



Victoria Government Gazette

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No. G 16 Thursday 17 April 2014

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GENERAL

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As from 17 April 2014

The last Special Gazette was No. 128 dated 16 April 2014.

The last Periodical Gazette was No. 1 dated 13 June 2013.

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
-

Copies of recent Special Gazettes can now be viewed at the following display cabinet:

- 1 Treasury Place, Melbourne (behind the Old Treasury Building)
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**PUBLICATION OF THE VICTORIA GOVERNMENT GAZETTE (General)
EASTER WEEK 2014**

Please Note New Deadlines for General Gazette G17/14:

The Victoria Government Gazette (General) for Easter week (G17/14) will be published on **Thursday 24 April 2014**.

Copy deadlines:

Private Advertisements	9.30 am on Thursday 17 April 2014
Government and Outer Budget Sector Agencies Notices	9.30 am on Tuesday 22 April 2014

Office Hours:

The Victoria Government Gazette Office is open during normal office hours over the holiday period, i.e. 8.30 am to 5.30 pm Monday to Friday, excluding public holidays.

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

JENNY NOAKES
Government Gazette Officer

**PUBLICATION OF THE VICTORIA GOVERNMENT GAZETTE (General)
ANZAC DAY WEEK 2014 (Friday 25 April 2014)**

Please Note Deadlines for General Gazette G18/14:

The Victoria Government Gazette (General) for ANZAC week (G18/14) will be published on **Thursday 1 May 2014**.

Copy deadlines:

Private Advertisements	9.30 am on Monday 28 April 2014
Government and Outer Budget Sector Agencies Notices	9.30 am on Tuesday 29 April 2014

Office Hours:

The Victoria Government Gazette Office is open during normal office hours over the holiday period, i.e. 8.30 am to 5.30 pm Monday to Friday, excluding public holidays.

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

JENNY NOAKES
Government Gazette Officer

PRIVATE ADVERTISEMENTS

DISSOLUTION OF PARTNERSHIP

Notice is hereby given in accordance with the provisions of section 41 of the **Partnership Act 1958** (Vic.) that:

The partnership heretofore existing between Linda Marie Lorenz and Paul Earle Lorenz under the name of 'Kidna Books and Minerals', trading as 'Kidna Books' at 422 Hampton Street, Hampton, in the State of Victoria, is now dissolved by mutual consent.

That Paul Earle Lorenz of 722 Centre Road, Bentleigh East, in the State of Victoria, has withdrawn from and is no longer associated in the conducting of said business, and Linda Marie Lorenz of 422 Hampton Street, Hampton, in the State of Victoria, who will conduct said business hereafter, has assumed all of the due obligations of said business incurred both heretofore and hereafter, and is entitled to all of the assets of said business.

Said partnership is dissolved as of 22 April 2014.

Re: CALOGERO LA VERDE, also known as Carlo La Verde, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 January 2013, are required by the trustees, Roberta La Verde and Douglas James Bourne, to send particulars to them, care of the undersigned solicitors, by 17 June 2014, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

AITKEN PARTNERS PTY LTD, solicitors,
Level 28, 140 William Street, Melbourne 3000.

Re: Estate of PETER MACARTHUR WOODHEAD, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of PETER MACARTHUR WOODHEAD, late of 61 Thomson Street, Sale, Victoria, deceased, who died on 20 January 2014, are required to send particulars of their claims to the solicitors acting on behalf of the estate, being Allman, Moroney

of 121 Raymond Street, Sale, Victoria, on or before 17 June 2014, after which date they will distribute the assets, having regard only to the claims of which they then have notice.

ALLMAN, MORONEY, barristers and solicitors,
121 Raymond Street, Sale 3853.

NOTICE OF CLAIMANTS UNDER **TRUSTEE ACT 1958** (SECTION 33 NOTICE)

Notice to Claimants

KENNETH MURRAY ALEXANDER, late of Regis Bayside Gardens, 161 Male Street, Brighton, Victoria, scientist, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 22 December 2013, are required by the trustee, ANZ Trustees Limited, of 42/55 Collins Street, Melbourne, Victoria, to send particulars to the trustee by 17 June 2014, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

ANZ TRUSTEES LIMITED,
42/55 Collins Street, Melbourne, Victoria 3000.

NOTICE OF CLAIMANTS UNDER **TRUSTEE ACT 1958** (SECTION 33 NOTICE)

Notice to Claimants

GLADYS MINNA BOWEN, late of Tongala Aged Care Complex, Purdey Street, Tongala, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 26 June 1998, are required by the trustee, ANZ Trustees Limited of 42/55 Collins Street, Melbourne, Victoria, to send particulars to the trustee by 19 June 2014, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

ANZ TRUSTEES LIMITED,
42/55 Collins Street, Melbourne, Victoria 3000.

Re: MAURICE WINSTON BORCHARD, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 11 June 2013, are required by the trustees, Lorena Joy Borchard, Kerry Anne Borchard and Edward James Borchard, to send particulars to them, care of the undermentioned solicitors, by 22 June 2014, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

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

Re: DEREK THOMAS ENTWISLE, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 26 September 2013, are required by the trustee, Ross Edward Cleeland, to send particulars to him, care of the undermentioned solicitors, by 22 June 2014, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

Re: MARGARET FLORENCE SCOTT, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 21 October 2013, are required by the trustee, Kelly Samantha Corneliusen, in the Will called Kelly Samantha Scott, care of 44 Douglas Street, Noble Park, Victoria, to send particulars to the trustee by 2 July 2014, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

Re: GEORGE STROUD, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 October 2013, are required by the executor, Donald Keith Davis (in the Will called

Donald Kenneth Davis), care of Davis Lawyers, Level 15, 200 Queen Street, Melbourne, in the State of Victoria, to send particulars to the executor by 17 July 2014, after which date the executor may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

DAVIS LAWYERS,
Level 15, 200 Queen Street, Melbourne 3000.

Re: LYNTON CHARLES ARTHUR BAILEY, late of 4/298 Cotham Road, Kew, Victoria, architect, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 9 December 2013, are required by the trustees, Christopher Harold Valden Bailey, Catherine Merlyn Bailey and Robyn Hilma Bailey, to send particulars to the trustees, care of the undermentioned solicitors, within sixty days from the publication hereof, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

DE MARCO LAWYERS,
794A Pascoe Vale Road, Glenroy 3046.

Re: CARMELA CHIAPPALONE, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of CARMELA CHIAPPALONE, late of 21 Jarvie Street, Brunswick East, Victoria, home duties, deceased, who died on 29 December 2013, are required by the executor to send particulars of their claim to her, care of the undermentioned solicitors, by 8 October 2014, after which date the said executor will distribute the assets of the deceased, having regard only to the claims of which she then shall have notice.

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

Re: Estate of JOHN DAVID SAUNDERS.

Creditors, next-of-kin or others having claims in respect of the estate of JOHN DAVID SAUNDERS, late of Caravan Park, Wycheproof, in the State of Victoria, retired CRB labourer, deceased, who died on 30 September 2012, are to send particulars of their claim to the executors,

care of the undermentioned legal practitioners, by 17 June 2014, after which the executors will distribute the assets, having regard only to the claims of which they then have notice.

DWYER MAHON & ROBERTSON,
legal practitioners,
Beveridge Dome, 194–208 Beveridge Street,
Swan Hill 3585.

EDWARD JOSEPH FIORILLO, late of 671 Lygon Street, Princes Hill, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 October 2013, are required by the personal representatives, Tanya Lee Shaw and Vince Edward Fiorillo, to send particulars to them, care of the undermentioned solicitors, by 30 June 2014, 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,
Victoria 3000.

Creditors, next-of-kin and others having claims in respect of the estate of WILLY BRAUN, late of Sherbrooke Lodge, 14–18 Tarana Avenue, Upper Ferntree Gully, Victoria, deceased, who died on 14 May 2013, are required to send particulars of their claims to Equity Trustees Limited, ACN 004 031 298, of 575 Bourke Street, Melbourne, Victoria, the executor of the Will of the deceased, by 17 June 2014, after which date the executor may distribute the assets, having regard only to the claims of which it then has notice.

EQUITY TRUSTEES LIMITED,
ACN 004 031 298,
Level 2, 575 Bourke Street, Melbourne,
Victoria 3000.

Creditors, next-of-kin and others having claims in respect of the estate of CYRIL HARTLEY FERNE, late of BUPA Coburg, 24 Sutherland Street, Coburg, Victoria, deceased, who died on 5 January 2014, are required to send particulars of their claims to Equity Trustees Limited, ACN 004 031 298, of 575 Bourke Street, Melbourne, Victoria, the executor of the

Will of the deceased, by 17 June 2014, after which date the executor may distribute the assets, having regard only to the claims of which it then has notice.

EQUITY TRUSTEES LIMITED,
ACN 004 031 298,
Level 2, 575 Bourke Street, Melbourne,
Victoria 3000.

Re: ELVA MAXWELL, late of Unit 39, Karinya Gardens, 1–11 Furness Street, Kangaroo Flat, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the Will/estate of the abovenamed deceased, who died on 13 September 2012, are required by the executors of the estate of the deceased, Beverley Jane Maxwell and Shane Anthony Maxwell, to send particulars of their claims to them, care of the undermentioned solicitor, by 18 June 2014, 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 20 March 2014.

FINDLAY ARTHUR PHILLIPS, solicitors,
Suite 27, Level 3, 25 Claremont Street,
South Yarra 3141.

Re: Estate of YVONNE CHARMAINE BAUER, also known as Yvonne Charmaine De Costa, late of 16 O'Shannessy Court, Altona Meadows, Victoria, travel agent, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 July 2012, are required by the trustee, Marion Yvonne Karin Kaman, to send particulars of their claims to the trustee, care of the undermentioned solicitors, within 2 months from the date of publication of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she then has notice.

GRIFFIN LAW FIRM,
Level 1/79 Main Road West, St Albans,
Victoria 3021.

Re: JOAN DOWNWARD, late of unit 40, Koorootang Retirement Village, 183 Osborne Drive, Mount Martha, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 December 2013, are required by the trustee, Peter Lee Tong Ng, to send particulars to the undermentioned solicitors, by 15 July 2014, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

Creditors, next-of-kin and others having claims in respect of the estate of JOHN VICTOR CONNARD, late of 462 Como Parade West, Mordialloc, Victoria, deceased, who died on 30 December 2013, are required by the executor of the deceased, Equity Trustees Limited of Level 2, 575 Bourke Street, Melbourne, Victoria, to send particulars to it, care of the undermentioned solicitors, by 17 June 2014, after which date it will distribute the assets, having regard only to the claims of which it then has notice.

HWL EBSWORTH, lawyers,
Level 26, 530 Collins Street, Melbourne 3000.
(FX:hp 302518)

Re: KATHLEEN COSTELLO, deceased, of BUPA, 256–260 Station Street, Edithvale, in the State of Victoria, home duties.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 December 2013, are required to send particulars of their claims to the executors, Shane Anthony Costello and Christopher Julian Costello, care of 31 Small Street, Hampton, Victoria 3188, by 18 June 2014, after which date the executors may convey or distribute the assets, having regard only to the claims of which they may then have notice.

KEITH R. CAMERON, solicitor,
31 Small Street, Hampton, Victoria 3188.

VALERIE JEAN NEILL, late of Victoria Manor, 15 Mladen Court, Coolaroo, in the State of Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died at Victoria Manor, 15 Mladen Court, Coolaroo, on 3 February

2014, are required by Lisa Anne Miller, Emma Jade Albones and Luke Michael Neill, the administrators and trustees of the estate of the said named deceased, to send particulars of their claims to them, care of McNab McNab & Starke, 81 O'Shanassy Street, Sunbury 3429, by 11 July 2014, after which date they may convey or distribute the assets of the estate, having regard only to the claims of which they then have notice.

McNAB McNAB & STARKE,
81 O'Shanassy Street, Sunbury, Victoria 3429,
Ph: 9744 2666, Fax: 9744 7914.

Re: Estate of DESMOND ANTHONY O'KEEFE, late of 1/46 Nicholson Street, Balwyn North, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 December 2013, are required by the trustees to send particulars to the trustees, care of the undermentioned solicitors, by 17 July 2014, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees then have notice.

MAHONS with Yuncken & Yuncken, solicitors,
177 Surrey Road, Blackburn 3130.
SM:CH2140078

JUNE NANCY BOX, late of Illawarra Retirement Trust, 21 Noble Place, Dalmeny, NSW 2546, bookkeeper, deceased.

Creditors, next-of-kin and others having claims in respect of the Will of the abovenamed deceased, who died on 7 June 2013, are required by the executor, Julie Barras Thomson, care of Makin and Kinsey Solicitors, to send particulars of their claims to her within sixty days from the date of publication hereof, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice. Probate was granted in Victoria on 2 April 2014.

MAKIN & KINSEY SOLICITORS,
1st Floor, 317 Montague Street, Albert Park,
Victoria 3206.

Re: MERVYN ERNEST HICKS, late of 72 Saxton Street, Numurkah 3636, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 14 December 2013, are required by the executor, Nancy Margaret Hicks, to send particulars of their claim to her, care of the undermentioned solicitors, by the date not later than sixty (60) days from the date of publication hereof, after which date the executor may convey or distribute the assets, having regard of which the executor has notice.

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

PETER JAMES GUILFOYLE, late of 81 Livingstone Street, Avenel, Victoria 3664, statistician/home handyman, deceased.

Creditors, next-of-kin and others having claims in respect of the Will/estate of the abovenamed deceased, who died on 18 September 2013, are required by the executor, Warren Stephen Osborne, care of 6 Wallis Street, Seymour, Victoria 3660, to send particulars of their claims to him by 31 May 2014, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice. Probate was granted in Victoria on 7 November 2013.

Dated 11 April 2014

OSBORNE & OSBORNE PTY LTD,
solicitors and chartered accountants,
6 Wallis Street, Seymour, Victoria 3660
PO Box 31, Seymour, Victoria 3661
DX 66001 Seymour
Ph: (03) 5792 1400, Fax: (03) 5792 1801.

HAMILTON EVELYN GRACE, late of Wantirna Village, Unit 129, 2 Old Stud Road, Wantirna, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died 23 October 2013, are required by the executor and trustee, Donald Keith Ryan, to send particulars to him, care of the undermentioned solicitors, by 18 June 2014, after which date the executor and trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

PARKE LAWYERS PTY LTD,
Level 1, 35 Seymour Street, Ringwood 3134.

NERYL ADELL KYRIAKOU (also known as 'Neryl Adelle Kyriakou'), late of 14 Seaview Street, Mount Waverley, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 23 January 2014, are required by the executor, George Kyriakou of 14 Seaview Street, Mount Waverley, Victoria, retired, to send particulars of their claims to him by 17 June 2014, after which date he may convey or distribute the assets, having regard only to the claims of which he then has notice.

RENNICK & GAYNOR, solicitors,
431 Riversdale Road, Hawthorn East,
Victoria 3123.

Re: RONALD MICHAEL CATT, late of Elly Kay Centre, 45–51 Elliot Street, Mordialloc, Victoria, but formerly of Unit 1, 57 Bear Street, Mordialloc, Victoria, gentleman, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 October 2013, are required by the executor, John Vincent O'Donoghue, to send particulars of such claims to him, care of the undermentioned solicitors, by 20 June 2014, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

Dated 7 April 2014

RICHMOND & BENNISON, solicitors,
493 Main Street, Mordialloc 3195.

Re: PHYLLIS CAMERON, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 23 November 2013, are required by the trustees, Ian Donald Cameron and Raymond Francis Cameron, to send particulars of such claims to them by 18 June 2014, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice. Probate was granted in Victoria on 3 April 2014.

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

Re: GERALDINE ALICE LARSEN, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 11 September 2011, are required by the trustees, Christine Anne Larsen and Kirsten Ingrid Anna Larsen, to send particulars of such claims to them, in care of the undermentioned lawyers, by 18 June 2014, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice. Probate was granted in Victoria on 3 April 2014.

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

Re: MARJORIE MAY MUNDAY, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 31 December 2013, are required by the trustees, Helen Mary Deason and Bernard Henry Munday, to send particulars of such claims to them, in care of the undermentioned lawyers, by 18 June 2014, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice. Probate was granted in Victoria on 4 April 2014.

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

Re: SHIRLEY DAVENA BENNETT, late of Laura Pengilly House, McLachlan Street, Apollo Bay, Victoria, receptionist, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 August 2013, are required by the deceased's personal representatives, Stuart Lester Holbery, David Anthony Casey and Lorraine Green, to send particulars to them, care of the undermentioned lawyers, by 25 June 2014, after which date the personal representatives may convey or distribute the assets, having regard only to the claims of which they then have notice.

SLM LAW, lawyers,
119 Murray Street, Colac 3250.

Re: Estate of ALEXANDER JOHN HALEY, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, late of 5071 Benalla–Tocumwal Road, Katamatite 3649, who died on 3 March 2014, are required by the trustee to send particulars to the trustee, care of the undermentioned solicitors, by 16 June 2014, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

SMR LEGAL PTY LTD, solicitors,
65 Nixon Street, Shepparton 3630.

Re: JACQUES ALAIN HERAUDEAU, late of Apartment 308/1148 Nepean Highway, Highett, Victoria 3190, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 23 February 2014, are required by the executors, Alain Claude Heraudeau and Lee-Anne Antoinette Nicole Heraudeau, to send particulars to them, care of the undermentioned solicitors, by 20 June 2014, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

TRAGEAR & HARRIS LAWYERS, solicitors,
1/23 Melrose Street, Sandringham,
Victoria 3191.

Re: GLADYS JANE LANGFORD, late of 15 Coolstores Road, Hastings, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 December 2013, are required by the trustee, Frances Mary Lambie, to send particulars to the trustee, care of the undermentioned solicitors, by a date not later than two months from the date of publication of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

WHITE CLELAND PTY LTD, solicitors,
3/454 Nepean Highway, Frankston 3199.

Re: The estate of REX JOHN COLLINS, late of Claremont Terrace Aged Care, 231 McKinnon Road, McKinnon, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 January 2014, are required by the executor, Tracey Frances Cook, to send particulars to her, care of the undersigned solicitors, by 25 June 2014, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

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

ADVERTISEMENT OF AUCTION BY
THE SHERIFF

On Thursday 22 May 2014 at 1.30 pm in the afternoon at the Sheriff's Office, 444 Swanston Street, Carlton (unless process be stayed or satisfied).

All the estate and interest (if any) of Jason Scott Gardner of 129 Plenty River Drive, Greensborough, joint proprietor with Rebecca Jane Gardner of an estate in fee simple in the land described in Certificate of Title Volume 08963 Folio 395, upon which is erected a residential dwelling known as 129 Plenty River Drive, Greensborough, will be auctioned by the Sheriff.

Registered Mortgage (Dealing Number AF558909P) and Covenant G745125 affect the said estate and interest. The Sheriff is unable to provide access to this property.

Terms: 10% deposit on the fall of the hammer. Balance within 14 days unless as stated in particulars of sale in contract of sale. Payment is by cheque only.

Please contact Sheriff's Asset Administration Services by email at realestatesection@justice.vic.gov.au for an information sheet on Sheriff's auctions, a contract of sale and any other enquiries.

SHERIFF

ADVERTISEMENT OF AUCTION BY
THE SHERIFF

On Thursday 22 May 2014 at 1.30 pm in the afternoon at the Sheriff's Office, 444 Swanston Street, Carlton (unless process be stayed or satisfied).

All the estate and interest (if any) of Nancy Lucisano of 27 Kirkford Drive, Mooroolbark, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 09831 Folio 755, upon which is erected a house and known as 27 Kirkford Drive, Mooroolbark, will be auctioned by the Sheriff.

Registered Mortgage (Dealing No. AG448060J), Registered Caveat (Dealing No. AH610009X), Registered Caveat (Dealing No. AH678328X), Registered Caveat (Dealing No. AH690463W) and Covenant as to whole or part of the land in instrument N999947X affects the said estate and interest. The Sheriff is unable to provide access to this property.

Terms: 10% deposit on the fall of the hammer. Balance within 14 days unless as stated in particulars of sale in contract of sale. Payment is by cheque only.

Please contact Sheriff's Asset Administration Services by email at realestatesection@justice.vic.gov.au for an information sheet on Sheriff's auctions, a contract of sale and any other enquiries.

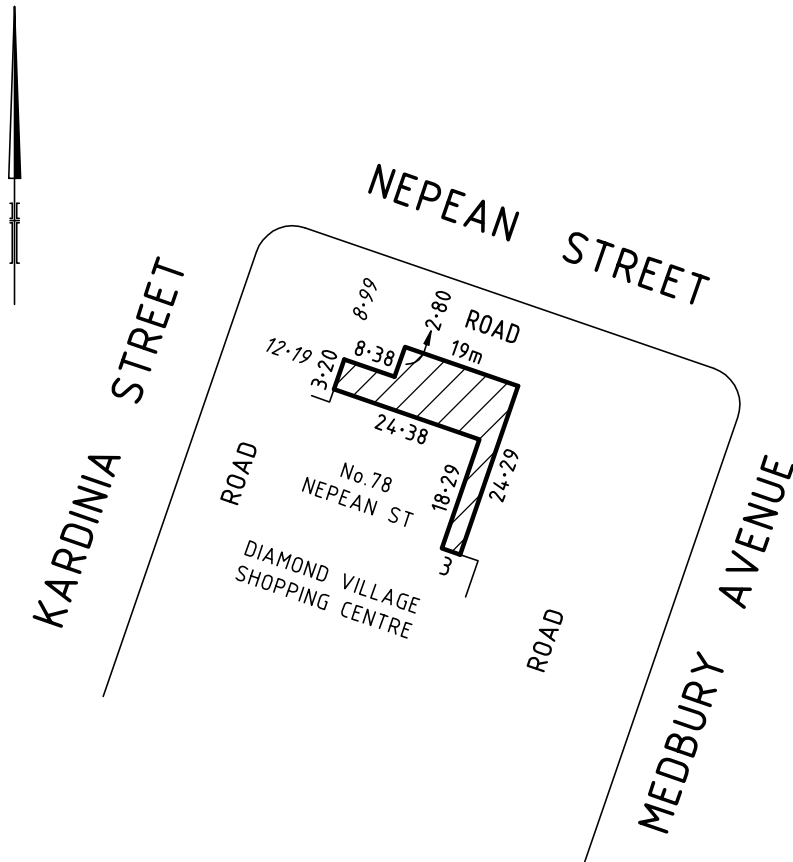
SHERIFF

**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES**

BANYULE CITY COUNCIL

Road Discontinuance

Pursuant to section 206 and Clause 3 of Schedule 10 of the **Local Government Act 1989**, Banyule City Council, at its ordinary meeting held on 24 November 2012, having formed the opinion that the section of road shown hatched on the plan below is not reasonably required as a road for public use, resolved to discontinue the section of 'road' and to sell the land to the abutting owner.



SIMON McMILLAN
Chief Executive Officer

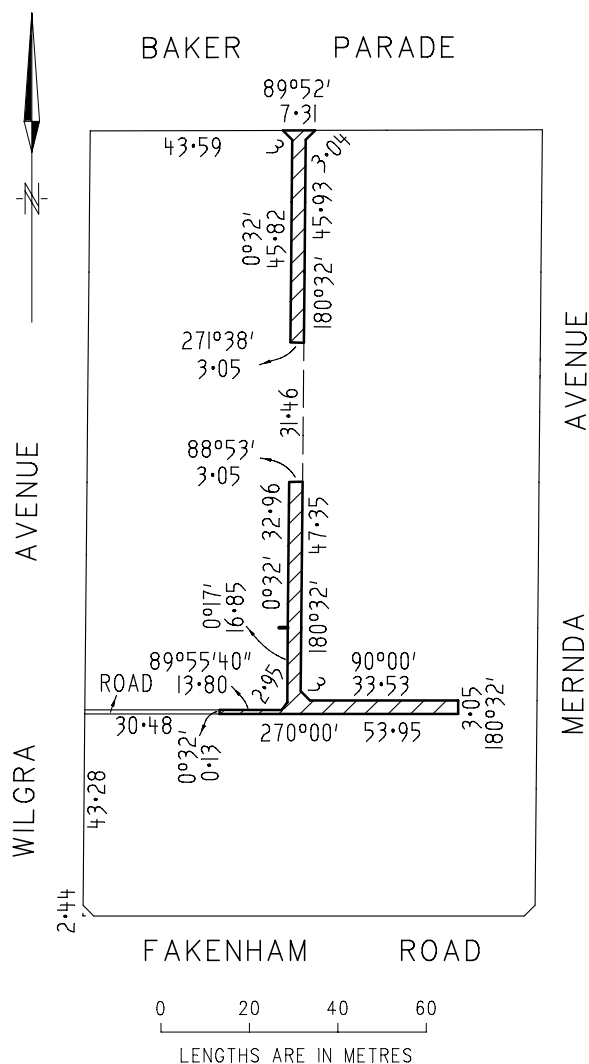
BOROONDARA CITY COUNCIL

Road Discontinuance

Pursuant to section 206 and schedule 10, clause 3 of the **Local Government Act 1989**, the Boroondara City Council has formed the opinion that the road adjoining 2 to 16 Wilgra Avenue, 1 to 15 Mernda Avenue and 83 to 87 Fakenham Road, Ashburton, and shown by hatching on the plan below, is not reasonably required as a road for public use and resolved to discontinue the road and to sell the land from the road by private treaty to the abutting property owners.

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

PARISH OF BOROONDARA
PART OF CROWN PORTION 140

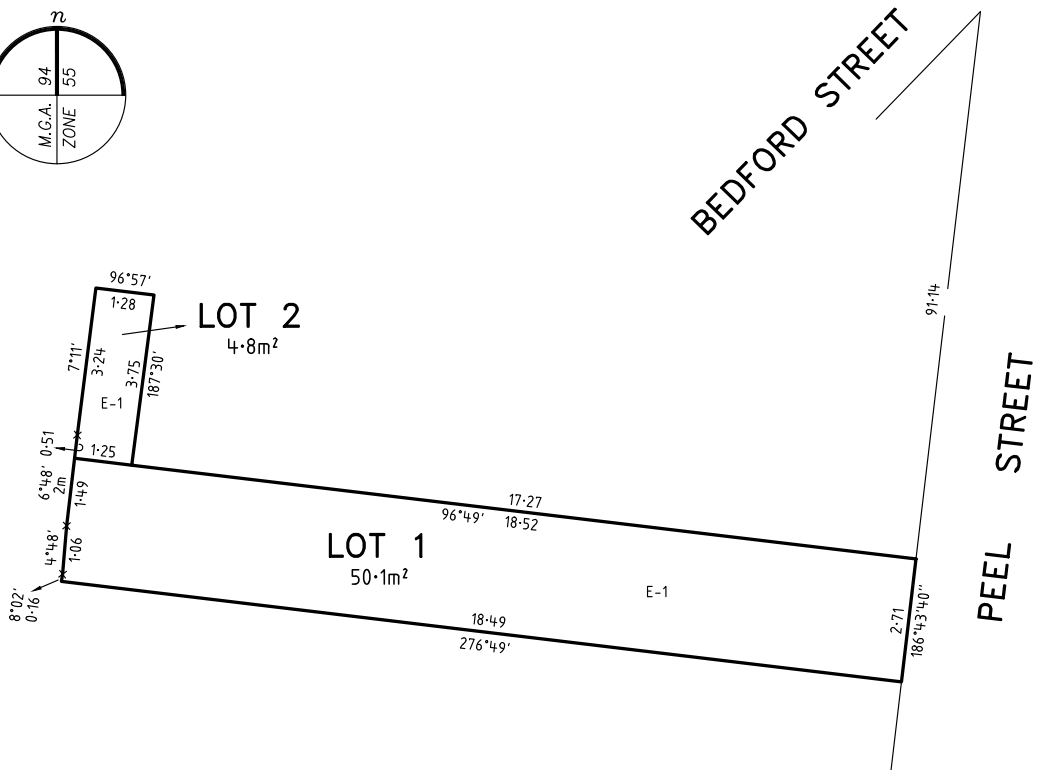
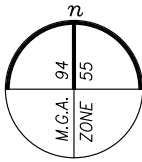


PHILLIP STORER
Chief Executive Officer

MELBOURNE CITY COUNCIL

Road Discontinuance

Pursuant to section 206(1) and Clause 3 of Schedule 10 of the **Local Government Act 1989**, the Melbourne City Council (Council) declares the portion of road at 199 Peel Street, North Melbourne, labelled Lot 1 and Lot 2 on the plan hereunder, discontinued. The Council intends to sell the resulting land to the adjoining land owner.





BOROONDARA
City of Harmony

MEETING PROCEDURE (FURTHER AMENDMENTS 2014) LOCAL LAW

Notice is hereby given that the City of Boroondara, at its meeting held on 24 March 2014, made the Meeting Procedure (Further Amendments 2014) Local Law pursuant to the **Local Government Act 1989** (the Act).

The purpose of the Meeting Procedure (Further Amendments 2014) Local Law is to amend the City of Boroondara Meeting Procedure Local Law (2007) and improve the procedures governing the conduct of Council meetings and Special Committee Meetings.

The general purport of the Meeting Procedure (Further Amendments 2014) Local Law is to improve and formalise governance processes with regard to notices of meetings and adjourned meetings, quorums, time limits for meetings, notices of motion, clarifying motions before voting, rescission motions, procedural motions for opening and closing meetings, public question time, deputations, public submissions, removing persons from the Chamber, procedures to be followed when Councillors vote or abstain from voting and minute taking.

A copy of the Meeting Procedure (Further Amendments 2014) Local Law may be inspected at the Camberwell Municipal Offices, 8 Inglesby Road, Camberwell, and online at Council's website, www.boroondara.vic.gov.au

The Meeting Procedure (Further Amendments 2014) Local Law commences operation on 18 April 2014.

PHILLIP STORER
Chief Executive Officer

Local Government Act 1989

YARRA PLENTY REGIONAL LIBRARY SERVICE BOARD

Meeting Procedure (Amendment) Local Law No. 1 of 2013

Notice is given that at a meeting of the Yarra Plenty Regional Library Service Board ('the Board') held on 3 April 2014, the Board

made a Local Law titled 'Meeting Procedure (Amendment) Local Law No. 1 of 2013'.

The following information about the Local Law is provided in accordance with section 119(3) of the **Local Government Act 1989**:

The purpose of this Local Law is to regulate proceedings at meetings of the Library Board and Committee of the Whole Board.

The Local Law will cease operation ten (10) years from the date of publication in the Government Gazette unless sooner revoked.

A copy of the Local Law and any incorporated documents may be inspected at the Yarra Plenty Regional Library, Whittlesea Council Offices, 25 Ferres Boulevard, South Morang, during normal office hours and is also available from Yarra Plenty Regional Library's website www.yprl.vic.gov.au

The Local Law will come into effect as from 17 April 2014.

CHRISTINE MACKENZIE
Chief Executive Officer

Planning and Environment Act 1987

CASEY PLANNING SCHEME

**Notice of Preparation of Amendment
Amendment C192**

The Casey City Council has prepared Amendment C192 to the Casey Planning Scheme.

The land affected by the Amendment is 31–35 Robinson Road, Narre Warren North.

The Amendment proposes to rezone the land from Low Density Residential Zone to Residential 1 Zone. It also proposes to amend the Heritage Overlay HO110 applying to the site to reflect the current status of significant heritage elements, principally comprising a block-fronted Victorian weatherboard dwelling.

The Amendment proposes to:

- rezone the land from Low Density Residential Zone to Residential 1 Zone;
- amend Planning Scheme Map 6HO by revising the Heritage Overlay HO110 to reduce its curtilage to apply only to the significant heritage elements on the site;

- amend the Schedule to the Heritage Overlay (Clause 43.01) to include 'Yes' in the 'Prohibited uses may be permitted' column for HO110;
- amend the Schedule to the Heritage Overlay (Clause 43.01) to include the new 'HO110 Treeby Cottage Incorporated Plan' in the 'Name of Incorporated Plan under Clause 43.01-2' column for HO110; and
- amend the Schedule to Clause 81.01 to include 'HO110 Treeby Cottage Incorporated Plan' as an incorporated document.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: City of Casey, Customer Service Centre, Municipal Offices, Magid Drive, Narre Warren. This can be done during office hours and is free of charge; on the City of Casey website at www.casey.vic.gov.au/planningexhibition; or at the Department of Transport, Planning and Local Infrastructure 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. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. In accordance with the **Planning and Environment Act 1987**, Council must make available for inspection a copy of any submissions made.

The closing date for submissions is 19 May 2014. A submission must be sent in writing to: Planning Scheme Amendment Team Leader, City of Casey, PO Box 1000, Narre Warren, Victoria 3805.

Dated 17 April 2014

Signature for the Planning Authority
NICK MOORE
Acting Manager Planning

Planning and Environment Act 1987
COLAC OTWAY PLANNING SCHEME
Notice of Preparation of Amendment
Amendment C74

The Colac Otway Shire Council has prepared Amendment C74 to the Colac Otway Planning Scheme.

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

The Amendment generally applies to all land in Apollo Bay/Marengo as it confirms the location of the settlement boundary and updates urban design principles for the shopping centre and environs. It also rezones land for residential development at the northern end of Apollo Bay.

The Amendment implements the recommendations of the Apollo Bay Settlement Boundary and Urban Design Review 2012 by:

- amending Clause 21.03-3 (Apollo Bay and Marengo) to update the Apollo Bay, Marengo and Skenes Creek Framework Plan by confirming the settlement boundary location and adding references to new urban design initiatives;
- amending Clause 21.07 to add the Apollo Bay Settlement Boundary and Urban Design Review 2012 as a reference document;
- inserting Clause 32.09 (Neighbourhood Residential Zone) and its Schedule 1 from the Victoria Planning Provisions;
- for land at 6230, 6240, 6250 and 6280 Great Ocean Road, Apollo Bay –
 - rezoning 23.2 hectares of land to Schedule 1 of the Neighbourhood Residential Zone; and
 - applying the Schedule 5 to the Development Plan Overlay to 22.7 hectares of land to guide the orderly development of the land;
- amending Schedule 4 of the Development Plan Overlay (Mariners Vue Development Area) to reflect best practice drafting of the schedule, requiring an internal road connection to land to the north and consideration of potential future residential development at 311 Great Ocean Road (Pisces Caravan Park);

- for land at 6230, 6240, 6250 and 6280 Great Ocean Road (23.2 hectares) and Lots 1 and 2 LP137842 Marriners Lookout Road, Apollo Bay (21.6 hectares at Mariners Vue), applying Schedule 10 of the Design and Development Overlay control;
- deleting Schedule 5 to the Significant Landscape Overlay (Apollo Bay Landscape Precinct) from 6240 and 6250 Great Ocean Road and land below the 40 metre contour at 6230 and 6280 Great Ocean Road;
- deleting Schedule 1 to the Erosion Management Overlay (Land susceptible to landslip and erosion) from land below the 40 metre contour at 6230 and 6280 Great Ocean Road;
- amending Schedule 5 of the Design and Development Overlay (Apollo Bay Town Centre) to update urban design requirements; and
- rezoning 3.9 hectares of land at the northern part of the Apollo Bay industrial estate (86 and 94 Montrose Avenue, Apollo Bay) to the Industrial 3 Zone and aligning the zone to property/title boundaries.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: during office hours, at the customer service centres of the planning authority, Colac Otway Shire Council, at 2–6 Rae Street, Colac, and 69–71 Nelson Street, Apollo Bay; during office hours, at Council’s Sustainable Planning and Development office at 101–105 Gellibrand Street, Colac; during office hours, at the Colac Community Library & Learning Centre at 173 Queen Street, Colac; at the Colac Otway Shire website, www.colacotway.vic.gov.au; or at the Department of Transport, Planning and Local Infrastructure 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. Submissions must be made in writing giving the submitter’s name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. In accordance with the **Planning and Environment Act 1987**, Council must make available for inspection a copy of any submissions made.

The closing date for submissions is 23 May 2014. A submission must be sent to the Colac Otway Shire Council at PO Box 283, Colac, Victoria 3250 or by email to inq@colacotway.vic.gov.au

ROB SMALL
Chief Executive Officer

Planning and Environment Act 1987
SOUTH GIPPSLAND PLANNING SCHEME
Notice of Preparation of Amendment
Amendment C88

The South Gippsland Shire Council has prepared Amendment C88 to the South Gippsland Planning Scheme.

The land affected by the Amendment is 5 Boags Road, Leongatha, and is contained in Certificate of Title Volume 8950, Folio 616 being L4, LP4340, Parish of Leongatha.

The Amendment proposes to:

- rezone land at L4, LP4340 from FZ to LDRZ;
- delete Environmentally Significant Overlay Schedule 5 (ESO5) – Areas Susceptible to Erosion; and
- delete Environmentally Significant Overlay Schedule 6 (ESO6) – Areas Susceptible to Flooding.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: during office hours, at the office of the planning authority, South Gippsland Shire Council, 9 Smith Street, Leongatha, or their website, choose ‘Documents currently on Public Exhibition’; South Gippsland Library, 2 Smith Street, Leongatha; the Leongatha Community House, 16 Bruce Street, Leongatha; or at the Department of Transport, Planning and Local Infrastructure 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. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. In accordance with the **Planning and Environment Act 1987**, Council must make available for inspection a copy of any submissions made.

The closing date for submissions is Monday 19 May 2014. A submission must be sent to South Gippsland Shire Council, Att: Nick Edwards, Private Bag 4, Leongatha 3953.

PAUL STAMPTON
Manager, Strategic Planning and Development

Planning and Environment Act 1987
STONNINGTON PLANNING SCHEME

Notice of Preparation of Amendment
Amendment C181

The Stonnington City Council has prepared Amendment C181 to the Stonnington Planning Scheme.

The land affected by the Amendment is 42 The Avenue, Windsor, and land adjacent to properties at 42, 44, 46, 48, 50, 52, 54 and 56 The Avenue, Windsor.

The Amendment seeks to introduce a permanent heritage control, Heritage Overlay 148 (HO148), to land at 42 The Avenue, Windsor. The Amendment also proposes to protect street trees on the eastern side of The Avenue by extending the boundary of HO148 to include the footpath and median strip adjacent to properties at 42, 44, 46, 48, 50, 52, 54 and 56 The Avenue, Windsor.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, at the following locations: during office hours, at the office of the planning authority, Stonnington City Council, corner of Chapel and Greville Street, Prahran; or at the

Department of Transport, Planning and Local Infrastructure 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. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. In accordance with the **Planning and Environment Act 1987**, Council must make available for inspection a copy of any submissions made.

The closing date for submissions is Monday 19 May 2014. A submission must be sent to City Strategy, City of Stonnington, PO Box 21, Prahran, Victoria 3181.

SUSAN PRICE
Manager City Strategy

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 24 June 2014, 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.

ADCOCK, Ian Arthur, late of Unit 1, 21-25 Parkhill Drive, Berwick, Victoria 3806, retired, deceased, who died on 12 October 2013.

COLLEDGE, Gordon James, late of 16 Richmond Crescent, Geelong, Victoria 3220, deceased, who died on 20 January 2014.

CORBEN, Keith Herbert, late of 98 Rochester Road, Balwyn, Victoria 3103, retired, deceased, who died on 2 February 2014.

FARMER, Valda Florence, late of 48 Fawkner Street, South Yarra, Victoria 3141, pensioner, deceased, who died on 16 February 2014.

HEATH, Helen Goldsworthy, late of Jasmine Lodge, 56 Mount Dandenong Road, Ringwood East, Victoria 3135, home duties, deceased, who died on 4 November 2013.

HOLMAN, Phyllis, late of Apartment 15, Cherry Tree Apartments, 67–81 Maroondah Highway, Croydon, Victoria 3136, retired, deceased, who died on 10 January 2014.

MARKESTEIJN, Teresa Anne, late of Unit 11, 39 Scott Grove, Glen Iris, Victoria 3146, deceased, who died on 7 October 2013.

MOFFAT, Janice Nettie, late of 2 Hennessy Street, Chadstone, Victoria 3148, home duties, deceased, who died on 20 October 2013.

SCOTT, Stanley John, late of 33 Montana Parade, Croydon, Victoria 3136, retired, deceased, who died on 13 January 2014.

VINCENT, Dorothy Elizabeth, late of Sir James at Dalmeny, 25–29 Noble Parade, Dalmeny, New South Wales 2546, deceased, who died on 7 October 2013.

Dated 15 April 2014

STEWART MacLEOD
Manager

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 18 June 2014, 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.

BLASKETT, Alice Judith, late of Mowby Aged Care, 27 Smith Street, Healesville, Victoria 3777, home duties, deceased, who died on 28 January 2014.

DAY, Susan Joy, late of Meadowglen Nursing Home, 202 McDonalds Road, Epping, Victoria 3076, deceased, who died on 9 January 2014.

RILEY, Peter John, late of 61 Patterson Street, Ringwood East, Victoria 3135, retired, deceased, who died on 3 December 2013.

SASH, Helen, late of 30 Brindy Crescent, Doncaster East, Victoria 3109, retired, deceased, who died on 5 November 2013.

SZEPESVARY, Magdolna, late of Arpad Elderly Welfare Society Inc., 9 Garrison Grove, Wantirna, Victoria 3152, pensioner, deceased, who died on 13 January 2014.

WALLACE, Leslie Albert, late of James Barker House, 64 Buckley Street, Footscray, Victoria 3011, labourer, deceased, who died on 6 February 2014.

Dated 9 April 2014

STEWART MacLEOD
Manager

Associations Incorporation Reform Act 2012

SECTION 134

I, Steven Scodella, Operations Manager under the **Associations Incorporation Reform Act 2012** (the Act), under delegation provided by the Registrar; hereby give notice that, pursuant to section 134(1) of the Act, the registration of the incorporated association mentioned below has been cancelled on this day:

Lions Village Anglesea Inc.

Dated 17 April 2014

STEVEN SCODELLA
Operations Manager
PO Box 4567
Melbourne, Victoria 3001

Cemeteries and Crematoria Act 2003

SECTION 41(1)

Notice of Approval of Cemetery Trust Fees and Charges

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

The Avoca Cemetery Trust

Dated 11 April 2014

BRYAN CRAMPTON
Manager
Cemeteries and Crematoria
Regulation Unit

Cemeteries and Crematoria Act 2003

SECTION 41(1)

Notice of Approval of Cemetery Trust
Fees and Charges

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

The Hazelwood Cemetery Trust
The Natte Yallock Cemetery Trust
The Stuart Mill Cemetery Trust
The Traralgon Cemetery Trust
The Woods Point Cemetery Trust

Dated 9 April 2014

BRYAN CRAMPTON
Manager
Cemeteries and Crematoria
Regulation Unit

Environment and Primary Industries, hereby vary the declaration of the Fire Danger Periods previously published in the Government Gazette by declaring that such Fire Danger Periods shall end in respect of the undermentioned Municipal Districts of Municipalities or parts of Municipalities specified.

To terminate from 0100 hours on 22 April 2014:

- Horsham Rural City Council (Remainder)
- West Wimmera Shire Council (Remainder)
- Northern Grampians Shire Council
- Ararat Rural City Council
- Pyrenees Shire Council
- Ballarat City Council
- Golden Plains Shire Council
- Moorabool Shire Council
- Hepburn Shire Council
- Murrindindi Shire Council
- Greater Geelong City Council
- Borough of Queenscliffe
- Surf Coast Shire Council

EUAN FERGUSON AFMS
Chief Officer

Co-operatives National Law (Victoria)SOUTHMOOR STATE SCHOOL
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 444(2) of the **Co-operatives National Law (Victoria)**, 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 at Melbourne 17 April 2014

STEVEN SCODELLA
Deputy Registrar of Co-operatives
Consumer Affairs Victoria

Forests Act 1958, No. 6254

VARIATION OF THE PROHIBITED PERIOD

In pursuance of the powers conferred by section 3 sub-section (2) of the **Forests Act 1958**, I, Alan Goodwin, delegated officer for the Minister for Environment and Climate Change in the State of Victoria, hereby declare the variation of the Prohibited Period for all land within the Fire Protected Area (other than State forest, National Park and protected public land) within the municipalities and/or alpine resorts nominated for the period specified in Schedule 1 (below):

SCHEDULE 1

A Prohibited Period shall terminate at 0100 hours on Tuesday 22 April 2014 in the following municipalities and/or alpine resorts:

Murrindindi Shire

ALAN GOODWIN
Chief Fire Officer
Department of Environment and
Primary Industries

Delegated Officer, pursuant to section 11,
Conservation, Forests and Lands Act 1987

Country Fire Authority Act 1958

VARIATION OF FIRE DANGER PERIOD

In pursuance of the powers conferred by section 4 of the **Country Fire Authority Act 1958**, I, Euan Ferguson, Chief Officer of the Country Fire Authority, after consultation with the Secretary to the Department of

Crown Land (Reserves) Act 1978

REVOCATION OF DETERMINATION OF FIREWOOD COLLECTION AREA

I, Daniel McLaughlin, Acting District Manager, Parks Victoria, as delegate of the Secretary to the Department of Environment and Primary Industries, under section 21P of the **Crown Land (Reserves) Act 1978**, revoke the determination made under section 21P of the **Crown Land (Reserves) Act 1978** on 19 February 2014 and published in the Government Gazette No. G9 page 365 on 27 February 2014.

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

Dated 10 April 2014

DANIEL McLAUGHLIN
Acting District Manager
Parks Victoria
as delegate of the Secretary to the
Department of Environment and Primary Industries

Electoral Act 2002

APPLICATION FOR REGISTRATION OF A POLITICAL PARTY

In accordance with section 49 of the **Electoral Act 2002**, I hereby give notice of the following application for registration of a political party.

Name of party: Palmer United Party.

Name of proposed registered officer: Graham Francis.

Address of proposed registered officer: 2/199 Hotham Street, Ripponlea.

The application is signed by the secretary of the party.

Any person who believes that the party should not be registered because:

- it is not an eligible political party under the provisions of Part 4 of the Act;
- the application is not properly completed as required under section 45 of the Act; or
- the party's name is not allowable under section 47 of the Act,

may object by writing to the Victorian Electoral Commission, Level 11, 530 Collins Street, Melbourne, Victoria 3000, by 19 May 2014.

Details of any objections will be made available to the applicant.

Enquiries to: Paul Thornton-Smith on telephone 8620 1187.

Dated 10 April 2014

WARWICK GATELY AM
Victorian Electoral Commission

Occupational Health and Safety Act 2004

OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2007

Notice of Grant of Major Hazard Facility Licence

Pursuant to Part 6.1 of the Occupational Health and Safety Regulations 2007 (the Regulations), on 20 March 2014 the Victorian WorkCover Authority granted a major hazard facility licence to Origin Energy Resources Limited in respect of a major hazard facility registered under Part 6.2 of the Regulations at 5775 South Gippsland Highway, Lang Lang, in the State of Victoria, which licence ends on 20 March 2019.

DENISE COSGROVE
Chief Executive
Delegate of the
Victorian WorkCover Authority

Environment Protection Act 1970**ENVIRONMENT PROTECTION (VEHICLE EMISSIONS) REGULATIONS 2013**

The Environment Protection (Vehicle Emissions) Regulations 2013 were made on 10 December 2013.

In accordance with section 32(3)(a)(ii) of the **Interpretation of Legislation Act 1984**, notice is given that these Regulations incorporate the following documents:

Table of Applied, Adopted or Incorporated Matter

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document	Title of secondary documents as referenced in applied, adopted or incorporated document
Regulation 5	Australian Standard 1055.1-1997 Acoustics-Description and Measurement of Environmental Noise Part 1 – General Procedures (published by Standards Australia on 5 August 1997).	The whole	None.
Regulation 5	ASTM D4953-06 Standard Test Method for Vapor Pressure of Gasoline and Gasoline-Oxygenate Blends (Dry Method) 2006 (published by the American Society for Testing and Materials International on 1 August 2006).	The whole	ASTM D323 Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method). ASTM D4057 Standard Practice for Manual Sampling of Petroleum and Petroleum Products. ASTM E1 Standard Specification for ASTM Liquid-in-Glass Thermometers.
Regulation 14	National Stationary Exhaust Noise Test Procedures (NSENTP) for In-Service Motor Vehicles (published by the National Transport Commission and as in force from time to time).	The whole	Australian Standard AS 1259.1 – 1990: Sound level meters – Part 1: non-integrating.
Regulation 14	ESMP Data Manual 1992 (published by the Environment Protection Authority and as in force from time to time).	The whole	None.

A copy of the incorporated documents has been lodged with the Clerks of the Parliament and are available for inspection during normal business hours at the Environment Protection Authority, Level 3, 200 Victoria Street, Carlton 3053.

For more information contact the Environment Protection Authority on (03) 9695 2722.

Flora and Fauna Guarantee Act 1988

NOTICE OF DECISION UNDER SECTION 16

In accordance with section 16 of the **Flora and Fauna Guarantee Act 1988**, Ryan Smith, Minister for Environment and Climate Change, and Peter Walsh, Minister for Agriculture and Food Security, have:

- (i) considered the recommendations of the Scientific Advisory Committee as advertised in:
 - (a) the ‘Herald Sun’ and ‘Weekly Times’ newspapers on 12 March 2014 and in the Government Gazette on 13 March 2014 in respect to all items listed in the Schedule to this Notice; and
 - (b) the ‘Sunraysia Daily’ newspaper on 12 March 2014 in respect to Masters’ Snake (*Drysdalia mastersii*); and
 - (c) the ‘Bairnsdale Advertiser’ on 14 March 2014 in respect to Martin’s Toadlet (*Uperoleia martini*); and
 - (d) the ‘Wimmera Mail-Times’ newspaper on 12 March 2014 in respect to the Grampians Globe-pea (*Sphaerolobium acanthos*); and
- (ii) considered the comments of the Victorian Catchment Management Council; and
- (iii) decided to recommend to the Governor in Council that the taxa described in the Schedule to this Notice be added to the Threatened List for the reasons shown in the Table contained in this Notice.

Dated 3 April 2014

RYAN SMITH

Minister for Environment and Climate Change

Dated 8 April 2014

PETER WALSH

Minister for Agriculture and Food Security

Schedule**ITEMS TO BE ADDED TO THE THREATENED LIST**Masters’ Snake (*Drysdalia mastersii*)Martin’s Toadlet (*Uperoleia martini*)Grampians Globe-pea (*Sphaerolobium acanthos*)**Table****REASONS FOR DECISION**

The reason for listing these items is because they meet the following eligibility criteria specified in Schedule 1 of the Flora and Fauna Guarantee Regulations 2011.

Taxa	Criteria/criterion met
Masters’ Snake (<i>Drysdalia mastersii</i>)	Criterion 1.2. The taxon is significantly prone to future threats which are likely to result in extinction. Sub-criterion 1.2.1. The taxon is very rare in terms of abundance or distribution.
Martin’s Toadlet (<i>Uperoleia martini</i>)	Criterion 1.1. The taxon is in a demonstrable state of decline which is likely to result in extinction. Criterion 1.2. The taxon is significantly prone to future threats which are likely to result in extinction. Sub-criterion 1.2.1. The taxon is very rare in terms of abundance or distribution. Sub-criterion 1.2.2. The threat is currently operating and is expected to operate at a level in the future which is likely to result in the extinction of the taxon.

Grampians Globe-pea <i>(Sphaerolobium acanthos)</i>	<p>Criterion 1.1. The taxon is in a demonstrable state of decline which is likely to result in extinction.</p> <p>Sub-criterion 1.1.2. The reproduction or recruitment of the taxon has seriously declined or is not occurring.</p> <p>Criterion 1.2. The taxon is significantly prone to future threats which are likely to result in extinction.</p> <p>Sub-criterion 1.2.1. The taxon is very rare in terms of abundance or distribution.</p>
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Geographic Place Names Act 1998

NOTICE OF REGISTRATION OF GEOGRAPHIC NAMES

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

Road Naming:

Change Request Number	Road Name	Locality	Proposer & Location
67092	Saddlers Lane	Sunbury	Hume City Council At the rear of 16–22 Brook Street.
67111	Garage Lane	Sunbury	Hume City Council At the rear of 21–25 Brook Street.
69026	Robbies Lane	Gorae West	Glenelg Shire Council The road traverses south from Portland–Nelson Road.
69186	Gemini Lane	Newtown	Golden Plains Shire Council The road traverses west from Scarsdale–Pitfield Road.

Office of Geographic Names

Land Victoria
570 Bourke Street
Melbourne 3000

JOHN E. TULLOCH
Registrar of Geographic Names

Liquor Control Reform Act 1998

LIQUOR LICENSING POLLS

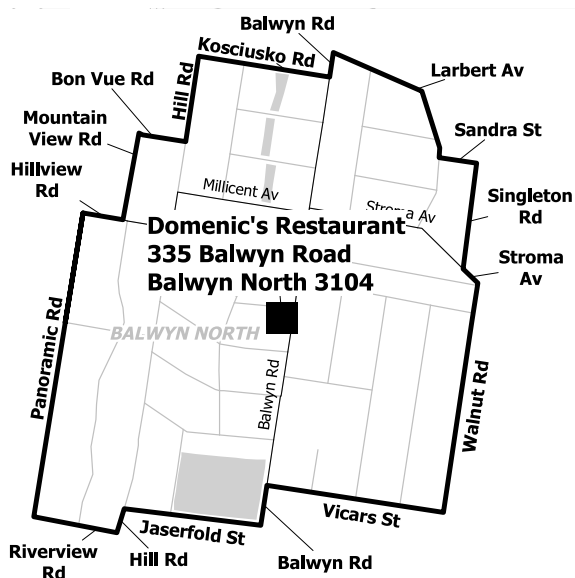
The Victorian Commission for Gambling and Liquor Regulation (VCGLR) has received applications for Restaurant and Cafe liquor licences from:

- Domenic’s Restaurant, 335 Balwyn Road, Balwyn North;
- Glen Iris Pantry, 106 Glen Iris Road, Glen Iris; and
- ToWoo Korean Charcoal BBQ Restaurant, 603 Whitehorse Road, Surrey Hills.

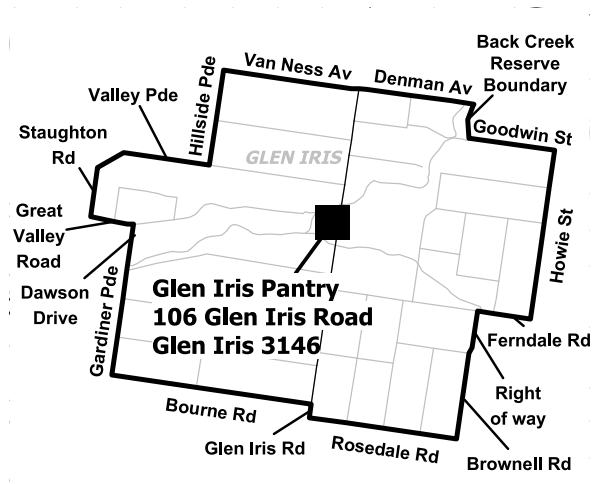
As these applications are for liquor licences in the ‘dry area’, the VCGLR, pursuant to clause 17 of Schedule 3 of the **Liquor Control Reform Act 1998**, has ordered a poll of electors in the neighbourhood surrounding each premises. The VCGLR determines each neighbourhood. The Victorian Electoral Commission (VEC) will conduct each poll entirely by post.

1. The neighbourhoods determined by the VCGLR

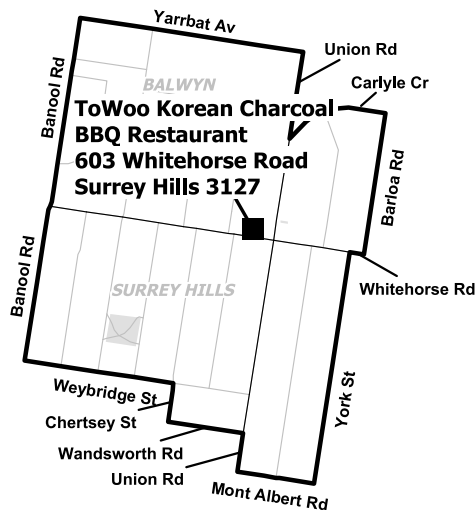
The Domenic’s Restaurant poll is within the following boundaries:



The Glen Iris Pantry poll is within the following boundaries:



The ToWoo Korean Charcoal BBQ Restaurant poll is within the following boundaries:



2. The resolution to be submitted to the electors

Electors in the Domenic's Restaurant poll neighbourhood will be asked to vote 'yes' or 'no' with respect to the following resolution:

'That a Restaurant and Cafe liquor licence be granted in the neighbourhood of the premises situated at 335 Balwyn Road, Balwyn North.'

Electors in the Glen Iris Pantry poll neighbourhood will be asked to vote 'yes' or 'no' with respect to the following resolution:

'That a Restaurant and Cafe liquor licence be granted in the neighbourhood of the premises situated at 106 Glen Iris Road, Glen Iris.'

Electors in the ToWoo Korean Charcoal BBQ Restaurant poll neighbourhood will be asked to vote 'yes' or 'no' with respect to the following resolution:

'That a Restaurant and Cafe liquor licence be granted in the neighbourhood of the premises situated at 603 Whitehorse Road, Surrey Hills.'

3. Persons entitled to vote in the poll

All electors who reside within the respective neighbourhoods indicated above, and who were enrolled on the electoral roll used for State elections at 5.00 pm on Thursday 20 March 2014 must vote in the polls.

Copies of the official roll for each poll may now be inspected at the VEC, Level 11, 530 Collins Street, Melbourne.

4. Voting is compulsory

Electors enrolled in the licensing poll neighbourhoods at 5.00 pm on Thursday 20 March 2014 must vote. The penalty for failing to vote without a valid and sufficient reason is currently \$72.

5. Postal voting

The poll will be conducted entirely by post. Ballot papers will be mailed to all eligible electors on Wednesday 30 April 2014. To be included in the count, completed ballot papers must be received by the VEC by 5.00 pm on Monday 19 May 2014.

6. Early voting

If you will be away when the ballot packs are mailed out, please call 131 832 to arrange an early postal vote.

PHILLIPPA HESKETT
Election Manager

Plant Biosecurity Act 2010**ORDER DECLARING A RESTRICTED AREA IN VICTORIA, NEAR GOODNIGHT NORTH (NSW) FOR THE CONTROL OF QUEENSLAND FRUIT FLY**

I, Peter Walsh, Minister for Agriculture and Food Security, under section 32 of the **Plant Biosecurity Act 2010** 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 13 April 2014

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 in Victoria, near Goodnight North (NSW), 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 32 of the **Plant Biosecurity Act 2010**.

3. Revocation

The Order made on 19 January 2012 under Section 32 of the **Plant Biosecurity Act 2010**, and published in Government Gazette G4 on 25 January 2012, is revoked.

4. 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 Biosecurity Act 2010**;

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

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

‘**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.

5. 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.

6. 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 Environment and 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 Chief Plant Health Officer; 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 Chief Plant Health Officer.
- (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 or 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 Chief Plant Health Officer.

7. Verification of Consignments

Any Queensland Fruit Fly host material removed from the restricted area in accordance with clause 6(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 Environment and 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	Santal
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 143.33809° East, 34.90771° South.

Schedule 3

The area of land in Victoria within a radius of one and a half kilometres of the outbreak epicentre at 143.33809° East, 34.90771° South.

Note: Section 33 of the **Plant Biosecurity Act 2010** provides that a person is guilty of an offence and liable for a penalty not exceeding 60 penalty units in the case of a natural person, and 300 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.

Plant Biosecurity Act 2010**ORDER DECLARING A RESTRICTED AREA AT MURRAWEE FOR THE CONTROL OF QUEENSLAND FRUIT FLY**

I, Peter Walsh, Minister for Agriculture and Food Security, under section 32 of the **Plant Biosecurity Act 2010** 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 13 April 2014

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 Murrawee, 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 32 of the **Plant Biosecurity Act 2010**.

3. Revocation

The Order made on 20 May 2013 under Section 32 of the **Plant Biosecurity Act 2010**, and published in Government Gazette G22 on 30 May 2013, is revoked.

4. 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 Biosecurity Act 2010**;

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

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

‘**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.

5. 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.

6. 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 Environment and 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 Chief Plant Health Officer; 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 Chief Plant Health Officer.

(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 or 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 Chief Plant Health Officer.

7. Verification of Consignments

Any Queensland Fruit Fly host material removed from the restricted area in accordance with clause 6(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 Environment and 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	Santal
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 143.53023° East, 35.29251° South.

Schedule 3

The area of land in Victoria within a radius of one and a half kilometres of the outbreak epicentre at 143.53023° East, 35.29251° South.

Note: Section 33 of the **Plant Biosecurity Act 2010** provides that a person is guilty of an offence and liable for a penalty not exceeding 60 penalty units in the case of a natural person, and 300 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.

Plant Biosecurity Act 2010**ORDER PROHIBITING OR RESTRICTING THE ENTRY OR IMPORTATION OF
MEDITERRANEAN FRUIT FLY HOST MATERIAL INTO VICTORIA**

I, Gabrielle Vivian-Smith, delegate of the Minister for Agriculture, make the following Order:

Dated 8 April 2014

GABRIELLE VIVIAN-SMITH
Chief Plant Health Officer

1. Objective

The objective of this Order is to prevent the entry or importation of the exotic pest Mediterranean Fruit Fly into Victoria.

2. Authorising Provision

This Order is made under Section 36 of the **Plant Biosecurity Act 2010** (the Act).

3. Definitions

In this Order –

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

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

‘**authorised person**’ means a person authorised under the Act to issue Plant Health Declarations;

‘**Mediterranean Fruit Fly**’ means the exotic pest, *Ceratitidis capitata* (Wiedemann);

‘**Mediterranean Fruit Fly host material**’ means any fruit or vegetable as listed in Schedule 1;

‘**used package**’ means any packaging that has contained Mediterranean Fruit Fly host material.

4. Controls applying to Mediterranean fruit fly host material

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

5. Verification of Consignments

Where requested by an authorised inspector, Mediterranean Fruit Fly host material or used package imported into Victoria which is required by clause 4(2) to be accompanied by a certificate or declaration, must be:

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

Schedule 1

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

Note: Section 38 of the **Plant Biosecurity Act 2010** provides that a person is guilty of an offence and a penalty not exceeding 60 penalty units in the case of a natural person, and 300 penalty units in the case of a body corporate, for knowingly breaching an importation order.

Plant Biosecurity Act 2010**ORDER PROHIBITING OR RESTRICTING THE ENTRY OR IMPORTATION OF
BLUEBERRY RUST HOST MATERIAL INTO VICTORIA**

I, Gabrielle Vivian-Smith, as delegate of the Minister for Agriculture, make the following Order:

Dated 8 April 2014

GABRIELLE VIVIAN-SMITH
Chief Plant Health Officer

1. Objective

The objective of this Order is to prevent the entry or importation of the exotic disease blueberry rust into Victoria.

2. Authorising provision

This Order is made under section 36 of the **Plant Biosecurity Act 2010** (the Act).

3. Definitions

In this Order –

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

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

‘**blueberry rust**’ means the exotic disease caused by the fungus *Naohidemycetes vaccinii* (Alb. and Schwein) S Sato, Katsuya & Y Hirats;

‘**blueberry rust host plant**’ means any plant or plant product of *Vaccinium* spp. (including blueberry, cranberry and huckleberry), *Gaylussacia* (black huckleberry), *Tsuga* (hemlock), *Rhododendron* spp. (including azalea), *Lyonia*, *Menziesia*, *Pernettya*, *Hugeria*, *Pieris*, *Leucothoe*, *Oxycoccus*;

‘**blueberry rust host material**’ means any blueberry rust host plant, agricultural equipment or used package.

4. Controls applying to blueberry rust host material

(1) The entry or importation into Victoria of any blueberry rust host material is prohibited.

(2) Sub-clause (1) does not apply if the blueberry rust host material –

- (a) was grown, sourced or last used on a property that is located in a State or Territory or part of a State or Territory for which an area freedom certificate, issued by an officer responsible for agriculture in the State or Territory where the blueberry rust host material was grown, sourced or last used, is currently in force certifying that the State or Territory or part of the State or Territory is known to be free of blueberry rust; or
- (b) is packed, labelled and certified in accordance with any conditions prescribed by an accreditation program administered by the department responsible for agriculture in the affected State or Territory; or
- (c) is accompanied by a plant health declaration issued by an authorised person declaring that it has been treated in a manner approved by the Chief Plant Health Officer; or
- (d) is accompanied by a plant health certificate issued by an officer of the department responsible for agriculture in the affected State or Territory certifying that it has been treated in a manner approved by the Chief Plant Health Officer; or
- (e) is treated in accordance with conditions specified in a permit issued by the Chief Plant Health Officer.

5. Verification of Consignments

- (1) Where requested by an authorised inspector, blueberry rust host material imported into Victoria which is required by clause 4(2) to be accompanied by a certificate or declaration, must be:
 - (a) presented to an authorised inspector for inspection; or
 - (b) verified by a person accredited to do so by the Department of Environment and Primary Industries.

Note: Section 38 of the **Plant Biosecurity Act 2010** provides that a person is guilty of an offence and a penalty not exceeding 60 penalty units for a natural person, or 300 penalty units for a body corporate, for knowingly breaching an importation order.

Plant Biosecurity Act 2010**ORDER PROHIBITING OR RESTRICTING THE ENTRY OR IMPORTATION OF
LUPIN ANTHRACNOSE HOST MATERIAL INTO VICTORIA**

I, Gabrielle Vivian-Smith, as delegate of the Minister for Agriculture, make the following Order:
Dated 8 April 2014

GABRIELLE VIVIAN-SMITH
Chief Plant Health Officer

1. Objective

The objective of this Order is to prevent the entry or importation of the exotic disease lupin anthracnose into Victoria.

2. Authorising provision

This Order is made under section 36 of the **Plant Biosecurity Act 2010** (the Act).

3. Definitions

In this Order –

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

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

‘**authorised person**’ means a person authorised under the Act to issue Plant Health Declarations;

‘**lupin anthracnose**’ means the exotic disease caused by the fungus *Colletotrichum gloeosporioides* (Penz.) Penz. and Sacc. (lupin strain);

‘**lupin anthracnose host material**’ means any lupin anthracnose host plant, agricultural equipment or used package;

‘**lupin anthracnose host plant**’ means any plant or plant product of *Lupinus* species.

4. Controls applying to lupin anthracnose host material

(1) The entry or importation into Victoria of any lupin anthracnose host material is prohibited.

(2) Sub-clause (1) does not apply if the lupin anthracnose host material –

- (a) was grown on, sourced from or last used on a property that is located in a State or Territory or part of a State or Territory for which an area freedom certificate, issued by an officer responsible for agriculture in the State or Territory where the lupin anthracnose host material was grown, sourced or last used, is currently in force certifying that the State or Territory or part of the State or Territory is known to be free of lupin anthracnose; or

- (b) is packed, labelled and certified in accordance with any conditions prescribed by an accreditation program administered by the department responsible for agriculture in the affected State or Territory; or
- (c) is accompanied by a plant health declaration issued by an authorised person declaring that it has been treated in a manner approved by the Chief Plant Health Officer; or
- (d) is accompanied by a plant health certificate issued by an officer of a department responsible for agriculture in the affected State or Territory certifying that it has been treated in a manner approved by the Chief Plant Health Officer; or
- (e) is treated in accordance with conditions specified in a permit issued by an inspector.

5. Verification of Consignments

- (1) Where requested by an authorised inspector, lupin anthracnose host material imported into Victoria which is required by clause 4(2) to be accompanied by a certificate or declaration must be:
 - (a) presented to an authorised inspector for inspection; or
 - (b) verified by a person accredited to do so by the Department of Environment and Primary Industries.

Note: Section 38 of the **Plant Biosecurity Act 2010** provides that a person is guilty of an offence and a penalty not exceeding 60 penalty units in the case of a natural person, and 300 penalty units in the case of a body corporate, for knowingly breaching an Importation Order.

Plant Biosecurity Act 2010

NOTICE OF EXTENSION

Order Prohibiting or Restricting the Importation or Entry of Citrus Tristeza Virus Host Material into Victoria

I, Gabrielle Vivian-Smith, as delegate of the Minister of Agriculture, give notice that the Order made under section 36 of the **Plant Biosecurity Act 2010** on 11 April 2013, and published in the Victorian Government Gazette G16 on 18 April 2013, prohibiting or restricting the importation or entry of citrus tristeza virus host material into Victoria is extended for a further period of 12 months commencing on 11 April 2014.

The Order specifies prohibitions, restrictions and conditions so as to prevent the entry of the exotic disease citrus tristeza virus into Victoria.

Further information may be obtained by visiting www.depi.vic.gov.au/psb

Dated 8 April 2014

GABRIELLE VIVIAN-SMITH
Chief Plant Health Officer

Royal Melbourne Institute of Technology Act 2010

APPOINTMENT OF A MEMBER TO THE ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY COUNCIL

Under sections 76(3)(b) and 12(2) of the **Royal Melbourne Institute of Technology Act 2010**, I appoint –

Professor Stephen Duckett

as a Ministerial appointment to the Royal Melbourne Institute of Technology Council from the date of this Instrument until 31 December 2016 (inclusive).

Dated 7 April 2014

Signed by Minister
THE HON. NICK WAKELING, MP
Minister for Higher Education and Skills

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
154	LEY, JACQUELINE	Veterinary Behavioural Medicine

Dated 2 April 2014

DR SALLY WHYTE
Registrar and Executive Officer
Veterinary Practitioners Registration Board of Victoria

Veterinary Practice Act 1997

VETERINARY PRACTITIONERS REGISTRATION BOARD OF VICTORIA

Notice

Re: Dr Donna Quinlan

On 21 March 2014, a Panel of the Veterinary Practitioners Registration Board of Victoria concluded a Formal Hearing into the ability of Dr Donna Quinlan, a registered veterinary practitioner, to practise veterinary medicine and veterinary surgery.

The Panel found as follows:

Pursuant to section 46(1)(a) of the **Veterinary Practice Act 1997** ('the Act'), the ability of Dr Quinlan to practise is affected because of her physical and mental health.

The Panel made the following determination:

Pursuant to section 46(2)(b) of the Act, that Dr Quinlan's registration be suspended, effective immediately.

Dated 10 April 2014

DR SALLY WHYTE
Registrar and Executive Officer

Water Act 1989

NORTH EAST REGION WATER CORPORATION

Extension of Moyhu Water District and Establishment of Moyhu Sewerage District

Notice is hereby given that the North East Region Water Corporation, pursuant to section 122 of the **Water Act 1989**, proposes to seek to extend the Moyhu Water District and establish a Moyhu Sewerage District, for the purpose of implementing a proposed Sewerage Scheme for the Township of Moyhu.

Full details of the proposed water district and sewerage district proposal and copies of the plans showing the extent of the districts are available for inspection, free of charge, at the Corporation's Regional Headquarters, 83-85 Thomas Mitchell Drive, Wodonga, during office hours. Copies of the plans are also available for inspection at Rural City of Wangaratta municipal offices, corner of Ford and Ovens Streets, Wangaratta.

Members of the public are invited to make submissions on the proposal. Any person making a submission or objection to the proposal should set grounds for their objection.

Submissions must be received by the Corporation on or before Thursday 15 May 2014, which is one month after the publication of this notice, for consideration by the Corporation's Board.

CRAIG HEINER
Managing Director

ORDERS IN COUNCIL

Education and Training Reform Act 2006

THE CONSTITUTION OF FEDERATION TRAINING ORDER 2014

The Governor in Council under section 3.1.11 of the **Education and Training Reform Act 2006** makes the Constitution of Federation Training Order 2014.

This Order comes into effect on 1 May 2014.

Dated 15 April 2014

Responsible Minister:

HON. NICK WAKELING MP

Minister for Higher Education and Skills

YVETTE CARISBROOKE
Clerk of the Executive Council

DIVISION 1 — PRELIMINARY

1. *Title of Order*

This Order is called the Constitution of Federation Training Order 2014.

2. *Purposes*

The purposes of this Constitution are –

- (a) to amalgamate the Central Gippsland Institute of Technical and Further Education (***Central Gippsland TAFE***) and Advance TAFE and change the name to Federation Training (***Institute***); and
- (b) to make provision or further provision for or with respect to the objectives, functions and powers of the Institute; and
- (c) to establish a board to oversee and govern the Institute; and
- (d) to make provision or further provision for or with respect to the constitution, management structure, membership, objectives, powers, duties or functions of the board of the Institute, the manner of appointment and the terms and conditions of appointment of directors of the board; and
- (e) to make provision for the board to make rules for the governance of the Institute; and
- (f) to make provision for the board to delegate its powers and functions; and
- (g) to revoke previous Orders relating to the establishment of Central Gippsland TAFE and Advance TAFE and the establishment of their boards; and
- (h) to make provision for or with respect to matters of a consequential, transitional or savings nature.

3. *Authorising powers*

This Constitution is made under the powers conferred by section 3.1.11 of the **Education and Training Reform Act 2006** and all other enabling powers.

4. *Commencement*

This Constitution comes into operation on 1 May 2014.

5. *Interpretation*

In this Constitution, unless inconsistent with the context or subject-matter –

Act means the **Education and Training Reform Act 2006**;

Advance TAFE means Advance TAFE continued in existence with a changed name under an Order in Council, dated 9 April 2013, made under the **Education and Training Reform Act 2006**;

board means the Board of the Institute established under this Constitution;

board nominee director means a director appointed under clause 16 for the purposes of section 3.1.16(1)(c) of the Act;

board secretary means the person appointed by the board under clause 28;

Central Gippsland TAFE means the Central Gippsland Institute of Technical and Further Education continued in existence under an Order in Council, dated 9 April 2013, made under the **Education and Training Reform Act 2006**;

chairperson means the chairperson of the board appointed under clause 14;

commercial activity means –

- (a) the provision or sale by the Institute (or the Institute in partnership, trust, joint venture or association with others) of land, property, goods, services or other activities on a commercial basis; or
- (b) the acquisition by the Institute of, or capital expenditure on, land, property, goods, services or other things; or
- (c) other activities conducted on a commercial basis or of a commercial nature;

Notes

A TAFE institute may engage in an activity on a commercial basis if the activity is consistent with any direction, guideline or direction issued by the Minister from time to time in relation to commercial activity. At the time of the making of this Constitution, the current guidelines are known as the *Guidelines concerning commercial activities in accordance with Part 5.2 of the Act*.

See also section 3.1.12B(3) of the Act.

committee member means a member of a committee established by the board under this Constitution and includes an acting member of a committee;

this Constitution means this Order in Council;

controlling interest has the same meaning as it has in section 72(2) of the **Payroll Tax Act 2007**;

Department has the same meaning as it has in section 1.1.3(1) of the Act;

Deputy Secretary means the person for the time being holding, acting in or performing the duties of the Deputy Secretary, Higher Education and Skills Group within the Department, and if its name is changed, means the person for the time being holding, acting in or performing the duties of the Deputy Secretary of that part of the Department with responsibility for vocational education and training;

director includes the chairperson, a Ministerial nominee director and a board nominee director and includes any person acting as a director;

Note

Under clause 4 of Schedule 2 to the Act, the Minister may appoint an acting director in certain circumstances.

Federation University of Australia has the same meaning as it has in section 4 of the **Federation University of Australia Act 2010**;

former boards has the meaning described in clause 46(1);

Institute means the entity known as Federation Training established by clause 6 of this Constitution;

internal auditor means an auditor appointed by the board under clause 26;

major commercial activity means commercial activity that involves a transaction or transactions with a total estimated cost greater than 5 per cent of annual revenues of the Institute, but does not include –

- (a) the supply of vocational training or higher education in accordance with the Institute's strategic plan; or
- (b) the supply of vocational training or higher education that is supplied pursuant to a competitive tender process;

Ministerial nominee director means a director appointed under clause 15 for the purposes of section 3.1.16(1)(b) of the Act;

Secretary has the same meaning as it has in section 1.1.3(1) of the Act;

Notes

This Constitution is a subordinate instrument for the purposes of the **Interpretation of Legislation Act 1984**. That Act contains provisions that apply to the interpretation of this Constitution.

Expressions used in this Constitution have the same meaning as they have in the **Education and Training Reform Act 2006** unless the contrary intention appears — see **Interpretation of Legislation Act 1984**, section 23.

DIVISION 2 — ESTABLISHMENT, POWERS, AND DUTIES OF THE INSTITUTE

6. Establishment of the Institute

The legal establishment of the Institute is executed accordingly:

- (a) the name of the Central Gippsland Institute of Technical and Further Education is hereby changed to Federation Training (**Institute**); and
- (b) Advance TAFE is thereafter amalgamated with the Institute.

Notes

The Institute is a body corporate by operation of sections 3.1.12 of the **Education and Training Reform Act 2006**.

The name of a TAFE Institute may be changed by an Order in Council. See section 3.1.11(1)(e) of the Act.

TAFE Institutes may also be amalgamated by an Order in Council. See section 3.1.11(1)(c) of the Act.

The Institute is the successor in law to Central Gippsland TAFE and Advance TAFE which were established under the previous Orders to be revoked by clause 45 of this Constitution. See sections 3.1.11(7) and 3.1.12(a) of the Act. See also the savings and transitional provisions in Division 10.

7. Objectives of the Institute

In addition to the objectives set out in section 3.1.12A of the Act, the objectives of the Institute include pursuing an integrated tertiary education model for the Gippsland region by seeking merger with Federation University Australia, with a planned merger date of 1 January 2016.

Note

An Order in Council may merge a TAFE Institute with a dual sector university, if the council of the university approves — see section 3.1.11(1)(d) of the Act.

8. Functions of the Institute

In addition to the functions set out in section 3.1.12B of the Act, the functions of the Institute include:

- (a) to confer vocational training awards; and
- (b) subject to Part 5.5 of the Act, to operate as a group training organisation that employs apprentices and other trainees and places them with host employers.

Note

A person or body may not employ an apprentice or trainee without approval under Part 5.5 of the Act.

9. Powers of the Institute

- (1) The powers of the Institute are subject to, and must be exercised in accordance with, the functions, duties and obligations conferred or imposed on the Institute by —
 - (a) the Act and other laws; and
 - (b) this Constitution; and
 - (c) Ministerial and Government directions and guidelines under the Act and other legislation, laws and conventions; and
 - (d) the general administrative, social and economic directives and policies established by the Government of Victoria from time to time.

- (2) For the avoidance of doubt, it is the intention of subclause (1) to limit the power of the Institute so that it does not have power to act in a manner that is contrary to, or inconsistent with, its duties and obligations under laws, legislation, guidelines, directions and policies that apply to the Institute.

Note

Section 3.1.12C of the Act sets out general powers of the Institute. The exercise of these powers may be subject to directions issued by the Minister under section 5.2.1 of the Act, or to the provisions of an Institute's constitution. Subclause (1) requires that the Institute's powers be exercised in accordance with legislation, policies and directions that apply to the Institute.

Examples

The Institute must exercise its powers subject to the directions of the Minister for Finance under section 8 of the **Financial Management Act 1994**, which have legislative force. Direction 4.5.6 of the *Standing Directions of the Minister for Finance under the Financial Management Act 1994* sets out binding requirements in relation to public sector agencies' borrowings, investments and financial arrangements.

The Institute must also exercise its powers in relation to commercial activity, borrowing or investment subject to direction or guidelines issued by the Minister administering the Act.

DIVISION 3 — ESTABLISHMENT, POWERS, DUTIES AND OBJECTIVES OF THE BOARD

10. Establishment of the board

- (1) In accordance with section 3.1.11(2)(a) of the Act, there is established a board to oversee and govern the Institute.
- (2) The board established under subclause (1) is named the Board of Federation Training.

Note

See the savings and transitional provisions in Division 10.

11. General duties of the board

- (1) The board must –
- (a) take all reasonable steps for the advancement of the objectives of the Institute and the board under the Act and this Constitution;
 - (b) operate in accordance with the economic and social objectives and public sector management policy established from time to time by the Government of Victoria;
 - (c) meet at intervals prescribed in this Constitution;
- Note**
- See section 3.1.18D of the Act and clauses 21(2) and 22.
- (d) provide all assistance and information as the Minister, the Secretary or the Deputy Secretary may reasonably require from the board; and
 - (e) ensure the safe custody and proper use of the common seal of the Institute.
- (2) These duties are in addition to, and do not take away from, the duties imposed on the board by the Act, other provisions of this Constitution, and any other duties imposed by any other Act or law.

12. Objectives of the board

- (1) The objectives of the board include the pursuing an integrated tertiary education model for the Gippsland region by seeking a merger with Federation University Australia, with a planned merger date of 1 January 2016.

Note

An Order in Council may merge a TAFE Institute with a dual sector university, if the council of the university approves – see section 3.1.11(1)(d) of the Act.

- (2) These objectives are in addition to, and do not take away from, the objectives imposed on the board by the Act, other provisions of this Constitution, and any other objectives imposed by any other Act or law.

DIVISION 4 — COMPOSITION OF THE BOARD

13. *Board composition*

The board consists of nine directors, of whom —

- (a) one is the chairperson of the board appointed by the Governor in Council under clause 14; and

Note

See section 3.1.16(1)(a) of the Act and clause 14.

- (b) four are Ministerial nominee directors appointed by the Minister under clause 15 for the purposes of section 3.1.16(1)(b) of the Act; and

Notes

Section 3.1.16(1)(b) of the Act requires the Constitution to provide that a certain proportion of the directors are to be appointed by the Minister.

Directors appointed for the purposes of paragraph (b) are referred to in this Constitution as *Ministerial nominee directors*.

- (c) four are directors appointed under clause 16 for the purposes of section 3.1.16(1)(c) of the Act.

Notes

Directors appointed for the purposes of paragraph (c) are referred to in this Constitution as *board nominee directors*.

See section 3.1.16(1)(c) of the Act and clause 16 of this Constitution in relation to the appointment of board nominee directors.

The criteria for appointment of all directors are set out in section 3.1.16(2) of the Act.

The Chief Executive Officer of the Institute is not eligible to be appointed as a director: see section 3.1.16(3) of the Act.

Staff (other than the Chief Executive Officer) and students of the Institute may be eligible to be appointed as directors, if qualified.

14. *Appointment of chairperson*

The Governor in Council may, by instrument, appoint a person as the chairperson of the board.

Notes

The chairperson holds office for the term specified in the instrument of appointment, not being more than three years: see clause 2(1) of Schedule 2 to the Act.

The Minister may appoint an acting chairperson in the case of illness, absence or inability to act, and the Governor in Council may appoint an acting chairperson in the case of a vacancy: see clause 4(1) of Schedule 2 to the Act and section 41 of the **Interpretation of Legislation Act 1984**.

15. *Appointment of Ministerial nominee directors*

- (1) The Minister may, by instrument, appoint a person to a Ministerial nominee director position referred to in clause 13(b).

- (2) The Minister may consult with the chairperson before appointing a person to a Ministerial nominee position.

Note

Under section 3.1.16(1)(b) of the Act, these director appointments are made by the Minister alone.

16. *Appointment of board nominee directors*

- (1) The Minister may, in accordance with this clause and clause 17, by instrument, appoint a person to a board nominee director position referred to in clause 13(c).

Note

Section 3.1.16(1)(c) of the Act provides that the Constitution must provide that the remaining directors are to be appointed by the Minister after considering the advice of the directors who have been appointed under paragraphs (a) and (b) of section 3.1.16(1), namely, the chairperson and the directors appointed by the Minister alone.

- (2) The chairperson and Ministerial nominee directors must provide advice to the Minister on the appointment of a board nominee director within four months of a position becoming vacant.
- (3) In providing advice to the Minister for the purposes of subclause (2), the chairperson and Ministerial nominee directors must comply with clause 17.
- (4) Subject to subclause (5), before appointing a board nominee director, the Minister must consider advice provided by the chairperson and Ministerial nominee directors in accordance with subclause (2) and clause 17.
- (5) If the chairperson and Ministerial nominee directors do not provide advice within four months, or such longer period approved by the Minister, of a position of board nominee director becoming vacant, the Minister may proceed to make an appointment.

17. Merit-based assessment and advice on appointment of board nominee directors

- (1) When a board nominee director position falls vacant, the chairperson and Ministerial nominee directors must provide advice to the Minister, for the purposes of section 3.1.16(1)(c) of the Act, on one or more candidates who have been assessed by the chairperson and Ministerial nominee directors as suitable for appointment to the position.
- (2) Before providing advice on the appointment of a board nominee director, the chairperson and Ministerial nominee directors must assess candidates for appointment on merit against the criteria set out in section 3.1.16(2) of the Act.
- (3) When providing advice to the Minister on the appointment of a board nominee director, the chairperson and Ministerial nominee directors must also provide to the Minister –
 - (a) a report on the process that was used by the chairperson and Ministerial nominee directors in identifying potential candidates for appointment and the assessment of those candidates; and
 - (b) a report on the qualifications, skills and experience of each candidate assessed as suitable for appointment, including an assessment of the candidate against the criteria set out in section 3.1.16(2) of the Act.

18. Notification of vacancies, absences or inability of directors to perform their duties

- (1) If a vacancy occurs in an office of the chairperson or a director, the board must inform the Minister of the vacancy in writing as soon as practicable, and in any event no later than 20 business days after a vacancy arises.

Note

Notification of a vacancy starts the process for filling it. Notifications also enable the Minister to appoint an acting chairperson or director where necessary. Where an office of chairperson or director is vacant, the Minister may appoint an acting director under section 41(1) of the **Interpretation of Legislation Act 1984**.

- (2) If, in the opinion of the board, the chairperson or a director is absent or, for any other reason, unable to perform the duties of the office for 10 or more consecutive business days, the board must immediately inform the Minister.

Note

Where a director is absent or, for any other reason, unable to perform the duties of the office, the Minister may appoint an acting director under clause 4(1) of Schedule 2 to the Act. Notifications under this subclause enable the Minister to exercise this power to appoint an acting chairperson or director.

- (3) A notice under subclause (1) or (2) must state –
 - (a) the date on which the office became vacant, or from which the chairperson or director has been absent or otherwise unable to act; and

- (b) the reason for the vacancy, absence or inability – as the case requires.

Note

Notifying the Minister is also a responsibility of the board secretary — see clause 28(4).

19. Terms and conditions of office of directors

- (1) Directors hold office for the term, not exceeding 3 years, that is specified in the instrument of appointment.

Notes

Ministerial directions or guidelines or Government policy may set limits on the number of terms a director may serve.

Appointment of directors must be consistent with any applicable Victorian Government policies as amended from time to time. At the time of the making of this Constitution, the relevant guidelines are known as the *Appointment and Remuneration Guidelines for Victorian Government Boards, Statutory Bodies and Advisory Committees*.

A director is eligible for reappointment: see clause 2(1) of Schedule 2 to the Act.

- (2) A director may resign by writing to the Minister.

20. Indemnity of directors and committee members

The board must arrange insurance or an indemnity for each director and committee member for an amount of not less than \$10 million per event to indemnify that director or committee member against liability in respect of any injury, damage or loss suffered by the board or any person caused or arising out of anything necessarily or reasonably done by that director or committee member in good faith –

- (a) in the exercise of a power or the performance of a function or duty of a director or committee member; or
- (b) in the reasonable belief that the act or omission was in the exercise of a power or the performance of a function or duty of a director or committee member.

Note

The Victorian Managed Insurance Authority advises and assists authorities, including TAFE institutes, in relation to risk management.

DIVISION 5 — MEETINGS**21. Procedure for meetings of the board, other than the annual meeting**

- (1) The board must hold a meeting designated as the Annual General Meeting for the purpose of electing office bearers on or before 31 May each calendar year.

Notes

The Annual General Meeting under this clause is different from the Annual Meeting to be conducted under section 3.1.18D of the Act, which is a public meeting.

Clause 5 of Schedule 2 to the Act sets out some matters in relation to meeting procedure.

Office bearers may include, for example, the deputy chairperson, and the chairperson and members of committees.

- (2) The board must meet at least six times between each Annual General Meeting and at least once every three months.

Notes

Clause 5(4) of Schedule 2 to the Act sets out quorum requirements for a meeting of the board, namely, a majority of the directors in office at the time.

Clause 12 of Schedule 2 to the Act relevantly provides that an act or decision of an authority is not invalid only because –

- of a vacancy in its membership; or
- of a defect or irregularity in the appointment of any of its members; or
- in the case of a presiding or acting member, the occasion for that person so presiding or acting had not arisen or had ceased.

22. Procedure for annual meetings

- (1) The board must conduct its annual meeting, for the purposes of section 3.1.18D of the Act, in accordance with this clause.
- (2) The notice required under section 3.1.18D(2) of the Act must be published at least 15 business days before the date on which the annual meeting is to be held.

Notes

Sections 3.1.18D(2) of the Act requires that the Chief Executive Officer of the Institute must cause notice of the annual meeting to be published in a newspaper circulating generally in the area where an institute is located giving notice –

- (a) of the date, time and place of the meeting; and
- (b) that the meeting is open to the public.

Notice must also be given to the Secretary.

- (3) A notice for the purposes of section 3.1.18D(2) of the Act must also include –
 - (a) the date, time and location at which the meeting will be held; and
 - (b) a contact person, including telephone number, postal and email address, in relation to arrangements for attendance at the meeting and to obtain a copy of the papers referred to in subclause (4).
- (4) The board must arrange for copies of the material referred to in section 3.1.18D(4) of the Act to be available on request to members of the public at least 10 business days before the date on which the annual meeting is to be held.

23. Minutes of meetings and records of decisions to be kept and made available to the Deputy Secretary

- (1) The board must –
 - (a) keep a record of its decisions, including decisions of its committees; and
 - (b) keep full and accurate minutes of its meetings, its committee meetings and of annual meetings conducted for the purposes of section 3.1.18D of the Act.
- (2) The board must make a copy of all –
 - (a) records of decisions of the board, its committees and its delegates; and
 - (b) minutes of the board, its committees and of annual meetings conducted for the purposes of section 3.1.18D of the Act –available to the Deputy Secretary on request.

Note

Keeping minutes and making copies of documents available to the Deputy Secretary is also a responsibility of the board secretary – see clause 28(3) and (4).

DIVISION 6 — BOARD COMMITTEES**24. Establishment of committees**

- (1) The board may, to facilitate its functioning, establish and dissolve committees.
- (2) The board may, at any time –
 - (a) appoint to office a member of a committee;
 - (b) remove from office a member of a committee and must provide in writing to the member the reasons for the removal;
 - (c) by resolution, make rules and give directions, with which committees must comply, about –
 - (i) their quorums;
 - (ii) voting powers of their members;
 - (iii) their proceedings; and

- (iv) any other matter; and
- (d) confer any functions on a committee to advise or assist the board in relation to the performance or exercise of any of the board's powers, duties, objectives or functions as are delegated by the board from time to time.
- (3) A committee may meet and act despite vacancies in its membership so long as a quorum is present.
- (4) The position of a committee member becomes vacant if –
 - (a) the member becomes bankrupt; or
 - (b) the member is found guilty of an offence which is, or which would if committed in Victoria be, an indictable offence; or
 - (c) the member is absent from 3 consecutive meetings of the committee without the leave of the chairperson of the committee, or in the case of the chairperson without the leave of the chairperson of the board; or
 - (d) becomes a represented person within the meaning of the **Guardianship and Administration Board Act 1986** (Vic); or
 - (e) ceases to hold a qualification necessary for his or her appointment.

Notes

For the corresponding provision in relation to a director, see clause 2(3) of Schedule 2 to the Act.
Any remuneration must be in accordance with current Government policy.

DIVISION 7 — FINANCIAL AND ASSET MANAGEMENT**25. General powers and duties**

- (1) The board and each of its directors are subject to the same duties that apply to investments by trustees under the law relating to trustees.
- Note**
See section 6 of the **Trustee Act 1958**, which requires a trustee exercising a power of investment to “exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons”.
- (2) The board must develop and implement procurement policies and procedures for letting contracts or authorising expenditure on the supply of goods or services or the carrying out of works for the Institute.
 - (3) The procurement policies and procedures must include –
 - (a) provision in relation to the expenditure levels at which tenders or competitive quotations are required;
 - (b) the process for calling for tenders and competitive quotations;
 - (c) the evaluation of tenders and competitive quotations –
 - (i) based on objective criteria designed to assess value for money; and
 - (ii) that provide tenderers and prospective tenderers a fair opportunity to compete for work;
 - (d) the level of clearance required for letting contracts of particular kinds or of particular value;
 - (e) contract management procedures, responsibilities and accountabilities; and
 - (f) regular review of the procurement policy and its implementation.
 - (4) In developing and reviewing its procurement policy and procedures, the board must have regard to the procurement policies adhered to by departments of the Victorian Government from time to time.

Note

Victorian Government departments currently apply procurement policies published by the Victorian Government Purchasing Board.

- (5) When entering into any contract for or authorising expenditure on the supply of goods or services or the carrying out of works, for the Institute, the Institute must apply its procurement policies and procedures.
- (6) The Institute need not comply with subclause (5) for the engagement of professional advisors whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (7) The board must ensure that adequate records of the tenders sought and received are retained as part of the records of the Institute.

Note

Keeping these records is also a responsibility of the board secretary — see clause 28(3).

26. Audits

The board may, in its discretion, appoint an internal auditor to advise and assist the board in the management of the Institute and its other functions, subject to and in accordance with any requirements under the **Financial Management Act 1994**.

Note

The Institute and entities it controls are subject to annual audit by the Auditor-General — see section 9 of the **Audit Act 1994**.

The requirement to arrange for a continuous audit of the income and expenditure is set out in section 3.1.15(3) of the Act.

DIVISION 8 — MANAGEMENT AND GOVERNANCE

27. Staff

- (1) The board must have a process for recruitment and employment of the Chief Executive Officer of the Institute based on merit and must exercise appropriate oversight over the Chief Executive Officer.

Note

The board must appoint a Chief Executive Officer: See section 3.1.23(1)(a) of the Act.

- (2) The board must decide what powers, duties and responsibilities it will assign to the Chief Executive Officer.

Notes

The board must give proper direction to, and exercise proper control over, the Chief Executive Officer and other staff employed by the Institute and to monitor that they are carrying out their functions in a fit and proper manner: See section 3.1.13(1)(g) of the Act.

The Chief Executive Officer of the Institute must promote to the staff of the Institute the public sector values that are set out in section 7 of the **Public Administration Act 2004**.

In relation to the employment of staff, see section 3.1.23 of, and Schedule 3 to, the Act. The Institute must also adhere to any Ministerial Direction on the employment of staff.

28. Board secretary

- (1) The board must appoint a board secretary.
- (2) The board secretary must be –
 - (a) an executive member of the staff of the Institute; or
 - (b) if not an executive member of the staff of the Institute, must be qualified to be a company secretary under the **Corporations Act 2001** of the Commonwealth – but must not be the Institute’s Chief Executive Officer.

Note

In relation to the employment of executive staff, see section 3.1.23 of, and Part 2 of Schedule 3 to the Act.

- (3) It is the duty of the board secretary to keep full and accurate minutes of meetings and records of decisions of the board and of its committees.
- (4) Where a duty is imposed on the board –
 - (a) to give notice or information to the Minister, the Department or the Deputy Secretary; or
 - (b) to publish or provide information to any person –
that duty is also the personal duty of the board secretary.
- (5) Non-compliance by the board secretary with the duties imposed by this clause is capable of being misconduct.

Note

Section 41 of the **Interpretation of Legislation Act 1984** enables the board to appoint a qualified person as acting secretary of the board.

29. Delegations

- (1) The board's power of delegation under clause 11(4) of Schedule 2 to the Act may be exercised subject to subclauses (2) to (4).

Note

Clause 11(4) of Schedule 2 to the Act enables the board, by instrument, to delegate to –

- the members of a committee established by the board,
- a director of the board,
- the Chief Executive Officer of the Institute, or any other person employed in the Institute,
- or any person employed in the Department in the administration or execution of the Act – any power of the board, other than the power of delegation itself.

- (2) The board must not, and does not have power to, delegate –
 - (a) the making, amending or revoking of institute rules, the standing orders, nor any regulation made by it;
 - (b) the approval of, or a decision to undertake or participate in, any major commercial activity;
 - (c) the submission of the strategic plan to the Minister;

Note

Section 3.1.18A of the Act requires that a strategic plan is submitted to the Minister.

- (d) the submission of the annual statement of corporate intent to the Minister;

Note

Section 3.1.18B of the Act requires that a statement of corporate intent is submitted to the Minister.

- (e) the approval of the audited financial annual reports; or

Note

Audited financial annual reports are required to be submitted in accordance with the **Financial Management Act 1994**.

- (f) the formation of a partnership, trust or joint venture.
- (3) A delegation by the board may limit the delegated authority by reference to the type of commercial activity, financial limits or any other criteria determined by the board.
- (4) In delegating a power or function, the board must take into account the need for the delegate to have appropriate commercial or other experience relevant to the power or function or to have access to the advice of an appropriately qualified person.
- (5) A delegation must be recorded in the board's minutes and given in writing and must specify –
 - (a) the period for which it is valid; and
 - (b) any limitations or conditions on the delegation.

Note

It is the duty of the board secretary to keep full and accurate minutes of meetings and records of decisions of the board and of its committees — see clause 28(3).

- (6) The board may revoke a delegation at any time.
- (7) The board may continue to exercise or perform a power, duty or function which it has delegated.
- (8) Anything done under a delegation –
 - (a) has the same effect as if it had been done by the board; and
 - (b) will not be invalidated by the later lapse, revocation or variation of the delegation.
- (9) If the power, duty or function depends on the board's opinion or belief, a delegate will exercise or perform it in accordance with his or her or its own opinion or belief.
- (10) The board remains responsible for actions taken under delegation.
- (11) The board must ensure a copy of every delegation is retained as part of the records of the board and available to the Deputy Secretary on request.
- (12) A delegation of the board is revoked by operation of this subclause three years after its making.
- (13) For the avoidance of doubt –
 - (a) the purpose of the sunseting of delegations under subclause (12) is to require the board to review the appropriateness of delegations periodically; and
 - (b) the revocation of a delegation by subclause (12) does not prevent the making of a new delegation in the same or a similar form by the board following that review.

Note

In relation to delegations made by the former boards, see clause 49(1) to (7).

30. Institute rules

- (1) The board may make institute rules for the good order and management of the Institute on matters within its power and may amend or revoke those institute rules.

Note

Section 3.1.11(2)(g) of the Act states that a constitution may make provision for the board of a TAFE institute to make rules for the governance of the institute.

- (2) The board may amend or revoke any rule or regulation made by its predecessors.
- (3) An institute rule is revoked by operation of this subclause 5 years after its making.
- (4) For the avoidance of doubt –
 - (a) the purpose of the sunseting of institute rules under subclause (3) is to require the board to review the appropriateness of institute rules periodically; and
 - (b) the revocation of an institute rule by subclause (3) does not prevent the making of a new institute rule in the same or a similar form by the board following that review.

Note

In relation to institute rules made by the former boards, see clauses 49(8) to (10).

31. Common seal

- (1) The common seal of the Institute must –
 - (a) be kept in the custody of the board secretary or such other custody as the board directs;
 - (b) not be used except as authorised by the board.

- (2) Every document on which the common seal is affixed must be signed by at least two directors who are not members of staff of the Institute, or by the board secretary and at least one director who is not a member of staff of the Institute.

Note

Section 3.1.12(b) of the Act provides that the Institute has a common seal.

**DIVISION 9 — CONDUCT AND ACCOUNTABILITY OF DIRECTORS,
COMMITTEE MEMBERS AND INSTITUTE STAFF**

Note

The provisions of this Division are in addition to requirements of other legislation in relation to the conduct of public officials, such as the **Public Administration Act 2004** and Codes of Conduct for directors and public sector employees under that Act.

32. Interpretation

In this Division –

direct interest means an interest in a matter of a kind described in clause 41;

family member has the same meaning as in section 78(1) of the **Local Government Act 1989**;

indirect interest means an interest in a matter of a kind described in clause 42;

matter means a matter with which the board, committee or a member of Institute staff is concerned and that will require –

- (a) a power to be exercised, or a duty or function to be performed, or a decision to be made, by the board or a committee in respect of the matter;
- (b) a power to be exercised, or a duty or function to be performed, or a decision to be made by a member of Institute staff in respect of the matter;

relative has the same meaning as in section 78(1) of the **Local Government Act 1989**;

relevant person means –

- (a) a director; and
- (b) a committee member; and
- (c) a member of the Institute staff, including the Institute's Chief Executive Officer.

33. Primary principle of director and committee member conduct

A director or a committee member must, in performing their duties –

- (a) act with integrity; and
- (b) impartially exercise his or her responsibilities in the interests of the Institute; and
- (c) not improperly seek to confer an advantage or disadvantage on any person.

34. General conduct principles

- (1) In addition to acting in accordance with the primary principle of conduct specified in clause 33, in performing the role of a director or committee member, a relevant person must –

- (a) take all reasonable steps to avoid conflicts between his or her duties as a director or committee member and his or her personal interests and obligations;
- (b) disclose any conflict of interest in accordance with the Act and this Constitution;
- (c) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
- (d) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other directors, committee members, Institute staff and other persons;

- (e) exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;
- (f) endeavour to ensure that Institute resources are used prudently and only in the interest of the Institute and the public interest;
- (g) act lawfully and in accordance with the trust placed in him or her as director of a major State public sector body or as a member of one of that body's committees;
- (h) support and promote these principles by leadership and example and act in a way that secures and preserves confidence in the office of director or committee member; and
- (i) not make improper use of any information acquired as a member of the committee.

Note

Clause 2(4)(c) of Schedule 2 to the Act provides that a director must not make improper use of information acquired as a director.

- (2) For the avoidance of doubt, a committee member is subject to any code of conduct applicable to a director under section 63 and Divisions 2 and 3 of Part 5 of the **Public Administration Act 2004**.

35. Misuse of position

- (1) A relevant person must not misuse his or her position –
 - (a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
 - (b) to cause, or attempt to cause, detriment to the board or another person.
- (2) For the purposes of this clause, circumstances involving the misuse of a position by a director or a committee member include –
 - (a) making improper use of information acquired as a result of the position he or she held or holds; or
 - (b) disclosing information that is confidential information within the meaning of clause 37; or
 - (c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Institute staff in contravention of clause 36; or
 - (d) exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform; or
 - (e) using Institute funds or resources in a manner that is improper or unauthorised; or
 - (f) failing to disclose a conflict of interest as required under the Act or this Constitution.
- (3) This clause has effect in addition to, and not in derogation from, any Act or law relating to the criminal or civil liability of directors or members of committees.

36. Improper direction and improper influence

- (1) A director or a committee member must not improperly direct or improperly influence, or seek to improperly direct or improperly influence, a member of Institute staff in the exercise of any power or in the performance of any duty or function by the member.
- (2) A director or committee member must not direct, or seek to direct, a member of Institute staff –
 - (a) in the exercise of a delegated power, or the performance of a delegated duty or function of the board; or

- (b) in the exercise of a power or the performance of a duty or function exercised or performed by the director or committee member under the Act or this Constitution; or
- (c) in the exercise of a power or the performance of a duty or function the director or committee member exercises or performs in an office or position the director or committee member holds under another Act; or
- (d) in relation to advice provided to the board or a committee, including advice in a report to the board or committee.

Note

This does not apply in the circumstances set out in subclause (3) below.

- (3) This clause does not apply to a decision of the board or a committee that is made within the powers, duties or functions conferred under this or any other Act.

37. Confidential information

- (1) A relevant person must not release information that the person knows, or should reasonably know, is confidential information.
- (2) For the purposes of this clause, information is **confidential information** if –
 - (a) the information has been designated as confidential information by a resolution of the board or a committee and the board or committee has not passed a resolution that the information is not confidential; or
 - (b) subject to subclause (3), the information has been designated in writing as confidential information by the board secretary and the board has not passed a resolution that the information is not confidential.

Example

A director must not disclose information relating to the board's position in commercial or industrial negotiations which –

- the board or the committee has resolved is confidential information, or
 - the board secretary has certified is confidential information.
- (3) Confidential information referred to in subclause (2)(b) ceases to be confidential at the expiry of the period of 65 days after the designation is made unless subclause (2)(a) applies to the information.
 - (4) For the avoidance of doubt, this clause does not prevent the disclosure of information as required by law, including this Constitution.

38. Disclosure of interests of committee members

- (1) A committee member who has a pecuniary or other interest in any matter in which the committee is concerned must –
 - (a) if the committee member is present at a meeting of the committee at which the matter is to be considered, disclose the nature of the interest immediately before the consideration of that matter; or
 - (b) if the committee member is aware that the matter is to be considered at a meeting of the committee at which the committee member does not intend to be present, disclose the nature of the interest to the committee chairperson before the meeting is held.
- (2) A committee member who has made a disclosure in accordance with subclause (1) –
 - (a) may, at the discretion of the board, take part in the discussion in the meeting; and
 - (b) must leave the meeting while any vote is taken on a question relating to the matter.
- (3) The chairperson of the committee must ensure that a disclosure made to a committee is reported to the next meeting of the board.

- (4) All disclosures must be recorded in the minutes of the committee and the board.

Note

It is the duty of the board secretary to keep full and accurate minutes of meetings and records of decisions of the board and of its committees — see clause 28(3).

- (5) A disclosure can be in the form of a general notice read at a board meeting and entered in its minutes that the committee member holds an office or possesses certain property or has other relevant interests.
- (6) The requirements of this clause in relation to committee members do not apply to conflicts in respect of positions, offices or employment held which are a necessary qualification for the appointment of a person to the committee.

Note

If it is a necessary qualification for a particular committee member to be a member of staff of the Institute, then the mere fact that the person is a member of staff would not be something that the committee member has to disclose under this clause.

- (7) For the avoidance of doubt, this clause applies to a director who is a member of a committee when acting in that capacity.

Note

In relation to disclosures of interest of a director, see clause 6 of Schedule 2 to the Act.

39. Disclosure of interest of staff members

A member of the Institute's staff who –

- (a) prepares material for the board or a committee in relation to a matter; or
- (b) is present at a meeting of the board or a committee to provide assistance or advice in relation to a matter –

must disclose to the board or committee (as the case may be) if he or she has an interest in relation to that matter.

40. Assessing whether a person has an interest in a matter

- (1) For the purposes of –
- (a) in relation to directors – clause 6 of Schedule 2 to the Act and this Division; and
- (b) in relation to committee members and Institute staff – this Division –
- a relevant person will be taken to have an interest in any matter in which the board or committee (as the case may be) is concerned if the relevant person has a direct interest or indirect interest in the matter.
- (2) A relevant person does not have an interest in a matter under this Division if the direct interest or indirect interest of the relevant person is so remote or insignificant that the direct interest or indirect interest could not reasonably be regarded as capable of influencing any actions or decisions of the relevant person in relation to the matter.
- (3) A relevant person does not have an interest in a matter if the direct interest or indirect interest the relevant person holds –
- (a) is held as a resident of the area served by the Institute and does not exceed the interests generally held by other residents of the areas served by the Institute; or
- (b) is held in common with a large class of persons and does not exceed the interests generally held by the class of persons.
- (4) A relevant person does not have an interest in a matter if the relevant person –
- (a) does not know the circumstances that give rise to the interest; and
- (b) would not reasonably be expected to know the circumstances that give rise to the interest.

- (5) For the avoidance of doubt, this provision operates in addition to and is not intended to take away from the operation of clause 6 of Schedule 2 to the Act.

41. Assessing whether a person has a direct interest in a matter

- (1) For the purposes of this Division, a person has a direct interest in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way.
- (2) Without limiting subclause (1), a person has a direct interest in a matter if –
- (a) there is a reasonable likelihood that the person will receive a direct benefit or loss that can be measured in financial terms if the matter is decided in a particular way;
 - (b) the person has, or the person together with a member or members of the person's family have, a controlling interest in a company or other body that has a direct interest in the matter.

Note

For the definition of *controlling interest*, see clause 5.

42. Assessing whether a person has an indirect interest in a matter

- (1) For the purposes of this Division, a person has an indirect interest in a matter in the circumstances set out in this clause.
- (2) A person has an indirect interest in a matter if –
- (a) a family member of the person has a direct interest or an indirect interest in a matter; or
 - (b) a relative of the person has a direct interest in a matter; or
 - (c) a member of the person's household has a direct interest in a matter.
- (3) A person has an indirect interest in a matter if the person is likely to receive a benefit or incur a loss, measurable in financial terms, as a consequence of a benefit received or loss incurred by another person who has a direct or indirect interest in the matter.
- (4) A person has an indirect interest in a matter if the person –
- (a) has a beneficial interest in shares of a company or other body that has a direct interest in the matter, unless the combined total value of all the shares owned by the person and their family members is less than \$10,000 and the total value of issued shares of the company or body exceeds \$10 million;
 - (b) is owed money from another person and that other person has a direct interest in the matter, unless the money is owed by an approved deposit taking institution.
- (5) A person has an indirect interest in a matter because of conflicting duties if the person –
- (a) is a manager or a member of a governing body of a company or body that has a direct interest in a matter; or
 - (b) is a partner, consultant, contractor, agent or employee of a person, company or body that has a direct interest in a matter; or
 - (c) is a trustee for a person who has a direct interest in a matter –
but does not have an indirect interest in a matter under this subclause only because the person –
 - (d) is a member of the Victorian Public Service or a member of staff of a Victorian public sector body and the person has no expected duties in that capacity in relation to the matter; or

- (e) holds a position, with the board's approval as a representative of the board, in an organisation for which the person receives no remuneration; or
 - (f) is a director who holds a position in the Victorian TAFE Association Inc. (registration no. A37584B, ABN 43 308 387 581) or in another body that has the purpose of representing the interests of TAFE institutions.
- (6) A person has an indirect interest in a matter if the person has received a gift or gifts with a total value of \$10,000 or more in the preceding 5 years, directly or indirectly from –
- (a) a person who has a direct interest in the matter; or
 - (b) a director, contractor, consultant, agent or employee of a person, company or body that the person knows has a direct interest in a matter; or
 - (c) a person who gave the gift or gifts to the person on behalf of a person, company or body that has a direct interest in the matter.

43. Additional duties

- (1) The duties imposed by this clause are in addition to, and do not take away from, those imposed by the Act or other laws.

Note

In relation to duties of directors, see in particular Schedule 2 to the Act and Part 5 of the **Public Administration Act 2004**.

- (2) Before being eligible to take up the position of director, a person must sign an instrument agreeing to be bound by and to comply with –
- (a) the Act and other applicable laws;
 - (b) this Constitution; and
 - (c) subject to the above, any governance protocols adopted by the board from time to time.
- (3) A person who is, or has been a director of the board must not disclose confidential information acquired in the course of his or her duties as a board director except as authorised by the board.

44. Breach of this Division may be misconduct

A breach of this Division by a relevant person is capable of being misconduct.

Examples

Breach of conflict disclosure requirements by a director could be grounds for removal from office under section 3.1.18 of the Act.

Breach of conflict disclosure requirements by a member of staff could be grounds for disciplinary action.

DIVISION 10 — REVOCATION, SAVINGS AND TRANSITIONAL

45. Revocation of former Orders

On the date this Constitution takes effect (*the handover date*), the following Orders (*the former Orders*) are revoked –

- (a) the Order in Council, dated 9 April 2013, made under the **Education and Training Reform Act 2006** that continued the establishment of Central Gippsland TAFE; and
- (b) the Order in Council, dated 9 April 2013, made under the **Education and Training Reform Act 2006** that continued the establishment of Advance TAFE.

46. Abolition of former boards and transitional arrangements

- (1) On the handover date, the boards established under the former Orders (*the former boards*) are abolished and the directors of the former boards go out of office.

- (2) Subclause (1) does not affect the eligibility of any person for appointment to the board established by this Constitution (*the incoming board*).

47. *First appointments to the incoming board*

For the avoidance of doubt, directors may be appointed to the incoming board after this Constitution is made but before the commencement date in accordance with and subject to section 26 of the **Interpretation of Legislation Act 1984**.

Note

Section 26(1)(c) of the **Interpretation of Legislation Act 1984** enables appointments to be made under a subordinate instrument, such as this Constitution, after it is made but before it is in operation, for implementation purposes.

48. *Savings of acts under the former Orders*

Unless otherwise specified, this Constitution does not affect the validity or continuity of anything validly done in accordance with the former Orders before the handover date.

49. *Matters relating to the establishment of the new board*

- (1) Delegations made by the former board of Central Gippsland TAFE or its predecessors as they apply to the Chief Executive Officer continue in operation as if they were made by the incoming board until they are revoked –
- (a) by resolution of the incoming board; or
 - (b) by operation of subclause (2) –
- whichever is the earlier.
- (2) All delegations made by the former board of Central Gippsland TAFE or its predecessors as they apply to the Chief Executive Officer are revoked by operation of this subclause on the day that is two months after the handover date.
- (3) Remaining delegations made by the former board of Central Gippsland TAFE or its predecessors as they apply to the operations of the former Central Gippsland TAFE continue in operation as if they were made by the incoming board until they are revoked –
- (a) by resolution of the incoming board; or
 - (b) by operation of subclause (4) –
- whichever is the earlier.
- (4) All remaining delegations made by the former board of Central Gippsland TAFE or its predecessors as they apply to the operations of the former Central Gippsland TAFE are revoked by operation of this subclause on the day that is four months after the handover date.
- (5) Delegations made by the former board of Advance TAFE or its predecessors as they apply to the operations of the former Advance TAFE continue in operation as if they were made by the incoming board until they are revoked –
- (a) by resolution of the incoming board; or
 - (b) by operation of subclause (6) –
- whichever is the earlier.
- (6) All delegations made by the former board of Advance TAFE or its predecessors as they apply to the operations of the former Advance TAFE are revoked by operation of this subclause on the day that is four months after the handover date.
- (7) For the avoidance of doubt –
- (a) the purpose of subclauses (1) – (6) is to require the incoming board to review all delegations by the former boards and their predecessors; and

- (b) the revocation of a delegation by the former boards or one of their predecessors does not prevent the making of a new delegation in the same or a similar form by the incoming board following that review.
- (8) Institute rules made by the former boards continue in operation as they apply to the operation of the former Central Gippsland TAFE and Advance TAFE respectively, as if they were made as institute rules by the incoming board under clause 30, until they are revoked –
 - (a) by resolution of the incoming board; or
 - (b) by operation of subclause (9) –whichever is the earlier.
- (9) All institute rules made by the former board or its predecessors are revoked by operation of this subclause on the day that is four months after the handover date.
- (10) For the avoidance of doubt –
 - (a) the purpose of subclauses (8) and (9) is to require the incoming board to review all institute rules by the former boards and their predecessors; and
 - (b) the revocation of an institute rule made by the former boards or one of their predecessors does not prevent the making of a new institute rule in the same or a similar form by the incoming board following that review.

50. *Matters relating to assets and liabilities*

With effect from the handover date, the assets and liabilities of Advance TAFE are assigned to the Institute, subject to any trusts.

Note

Section 3.1.11(2)(j) of the Act provides that an Order in Council to amalgamate one or more TAFE Institutes may make provision for or with respect to any matter of a consequential, transitional or savings nature including with respect to the rights, obligations and assignment of any property (subject to trusts).

51. *Matters relating to employment of staff*

- (1) With effect from the handover date, staff employed by Advance TAFE become employees of the Institute with no alteration to the terms and conditions of their employment including entitlements and continuity of service.
 - (2) For the avoidance of doubt, the transitional provision provided for by subclause (1) does not prevent subsequent changes to the employment status of employees or terms or conditions of employment including without limitation by variation or termination of employment contracts, industrial agreements or through operation of law.
-

Crown Land (Reserves) Act 1978

TEMPORARY RESERVATION OF CROWN LAND FOR
BEACON COVE FORESHORE RESERVE AND ADJOINING FORESHORE RESERVES

Order in Council

The Governor in Council under section 4(1) of the **Crown Land (Reserves) Act 1978** temporarily reserves the following Crown land for public purposes:

MELBOURNE SOUTH – Public Purposes; area 8.1067 hectares being Crown Allotments 2024, 2025, 2026 and 2027, City of Port Melbourne, Parish of Melbourne South as indicated by hatching on plan LEGL./11-075 registered at the Central Plan Office.

File Ref: 1204346, 2003111 & 2016772

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

Dated 15 April 2014

Responsible Minister:

RYAN SMITH

Minister for Environment and Climate Change

YVETTE CARISBROOKE
Clerk of the Executive Council

Port Management Act 1995

DECLARATION OF LAND UNDER SECTION 5(1A)
PORT OF MELBOURNE

Order in Council

The Governor in Council, under section 5(1A) of the **Port Management Act 1995**, declares the areas of land coloured green on plans numbered LEGL./14-170, LEGL./13-034 and LEGL./13-035, lodged in the Central Plan Office of the Department of Transport, Planning and Local Infrastructure, to be port of Melbourne land.

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

Dated 15 April 2014

Responsible Minister:

THE HON DAVID HODGETT MP

Minister for Ports

YVETTE CARISBROOKE
Clerk of the Executive Council

Swinburne University of Technology Act 2010
APPOINTMENT OF A MEMBER TO THE SWINBURNE UNIVERSITY
OF TECHNOLOGY COUNCIL

Order in Council

The Governor in Council, under section 12(1) of, and clause 1 of the Schedule to, the **Swinburne University of Technology Act 2010**, appoints Ms Kirsten Mander as a member of the Swinburne University of Technology Council from the date of this Order to 31 December 2016 (inclusive).

The terms and conditions of this appointment are set out in the attached Schedule.

Dated 15 April 2014

Responsible Minister:

THE HON. NICK WAKELING, MP
Minister for Higher Education and Skills

YVETTE CARISBROOKE
Clerk of the Executive Council

The Swinburne University of Technology Act 2010
APPOINTMENT OF A MEMBER TO THE SWINBURNE UNIVERSITY
OF TECHNOLOGY COUNCIL

Schedule to the Order in Council

1. Appointment Arrangements

This appointment is part-time.

2. Period of Appointment

Ms Mander's period of appointment is from the date of the Order in Council to 31 December 2016 (inclusive).

3. Duties and responsibilities of the position

Pursuant to section 8 of the **Swinburne University of Technology Act 2010** (the Act), the Council is the governing body of the University and has the entire direction and superintendence of the University. Its primary responsibilities include appointing and monitoring the performance of the Vice-Chancellor; approving the mission and strategic direction; overseeing and reviewing management; overseeing and monitoring academic activities; and approving any significant commercial activities.

4. Termination Arrangements

This appointment will cease on 31 December 2016. However, pursuant to section 12(5)(a) of the Act, a member of the Council appointed by the Governor in Council may, at any time, be removed by the Governor in Council.

5. Payment Provisions

Pursuant to section 16 of the Act the Minister may fix the remuneration of a member.

6. Superannuation Obligations

Superannuation will be paid in accordance with the Commonwealth's **Superannuation Guarantee (Administration) Act 1992**.

7. Travel and Personal Expenses arrangements

All members of the Council are entitled to reimbursement of reasonable travelling and personal expenses.

8. Leave Arrangements

There are no leave provisions for this part-time statutory position.

9. Prior Service

Not applicable.

**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 the Victorian Government Bookshop, Level 20, 80 Collins Street, Melbourne on the date specified:

12. *Statutory Rule:* Corrections
Amendment
(Breach of Parole
and Other Matters)
Regulations 2014
- Authorising Act:* Corrections
Act 1986
- Date first obtainable:* 15 April 2014
- Code C*
13. *Statutory Rule:* Victims of Crime
Assistance
Amendment No. 1
Rules 2014
- Authorising Act:* Victims of Crime
Assistance
Act 1996
- Date first obtainable:* 15 April 2014
- Code A*
14. *Statutory Rule:* County Court
(Chapter III
Amendment No. 3)
Rules 2014
- Authorising Act:* County Court
Act 1958
- Date first obtainable:* 15 April 2014
- Code A*
-

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