra and Narrawong.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Glenelg Shire Council, Cliff Street, Portland.

PETER ALLEN  
Executive Director  
Statutory Planning Systems Reform  
Department of Planning and  
Community Development

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**Planning and Environment Act 1987**

**KINGSTON PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C112

The Minister for Planning has approved Amendment C112 to the Kingston Planning Scheme.

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

The Amendment removes the Environmental Audit Overlay from a number of properties in Mordialloc and Mentone and replaces the Industrial Framework Plan at Clause 21.07 with a clearer version.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Kingston City Council, Level 1, 1230 Nepean Highway, Cheltenham.

PETER ALLEN  
Executive Director  
Statutory Planning Systems Reform  
Department of Planning and  
Community Development

**Planning and Environment Act 1987**

**KNOX PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C91

The Minister for Planning has approved Amendment C91 to the Knox Planning Scheme.

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

The Amendment extends the expiry date of Clause 22.04, 'Knox Central Principal Activity Centre' until 30 June 2012.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Knox City Council, 511 Burwood Highway, Wantirna South.

PETER ALLEN  
Executive Director  
Statutory Planning Systems Reform  
Department of Planning and  
Community Development

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**Planning and Environment Act 1987**

**MARIBYRNONG PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C73 Part 2

The Minister for Planning has approved Amendment C73 Part 2 to the Maribyrnong Planning Scheme.

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

The Amendment rezones the land at 36–40 Hocking Street, Footscray, from Mixed Use to Residential 1 Zone.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Maribyrnong City Council, corner Hyde and Napier Streets, Footscray.

PETER ALLEN  
Executive Director  
Statutory Planning Systems Reform  
Department of Planning and  
Community Development

**Planning and Environment Act 1987**

## MILDURA PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C44

The Minister for Planning has approved Amendment C44 to the Mildura Planning Scheme.

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

The Amendment:

- amends the Schedule to the Low Density Residential Zone and Schedules 1 and 2 to the Rural Conservation Zone and the Schedules to the Environmental Significance Overlay, Vegetation Protection Overlay, Design and Development Overlay, Development Plan Overlay and Salinity Management Overlay to remove unnecessary permit requirements and make corrections to streamline and clarify the provisions; and
- amends the Schedule to Clause 66.06 to correct an anomaly by introducing notification requirements under Clause 3 of Schedule 4 to the Environmental Significance Overlay.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Mildura Rural City Council, 108–116 Madden Avenue, Mildura.

PETER ALLEN  
Executive Director  
Statutory Planning Systems Reform  
Department of Planning and  
Community Development

**Planning and Environment Act 1987**

## MITCHELL PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C50

The Minister for Planning has approved Amendment C50 to the Mitchell Planning Scheme.

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

The Amendment introduces the Mitchell Shire Gaming Policy Framework, October 2007 as a 'reference document' at Clause 22.01 and introduces a local Gaming Policy at Clause 22.07, amends Clause 21.05-2 Economic Development to include reference to the Gaming Policy and specifies shopping areas within the schedules at Clauses 52.28-3 and 52.28-4 where gaming machines are prohibited.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Mitchell Shire Council, 113 High Street, Broadford.

PETER ALLEN  
Executive Director  
Statutory Planning Systems Reform  
Department of Planning and  
Community Development

**Planning and Environment Act 1987**MORNINGTON PENINSULA  
PLANNING SCHEME

## Notice of Approval of Amendment

## Amendment C144

The Minister for Planning has approved Amendment C144 to the Mornington Peninsula Planning Scheme.

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

The Amendment extends the expiry date of Design and Development Overlay Schedule 14 – Flinders Village Centre (DDO14) and Design and Development Overlay Schedule 15 – Shoreham Village Centre (DDO15) from 30 June 2010 to 31 December 2010.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Mornington Peninsula Shire Council, Mornington Office, 2 Queen Street, Mornington; Hastings Office, 21 Marine Parade, Hastings; and Rosebud Office, 90 Besgrove Street, Rosebud.

PETER ALLEN  
Executive Director  
Statutory Planning Systems Reform  
Department of Planning and  
Community Development

**Planning and Environment Act 1987****NILLUMBIK PLANNING SCHEME**Notice of Approval of Amendment  
Amendment C70

The Minister for Planning has approved Amendment C70 to the Nillumbik Planning Scheme.

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

The Amendment alters the planning scheme schedule to the Heritage Overlay so that seven heritage places included in Victorian Heritage Register are shown in the Nillumbik Planning Scheme.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the Nillumbik Shire Council, Civic Drive, Greensborough 3088.

PETER ALLEN  
Executive Director  
Statutory Planning Systems Reform  
Department of Planning and  
Community Development

**Planning and Environment Act 1987****WARRNAMBOOL PLANNING SCHEME**Notice of Approval of Amendment  
Amendment C63

The Minister for Planning has approved Amendment C63 to the Warrnambool Planning Scheme.

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

The Amendment introduces a retail and activity centre policy framework into the Warrnambool Planning Scheme by changes to Clause 21.07; the introduction of Local Policy at Clauses 22.03-4 and 22.03-5; and changes to the Schedules to the Business 1 Zone and Business 2 Zone.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning

and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Warrnambool City Council, 25 Liebig Street, Warrnambool.

PETER ALLEN  
Executive Director  
Statutory Planning Systems Reform  
Department of Planning and  
Community Development

**Planning and Environment Act 1987****WHITEHORSE PLANNING SCHEME**Notice of Approval of Amendment  
Amendment C106

The Minister for Planning has approved Amendment C106 to the Whitehorse Planning Scheme.

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

The Amendment applies a permanent Vegetation Protection Overlay Schedule 4 to land in Mitcham South and a permanent Significant Landscape Overlay Schedule 6 to properties in the Menin Road Area of Forest Hill and makes corresponding changes to the Local Planning Policy Framework. The Amendment also removes the Significant Landscape Overlay Schedule 10 and the Vegetation Protection Overlay Schedules 1 and 3 from the Menin Road Area and makes corresponding changes to Incorporated Documents Nos. 10 and 11 to reflect the removal of the Vegetation Protection Overlay from individual properties.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Whitehorse City Council, 379-397 Whitehorse Road, Nunawading.

PETER ALLEN  
Executive Director  
Statutory Planning Systems Reform  
Department of Planning and  
Community Development

**Planning and Environment Act 1987**

**WHITEHORSE PLANNING SCHEME**

**Notice of Approval of Amendment**

**Amendment C137**

The Minister for Planning has approved Amendment C137 to the Whitehorse Planning Scheme.

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

The Amendment extends the expiry date of Schedule 3 to the Vegetation Protection Overlay until 30 September 2010.

A copy of the Amendment can be inspected, free of charge, at the Department of Planning and Community Development website at [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection) and free of charge, during office hours, at the offices of the Whitehorse City Council, 379–397 Whitehorse Road, Nunawading.

PETER ALLEN  
Executive Director  
Statutory Planning Systems Reform  
Department of Planning and  
Community Development

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**ORDERS IN COUNCIL**

**Financial Management Act 1994**

BRING FORWARD APPROPRIATION UNDER SECTION 28(1)

Order in Council

The Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council, under section 28(1) of the **Financial Management Act 1994** approves the allocation of \$2.945 million to the Department of Primary Industries in addition to amounts appropriated for the purposes of that Department, under Provision of Outputs, in the **Appropriation (2009–2010) Act 2009**.

This Order comes into effect from the date it is published in the Government Gazette.

Dated 23 June 2010

Responsible Minister

JOHN LENDERS MP

Treasurer

TOBY HALLIGAN  
Clerk of the Executive Council

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**Financial Management Act 1994**

BRING FORWARD APPROPRIATION UNDER SECTION 28(1)

Order in Council

The Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council, under section 28(1) of the **Financial Management Act 1994** approves the allocation of \$3,704,000 to the Department of the Sustainability and Environment in addition to amounts appropriated for the purposes of that Department, under Provision of Outputs, in the **Appropriation 2009–2010 Act 2009**.

This Order comes into effect from the date it is published in the Government Gazette.

Dated 23 June 2010

Responsible Minister

JOHN LENDERS MP

Treasurer

TOBY HALLIGAN  
Clerk of the Executive Council

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**LATE NOTICES**

CITY OF PORT PHILLIP

Footpath Activities Local Law No. 7 (2009)

Notice is given pursuant to section 112(2) of the **Local Government Act 1989**, that Port Phillip City Council, at its meeting held on 16 June 2010, amended the City of Port Phillip Footpath Trading Guidelines – June 2010 (Placing of Footpath Objects on Footpaths), an incorporated document of the Footpath Activities Local Law No. 7 (2009).

The purpose of the Guidelines is to provide a framework for the sustainable use and management of the footpath trading areas with regard to the placement of objects on the footpath.

The Guidelines deal with the footpath zones, footpath dining, permit application process, management of the process by Council and responsibilities of the permit holder.

Copies of the Guidelines are available for inspection at the St Kilda Town Hall, Carlisle Street, St Kilda.

CHIEF EXECUTIVE OFFICER

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

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

39. *Statutory Rule:* Livestock  
Disease Control  
Amendment  
Regulations 2010  
*Authorising Act:* Livestock Disease  
Control Act 1994  
*Date first obtainable:* 22 June 2010  
*Code B*
40. *Statutory Rule:* Motor Car Traders  
Amendment  
Regulations 2010  
*Authorising Act:* Motor Car Traders  
Act 1986  
*Date first obtainable:* 22 June 2010  
*Code A*
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