



Victoria Government Gazette

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GENERAL

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As from 23 June 2011

The last Special Gazette was No. 196 dated 22 June 2011.

The last Periodical Gazette was No. 1 dated 16 June 2011.

How To Submit Copy

- See our webpage www.gazette.vic.gov.au
 - or contact our office on 8523 4601
between 8.30 am and 5.30 pm Monday to Friday
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- 1 Treasury Place, Melbourne (behind the Old Treasury Building)
-

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VICTORIA GOVERNMENT GAZETTE

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JENNY NOAKES
Government Gazette Officer

PRIVATE ADVERTISEMENTS

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UNIVERSITY OF TASMANIA

Re: OKSANA LIDIA LUBOW KONIUSZKO, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 January 2011, are required by the trustee, Oleh Christian Koniuszko, to send particulars to the trustee, care of the undermentioned solicitors, by a date not later than two months from the date of publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

LORNA MAYNE MAY, late of Unit 2/46 Yuille Street, Frankston, Victoria 3199, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 7 December 2010, are required by the executors, David Gerrard Gibbs and Jacqueline Ann Smith, care of 2 High Street, Hastings, Victoria 3915, to send particulars of their claims to them, by 26 August 2011, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice. Probate was granted in Victoria on 9 June 2011.

Dated 4 May 2011

DAVID GIBBS & ASSOCIATES, lawyers,
2 High Street, Hastings Vic. 3915
PO Box 212, Hastings Vic. 3915
DX 32101 Hastings
Ph: (03) 5979 2955 Fax: (03) 5979 3552
31711:DG Contact David Gibbs.

MAVIS HAMILTON BROOKES, late of Victoria Heights Nursing Home, 41–47 Victoria Street, Bendigo, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 26 August 2010, are required by the personal representatives, Theodore Phillip Bertuch and Graeme Francis Brookes, to send particulars to them, care of the undermentioned solicitors, by 31 August 2011, after which date the personal representatives may convey or distribute the assets, having regard only to the claims of which they then have notice.

ELLINGHAUS WEILL, solicitors,
79–81 Franklin Street, Melbourne 3000.

ROBERT DOUGLAS DENNETT, late of 8 Moondah Drive, Mount Eliza, Victoria, retired engineer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 January 2011, are required by the deceased's personal representative, Richard Douglas Dennett, care of his solicitors at the address below, to send particulars to them by 26 August 2011, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which he then has notice.

F. R. E. DAWSON & SON, solicitors for the personal representative,
5/470 Collins Street, Melbourne 3000.

Re: STANLEY ALLEN ELLIOTT, late of Monda Lodge, 32–36 McGregor Avenue, Healsville, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 March 2011, are required by the trustee, Gregory Allen Black, to send particulars to them, care of the undersigned, by 23 August 2011, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

Re: JEFFREY NORMAN CLIFTON, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 18 October 2010, are required by the trustee, Susan Elizabeth Clifton, to send particulars to the trustee, care of the undermentioned solicitors, by 23 August 2011, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

HALL & WILCOX, solicitor,
Level 30, 600 Bourke Street, Melbourne 3000.

Re: Estate JEANNE HARDMAN.

Creditors, next-of-kin and others having claims against the estate of JEANNE HARDMAN (also known as Jeanne Anderson,

Jeanne Hardiman and Jeanne Fogarty) late of 5 True Avenue, Carrum, Victoria, clerk, deceased, who died on 10 January 2011, are requested to send particulars of their claims to the executor, care of the undermentioned solicitors, by Friday 26 August 2011, after which date he will distribute the assets having regard only to the claims of which he then has notice.

HICKS OAKLEY CHESSELL WILLIAMS,
solicitors,
13/379 Collins Street, Melbourne 3000.

Trustee Act 1958

SECTION 33 NOTICE

Notice to Claimants

FRANCES LORRAINE STENING MERRICK, late of 30 Larnock Street, Prahran East, Victoria, retired orthoptist, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 September 2010, are required by the Equity Trustees Limited of Level 2, 575 Bourke Street, Melbourne, the executor of the estate of the deceased, to send particulars of their claims to it, care of the undermentioned solicitors, by 25 August 2011, after which date the executor may convey or distribute the assets, having regard only to the claims of which it then has notice.

HUNT & HUNT, lawyers,
Level 26, 385 Bourke Street, Melbourne,
Victoria 3000.
Ref. JMCL:9536784

Creditors, next-of-kin and others having claims in respect of the estate GEORGE TSAROUHAS, late of 89 Blyth Street, Brunswick, in the State of Victoria, factory worker, who died on 29 October 2009, are required by the personal representatives of the deceased, Panagiotis Peter Tsarouhas and Tim Tsarouhas, to send particulars to them, care of the undermentioned solicitors, by 22 August 2011, after which date they will distribute the assets, having regard only to the claims of which they then have notice.

HWL EBSWORTH, lawyers,
Level 26, 530 Collins Street, Melbourne,
Victoria 3000.
(Ref: FX: 187817)

Creditors, next-of-kin and others having claims against the estate of RONALD ARTHUR HOSIER, late of 10 Brindisi Street, Mentone, Victoria, who died on 16 January 2011, are required by the executor, Mary Gwen Anne Stevenson, to send particulars of their claims to the said executor, care of John J. Byrne Lawyer Pty Ltd, of 216 Charman Road, Cheltenham 3192, by 23 August 2011, after which date it will proceed to distribute the said estate, having regard only to the claims of which it then has notice.

JOHN J. BYRNE LAWYER PTY LTD,
216 Charman Road, Cheltenham 3192.

Re: CATHERINE DORIS BAYLISS,
deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 February 2011, are required by the trustees, Lesley Joy Parker and Charles Kevin Parker, care of the undermentioned lawyers, to send particulars to the trustees, by 14 September 2011, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

KLOOGER FORBES HASSETT, lawyers,
Level 1, 1395 Toorak Road, Camberwell 3124.

Re: MAURICE ALFRED STRATTON,
late of Inala Village, Middleborough Road,
Blackburn South, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 9 March 2011, are required by the trustee, Perpetual Trustees Victoria Limited of Level 35, Rialto South Tower, 525 Collins Street, Melbourne, Victoria, to send particulars to the trustee by 22 August 2011, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MADDOCKS, lawyers,
140 William Street, Melbourne 3000.

Re: JOYCE ELEANOR WILLE, late of 56
Metung Street, Balwyn, Victoria.

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

who died on 20 March 2011, are required by the trustee, Perpetual Trustees Victoria Limited of Level 35, Rialto South Tower, 525 Collins Street, Melbourne, Victoria, to send particulars to the trustee by 22 August 2011, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MADDOCKS, lawyers,
140 William Street, Melbourne 3000.

Re: ROBERT WILLIAM HENNING, late
of 4 Kingsnorth Street, Doncaster, Victoria,
deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 11 January 2011, are required by the trustee, Geoffrey Percival Butt, to send particulars to the trustee, care of the undermentioned solicitors, by 24 August 2011, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

McKEAN PARK, lawyers,
Level 11, 575 Bourke Street,
Melbourne, Victoria 3000.

Creditors, next-of-kin and others having claims against the estate of CHARLES WHITE GOWANS OWEN, formally of 12 Coates Street, Bentleigh, Victoria 3204, but late of Arcare Lauriston, 47 Rosanna Road, Carnegie, Victoria, who died on 24 March 2011, are required by the executors, Thomas Connelly and Myra Connelly, to send detailed particulars of their claim to the said executors, care of the undermentioned solicitor, by 30 August 2011, after which date the executors may convey or distribute the estate, having regard only to the claims of which they then have notice.

POLITES & CARROLL, solicitors,
Level 7, 160 Queen Street, Melbourne 3000.

KATHLEEN PATRICIA CRILLY, late of
Maryville Nursing Home, 52–54 Western Beach,
Geelong, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 17 February 2011, are required by the trustee, Jennifer Mary Higgins,

to send particulars of their claims to the trustee, in the care of the undermentioned legal practitioner, by 20 August 2011, after which date the trustee may convey or distribute the assets, having regard only to the claims of which they then have notice.

RALPH JAMES SMITH, solicitor,
6 The Centreway, Lara, Vic. 3212.

DOROTHY JOYCE SMITH, late of 256 Station Street, Edithvale, Victoria, salesperson, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 14 December 2010, are required by the trustee, Pauline Anne Sharp, to send particulars of their claims to the trustee, in the care of the undermentioned legal practitioner, by 20 August 2011, after which date the trustee may convey or distribute the assets, having regard only to the claims of which they then have notice.

RALPH JAMES SMITH, solicitor,
6 The Centreway, Lara, Vic. 3212.

Re: JOYCE AMY BARKLA, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 January 2011, are required by the trustee, Allen Richard Barkla, to send particulars of such claims to him, care of the undermentioned lawyers, by 23 August 2011, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

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

Re: Estate STANLEY CHARLES BANNISTER, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 January 2011, are required by the trustees, Sandhurst Trustees Limited, ACN 004 030 737, of 18 View Street, Bendigo, Victoria and Jenny Lynette Mitchell, care of 18 View Street, Bendigo, Victoria, registered nurse, to send particulars to the trustees by 7 December 2011, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

SANDHURST TRUSTEES LIMITED,
18 View Street, Bendigo 3550.

JOSEPHINE WINDSOR, late of Manor Lakes, Wyndham Vale, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 22 August 2010, are required to send particulars of their claims to the executor, Philip John Tiernan, care of the undermentioned solicitors, within 60 days of the date of publication of this advertisement, after which date the said executor will distribute the assets, having regard only to the claims of which he then has notice.

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

Re: MAXWELL JOHN EDWARD LONGFORD.

Creditors, next-of-kin and others having claims against the estate of MAXWELL JOHN EDWARD LONGFORD, late of 1/47 Wedge Street, Benalla, Victoria, commercial artist, deceased, who died on 7 October 2009, are required to send particulars of their claims to the executor, care of the undermentioned solicitor, by 31 August 2011, after which date the executor will proceed to distribute the assets, having regard only to the claims of which she shall then have had notice.

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

Re: PAULA JANE NELSON.

Creditors, next-of-kin and others having claims against the estate of PAULA JANE NELSON, late of 2 Saturn Street, South Caulfield, Victoria, artist, deceased, who died on 12 January 2011, are required to send particulars of their claims to the executor, care of the undermentioned solicitor, by 29 August 2011, after which date the executor will proceed to distribute the assets, having regard only to the claims of which he shall then have had notice.

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

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

On Thursday 28 July 2011 at 2.30 pm in the afternoon at the Sheriff's Office, 444 Swanston Street, Carlton (unless process be stayed or satisfied).

All the estate and interest (if any) of Phillip Edward Reed of 22 Brett Drive, Carrum Downs, as shown on Certificate of Title as Philip Edward Reed, sole proprietor of an estate in fee simple in Lot 1, Lot 2 and Lot 3, on Title plan 221626K, consisting of 20 acres or thereabouts and being the land more particularly described on Certificate of Title Volume 08142 Folio 983, upon which is erected various outbuildings known as 1172 Mt Lyall Road, Nyora.

Registered Mortgage No. AF636986L affects the said estate and interest.

The property can be located from the Nyora Post Office, 21 Mitchell Street, by travelling east on Mitchell Street towards Lang Lang–Nyora Road, take the first left on to Lang Lang–Nyora Road for approximately 200 m, turn right at Nyora–Poowong Road and travel for a distance of approximately 2.7 km, turn left at Mt Lyall Road, travel for approximately 400 m, property is situated on the left hand side, and is located at 1172 Mt Lyall Road, Nyora.

Refer RACV Vicroads Country Directory Edition No. 7, Map 96 D7.

Payment Terms – Cash/Eftpos (Debit Cards only/no Credit Cards)/bank cheque or solicitors trust account cheque.

Note: Must be paid in full at the fall of the hammer.

There are no exceptions to these arrangements.

SW100054422

K. GRIFFIN
Sheriff’s Office
Phone (03) 9947 1539

Registered Mortgage No. AF153000F, Mortgage No. AF153001D, and Caveat No. AF548748T, affect the said estate and interest.

Reference: Melway 658 G6.

Payment Terms – Cash/Eftpos (Debit Cards only/no Credit Cards)/bank cheque or solicitors trust account cheque.

Note: Must be paid in full at the fall of the hammer.

There are no exceptions to these arrangements.

CW100054344

K. GRIFFIN
Sheriff’s Office
Phone (03) 9947 1539

In the County Court of the State of Victoria

SALE BY THE SHERIFF

On Thursday 28 July 2011 at 2.30 pm in the afternoon at the Sheriff’s Office, 444 Swanston Street, Carlton (unless process be stayed or satisfied).

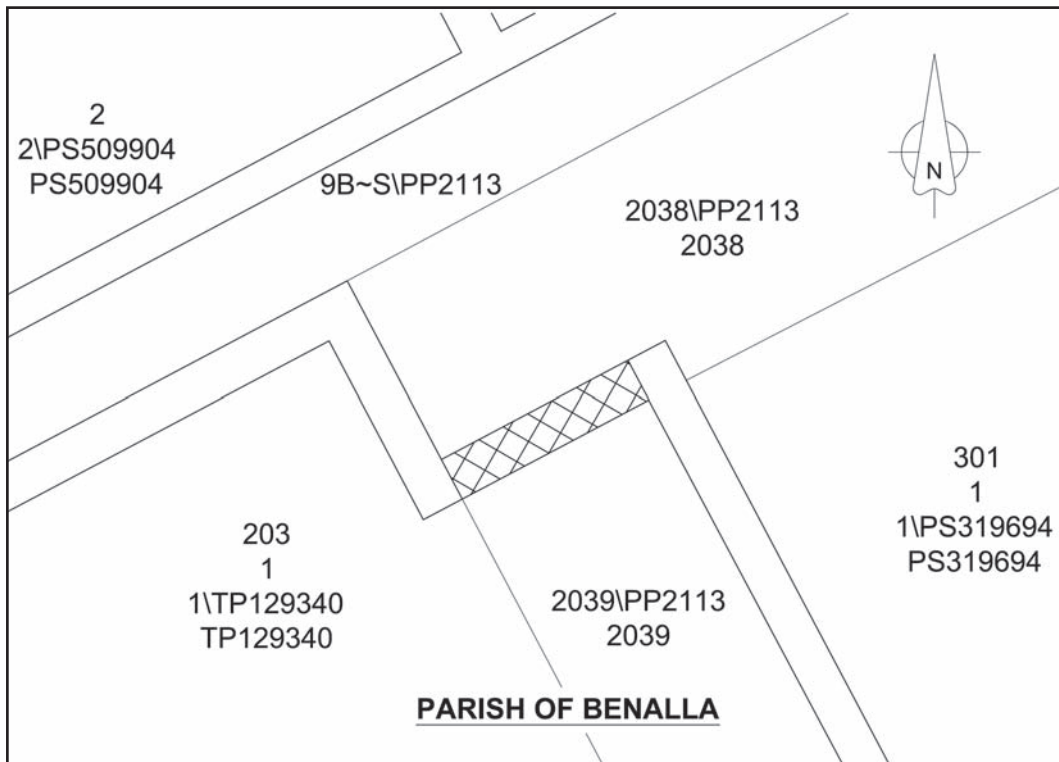
All the estate and interest (if any) of Susan Dee Axarlis, of 63 Hastings Drive, New Gisbourne, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 09493 Folio 371, upon which is erected a house, horse stables and outbuildings known as 63 Hastings Drive, New Gisbourne.

**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES**



Discontinuance of unnamed road reserve

Pursuant to section 206 and schedule 10, clause 3 of the **Local Government Act 1989**, the Benalla Rural City Council has formed the opinion that the unnamed road reserve shown by hatching on the plan below is not reasonably required as a road for public use and resolved to discontinue the road for the amalgamation of land employed for the Lake Mokoan channel.



TONY McILROY
Chief Executive Officer



Miscellaneous Amendments Local Law

Boroondara City Council is considering making a local law to be known as the 'Miscellaneous Amendments Local Law' (the proposed Local Law).

The following information about the proposed Local Law is provided in accordance with section 119 of the **Local Government Act 1989** (the Act):

Purpose of the Proposed Local Law

The purpose of the proposed Local Law is to:

- amend Council's Tree Protection Local Law, Amenity Local Law and Street Numbering Local Law;
- facilitate the better administration and enforcement of Council's Tree Protection Local Law, Amenity Local Law and Street Numbering Local Law; and
- provide for the peace, order and good government of the municipal district.

General purport of the Proposed Local Law

The proposed Local Law, if made, will:

- amend Council's Tree Protection Local Law to (No.1F) by
 - amending the definition of 'permit',
 - specifying additional matters that must be included in a Notice to Comply,
 - repositioning one of the headings,
 - amending the provisions relating to permits including by specifying the matters that must be taken into account in determining whether to grant a permit,
 - amending the provisions relating to permits including by specifying the matters that must be taken into account in determining whether to grant a permit,
 - amending the provision relating to the taking of security bonds where works are to be undertaken within the critical root zone of a significant or canopy tree,

- making provision for the issuing and serving of infringement notices and fixing penalties for such notices,
- amending some of the offence provisions.
- amend Council's Amenity Local Law by
 - amending the definition of 'Council-controlled land',
 - amending the provisions relating to penalties, costs incurred by Council in remedying offences, the issue and serving of infringement notices and fixing penalties to such notices.
- amend Council's Street Numbering Local Law by
 - amending the provisions relating to penalties, costs incurred by Council in remedying offences, the issue and serving of infringement notices and fixing penalties for such notices.

A copy of the proposed Local Law may be inspected at the Council office at 8 Inglesby Road, Camberwell, during office hours. Other copies of the proposed Local Law may be inspected at Council's Customer Service Centres (during their normal operating hours) and on Council's website.

Any person may make a submission about the proposed Local Law to Council. All submissions received by the Council within 28 days of the publication of this notice will be considered in accordance with section 223 of the Act. Any person making a submission is entitled to request (in the submission itself) to be heard in support of the submission by appearing before a meeting of a Council committee (either personally or by a person acting on his or her behalf). In that event, the person will be notified of the date and time of the hearing.

Submissions should be lodged at the above office of the Council or posted to Council at the above address. Enquiries should be directed to Michael Somerville, Manager, Local Laws, on 9278 4949.

Council will meet to consider making a local law in the form of the proposed Local Law at its meeting on 15 August 2011.

DR CATHERINE DALE
Chief Executive Officer



Road Management Act 2004

Proposed Amendments of Road Management Plan

In accordance with section 54(5) and section 54(6) of the **Road Management Act 2004**, Central Goldfields Shire Council gives notice that it has completed a review of its Road Management Plan, and as a result of the findings of the review, it intends to amend its Road Management Plan.

The purpose and general intention of the proposed amendments is:

- simplifying the inspection, prioritisation and action system;
- inclusion of clause stating that if a person intends to take court proceedings in relation to the condition of the public roads, they must be lodged within 30 days so that Council can inspect the claim and prepare a report;
- updated road hierarchy widths and dimensions, to align with the Infrastructure Design Manual, and current best practice guidelines.
- the addition of a new road hierarchy classification UA2 to reflect current roads classes in urban environments; and
- a simplified and more concise explanation of hazards/defects and the maximum timeframes to inspect and repair/make safe.

The proposed amendments will apply to all of the roads and classes of roads to which the Road Management Plan applies.

A copy of Council's amended Road Management Plan and relevant documents may be inspected during office hours at the Council's Offices located 12-22 Nolan Street, Maryborough, or alternatively the documents can be located on the council's website, <http://www.centralgoldfields.com.au>, under Roads and Streets.

Written submissions marked 'Proposed Amendments of Road Management Plan' must be accompanied by the submission pro forma,

be received by close of business Friday 22 July 2011 and are to be addressed to the Chief Executive Officer, Central Goldfields Shire, PO Box 194, Maryborough 3465.

Any enquiries about the proposed amendments can be directed to the Asset Coordinator on 5461 0610.

Dated 15 June 2011

MARK JOHNSTON
Chief Executive Officer

HOBSONS BAY CITY COUNCIL

Restrictions Relating to Smoking in the Municipality

Hobsons Bay City Council is intending to make an amendment to its Local Law known as the Hobsons Bay City Council Community Local Law. Public submissions about the proposed amendment are now invited.

Proposed Local Law

The Council proposes to make changes to the Community Local Law. The following information about the proposed amendment is provided in accordance with section 119 of the **Local Government Act 1989**.

Purpose of the Local Law

- to provide a safe and healthy environment in which Hobsons Bay residents enjoy a quality of life and use of municipal properties that meet the general expectations of the community;
- to prohibit, regulate and control activities which may be dangerous or unsafe or detrimental to the quality of life in Hobsons Bay and behaviour which may be a nuisance or detrimental to health and safety or adverse to the enjoyment of municipal properties; and
- to facilitate the provision of general public services, health and other community services, property services, recreational and cultural services, sale of goods and other services in a way which enhances the environment and quality of life in Hobsons Bay.

General Purport of the Local Law

The amendment, if made, will provide for the following:

Clause 84A – Restrictions Relating to Smoking in the Municipality

Council may designate any area or areas within the Municipal District within which a person must not smoke and the times and dates during which such restrictions are to be in place.

In accordance with this amendment, Council proposes to ban smoking on all beaches and children's playgrounds within the municipality. The Council will designate these areas by signposts, so as to reasonably notify a person entering the designated area of the nature of the restrictions.

Copies of the proposed amendment to the Local Law and Community Impact Statement may be inspected at or obtained from the Hobsons Bay Civic Centre at 115 Civic Parade, Altona. Office hours are 8.00 am to 5.00 pm Monday to Friday. They may also be viewed on the Council's website at www.hobsonsbay.vic.gov.au

Any person affected by the proposed Local Law may make a written submission addressed to the Council. Submissions received by Tuesday, 26 July 2011 will be considered in accordance with section 223 of the **Local Government Act 1989**. Submissions should be lodged at the Hobsons Bay Civic Centre or posted to Hobsons Bay City Council, PO Box 21, Altona 3018. Enquiries should be directed to the Council's Health and Regulatory Services Department on 9932 1000.

BILL JABOOR
Chief Executive Officer

Planning and Environment Act 1987

BASS COAST PLANNING SCHEME

Notice of the Preparation of an Amendment to a Planning Scheme and Notice of an Application for Planning Permit given under Section 96C of the

Planning and Environment Act 1987

Amendment C120

Authorisation A01935

Planning Permit 110028

The Bass Coast Shire Council has prepared Amendment C120 to the Bass Coast Shire Council 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 and planning permit application is 80–96 Powlett Street, Dalyston, otherwise known as Plan of Consolidation PC364602C. The Amendment also affects the abutting road reserves to the east and west.

The Amendment proposes to remove the Restructure Overlay – Schedule 6 to allow for consolidation of urban development within the township boundary. Under Section 96(A) of the **Planning and Environment Act 1987** a planning permit application to subdivide the land into four lots was submitted in conjunction with the planning scheme amendment application.

The Amendment is available for public inspection, free of charge, during office hours at the Bass Coast Shire Council Civic Centre, 76 McBride Avenue, Wonthaggi.

The Amendment is also available for public inspection, online, at the Bass Coast Shire Council website, www.basscoast.vic.gov.au; and Department of Planning and Community Development website, www.dpcd.vic.gov.au/planning/publicinspection

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

The closing date for submissions is 22 July 2011. A submission must be sent to the Bass Coast Shire Council. Submissions must be sent to: Strategic Planner, Bass Coast Shire Council, PO Box 118, Wonthaggi, Victoria 3995.

MARTIN GILL
Development Services Manager

Planning and Environment Act 1987

YARRA RANGES PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C107

Authorisation A01953

The Yarra Ranges Council has prepared Amendment C107 to the Yarra Ranges Planning Scheme.

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

The Amendment affects a number of properties and roads identified to have errors or anomalies within the Yarra Ranges Planning Scheme. A full list of the properties and roads affected is included within the explanatory report.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report, free of charge, during office hours at the following locations: the following Yarra Ranges Community Link Centres: Lilydale – 15 Anderson Street, Lilydale; Monbulk – 21 Main Road, Monbulk; Healesville – 110 River Street, Healesville; Upwey – 40 Main Street, Upwey; and Yarra Junction – 2442–2444 Warburton Highway, Yarra Junction; the Yarra Ranges Council website, www.yarraranges.vic.gov.au; or the Department of Planning and Community Development website, www.dpcd.vic.gov.au/planning/publicinspection

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

The closing date for submissions is 25 July 2011. Submissions must be sent to the undersigned, at the Yarra Ranges Council, PO Box 105, Lilydale 3140, and must reach the Council at the above address by 25 July 2011.

DAMIAN CLOSS
Manager Strategic Planning

Creditors, next-of-kin and others having claims against the estate of any of the under-mentioned 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 24 August 2011, 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.

CAVE, Doris Edna, late of 10 Burdekin Avenue, Bayswater North, Victoria 3153, deceased, who died on 2 February 2011.

EVANS, Arthur Edward, late of Room 5, 104–106 Mt Alexander Road, Flemington, Victoria 3031, retired pensioner, who died on 4 January 2011.

FARNINGTON, Leslie James, late of 42 Kingswood Drive, Chirnside Park, Victoria 3116, retired, deceased, who died on 30 April 2011.

HARGAN, Clarice Fanny, late of Trewint Nursing Home, 1312 Heatherton Road, Noble Park, Victoria 3174, pensioner, deceased, who died on 28 October 2010.

HARWOOD, John, late of 50–52 Crispe Street, Reservoir, Victoria 3073, pensioner, gentleman, deceased, who died on 9 March 2011.

KOVACS, Dorothea Margarethe, also known as Dorothy Kovacs, late of Tabulam Nursing Home, 31 Elizabeth Street, Bayswater, Victoria 3153, pensioner, deceased, who died on 8 January 2011.

LOCKWOOD, Beverley May, late of Altona Meadows Private Nursing Home, 297 Queen Street, Altona Meadows, Victoria 3028, retired, deceased, who died on 24 December 2010.

MURDOCH, Elva, also known as Elva Jean Murdoch, late of Bamba House, 5 Bamba Road, Caulfield North, Victoria 3161, pensioner, deceased, who died on 25 January 2011.

OLIVER, Joan Galli, late of 121 Mahoneys Road, Forest Hill, Victoria 3131, deceased, who died on 2 April 2011.

RANKIN, Shirley Patricia, late of 43 Beleura Hill Road, Mornington, Victoria 3931, home duties, deceased, who died on 19 January 2011.

Dated 15 June 2011

ROD SKILBECK
Manager
Client Services

EXEMPTION

Application No. A80/2011

The Victorian Civil and Administrative Tribunal has considered an application pursuant to section 83 of the **Equal Opportunity Act 1995** (the Act) by Kangan Institute (the applicant). The application for exemption is to enable the applicant to advertise for and employ only Indigenous persons in ten Indigenous Trainee roles with the applicant (the exempt conduct).

Upon reading the material filed in support of this application, including the affidavit of Louise Parker, the Tribunal is satisfied that it is appropriate to grant an exemption from sections 13, 37, 100 and 195 of the Act to enable the applicant to engage in the exempt conduct.

In granting this exemption the Tribunal noted:

- The applicant provides vocational education and training to 30,000 students each year and is a major training provider in the automotive, transport, corrections and health and community sectors.
- The applicant has established an Indigenous Education Centre which targets Australian Indigenous applicants only as part of its contract with the Department of Education Employment and Workplace Relations. The applicant has received funding for ten Indigenous Trainee positions. The successful applicants are to be placed across the applicant's departments including the Indigenous Education Centre, Human Resources, Corporate Finance, Facilities, Security, Children's Centre and Automotive. The trainees will undertake classroom and workplace training.
- When making decisions about exemptions, the Tribunal is required to give proper consideration to relevant human rights as set out in the **Charter of Human Rights and Responsibilities Act 2006** (Charter). Arguably, this exemption limits the right to equal and effective protection against discrimination of non-Indigenous persons who would wish to be employed in a traineeship role. I am satisfied that the exemption is a measure taken for the purpose of assisting or advancing Indigenous people who are disadvantaged and so it does not amount to discrimination under the Charter. In any event, in the circumstances discussed above, the limit imposed by this exemption is reasonable and justified under the Charter.

The Tribunal hereby grants an exemption from the operation of sections 13, 37, 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 22 June 2014.

Dated 14 June 2011

A. DEA
Member

EXEMPTION

Application No. A147/2011

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 Department of Sustainability and Environment (the applicant). The application for exemption is to enable the applicant to advertise for and employ only Aboriginal or Torres Strait Islander people in certain designated field positions and certain designated office-based positions (the exempt conduct).

Upon reading the material filed in support of this application, including the affidavit of Gary Atherton, 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 applicant has developed an Indigenous Partnership Framework, the purpose of which is to improve consultation and build effective relationships with Indigenous communities, particularly in the management of Victoria's natural resources. A key facet of that Framework and the Victorian Government's Indigenous Employment Strategy is the employment of Indigenous persons with the aim of improving the diversity and responsiveness of the Victorian public sector to Indigenous issues by increasing Indigenous employment across the whole of the public sector. The Victorian Public Service has a target of 1% Indigenous staff by 2015.
- The designated positions referred to above will total 100, to be filled over a period of three years. That number will represent 3% of the total employees of the applicant.

- The positions include field staff, forest rangers, project fire fighters, administrative and business services officers, technical, scientific and policy officers. The applicant also intends to engage Aboriginal or Torres Strait Islander persons in traineeships, scholarships and cadetships that will serve as a pathway program to employment with the applicant. The applicant intends to employ up to 20 project fire fighters in rural areas in August and September this year.
- Successful position holders will be expected to play important roles in developing, supporting or promoting Indigenous programs including by maintaining networks with local Indigenous communities, providing advice and assistance to non-Indigenous staff on cultural and natural resource management and passing on knowledge about those matters.
- When making decisions about exemptions, the Tribunal is required to give proper consideration to relevant human rights as set out in the **Charter of Human Rights and Responsibilities Act 2006** (Charter). Arguably, this exemption limits the right to equal and effective protection against discrimination of persons who would wish to be employed by the applicant in the designated roles. I am satisfied that the exemption is a measure taken for the purpose of assisting or advancing Aboriginal and Torres Strait Islander people who are disadvantaged and so it does not amount to discrimination under the Charter. In any event, in the circumstances discussed above, the limit imposed by this exemption is reasonable and justified under the Charter.

The Tribunal hereby grants an exemption 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 22 June 2014.

Dated 20 June 2011

A. DEA
Member

EXEMPTION

Application No. A155/2011

The Victorian Civil and Administrative Tribunal has considered an application pursuant to section 83 of the **Equal Opportunity Act 1995** (the Act) by Moira Healthcare Alliance (the applicant). The application for exemption is to enable the Applicant to advertise for and employ only persons from an Italian cultural background and who speak Italian or an Italian regional language in the role of Community Care Workers (the exempt conduct).

Upon reading the material filed in support of this application, including the affidavit of Colleen May Murray, 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 Applicant provides home and community services to the frail, aged and disabled in the Cobram area which has a large number of community members with an Italian background. It seeks the exemption to ensure that the Community Care Workers have appropriate cultural knowledge and language skills to provide those services appropriately to members of the community of an Italian background.
- When making decisions about exemptions, the Tribunal is required to give proper consideration to relevant human rights as set out in the **Charter of Human Rights and Responsibilities Act 2006** (Charter). Arguably, this exemption limits the right to equal and effective protection against discrimination of persons who do not have an Italian background or do not have Italian language skills who would wish to be employed by the applicant as Community Care Workers. I am satisfied that, in the circumstances discussed above, the limit imposed by this exemption is reasonable and justified under the Charter.

The Tribunal hereby grants an exemption 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 22 June 2014.

Dated 20 June 2011

A. DEA
Member

Associations Incorporation Act 1981

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

Notice is hereby given pursuant to section 10 of the **Associations Incorporation Act 1981** that a certificate of incorporation was issued by the Registrar of Incorporated Associations on 21 June 2011 to the Institute for Sustainable Management Inc. The Association is now incorporated under the said Act.

Dated 23 June 2011

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

Adoption Act 1984

APPOINTMENT OF COUNSELLOR FOR RELINQUISHMENT COUNSELLING

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

North & West Metropolitan Region
Barnett, Keren Sarah

Dated 18 May 2011

JAN SNELL
Regional Director
North & West
Metropolitan Region

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 scale 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 Cemetery Trusts:

Crib Point
Mount Cole

Dated 20 June 2011

BRYAN CRAMPTON
Manager
Cemeteries and Crematoria
Regulation Unit

Co-operatives Act 1996

ESSENDON KEILOR COLLEGE SENIOR CAMPUS MASTERPLAN IMPLEMENTATION CO-OPERATIVE LIMITED

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

Dated 30 June 2011

CLAIRE NOONE
Director, Consumer Affairs

Defamation Act 2005

DECLARATION UNDER SECTION 35(3)

I, Robert Clark, Attorney-General, being the Minister for the time being administering the **Defamation Act 2005**, hereby declare in accordance with section 35(3) of the

Defamation Act 2005 that on and from 1 July 2011 the maximum damages amount that may be awarded for non-economic loss in defamation proceedings is three hundred and twenty-four thousand dollars (\$324,000.00).

ROBERT CLARK MP
Attorney-General

Education and Training Reform Act 2006

NOTIFICATION CANCELLING REGISTRATION OF A TEACHER

Pursuant to section 2.6.29 of the **Education and Training Reform Act 2006**, the Victorian Institute of Teaching must disqualify a registered teacher from teaching and cancel his/her registration where that person has been convicted or found guilty at any time, in Victoria or elsewhere, of a sexual offence.

On 17 June 2011, Peter Michael Werner Lee was convicted of the sexual offences of four counts of sexual penetration of a 16/17 year old in his care/supervision, and the offence of one count of possessing cannabis.

On 17 June 2011, Peter Michael Werner Lee was disqualified from teaching and his registration as a teacher in Victoria was cancelled.

Education and Training Reform Act 2006

NOTIFICATION CANCELLING REGISTRATION OF A TEACHER

Pursuant to section 2.6.29 of the **Education and Training Reform Act 2006**, the Victorian Institute of Teaching must disqualify a registered teacher from teaching and cancel his/her registration where that person has been convicted or found guilty at any time, in Victoria or elsewhere, of a sexual offence.

On 7 May 2010, John William Ash was convicted of the sexual offence of one count of sexual penetration of a 16/17 year old in his care/supervision.

On 7 May 2010, John William Ash was disqualified from teaching and his registration as a teacher in Victoria was cancelled.

Local Government Act 1989

Councillor Allowances: Review of Council Allowance Categories

In accordance with section 73A(3) and (4), notice is hereby given of the following category alterations:

- Melton Shire Council from Category 2 to Category 3.

The changes commence on 1 December 2011.

Dated 26 May 2011

JEANETTE POWELL MP
Minister for Local Government

Land Acquisition and Compensation Act 1986

FORM 7

S. 21(a)

Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Roads Corporation (VicRoads) declares that by this notice it acquires the following interest in the land described as part of Lot 1 on Title Plan 320036F, Parish of Moe comprising 45.0 square metres and being land described in Certificate of Title Volume 8416 Folio 089, shown as Parcel 1 on Survey Plan SP21921.

Interest Acquired: That of Frank William Powell and all other interests.

Published with the authority of VicRoads.

For and on behalf of VicRoads

Signed BERNARD TOULET

Name Bernard Toulet, Director – Property
Services

Dated 23 June 2011

Sustainable Forests (Timber) Act 2004

NOTIFICATION OF APPROVAL OF TIMBER RELEASE PLAN

I, Lee Miezis, Acting Executive Director Forests and Parks, as delegate of the Secretary to the Department of Sustainability and Environment, hereby give notice pursuant to section 41 of the **Sustainable Forests (Timber) Act 2004** that I have approved the Timber Release Plan 2011–2016 commencing from the date of publication of this notice in the Victoria Government Gazette.

The approved Timber Release Plan may be viewed at the VicForests office in Melbourne (Level 7, 473 Bourke Street, Melbourne).

Copies of the approved Timber Release Plans can also be viewed at the VicForests regional office in Healesville; the Department of Sustainability and Environment regional offices in Benalla and Traralgon; the VicForests website at <http://www.vicforests.com.au>; and the Department of Sustainability and Environment website at <http://www.dse.vic.gov.au/forests>

LEE MIEZIS
Acting Executive Director
Forests and Parks
As delegate of the Secretary to the
Department of Sustainability
and Environment

Sustainable Forests (Timber) Act 2004

NOTIFICATION OF CHANGE TO A TIMBER RELEASE PLAN

I, Lee Miezis, Acting Executive Director Forests and Parks as delegate of the Secretary to the Department of Sustainability and Environment, hereby give notice pursuant to section 43(4) of the **Sustainable Forests (Timber) Act 2004** that I have approved a further change to the approved Timber Release Plan 2009–2014 commencing from the date of publication of this notice in the Victoria Government Gazette.

The changes to the approved Timber Release Plan may be viewed at the VicForests office in Melbourne (Level 7, 473 Bourke Street, Melbourne).

Copies of the changes to the approved Timber Release Plans can also be viewed at the VicForests regional offices in Healesville and Orbost; the Department of Sustainability and Environment regional offices in Benalla, Traralgon and Bairnsdale; the VicForests website at <http://www.vicforests.com.au>; and the Department of Sustainability and Environment website at <http://www.dse.vic.gov.au/forests>

LEE MIEZIS
Acting Executive Director
Forests and Parks
As delegate of the Secretary to the
Department of Sustainability
and Environment

Subordinate Legislation Act 1994

NOTICE OF DECISION

Crown Land (Reserves) (Tour Operator Licence Fee) Regulations 2011
Forests (Tour Operator Licence Fee) Regulations 2011
Land (Tour Operator Licence Fee) Regulations 2011
National Parks (Tour Operator Licence Fee) Regulations 2011
Wildlife (Tour Operator Licence Fee) Regulations 2011

I, Ryan Smith, Minister for Environment and Climate Change and Minister responsible for administering the **Crown Land (Reserves) Act 1978, Forests Act 1958, Land Act 1958, National Parks Act 1975** and **Wildlife Act 1975**, give notice under section 12 of the **Subordinate Legislation Act 1994** as follows:

A Regulatory Impact Statement (RIS) was prepared in relation to the proposed Regulations consisting of the:

- Crown Land (Reserves) (Tour Operator Licence Fee) Regulations 2011;
- Forests (Tour Operator Licence Fee) Regulations 2011;
- Land (Tour Operator Licence Fee) Regulations 2011;
- National Parks (Tour Operator Licence Fee) Regulations 2011; and
- Wildlife (Tour Operator Licence Fee) Regulations 2011.

The objectives of the proposed Regulations are to prescribe fees for a licence to conduct a guided tour or recreational activity on public land for profit and to improve transparency and administrative efficiency with respect to the tour operator licensing system.

The RIS was advertised on 22 March 2011 seeking public comment. The closing date for submissions was Friday 29 April 2011 and 30 submissions were received.

After further considering the proposed Regulations, I have decided that the proposed Regulations should be made with the following amendments:

- To phase in over three years, the fee for a standard tour operator licence applicable to public lands in Victoria, by introducing the fee at:

- \$110 for the financial years ending 30 June 2012 and 30 June 2013
- \$255 for the financial year ending 30 June 2014
- 20.78 fee units for the financial year ending 30 June 2015 and subsequent financial years.
- To phase in over two years, the use fee for standard and competitively allocated tour operator licences applicable to public lands in Victoria, by introducing the use fee at:
 - \$1.10 per adult and \$0.75 per child for the financial years ending 30 June 2012 and 30 June 2013
 - \$2.40 per adult and \$1.60 per child for the financial year ending 30 June 2014 and subsequent financial years.
- To phase in over three years, the use fee cap for a standard tour operator licence applicable to public lands in Victoria, by introducing the use fee cap at:
 - \$5500.00 for the financial years ending 30 June 2012 and 30 June 2013
 - \$12500.00 for the financial year ending 30 June 2014
 - 1018.74 fee units for the financial year ending 30 June 2015 and subsequent financial years.

Dated 16 June 2011

THE HON. RYAN SMITH MP
Minister for Environment
and Climate Change

4. Interpretation

Unless the context otherwise requires or the contrary intention appears, expressions used in this Order have the same meaning as in the Act and/or in the **Interpretation of Legislation Act 1984**, as appropriate.

5. Commencement

This Ministerial Order:

- (a) commences and takes effect on 1 July 2011; and
- (b) does not have retrospective effect; and
- (c) ceases to have effect at 11.59 pm on 31 December 2011; and
- (d) cannot be extended after 31 December 2011.

6. Order making interim appointments to the Council of Victoria University

I hereby order that the following interim appointments to the Council of Victoria University are made to vacancies in the offices of appointed members:

- Mr John O'Rourke
- Dr Ian Gilmour
- Mr Ben Foskett

These appointments are valid only for the duration of this Order as specified in Clause 5 of this Order.

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

Victoria University Act 2010

2011 VICTORIA UNIVERSITY INTERIM COUNCIL APPOINTMENTS

Ministerial Order No. VU1

1. Purpose

The purpose of this Order is to make interim appointments to the Council of Victoria University.

2. Authority for Order

This Order is given pursuant to section 17 and Clause 9, Schedule 1 of the **Victoria University Act 2010** (the Act).

3. Name of Order

This Order is called '2011 Victoria University Interim Council Appointments Order'.

Accident Compensation Act 1985**NOTICE OF INDEXED BENEFIT LEVELS AND OTHER AMOUNTS IN ACCORDANCE WITH DIVISION 2D OF PART IV OF THE ACCIDENT COMPENSATION ACT 1985**

Division 2D of Part IV of the **Accident Compensation Act 1985** (the Act) provides for the indexation of weekly payments, weekly pensions for dependants and certain other amounts stipulated under the Act. Section 100 stipulates that weekly payments 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.

The average weekly earnings for all employees in Victoria between the December quarter of 2009 and the December quarter 2010 increased from \$902.60 to \$963.80 which is an increase of 6.78%.

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 2009 and the December quarter of 2010 increased from 166.4 to 171.5 which is an increase of 3.06%.

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 sections 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.

Section	Provision	Rate before 1 July 11	Rate from 1 July 11
DISPUTE RESOLUTION (CPI)			
Costs			
62(3)	Maximum payment for worker's reasonable transportation expenses	\$51	\$53
62(4)	Maximum payment for worker's loss of income	\$356	\$367
COMPENSATION FOR DEATH OF A WORKER (CPI)			
Revised compensation for death of worker			
92A(4)	For a dependent partner or partners in equal shares	\$511,920	\$527,610
92A(5)	For an orphan child or orphan children in equal shares	\$511,920	\$527,610
92A(6)(a)	For a dependent partner or partners where there is one dependent child	\$460,730	\$474,850
92A(6)(b)	For the dependent child	\$51,190	\$52,760
92A(7)	For a dependent partner or partners where there is more than one dependent child but not more than 5 dependent children payable in the following shares: total amount of	\$511,920	\$527,610
92A(7)(a)	To each dependent child	\$25,600	\$26,380
92A(7)(b)	To partner/partners	Balance	Balance
92A(8)	For a dependent partner or partners where there are more than 5 dependent children payable in the following shares: total amount of	\$511,920	\$527,610
92A(8)(a)	To partner or partners in equal shares	\$383,940	\$395,710
92A(8)(b)	To the dependent children in equal shares	\$127,980	\$131,900
92A(8A)	Maximum lump sum for dependent children if no dependent partner	\$511,920	\$527,610
92A(8B)	Maximum lump sum for any one or more partially dependent partner or dependent partner or dependent children	\$511,920	\$527,610
92A(9)	Maximum lump sum for any other dependants if no dependent partner or dependent child	\$511,920	\$527,610
92AA	Maximum amount for reimbursement of expenses incurred by non-dependent family members	\$30,530	\$31,470

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	\$1,330	\$1,420
	Maximum weekly pension for a dependent partner for claims made on or after 5 April 2010	\$1,810	\$1,930
92B(4)(a)(ii)	Maximum weekly pension for 2 or more dependent partners in equal shares for claims made before 5 April 2010	\$1,330	\$1,420
	Maximum weekly pension for 2 or more dependent partners in equal shares for claims made on or after 5 April 2010	\$1,810	\$1,930
92B(5)(a)(ii)	Maximum weekly pension for one orphan child for claims made before 5 April 2010	\$1,330	\$1,420
	Maximum weekly pension for one orphan child for claims made on or after 5 April 2010	\$1,810	\$1,930
92B(6)(a)(ii)	Maximum weekly pension for 2 or more orphan children in equal shares for claims made before 5 April 2010	\$1,330	\$1,420
	Maximum weekly pension for 2 or more orphan children in equal shares for claims made on or after 5 April 2010	\$1,810	\$1,930
After first 13 weeks until the end of 3 years			
92B(3)(b)(i)	Maximum weekly pension for a dependent partner for claims made before 5 April 2010	\$1,330	\$1,420
	Maximum weekly pension for a dependent partner for claims made on or after 5 April 2010	\$1,810	\$1,930
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	\$1,330	\$1,420
	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	\$1,810	\$1,930
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	\$887	\$947
	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	\$1,210	\$1,290

92B(4)(b)(i)	Maximum weekly pension for 2 or more dependent partners in equal shares for claims made before 5 April 2010	\$1,330	\$1,420
	Maximum weekly pension for 2 or more dependent partners in equal shares for claims made on or after 5 April 2010	\$1,810	\$1,930
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	\$1,330	\$1,420
	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	\$1,810	\$1,930
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	\$887	\$947
	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	\$1,210	\$1,290
After first 13 weeks until child ceases to be eligible			
92B(5)(b)(ii)	Maximum weekly pension for one orphan child for claims made before 5 April 2010	\$1,330	\$1,420
	Maximum weekly pension for one orphan child for claims made on or after 5 April 2010	\$1,810	\$1,930
92B(6)(b)(ii)	Maximum weekly pension for 2 or more orphan children in equal shares for claims made before 5 April 2010	\$1,330	\$1,420
	Maximum weekly pension for 2 or more orphan children in equal shares for claims made on or after 5 April 2010	\$1,810	\$1,930
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	\$1,330	\$1,420
	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	\$1,810	\$1,930

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	\$441	\$471
	Weekly pension for dependent children where there are more than 5 dependent children and overall cap applies in equal shares for claims made on or after 5 April 2010	\$603	\$643
PROVISIONAL PAYMENTS (CPI)			
92D(1)(b)	Maximum amount for medical and other costs	\$7,630	\$7,860
WEEKLY PAYMENTS (AWE)			
Weekly payments for First Entitlement Period			
Where worker has no current work capacity			
93A(1)(a)(ii)	Maximum weekly payment for claims made before 12 November 1997	\$1,070	\$1,140
93A(2)(a)(ii)	Maximum weekly payment for claims made on or after 12 November 1997 and before 5 April 2010	\$1,330	\$1,420
93A(3)(a)(ii)	Maximum weekly payment for claims made on or after 5 April 2010	\$1,810	\$1,930
Where worker has a current work capacity			
93A(1)(b)(ii)	Maximum weekly payment for claims made before 12 November 1997 – less worker's current weekly earnings	\$1,070	\$1,140
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	\$1,330	\$1,420
93A(3)(b)(ii)	Maximum weekly payment for claims made on or after 5 April 2010 – less worker's current weekly earnings	\$1,810	\$1,930
Weekly payments for Second Entitlement Period			
Where worker has no current work capacity			
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	\$1,070	\$1,140
93B(1)(b)(ii)	Maximum weekly payment for claims made before 12 November 1997 where worker does not have a serious injury	\$1,070	\$1,140
93B(2)(a)(ii)	Maximum weekly payment for claims made on or after 12 November 1997 and before 5 April 2010	\$1,330	\$1,420

93B(3)(a)(ii)	Maximum weekly payment for claims made on or after 5 April 2010	\$1,810	\$1,930
Where worker has a current work capacity			
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	\$1,070	\$1,140
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	\$1,330	\$1,420
93B(3)(b)(ii)	Maximum weekly payment for claims made on or after 5 April 2010 – less 80% of worker's current weekly earnings	\$1,810	\$1,930
Weekly payments after second entitlement period			
Where worker has no current work capacity			
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	\$1,070	\$1,140
93C(2)(b)(ii)	Maximum weekly payment for claims made before 12 November 1997 where worker does not have a serious injury	\$1,070	\$1,140
93C(2)(c)(ii)	Maximum weekly payment for claims made on or after 12 November 1997 and before 5 April 2010	\$1,330	\$1,420
93C(2)(d)(ii)	Maximum weekly payment for claims made on or after 5 April 2010	\$1,810	\$1,930
Continuation of weekly payments after second entitlement period			
Compensation for incapacity arising from surgery			
93CA(1)(c)	Minimum current weekly earnings	\$155	\$166
Where worker has a current work capacity			
93CD(4)(a)	Minimum weekly earnings for approval of an application for a worker who has returned to work	\$155	\$166
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	\$1,070	\$1,140
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	\$1,330	\$1,420

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	\$1,810	\$1,930
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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 of not less than 10% and less than 11%	\$10,760 \$9,170	\$11,090 \$9,450
98C(2)(b)(ii)	Where worker's impairment benefit rating is a modified spinal impairment of not less than 10% and less than 11%	\$10,760 \$9,170	\$11,090 \$9,450
98C(2)(c)(i)	Where worker's impairment benefit rating is not less than 10% and not more than 30%	\$17,340 \$2,610	\$17,870 \$2,690
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%	\$17,340 \$2,610	\$17,870 \$2,690
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%	\$69,450	\$71,580
98C(2)(d)	Where worker's impairment benefit rating is more than 30% and not more than 70%	\$69,370 \$4,330	\$71,500 \$4,460
98C(2)(e)(i)	Where worker's impairment benefit rating is more than 70% and not more than 80%	\$241,580 \$27,040	\$248,980 \$27,870
98C(2)(e)(ii)	Maximum amount where worker's impairment benefit rating is more than 70% and not more than 80%	\$511,920	\$527,610
98C(2)(f)	Where worker's impairment benefit rating is more than 80%	\$511,920	\$527,610
Psychiatric Impairment – Calculations of Amounts of Non-economic Loss			
98C(3)(b)	Where worker's degree of impairment is 30%	\$17,340 \$2,610	\$17,870 \$2,690
98C(3)(c)	Where worker's degree of impairment is more than 30% and not more than 70%	\$69,370 \$4,330	\$71,500 \$4,460
98C(3)(d)(i)	Where worker's degree of impairment is more than 70% and not more than 80%	\$241,580 \$27,040	\$248,980 \$27,870
98C(3)(d)(ii)	Maximum amount where worker's degree of impairment is more than 70% and not more than 80%	\$511,920	\$527,610

98C(3)(e)	Where worker's degree of impairment is more than 80%	\$511,920	\$527,610
Permanent Impairment – Calculation of Amounts of Non-economic Loss for Further Injury Industrial Deafness			
98C(3A)(a)	Where 'T' is not less than 10% and not more than 30% and 'P' is less than 10%	\$2,610 \$1,720	\$2,690 \$1,770
98C(3A)(b)	Where 'T' is not less than 10% and not more than 30% and 'P' is not less than 10%	\$2,610	\$2,690
98C(3A)(c)	Where 'T' is more than 30% and 'P' is less than 10%	\$4,330 \$2,610 \$1,720	\$4,460 \$2,690 \$1,770
98C(3A)(d)	Where 'T' is more than 30% and 'P' is not less than 10% and is less than 30%	\$4,330 \$2,610	\$4,460 \$2,690
98C(3A)(e)	Where 'T' is more than 30% and 'P' is not less than 30%	\$4,330	\$4,460
Other non-economic loss			
98C(4)	Loss of a foetus or loss of more than one foetus	\$62,370	\$64,280
98C(7)	Maximum amount of compensation for more than one injury suffered on the same occasion	\$511,920	\$527,610
98C(8)	Maximum amount of compensation for more than one kind of non-economic loss for the same injury	\$511,920	\$527,610
NO DISADVANTAGE – COMPENSATION TABLE (AWE)			
98E	Total loss of the sight of both eyes	\$252,250	\$259,980
	Total loss of the sight of an only eye	\$252,250	\$259,980
	Loss of both hands	\$252,250	\$259,980
	Loss of both feet	\$252,250	\$259,980
	Loss of a hand and a foot	\$252,250	\$259,980
	Total loss of the right arm or of the greater part of the right arm	\$201,800	\$207,980
	Total loss of the left arm or of the greater part of the left arm	\$189,180	\$194,980
	Total loss of the right hand or of five fingers of the right hand, or of the lower part of the right arm	\$176,550	\$181,960
	Total loss of the left hand or of five fingers of the left hand, or of the lower part of the left arm	\$163,980	\$169,010
	Total loss of a leg	\$189,180	\$194,980

Total loss of a foot	\$163,980	\$169,010
Total loss of the lower part of the leg	\$176,550	\$181,960
Total loss of the sight of one eye, together with the serious diminution of the sight of the other eye	\$189,180	\$194,980
Total loss of hearing	\$163,980	\$169,010
Total loss of the sight of one eye	\$100,880	\$103,970
Loss of binocular vision	\$100,880	\$103,970
Loss of eyeball (in addition to compensation for loss of sight of an eye)	\$55,500	\$57,200
Total loss of power of speech	\$151,350	\$155,990
Total loss of sense of taste or smell	\$42,890	\$44,200
Total loss of senses of both taste and smell	\$85,770	\$88,400
Total loss of male sexual organs	\$118,570	\$122,200
Total loss of penis	\$118,570	\$122,200
Total loss of one testicle	\$25,200	\$25,970
Total loss of two testicles or an only testicle	\$118,570	\$122,200
Total loss of female sexual organs	\$118,570	\$122,200
Total loss of both breasts	\$118,570	\$122,200
Total loss of one breast	\$75,660	\$77,980
Total loss of the thumb of the right hand	\$75,660	\$77,980
Total loss of the thumb of the left hand	\$65,590	\$67,600
Total loss of the forefinger of the right hand	\$53,000	\$54,620
Total loss of the forefinger of the left hand	\$45,390	\$46,780
Total loss of two joints of the forefinger of the right hand	\$40,350	\$41,590
Total loss of two joints of the forefinger of the left hand	\$30,260	\$31,190
Total loss of a joint of the thumb	\$40,350	\$41,590
Total loss of the first joint of the forefinger of the right hand	\$25,200	\$25,970
Total loss of the first joint of the forefinger of the left hand	\$22,710	\$23,410
Total loss of the first joint of the middle or little or ring finger of either hand	\$15,120	\$15,580

	Total loss of the middle finger of either hand	\$30,260	\$31,190
	Total loss of the little or ring finger of either hand	\$27,770	\$28,620
	Total loss of two joints of the middle finger of either hand	\$25,200	\$25,970
	Total loss of two joints of the little or ring finger of either hand	\$22,710	\$23,410
	Total loss of the great toe of either foot	\$55,500	\$57,200
	Total loss of a joint of the great toe of either foot	\$25,200	\$25,970
	Total loss of any other toe	\$15,120	\$15,580
	Total loss of a joint of any other toe	\$5,050	\$5,200
	Quadriplegia	\$252,250	\$259,980
	Paraplegia	\$252,250	\$259,980
	Total impairment of the spine	\$252,250	\$259,980
98E(5)	Maximum total amount of compensation allowable under 98E Table	\$252,250	\$259,980
MEDICAL AND LIKE SERVICES (CPI)			
99(1)(b)	Maximum family counselling expenses	\$5,410	\$5,580
99(5)	Employer's liability	\$592	\$610
125(1)(a)(iii)	Employer's initial liability for medical and like services	\$592	\$610
125A(3)(c)	Employer's initial liability for medical and like services	\$592	\$610
LIABILITY OF PRIOR INSURER (AWE)			
129B(7)	Minimum payments for contribution injury	\$13,220	\$14,120
ACTIONS FOR DAMAGES			
Pecuniary Loss (CPI)			
134AB(22)(a)(i)	Threshold	\$52,220	\$53,820
134AB(22)(a)(ii)	Maximum	\$1,175,820	\$1,211,860
Pain and Suffering (CPI)			
134AB(22)(b)(i)	Threshold	\$50,440	\$51,990
134AB(22)(b)(ii)	Maximum	\$511,920	\$527,610
Pecuniary Loss (AWE)			
135A(7)(a)(i)	Threshold	\$52,610	\$56,180

135A(7)(a)(ii)	Maximum	\$1,184,600	\$1,264,920
	Pain and Suffering (CPI)		
135A(7)(b)(i)	Threshold	\$46,720	\$48,150
135A(7)(b)(ii)	Maximum	\$474,140	\$488,670
	Damages under Part III of the Wrongs Act 1958 (AWE)		
135C(2)	Death of a person	\$781,480	\$834,470
SELF-INSURERS			
Schedule 4 1(1)	Pre-application eligibility fee	\$780	\$804
Schedule 4 1(1)	Pre-application eligibility fee inclusive of GST	\$858	\$884
Schedule 5 3(1) & (2)	Application fee limit for approval as self-insurer (AWE)	\$48,780	\$52,090
RETURN TO WORK			
197(3) & (4)	Total rateable remuneration of employer	\$2,000,000	\$2,061,300
PRE-INJURY AVERAGE WEEKLY EARNINGS (AWE)			
5A(8)/5A(5) & Schedule 1A item 1 column 3 paragraph (c)	Where no rate applicable	\$1,810	\$1,930
5A(9)(b)/5A(5) & Schedule 1A item 10(b)	Deemed Pre-injury Average Weekly Earnings for a full-time student at time of completion of course	\$1,810	\$1,930
5A(11)(b)/100B & Schedule 1A item 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	\$1,070	\$1,140

Workers Compensation Act 1958NOTICE 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 2009 and 2010 were \$1162.70 and \$1210.90 respectively, an increase of 4.15%.

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'.

The amount specified in 'The Clauses Referred To' (wherever occurring)		Rates before 1 July 11	Rates from 1 July 11
COMPENSATION FOR DEATH OF A WORKER (CPI)	Amount as per the 1958 Act		
1(a)(i)	\$33,160	\$170,773	\$177,852
	\$8,088	\$41,660	\$43,387
	\$7,566	\$38,961	\$40,576
	\$7,044	\$36,274	\$37,778
	\$6,523	\$33,593	\$34,986
	\$6,001	\$30,902	\$32,183
	\$5,479	\$28,214	\$29,384
	\$4,957	\$25,526	\$26,584
	\$4,435	\$22,839	\$23,786
	\$3,914	\$20,157	\$20,993
	\$3,392	\$17,463	\$18,187
	\$2,870	\$14,778	\$15,391
	\$2,348	\$12,088	\$12,589
	\$1,826	\$9,402	\$9,792
	\$1,826	\$9,402	\$9,792
1(a)(ii)	\$33,160	\$170,773	\$177,852

WEEKLY PAYMENTS

1(b)(i)	\$105	\$544	\$567
	\$30	\$152	\$158
	\$10	\$51	\$53
	\$155	\$800	\$833
	\$78	\$399	\$416
	\$135	\$692	\$721

TOTAL LIABILITY FOR WEEKLY PAYMENTS

1(b)(iii)	\$36,960	\$190,345	\$198,236
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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).

Housing Act 1983

LAND THE DIRECTOR OF HOUSING IS DEEMED TO HAVE AN INTEREST IN
UNDER SECTION 107 OF THE **HOUSING ACT 1983**

Yarra Community Housing Limited

I, Margaret Crawford, Director of Housing (the Director), hereby issue the following declaration pursuant to section 107 of the **Housing Act 1983** (the Act).

In accordance with a Funding Deed dated 10 January 2007 between the Director and Yarra Community Housing Limited the following land is land in which the Director is deemed to have an interest in under section 107 of the Act.

Volume	Folio	Address
11190	558	Lot 242, 2 Shadbush Court, Truganina
11199	618	5-9 Pearcedale Parade, Broadmeadows

Dated 8 June 2011

Signed at Melbourne in the State of Victoria
MARGARET CRAWFORD
Director of Housing

PUBLIC NOTICE CONCERNING NEIGHBOURHOOD SAFER PLACES

Two public land reserves established under the **Crown Land (Reserves) Act 1978** have been identified as meeting the Country Fire Authority Assessment Guidelines for neighbourhood safer places. As the Minister responsible for the **Crown Land (Reserves) Act 1978**, I consent to the use of the following reserves as Neighbourhood Safer Places.

Reserve No.	Municipality	Township Name	General Location	Description
0203099	West Wimmera Shire Council	Edenhope	Lake Street, Edenhope	Henley Parks
0200974	Yarriambiack Shire Council	Warracknabeal	Scott Street, Warracknabeal	Anzac Memorial Park

Dated 20 June 2011

PETER WATKINSON
Executive Director, Public Land Division

Children's Services Act 1996

ERRATUM

A clerical error has been identified in relation to the notice of exemption under the **Children's Services Act 1996** and published in Victoria Government Gazette G22 on 2 June 2011 at page 1211. The notice did not include that it replaces the exemption notice published in the Victoria Government Gazette G13 on 31 March 2011 at page 716.

The correct Notice of Exemption is reproduced below, and takes effect 60 days from the date of this Erratum notice.

Children's Services Act 1996

NOTICE OF EXEMPTION

This Notice of Exemption replaces the notice published in Victoria Government Gazette G13 on 31 March 2011 at page 716.

Under section 6 of the **Children's Services Act 1996**, ('the Act') the Minister for Children and Early Childhood Development hereby declares that Jenny's Kindergarten Epsom, Licence ID 11840, is exempt from regulation 60 of the Children's Services Regulations 2009.

This exemption is granted subject to the following conditions:

1. No more than one nominated staff member per room is employed in place of a minimum trained staff member and must be under the direct supervision of a qualified early childhood staff member at all times they are caring for or educating children.
2. The service will advise the region in writing the names of the eight nominated staff members who will operate under this exemption.
3. The nominated staff members are undertaking a course to attain a post-secondary early childhood qualification recognised under the regulation 5(3).
4. The nominated staff members are mentored by a qualified early childhood staff member.
5. The service must advise the regional office of the Department of Education and Early Childhood Development within 48 hours of any changes that will prevent the service from complying with the exemption and its conditions.

This exemption remains in force until 31 December 2011 unless revoked earlier.

Dated 20 May 2011

THE HON. WENDY LOVELL, MLC
Minister for Children and Early Childhood Development

Fisheries Act 1995FURTHER QUOTA ORDER FOR
THE VICTORIAN ROCK LOBSTER FISHERY (WESTERN ZONE)

I, Mr Anthony Hurst, Executive Director Fisheries Victoria, as delegate of the Minister for Agriculture and Food Security, and having undertaken consultation in accordance with section 3A of the **Fisheries Act 1995** (the Act), make the following Order under section 64A of the Act 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 period commencing on 1 July 2011 and ending on 30 June 2012 ('the quota period').
2. The total allowable catch for the Rock Lobster Fishery (Western 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 Rock Lobster Fishery (Western Zone) zone will be 66 kilograms.¹

Note

1. As specified in the Initial Quota Order, there are 3633.48 individual quota units for the Rock Lobster Fishery (Western Zone).

This Order commences on 1 July 2011 and remains in force until 30 June 2012.

Dated 14 June 2011

ANTHONY HURST
Executive Director Fisheries Victoria

Fisheries Act 1995

FURTHER QUOTA ORDER FOR
THE VICTORIAN ROCK LOBSTER FISHERY (EASTERN ZONE)

I, Mr Anthony Hurst, Executive Director Fisheries Victoria, as delegate of the Minister for Agriculture and Food Security, and having undertaken consultation in accordance with section 3A of the **Fisheries Act 1995** (the Act), make the following Order under section 64A of the Act 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 period commencing on 1 July 2011 and ending on 30 June 2012 ('the quota period').
2. The total allowable catch for the Rock Lobster Fishery (Eastern 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 Rock Lobster Fishery (Eastern Zone) is 66 kilograms.¹

Note

1. As specified in the Initial Quota Order, there are 1000 individual quota units for the Rock Lobster Fishery (Eastern Zone).

This Order commences on 1 July 2011 and remains in force until 30 June 2012.

Dated 14 June 2011

ANTHONY HURST
Executive Director Fisheries Victoria

Fisheries Act 1995

FURTHER QUOTA ORDER FOR
THE VICTORIAN GIANT CRAB FISHERY (WESTERN ZONE)

I, Mr Anthony Hurst, Executive Director Fisheries Victoria, as delegate of the Minister for Agriculture and Food Security, and having undertaken consultation in accordance with section 3A of the **Fisheries Act 1995** (the Act), make the following Order under section 64A of the Act for the Giant Crab Fishery in Victorian waters west of longitude 143°40' east (the western zone).

1. This Further Quota Order applies to the period commencing on 1 July 2011 and ending on 30 June 2012 ('the quota period').
2. The total allowable catch for the Giant Crab Fishery (Western Zone) for the quota period is 18 tonnes of giant crab.
3. The quantity of giant crabs comprising a quota unit for the quota period is 36 kilograms.¹

Note

1. As specified in the Initial Quota Order, there are 500 individual quota units for the Giant Crab Fishery (Western Zone).

This Order commences on 1 July 2011 and remains in force until 30 June 2012.

Dated 14 June 2011

ANTHONY HURST
Executive Director Fisheries Victoria

Fisheries Act 1995

FISHERIES NOTICE NO. 7/2011

I, Anthony Hurst, Executive Director Fisheries Victoria and delegate of the Minister for Agriculture and Food Security, make the following Fisheries Notice under section 152 of the **Fisheries Act 1995** (the Act) and after conducting consultation in accordance with section 3A of the Act.

Dated 16 June 2011

ANTHONY HURST
Executive Director Fisheries Victoria

FISHERIES (EUROPEAN GREEN SHORE CRAB) NOTICE NO. 7/2011

- 1. Title**

This Notice may be cited as the Fisheries (European green shore crab) Notice No. 7/2011.
- 2. Objectives**

The objectives of this Notice are to remove the recreational catch limit on the European green shore crab and to prohibit the use of live European green shore crab as bait and its release live into Victorian waters.
- 3. Authorising provision**

This Notice is made under section 152 of the Act.
- 4. Commencement**

This Notice comes into operation on 24 June 2011.
- 5. Definitions**

In this Notice –
‘**European green shore crab**’ means *Carcinus maenas*.
- 6. 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.

Note: Regulation 124(1) of the Fisheries Regulations 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, 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.
- 7. Prohibition on the use of live European green shore crab as bait**
 - (1) A person must not use live European green shore crab as bait in or on Victorian waters.
Penalty: 50 penalty units
 - (2) A person must not release live European green shore crab 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 European green shore crab from a body of water if the person immediately returns it to that water.
- 8. Revocation**

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

Geographic Place Names Act 1998

NOTICE OF REGISTRATION OF GEOGRAPHIC NAMES

The Registrar of Geographic Names hereby gives notice of the registration of the undermentioned place names.

Road Name	Locality	Proposer & Location
Rodda Lane	Melbourne	City of Melbourne Formerly known as Bowen Lane The road traverses north off La Trobe Street.
Kithbrooke Park Boulevard	Bellbrae	Surf Coast Shire Council Kithbrooke Retirement Village The road traverses west off Ghazeeopore Road.
Blue Gum Drive	Bellbrae	Surf Coast Shire Council Kithbrooke Retirement Village The road traverses north-west off Kithbrooke Park Boulevard.
Yellow Gum Way	Bellbrae	Surf Coast Shire Council Kithbrooke Retirement Village The road traverses west off Kithbrooke Park Boulevard.
Apple Gum Court	Bellbrae	Surf Coast Shire Council Kithbrooke Retirement Village The road traverses west off Kithbrooke Park Boulevard.
Sugar Gum Court	Bellbrae	Surf Coast Shire Council Kithbrooke Retirement Village The road traverses west off Kithbrooke Park Boulevard.
Mallee Gum Drive	Bellbrae	Surf Coast Shire Council Kithbrooke Retirement Village The road traverses west off Kithbrooke Park Boulevard.
Mountain Gum Court	Bellbrae	Surf Coast Shire Council Kithbrooke Retirement Village The road traverses north off Yellow Gum Way.
Peppermint Gum Way	Bellbrae	Surf Coast Shire Council Kithbrooke Retirement Village The road traverses east off Kithbrooke Park Boulevard.
Snow Gum Avenue	Bellbrae	Surf Coast Shire Council Kithbrooke Retirement Village The road traverses east off Kithbrooke Park Boulevard
Rose Gum Avenue	Bellbrae	Surf Coast Shire Council Kithbrooke Retirement Village The road traverses east off Kithbrooke Park Boulevard.
Red Gum Way	Bellbrae	Surf Coast Shire Council Kithbrooke Retirement Village The road traverses east off Kithbrooke Park Boulevard.

Water Gum Drive	Bellbrae	Surf Coast Shire Council Kithbrooke Retirement Village The road traverses north off Red Gum Way.
River Gum Terrace	Bellbrae	Surf Coast Shire Council Kithbrooke Retirement Village The road traverses north off Water Gum Drive.

Localities:

File No.	Naming Authority	Place Name	Location
LA/12/0016	City of Ballarat	Lucas	Formerly known as part of Cardigan. The locality boundary for Lucas will commence from Remembrance Drive between the Ballarat–Skipton Rail Trail to Dyson Drive then south along Dyson Drive to Ballarat–Carngham Road, then west to Ballarat–Skipton Rail Trail then north to Remembrance Drive.

Office of Geographic Names

c/- **LAND VICTORIA**
17th Floor
570 Bourke Street
MELBOURNE 3000

JOHN E. TULLOCH
Registrar of Geographic Names

Geographic Place Names Act 1998

CORRIGENDUM

In the Victoria Government Gazette No. G19, 12 May 2011, page 1038, under **Geographic Place Names Act 1998**, Notice of Registration of Geographic Names, the road name of Babbler Road should read Babbler Lane.

In the Victoria Government Gazette No. G15, 14 April 2011, page 816, under **Geographic Place Names Act 1998**, Notice of Registration of Geographic Names, the locality boundary on the west side of Portland near Derril Road to match the local government boundary should read to include 37 Malings Road, Portland in the locality of Portland West.

In the Victoria Government Gazette No. G35, 2 September 2010, page 1929, under **Geographic Place Names Act 1998**, Notice of Registration of Geographic Names, the Registrar of Geographic Names hereby gives notice of the withdrawal of the following notices:

Rennie Road, Longwood
Donaldson Road, Nagambie
Cummins Road, Nagambie
Patten Road, Tabilk

Office of Geographic Names

c/- **LAND VICTORIA**
17th Floor
570 Bourke Street
MELBOURNE 3000

JOHN E. TULLOCH
Registrar of Geographic Names

Health Services Act 1988
HEALTH PURCHASING VICTORIA
 Purchasing Policy (Section 134)
 Final Notice of Making a Purchasing Policy

Overview

On 21 August 2008 Health Purchasing Victoria ('HPV') issued a purchasing policy in relation to its tendering activities in accordance with section 134 of the **Health Services Act 1988** (Vic.) ('the August 2008 Purchasing Policy').

Pursuant to section 134 of the **Health Services Act 1988** (Vic.), HPV, having proposed to revoke the August 2008 Purchasing Policy and make a new purchasing policy, and having published the terms of that Policy in Government Gazette G21 dated 26 May and invited comment and submissions thereon (none having been received by the due date), now issues final notification of that purchasing policy (to be styled 'Principal Purchasing Policy') to govern the future tendering activities of HPV pursuant to the terms of that policy attached to and forming part of this notice.

For the avoidance of doubt, nothing in this policy affects the contracts which were entered into in accordance with the August 2008 Purchasing Policy, or any other earlier dated purchasing policy made by HPV. Those contracts continue to have legal force in accordance with their respective terms.

POLICY		PRINCIPAL PURCHASING POLICY	
Category:	Governance	Ref. No.:	HPV005
Responsibility for Review:	Board	Revision:	001
Date Approved:	April 2011	Review Date:	April 2013

PURPOSE

Pursuant to section 134 **Health Services Act 1988** (Vic.) ('the Act'), this policy is made to establish an effective operational and delivery strategy for HPV's forward Prospective Tender Schedule and Confirmed Annual Tender Program. It is designated as 'Principal' in order to differentiate it from other Purchasing Policies which may be developed from time to time. When gazetted it replaces earlier dated general Purchasing Policies, but in no way affects the efficacy of any contracts entered pursuant to those previous policies.

This policy becomes effective from the date of publication in the Government Gazette.

POLICY**1. Terms**

In this policy –

- 1.1. the definitions contained in the Act apply to this policy
- 1.2. 'supplier' means a person or body supplying goods or services under a contract entered pursuant to this policy
- 1.3. 'hospitals and health services' means those hospitals and health services bound by this policy
- 1.4. 'procurement arrangement' means the tendered request for delivery of goods and/or services and the contractual identification of the terms of that arrangement pursuant to this policy.

2. Application

- 2.1 This policy applies to all public hospitals listed in Schedule 1, and to all public health services listed in Schedule 5 of the Act, unless:
- specifically exempted in accordance with the Act or otherwise pursuant to this policy
 - it is determined that pursuant to the procurement arrangements for specific purposes it is appropriate to secure those arrangements by limiting application to certain hospitals or health services only.
- 2.2 HPV may apply this policy to facilitate collaborative procurement arrangements in conjunction with certain public hospitals and public health services.
- 2.3 Additionally, where the policy allows other health or related entities by agreement to take advantage of HPV contracts entered, such entities may be required to be bound by the policy terms.

3. Policy Requirements

- 3.1 Hospitals and health services where so nominated in a procurement arrangement are required to:
- 3.1.1 abide by the results of the tenders which HPV (or its appointed agent) calls in accordance with this policy and the terms of any resulting contracts entered by HPV.
- 3.1.2 only purchase goods and/or services which are the subject of HPV contracts awarded pursuant to the policy to supply those goods and services.
- 3.1.3 assist HPV in identifying potential tendering opportunities, including working with HPV to collect procurement data to assist that identification process, and developing the tender program.
- 3.1.4 provide input into the development of business cases as requested.
- 3.1.5 nominate participants in consultative and advisory groups, including product reference groups, that will contribute towards:
- 3.1.5.1 the development of tender specifications;
- 3.1.5.2 the evaluation of bid responses and/or other negotiations with suppliers.
- 3.1.6 report compliance with this policy and periodic contract and associated details as requested by HPV.
- 3.1.7 where mutually agreed, act as HPV agent in its own right, or as a contractor in that behalf for HPV, in the conduct of tenders and contract in circumstances and on terms which secure adequate risk management protection for HPV and that agent (such appointment only to be made if mutually acceptable).
- 3.1.8 consider and report whether planned procurement activities are advantaged through HPV involvement and the potential for further value for other HPV clients.
- 3.1.9 refrain from proposing or entering into an agreement, arrangement or understanding which is inconsistent with this Policy or which has or may have the effect of subverting the prescribed legislative powers and/or functions of HPV or all or part of this Policy.

4. Prospective Tender Schedule

- 4.1 HPV will in consultation with stakeholders develop a schedule of prospective tender requirements covering at least three years, which will include:
- 4.1.1 'Greenfield' tendering activity; and

4.1.2 Replacement or renewed tenders the intention of which is to supplant (and perhaps expand upon) existing contracts.

4.2 The prospective tender schedule may be amended by HPV from year to year to reflect the developing needs of the public health system.

5. Confirmed Annual Tender Program

5.1 HPV will publish a finalised prospective tender schedule at least annually, but having regard to the needs of both stakeholders and the market, such publishing may occur more often as may be desirable or necessary at the discretion of HPV. The published schedule for the next year following will be then known as the 'Confirmed Annual Tender Program' (CATP).

5.2 The CATP may be amended by HPV (after consultation with hospitals and health services), provided that adequate notice of the proposed amendment is given. The amendments may include:

5.2.1 the addition of other tender(s), including any tenders which may be required by government to fulfill a particular need, but which are not subject to consultation or notice as above;

5.2.2 the deferment of a scheduled tender to a subsequent year; and/or

5.2.3 the removal of a scheduled tender.

5.3 At the date of publication of the CATP for a relevant period hospitals and health services may only enter into a new contract or renew any current contract with suppliers for goods or services which are the subject of the CATP (as may be amended in accordance with subclause 5.2), where there is a contractual capacity to terminate forthwith any such contract when a relevant HPV contract for the same deliverables is entered.

5.4 For the avoidance of doubt, the obligation in subclause 5.3 does not apply to goods or services which have been removed from the CATP, from the time of that removal.

6. Exemption from Policy Requirements

6.1 Application of this policy in respect of certain matters may be suspended from time to time relative to a hospital or health service to the extent detailed in Parts A to D of this clause, provided that the hospital or health service seeking exemption complies with any requirements of those provisions and is granted appropriate exemption. Such hospitals and health services as may be granted exemption are required to comply with this policy in all other respects.

6.2 HPV will in exercising its discretion pursuant to this clause concerning an application for exemption have regard to the factors referred to in section 133 of the Act.

6.3 Should a hospital or health service be denied exemption, or any exemption having been granted is no longer applicable to the circumstances of the hospital or health service, or it is necessary to vary an exemption, the policy will from that date be applied in accordance with any varied exemption or otherwise in full.

A. Existing contracts

Consideration will be given to an application for exemption where the relevant details are provided to HPV by the Chief Executive Officer of a hospital or health service concerning:

- the extent that a hospital or health service has a current contract in force in respect of the supply of particular goods and/or services at the time notification occurs that those goods and/or services are part of a Confirmed Annual Tender Program in accordance with clause 5 of this policy; or

- an HPV contract entered in accordance with a previous direction or purchasing policy issued by HPV; or
- an HPV contract entered outside the Confirmed Annual Tender Program in circumstances where on behalf of various stakeholders HPV is requested to act to represent their special interests and HPV does so in the exercise of its discretion accordingly, noting that if a health service is not part of the stakeholder group, then no exemption application is required.

Any HPV contract let in accordance with a previous direction or purchasing policy will continue to be subject to the conditions of the said direction or purchasing policy.

B. Exemption Criteria

If at any time no less than 5 days prior to the release of a tender, or within a reasonable period after the HPV has determined to enter a contract with a supplier (but in any event prior to the contract commencement date), and regarding particular goods or services covered in the relevant Confirmed Annual Tender Program, the Chief Executive Officer of a hospital or health service –

- notifies HPV in writing that exemption is sought from participation in the particular tender or contract, as the case may be (either in whole or part) on:
 - clinical or operational grounds (as defined herein); or
 - the effect of the tender and proposed contract with regard to potential impact on the viability of small or medium sized businesses or local employment growth or retention, and
- HPV considers in its absolute discretion that the reasons advanced support a grant of exemption, and determines accordingly:

Then that hospital or health service in relation to that tender or contract as the case may be, and those goods or services for which the hospital or health service seeks exemption may accordingly be exempted from the application of the policy.

Notwithstanding the requirements of this Part B Exemption Criteria, HPV may in the exercise of its absolute discretion at any time grant exemption to a hospital or health service where it is reasonably established special circumstances exist to justify exemption, with or without condition. In making this decision HPV will have regard to the matters specified in section 133 of the Act.

C. Exemption Protocol

Accompanying the notice seeking exemption shall be a statement of the reasons, including reasonable evidence of any tender, standing offer, contract or other arrangement the hospital or health service may have under consideration relating to such goods or services in lieu of the proposed HPV tender or contract, or otherwise any reasons effectively preventing it at law from so doing.

In assessing the reasons provided in support of exemption HPV may ask for supporting documentation or other identifying material which it believes is required to assist the making of a decision, and the hospital or health service shall comply to the best of its ability.

A hospital or health service having sought and received exemption from a specific tender or contract is permitted to be included in that tender prior to its release or the contract, as the case may be, at the absolute discretion of HPV and is conditional upon the hospital or health service supplying HPV with data or other material regarding its current arrangements (if any) in relation to the procurement of the good or service (including data about volume and price of those goods or services).

HPV shall endeavor to consider and determine the issues contained in a notice seeking exemption as soon as possible prior to formally sanctioning any withdrawal.

Hospitals and health services must maintain absolute confidentiality of draft tender specifications, and may not discuss the same or any related detail with any party not representing the same interests as HPV without the express written consent of HPV.

D. Definition of ‘Clinical or Operational Grounds’

For the purposes of this policy ‘clinical or operational grounds’ establishes the continuing reasons why an exemption from participation and/or purchase or use of a particular good or service by a hospital or health service (other than in accordance with this policy) is necessary to ensure –

- that patients of the hospital or health service will receive clinically appropriate treatment or care; or
- the effective administration of the hospital or health service.

In establishing clinical or operational grounds it is not sufficient to rely upon the fact that a particular good or service has been traditionally used at the hospital or health service in the past or is preferred by employees of, or contractors to, the hospital or health service. Objectively verifiable reasons are necessary as to why the use of that particular good or service is required in the future or why a new or re-entered contract is preferred which does not align with the Policy requirements.

For example, a specialist service provided at the health service or hospital may necessitate the use of a unique product that is not available under the relevant tender, or operational reasons may dictate a need to enter into or renew a contract prior to the commencement of an HPV tender and the term of that contract may not be negotiable.

7. Compliance Reports

The Chief Executive of a hospital or health service is required to report at least annually to HPV in relation to compliance by their organisation with this policy. A report shall be in a format and include such details as HPV may require in order to meet its legislative obligations.

8 Assignment of Contract Rights/Novation

8.1 HPV may, at its absolute discretion, assign right of access to contracts entered by HPV pursuant to this policy, or an earlier purchasing policy or direction, in favour of a registered funded agency (as defined).

Such agencies may include (but are not necessarily limited to):

- multipurpose services;
- denominational public hospitals;
- privately run public hospitals;
- ambulance services;
- bush nursing hospitals;
- not-for-profit nursing homes; and/or
- other entities who receive program funding from the Department of Health.

8.2 Additionally, where a ‘health or related service’ (as defined) may seek contract access as above, and HPV determines in its absolute discretion that benefit would accrue to that agency in delivery of services directed to public health, such health or related service may be granted access on such terms and conditions as are appropriate and as may be mutually agreed, including but not limited to the requirement to relinquish other external purchasing arrangements or agreements for any items or services included in those HPV contracts in respect of which access may be sought. The onus of providing evidence of that benefit as may be required by HPV remains with the health or related service seeking access.

9. Supply, Logistic or Procurement Services

- 9.1 Where the deliverables pursuant to an existing or new HPV contract are, or may be intended for supply, *in specie*, for logistic purposes or pursuant to corporate group procurement policy, to another separately identifiable entity referred to in clause 8 which is a member of the same corporate group structure, the public hospital or health service shall identify that outcome to HPV. The prior approval of HPV for contract access, either upon the introduction or continuance of such arrangements shall be required pursuant to clause 8.
- 9.2 Approval by HPV to arrangements by public hospitals or health services for supply, logistic or procurement which may occur in relation to non health entities may be provided, where those arrangements are local and are not pursued with a view to profit and where a community or related benefit is established. The introduction or continuance of such arrangements, if approved, may be subject to conditions.

REFERENCES**Health Services Act 1988** (Vic.)**Veterinary Practice Act 1997**

ENDORSEMENT OF REGISTRATION AS A SPECIALIST PRACTITIONER

Under section 8 of the **Veterinary Practice Act 1997**, the following veterinary practitioner has been granted endorsement of registration as a specialist practitioner by the Veterinary Practitioners Registration Board of Victoria.

SPEC NO.	NAME	SPECIALISATION
123	LONG Fenella	Veterinary Pathobiology – Anatomic

Dated 17 June 2011

M. B. WILSON
Registrar
Veterinary Practitioners Registration Board of Victoria

Plant Health and Plant Products Act 1995**ORDER DECLARING A RESTRICTED AREA AT KYVALLEY FOR THE CONTROL OF QUEENSLAND FRUIT FLY**

I, Peter Walsh, Minister for Agriculture and Food Security, under section 20 of the **Plant Health and Plant Products Act 1995**, make the following Order declaring a restricted area for the control of Queensland Fruit Fly and specifying the prohibitions, restrictions and requirements which are to operate in the restricted area.

Dated 15 June 2011

PETER WALSH MLA
Minister for Agriculture and Food Security

1. Objective

The objective of this Order is to declare a restricted area for the control of Queensland Fruit Fly at Kyvalley, and to specify the prohibitions, restrictions and requirements which are to operate in the restricted area.

2. Authorising provisions

This Order is made under section 20 of the **Plant Health and Plant Products Act 1995**.

3. Definition

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;

‘**Act**’ means the **Plant Health and Plant Products Act 1995**;

‘**authorised person**’ means a person authorised by the Department of Primary Industries;

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

‘**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;

‘**Queensland Fruit Fly**’ means the exotic pest *Bactrocera tryoni* (Froggatt); and

‘**Queensland Fruit Fly host material**’ means any fruit or vegetable listed in Schedule 1.

4. Restricted area for the control of Queensland Fruit Fly

The restricted area for the control of Queensland Fruit Fly is declared to be the area described in Schedule 2.

5. Prohibitions, restrictions and requirements

- (1) The removal from the restricted area into any part of Victoria of any Queensland Fruit Fly host material is prohibited.
- (2) Subclause (1) does not apply if the Queensland Fruit Fly host material is –
 - (a) packed, labelled and certified in accordance with any conditions prescribed by an accreditation program administered by the Department of Primary Industries; or
 - (b) accompanied by a plant health declaration issued by an authorised person declaring that the host material has been treated in a manner approved by the Manager Plant Standards; or
 - (c) accompanied by a plant health certificate issued by an inspector certifying that the host material has been treated in a manner approved by the Manager Plant Standards.
- (3) The owners and occupiers of land described in Schedule 3 must give an inspector access to such land for the purposes of inspection, deployment of any lures or traps, application of any treatment or performance of any other actions which are necessary for the eradication or prevention of spread of the pest.

- (4) The owners and occupiers of land described in Schedule 3 must, on instruction from an inspector, strip Queensland Fruit Fly host materials from plants, collect and dispose of waste material, or treat the material in a manner approved by the Manager Plant Standards.

6. Verification of Consignments

Any Queensland Fruit Fly host material removed from the restricted area in accordance with clause 5(2), and the accompanying certificate or declaration, must be:

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

Schedule 1

Abiu	Eggplant	Nectarine
Acerola	Feijoa	Orange
Apple	Fig	Passionfruit
Apricot	Goji Berry	Pawpaw
Avocado	Granadilla	Peach
Babaco	Grape	Peacharine
Banana	Grapefruit	Pear
Black Sapote	Grumichama	Pepino
Blackberry	Guava	Persimmon
Blueberry	Hog Plum	Plum
Boysenberry	Jaboticaba	Plumcot
Brazil Cherry	Jackfruit	Pomegranate
Breadfruit	Jew Plum	Prickly Pear
Caimito (Star Apple)	Ju jube	Pummelo
Cape Gooseberry	Kiwifruit	Quince
Capsicum	Lemon	Rambutan
Carambola (Starfruit)	Lime	Raspberry
Cashew Apple	Loganberry	Rollinia
Casimiroa (White Sapote)	Longan	Santol
Cherimoya	Loquat	Sapodilla
Cherry	Lychee	Shaddock
Chilli	Mandarin	Soursop
Citron	Mango	Strawberry
Cocoa Berry	Mangosteen	Sweetsop (Sugar Apple)
Cumquat	Medlar	Tamarillo
Custard Apple	Miracle Fruit	Tangelo
Date	Mulberry	Tomato
Durian	Nashi	Wax jambu (Rose Apple)

Schedule 2

The area of land in Victoria within a radius of fifteen kilometres of the outbreak epicentre at 145.03223° East, 36.29377° South.

Schedule 3

The area of land in Victoria within a radius of one and a half kilometres of the outbreak epicentre at 145.03223° East, 36.29377° South.

Note: Section 21 of the **Plant Health and Plant Products Act 1995** provides that a person is guilty of an offence and liable for a penalty not exceeding 50 penalty units in the case of a natural person, and 100 penalty units in the case of a body corporate for moving any host material from a restricted area contrary to any restrictions, unless authorised to do so by a permit issued by an Inspector.

**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 2011

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 2011.

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	\$183 per hour*	\$306 per hour*
Rate for individuals 75 years old and over	\$50 per person	\$306 per hour*

* Minimum charge is one hour

1.2 ENDURING POWERS OF ATTORNEY PREPARATION

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

Prepared but not activated immediately:	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	\$61 per person	\$130 per person
Prepared and activated immediately:	If State Trustees is appointed sole Attorney	All other Attorney appointments.
Individual Rate	Nil	\$130 per person

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

Individual	\$83 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"> ● Enduring Power of Attorney (Financial), where State Trustees is appointed sole Attorney or sole alternative Attorney;⁺ ● Enduring Power of Attorney (Medical Treatment); and ● Enduring Power of Guardianship ⁺ Where the Primary Attorney is a spouse/partner
Individual	\$165

1.3 TRAVEL FEE

Travel involved in visiting the client	\$183 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).		
Charged according to hourly Legal Services rates:	Senior Lawyer	\$422 per hour
	Lawyer	\$319 per hour
	Junior Lawyer	\$194 per hour
	Articled Clerk/Para-Legal/Law Clerk	\$183 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 of 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

Capital Commission	
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>
Income Commission	
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.	\$183 per hour
Assisting with a survivorship application where no deceased estate is administered.	\$183 per hour

2.3 Enduring Power of Attorney (Financial) Administration

Capital Commission	
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>
Income Commission	
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

Capital Commission	
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>
Income Commission	
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 AND MISSING PERSONS (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 of 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)

Income Commission	
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%

Capital Commission	
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.	\$183 per hour

(ii) Temporary Order Administration

Temporary Order Administration	\$183 per hour
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(iii) Administrations for Missing Persons

Administrations for Missing Persons	\$183 per hour
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Note: For administrations of uncared for property under the **Administration and Probate Act 1958**, the same rates of commission and fees apply as for Trust administration (as set out above).

4. ADDITIONAL SERVICES**4.1 LEGAL SERVICES**

Legal fees, for services such as document preparation, legal advice and litigation:	Senior Lawyer	\$422 per hour
	Lawyer	\$319 per hour
	Junior Lawyer	\$194 per hour
	Articled Clerk/Para-Legal/Law Clerk	\$183 per hour
Probate Fees	Charged in accordance with current Supreme Court (Administration and Probate) Rules.	

4.2 CONVEYANCING FEES

Sale or purchase of residential real estate.	\$826 [§] per sale/purchase
Sale or purchase of commercial real estate.	\$953 [§] per sale/purchase
Sale or purchase of retirement village property.	\$1073 [§] 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	\$377
Caveat or withdrawal of Caveat over property	\$153
Arranging the discharge of the mortgage with the Lender	\$189
Application by Personal Representative or Survivorship Application	\$189
Supporting Statutory Declaration	\$98
Lost Title Application	\$1054
Notice of Rescission	\$371

Sundries	\$28 per matter (flat fee)
Production of Certificate of Title or other documentation for a third party	\$77 per document
Any other Conveyancing service not listed above	\$183 per hour or as otherwise agreed

4.3 TAXATION SERVICES

Taxation Services:	Accountant, Trainee Accountant: \$183 per hour Senior Accountant, Intermediate Accountant: \$219 per hour
Computer Assisted Reviews	\$92 per review
Application for refund of excess franking credits	\$57 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

Plan Preparation and Plan Review Fees:	
● Where the investment assets are valued at \$30,000 to \$75,000:	
Standard Plan/Review Fee	
Where investment assets such as superannuation, allocated and other superannuation pensions, direct shares, securities or investment real estate are held.	\$171 per Plan/Review
In all other cases (basic investment assets, including managed funds).	\$85.50 per Plan/Review
● Where the investment assets are valued over \$75,000 but not more than \$250,000:	
Plan Preparation Fee	\$183 per hour
Plan Review Fee	\$183 per hour
● Where the investment assets are valued over \$250,000:	
Plan Preparation Fee	\$205 per hour
Plan Review Fee	\$205 per hour
● Specific advice and services	
Property advice	\$183 per hour
Corporate actions	\$183 per hour
Superannuation advice	\$183 per hour
Ancillary services	\$183 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) 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

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**

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

4.6(ii) Private Charitable Trusts

Management Fee on funds held in Common Funds 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) Administration Fee: or (b) Income Commission and Capital Commission	Up to 0.495% per annum 6.6% Up to 5.5%
Applicable to some Charitable Trusts established prior to 1 July 2001.	

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

Management Fee on funds held in Common Funds. 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) or by ringing (03) 9667 6371.

4.9 GENEALOGICAL SERVICES

Probate Genealogy	\$183 per hour
Other commercial research tasks, eg 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	\$173 per hour
Examination of Account by Administrator	\$173 per hour (minimum charge is one hour)

5. OTHER SERVICES

1. Travel (servicing Victoria only)	Travel involved in providing any service within Victoria may be subject to a fee: \$183 per appointment. <i>Travel involved in visiting a represented person for whom State Trustees acts as administrator will not incur this fee.</i>
2. Interpreter Services	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. This will ensure that the Will and/or EPA accurately expresses the client's wishes. An interpreter may also be required at an appointment to discuss Estate, Trust, Attorneyship or VCAT-appointed administration issues, or to obtain Financial Planning or Taxation advice. 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, for Will or EPA preparation appointments, will be reimbursed on presentation of a receipt if State Trustees is appointed Executor, Co-Executor or sole 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.
3. Payment for Wills, Enduring Powers of Attorney and Executor Advice	Payment is required for Will and Enduring Power of Attorney document preparation, and Executor Advice, at the initial appointment time.
4. Disbursements	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.
5. Reduction or Waiver	State Trustees may reduce or waive its fees, commissions and charges at its discretion.

6. Hourly Fee	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.
7. Advances	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 Penalty Interest Rates Act 1983 , less 2.5%.
8. GST	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.

Note: The provisions of the **Trustee Companies Act 1984** apply to State Trustees Limited in the form preserved by Section 20A of the **State Trustees (State Owned Company) Act 1994**.

Water Act 1989

NOTICE OF AMENDMENT MADE TO THE BARWON RIVER ENVIRONMENTAL ENTITLEMENT 2011 FOR COMMENCEMENT OF VICTORIAN ENVIRONMENTAL WATER HOLDER

Notice is given that by notice on 17 June 2011, Peter Walsh, Minister for Water, as Minister administering the **Water Act 1989**, made amendment to Barwon River Environmental Entitlement 2011 to come into effect on 1 July 2011.

The amendment was made pursuant to clause 6 of Schedule 4 to the **Water Act 1989**.

The Victorian Environmental Water Holder will be established on 1 July 2011 pursuant to section 33DB of the **Water Act 1989**.

Details of the amendment can be found on the water register website (www.waterregister.vic.gov.au) or on request, by writing to: Legislation Officer, Sustainable Water Environments Division, Office of Water, 8 Nicholson Street, East Melbourne, Vic. 3002.

Water Act 1989

BARWON RIVER ENVIRONMENTAL ENTITLEMENT 2011

I, Peter Walsh, Minister for Water, as Minister administering the **Water Act 1989**, allocate the following environmental entitlement –

PART 1 – INTRODUCTORY

TITLE

1. This Instrument is called the Barwon River Environmental Entitlement 2011.

PURPOSE

2. The purpose of this Instrument is to establish an environmental entitlement to water in the Barwon River system.

COMMENCEMENT

3. This Instrument comes into operation on the day it is published in the Government Gazette.

EMPOWERING PROVISIONS

4. This Instrument is made under section 48B of the **Water Act 1989**.

DEFINITIONS

5. In this Instrument –

‘**Act**’ means the **Water Act 1989**;

‘**AHD**’ means the Australian Height Datum;

‘**Annual Watering Plan**’ means a document prepared by the environment Minister that details the use of water under this entitlement for a particular year to achieve the objectives of the Environmental Operating Strategy;

‘**Barwon River system**’ means the Barwon River and its tributaries in the Barwon Basin, as well as the fringing wetlands including Reedy Lake and Hospital Swamp;

‘**Corangamite Catchment Management Authority**’ means the Catchment Management Authority established for the Corangamite catchment and land protection region established under section 11(1) of the **Catchment and Land Protection Act 1994** and which has the region’s waterway management district functions under the Act;

‘**Department**’ means the Department supporting the Minister administering the Act;

‘**environment Minister**’ has the same meaning as in section 3(1) of the Act;

‘**Environmental Operating Strategy**’ means the strategic planning document prepared by the environment Minister that sets out the principles and overarching objectives for the use of the water under this entitlement;

‘**Hospital Swamp inlet**’ means the regulating structure from the Barwon River to Hospital Swamp located at Latitude –38.22002, Longitude 144.40109, Geocentric Datum of Australia;

‘**licence**’ means any licence granted under Part 4 of the Act;

‘**McIntyre Bridge Gauging Station**’ means the stream gauging station, number 233217 (Barwon River @ Geelong) located on the Barwon River at Geelong;

‘**Minister**’ means the Minister administering the **Water Act 1989**, and in relation to a provision, includes any person authorised by the Minister to act on the Minister’s behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under section 306 of the Act;

‘**Operating Arrangements**’ means a document prepared under clause 18 of this Instrument that sets out the roles and responsibilities of the parties and management arrangements for use of water under this entitlement;

‘**Parks Victoria**’ means the body referred to in the **Parks Victoria Act 1998**;

‘**Reedy Lake inlet**’ means the regulating structure from the Barwon River to Reedy Lake located at Latitude –38.21405, Longitude 144.41070, Geocentric Datum of Australia;

‘**Southern Rural Water**’ means Gippsland and Southern Rural Water Corporation trading as Southern Rural Water;

‘**year**’ means the twelve months commencing 1 July;

‘**Upstream of Lower Barrage Gauging Station**’ means the stream gauging station, number 233269A (Barwon River @ Upstream of Lower Barrage Geelong) located on the Barwon River upstream of the Lower Barrage.

PART 2 – THE ENTITLEMENT**ENTITLEMENT TO WATER**

6. The environment Minister is entitled to water from the Barwon River system in accordance with this Instrument.

LOWER BARWON WETLANDS ENTITLEMENT

7. Subject to clauses 8 and 9, the environment Minister is entitled to take water from the Barwon River downstream of the McIntyre Bridge Gauging Station for the purpose of inundating floodplain wetlands, in accordance with the Annual Watering Plan and operating arrangements.
8. The water taken under clause 7 may be only be taken from the waterway at the following locations:
- (a) Reedy Lake inlet; and
 - (b) Hospital Swamp inlet.
9. The water taken under clause 7 may be taken from the waterway at any time when river height is –
- (a) above 0.7 metres AHD as recorded at the Upstream of Lower Barrage Gauging Station; or
 - (b) if the Upstream of Lower Barrage Gauging Station is not in operation –
 - (i) for water taken at the Reedy Lake inlet, above 0.7 metres AHD as recorded at the Reedy Lake inlet; or
 - (ii) for water taken at the Hospital Swamp inlet, above 0.7 metres AHD as recorded at the Hospital Swamp inlet.
10. The water taken under clause 7 must be used to provide environmental watering for the lower Barwon wetlands, including Reedy Lake and Hospital Swamp.
11. The environment Minister is not permitted to transfer the entitlement to water provided for under clause 7.

PART 3 – OPERATION AND MANAGEMENT**ENVIRONMENTAL OPERATING STRATEGY**

12. The environment Minister must prepare an Environmental Operating Strategy for the use of water under this entitlement within twelve months of the commencement of this Instrument.
13. The Environmental Operating Strategy must –
- (a) include a framework for the development of an Annual Watering Plan;
 - (b) be consistent with the Environmental Water Reserve Objective described in section 4B of the Act; and
 - (c) have regard to environmental, social and economic benefits and costs.
14. The environment Minister must review and update the Environmental Operating Strategy established under clause 12 at least every five years in consultation with the Department.
15. The environment Minister must supply the Department, Parks Victoria, Corangamite Catchment Management Authority and Southern Rural Water with the most up-to-date version of the Environmental Operating Strategy.

ANNUAL WATERING PLAN

16. The environment Minister must develop an Annual Watering Plan in accordance with the framework set out in the Environmental Operating Strategy referred to in clause 13(a) of this Instrument. The Annual Watering Plan must be reviewed and updated annually.
17. The environment Minister must supply the Department, Parks Victoria, Corangamite Catchment Management Authority and Southern Rural Water with the most up-to-date version of the Annual Watering Plan.

OPERATING ARRANGEMENTS

18. The environment Minister, jointly with Corangamite Catchment Management Authority, Southern Rural Water and Parks Victoria must endeavour to agree on operating arrangements for the water taken under this entitlement.
19. The operating arrangements must give reasonable consideration to avoiding potential adverse impacts of taking water under this entitlement on other entitlement holders in the Barwon River downstream of the McIntyre Bridge Gauging Station.
20. If the environment Minister, jointly with Corangamite Catchment Management Authority, Southern Rural Water and Parks Victoria have not reached agreement under clause 18 within twelve months of the date of this Instrument, either party may give written notice to the other party requiring the matter to be determined in accordance with clauses 29 to 37.
21. The environment Minister, jointly with Corangamite Catchment Management Authority, Southern Rural Water and Parks Victoria may vary the operating arrangements from time to time.

METERING PROGRAM

22. The environment Minister must propose to the Minister, within twelve months of the date of this Instrument, a metering program to demonstrate compliance with this entitlement.
23. The Minister may –
 - (a) approve the program proposed under clause 22; or
 - (b) require the environment Minister to amend the proposed program; and
 - (c) require the environment Minister –
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.

REPORTING REQUIREMENTS

24. The Minister may require the environment Minister to report on all or any of –
 - (a) the water diverted under this entitlement in any watering event;
 - (b) the annual volume of water diverted under this entitlement;
 - (c) any bulk entitlement, licence or water right, temporarily or permanently transferred to the environment Minister;
 - (d) any amendment to this Instrument;
 - (e) any failure by the environment Minister to comply with any provision of this Instrument; and
 - (f) any existing or anticipated difficulties experienced by the environment Minister in complying with this Instrument and any remedial action taken or proposed.
25. The Minister may require the environment Minister to report on all or any of the matters set out in clause 24 –
 - (a) in writing, or in such electronic form as may be agreed between the environment Minister and the Minister; and
 - (b) within 14 days of receiving the Minister's written request or such longer period as the Minister may determine.

DATA

26. The Minister will endeavour to ensure that all hydrological and other data required by the environment Minister to comply with this entitlement is made available to the environment Minister.

27. The environment Minister must make available to any person data collected by or on behalf of the environment Minister for the purpose of clause 26 subject to the person paying any fair and reasonable access fee imposed by the environment Minister to cover the costs of making the data available to that person.

COSTS

28. The environment Minister will be responsible for the costs associated with the use of water to which the environment Minister is entitled under clause 7 of this Instrument.

PART 4 – DISPUTE RESOLUTION

DISPUTE RESOLUTION

29. If a difference or dispute arises between the environment Minister and Corangamite Catchment Management Authority, Parks Victoria or Southern Rural Water, concerning the interpretation or application of the Instrument, the environment Minister may give written notice to Corangamite Catchment Management Authority, Parks Victoria or Southern Rural Water requiring the matter to be determined by an independent expert.
30. If a difference or dispute arises between the environment Minister and Corangamite Catchment Management Authority, Parks Victoria or Southern Rural Water, concerning the interpretation or application of the Instrument, and Corangamite Catchment Management Authority, Parks Victoria or Southern Rural Water gives written notice to the environment Minister requiring the matter to be determined by an independent expert, the environment Minister must comply with the notice.
31. The notice requiring that the matter be determined by independent expert may only be given 14 days after the matter has arisen. The independent expert may only commence to determine the matter a further 14 days after the giving of that notice.
32. The independent expert will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
 - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators, Australia.
33. The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
34. The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
35. In any difference or dispute to which the Minister is a party –
- (a) the independent expert must express the conclusion as a recommendation; and
 - (b) the Minister must consider any recommendation made under paragraph (a) before deciding whether there are grounds for giving a direction pursuant to section 48J(2) of the Act.
36. In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
37. The environment Minister may request the Minister to determine the apportionment of the costs of and incidental to every reference, including the costs of the independent expert.

Dated 17 June 2011

Responsible Minister
PETER WALSH MLA
Minister for Water

Water Act 1989

**DETERMINATION OF ENVIRONMENTAL ENTITLEMENT TO BE TRANSFERRED TO
THE VICTORIAN ENVIRONMENTAL WATER HOLDER**

I, Peter Walsh, Minister for Water, as Minister administering the **Water Act 1989**, make this notice of transfer of an environmental entitlement to the Victorian Environmental Water Holder under clause 7 of Schedule 4 of the **Water Act 1989**.

1. DEFINITIONS

In this Determination –

‘**environment Minister**’ has the same meaning as in section 3 of the **Water Act 1989**;

‘**Water Holder**’ has the same meaning as in section 3 of the **Water Act 1989**;

2. COMMENCEMENT

This Determination takes effect on 1 July 2011.

**3. BARWON ENVIRONMENTAL ENTITLEMENT 2011 TRANSFERRED TO THE
VICTORIAN ENVIRONMENTAL WATER HOLDER**

The Barwon River Environmental Entitlement 2011 is transferred from the environment Minister to the Water Holder.

Details of entitlements can be found on the water register website: www.waterregister.vic.gov.au

Dated 17 June 2011

Responsible Minister
PETER WALSH MLA
Minister for Water

Water Act 1989**BULK ENTITLEMENT (RIVER MURRAY – FLORA & FAUNA)
CONVERSION AMENDMENT ORDER 2011**

I, Peter Walsh, as Minister administering the **Water Act 1989** (the Act), make the following Order –

1 Title

This Order is called the Bulk Entitlement (River Murray – Flora & Fauna) Conversion Amendment Order 2011.

2 Purpose

The purpose of this Order is to amend the Bulk Entitlement (River Murray – Flora & Fauna) Conversion Order 1999 (the Bulk Entitlement Order) to include an unregulated flow entitlement for the environment in the River Murray in recognition of Victoria's historic use of Murray unregulated flows for environmental watering. The development of this entitlement was an outcome of the Northern Region Sustainable Water Strategy (NRSWS) (2009) (Action 4.18).

Unregulated flow in the River Murray is water that cannot be captured in Lake Victoria and which is or will be in excess of the required flow to South Australia, as forecast by MDBA. Under the Murray–Darling Basin Agreement, MDBA may declare a period of unregulated flows in the River Murray when these conditions have been met. In addition to recognising Victoria's historic use of this water for environmental purposes, this amendment Order establishes rules of access for this entitlement.

Amendments in this Order also further clarify the different access arrangements around the entitlements to water under the Living Murray Initiative and the flora and fauna entitlement. While remaining consistent with the basis and intent of the nine original River Murray Bulk Entitlements, this Order establishes more flexible and contemporary arrangements for the taking and returning of water under the Bulk Entitlement Order. This flexibility is necessary as a result of new infrastructure and improved practices for environmental watering in the River Murray. A new clause for return flows provides better clarity around the right to return flows and is consistent with the NRSWS Policy 4.8.

A number of consequential amendments are made to the reporting and metering aspects of this Bulk Entitlement Order as a result of the changes.

There are also a number of minor amendments made under this Order for the purpose of correcting drafting errors in the Bulk Entitlement Order, and consequential changes as a result of amendments to the Act.

3 Authorising provision

This Order is made in accordance with section 44 of the **Water Act 1989**.

4 Commencement

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

5 Amendment of clause 4 – Definitions

In clause 4 of the Bulk Entitlement Order –

- (a) For the definition of 'Agreement' substitute –
“**Agreement** means the Murray–Darling Basin Agreement as contained in Schedule 1 of the Water Act 2007 (Commonwealth);”;
- (b) insert the following definition –
“**ATS 4747** means the Australian Technical Specification 'ATS 4747 – Meters for Non-Urban Supply' as published by Standards Australia and amended from time to time;”;

- (c) insert the following definition –
“**Environmental Water Reserve Objective**’ has the meaning given in section 4B of the Act;”;
- (d) delete the first (duplicate) definition for ‘Goulburn–Murray Water’;
- (e) in the definition of ‘headworks system’ for ‘Authority’ substitute ‘Corporation’;
- (f) for the definition of ‘Living Murray entitlement’ substitute –
“**Living Murray entitlement**’ means the entitlement described in Table 2 of Schedule 5;”;
- (g) insert the following definition –
“**Living Murray unregulated flow entitlement**’ means the unregulated flow component of this entitlement as specified in Table 2 of Schedule 5.”;
- (h) delete –
“**MDBA**’ means the Murray–Darling Basin Authority, or any business division of that Authority or that Authority’s assignee or delegate exercising any relevant function;”;
- (i) insert the following definition –
“**nominated delivery point**’ means the location at which an order for a volume of water is or will be supplied under this bulk entitlement as directed by the environment Minister;”;
- (j) for the definition of ‘Operating Arrangements’ substitute –
“**operating arrangements**’ means agreed arrangements made under clause 15B for the supply of water under this entitlement;”;
- (k) delete the definition for ‘River Murray Water’;
- (l) insert the following definition –
“**unregulated flow**’ means the flow made available under an Unregulated Flow Advice as instructed by MDBA;”;
- (m) in the definition of ‘Valley Cap’ after the words ‘accordance with’ insert ‘Tables 2 and 3 of’;
- (n) insert the following definition –
“**Victorian unregulated flow entitlement**’ means the unregulated flow component of this entitlement as specified in Table 1 of Schedule 5;”.

6 Change of reference

For ‘River Murray Water’, wherever appearing in the Bulk Entitlement, substitute ‘MDBA’.

7 Amendment of clause 6 – Bulk Entitlement

- (1) For sub-clause 6.1(a) of the Bulk Entitlement Order substitute –
 - ‘(a) for the purpose of providing for flora and fauna needs:
 - (i) the environment Minister’s share of the water available to meet the high-reliability entitlements as shown in Table 1 of Schedule 1, being the ‘Flora & Fauna’ entitlement; and
 - (ii) water available under the Victorian unregulated flow entitlement as specified in Table 1 of Schedule 5 –and.’
- (2) For sub-clause 6.1(b)(ii) of the Bulk Entitlement Order substitute –
 - ‘(ii) the environment Minister’s share of the water available to meet low-reliability entitlements shown in Table 2 in Schedule 1, and the water available in Broken Creek specified in Table 2 of Schedule 5, being the Living Murray entitlement;’.

- (3) For sub-clause 6.1(b)(iv) of the Bulk Entitlement Order substitute –
'(iv) water available under Living Murray unregulated flow entitlement as specified in Table 2 of Schedule 5;'.
8 Amendment of clause 13 – Allowances for distribution losses
(1) In sub-clause 13.1(a), substitute the number '100' with '77'.
(2) In sub-clause 13.1(b)(i), substitute the number '50' with '38.5'.
9 Amendment of clause 14B – Taking of Living Murray entitlement
(1) For sub-clause 14B.1 substitute –
'14B.1 Subject to clauses 14C and 15B, the environment Minister may take water available under the Living Murray entitlement at any nominated delivery point on the River Murray, the distribution system or, subject to water trading rules, another declared system.'
(2) For sub-clause 14B.2 (b) substitute –
'(b) water available under Living Murray entitlement for the current year in accordance with Tables 2 and 3 of Schedule 5.'
10 Amendment of clause 14D – Operating Arrangements
Clause 14D is deleted.
11 Amendment of clause 14E – Transfer and assignment
For sub-clause 14E substitute –
'14E TRANSFER AND ASSIGNMENT'
14E.1 The Living Murray entitlement cannot be transferred in whole or in part.
14E.2 Allocation available under the Living Murray entitlement cannot be assigned for a term longer than one year.
14E.3 The environment Minister may assign water allocation held under the Living Murray entitlement in accordance with the Act, provided that –
(a) the assignment is consistent with any ecological objectives established by MDBA; and
(b) if the assignment is not an assignment under 14E.4, the environment Minister is of the opinion that the assignment will benefit the Environmental Water Reserve Objective.
14E.4 In addition to clause 14E.3 of this Order, the environment Minister may assign all or part of the water allocation under the Living Murray entitlement to the –
(a) South Australian Minister responsible for delivering water to icon sites in South Australia; or
(b) the New South Wales Minister responsible for delivering water to icon sites in New South Wales,
provided that:
(c) the assignment is consistent with any ecological objectives established by MDBA; or
(d) in the case of an assignment under paragraph (a), after accounting for any losses in accordance with clause 14H.3, the water will be available at the South Australian border.'

12 Amendment of Part 4

- (1) For clause 15 of the Bulk Entitlement Order substitute –

‘15 TAKING WATER

15.1 Subject to clause 15B of this Order, the environment Minister may take the water to which he or she is entitled under sub-clause 6.1(a) of this Order at any nominated delivery point on the River Murray, the distribution system, or, subject to relevant water trading rules, another declared system.

15.2 The environment Minister may take the water to which he or she is entitled under sub-clause 6.1(b) subject to clause 14B.

15.3 The environment Minister may take water under the unregulated flow entitlements specified in sub-clauses 6.1(a)(ii) and 6.1(b)(iv) subject to the following –

- (a) water taken under the unregulated flow entitlements may only be accessed during periods when MDBA has declared the availability of unregulated flows in the River Murray;
- (b) the volume of water taken under each unregulated flow entitlement in any year must not exceed the entitlement volumes specified in Tables 1 and 2 of Schedule 5;
- (c) both unregulated flow entitlements have equal access to available flows, and if less than the maximum entitlement volume is available, the unregulated flow entitlements are to be restricted in equal proportion, unless otherwise agreed by the environment Minister and MDBA; and,
- (d) water taken under the unregulated flow entitlements may only be taken at a location on the River Murray where there are unregulated flows declared in the same reach as that location.

15.4 In addition to the conditions under sub-clause 15.3, water taken under sub-clause 6.1(b)(iv), being the Living Murray unregulated flow entitlement, may only be used downstream of the Goulburn River confluence.

15.5 If MDBA establishes rules whereby a proportion of any water ordered by Victoria but not taken is counted as water taken, the Minister may, after consultation with the River Murray entitlement holders, establish arrangements whereby a proportion, being no greater than the proportion set by MDBA, of any water ordered by the environment Minister but not taken, is counted as water taken for the purpose of clause 6.’

- (2) After clause 15 of the Bulk Entitlement Order insert –

‘15A RETURN FLOWS

15A.1 The environment Minister may apply to re-use or be credited for water used under this entitlement that is returned to the River Murray or another system in accordance with this clause.

15A.2 Before any re-use or credit can be granted, the environment Minister must –

- (a) come to an agreement with the resource manager on the likely volume, timing and location of any return flow for the purposes of adjusting system operations; and
- (b) notify the resource manager if he or she intends to re-use any flows specified under paragraph (a).

15A.3 The resource manager must notify MDBA where an application under sub-clause 15A.1 is relevant to their system operations.

- 15A.4 Subject to clause 15A.5, the resource manager may grant approval of an application under sub-clause 15A.1 for –
- (a) re-use by the environment Minister; or
 - (b) credit to the environment Minister in a nominated storage, where water returned under this entitlement was supplied to any person other than the environment Minister or stored for the resource manager’s purposes during a regulated flow period.
- 15A.5 The resource manager may only grant approval under clause 15A.4 if –
- (a) water supplied to and used by the environment Minister during the current water season has subsequently been returned to the River Murray or another system;
 - (b) the volume of water so returned has either:
 - (i) been measured by a meter that complies with ATS 4747; or,
 - (ii) been calculated by a method that has been agreed under clause 15B;
 - (c) any water re-used by the environment Minister or another person was used downstream of the place where the return flow occurred and within a reasonable time of the return flow;
 - (d) it can re-regulate the return flows downstream, with no material impact on other entitlement holders in the River Murray or another system;
 - (e) the volume of any water credited to the environment Minister under paragraph (b) is equal to that volume of returned water which was able to be used or stored; and
 - (f) approval is consistent with any rules regarding the supply, use and accounting of return flows issued by the Minister from time to time.
- 15A.6 If the environment Minister and the resource manager cannot reach agreement within six months of an application under sub-clause 15A.1, either party may make a written request to the Minister to make a decision on the right to re-use return flows or the granting of water credits.
- 15A.7 Any decision made by the Minister in relation to sub-clause 15A.6 is final and binding on the parties.’
- (3) After clause 15A of the Bulk Entitlement Order, insert –
- ‘15B OPERATING ARRANGEMENTS**
- 15B.1 The environment Minister and the relevant distributors must endeavour to agree on operating arrangements for the supply of water under this entitlement and, within 12 months of 1 July 2011, must –
- (a) review any existing operating arrangements; or
 - (b) develop new operating arrangements.
- 15B.2 The operating arrangements determined under sub-clause 15B.1 must:
- (a) be consistent with the Environmental Water Reserve Objective;
 - (b) be consistent with the ecological objectives for the use of Living Murray water where applicable to the supply of the Living Murray entitlement;

- (c) include arrangements for water delivery:
 - (i) during the irrigation period;
 - (ii) outside the irrigation period; and
 - (iii) during periods of rationing caused by channel capacity constraints; and
- (d) include arrangements for the supply, use and accounting of re-use and water credits for return flows under clause 15A; and
- (e) consider the water quality risks associated with any planned return flows under this entitlement.

15B.3 The environment Minister must review the operating arrangements annually prior to 1 July of each year with the relevant distributors and may make any agreed changes.

15B.4 The environment Minister and the relevant distributors may agree to vary the operating arrangements following a review under sub-clause 15B.3, or at any other time in consultation with any other relevant River Murray entitlement holders.

15B.5 If the environment Minister and the parties have not reached agreement under clause 15B.4 within three months of 1 July, any party may give written notice to the other party requiring the matter to be determined in accordance with clause 18.’.

13 Amendment to clause 19 – Metering program

For sub-clause 19.1 (b) substitute –

‘(b) any flows returned to the River Murray or another system.’.

14 Amendment to clause 20 – Reporting requirements

(1) For sub-clause 20.1 (a) to (d) substitute –

- ‘(a) the daily amount of water taken under this entitlement at any nominated delivery points;
- (b) the annual amount of water taken under this entitlement at any nominated delivery points;
- (c) the amount of water returned at any nominated point;
- (d) the location of any nominated delivery or return points used under this Order;’.

(2) For sub-clause 20.1 (f) substitute –

‘(f) any transfer of this entitlement or assignment of water allocation under this entitlement;’.

15 Amendment to Schedule 4

Schedule 4 is deleted.

16 Amendment to Schedule 5

For Schedule 5 substitute –

‘SCHEDULE 5 – QUANTIFICATION OF ENTITLEMENTS**Table 1– Volume of Flora and Fauna entitlement**

Program / Source	Volume (ML)			Comment
	High-reliability	Low-reliability	Unregulated flow	
Flora and Fauna entitlement	27,600	0	0	High-reliability entitlement River Murray system – below Choke
Victorian unregulated flow entitlement	0	0	40,000	Unregulated Flow entitlement Recognises historic use River Murray system Carryover does not apply
TOTALS	27,600	0	40,000	

Table 2 – Volume of Living Murray entitlement

Program / Source	Volume (ML)			Comment
	High-reliability	Low-reliability	Unregulated flow	
Living Murray water / Torrumbarry Irrigation Area	0	58,537	0	Low-reliability entitlement River Murray system – below Choke Valley Cap applies
Living Murray water / Murray Valley Irrigation Area	0	40,298.3	0	Low-reliability entitlement River Murray system – above Choke Valley Cap applies
Living Murray water / Broken Creek	0	3,014.6	0	Low-reliability entitlement Broken Creek system Valley Cap applies
Living Murray water / Torrumbarry Irrigation Area	2,080	0	0	High-reliability entitlement River Murray system – below Choke
Living Murray water / Murray Valley Irrigation Area	3,630	0	0	High-reliability entitlement River Murray system – above Choke
Living Murray unregulated flow entitlement	0	0	34,300	Unregulated Flow entitlement River Murray downstream of Goulburn River confluence Extended Use Account and carryover do not apply
TOTALS	5,710	101,850	34,300	

Table 3 – Volumes available under the Valley Cap under different water allocation scenarios

Allocation to low-reliability water shares	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Valley Cap Volume (in that year)	4320	8639	12959	17278	21598	25918	30237	34557	38876	43196

Rules for the operation of the Valley Cap

1. The Valley Cap is a maximum limit on the amount of water that can be taken under the Living Murray entitlement in any one year, and only applies to the Living Murray entitlement.
2. The volume of water available under the low-reliability component of the Living Murray entitlement in any one year will be the lesser of :
 - (a) the amount of water allocated under the entitlement in that year (including water in the Extended Use Account); and
 - (b) the amount determined by applying the Valley Cap (including any amounts carried over from the previous years).
3. The Valley Cap is climatically variable, so that the amount available under the Valley Cap in any one year will vary according to the amount of water available to be allocated to low-reliability water shares as specified in Table 2 in that year.
4. Where the water taken under the Living Murray entitlement in any one year is less than the amount of the Valley Cap in that year, the Valley Cap is increased by the unused portion in the subsequent year.
5. The total amount available under the Valley Cap in any one year may be more than the amount specified in Table 2, because amounts accumulated in previous years can be added to the amount available in that one year.

Dated 16 June 2011

PETER WALSH MLA
Minister for Water

Water Act 1989

BULK ENTITLEMENT (VIOLET TOWN) CONVERSION ORDER 1997

Minor Amendment Notice

I, Peter Walsh, Minister for Water, as Minister administering the **Water Act 1989**, by notice amend the Bulk Entitlement (Violet Town) Conversion Order 1997.

1. Citation

This Notice may be cited as the Bulk Entitlement (Violet Town) Minor Amendment Notice 2011.

2. Preliminary

The Bulk Entitlement (Violet Town) Conversion Order 1997 (the Bulk Entitlement Order) was made by the Minister on 8 July 1997 and published in the Government Gazette G29 on 24 April 1997. The Bulk Entitlement Order converted all of the Goulburn Valley Region Water Authority's entitlement to take water from Honeysuckle Creek waterway to a bulk entitlement.

Goulburn Valley Region Water Authority is now known as Goulburn Valley Region Water Corporation (the Authority).

In 2005, the Authority undertook works to decommission Honeysuckle Creek Reservoir, previously used to supply Violet Town under the Bulk Entitlement Order. Violet Town has been supplied via pipeline since 2002 with water taken under the Bulk Entitlement (Euroa System) Conversion Order 2001.

3. Purpose

The purpose of this Notice is to amend the Bulk Entitlement Order to reflect the decommissioning of Honeysuckle Creek Reservoir in 2005 within the Authority's entitlement to water from Honeysuckle Creek, and make a minor correction to an error in the definition of 'Minister'.

4. Authorising Provisions

This Notice is made under section 45(3) (a) and (b) of the **Water Act 1989**.

5. Commencement

This Notice comes into effect on the day it is published in the Government Gazette.

6. Amendment of Clause 4 – Definitions

For the definitions of 'Minister' and 'system storage' in Clause 4 of the Bulk Entitlement Order substitute –

“**Minister** means in relation to any provision the Minister administering the **Water Act 1989** or, any person authorised by the Minister to act on the Minister's behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under section 306 of the Act;

System storage means Railway Reservoir located on the waterway;”

7. Amendment of Clause 6 – Bulk Entitlement

For sub-clause 6.1 of the Bulk Entitlement Order substitute –

“6.1 The Authority make take up to 20 ML of water from the system storage in any year.”

8. Amendment of Clause 9 – Share of capacity

For Clause 9 of the Bulk Entitlement Order substitute –

9. SHARE OF CAPACITY

The Authority is entitled to retain the full capacity of Railway Reservoir, up to 30 ML at full supply level of 230.65 metres Australian Height Datum, but may not use or transfer any more than its annual entitlement in any year.”

Dated 10 June 2011

PETER WALSH MP
Minister for Water

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

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

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

Schedule of Charge Tolls and Maximum Charge Tolls

Charge Tolls (\$/vehicle)

Category of Vehicle	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
Tollable Section				
Tullamarine Freeway Upgrade, between Moreland Road and Brunswick Road	1.88	3.00	3.57	0.94
Western Link Section 1, between Racecourse Road and Dynon Road	1.88	3.00	3.57	0.94
Western Link Section 2, between Footscray Road and West Gate Freeway	2.35	3.76	4.46	1.17
Domain Tunnel and that part of the Southern Link leading into that Tunnel between the eastern portal of that Tunnel and Punt Road, other than that part of Southern Link Section 1:	2.35	3.76	4.46	1.17
(a) between Punt Road and the exit to Boulton Parade; and				
(b) comprising Boulton Parade				
Burnley Tunnel and that part of the Southern Link leading out of that Tunnel between the eastern portal of that Tunnel and Burnley Street	4.22	6.76	8.02	2.11
Southern Link Section 1, between Burnley Street and Punt Road and including that part of Southern Link Section 1:	1.88	3.00	3.57	0.94
(a) between Punt Road and the exit to Boulton Parade; and				
(b) comprising Boulton Parade				
Southern Link Section 5, between Punt Road and Burnley Street other than that part of the Southern Link leading out of the Burnley Tunnel between the eastern portal of that Tunnel and Burnley Street	1.88	3.00	3.57	0.94
Southern Link Section 1, between Glenferrie Road and Burnley Street	1.88	3.00	3.57	0.94
Southern Link Section 5, between Burnley Street and Glenferrie Road	1.88	3.00	3.57	0.94
Exhibition Street Extension	1.17	1.88	2.23	0.59

Southern Link Section 1, between Punt Road and Swan Street Intersection, other than:	1.17	1.88	2.23	0.59
(a) that part of Southern Link Section 1:				
(i) between Punt Road and the exit to Boulton Parade; and				
(ii) comprising Boulton Parade; and				
(b) that part of the Southern Link leading into the Domain Tunnel between the eastern portal of that Tunnel and Punt Road				
Southern Link Section 5, between Swan Street Intersection and Punt Road	1.17	1.88	2.23	0.59

Notes:

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

Maximum Charge Tolls (\$/vehicle)

Category of Vehicle	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
Trips where the passage of the Vehicle on the last Tollable Section comprising the Trip before exiting the Total Link occurs between 6.00 am and 8.00 pm	7.04	9.39	9.39	3.52
Trips where the passage of the Vehicle on the last Tollable Section comprising the Trip before exiting the Total Link occurs between 8.00 pm and 6.00 am	7.04	7.04	7.04	3.52

Day Tolls (\$/vehicle)

Category of Vehicle	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
Day Toll	13.50	21.60	25.65	6.75

Taxi Tolls (\$/Taxi)

Trip	Taxi Toll
Trips involving use of any or all of the Tollable Sections which comprise the Western Link* and no other Tollable Sections	4.60
Trips involving use of any or all of the Tollable Sections which comprise the Southern Link** and/or Exhibition Street Extension*** and no other Tollable Sections	4.60
Trips involving use of Tollable Sections which comprise both the Western Link* and either or both of the Southern Link** and the Exhibition Street Extension***	6.50

* The Western Link comprises the following three Tollable Sections:

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

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

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

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

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

1. Exhibition Street Extension.

Taxi Day Tolls (\$/Taxi)

Taxi	Taxi Day Toll
Metropolitan Taxi	13.50
A Taxi not being a Metropolitan Taxi	7.00

CityLink Melbourne intends that each Charge Toll, Maximum Charge Toll, Day Toll, Taxi Toll and Taxi Day Toll specified above will first apply in the quarter ending 30 September 2011.

Capitalised terms in this notice that are defined in:

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

subject to the provisions of the IFA.

A. L. STREET
 Company Secretary
 CityLink Melbourne Limited
 (ABN 65 070 810 678)

E. M. MILDWATER
 Director
 CityLink Melbourne Limited
 (ABN 65 070 810 678)

AGREEMENT FOR THE EXHIBITION STREET EXTENSION PROJECT

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

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

Charge Tolls (\$/vehicle)

Category of Vehicle	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
Tollable Section				
Exhibition Street Extension	1.17	1.88	2.23	0.59

Clepeco intends that these Charge Tolls will first apply in the quarter ending 30 September 2011.

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

A. L. STREET
 Company Secretary
 City Link Extension Pty Limited
 (ABN 40 082 058 615)

E. M. MILDWATER
 Director
 CityLink Extension Pty Limited
 (ABN 40 082 058 615)

AGREEMENT FOR THE MELBOURNE CITY LINK

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

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

Charge Tolls (\$/vehicle)

Category of Vehicle	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
Tollable Section				
Tullamarine Freeway Upgrade, between Moreland Road and Brunswick Road	1.88	3.00	3.57	0.94
Western Link Section 1, between Racecourse Road and Dynon Road	1.88	3.00	3.57	0.94
Western Link Section 2, between Footscray Road and West Gate Freeway	2.35	3.76	4.46	1.17
Domain Tunnel and that part of the Southern Link leading into that Tunnel between the eastern portal of that Tunnel and Punt Road, other than that part of Southern Link Section 1:	2.35	3.76	4.46	1.17
(a) between Punt Road and the exit to Boulton Parade; and				
(b) comprising Boulton Parade				
Burnley Tunnel and that part of the Southern Link leading out of that Tunnel between the eastern portal of that Tunnel and Burnley Street	4.22	6.76	8.02	2.11
Southern Link Section 1, between Burnley Street and Punt Road and including that part of Southern Link Section 1:	1.88	3.00	3.57	0.94
(a) between Punt Road and the exit to Boulton Parade; and				
(b) comprising Boulton Parade				
Southern Link Section 5, between Punt Road and Burnley Street other than that part of the Southern Link leading out of the Burnley Tunnel between the eastern portal of that Tunnel and Burnley Street	1.88	3.00	3.57	0.94
Southern Link Section 1, between Glenferrie Road and Burnley Street	1.88	3.00	3.57	0.94
Southern Link Section 5, between Burnley Street and Glenferrie Road	1.88	3.00	3.57	0.94

Southern Link Section 1, between Punt Road and Swan Street Intersection, other than:	1.17	1.88	2.23	0.59
(a) that part of Southern Link Section 1:				
(i) between Punt Road and the exit to Boulton Parade; and				
(ii) comprising Boulton Parade; and				
(b) that part of the Southern Link leading into the Domain Tunnel between the eastern portal of that Tunnel and Punt Road				
Southern Link Section 5, between Swan Street Intersection and Punt Road	1.17	1.88	2.23	0.59

Notes:

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

Maximum Charge Tolls (\$/vehicle)

Category of Vehicle	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
Trips where the passage of the Vehicle on the last Tollable Section comprising the Trip before exiting the Total Link occurs between 6.00 am and 8.00 pm	7.04	9.39	9.39	3.52
Trips where the passage of the Vehicle on the last Tollable Section comprising the Trip before exiting the Total Link occurs between 8.00 pm and 6.00 am	7.04	7.04	7.04	3.52

Day Tolls (\$/vehicle)

Category of Vehicle	Car	Light Commercial Vehicle	Heavy Commercial Vehicle	Motor Cycle
Day Toll	13.50	21.60	25.65	6.75

Taxi Tolls (\$/Taxi)

Trip	Taxi Toll
Trips involving use of any or all of the Tollable Sections which comprise the Western Link* and no other Tollable Sections	4.60
Trips involving use of any or all of the Tollable Sections which comprise the Southern Link** and no other Tollable Sections	4.60
Trips involving use of Tollable Sections which comprise both the Western Link* and the Southern Link**	6.50

* The Western Link comprises the following three Tollable Sections:

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

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

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

(b) that part of the Southern Link leading into the Domain Tunnel between the eastern portal of that Tunnel and Punt Road.

8. Southern Link Section 5, between Swan Street Intersection and Punt Road.

Taxi Day Tolls (\$/Taxi)

Taxi	Taxi Day Toll
Metropolitan Taxi	13.50
A Taxi not being a Metropolitan Taxi	7.00

CityLink Melbourne intends that each Charge Toll, Maximum Charge Toll, Day Toll, Taxi Toll and Taxi Day Toll specified above will first apply in the quarter ending 30 September 2011.

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

A. L. STREET
Company Secretary
CityLink Melbourne Limited
(ABN 65 070 810 678)

E. M. MILDWATER
Director
CityLink Melbourne Limited
(ABN 65 070 810 678)

Melbourne City Link Act 1995

NOTICE UNDER SECTION 71(1)

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

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

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

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

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

Car is a Motor Vehicle, other than:

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

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

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

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

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

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

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

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

and no other toll zone;

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

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

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

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

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

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

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

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

the Agreement has the same meaning as in the Act;

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

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

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

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

vehicle has the same meaning as in the Act.

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

Table One			
Toll Zone	Toll		
	Car	LCV	HCV
1. That part of the Link road between Moreland Road and Brunswick Road.	\$1.88	\$3.00	\$3.57
2. That part of the Link road between Racecourse Road and Dynon Road.	\$1.88	\$3.00	\$3.57
3. That part of the Link road between Footscray Road and the West Gate Freeway.	\$2.35	\$3.76	\$4.46
4. That part of the Link road being the Domain Tunnel and that part of the Link road leading into that Tunnel between the eastern portal of that Tunnel and Punt Road, other than that part of the Link road – (a) being the eastbound carriageways of the Link road; (b) between Punt Road and the exit to Boulton Parade; and (c) comprising Boulton Parade.	\$2.35	\$3.76	\$4.46
5. That part of the Link road being the Burnley Tunnel and that part of the Link road leading out of that Tunnel between the eastern portal of that Tunnel and Burnley Street.	\$4.22	\$6.76	\$8.02
6. That part of the Link road being the eastbound carriageways between Punt Road and Burnley Street other than that part of the Link road being the Burnley Tunnel and that part of the Link road leading out of that Tunnel between the eastern portal of that Tunnel and Burnley Street.	\$1.88	\$3.00	\$3.57

<p>7. That part of the Link road between Burnley Street and Punt Road and including that part of the Link road –</p> <p>(a) between Punt Road and the exit to Boulton Parade, other than the eastbound carriageways; and</p> <p>(b) comprising Boulton Parade, other than:</p> <p>(i) the eastbound carriageways between Burnley Street and Punt Road; and</p> <p>(ii) that part of the Link road being the Burnley Tunnel and that part of the Link road leading out of that Tunnel between the eastern portal of that Tunnel and Burnley Street.</p>	\$1.88	\$3.00	\$3.57
<p>8. That part of the Link road being the eastbound carriageways between Burnley Street and Glenferrie Road.</p>	\$1.88	\$3.00	\$3.57
<p>9. That part of the Link road between Glenferrie Road and Burnley Street, other than the eastbound carriageways.</p>	\$1.88	\$3.00	\$3.57
<p>10. That part of the Link road being the eastbound carriageways between Swan Street Intersection and Punt Road, other than –</p> <p>(a) that part of the Link road being the Burnley Tunnel; and</p> <p>(b) that part of the Link road comprising Boulton Parade.</p>	\$1.17	\$1.88	\$2.23
<p>11. That part of the Link road between Punt Road and Swan Street Intersection, other than –</p> <p>(a) the eastbound carriageways;</p> <p>(b) that part of the Link road being the Burnley Tunnel;</p> <p>(c) that part of the Link road:</p> <p>(1) between Punt Road and the exit to Boulton Parade; and</p> <p>(2) comprising Boulton Parade; and</p> <p>(d) that part of the Link road being the Domain Tunnel and that part of the Link road leading into that Tunnel between the eastern portal of that Tunnel and Punt Road.</p>	\$1.17	\$1.88	\$2.23

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

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

Table Two				
Trip Cap		Toll		
		Car	LCV	HCV
1.	Where the passage of the vehicle on the last toll zone comprising the Trip before exiting the Full Link road occurs between 6 am and 8 pm on the same day.	\$7.04	\$9.39	\$9.39
2.	Where the passage of the vehicle on the last toll zone comprising the Trip before exiting the Full Link road occurs between 8 pm on the one day and 6 am on the next.	\$7.04	\$7.04	\$7.04

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

Table Three	
Taxis	Toll
Each Half Link Taxi Trip	\$4.60
Each Full Link Taxi Trip	\$6.50

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

For the avoidance of doubt, this Notice also:

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

the NOTICE UNDER SECTION 71(1) dated 10 March 2011 and published in the Victoria Government Gazette No. G 11 (pages 604 to 608), dated 17 March 2011 ('the Last Notice').

This notice takes effect on 1 July 2011 and for the avoidance of doubt, the Last Notice ceases to have effect when this Notice takes effect, and the revocation, repeal, amendment or ceasing to have effect of the Last Notice shall not:

- (a) revive anything not in force or existing at the time at which the revocation, repeal, amendment or ceasing to have effect becomes operative;
- (b) affect the previous operation of the Last Notice or anything duly done or suffered under the Last Notice;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Last Notice;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed relating (directly or indirectly) to or in respect of the Last Notice; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as is mentioned in paragraphs (c) and (d) –

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

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

Dated 16 June 2011

A. L. STREET
Company Secretary
CityLink Melbourne Limited
(ABN 65 070 810 678)

E. M. MILDWATER
Director
CityLink Melbourne Limited
(ABN 65 070 810 678)

Melbourne City Link Act 1995

NOTICE UNDER SECTION 71(1)

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

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

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

Car is a Motor Vehicle, other than:

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

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

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

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

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

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

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

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

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

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

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

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

vehicle has the same meaning as in the Act.

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

Table One				
Toll Zone		Toll		
		Car	LCV	HCV
12.	The Extension road	\$1.17	\$1.88	\$2.23

For the avoidance of doubt, this Notice does not set Charge Tolls for the purposes of Schedule 1 (the Toll Calculation Schedule) of the Extension Agreement, or Schedule 4 (the Toll Calculation Schedule) of the Integration and Facilitation Agreement.

For the avoidance of doubt, this Notice also:

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

the NOTICE UNDER SECTION 71(1) dated 10 March 2011 and published in the Victoria Government Gazette No. G 11 (pages 609 to 610), dated 17 March 2011 ('the Last Notice').

This Notice takes effect on 1 July 2011, and for the avoidance of doubt, the Last Notice ceases to have effect when this Notice takes effect, and the revocation, repeal, amendment or ceasing to have effect of the Last Notice shall not:

- (a) revive anything not in force or existing at the time at which the revocation, repeal, amendment or ceasing to have effect becomes operative;
- (b) affect the previous operation of the Last Notice or anything duly done or suffered under the Last Notice;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Last Notice;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed relating (directly or indirectly) to or in respect of the Last Notice; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as is mentioned in paragraphs (c) and (d) –

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

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

Dated 16 June 2011

A. L. STREET
Company Secretary
CityLink Extension Pty Limited
(ABN 40 082 058 615)

E. M. MILDWATER
Director
CityLink Extension Pty Limited
(ABN 40 082 058 615)

Melbourne City Link Act 1995

NOTICE UNDER SECTION 71(1)

Under section 71(1)(b) of the **Melbourne City Link Act 1995** ('the Act'), CityLink Melbourne Limited, ABN 65 070 810 678 (the relevant corporation in relation to the Link road) ('CityLink Melbourne') hereby fixes tolls which are payable in respect of the use of vehicles on toll zones on the Link road where those vehicles are the subject of a CityLink Pass for that use.

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

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

Car is a Motor Vehicle, other than a Motor Cycle, a Light Commercial Vehicle, a Heavy Commercial Vehicle or a Taxi even if such a Motor Vehicle is towing a trailer or caravan;

CityLink Pass is a 24 Hour Pass, a Tulla Pass or a Weekend Pass;

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

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

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

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

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

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

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

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

the Agreement has the same meaning as in the Act;

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

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

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

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

Tulla Pass is an agreement with CityLink Melbourne for CityLink Melbourne to register a Car or Light Commercial Vehicle under Part 4 of the Act for use only on that part of the Link road being the Tullamarine Freeway Upgrade, between Bulla Road and Flemington Road including the toll zone between Moreland Road and Brunswick Road, for a fixed 24 hour period commencing at the time of the first Tulla Trip by that Car or Light Commercial Vehicle on a specified day;

Tulla Trip is the passage of a Car or Light Commercial Vehicle on that part of the Link road being the toll zone between Moreland Road and Brunswick Road;

24 Hour Pass is an agreement with CityLink Melbourne to register a vehicle (other than a Taxi) under Part 4 of the Act for use of any or all toll zones comprising the Full Link road for a fixed 24 hour period commencing at the time of the first Trip by the vehicle on a specified day;

vehicle has the same meaning as in the Act; and

Weekend Pass is an agreement with CityLink Melbourne to register a Car or Light Commercial Vehicle under Part 4 of the Act for use of any or all toll zones comprising the Full Link road for a fixed period commencing at 12.00 pm on the Friday immediately before a specified Saturday and ending at midnight on the Sunday immediately following that specified Saturday. The fact that CityLink Melbourne also registers a Car or Light Commercial Vehicle for an additional period at no extra charge does not prevent the agreement from being a Weekend Pass.

Under section 71(1)(b) of the Act and in accordance with the Agreement, the tolls listed in Table One are payable in respect of the use of vehicles on toll zones on the Link road where the vehicle is the subject of a 24 Hour Pass for that use.

Table One			
24 Hour Pass	Toll		
	Car	LCV	HCV
	\$13.50	\$21.60	\$25.65

Under section 71(1)(b) of the Act and in accordance with the Agreement, the tolls listed in Table Two are payable in respect of the use of vehicles on toll zones on the Link road where the vehicle is the subject of a Weekend Pass for that use.

Table Two		
Weekend Pass	Toll	
	Car	LCV
	\$13.50	\$21.60

Under section 71(1)(b) of the Act and in accordance with the Agreement, the tolls listed in Table Three are payable in respect of the use of Cars or Light Commercial Vehicles on the toll zone, consisting of that part of the Link road between Moreland Road and Brunswick Road, where the Car or Light Commercial Vehicle is the subject of a Tulla Pass for that use.

Table Three		
Tulla Pass	Toll	
	Car	LCV
	\$4.80	\$7.70

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

For the avoidance of doubt, this Notice also:

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

the NOTICE UNDER SECTION 71(1) dated 10 March 2011 and published in the Victoria Government Gazette No. G 11 (pages 611 to 613), dated 17 March 2011 ('the Last Notice').

This Notice takes effect on 1 July 2011, and for the avoidance of doubt, the Last Notice ceases to have effect when this Notice takes effect, and the revocation, repeal, amendment or ceasing to have effect of the Last Notice shall not:

- (a) revive anything not in force or existing at the time at which the revocation, repeal, amendment or ceasing to have effect becomes operative;
- (b) affect the previous operation of the Last Notice or anything duly done or suffered under the Last Notice;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Last Notice;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed relating (directly or indirectly) to or in respect of the Last Notice; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as is mentioned in paragraphs (c) and (d) –

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

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

Dated 16 June 2011

A. L. STREET
Company Secretary
CityLink Melbourne Limited
(ABN 65 070 810 678)

E. M. MILDWATER
Director
CityLink Melbourne Limited
(ABN 65 070 810 678)

Melbourne City Link Act 1995

NOTICE UNDER SECTION 71(1)

Under section 71(1)(b) of the **Melbourne City Link Act 1995** ('the Act'), City Link Extension Pty Limited, ABN 40 082 058 615 (the relevant corporation in relation to the Extension road) hereby fixes tolls which are payable in respect of the use of vehicles on the toll zone on the Extension road where those vehicles are the subject of a CityLink Pass for that use.

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

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

Car is a Motor Vehicle, other than a Motor Cycle, a Light Commercial Vehicle, a Heavy Commercial Vehicle or a Taxi even if such a Motor Vehicle is towing a trailer or caravan;

CityLink is CityLink Melbourne Limited, ABN 65 070 810 678, the relevant corporation for the purposes of section 73C of the Act;

CityLink Pass is a 24 Hour Pass or a Weekend Pass;

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Hour Pass is an agreement with CityLink to register a vehicle (other than a Taxi) under Part 4 of the Act for use of any or all toll zones comprising the Full Link road for a fixed 24 hour period commencing at the time of the first Trip by the vehicle on a specified day;

vehicle has the same meaning as in the Act; and

Weekend Pass is an agreement with CityLink to register a Car or Light Commercial Vehicle under Part 4 of the Act for use of any or all toll zones comprising the Full Link road for a fixed period commencing at 12.00 pm on the Friday immediately before a specified Saturday and ending at midnight on the Sunday immediately following that specified Saturday. The fact that CityLink also registers that Car or Light Commercial Vehicle for an additional period at no extra charge does not prevent the agreement from being a Weekend Pass.

Under section 71(1)(b) of the Act and in accordance with the Extension Agreement, the tolls listed in Table One are payable in respect of the use of vehicles on the toll zone on the Extension road where the vehicle is the subject of a 24 Hour Pass for that use.

Table One			
24 Hour Pass	Toll		
	Car	LCV	HCV
	\$13.50	\$21.60	\$25.65

Under section 71(1)(b) of the Act and in accordance with the Extension Agreement, the tolls listed in Table Two are payable in respect of the use of vehicles on the toll zone on the Extension road where the vehicle is the subject of a Weekend Pass for that use.

Table Two		
Weekend Pass	Toll	
	Car	LCV
	\$13.50	\$21.60

For the avoidance of doubt, this Notice does not set Charge Tolls or Day Tolls for the purpose of Schedule 1 (the Toll Calculation Schedule) of the Extension Agreement or Schedule 4 (the Toll Calculation Schedule) of the Integration and Facilitation Agreement.

For the avoidance of doubt, this Notice also:

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

the NOTICE UNDER SECTION 71(1) dated 10 March 2011 and published in the Victoria Government Gazette No. G 11 (pages 614 to 616), dated 17 March 2011 ('the Last Notice').

This Notice takes effect on 1 July 2011, and for the avoidance of doubt, the Last Notice ceases to have effect when this Notice takes effect, and the revocation, repeal, amendment or ceasing to have effect of the Last Notice shall not:

- (a) revive anything not in force or existing at the time at which the revocation, repeal, amendment or ceasing to have effect becomes operative;
- (b) affect the previous operation of the Last Notice or anything duly done or suffered under the Last Notice;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Last Notice;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed relating (directly or indirectly) to or in respect of the Last Notice; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as is mentioned in paragraphs (c) and (d) –

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

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

Dated 16 June 2011

A. L. STREET
Company Secretary
CityLink Extension Pty Limited
(ABN 40 082 058 615)

E. M. MILDWATER
Director
CityLink Extension Pty Limited
(ABN 40 082 058 615)

Melbourne City Link Act 1995

NOTICE UNDER SECTION 71(1A)

Under section 71(1A) of the **Melbourne City Link Act 1995** ('the Act'), CityLink Melbourne Limited, ABN 65 070 810 678 (the relevant corporation in relation to the Link road and the Extension Road) hereby fixes Toll Administration Fees which are payable to it and specifies the circumstances in which they are payable.

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

Addressee means the person named on a Request for Payment or Further Request for Payment.

Extension road has the same meaning as in the Act.

Further Request for Payment means a further Request for Payment sent to an Addressee following the sending of a Request for Payment to that Addressee in relation to any or all of the Trips the subject of that Request for Payment.

Link road has the same meaning as in the Act.

Request for Payment means, in relation to a Trip or Trips, a request for payment of the tolls in respect of that Trip or Trips (as the case may be) and the Toll Administration Fee, within the meaning of section 77(1)(a) or sections 77(1)(b) and 78(1) of the Act (as the case may be).

the Agreement has the same meaning as in the Act.

the Extension Agreement has the same meaning as in the Act.

the Integration and Facilitation Agreement has the same meaning as in the Act.

Toll Administration Fee means a toll administration fee within the meaning of section 71(1A) of the Act.

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

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

vehicle has the same meaning as in the Act.

Under section 71(1A) of the Act and in accordance with the Agreement or the Extension Agreement (as the case requires):

- (a) a Toll Administration Fee of \$11.34 is payable when a Request for Payment is sent to an Addressee; and
- (b) a Toll Administration Fee of \$22.12 is payable when a Further Request for Payment is sent to an Addressee.

This notice is also a notice for the purposes of:

- (a) schedule 3 of the Agreement;
- (b) schedule 1 of the Extension Agreement and in that capacity is given by CityLink Melbourne Limited as agent for City Link Extension Pty Limited (ABN 40 082 058 615); and
- (c) schedule 4 of the Integration and Facilitation Agreement and in that capacity is given by CityLink Melbourne Limited for itself and as agent for City Link Extension Pty Limited.

For the avoidance of doubt, this Notice also:

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

the NOTICE UNDER SECTION 71(1A) dated 11 June 2008 and published in the Victoria Government Gazette No. G25 (pages 1355 to 1356), dated 19 June 2008 ('the Last Notice').

This notice takes effect on 1 July 2011 and for the avoidance of doubt, the Last Notice ceases to have effect when this Notice takes effect, and the revocation, repeal, amendment or ceasing to have effect of the Last Notice shall not:

- (a) revive anything not in force or existing at the time at which the revocation, repeal, amendment or ceasing to have effect becomes operative;
- (b) affect the previous operation of the Last Notice or anything duly done or suffered under the Last Notice;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Last Notice;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed relating (directly or indirectly) to or in respect of the Last Notice; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as is mentioned in paragraphs (c) and (d) –

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

Dated 16 June 2011

A. L. STREET
Company Secretary
CityLink Melbourne Limited
(ABN 65 070 810 678)

E. M. MILDWATER
Director
CityLink Melbourne Limited
(ABN 65 070 810 678)

Planning and Environment Act 1987**CAMPASPE PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C76

The Minister of Planning has approved Amendment C76 to the Campaspe Planning Scheme.

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

The Amendment updates the Local Planning Policy Framework to support the implementation of the Echuca Aerodrome Master Plan 2010; introduces and applies Schedule 3 to the Special Use Zone; introduces and applies Schedules 5, 6 and 7 to the Design and Development Overlay; and includes the Echuca Aerodrome Obstacle Limitation Surfaces Contour Plan 1997 in the schedule to Clause 81.01.

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 and, free of charge, during office hours, at the offices of the Campaspe Shire Council, corner of Hare and Heygarth Streets, Echuca.

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

Planning and Environment Act 1987**WELLINGTON PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C50 Part 1

The Attorney-General has approved Amendment C50 Part 1 to the Wellington Planning Scheme.

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

The Amendment implements and includes as reference documents the Coastal Towns Design Frameworks for Golden Beach/Paradise Beach and The Honeysuckles. Changes include updates to clauses 21.03, 21.04, 21.09, new Design and Development Overlay (DDO) schedules for each town, and the rezoning of specific areas

of land in Golden Beach/Paradise Beach from Rural Conservation Zone (RCZ) to Public Park and Recreation Zone (PPRZ).

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 and, free of charge, during office hours, at the offices of the Wellington Shire Council, 70 Foster Street, Sale.

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

Planning and Environment Act 1987**YARRA RANGES PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C80

The Minister for Planning has approved Amendment C80 to the Yarra Ranges Planning Scheme.

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

The Amendment rezones 65 Quarry Road, Lilydale, from Industrial 1 Zone to Industrial 3 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 and free of charge, during office hours, at the offices of the Yarra Ranges Shire Council: Lilydale – Anderson Street, Lilydale; Monbulk – 94 Main Street, Monbulk; Healesville – 276 Maroondah Highway, Healesville; Upwey – 40 Main Street, Upwey; Yarra Junction – Warburton Highway/Hoddle Street, Yarra Junction.

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

ORDERS IN COUNCIL

Crown Land (Reserves) Act 1978
NOTICE OF INTENTION TO REVOKE
TEMPORARY RESERVATIONS

Order in Council

The Governor in Council under section 10 of the **Crown Land (Reserves) Act 1978** gives notice of intention to revoke the following temporary reservations:

PURRUMBETE NORTH – The temporary reservation by Order in Council of 18 June 1975 of an area of 4040 square metres of land being Crown Allotment 1E, Section A, Parish of Purrumbete North as a site for Public purposes (Public Hall and Recreation). – (Rs 2504)

YAUGHER – The temporary reservation by Order in Council of 3 April 1919 of an area of 1.63 hectares, more or less, of land in the Parish of Yaugher as a site for a State School, revoked as to part by Order in Council of 6 December, 1966 so far as the balance remaining containing 1.491 hectares, more or less. – (Rs 1907)

BENDIGO – The temporary reservation by Order in Council of 18 April 1968 of an area of 4.84 hectares, more or less, of land At Bendigo, Parish of Sandhurst as a site for State School purposes. – (Rs 8971)

BENDIGO – The temporary reservation by Order in Council of 19 October 1982 of an area of 7308 square metres of land crown allotment 196N, Section C, At Bendigo, Parish of Sandhurst as a site for State School purposes. – (Rs 8971)

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

Dated 21 June 2011

Responsible Minister

THE HON. RYAN SMITH
 Minister for Environment and
 Climate Change

MATTHEW McBEATH
 Clerk of the Executive Council

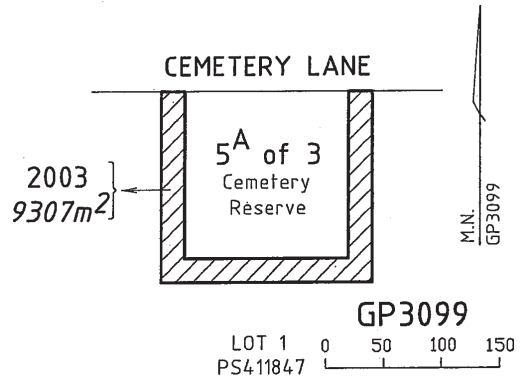
Crown Land (Reserves) Act 1978
TEMPORARY RESERVATION OF
CROWN LANDS

Order in Council

The Governor in Council under section 4(1) of the **Crown Land (Reserves) Act 1978** temporarily reserves the following Crown lands which in his opinion are required for the purposes mentioned:

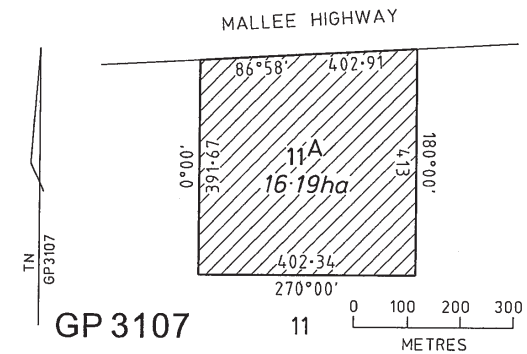
MUNICIPAL DISTRICT OF THE
ALPINE SHIRE COUNCIL

MULLINDOLINGONG – Cemetery purposes; area 9307 square metres, being Crown Allotment 2003, Parish of Mullindolingong as indicated by hatching on plan GP3099 hereunder. – (GP3099) – (2004792)



MUNICIPAL DISTRICT OF THE
MILDURA RURAL CITY COUNCIL

BOORONGIE – Conservation of an area of natural interest, area 16.19 hectares, being Crown Allotment 11A, Parish of Boorongie as indicated by hatching on plan GP3107 hereunder. – (GP3107) – (2019167)



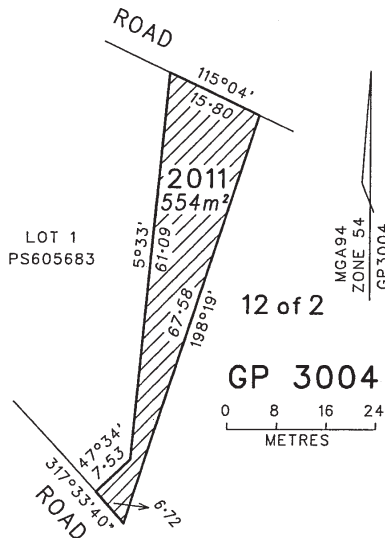
MUNICIPAL DISTRICT OF THE
MOIRA SHIRE COUNCIL

NUMURKAH – Public Park and Drainage purposes, area 8.4 hectares, more or less, being Crown Allotment 2025, Township of Numurkah, Parish of Katunga as shown hatched on Plan No. LEGL./09-301 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (Rs 17109)

NUMURKAH – Water Supply and Sewerage purposes, area 179 square metres, more or less, being Crown Allotment 2026, Township of Nurmurkah, Parish of Katunga as shown cross-hatched on Plan No. LEGL./09-301 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (Rs 17110)

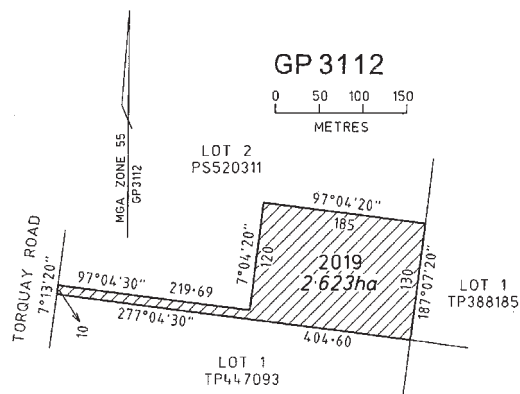
MUNICIPAL DISTRICT OF THE SOUTHERN GRAMPIANS SHIRE COUNCIL

BALMORAL – Public purposes, area 554 square metres, being Crown Allotment 2011, Township of Balmoral, Parish of Balmoral as indicated by hatching on plan GP3004 hereunder. – (GP3004) – (032019166)



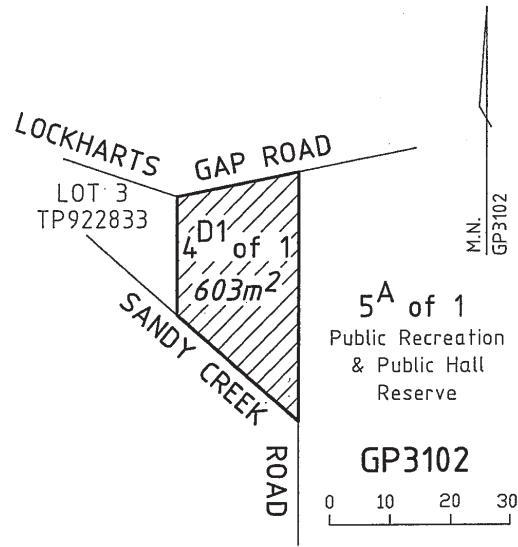
MUNICIPAL DISTRICT OF THE GREATER GEELONG CITY COUNCIL

CONEWARRE – Public purposes (Aged Care Services), area 2.623 hectares, being Crown Allotment 2019, Parish of Conewarre as indicated by hatching on plan GP3112 hereunder. – (GP3112) – (07L-4949)



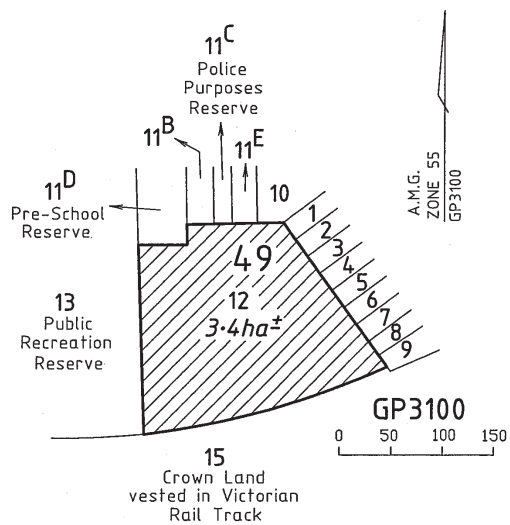
MUNICIPAL DISTRICT OF THE INDIGO SHIRE COUNCIL

TANGAMBALANGA – Public Recreation and Public Hall, area 603 square metres, being Crown Allotment 4D1, Section 1, Parish of Tangambalanga as indicated by hatching on plan GP3102 hereunder. – (GP3102) – (1104464)



MUNICIPAL DISTRICT OF THE MITCHELL SHIRE COUNCIL

BROADFORD – Public purposes; area 3.4 hectares, more or less, being Crown Allotment 12, Section 49, Township of Broadford, Parish of Broadford as indicated by hatching on plan GP3100 hereunder. – (GP3100) – (092019174)



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

Dated 21 June 2011

Responsible Minister

THE HON. RYAN SMITH

Minister for Environment and
Climate Change

MATTHEW McBEATH
Clerk of the Executive Council

Crown Land (Reserves) Act 1978

REVOCATION OF TEMPORARY
RESERVATIONS

Order in Council

The Governor in Council under section 10 of the **Crown Land (Reserves) Act 1978** revokes the following temporary reservations:

MIRBOO NORTH – The temporary reservation by Order in Council of 8 September 1964 of an area of 1265 square metres, more or less, of land in Section 3, Township of Mirboo North, Parish of Mirboo as a site for Police purposes. – (Rs 8365)

VECTIS EAST – The temporary reservation by Order in Council of 19 March 1984 of an area of 8.53 hectares, more or less, of land in the Parish of Vectis East as a site for Water Supply purposes, so far only as the portion containing 1.315 hectares being Crown Allotment 2008, Parish of Vectis East as indicated by hatching on plan published in the Government Gazette on 19 May 2011 – page 1116. – (Rs 12893)

JIKA JIKA – The temporary reservation by Order in Council of 4 August 1970 of an area of 379 square metres, more or less, of land in the Parish of Jika Jika as a site for Public purposes [Mental Health Authority]. – (Rs 9334)

SARFIELD – The temporary reservation by Order in Council of 19 October 1891 of an area of 20.23 hectares [50 acres] of land in the Parish of Sarsfield (formerly being part crown allotment 27) as a site for Supply of Gravel, revoked as to part by Order in Council of 16 June 1982 so far as the balance remaining containing 12.5 hectares, more or less. – (Rs 7082)

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

Dated 21 June 2011

Responsible Minister

THE HON. RYAN SMITH

Minister for Environment and
Climate Change

MATTHEW McBEATH
Clerk of the Executive Council

Crown Land (Reserves) Act 1978

DISSOLUTION OF INCORPORATED
COMMITTEE OF MANAGEMENT –
NANNEELLA BUSHLAND RESERVE

Order in Council

The Governor in Council under section 14A(7) of the **Crown Land (Reserves) Act 1978** dissolves the ‘Nanneella Bushland Reserve Committee Incorporated’ (constituted by Order in Council of 11 April 2006 vide Government Gazette of 13 April 2006 – page 759).

File Ref: Rs 4606 [0804606]

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

Dated 21 June 2011

Responsible Minister

THE HON. RYAN SMITH

Minister for Environment and
Climate Change

MATTHEW McBEATH
Clerk of the Executive Council

Crown Land (Reserves) Act 1978

DISSOLUTION OF INCORPORATED
COMMITTEE OF MANAGEMENT –
CHARLTON GOLF COURSE RESERVE

Order in Council

The Governor in Council under section 14A(7) of the **Crown Land (Reserves) Act 1978** dissolves the ‘Charlton Golf Course Reserve Committee of Management Incorporated’ (constituted by Order in Council of 11 May 2010 vide Government Gazette of 13 May 2010 – page 971).

File Ref: 2018245

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

Dated 21 June 2011

Responsible Minister

THE HON. RYAN SMITH

Minister for Environment and
Climate Change

MATTHEW McBEATH
Clerk of the Executive Council

Crown Land (Reserves) Act 1978
Interpretation of Legislation Act 1984

AMENDMENT OF TEMPORARY
RESERVATIONS – GLENROWAN

Order in Council

The Governor in Council under section 4(1) of the **Crown Land (Reserves) Act 1978** and section 27 of the **Interpretation of Legislation Act 1984** amends the following Orders in Council:

GLENROWAN – Order in Council made on 24 October 1989 and published in the Government Gazette on 1 November 1989 page – 2813 of the temporary reservation of an area of 1.154 hectares of land being Crown Allotment 2A, Section 19, Township of Glenrowan, Parish of Glenrowan as a site for Public Park;

GLENROWAN – Order in Council made on 24 October 1989 and published in the Government Gazette on 1 November 1989 page – 2813 of the temporary reservation of an area of 11.64 hectares of land being Crown Allotment 113E, Parish of Glenrowan as a site for Public Park; and

GLENROWAN – Order in Council made on 23 July 1991 and published in the Government Gazette on 24 July 1991 page – 2047 of the temporary reservation of an area of 1933 square metres of land being Crown Allotment 2B, Section 19, Township of Glenrowan, Parish of Glenrowan as a site for Public Park;

...by deletion of the words ‘Public Park’ and the substitution therefor of the words ‘Public Recreation’.

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

Dated 21 June 2011

Responsible Minister

THE HON. RYAN SMITH

Minister for Environment and
Climate Change

MATTHEW McBEATH
Clerk of the Executive Council

Crown Land (Reserves) Act 1978

ASSIGNMENT OF NEW NAME
TO CORPORATION

Order in Council

The Governor in Council under section 14A(5) of the **Crown Land (Reserves) Act 1978** [the Act] assigns the new corporate name ‘Glenrowan Public Recreation Reserve Management Committee Incorporated’ to the corporation constituted under section 14A(1) of the said Act as the ‘Glenrowan Public Park Management Committee Incorporated’ by Order in Council of 17 November 1998 vide Government Gazette of 19 November 1998 – page 2832.

File Ref: Rs 01065 [1104426]

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

Dated 21 June 2011

Responsible Minister

THE HON. RYAN SMITH

Minister for Environment and
Climate Change

MATTHEW McBEATH
Clerk of the Executive Council

Land Act 1958

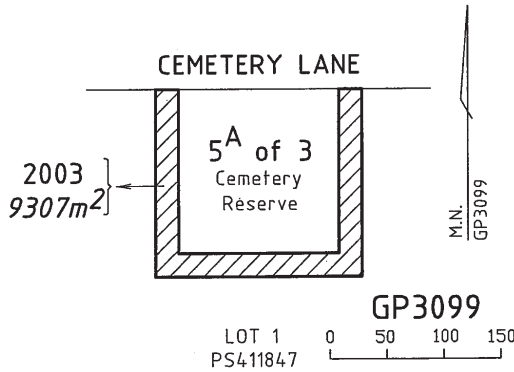
CLOSURE OF UNUSED ROAD

Order in Council

The Governor in Council under section 349 of the **Land Act 1958** and with the concurrence in writing of the municipality in which the road is situated and the owners of land adjoining the road, closes the following unused road:

MUNICIPAL DISTRICT OF THE
ALPINE SHIRE COUNCIL

MULLINDOLINGONG – The road in the Parish of Mullindolingong being Crown Allotment 2003 as indicated by hatching on plan GP3099 hereunder. – (GP3099) – (2004792)



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

Dated 21 June 2011

Responsible Minister

THE HON. RYAN SMITH
Minister for Environment and
Climate Change

MATTHEW McBEATH
Clerk of the Executive Council

Land Act 1958

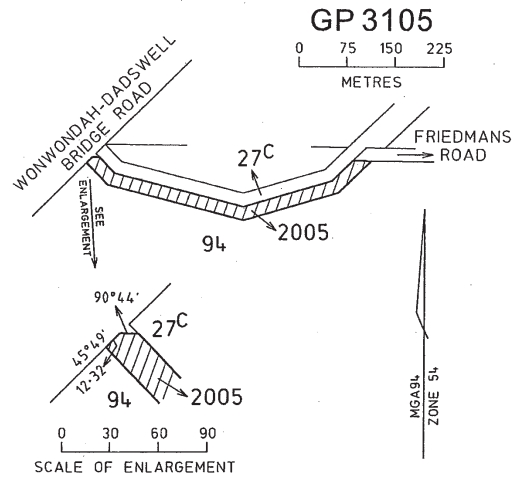
CLOSURE OF UNUSED ROAD

Order in Council

The Governor in Council under section 349 of the **Land Act 1958** and with the concurrence in writing of the municipality in which the road is situated and the owner of land adjoining the road, closes the following unused road:

MUNICIPAL DISTRICT OF THE HORSHAM
RURAL CITY COUNCIL

LAH-ARUM – The road in the Parish of Laharum being Crown Allotment 2005 as indicated by hatching on plan GP3105 hereunder. – (GP3105) – (022000860)



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

Dated 21 June 2011

Responsible Minister

THE HON. RYAN SMITH
Minister for Environment and
Climate Change

MATTHEW McBEATH
Clerk of the Executive Council

Health Services Act 1988

AMENDMENT TO SCHEDULE 1 –
PUBLIC HOSPITALS

Order in Council

The Governor in Council, under section 8(1)(c) of the **Health Services Act 1988**, amends the name of Mt Alexander Hospital as it appears in Schedule 1 of that Act to Castlemaine Health.

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

Dated 21 June 2011

Responsible Minister

HON DAVID DAVIS MP
Minister for Health

MATTHEW McBEATH
Clerk of the Executive Council

Health Services Act 1988

AMENDMENT TO SCHEDULE 1 – PUBLIC HOSPITALS

Order in Council

The Governor in Council, under section 8(1)(c) of the **Health Services Act 1988**, amends the name of McIvor Health and Community Services, as it appears in Schedule 1 of that Act, to Heathcote Health.

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

Dated 21 June 2011

Responsible Minister

HON DAVID DAVIS MP

Minister for Health

MATTHEW McBEATH

Clerk of the Executive Council

National Electricity (Victoria) Act 2005

F-FACTOR SCHEME ORDER 2011

Order in Council

The Governor in Council under section 16C of the **National Electricity (Victoria) Act 2005** makes the following Order:

1. Purpose

The purpose of this Order is to establish an f-factor scheme.

2. Commencement

This Order commences on the day it is published in the Government Gazette.

3. Interpretation

(1) In this Order and unless the context otherwise requires –

distribution system n means a distribution system in respect of which Distribution Network Service Provider *n* is the owner, operator or controller;

f-factor scheme means an incentive scheme that provides incentives for Distribution Network Service Providers to reduce the risk of fire starts and reduce the risk of loss or damage caused by fire starts;

fire start – see clause 4;

fire start target – see clause 8; and

fire start report – see clause 5.

(2) Unless the context otherwise requires, words and expressions used in this Order and the National Electricity (Victoria) Law or the National Electricity Rules have the same meaning in this Order as they have in that Law or those Rules.

*Note: Used in this Order are **distribution system, framework and approach paper, publish, regulatory control period and regulatory year** which are all defined in either the National Electricity (Victoria) Law or the National Electricity Rules.*

4. What is a fire start?

(1) The fire starts that are to be covered by an f-factor scheme determination are any fire –

(a) that starts in or originates from a distribution system;

(b) started by any tree, or part of a tree, falling upon or coming into contact with a distribution system;

(c) started by any person, bird, reptile or other animal coming into contact with a distribution system;

- (d) started by lightning striking a distribution system or a part of a distribution system; and
 - (e) started by any other thing forming part of or coming into contact with a distribution system; or
 - (f) otherwise started by a distribution system.
- (2) For the purposes of clause 4(1)(b), it is irrelevant whether the tree or part of the tree that fell upon or came into contact with the distribution system is or was, before the fire start, inside or outside a required clearance space.

- (3) In this clause –

Code of Practice for Electric Line Clearance means the Code prescribed pursuant to Part 8 of the **Electricity Safety Act 1998**;

Note: See regulation 7 and the Schedule to the Electricity Safety (Electric Line Clearance) Regulations 2010.

required clearance space means a clearance space required under the Code of Practice for Electric Line Clearance; and

tree has the same meaning as it has in the **Electricity Safety Act 1998** and includes (without limitation) a hazard tree within the meaning of section 86B of that Act.

Note: tree, as defined in section 3 of the Electricity Safety Act 1998, includes vegetation.

5. Fire start reports

- (1) The AER may request from a Distribution Network Service Provider a report of fire starts for the previous regulatory year (a **fire start report**).
- (2) The AER's request must be in writing and must specify when the fire start report is to be provided which shall be no later than 31 March in each year.
- (3) A fire start report must –
- (a) be in the form that the AER from time to time specifies;
 - (b) if the Distribution Network Service Provider is the service provider in relation to more than one distribution system, distinguish between distribution systems;
 - (c) list all fire starts for the previous regulatory year, stating in each case and where known what kind of fire start it was and the date, time and location of the fire;
 - (d) state whether the fire was reported to a relevant entity; and
 - (e) include such other information as the AER may from time to time specify.

Note: Clause 4(1) specifies the various kinds of fire starts.

- (4) The AER may develop and publish guidelines as to the form of and information to be included in a fire start report.
- (5) The AER must publish a fire start report.
- (6) This clause does not prevent or limit the AER serving a regulatory information notice or making a regulatory information order.

Note: See also section 16E(1)(d) of the National Electricity (Victoria) Act 2005.

6. F-factor scheme determination

- (1) The AER must make an f-factor scheme determination in accordance with this Order.

Note: Pursuant to section 16E(1)(a) and (b) of the National Electricity (Victoria) Act 2005, the AER must perform or exercise its functions and powers under this Order in a manner that will or is likely to contribute to the achievement of the national electricity objective.

- (2) The AER must make, no later than 31 December 2011, an f-factor scheme determination to take effect in the first distribution determination period.
- (3) F-factor scheme determinations that take effect for a regulatory control period subsequent to the first distribution determination period must be made by the AER so as to take effect at the commencement of each such subsequent regulatory control period.
- (4) The AER must publish an f-factor scheme determination. An f-factor scheme determination for a regulatory control period subsequent to the first distribution determination period may be published as part of a distribution determination for that regulatory control period.

7. Nature and effect of an f-factor scheme determination

- (1) An f-factor scheme determination must establish an f-factor scheme that complies with this Order and under which there is a revenue adjustment for a Distribution Network Service Provider.
- (2) That revenue adjustment must be determined by the AER as follows –

$$\text{Revenue adjustment}_{t,n} = \sum_{m=1}^q \text{Incentive rate}_{t-2,n,m} \times (\text{Target no. of fires}_{t-2,n,m} - \text{Number of fires}_{t-2,n,m})$$

where the distribution system is made up of q parts and –

- (a) **Revenue adjustment_{t,n}** is the adjustment to the revenue for Distribution Network Service Provider n for regulatory year t ;
- (b) **Incentive rate_{t-2,n,m}** is the incentive rate for part m of distribution system n for regulatory year $t-2$, determined in accordance with clause 10 or 11 as the case may be;
- (c) **Target no. of fires_{t-2,n,m}** is the fire start target for regulatory year $t-2$ for part m of distribution system n , determined in accordance with clause 8; and
- (d) **Number of fires_{t-2,n,m}** is the number of fire starts in relation to part m of distribution system n that occurred in regulatory year $t-2$, determined in accordance with clause 9.

Note: For the first two regulatory years of a regulatory control period, regulatory year $t-2$ will be a regulatory year in the immediately preceding regulatory control period. Thus, for the regulatory year commencing 1 January 2016, regulatory year $t-2$ will be a regulatory year in the first distribution determination period.

- (3) An f-factor scheme determination that takes effect for a regulatory control period subsequent to the first distribution determination period may specify how the revenue adjustment is to occur. For the avoidance of doubt and without limitation, the revenue adjustment may –
 - (a) be by way of a pass through;
 - (b) be expressed as a percentage adjustment to revenue; or
 - (c) take effect over more than one regulatory control period.
- (4) For the purposes of a distribution determination, a revenue adjustment under an f-factor scheme is not revenue of, expenditure by or a cost of a Distribution Network Service Provider unless the AER determines otherwise.

8. Determination of fire start target

- (1) A fire start target for a regulatory control period shall be determined by the AER as follows –

$$\text{Target no. of fires}_{rcp(T),n,m} = \text{Number of fires}_{n,m} / \text{Number of years}$$

where –

- (a) **Target no. of fires_{rcp(T),n,m}** is the fire start target for part m of distribution system n for regulatory control period T ;

- (b) **Number of fires_{n,m}** is the number of fire starts in relation to part *m* of distribution system *n* that occurred in the 5 complete contiguous regulatory years prior to the making of an f-factor scheme determination for regulatory control period *T*, determined in accordance with clause 9; and
 - (c) **Number of years** is 5.
- (2) In the first distribution determination period, there must be only one fire start target for a distribution system.
- Note: This has the effect that in the first distribution determination period each part of a distribution system will have the same fire start target.*
- (3) Notwithstanding subclause (1), for the purposes of its determination of the fire start target for the first distribution determination period –
- (a) the AER may, if it considers it appropriate in the circumstances, use a period of less than 5 complete contiguous regulatory years for the purposes of determining **Number of fires_{n,m}**,
- in which case –
- (b) **Number of years** must also be reduced to the number of complete contiguous regulatory years that the AER uses in determining **Number of fires_{n,m}**.
- (4) For regulatory control periods subsequent to the first distribution determination period, there may be different fire start targets for different parts of a distribution system.

Example:

A distribution system may be partly rural and partly urban. There might be two different fire start targets with one applying to the rural part of the distribution system and the other applying to the urban part of the distribution system.

- (5) A fire start target for a regulatory control period applies with respect to each regulatory year in that regulatory control period.

9. Number of fire starts

- (1) In determining the number of fire starts that occurred in relation to a distribution system or a part of that system, the AER may use, but is not bound by –
- (a) the list of fire starts contained in a fire start report provided by the relevant Distribution Network Service Provider;
 - (b) any information obtained pursuant to a regulatory information instrument; and
 - (c) any information relating to fire starts the AER receives from a relevant entity pursuant to a request made under section 16G of the **National Electricity (Victoria) Act 2005**.
- (2) If there is no or incomplete data for fire starts for any regulatory year, or the AER considers the data or any part thereof inadequate for any reason, the AER may use –
- (a) the number of fire starts that occurred in relation to that distribution system in other regulatory years;
 - (b) the number of fire starts that occurred in relation to a reasonably comparable distribution system; and
 - (c) estimates.
- (3) Subclause (2) does not prevent the AER using all or any part of the incomplete or inadequate data.
- (4) The AER must consult with the relevant entities when determining the number of fire starts.

10. Incentive rate for first distribution determination period

- (1) The incentive rate for the first distribution determination period is \$25,000.
- (2) The incentive rate of \$25,000 applies to –
 - (a) all distribution systems; and
 - (b) all parts of a distribution system.

11. Incentive rate for subsequent regulatory control periods

- (1) The incentive rate for each regulatory control period subsequent to the first distribution determination period –
 - (a) is \$25,000; and
 - (b) applies to –
 - (i) all distribution systems; and
 - (ii) all parts of a distribution system,unless the AER determines otherwise.
- (2) Subclauses (3) to (7) apply if the AER determines an incentive rate or the application of an incentive rate.
- (3) An incentive rate must be a dollar amount determined *ex ante*.
- (4) An incentive rate may –
 - (a) vary from regulatory year to regulatory year;
 - (b) vary from regulatory control period to regulatory control period;
 - (c) differ as between Distribution Network Service Providers;
 - (d) differ as between parts of a distribution system;
 - (e) differ according to the environments or areas that a distribution system passes through;
 - (f) vary according to weather conditions or fire risk;
 - (g) vary by time or day;
 - (h) vary according to whether there is or is not a fire danger period declared under the **Country Fire Authority Act 1958**; and
 - (i) vary or differ according to any other factor that the AER considers relevant in the circumstances.
- (5) When making a determination under this clause the AER must have regard to the following factors –
 - (a) the willingness of end users to pay for enhanced fire safety;
 - (b) a distribution system's history of fire starts; and
 - (c) the need to ensure that the benefits to consumers likely to result from the making of an f-factor scheme determination are sufficient to warrant the incentive rate.
- (6) Subclause (5) does not limit the matters that the AER may have regard to when making its determination.
- (7) For the purposes of making a determination under this clause, the AER may rely upon or use such surveys or reports as the AER considers appropriate in the circumstances. Any reports or surveys that the AER relies upon or uses must be published by the AER.

12. F-factor amount determination

- (1) The AER must make an f-factor amount determination in accordance with this Order and the applicable f-factor scheme determination made pursuant to clause 6.

Note: Pursuant to section 16E(1)(a) and (b) of the National Electricity (Victoria) Act 2005, the AER must perform or exercise its functions and powers under this Order in a manner that will or is likely to contribute to the achievement of the national electricity objective.

- (2) The AER is only required to make an f-factor amount determination with respect to amounts proposed to be passed through in the regulatory years that commence 1 January 2014 and 1 January 2015.

Note: For regulatory years commencing from 1 January 2016, see clause 7(3).

- (3) The AER must make an f-factor amount determination no later than 30 September in the regulatory year prior to the regulatory year in which the amount is proposed to be passed through.

*Note: Pursuant to section 16E(2)(b) of the National Electricity (Victoria) Act 2005, the definition of **pass through event** in Chapter 10 of the National Electricity Rules is amended so as to include an f-factor amount determination.*

- (4) The AER must publish an f-factor amount determination which may be published at the same time as the AER –
- determines to grant approval, pursuant to rule 6.6.1 of the National Electricity Rules, to pass through of a positive pass through amount;
 - determines to require, pursuant to rule 6.6.1 of those rules, pass through of a negative pass through amount.

13. Nature of an f-factor amount determination

- (1) An f-factor amount determination must specify an amount that complies with this Order and the applicable f-factor scheme determination made pursuant to clause 6 and which is to be treated as a positive pass through amount or a negative pass through amount for the purposes of the National Electricity Rules.

Note: Pursuant to section 16C(1)(b), an f-factor amount determination has the effect of treating the amount specified as a positive pass through amount or a negative pass through amount for the purposes of the National Electricity Rules.

- (2) The amount must be determined by the AER as follows –

Pass through amount_{t,n} = Incentive rate_{t-2} x (Target no. of fires_{t-2,n} - Number of fires_{t-2,n})

where –

- Pass through amount_{t,n}** is the amount for Distribution Network Service Provider *n* for regulatory year *t* which may (but does not have to) be expressed as a percentage adjustment to the revenue of the Distribution Network Service Provider;
- Incentive rate_{t-2}** is \$25,000;
- Target no. of fires_{t-2,n}** is the fire start target for regulatory year *t-2* for distribution system *n*, determined in accordance with clause 8; and
- Number of fires_{t-2,n}** is the number of fire starts in relation to distribution system *n* that occurred in regulatory year *t-2*, determined in accordance with clause 9.

14. Consultation procedures

- (1) The distribution consultation procedures set out in rule 6.16 of the National Electricity Rules (as amended by this clause) are taken to apply and must be followed by the AER when it makes –
- (a) an f-factor scheme determination for the first distribution determination period;
 - (b) an f-factor amount determination; or
 - (c) a decision to vary a distribution determination pursuant to rule 6.13A of the National Electricity Rules.

Note: Rule 6.13A is inserted in the National Electricity Rules by section 16E(2)(a) of the National Electricity (Victoria) Act 2005.

- (2) For the purposes of subclause (1), rule 6.16 of the National Electricity Rules is taken to be amended as follows –
- (a) Rule 6.16(b) is replaced with –

“The AER must *publish*:

 - (1) its proposal for the f-factor scheme determination, the f-factor amount determination and variation of a distribution determination as the case may be;
 - (2) an explanatory statement that sets out the provisions of the **F- factor Scheme Order in Council 2011** and the *Rules* under or for the purposes of which the f-factor scheme determination, f-factor amount determination or variation of the distribution determination, as the case may be, is required and the reasons for the determination or variation; and
 - (3) an invitation for written submissions on the proposal.”;
 - (b) The invitation for written submissions referred to in rule 6.16(b)(3) must be sent to –
 - (i) relevant Distribution Network Service Providers;
 - (ii) the Minister; and
 - (iii) the relevant entities;
 - (c) The references to “final decision” in rules 6.16(e), 6.16(f) and 6.16(g) are to be read as references to an f-factor scheme determination, an f-factor amount determination or a decision to vary a distribution determination as the case may be; and
 - (d) All further amendments necessary or consequential on the amendments in paragraphs (a) to (c) of this subclause are made.
- (3) Subclause (2)(a) does not limit the documents or information that the AER may publish.
- (4) Subclause (2)(b) does not limit who the AER may invite submissions from or consult with.
- (5) When the AER makes an f-factor scheme determination for a regulatory control period subsequent to the first distribution determination period, the AER may follow –
- (a) the distribution consultation procedures set out in rule 6.16 of the National Electricity Rules as amended by this clause; or
 - (b) the procedures for making a distribution determination set out in rules 6.8 to 6.11 inclusive and rule 6.12.2 of the National Electricity Rules, as amended by this clause.

- (6) For the purposes of subclause (5)(b), rules 6.8 to 6.11 and rule 6.12.2 of the National Electricity Rules are taken to apply and to be amended as follows –
- (a) All references to “distribution determination” in rules 6.8 to 6.11 of the National Electricity Rules are to be read as a reference to an f-factor scheme determination;
 - (b) The framework and approach paper should set out the AER’s likely approach (together with its reasons for that approach) to an f-factor scheme determination;
 - (c) Rules 6.8.1(b), (c) and (ca) do not apply;
 - (d) The “interested stakeholders” in clause 6.8.1(d) include the Minister and the relevant entities;
 - (e) Rule 6.8.2(a) is replaced with –
 - “(a) A *Distribution Network Service Provider* must, at the time required to do so under paragraph (b), submit a *regulatory proposal* to the AER with respect to an f-factor scheme which proposal must comply with the **F- factor Scheme Order in Council 2011**”;
 - (f) Rule 6.8.2(c)(1) to (5) do not apply;
 - (g) The reference to “the Rules” in rule 6.9.1(a) and the second reference to “the Rules” in rule 6.9.3(a) are to be read as references to this Order;
 - (h) Rule 6.9.3(a)(1) is deleted;
 - (i) The references to “proposed *Negotiated Distribution Service Criteria*” in rules 6.9.3(a)(2), 6.9.3(b) and 6.9.3(c) are deleted;
 - (j) References in rules 6.10.2(a)(3) and 6.11.2(3) to the inclusion of the constituent decisions are deleted;
 - (k) Rule 6.12.2(2)(i) is deleted; and
 - (l) All further amendments necessary or consequential on the amendments in paragraphs (a) to (k) of this subclause are made.

Dated 21 June 2011

Responsible Minister

HON. MICHAEL O’BRIEN MP

Minister for Energy and Resources

MATTHEW McBEATH
Clerk of the Executive Council

Transport Accident Act 1986

DECLARATION THAT THE TAC MEDICAL EXCESS
NOT BE INDEXED IN THE FINANCIAL YEAR COMMENCING ON 1 JULY 2011

Order in Council

The Governor in Council, on the recommendation of the Transport Accident Commission and under section 61(7) of the **Transport Accident Act 1986** declares that section 61 does not apply to amount referred to in section 43(1)(b) of the **Transport Accident Act 1986** in respect of the financial year commencing on 1 July 2011.

Dated 21 June 2011

Responsible Minister

GORDON RICH-PHILLIPS MLC

Assistant Treasurer

MATTHEW McBEATH
Clerk of the Executive Council

**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:

34. *Statutory Rule:* Corporations
(Ancillary Provisions)
Regulations 2011
- Authorising Act:* Corporations
(Ancillary Provisions)
Act 2001
- Date first obtainable:* 20 June 2011
- Code A*
35. *Statutory Rule:* Transfer of Land
(Fees) Amendment
Regulations 2011
- Authorising Act:* Transfer of Land
Act 1958
- Date first obtainable:* 20 June 2011
- Code A*
36. *Statutory Rule:* Magistrates'
Court General
Civil Procedure
(Amendment
No. 2) Rules 2011
- Authorising Act:* Magistrates' Court
Act 1989
- Date first obtainable:* 21 June 2011
- Code B*
-

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