



# Victoria Government Gazette

By Authority of Victorian Government Printer

**No. G 35 Thursday 28 August 2014**

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**GENERAL**

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As from 28 August 2014

The last Special Gazette was No. 283 dated 26 August 2014.

The last Periodical Gazette was No. 1 dated 18 June 2014.

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**How To Submit Copy**

- See our webpage [www.gazette.vic.gov.au](http://www.gazette.vic.gov.au)
  - or contact our office on 8523 4601  
between 8.30 am and 5.30 pm Monday to Friday
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**Copies of recent Special Gazettes can now be viewed at the following display cabinet:**

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

**PRIVATE ADVERTISEMENTS**

ALAN WILLIAM POULTER, late of 1 Crevelli Street, Preston, in the State of Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 April 2014, are required by the executors, Alan Wayne Poulter and Cheryl Ann Trevascus, care of Arthur J. Dines & Co., solicitors, 2 Enterprise Drive, Bundoora, in the said State, to send particulars to them by 28 October 2014, after which date the executors may convey or distribute the assets, having regard only to claims to which they have notice.

Dated 18 August 2014

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

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Re: NELSON ENGLISH, late of Unit 249, 183 City Road, Southbank, Victoria, retired civil engineer and company director, deceased.

Creditors, next-of-kin and others having claims against the estate of the deceased, who died on 17 August 2013, are required by the executor of the Will, John Lester Barkley, to send particulars to him, care of Birdsey Dedman & Bartlett, of 166a Ryrie Street, Geelong, solicitors, by 7 November 2014, after which date he may convey or distribute the assets, having regard only to the claims of which he has notice.

BIRDSEY DEDMAN & BARTLETT, solicitors,  
166a Ryrie Street, Geelong 3220.

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Re: LUCIA MAZZA, late of Embracia Aged Care, 65a Glasgow Avenue, Reservoir, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 23 May 2014, are required by the trustees, Nancy Aurora Mazza and Maria Francesca Chepa, 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.

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Re: Estate of JILL GWENDOLYN ANGUS, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of JILL GWENDOLYN ANGUS, late of Alcheringa Hostel, 2-14 Boree Drive, Swan Hill, Victoria, clerk, deceased, who died on 20 May 2014, are to send particulars of their claim to the executor, care of the undermentioned legal practitioners, by 27 October 2014, after which the executor will distribute the assets, having regard only to the claims of which he then has notice.

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

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Re: Estate of RAYMOND WILLIAM HALL, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of RAYMOND WILLIAM HALL, late of Unit 1, 20 Gillespie Street, Swan Hill, Victoria, farmer, deceased, who died on 17 April 2014, are to send particulars of their claim to the executors, care of the undermentioned legal practitioners, by 27 October 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.

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

Notice to Claimants

MARJORIE FORBES ORPWOOD, late of Elanora Nursing Home, 7 Mair Street, Brighton, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 June 2014, are required by the trustee, Equity Trustees Wealth Services Limited of 2/575 Bourke Street, Melbourne, Victoria, to send particulars to the trustee by 28 October

2014, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

EQUITY TRUSTEES WEALTH SERVICES LTD,  
2/575 Bourke Street, Melbourne, Victoria 3000.

Re: Estate of the late BEVERLEY DAWN IRVING.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 June 2014, are required by the trustees, Shirley Maree Scwenke, Christine Anne Howlett and Heather Dawn Siely (known in the Will as Heather Dawn Irving), to send particulars to them, care of the undersigned, by 21 October 2014, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

GARDEN & GREEN, lawyers,  
4 McCallum Street, Swan Hill, Victoria 3585.

Re: JOHN JAMES COUSLAND, late of 1A Leslie Avenue, Cowes 3922, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 March 2014, are required to send particulars of their claim to the executor, care of the undersigned lawyers, by 28 October 2014, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

LEONARD & ASSOCIATES, lawyers,  
Level 1, 82 Thompson Avenue, Cowes,  
Victoria 3922.

HENRY BENTLEY PEMBERTON, late of 82 Guest Street, Tootgarook, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 May 2014, are required to send particulars of their claims to the trustee, Shane Christopher McCarthy, care of the undermentioned solicitors, by 5 November 2014, after which date the trustee will distribute the assets of the estate, having regard only to the claims of which he then has notice.

MCCARTHY PARTNERS PTY, solicitors,  
2247 Point Nepean Road, Rye 3941.

KATHLEEN TERESA FLAHERTY (also known as Kathleen Flaherty and Kathleen Therese Flaherty), late of 370 Williamstown Road, Port Melbourne, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 June 2014, are required by the executor to send particulars of their claims to the undermentioned lawyers by 27 October 2014, after which date the executor may convey or distribute the estate, having regard only to the claims of which he has notice.

McCLUSKYS LAWYERS,  
111 Bay Street, Port Melbourne, Victoria 3207.

Re: Estate of NANCY MARGARET GEDYE, late of 1/69 Beverley Street, Doncaster East, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 9 May 2014, are required by the trustees to send particulars to the trustees, care of the undermentioned solicitors, by 28 November 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:CH2112039

EDDIE RUPAN, late of 16 Pinnaroo Crescent, Burnside, Victoria 3023, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed, who died on 9 March 2014, are required by the administrators, Sunita Ann Rupan and Darren Rupan, care of Makin and Kinsey Solicitors, to send particulars of their claims to them within sixty days from the date of publication hereof, after which the administrators may convey or distribute the assets, having regard only to the claims of which they then have notice. Letters of Administration was granted in Victoria on 22 July 2014.

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

MAUREEN FLORENCE MACKAY, late of 1/15 Shakespeare Grove, Hawthorn, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 2 March 2014, are required by the executors and trustees, James Christopher Andrew Parke and Mark Peter Barson, to send particulars to them, care of the undermentioned solicitors, by 29 October 2014, after which date the executors and trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

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

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Re: MARY JEAN WHALAN, late of 'Pine Grove', 100 Hollymount Road, Pyalong, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 December 2012, are required by the executrix, Mary Leonie Rodda, to send particulars to her, care of her solicitor below, within fourteen days from the publication hereof, after which date the executrix may convey or distribute the assets, having regard only to the claims of which she has notice.

R. P. HOBAN, solicitor,  
53 Sydney Street, Kilmore 3764.

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Re: ENID STERCKX COGHLAN, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 26 March 2014, are required by the trustees, Philip Anthony Coghlan and Jennifer Ann Coghlan-Bell, to send particulars of such claims to them, in care of the undermentioned lawyers, by 29 October 2014, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

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

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Re: LEONARD WILLIAM HOWARTH, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 26 December 2013, are required by the trustees, Garry John Gale and Robert George Gale, to send particulars of such claims to them, in care of the undermentioned lawyers, by 28 October 2014, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

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

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Re: GRAEME JOHN HOILES, late of 12/1 Young Street, Seaford, electrician, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 14 December 2010, are required by the trustee, Penelope Arvon Hoiles of 1, 5 Maxine Court, Noble Park, Victoria 3174, to send particulars to the trustee by 27 October 2014, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

RYAN CARLISLE THOMAS, lawyers,  
41 Robinson Street, Dandenong, Victoria 3175.

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Re: BERTIE CHARLES GRANT, late of Corangamarah, 2 Connor Street, Colac, Victoria, timber worker, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 11 April 2014, are required by the deceased's personal representatives, Jamie Lee Grant, Jodie Maree Martin, Stuart Lester Holbery and David Anthony Casey, to send particulars to them, care of the undermentioned lawyers, by 30 October 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.

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AVRIL AGNES HOWARD, late of Unit 154, 131 Nepean Highway, Dromana, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 November 2013, are required by the personal legal representative, Nicola Kate Howard, to send particulars to her, care of the undermentioned solicitors, by 28 October 2014, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which she then has notice.

SLATER & GORDON, solicitors,  
100 Paisley Street, Footscray, Victoria 3011.

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MAURICE BERNARD JOSEPH HERIOT, late of 12 Fleming Street, Mornington, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 18 April 2014, are required to send particulars of their claims to the executors, Timothy John Mulvany and Domenic Cafari, care of the undermentioned solicitors, within 60 days from the date of publication of this notice, after which date the said executors will distribute the assets, having regard only to the claims of which they then have notice.

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

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Re: RONALD JAMES ALLWOOD, late of 11 Boonerah Road, Hexham, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 29 April 2014, are required by the executors to send particulars to them, care of the undermentioned solicitors, by 27 October 2014, after which date they may convey or distribute the assets, having regard only to the claims of which they then have notice.

TAITS LEGAL,  
118 Dunlop Street, Mortlake 3272.

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Re: The estate of BETTY ELLEN McINTYRE, late of Gardenia Aged Care Facility, 87 Argyle Avenue, Chelsea, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 March 2014, are required by the executor, Janice Ann Spreyer, to send particulars to her, care of the undersigned solicitors, by 4 November 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.

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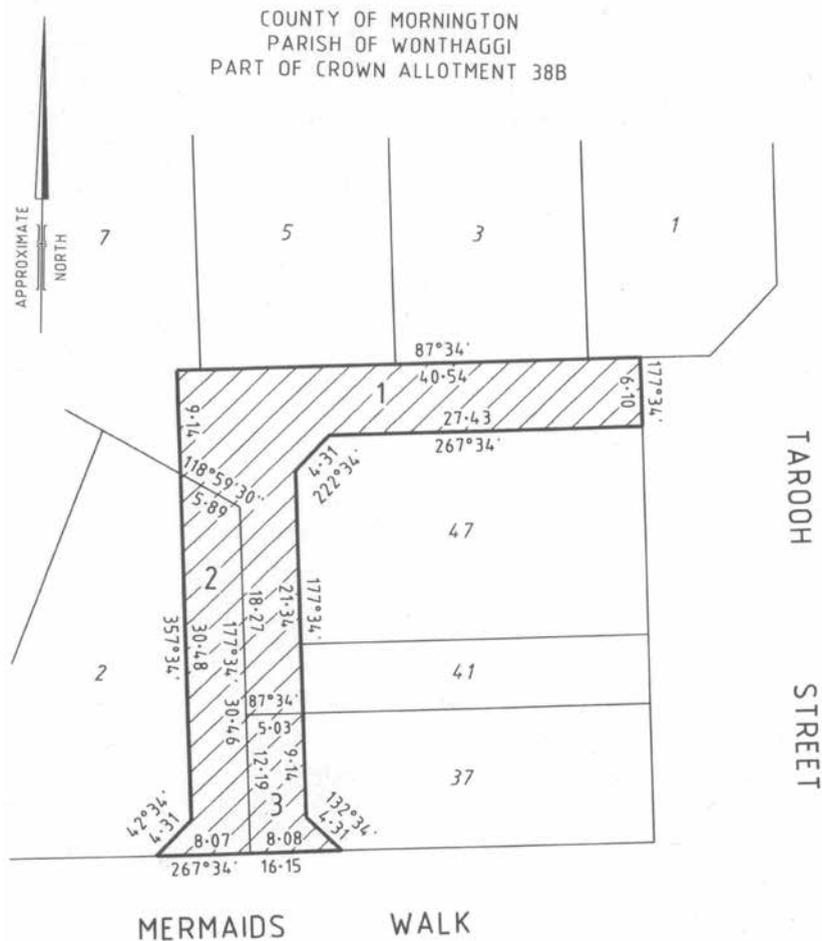
**GOVERNMENT AND OUTER BUDGET  
SECTOR AGENCIES NOTICES**

**BASS COAST SHIRE COUNCIL**

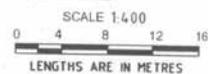
**Road Discontinuance**

Pursuant to section 206 and Schedule 10, Clause 3 of the **Local Government Act 1989**, the Bass Coast Shire Council formed the opinion that the road known as Pike Street, Cape Paterson, shown hatched on the plan below, is not reasonably required as a road for public traffic and resolved to discontinue the road and sell the land from the road to the adjoining land owners.

The section of road shown hatched is to be sold subject to the right, power or interest held by the South Gippsland Region Water Authority and Bass Coast Shire Council in connection with any sewers, drains or pipes under the control of the authority in the road.



ROADS TO BE DISCONTINUED SHOWN HATCHED



PAUL BUCKLEY PSM  
Chief Executive Officer

**BULOKE SHIRE COUNCIL**

**Road Reserve Closure**

Notice is hereby given that Council is considering a request from the Department of Environment and Primary Industries to close and sell the unnamed road reserve between Allotments 32 and 33 Section 5, Parish of Dooboobetic, as shown by hatching on the diagram.



Any objections must be lodged in writing to the Chief Executive Officer (PO Box 1, Wycheproof, Victoria 3527), by close of business 3 October 2014. Queries should be directed to Naga Sundararajah, Assets Engineer, on 1300 520 520.

**JOHN HICKS**  
Chief Executive Officer

## BULOKE SHIRE COUNCIL

## Road Reserve Closure

Notice is hereby given that Council is considering a request from the Department of Environment and Primary Industries to close and sell the unnamed road reserve (Angle Road extension) abutting Crown Allotments 63, 63A and 62 in the Parish of Wirimbirchip, Birchip, as shown by hatching on the diagram.



Any objections must be lodged in writing to the Chief Executive Officer (PO Box 1, Wycheproof, Victoria 3527), by close of business 3 October 2014. Queries should be directed to Naga Sundararajah, Assets Engineer, on 1300 520 520.

JOHN HICKS  
Chief Executive Officer



# Hepburn

## SHIRE COUNCIL

### PROPOSED LOCAL LAW NO. 1 – MEETING PROCEDURES 2014

Pursuant to section 119 of the **Local Government Act 1989**, notice is hereby given that the Hepburn Shire Council proposes to make a new Local Law No. 1 – Meeting Procedures 2014.

The purpose of this Local Law is to:

- (a) provide a mechanism to facilitate the good governance of Council through its formal meeting procedure to ensure open, efficient and effective Council decisions are made in a manner which acknowledges the role of local government within the Australian system of Government;
- (b) regulate proceedings and provide for orderly and fair conduct at all Council Meetings, Special Committee Meetings and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of this Local Law are to apply;
- (c) regulate and control the procedures governing the conduct of meetings including:
  - (1) the notice required for meetings; and
  - (2) the keeping of minutes;
- (d) promote and encourage community engagement and participation in the system of local government by providing mechanisms for the community members to express their views and expectations;
- (e) regulate proceedings for the election of the Mayor and the chairperson of various committees; and
- (f) regulate the use and prohibit unauthorised use of Council's Common Seal.

#### Documents available for inspection

The Proposed Local Law is available at Council's offices 8.30 am–5.00 pm in: Daylesford – 76 Vincent Street, or corner Duke and Albert Streets; Creswick – 68 Albert Street; Clunes – The Warehouse, 36 Fraser Street; at all Hepburn Library branches and from Council's website, [www.hepburn.vic.gov.au](http://www.hepburn.vic.gov.au)

#### Submissions

In accordance with section 223 of the **Local Government Act 1989**, any person may make a written submission on the Proposed Local Law.

A person making a submission may request in their written submission to be heard in person in support of their written submission.

Submissions clearly marked 'Local Law Submission' should be addressed to: Chief Executive Officer, PO Box 21, Daylesford 3460, or by email to [shire@hepburn.vic.gov.au](mailto:shire@hepburn.vic.gov.au) and be received before 5.00 pm on Tuesday 23 September 2014.

AARON VAN EGMOND  
Chief Executive Officer



RURAL CITY OF  
WANGARATTA

#### PROPOSED SALE OF PROPERTY

##### Whorouly South Community Centre Land

Pursuant to section 189 of the **Local Government Act 1989**, the Rural City of Wangaratta gives notice that it proposes to sell land of approximately 9,106 m<sup>2</sup> currently contained in Certificates of Title Volume 5462 Folio 254 and Volume 6045 Folio 886 identified as the Whorouly South Community Centre situated at 75 Carboor–Whorouly Road, Whorouly South.

In accordance with section 223 of the **Local Government Act 1989**, any person may make a submission on the proposed sale. Submissions must be in writing, addressed to the Chief Executive Officer, PO Box 238, Wangaratta, and must be received by the Council on or before Monday 29 September 2014.

A person making a submission may request to be heard in person in support of their submission.

Further details on the proposed sale of this property can be obtained by contacting Mr Wayne Stafford, Governance Officer at the Wangaratta Government Centre, 62–68 Ovens Street, Wangaratta, (03) 5722 0888.

BRENDAN McGRATH  
Chief Executive Officer

## WELLINGTON SHIRE COUNCIL

## New Local Law Proposal

## Notice of Proposal to Make a New Local Law

Notice is hereby given that Wellington Shire Council intends to revoke the existing Local Law No. 1 – 2005 Processes of Municipal Government (Meetings and Common Seal) to make a new local law (the proposed Local Law), to be known as Local Law No. 1 – 2014 Processes of Municipal Government (Meetings and Common Seal), in accordance with sections 111 and 119 of the **Local Government Act 1989** (the Act).

The purpose of the proposed Local Law is to provide for the election of the Mayor and Deputy Mayor; regulate the use of the common seal; prohibit the use of the common seal or any device resembling the common seal; provide for the procedures governing the conduct of Council meetings and Special and Advisory Committee meetings and set the rules of behaviour for those participating in or present at these meetings.

**Enquiries and Submissions**

A copy of the proposed Local Law can be obtained from the Council website, [www.wellington.vic.gov.au](http://www.wellington.vic.gov.au). Or alternatively from the Sale Service Centre (70 Foster Street, Sale) during office hours from 8.30 am to 5.00 pm Monday to Friday or the Yarram Service Centre (310 Commercial Road, Yarram) during office hours 10.00 am to 2.00 pm Monday, Tuesday, Thursday and Friday (closed Wednesday).

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

Written submissions should be sent to Manager Organisation Development, Wellington Shire Council, PO Box 506, Sale 3850, and must be received by Thursday 25 September 2014.

A person making a written submission and requesting that they be heard in support of their submission is entitled to appear in person or by a person acting on their behalf before Council on Tuesday 21 October 2014 at 6.00 pm at the Port of Sale Civic Centre.

For further information contact Vanessa Ebsworth, Manager Organisation Development, on 1300 366 244.

DAVID MORCOM  
Chief Executive Officer

**Planning and Environment Act 1987**

## BANYULE PLANNING SCHEME

## Notice of Preparation of Amendment

## Amendment C103

The Banyule City Council has prepared Amendment C103 to the Banyule Planning Scheme.

The land affected by the Amendment is 22 and 24 Peters Street, Watsonia.

The Amendment proposes to rezone the land at 22 and 24 Peters Street, Watsonia, from Public Park and Recreation Zone (PPRZ) to General Residential Zone Schedule 1 (GRZ-1).

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, during office hours: at Banyule City Council's customer service centres at the following locations: 275 Upper Heidelberg Road, Ivanhoe; 44 Turnham Avenue, Rosanna; 9–13 Flintoff Street, Greensborough; and at the Department of Transport, Planning and Local Infrastructure website, [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection)

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

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

The closing date for submissions is Friday 3 October 2014. A submission must be sent to the Banyule City Council, PO Box 51, Ivanhoe, Victoria 3079.

DAVID COX  
Strategic Planning Coordinator

**Planning and Environment Act 1987**

## BRIMBANK PLANNING SCHEME

## Notice of Preparation of Amendment

## Amendment C171

The Brimbank Council has prepared Amendment C171 to the Brimbank Planning Scheme.

The land affected by the Amendment is land at 11 King Edward Avenue, Albion, and 17–27 Maxweld Street, Ardeer.

The Amendment proposes to apply a Heritage Overlay to an individual site of heritage significance (11 King Edward Avenue, Albion) identified in the Brimbank Post Contact Heritage Study 2007 as having regional heritage significance and a heritage precinct (17–27 Maxweld Street, Ardeer) identified in the ‘17–27 Maxweld Street Heritage Review, 2014’ prepared by Context Consultants.

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, Keilor Office, 704B Old Calder Highway, Keilor, Victoria; Sunshine Office, Alexandra Avenue, Sunshine; at the City of Brimbank website: [www.brimbank.vic.gov.au](http://www.brimbank.vic.gov.au); and at the Department of Transport, Planning and Local Infrastructure website, [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection)

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions must be made in writing giving the submitter’s name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

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

The closing date for submissions is 30 September 2014. A submission must be sent to the Strategic Planning Office, PO Box 70, Sunshine 3020.

BILL JABOOR  
Chief Executive

**Planning and Environment Act 1987**

## CARDINIA PLANNING SCHEME

## Notice of Preparation of Amendment

## Amendment C184

The Cardinia Shire Council has prepared Amendment C184 to the Cardinia Planning Scheme.

The land affected by the Amendment is all land within the Shire currently affected by Schedule 1, 2 and 4 of the Environmental Significance Overlay (ESO), Schedule 1, 2 and 3 to the Vegetation Protection Overlay (VPO) and Schedule 1, 2 and 3 to the Significant Landscape Overlay (SLO).

The Amendment proposes to make changes to update the content of the Schedule 1, 2 and 4 of the Environmental Significance Overlay, Schedule 1, 2 and 3 to the Vegetation Protection Overlay and Schedule 1, 2 and 3 to the Significant Landscape Overlay, specifically:

- Include additional information and remove irrelevant or old information in the Statement of Environmental Significance to better identify why these areas are significant.
- Changes to the Environmental Objectives to be achieved to provide further detail, update information and identify issues not previously included.
- Include all bushfire exemptions allowed under Clause 52.48 (Bushfire exemptions) to provide clarity.
- Clarification of wording of existing exemptions where it has been identified that the wording is unclear.
- All exemptions listed in the same order within each overlay to provide consistency across the overlays.

- Removal of the Department of Sustainability and Environment (now Department of Environment and Primary Industries) as a referral authority from ESO1, and ESO2, with their agreement.
- Clarification of ‘works associated with the normal operation of Puffing Billy’ in ESO1, and SLO1, being the definition set out in the Schedule to the Public Use Zone.
- Remove the need for a permit for excavation, when works are for a swimming pool associated with a dwelling, from ESO1 and SLO3.
- Update the list of weeds in each overlay to be consistent with Council’s Weed Management Strategy and changes to the wording in the overlays to allow the removal of environmental weeds listed without a permit. The wording has also been changed to require a permit for the removal of exotic species greater than a minimum size that are considered to play an important role in the vegetation character and coverage.
- The inclusion of application requirements to provide clear guidance to applicants about the type of information that is expected to be provided as part of the application to ensure that Council Officers have sufficient information to assess the application.
- Update the decision guidelines to better relate to the Statement of Environmental Significance and Environmental Objectives to be achieved.

The Amendment does not seek to make any changes to the extent of any of the overlays.

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, Cardinia Shire Council, Henty Way, Pakenham; and at the Department of Transport, Planning and Local Infrastructure website, [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection)

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

writing giving the submitter’s name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

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

The closing date for submissions is 29 September 2014. A submission must be sent to the Cardinia Shire Council, PO Box 7, Pakenham 3810, or by email to [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au)

TRACEY PARKER  
Manager Planning Policy and Projects

**Planning and Environment Act 1987**

## GREATER BENDIGO PLANNING SCHEME

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

## Amendment C175

## Planning Permit Application DP/68/2013

The land affected by the Amendment contains the Bendigo Airport in East Bendigo and surrounds, including 165 properties and road reserves.

The Amendment affects the City of Greater Bendigo land:

- 35 Victa Road, East Bendigo, commonly known as Bendigo Airport (Lots 1–4 PS 422204F), 149 Heinz Street (Lot 1 LP34746), 179 Heinz Street (Lot 3 LP34746), and 199 Heinz Street (Lot 2 LP34746), East Bendigo.

The Amendment affects to the following Crown land and road reserves:

- Bendigo Airport Reserve (Crown Allotments 92P, 92Q, 92S, 92S1, 191A, 191K, Parish of Sandhurst). Part of Crown Allotment 191M (Goddards Lane), Part of Crown Allotment 326L (Heinz Street), Part of Crown Allotment 92R (Ellesmere–Goornong Channel), and Parts of Crown Allotments 323C and 326M (Bendigo Regional Park), East Bendigo. Crown Allotment 326A, Parish of Sandhurst, Racecourse Road, Ascot (part).
- Parts of the road reservations, the main airport access road, Dean Close, Dixons Road, Fairway Drive, Goddards Lane, Golf Course Road, Heinz Street, McDowalls Road, Markovich Lane, Racecourse Road, Rohs Road, Trantara Court, Tresize Track, Victa Road, Wellsford Drive, Wynnes Lane and Andrew Lane.

The Amendment affects to the following private land:

- 2 Arbor Boulevard, East Bendigo; 1, 2, 4, 6, 8 and 10 Ash Court, Ascot; 1–9 Cedar Drive, 11, 13 and 15 Cedar Drive, Ascot; 1, 2, 5 Dean Close, East Bendigo; 25 and 41 Dixons Road; 1, 3, 5, 7, 9, 11, 13, 15, 17, 19 and 21 Fairway Drive, Ascot; 20 and 30 Goddards Lane, East Bendigo; 33, 50, 52, 54, 56, 2/58, 60, 61, 62–68, 63, 65, 67, 69, 71 and 73 Golf Course Road, Ascot; 250 and 280–282 Heinz Street, East Bendigo; 31, 38, 42–66, 49, 59, 63, 100, 108, 109, 117, 119 and 142 McDowalls Road, East Bendigo; 1, 6–8, 7, 9–11, 10, 12, 13, 13A, 14, 15, 16, 17–21, 18, 20, 22, 23, 24, 26 and 30 Markovich Lane, Junortoun; 280–310 and 339–343 McIvor Road, Junortoun; 1–8 Nation Court, Ascot; 2–10, 5–11, 13–19, 20 and 45 Piper Lane, East Bendigo; 8, 30 and 48–62 Pratts Park Road, Junortoun; 44 Racecourse Road, Ascot; 1 Rifle Range Road, Wellsford; 8, 10, 18, 36, 38A and B, 40A and B, 42 Rohs Road, East Bendigo; 149–171 Strickland Road, East Bendigo; 108, 112–114 Taylor Street, Ascot; 1–6 Trantara Court, East Bendigo; 9–15, 14, 16, 17, 21, 62–64, 66–68, 70–94, 147 and 155 Victa Road, East Bendigo; 21 Wynnes Lane, Ascot.

The land affected by the application is:

- 35 Victa Road, East Bendigo, commonly known as Bendigo Airport (Lots 1–4 PS 422204F), 149 Heinz Street (Lot 1 LP34746), 179 Heinz Street (Lot 3 LP34746), and 199 Heinz Street (Lot 2 LP34746), East Bendigo. Crown Allotments 92P, 92Q, 92S, 92S1, 191A, 191K, Parish of Sandhurst, being the Bendigo Airport Reserve. The main airport access road, Part of Crown Allotment 92R, known as the Ellesmere–Goornong Channel, Part of the Heinz Street road reserve, East Bendigo.

The Amendment proposes to:

- rezone 21 hectares of land at 149, 179 and 199 Heinz Street, East Bendigo, from Rural Living Zone to Special Use Zone (SUZ7);
- rezone part of the main airport access road from Public Use Zone (PUZ1 and PUZ7) to Special Use Zone (SUZ7);

- rezone part of Victa Road from Public Use Zone 7 (PUZ7) to Special Use Zone (SUZ7) and Industrial 1 Zone (IN1Z);
- rezone part of Dean Close from Low Density Residential Zone (LDRZ) to part Public Use Zone (PUZ7) and part Special Use Zone (SUZ7);
- rezone part of Heinz Street from Rural Living Zone (RLZ) to Low Density Residential Zone and Special Use Zone (SUZ7);
- rezone part of Andrew Lane from Rural Living Zone (RLZ) to Low Density Residential Zone (LDRZ);
- rezone part of Crown Allotment 326L from Rural Living Zone (RLZ) to Public Use Zone (PUZ7);
- rezone part of Crown Allotment 191M from Special Use Zone (SUZ7) to Public Use Zone (PUZ7);
- rezone land for the new location of the Ellesmere-Goornong Channel (part) to Public Use Zone (SUZ1) and rezone land for the existing location of the Channel to Special Use Zone (SUZ7);
- amend Clauses 21.02 (Key Issues and Influences), 21.04 (Strategic Directions), 21.06 (Housing), 21.07 (Economic Development) and 21.09 (Infrastructure) of the Municipal Strategic Statement to reflect Council's strategic position for the Bendigo Airport;
- amend Clause 21.10 of the Municipal Strategic Statement to include four new reference documents; Bendigo Aerodrome Masterplan 2007–2022, July 2007; Bendigo Airport Strategic Plan, June 2009; Bendigo Airport Australian Noise Exposure Forecast for 2032 (ANEF 2032), November 2012; Ecological Assessment of Vegetation that will be affected by the Bendigo Airport Upgrade, 20 November 2013;
- amend the provisions of Schedule 7 to Clause 37.01 (Special Use Zone);
- insert and apply a new Schedule 14 to Clause 43.02 (Design and Development Overlay) to the Business Park area;
- insert and apply new Schedules 16 and 17 to Clause 43.02 (Design and Development Overlay) to require a planning permit for structures above 4 metres and 10 metres respectively;
- delete Schedule 19 (Aerodrome Related Industries Precinct) to Clause 43.04 (Development Plan Overlay);
- insert and apply Schedule 1, and apply Schedule 2 to Clause 45.02 (Airport Environs Overlay) to additional properties as identified in the 'Bendigo Airport Australian Noise Exposure Forecast' (ANEF 2012);
- amend the Schedule to Clause 52.03 (Specific sites and exclusions) to include a site-specific control, the Bendigo Airport Redevelopment Project Incorporated Document (July 2014), for land where native vegetation is to be removed, destroyed or lopped;
- amend the Schedule to Clause 52.17 (Native Vegetation) to exempt the project from the need for a planning permit to remove, destroy or lop native vegetation;
- amend the Schedule to Clause 66.04 to insert a new referral requirement, and Clause 66.06 to insert new notice requirements; and
- amend the Schedule to Clause 81.01 to include new incorporated documents titled; Bendigo Aerodrome Obstacle Limitation Surfaces, June 2012; Bendigo Airport Redevelopment Project Incorporated Document, July 2014.

The application is for a permit (No. DP/68/2013) and allows for development of a new north-south runway, taxiways, aprons and access-lanes, access roads and infrastructure associated with a new business park, re-alignment of part of the Ellesmere-Goornong Channel, and associated buildings and works.

The person who requested the Amendment and the permit applicant is Greater Bendigo City Council.

You may inspect the Amendment, the explanatory report about the Amendment, the application, and any documents that support the Amendment and the application, including the proposed permit, free of charge, at the following locations: during office hours, at the office of the planning authority, City of Greater Bendigo, 15 Hopetoun Street, Bendigo, Victoria 3552, and website, [www.bendigo.vic.gov.au](http://www.bendigo.vic.gov.au); and at the Department of Transport, Planning and Local Infrastructure website, [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection)

Any person who may be affected by the Amendment or by the granting of the permit may make a submission to the planning authority. 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 10 October 2014. A submission must be sent to the City of Greater Bendigo, PO Box 733, Bendigo, Victoria 3552, or [psamendments@bendigo.vic.gov.au](mailto:psamendments@bendigo.vic.gov.au)

CRAIG NIEMANN  
Chief Executive Officer

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**Planning and Environment Act 1987**

## MANSFIELD PLANNING SCHEME

Notice of Preparation of Amendment  
Amendment C15

The Mansfield Shire Council has prepared Amendment C15 to the Mansfield Planning Scheme.

The land affected by the Amendment involves 665 specifically identified properties in Mansfield Shire.

The Amendment proposes to revise the Urban Floodway Zone boundaries and introduce the Floodway Overlay and Land Subject to Inundation Overlay into the Mansfield Planning Scheme based on mapping information detailed in the document 'Mansfield 1% AEP Flood Mapping Project', prepared by the Goulburn Broken Catchment Management Authority.

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, Mansfield Shire Council, 33 Highett Street, Mansfield; or at the Council website, [www.mansfield.vic.gov.au](http://www.mansfield.vic.gov.au); or at the Department of Transport, Planning and Local Infrastructure website, [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection)

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the Amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

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

The closing date for submissions is Friday 3 October 2014. A submission must be sent to Jacqui Bright, Senior Strategic Planner, Mansfield Shire Council, Private Bag 1000, Mansfield, Victoria 3724.

DAVID ROFF  
Chief Executive Officer

**Planning and Environment Act 1987**

## WARRNAMBOOL PLANNING SCHEME

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

## Amendment C94

## Planning Permit Application PP2014-0106

The land affected by the Amendment is 10 Scott Street, Warrnambool.

The land affected by the application is 10 Scott Street, Warrnambool.

The Amendment proposes to rezone land at 10 Scott Street, Warrnambool, from Public Use Zone (PUZ6 – Local Government) to Industrial 1 Zone.

The application is for a permit for the use and development of land for a milk processing facility and reduction of standard car parking requirements.

The person who requested the Amendment is Tract Consultants Pty Ltd.

The applicant for the permit is Tract Consultants Pty Ltd.

You may inspect the Amendment, the explanatory report about the Amendment, the application, and any documents that support the Amendment and the application, including the proposed permit, free of charge, at the following locations: during office hours, at the office of the planning authority, Warrnambool City Council, Civic Centre, 25 Liebig Street, Warrnambool; and at the Department of Transport, Planning and Local Infrastructure website, [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection)

Any person who may be affected by the Amendment or by the granting of the permit may make a submission to the planning authority. 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 29 September 2014. A submission must be sent to Steve Myers, Coordinator City Strategy, Warrnambool City Council, PO Box 198, Warrnambool, Victoria 3280.

B. A. ANSON  
Chief Executive

**Planning and Environment Act 1987**

WARRNAMBOOL PLANNING SCHEME

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

**Planning and Environment Act 1987**

Amendment C96

Planning Permit Application PP2014-0107

The land affected by the Amendment is 19 Scott Street, Warrnambool.

The land affected by the application is 17–19 Scott Street, Warrnambool, and 26 Strong Street, Warrnambool.

The Amendment proposes to rezone land at 19 Scott Street, Warrnambool, from Public Use Zone (PUZ6 – Local Government) to Industrial 1 Zone.

The application is for a permit for the use and development of land for a freezing and cold facility and reduction of standard car parking requirements on land at 17–19 Scott Street, Warrnambool, and 26 Strong Street, Warrnambool.

The person who requested the Amendment is Tract Consultants Pty Ltd.

The applicant for the permit is Tract Consultants Pty Ltd.

You may inspect the Amendment, the explanatory report about the Amendment, the application, and any documents that support the Amendment and the application, including the proposed permit, free of charge, at the following locations: during office hours, at the office of the planning authority, Warrnambool City Council,

Civic Centre, 25 Liebig Street, Warrnambool; and at the Department of Transport, Planning and Local Infrastructure website, [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection)

Any person who may be affected by the Amendment or by the granting of the permit may make a submission to the planning authority. 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 29 September 2014. A submission must be sent to Steve Myers, Coordinator City Strategy, Warrnambool City Council, PO Box 198, Warrnambool, Victoria 3280.

B. A. ANSON  
Chief Executive

**Planning and Environment Act 1987**

WARRNAMBOOL PLANNING SCHEME

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

**Planning and Environment Act 1987**

Amendment C97

Planning Permit Application PP2014-0128

The land affected by the Amendment is Lot 2 PS 702614, Eccles Street, Warrnambool, 4 and 4A Scott Street, Warrnambool.

The land affected by the application is Lot 2 PS 702614, Eccles Street, Warrnambool.

The Amendment proposes to implement the findings of the 'West Warrnambool Industrial Precinct Separation Distance Management Plan (Warrnambool Review of Land Uses within Industrial Buffers 2014)'. Specifically the Amendment will:

- amend Clause 21.06 (Environment) to include new policy on air quality and reference the 'Warrnambool Review of Land Uses within Industrial Buffers' report as a background document.
- insert a new Schedule 3 to Clause 37.01 (Special Use Zone 3 – Warrnambool West Industrial Precinct – Transition Area) into the Warrnambool Planning Scheme.
- rezone land at Lot 2 PS 702614, Eccles Street, Warrnambool, and 4 and 4A Scott Street, Warrnambool, from General Residential Zone 1 to Special Use Zone 3.

The application is for a permit for a proposed six (6) lot subdivision of land at Lot 2 PS 702614, Eccles Street, Warrnambool, in accordance with the requirements of the proposed Special Use Zone (SUZ3 – Warrnambool West Industrial Precinct – Transition Area).

The person who requested the Amendment is Warrnambool City Council.

The applicant for the permit is TGM Group Pty Ltd (on behalf of the owner of Lot 2 PS 702614, Eccles Street, Warrnambool).

You may inspect the Amendment, the explanatory report about the Amendment, the application, and any documents that support the Amendment and the application, including the proposed permit, free of charge, at the following locations: during office hours, at the office of the planning authority, Warrnambool City Council, Civic Centre, 25 Liebig Street, Warrnambool; and at the Department of Transport, Planning and Local Infrastructure website, [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection)

Any person who may be affected by the Amendment or by the granting of the permit may make a submission to the planning authority. 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 29 September 2014. A submission must be sent to Steve Myers, Coordinator City Strategy, Warrnambool City Council, PO Box 198, Warrnambool, Victoria 3280.

B. A. ANSON  
Chief Executive



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

#### WHITTLESEA PLANNING SCHEME

#### Notice of Preparation of Amendment

#### Amendment C189

The Whittlesea City Council has prepared Amendment C189 to the Whittlesea Planning Scheme.

The Amendment affects the following properties within the Peter Lalor Housing Cooperative Precinct:

- 16 Gratwick Street, Lalor
- 18 Middleton Street, Lalor.

The Amendment proposes to apply the Heritage Overlay to these properties and update the associated schedule at Clause 43.01 of the Whittlesea Planning Scheme. The Amendment also proposes to insert an Incorporated Document titled 'Peter Lalor Heritage Cooperative Precinct Permit Exemptions' in Clause 81 of the Whittlesea Planning Scheme.

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: City of Whittlesea, Civic Centre, 25 Ferres Boulevard, South Morang; and at the Department of Transport, Planning and Local Infrastructure website, [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection)

Any person who may be affected by the Amendment may make a submission to the planning authority. 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 29 September 2014.

A submission must be sent to the Chief Executive Officer, Whittlesea City Council, Locked Bag 1, Bundoora MDC, Victoria 3083.

DAVID TURNBULL  
Chief Executive Officer

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Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 29 October 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.

GREENWOOD, Keith, late of 28 Dougherty Street, Yarram, Victoria 3971, retired, deceased, who died on 30 April 2014.

LOVELL, Keith, late of 7 Thorn Street, Yarrowonga, Victoria 3730, deceased, who died on 16 March 2014.

MASOVIC, Miodrag, late of Room 21, Domain By The Bay, 185 Racecourse Road, Mount Martha, Victoria 3934, deceased, who died on 11 June 2014.

PURTON, Sarah Morag, late of 19 Harper Street, Tylden, Victoria 3444, deceased, who died on 7 May 2014.

WINSTANLEY, Christine, late of Room 44, Grossard Court, 1A Leslie Avenue, Cowes, Victoria 3922, deceased, who died on 27 May 2014.

Dated 20 August 2014

STEWART MacLEOD  
Manager

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**Co-operatives National Law (Victoria)**

MOUNT WAVERLEY NORTH PRIMARY SCHOOL CO-OPERATIVE LTD  
NORTH EAST FLOWER GROWERS CO-OPERATIVE LIMITED  
C.Y.M.S. SPORTS CO-OPERATIVE LIMITED

On application under section 601AA(2) of the **Corporations Act 2001** (the Act), by the co-operatives named above, notice is hereby given under section 601AA(4) of the Act, as applied by section 453 of the **Co-operatives National Law (Victoria)** that, at the expiration of two months from the date of this notice, the names of the co-operatives listed above will, unless cause is shown to the contrary, be removed from the register of co-operatives and their registration will be dissolved.

Dated at Melbourne 28 August 2014

CLAIRE NOONE  
Registrar of Cooperatives

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**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: Liberal Democratic Party.

Abbreviation of name of party: Liberal Democrats.

Name of proposed registered officer: Tim Wilms.

Address of proposed registered officer: Unit 4, 30 Glazebrook Street, Ballarat East.

The application is signed by the treasurer 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 29 September 2014.

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

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

Dated 20 August 2014

WARWICK GATELY AM  
Victorian Electoral Commission

**Crown Land (Reserves) Act 1978**

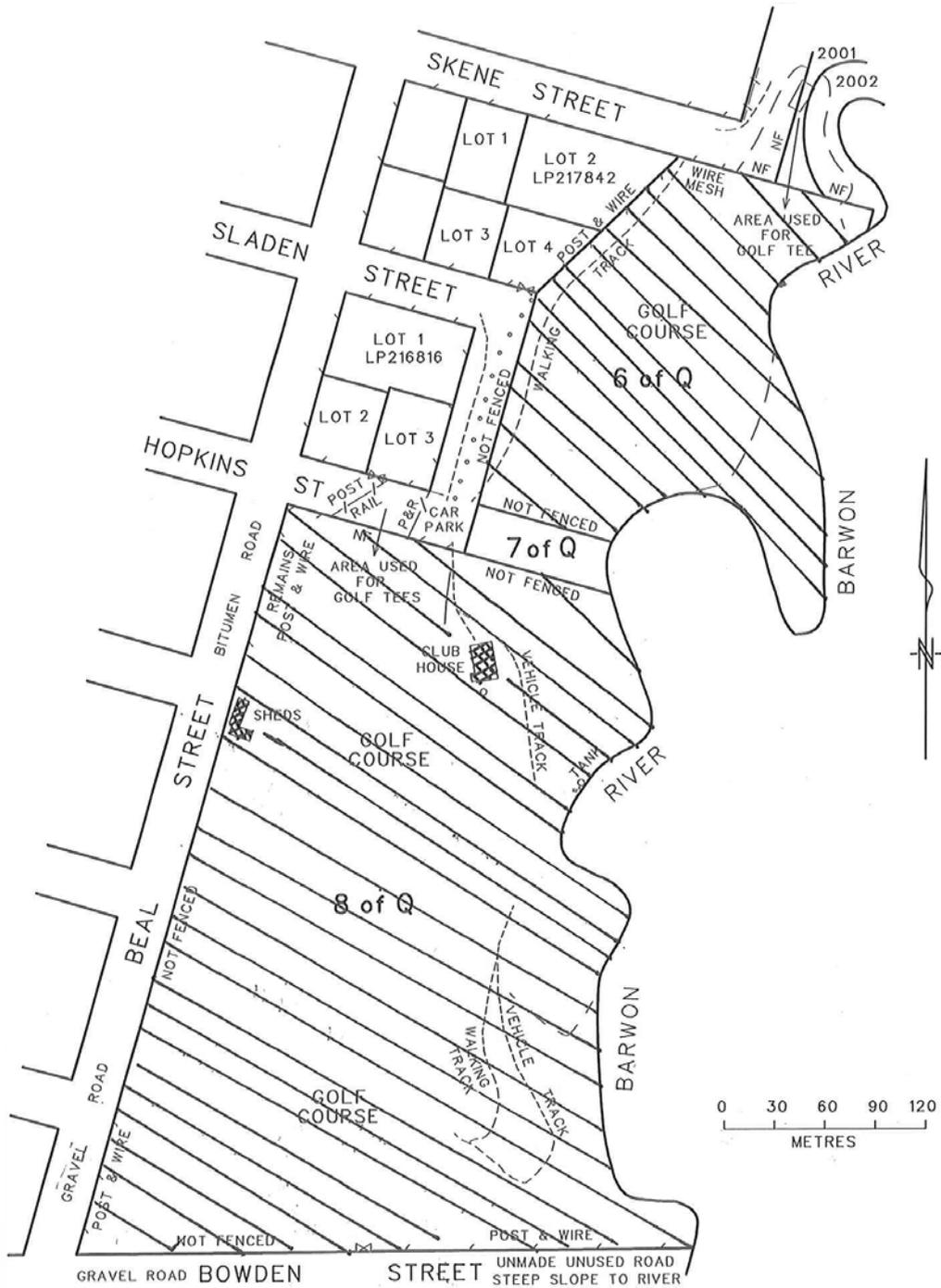
## ORDER GIVING APPROVAL TO GRANT OF A LICENCE AND LEASE UNDER SECTIONS 17B(1), 17B(3)(A), 17D(1) AND 17D(3)(A)

Under sections 17B(1), 17B(3)(a), 17D(1) and 17D(3)(a) of the **Crown Land (Reserves) Act 1978**, I, the Hon. Ryan Smith MP, Minister for Environment and Climate Change, being satisfied that there are special reasons which make the granting of a licence and lease reasonable and appropriate in the particular circumstances and to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**, approve the granting of a licence for a term of ten (10) years for the purpose to use as a golf course and a lease for a term of twenty-one (21) years for the purpose of clubrooms to the Birregurra Golf Club Incorporated from Colac Otway Shire Council, as the Committee of Management, over the area of Crown land being part of Birregurra Public Park and Recreation Reserves described in the Schedule below and, in accordance with section 17B(3)(a) and 17D(3)(a) of the **Crown Land (Reserves) Act 1978**, state that –

- (a) there are special reasons which make granting the licence and lease reasonable and appropriate in the particular circumstances; and
- (b) to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**.

**SCHEDULE**

The land on Plan B/19-02-2014 shown hatched for licence area and areas cross hatched for lease area being Crown Allotments 6,7 and 8 Section Q Parish of Birregurra being permanently reserved for Public Park and Recreation by Order in Council of 8 June 1926 and by notice published in the Government Gazette of 1926, page 1845.



File No: 2020908  
Dated 19 August 2014

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

**Drugs, Poisons and Controlled Substances Act 1981**NOTICE REGARDING THE AMENDMENT, COMMENCEMENT AND  
AVAILABILITY OF THE POISONS CODE

I, David Davis, Minister for Health, give notice that the Poisons Code prepared under sections 12 and 12E of the **Drugs, Poisons and Controlled Substances Act 1981** (the Act) will be amended.

The Act enables the Poisons Code to contain in the Poisons List (a) a list of Schedule 1 poisons, (b) a list of any of the substances in Schedule 1 of the Poisons List or Schedules 2 to 9 of the Commonwealth standard or the Appendices to the Commonwealth standard that are not for general sale by retail and (c) a list of exemptions from Schedule 1 of the Poisons List or Schedules 2 to 9 of the Commonwealth standard.

The amendment is needed to the current Poisons Code, Chapter 1 Poisons List Part 2 – List of substances that are not for general sale by retail. The amendment will add an entry for BENZIDINE-BASED AZO DYES and 2-NITROTOLUENE in the Poisons List:

New entries

BENZIDINE-BASED AZO DYES being:

2,2'-[[1,1'-biphenyl]-4,4'-diylbis(azo)]bis[N-(4-chlorophenyl)-3-oxobutanamide]  
CAS No. 94249-03-3

Acid Red 85 (Acid Fast Red A)

1,3-Naphthalenedisulfonic acid, 7-hydroxy-8-[[4'-[[4-[(4-methylphenyl)sulfonyl]oxy]phenyl]azo][1,1'-biphenyl]-4-yl]azo]-, disodium salt  
CAS No. 3567-65-5

Direct Black 38

2,7-Naphthalenedisulfonic acid, 4-amino-3-[[4'-[(2,4-diaminophenyl)azo][1,1'-biphenyl]-4-yl]azo]-5-hydroxy-6-(phenylazo)-, disodium salt  
CAS No. 1937-37-7

Direct Blue 2

2,7-Naphthalenedisulfonic acid, 5-amino-3-[[4'-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo][1,1'-biphenyl]-4-yl]azo]-4-hydroxy-, trisodium salt  
CAS No. 2429-73-4

Direct Blue 6

2,7-Naphthalenedisulfonic acid, 3,3'-[[1,1'-biphenyl]-4,4'-diylbis(azo)]bis[5-amino-4-hydroxy-, tetrasodium salt  
CAS No. 2602-46-2

Direct Brown 2

5-[[4'-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo][1,1'-biphenyl]-4-yl]azo]-2-hydroxybenzoic acid disodium salt  
CAS No. 2429-82-5

Direct Brown 95

Cuprate(2-), [5-[[4'-[[2,6-dihydroxy-3-[(2-hydroxy-5-sulfophenyl)azo]phenyl]azo][1,1'-biphenyl]-4-yl]azo]-2-hydroxybenzoato(4-)-], disodium salt  
CAS No. 16071-86-6

Direct Green 1

2,7-Naphthalenedisulfonic acid, 4-amino-5-hydroxy-3-[[4'-[(4-hydroxyphenyl)azo][1,1'-biphenyl]-4-yl]azo]-6-(phenylazo)-, disodium salt  
CAS No. 3626-28-6

Direct Green 6

2,7-Naphthalenedisulfonic acid, 4-amino-5-hydroxy-6-[[4'-[(4-hydroxyphenyl)azo][1,1'-biphenyl]-4-yl]azo]-3-[(4-nitrophenyl)azo]-, disodium salt  
CAS No. 4335-09-5

**Direct Red 28 (Congo Red)**

1-Naphthalenesulfonic acid, 3,3'-[[1,1'-biphenyl]-4,4'-diylbis(azo)]bis[4-amino-, disodium salt  
CAS No. 573-58-0

**Direct Red 37**

1,3-Naphthalenedisulfonic acid, 8-[[4'-[(4-ethoxyphenyl)azo][1,1'-biphenyl]-4-yl]azo]-7-hydroxy-, disodium salt  
CAS No. 3530-19-6

when they are Schedule 7 poisons.

2-NITROTOLUENE for cosmetic use when it is a Schedule 7 poison.

The amendment will enable the 11 benzidine-based azo dyes and 2-nitrotoluene for cosmetic use to be prohibited from retail sale when they are Schedule 7 poisons, in line with regulation in other Australian States and Territories.

The date of effect for the inclusion of the 11 benzidine-based azo dyes and 2-nitrotoluene will be 28 August 2014.

The Poisons Code may be inspected free of charge during normal business hours at the Department of Health, situated at 50 Lonsdale Street, Melbourne 3000, or can be obtained directly from the Department of Health on phone 1300 364 545 or can be accessed from the Department of Health website, <http://www.health.vic.gov.au/dpcs/index.htm>

HON. DAVID DAVIS MP  
Minister for Health

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**Education and Training Reform Act 2006****MINISTERIAL DIRECTION MD144 – AMENDMENT TO MD141  
SPECIAL RELIGIOUS INSTRUCTION IN GOVERNMENT SCHOOLS**

The Minister for Education makes the following Direction –

**1. Title**

This Direction may be cited as Ministerial Direction MD144.

**2. Authorising provisions and commencement**

- (1) This Direction is made under sections 5.2.1(2)(a) and (b) and 5.2.1(3) of the **Education and Training Reform Act 2006** for the purpose of sections 2.2.10 and 2.2.11 of that Act.
- (2) This Direction comes into effect from the date it is signed.

**3. Purpose**

The purpose of this Direction is to amend Ministerial Direction MD141 to clarify –

- (a) the basis on which special religious instruction may be scheduled in Government schools during the hours set aside for instruction;
- (b) the supervision requirements for students who are, and are not, participating in special religious instruction;
- (c) the circumstances in which an accredited and approved instructor can distribute material at a school; and
- (d) that students are not prevented from distributing or displaying religious materials or bringing religious materials to school.

**4. Scheduling special religious instruction**

- (1) For clause 6(4) of Ministerial Direction MD141 **substitute** –
- ‘(4) If special religious instruction is to be provided at a school during the hours set apart for instruction, the principal must ensure that it is scheduled:
- (a) as part of the school timetable;
  - (b) as part of normal class organisation unless the Minister authorises it to be scheduled on a different basis; and
  - (c) for no more than 30 minutes per week on average over a school year.’
- (2) For clauses 6(5), 6(6) and 6(7) of Ministerial Direction **substitute** –
- ‘(5) A principal must ensure that, during that time set aside for special religious instruction:
- (a) all students participating in special religious instruction are adequately supervised by at least one teacher; and
  - (b) all students who are not participating in special religious instruction are adequately supervised in accordance with normal requirements.
- (6) A principal must ensure that the supervision of all students meets the standard of care appropriate to the discharge of a teacher’s duty of care for Government school students.’

**5. Distribution and display of religious material**

- (1) For clause 9(1) of Ministerial Direction MD141 **substitute** –
- ‘(1) A principal must not permit an accredited and approved instructor to distribute at a school material that has the effect of promoting any particular religious practice, denomination or sect, unless it is a part of an authorised special religious instruction program and the principal is satisfied that the material has been approved by the instructor’s organisation.’;
- (2) The Note at the foot of clause 9(1) of Ministerial Direction MD141 is **revoked**.
- (3) After clause 9(1) of Ministerial Direction MD141 **insert** –
- ‘(2) For the avoidance of doubt, nothing in clause 9(1) prevents students from distributing religious materials, displaying religious materials on their person or personal belongings or bringing religious materials to a Victorian government school.’.

**6. Supervision and monitoring of accredited and approved instructors**

- (1) In clause 10(1) of Ministerial Direction MD141:
- (a) after ‘curriculum,’ **insert** ‘or’; and
  - (b) **revoke** ‘, or Department policies or guidelines’.
- (2) The Example at the foot of clause 10(2)(a) of Ministerial Direction MD141 is **revoked**.
- (3) Clauses 10(4) and 10(5) of Ministerial Direction MD141 are **revoked**.

**7. Attendance at special religious instruction not compulsory**

- (1) For clause 11(5)(b) of Ministerial Direction MD141 **substitute** –
- ‘(b) how long it is to be delivered for each week;’;
- (2) In clause 11(7) of of Ministerial Direction MD141 for ‘the’ where first occurring **substitute** ‘a reasonable’.

Dated 19 August 2014

THE HON. MARTIN DIXON MP  
Minister for Education

**Electricity Industry Act 2000  
Gas Industry Act 2001**

In accordance with section 35(4) of the **Electricity Industry Act 2000** and section 42(4) of the **Gas Industry Act 2001**, AGL provides notice that it is varying its existing standing offer to adopt the model terms and conditions for standard retail contracts contained in Schedule 1 of the Energy Retail Code version 11 as follows:

AGL SALES PTY LIMITED ABN 88 090 538 337

**AGL Standing Offer Terms for Small Residential and Small Business Customers**

**IMPORTANT NOTE**

AGL now publishes pursuant to section 35 of the Electricity Industry Act and section 42 of the Gas Industry Act its terms and conditions for the sale and Supply of Energy to:

- Customers who have existing Standing Offer Contracts or Deemed Contracts with AGL immediately prior to 2 October 2014;
- Customers who accept AGL's Standing Offer on or after 2 October 2014; and
- Customers who are deemed under section 39 of the Electricity Industry Act or section 46 of the Gas Industry Act to have a contract with AGL for the sale and Supply of Energy to a Supply Address after 2 October 2014.

These terms and conditions have been approved by the Essential Services Commission and will be effective from 2 October 2014.

**TERMS AND CONDITIONS FOR STANDARD RETAIL CONTRACTS**

This contract is about the sale of energy to you as a small customer at your premises. It is a standard retail contract that starts without you having to sign a document agreeing to these terms and conditions.

In addition to this contract, the energy laws and other consumer laws also contain rules about the sale of energy and we will comply with these rules in our dealings with you. For example, the National Energy Retail Law and the National Energy Retail Rules ('the Rules') set out specific rights and obligations about energy marketing, payment methods and arrangements for customers experiencing payment difficulties.

**Note for Victorian customers:** For Victorian customers, until the National Energy Retail Law and the National Energy Retail Rules are adopted in Victoria (referred to as 'NECF implementation in Victoria'), the energy laws applicable in Victoria are the **Electricity Industry Act 2000**, the **Gas Industry Act 2001** and the Energy Retail Code made by the Essential Services Commission. For customers in Victoria, prior to NECF implementation in Victoria all references to the National Energy Retail Law and Rules in this contract should be read as references to the Energy Retail Code unless stated otherwise.

You also have a separate contract with your distributor, called a customer connection contract. The customer connection contract deals with the supply of energy to your premises and can be found on your distributor's website.

**Note for Victorian customers:** There are no gas customer connection contracts in Victoria.

More information about this contract and other matters is on our website, [agl.com.au](http://agl.com.au)

**1 THE PARTIES**

This contract is between:

AGL who sells energy to you at your premises (in this contract referred to as 'we', 'our' or 'us'); and

You, the customer to whom this contract applies (in this contract referred to as 'you' or 'your').

## 2 DEFINITIONS AND INTERPRETATION

- (a) Terms used in this contract have the same meanings as they have in the National Energy Retail Law and the Rules. However for ease of reference, a simplified explanation of some terms is given at the end of this contract.
- (b) Where the simplified explanations given at the end of this contract differ from the definitions in the National Energy Retail Law and the Rules, the definitions in the National Energy Retail Law and the Rules prevail.

## 3 DO THESE TERMS AND CONDITIONS APPLY TO YOU?

### 3.1 These are our terms and conditions

This contract sets out the terms and conditions for a standard retail contract for a small customer under the National Energy Retail Law and the Rules.

### 3.2 Application of these terms and conditions

These terms and conditions apply to you if:

- (a) you are a residential customer; or
- (b) you are a business customer who is a small customer; and
- (c) you request us to sell energy to you at your premises; and
- (d) you are not being sold energy for the premises under a market retail contract.

### 3.3 Electricity or gas

Standard retail contracts apply to electricity and gas, but some terms may be expressed to apply only to one or the other. If we are your retailer for both electricity and gas, you have a separate contract with us for each of them.

## 4 WHAT IS THE TERM OF THIS CONTRACT?

### 4.1 When does this contract start?

This contract starts on the date you satisfy any pre-conditions set out in the National Energy Retail Law and the Rules, including giving us *acceptable identification* and your contact details for billing purposes.

### 4.2 When does this contract end?

- (a) This contract ends:
  - (i) if you give us a notice stating you wish to end the contract – subject to paragraph (b), on a date advised by us of which we will give you at least 5 but no more than 20 *business days* notice; or
  - (ii) if you are no longer a small customer:
    - (A) subject to paragraph (b), on a date specified by us, of which we will give you at least 5 but no more than 20 *business days* notice; or
    - (B) if you have not told us of a change in the use of your energy – from the time of the change in use; or
  - (iii) if we both agree to a date to end the contract – on the date that is agreed; or
  - (iv) if you start to buy energy for the premises from us or a different retailer under a customer retail contract – on the date the market retail contract starts; or
  - (v) if a different customer starts to buy energy for the premises – on the date that customer's contract starts; or
  - (vi) if the premises are disconnected and you have not met the requirements in the Rules for reconnection – 10 *business days* from the date of disconnection.
- (b) If you do not give us safe and unhindered access to the premises to conduct a final *meter* reading (where relevant), this contract will not end under paragraph (a)(i) or (ii) until we have issued you a final bill and you have paid any outstanding amount for the sale of energy.

- (c) Rights and obligations accrued before the end of this contract continue despite the end of the contract, including any obligations to pay amounts to us.

#### **4.3 Vacating your premises**

- (a) If you are vacating your premises, you must provide your forwarding address to us for your final bill in addition to a notice under clause 4.2(a)(i) of this contract.
- (b) When we receive the notice, we must use our best endeavours to arrange for the reading of the *meter* on the date specified in your notice (or as soon as possible after that date if you do not provide access to your *meter* on that date) and send a final bill to you at the forwarding address stated in your notice.
- (c) You will continue to be responsible for charges for the premises until your contract ends in accordance with clause 4.2 of this contract.

### **5 SCOPE OF THIS CONTRACT**

#### **5.1 What is covered by this contract?**

- (a) Under this contract we agree to sell you energy at your premises. We also agree to meet other obligations set out in this contract and to comply with the energy laws.
- (b) In return, you agree:
  - (i) to be responsible for charges for energy supplied to the premises until this contract ends under clause 4.2 even if you vacate the premises earlier; and
  - (ii) to pay the amounts billed by us under this contract; and
  - (iii) to meet your obligations under this contract and the energy laws.

#### **5.2 What is not covered by this contract?**

This contract does not cover the physical connection of your premises to the distribution system, including *metering* equipment and the maintenance of that connection and the supply of energy to your premises. This is the role of your distributor under a separate contract called a customer connection contract.

**Note for Victorian customers:** There are no gas customer connection contracts in Victoria.

### **6 YOUR GENERAL OBLIGATIONS**

#### **6.1 Full information**

You must give us any information we reasonably require for the purposes of this contract. The information must be correct, and you must not mislead or deceive us in relation to any information provided to us.

#### **6.2 Updating information**

You must tell us promptly if information you have provided to us changes, including if your billing address changes or if your use of energy changes (for example, if you start running a business at the premises).

#### **6.3 Life support equipment**

- (a) If a person living at your premises requires *life support equipment*, you must register the premises with us or your distributor. To register, you will need to give written confirmation from a registered medical practitioner of the requirement for *life support equipment* at the premises.
- (b) You must tell us or your distributor if the *life support equipment* is no longer required at the premises.

#### **6.4 Obligations if you are not an owner**

If you cannot meet an obligation relating to your premises under this contract because you are not the owner you will not be in breach of the obligation if you take all reasonable steps to ensure that the owner or other person responsible for the premises fulfils the obligation.

## 7 OUR LIABILITY

- (a) The quality and reliability of your electricity supply and the quality, pressure and continuity of your gas supply is subject to a variety of factors that are beyond our control as your retailer, including accidents, emergencies, weather conditions, vandalism, system demand, the technical limitations of the distribution system and the acts of other persons (such as your distributor), including at the direction of a *relevant authority*.
- (b) To the extent permitted by law, we give no condition, warranty or undertaking, and we make no representation to you, about the condition or suitability of energy, its quality, fitness for purpose or safety, other than those set out in this contract.
- (c) Unless we have acted in bad faith or negligently, the National Energy Retail Law excludes our liability for any loss or damage you suffer as a result of the total or partial failure to supply energy to your premises, which includes any loss or damage you suffer as a result of the defective supply of energy.

**Note for Victorian customers:** Prior to NECF implementation in Victoria, the reference to the NERL in clause 7(c) is a reference to, in the case of electricity, section 120 of the National Electricity Law as set out in the Schedule to the **National Electricity (South Australia) Act 1996** or, in the case of gas, to section 232 of the Gas Industry Act or section 33 of the **Gas Safety Act 1997**.

## 8 PRICE FOR ENERGY AND OTHER SERVICES

### 8.1 What are our tariffs and charges?

- (a) Our tariffs and charges for the sale of energy to you under this contract are our standing offer prices. These are published on our website and include your distributor's charges.
- (b) Different tariffs and charges may apply to you depending on your circumstances. The conditions for each tariff and charge are set out in our standing offer prices.

**Note:**

We do not impose any charges for the termination of this contract.

### 8.2 Changes to tariffs and charges

- (a) If we vary our standing offer prices, we will publish the variation in a newspaper and on our website at least 10 *business days* before it starts. We will also include details with your next bill if the variation affects you.
- (b) Our standing offer prices will not be varied more often than once every 6 months.

### 8.3 Variation of tariff due to change of use

If a change in your use of energy means you are no longer eligible for the particular tariff you are on, we may transfer you to a new tariff under our standing offer prices:

- (a) if you notify us there has been a change of use – from the date of notification; or
- (b) if you have not notified us of the change of use – retrospectively from the date the change of use occurred.

### 8.4 Variation of tariff or type of tariff on request

- (a) If you think you satisfy the conditions applying to another tariff or type of tariff under our standing offer prices, you can ask us to review your current circumstances to see whether that tariff or type of tariff can apply to you.
- (b) If you meet the requirements for another tariff or type of tariff and request us to do so, we must:
  - (i) transfer you to that other tariff within 10 *business days*; or
  - (ii) transfer you to that other type of tariff from the date the *meter* is read or the type of *meter* is changed (if needed).

### 8.5 Changes to tariffs or type of tariff during a billing cycle

If a tariff applying to you changes during a billing cycle, we will calculate your next bill on a proportionate basis.

### 8.6 GST

- (a) Amounts specified in the standing offer prices from time to time and other amounts payable under this contract may be stated to be exclusive or inclusive of GST. Paragraph (b) applies unless an amount is stated to include GST.
- (b) Where an amount paid by you under this contract is payment for a 'taxable supply' as defined for GST purposes, to the extent permitted by law, that payment will be increased so that the cost of the GST payable on the taxable supply is passed on to the recipient of that taxable supply.

## 9 BILLING

### 9.1 General

We will send a bill to you as soon as possible after the end of each billing cycle. We will send the bill:

- (a) to you at the address nominated by you; or
- (b) to a person authorised in writing by you to act on your behalf at the address specified by you.

### 9.2 Calculating the bill

Bills we send to you ('your bills') will be calculated on:

- (a) the amount of energy consumed at your premises during the billing cycle (using information obtained from reading your *meter* or otherwise in accordance with the Code); and
- (b) the amount of fees and charges for any other services provided under this contract during the billing cycle; and
- (c) the charges payable for services provided by your distributor, including connection charges if you have asked for a new connection or connection alteration and have not made alternative arrangements with your distributor.

### 9.3 Estimating the energy usage

- (a) We may estimate the amount of energy consumed at your premises if your *meter* cannot be read, if your *metering data* is not obtained (for example, if access to the *meter* is not given or the *meter* breaks down or is faulty), or if you otherwise consent.

**Note for Victorian customers:** In Victoria, a retailer must obtain a customer's 'explicit informed consent' to base the customer's bill on an estimation, unless the *meter* cannot be read or the metering data is not obtained.

- (b) If we estimate the amount of energy consumed at your premises to calculate a bill, we must:
  - (i) clearly state on the bill that it is based on an estimation; and
  - (ii) when your *meter* is later read, adjust your bill for the difference between the estimate and the energy actually used.
- (c) If the later *meter* read shows that you have been undercharged, we will allow you to pay the undercharged amount in instalments, over the same period of time during which the *meter* was not read (if less than 12 months), or otherwise over 12 months.
- (d) If the *meter* has not been read due to your actions, and you request us to replace the estimated bill with a bill based on an actual reading of the *meter*, we will comply with your request but may charge you any cost we incur in doing so.

#### 9.4 Your historical billing information

Upon request, we must give you information about your billing history for the previous 2 years free of charge. However, we may charge you if we have already given you this information in the previous 12 months, or if you require information going back more than 2 years.

#### 9.5 Bill smoothing

We may, where you agree, arrange for you to pay your bills under a bill smoothing arrangement, which is based on a 12 monthly estimate of your energy consumption.

### 10 PAYING YOUR BILL

#### 10.1 What you have to pay

You must pay to us the amount shown on each bill by the date for payment (the *pay-by date*) on the bill. The *pay-by date* will be no earlier than 13 *business days* from the date on which we issue your bill.

#### 10.2 Issue of reminder notices

If you have not paid your bill by the *pay-by date*, we will send you a *reminder notice* that payment is required. The *reminder notice* will give you a further due date for payment which will be not less than 6 *business days* after we issue the notice.

#### 10.3 Difficulties in paying

- (a) If you have difficulties paying your bill, you should contact us as soon as possible. We will provide you with information about payment options.
- (b) If you are a residential customer and have told us that you have difficulty paying your bill, we must offer you the option of paying your bill under a payment plan. However, we are not obliged to do so if you have had 2 payment plans cancelled due to non-payment in the previous 12 months or have been convicted of an offence involving the illegal use of energy in the previous 2 years.
- (c) Additional protections may be available to you under our Customer Hardship Policy and under the National Energy Retail Law and the Rules if you are a customer experiencing payment difficulties due to hardship. A copy of our Customer Hardship Policy is available on our website.

#### 10.4 Late payment fees

If you have not paid your bill by the *pay-by date*, we may require you to pay a late payment fee, which is part of our standing offer prices published on our website. This clause does not apply where your premises is located in Victoria.

### 11 METERS

- (a) You must allow safe and unhindered access to your premises for the purposes of reading and maintaining the *meters* (where relevant).
- (b) We will use our best endeavours to ensure that a *meter* reading is carried out as frequently as is needed to prepare your bills, consistently with the *metering rules* and in any event at least once every 12 months.

### 12 UNDERCHARGING AND OVERCHARGING

#### 12.1 Undercharging

- (a) If we have undercharged you, we may recover the undercharged amount from you. If we recover an undercharged amount from you:
  - (i) we will not charge interest on the undercharged amount; and
  - (ii) we will offer you time to pay the undercharged amount in instalments over the same period of time during which you were undercharged (if less than 12 months), or otherwise over 12 months.

- (b) The maximum amount we can recover from you is limited to the amount that has been undercharged in the 9 months immediately before we notify you, unless the undercharge is your fault, or results from your unlawful act or omission.

## 12.2 Overcharging

- (a) Where you have been overcharged by less than \$50, and you have already paid the overcharged amount, we must credit that amount to your next bill.
- (b) Where you have been overcharged by \$50 or more, we must inform you within 10 *business days* of our becoming aware of the overcharge and, if you have already paid that amount, we must credit that amount to your next bill. However, if you request otherwise, we will comply with that request.
- (c) If you have stopped buying energy from us, we will use our best endeavours to pay the overcharged amount to you within 10 *business days*.
- (d) If you have been overcharged as a result of your own fault or unlawful act or omission, we may limit the amount we credit or pay you to the amount you were overcharged in the last 12 months.

## 12.3 Reviewing your bill

- (a) If you disagree with the amount you have been charged, you can ask us to review your bill in accordance with our standard complaints and dispute resolution procedures.
- (b) If you ask us to, we must arrange for a check of the *meter* reading or *metering data* or for a test of the *meter* in reviewing the bill. You will be liable for the cost of the check or test and we may request payment in advance. However, if the *meter* or *metering data* proves to be faulty or incorrect, we must reimburse you for the amount paid.

**Note for Victorian customers:** Customers in Victoria are not required to pay for a *meter* check or test in advance.

- (c) If your bill is being reviewed, you are still required to pay any other bills from us that are due for payment and the lesser of:
  - (i) the portion of the bill that you do not dispute; or
  - (ii) an amount equal to the average of your bills in the last 12 months.

## 13 SECURITY DEPOSITS

### 13.1 Security deposit

We may require that you provide a *security deposit*. The circumstances in which we can require a *security deposit* and the maximum amount of the *security deposit* are governed by the Rules.

### 13.2 Interest on security deposits

Where you have paid a *security deposit*, we must pay you interest on the *security deposit* at a rate and on terms required by the Rules.

### 13.3 Use of a security deposit

- (a) We may use your *security deposit*, and any interest earned on the *security deposit*, to offset any amount you owe under this contract:
  - (i) if you fail to pay a bill and as a result we arrange for the disconnection of your premises; or
  - (ii) in relation to a final bill (i.e. a bill we issue when you vacate the premises or when you stop purchasing energy from us at your premises or when you request that your premises be disconnected).
- (b) If we use your *security deposit* or any accrued interest to offset amounts owed to us, we will advise you within 10 *business days*.

**13.4 Return of security deposit**

- (a) We must return your *security deposit* and any accrued interest in the following circumstances:
- (i) you complete 1 year's payment (in the case of residential customers) or 2 years' payment (in the case of business customers) by the *pay-by dates* on our initial bills; or
  - (ii) subject to clause 14.3 of this contract, you stop purchasing energy at the relevant premises under this contract.
- (b) If you do not give us any reasonable instructions, we will credit the amount of the *security deposit*, together with any accrued interest, to your next bill.

**14 DISCONNECTION OF SUPPLY****14.1 When can we arrange for disconnection?**

Subject to us satisfying the requirements in the Rules, we may arrange for the disconnection of your premises if:

- (a) you do not pay your bill by the *pay-by date* and, if you are a residential customer, you:
  - (i) fail to comply with the terms of an agreed payment plan; or
  - (ii) do not agree to an offer to pay the bill by instalments, or having agreed, you fail to comply with the instalment arrangement;
- (b) you do not provide a *security deposit* we are entitled to require from you; or
- (c) you do not give access to your premises to read a *meter* (where relevant) for 3 consecutive *meter* reads; or
- (d) there has been illegal or fraudulent use of energy at your premises in breach of clause 16 of this contract; or
- (e) we are otherwise entitled or required to do so under the Rules or by law.

**14.2 Notice and warning of disconnection**

Before disconnecting your premises, we must comply with relevant warning notice requirements and other provisions in the Rules. However, we are not required to provide a warning notice prior to disconnection in certain circumstances (for example, where there has been illegal or fraudulent use of energy at your premises or where there is an emergency or health and safety issue).

**14.3 When we must not arrange disconnection**

- (a) Subject to paragraph (b), your premises may not be disconnected during the following times ('the protected period'):
- (i) on a *business day* before 8.00 am or after 3.00 pm; or

**Note for Victorian customers:** The protected period for a residential customer in Victoria is before 8.00 am or after 2.00 pm. The protected period for a business customer in Victoria is before 8.00 am or after 3.00 pm.

- (ii) on a Friday or the day before a public holiday; or
- (iii) on a weekend or a public holiday; or
- (iv) on the days between 20 December and 31 December (both inclusive) in any year; or
- (v) if you are being disconnected under clause 14.1(a), during an extreme weather event.

**Note for Victorian customers:** Paragraph (v) does not apply in Victoria.

- (b) Your premises may be disconnected within the protected period:
  - (i) for reasons of health and safety; or
  - (ii) in an emergency; or
  - (iii) as directed by a *relevant authority*; or
  - (iv) if you are in breach of clause 6.5 of your customer connection contract which deals with interference with energy equipment; or

**Note for Victorian customers:** Victorian customers may be disconnected if it is permitted under their connection contract or under the applicable energy laws.

- (v) if you request us to arrange disconnection within the protected period; or
- (vi) if your premises contain a commercial business that only operates within the protected period and where access to the premises is necessary to effect disconnection; or
- (vii) where the premises are not occupied.

## 15 RECONNECTION AFTER DISCONNECTION

- (a) We must request your distributor to reconnect your premises if, within 10 business days of your premises being disconnected:
  - (i) you ask us to arrange for reconnection of your premises; and
  - (ii) you rectify the matter that led to the disconnection; and
  - (iii) you pay any reconnection charge (if requested).
- (b) We may terminate this contract 10 business days following disconnection if you do not meet the requirements in paragraph (a).

## 16 WRONGFUL AND ILLEGAL USE OF ENERGY

### 16.1 Use of energy

You must not, and must take reasonable steps to ensure others do not:

- (a) illegally use energy supplied to your premises; or
- (b) interfere or allow interference with any energy equipment that is at your premises except as may be permitted by law; or
- (c) use the energy supplied to your premises or any energy equipment in a manner that:
  - (i) unreasonably interferes with the connection or supply of energy to another customer; or
  - (ii) causes damage or interference to any third party; or
- (d) allow energy purchased from us to be used otherwise than in accordance with this contract and the Rules; or
- (e) tamper with, or permit tampering with, any *meters* or associated equipment.

## 17 NOTICES AND BILLS

- (a) Notices and bills under this contract must be sent in writing, unless this contract or the National Energy Retail Law and the Rules say otherwise.
- (b) A notice or bill sent under this contract is taken to have been received by you or by us (as relevant):
  - (i) on the date it is handed to the party, left at the party's premises (in your case) or one of our offices (in our case) or successfully faxed to the party (which occurs when the sender receives a transmission report to that effect); or
  - (ii) on the date 2 business days after it is posted; or

- (iii) on the date of transmission (unless the sender receives notice that delivery did not occur or has been delayed) if sent electronically and the use of electronic communication has been agreed between us.
- (c) Our contact details for you to contact us or send us a notice are as set out in our bill to you, or as notified to you from time to time.

## **18 PRIVACY ACT NOTICE**

We will comply with all relevant privacy legislation in relation to your personal information. You can find a summary of our privacy policy on our website. If you have any questions, you can contact our privacy officer.

## **19 COMPLAINTS AND DISPUTE RESOLUTION**

### **19.1 Complaints**

If you have a complaint relating to the sale of energy by us to you, or this contract generally, you may lodge a complaint with us in accordance with our standard complaints and dispute resolution procedures.

#### **Note:**

Our standard complaints and dispute resolution procedures are published on our website.

### **19.2 Our obligations in handling complaints**

If you make a complaint, we must respond to your complaint within the required timeframes set out in our standard complaints and dispute resolution procedures and inform you:

- (a) of the outcome of your complaint and the reasons for our decision; and
- (b) that if you are not satisfied with our response, you have a right to refer the complaint to the relevant energy Ombudsman, which means if your premises is located within:
  - i. New South Wales: the Energy and Water Ombudsman NSW
  - ii. Queensland: the Energy and Water Ombudsman QLD
  - iii. South Australia: the Energy and Water Ombudsman SA
  - iv. Victoria: the Energy and Water Ombudsman Victoria.

## **20 FORCE MAJEURE**

### **20.1 Effect of force majeure event**

If either party to this contract cannot meet an obligation under this contract because of an event outside the control of that party ('a force majeure event'):

- (a) the obligation, other than an obligation to pay money, is suspended to the extent it is affected by the force majeure event for as long as the force majeure event continues; and
- (b) the affected party must use its best endeavours to give the other party prompt notice of that fact including full particulars of the event, an estimate of its likely duration, the extent to which the affected party's obligations are affected and the steps being taken to remove, overcome or minimise those effects.

### **20.2 Deemed prompt notice**

If the effects of a force majeure event are widespread, we will be deemed to have given you prompt notice if we make the necessary information available by way of a 24-hour telephone service within 30 minutes of being advised of the event or otherwise as soon as practicable.

### **20.3 Obligation to overcome or minimise effect of force majeure event**

A party that claims a force majeure event must use its best endeavours to remove, overcome or minimise the effects of that event as soon as practicable.

### **20.4 Settlement of industrial disputes**

Nothing in this clause requires a party to settle an industrial dispute that constitutes a force majeure event in any manner other than the manner preferred by that party.

**21 APPLICABLE LAW**

The laws in force in the state of Victoria govern this contract.

**22 RETAILER OF LAST RESORT EVENT**

If we are no longer entitled by law to sell energy to you due to a Retailer of Last Resort (RoLR) event occurring in relation to us, we are required under the National Energy Retail Law and the Rules to provide relevant information (including your name, billing address and *metering* identifier) to the entity appointed as the relevant designated retailer for the RoLR event and this contract will come to an end.

**23 GENERAL****23.1 Our obligations**

Some obligations placed on us under this contract may be carried out by another person. If an obligation is placed on us to do something under this contract, then:

- (a) we are taken to have complied with the obligation if another person does it on our behalf; and
- (b) if the obligation is not complied with, we are still liable to you for the failure to comply with this contract.

**23.2 Amending this contract**

- (a) This contract may only be amended in accordance with the procedures set out in the National Energy Retail Law.

**Note for Victorian customers:** For Victorian customers the procedures are set out in section 40A of the Electricity Industry Act and section 48 Gas Industry Act.

- (b) We must publish any amendments to this contract on our website.

**Simplified explanation of terms**

**billing cycle** means the regular recurrent period for which you receive a bill from us;

**business day** means a day other than a Saturday, a Sunday or a public holiday;

**customer** means a person who buys or wants to buy energy from a retailer;

**customer connection contract** means a contract between you and your distributor for the provision of customer connection services;

**Note for Victorian customers:** There are no gas customer connection contracts in Victoria.

**designated retailer** means the financially responsible retailer for the premises (where you have an existing connection) or the local area retailer (where you do not have an existing connection) for your premises;

**disconnection** means an action to prevent the flow of energy to the premises, but does not include an *interruption*;

**distributor** means the person who operates the system that connects your premises to the distribution network;

**Note for Victorian customers:** In Victoria, **Electricity Industry Act** means the **Electricity Industry Act 2000**.

**emergency** means an emergency due to the actual or imminent occurrence of an event that in any way endangers or threatens to endanger the safety or health of any person, or normal operation of the distribution system or transmission system, or that destroys or damages, or threatens to destroy or damage, any property;

**energy** means electricity or gas;

**energy laws** means national and State and Territory laws and rules relating to energy and the legal instruments made under those laws and rules;

**Note for Victorian customers:** In Victoria **Energy Retail Code** means the Energy Retail Code Version 11 dated 13 October 2014 produced by the Essential Services Commission Victoria and as amended from time to time.

**force majeure event** means an event outside the control of a party;

**Note for Victorian customers:** In Victoria, **Gas Industry Act** means the **Gas Industry Act 2001**.

**GST** has the meaning given in the **GST Act (A New Tax System (Goods and Services Tax) Act 1999** (Cth));

**National Energy Retail Law** means *the Law* of that name that is applied by each participating State and Territory;

**relevant authority** means any person or body who has the power under law to direct us, including the Australian Energy Market Operator and State or Federal Police;

**residential customer** means a person who purchases energy principally for personal, household or domestic use at their premises;

**retailer** means a person that is authorised to sell energy to customers;

**RoLR event** means an event that triggers the operation of the Retailer of Last Resort scheme under the National Energy Retail Law;

**Rules** means the National Energy Retail Rules made under the National Energy Retail Law;

**security deposit** means an amount of money paid to us as security against non-payment of a bill in accordance with the Rules;

**small customer** means:

- (a) a residential customer; or
- (b) a business customer who consumes energy at or below a level determined under the National Energy Retail Law;

**Note for Victorian customers:** In Victoria, a **small customer** is a ‘domestic or small business customer’ as defined in the Electricity Industry Act or the Gas Industry Act.

**standing offer prices** means tariffs and charges that we charge you for or in connection with the sale and supply of energy. These are published on our website.

**Electricity Industry Act 2000  
Gas Industry Act 2001**

In accordance with section 35(4) of the **Electricity Industry Act 2000** and section 42(4) of the **Gas Industry Act 2001**, Powerdirect provides notice that it is varying its existing standing offer to adopt the model terms and conditions for standard retail contracts contained in Schedule 1 of the Energy Retail Code version 11 as follows:

POWERDIRECT PTY LTD ABN 28 067 609 803

**Powerdirect Standing Offer Terms for Small Residential and Small Business Customers**

**IMPORTANT NOTE**

Powerdirect now publishes pursuant to section 35 of the Electricity Industry Act and section 42 of the Gas Industry Act its terms and conditions for the sale and Supply of Energy to:

- Customers who have existing Standing Offer Contracts or Deemed Contracts with Powerdirect immediately prior to 2 October 2014;
- Customers who accept Powerdirect's Standing Offer on or after 2 October 2014; and
- Customers who are deemed under section 39 of the Electricity Industry Act or section 46 of the Gas Industry Act to have a contract with Powerdirect for the sale and Supply of Energy to a Supply Address after 2 October 2014.

These terms and conditions have been approved by the Essential Services Commission and will be effective from 2 October 2014.

**TERMS AND CONDITIONS FOR STANDARD RETAIL CONTRACTS**

This contract is about the sale of energy to you as a small customer at your premises. It is a standard retail contract that starts without you having to sign a document agreeing to these terms and conditions.

In addition to this contract, the energy laws and other consumer laws also contain rules about the sale of energy and we will comply with these rules in our dealings with you. For example, the National Energy Retail Law and the National Energy Retail Rules ('the Rules') set out specific rights and obligations about energy marketing, payment methods and arrangements for customers experiencing payment difficulties.

**Note for Victorian customers:** For Victorian customers, until the National Energy Retail Law and the National Energy Retail Rules are adopted in Victoria (referred to as 'NECF implementation in Victoria'), the energy laws applicable in Victoria are the **Electricity Industry Act 2000**, the **Gas Industry Act 2001** and the Energy Retail Code made by the Essential Services Commission. For customers in Victoria, prior to NECF implementation in Victoria all references to the National Energy Retail Law and Rules in this contract should be read as references to the Energy Retail Code unless stated otherwise.

You also have a separate contract with your distributor, called a customer connection contract. The customer connection contract deals with the supply of energy to your premises and can be found on your distributor's website.

**Note for Victorian customers:** There are no gas customer connection contracts in Victoria.

More information about this contract and other matters is on our website, [powerdirect.com.au](http://powerdirect.com.au)

**1 THE PARTIES**

This contract is between:

Powerdirect who sells energy to you at your premises (in this contract referred to as 'we', 'our' or 'us'); and

You, the customer to whom this contract applies (in this contract referred to as 'you' or 'your').

## 2 DEFINITIONS AND INTERPRETATION

- (a) Terms used in this contract have the same meanings as they have in the National Energy Retail Law and the Rules. However for ease of reference, a simplified explanation of some terms is given at the end of this contract.
- (b) Where the simplified explanations given at the end of this contract differ from the definitions in the National Energy Retail Law and the Rules, the definitions in the National Energy Retail Law and the Rules prevail.

## 3 DO THESE TERMS AND CONDITIONS APPLY TO YOU?

### 3.1 These are our terms and conditions

This contract sets out the terms and conditions for a standard retail contract for a small customer under the National Energy Retail Law and the Rules.

### 3.2 Application of these terms and conditions

These terms and conditions apply to you if:

- (a) you are a residential customer; or
- (b) you are a business customer who is a small customer; and
- (c) you request us to sell energy to you at your premises; and
- (d) you are not being sold energy for the premises under a market retail contract.

### 3.3 Electricity or gas

Standard retail contracts apply to electricity and gas, but some terms may be expressed to apply only to one or the other. If we are your retailer for both electricity and gas, you have a separate contract with us for each of them.

## 4 WHAT IS THE TERM OF THIS CONTRACT?

### 4.1 When does this contract start?

This contract starts on the date you satisfy any pre-conditions set out in the National Energy Retail Law and the Rules, including giving us *acceptable identification* and your contact details for billing purposes.

### 4.2 When does this contract end?

- (a) This contract ends:
  - (i) if you give us a notice stating you wish to end the contract – subject to paragraph (b), on a date advised by us of which we will give you at least 5 but no more than 20 *business days* notice; or
  - (ii) if you are no longer a small customer:
    - (A) subject to paragraph (b), on a date specified by us, of which we will give you at least 5 but no more than 20 *business days* notice; or
    - (B) if you have not told us of a change in the use of your energy – from the time of the change in use; or
  - (iii) if we both agree to a date to end the contract – on the date that is agreed; or
  - (iv) if you start to buy energy for the premises from us or a different retailer under a customer retail contract – on the date the market retail contract starts; or
  - (v) if a different customer starts to buy energy for the premises – on the date that customer's contract starts; or
  - (vi) if the premises are disconnected and you have not met the requirements in the Rules for reconnection – 10 *business days* from the date of disconnection.
- (b) If you do not give us safe and unhindered access to the premises to conduct a final *meter* reading (where relevant), this contract will not end under paragraph (a)(i) or (ii) until we have issued you a final bill and you have paid any outstanding amount for the sale of energy.

- (c) Rights and obligations accrued before the end of this contract continue despite the end of the contract, including any obligations to pay amounts to us.

#### **4.3 Vacating your premises**

- (a) If you are vacating your premises, you must provide your forwarding address to us for your final bill in addition to a notice under clause 4.2(a)(i) of this contract.
- (b) When we receive the notice, we must use our best endeavours to arrange for the reading of the *meter* on the date specified in your notice (or as soon as possible after that date if you do not provide access to your *meter* on that date) and send a final bill to you at the forwarding address stated in your notice.
- (c) You will continue to be responsible for charges for the premises until your contract ends in accordance with clause 4.2 of this contract.

### **5 SCOPE OF THIS CONTRACT**

#### **5.1 What is covered by this contract?**

- (a) Under this contract we agree to sell you energy at your premises. We also agree to meet other obligations set out in this contract and to comply with the energy laws.
- (b) In return, you agree:
  - (i) to be responsible for charges for energy supplied to the premises until this contract ends under clause 4.2 even if you vacate the premises earlier; and
  - (ii) to pay the amounts billed by us under this contract; and
  - (iii) to meet your obligations under this contract and the energy laws.

#### **5.2 What is not covered by this contract?**

This contract does not cover the physical connection of your premises to the distribution system, including *metering* equipment and the maintenance of that connection and the supply of energy to your premises. This is the role of your distributor under a separate contract called a customer connection contract.

<b>Note for Victorian customers:</b> There are no gas customer connection contracts in Victoria.
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### **6 YOUR GENERAL OBLIGATIONS**

#### **6.1 Full information**

You must give us any information we reasonably require for the purposes of this contract. The information must be correct, and you must not mislead or deceive us in relation to any information provided to us.

#### **6.2 Updating information**

You must tell us promptly if information you have provided to us changes, including if your billing address changes or if your use of energy changes (for example, if you start running a business at the premises).

#### **6.3 Life support equipment**

- (a) If a person living at your premises requires *life support equipment*, you must register the premises with us or your distributor. To register, you will need to give written confirmation from a registered medical practitioner of the requirement for *life support equipment* at the premises.
- (b) You must tell us or your distributor if the *life support equipment* is no longer required at the premises.

#### **6.4 Obligations if you are not an owner**

If you cannot meet an obligation relating to your premises under this contract because you are not the owner you will not be in breach of the obligation if you take all reasonable steps to ensure that the owner or other person responsible for the premises fulfils the obligation.

## 7 OUR LIABILITY

- (a) The quality and reliability of your electricity supply and the quality, pressure and continuity of your gas supply is subject to a variety of factors that are beyond our control as your retailer, including accidents, emergencies, weather conditions, vandalism, system demand, the technical limitations of the distribution system and the acts of other persons (such as your distributor), including at the direction of a *relevant authority*.
- (b) To the extent permitted by law, we give no condition, warranty or undertaking, and we make no representation to you, about the condition or suitability of energy, its quality, fitness for purpose or safety, other than those set out in this contract.
- (c) Unless we have acted in bad faith or negligently, the National Energy Retail Law excludes our liability for any loss or damage you suffer as a result of the total or partial failure to supply energy to your premises, which includes any loss or damage you suffer as a result of the defective supply of energy.

**Note for Victorian customers:** Prior to NECF implementation in Victoria, the reference to the NERL in clause 7(c) is a reference to, in the case of electricity, section 120 of the National Electricity Law as set out in the Schedule to the **National Electricity (South Australia) Act 1996** or, in the case of gas, to section 232 of the Gas Industry Act or section 33 of the **Gas Safety Act 1997**.

## 8 PRICE FOR ENERGY AND OTHER SERVICES

### 8.1 What are our tariffs and charges?

- (a) Our tariffs and charges for the sale of energy to you under this contract are our standing offer prices. These are published on our website and include your distributor's charges.
- (b) Different tariffs and charges may apply to you depending on your circumstances. The conditions for each tariff and charge are set out in our standing offer prices.

**Note:**

We do not impose any charges for the termination of this contract.

### 8.2 Changes to tariffs and charges

- (a) If we vary our standing offer prices, we will publish the variation in a newspaper and on our website at least 10 *business days* before it starts. We will also include details with your next bill if the variation affects you.
- (b) Our standing offer prices will not be varied more often than once every 6 months.

### 8.3 Variation of tariff due to change of use

If a change in your use of energy means you are no longer eligible for the particular tariff you are on, we may transfer you to a new tariff under our standing offer prices:

- (a) if you notify us there has been a change of use—from the date of notification; or
- (b) if you have not notified us of the change of use—retrospectively from the date the change of use occurred.

### 8.4 Variation of tariff or type of tariff on request

- (a) If you think you satisfy the conditions applying to another tariff or type of tariff under our standing offer prices, you can ask us to review your current circumstances to see whether that tariff or type of tariff can apply to you.
- (b) If you meet the requirements for another tariff or type of tariff and request us to do so, we must:
  - (i) transfer you to that other tariff within 10 *business days*; or
  - (ii) transfer you to that other type of tariff from the date the *meter* is read or the type of *meter* is changed (if needed).

### 8.5 Changes to tariffs or type of tariff during a billing cycle

If a tariff applying to you changes during a billing cycle, we will calculate your next bill on a proportionate basis.

### 8.6 GST

- (a) Amounts specified in the standing offer prices from time to time and other amounts payable under this contract may be stated to be exclusive or inclusive of GST. Paragraph (b) applies unless an amount is stated to include GST.
- (b) Where an amount paid by you under this contract is payment for a 'taxable supply' as defined for GST purposes, to the extent permitted by law, that payment will be increased so that the cost of the GST payable on the taxable supply is passed on to the recipient of that taxable supply.

## 9 BILLING

### 9.1 General

We will send a bill to you as soon as possible after the end of each billing cycle. We will send the bill:

- (a) to you at the address nominated by you; or
- (b) to a person authorised in writing by you to act on your behalf at the address specified by you.

### 9.2 Calculating the bill

Bills we send to you ('your bills') will be calculated on:

- (a) the amount of energy consumed at your premises during the billing cycle (using information obtained from reading your *meter* or otherwise in accordance with the Code); and
- (b) the amount of fees and charges for any other services provided under this contract during the billing cycle; and
- (c) the charges payable for services provided by your distributor, including connection charges if you have asked for a new connection or connection alteration and have not made alternative arrangements with your distributor.

### 9.3 Estimating the energy usage

- (a) We may estimate the amount of energy consumed at your premises if your *meter* cannot be read, if your *metering data* is not obtained (for example, if access to the *meter* is not given or the *meter* breaks down or is faulty), or if you otherwise consent.

**Note for Victorian customers:** In Victoria, a retailer must obtain a customer's 'explicit informed consent' to base the customer's bill on an estimation, unless the *meter* cannot be read or the metering data is not obtained.

- (b) If we estimate the amount of energy consumed at your premises to calculate a bill, we must:
  - (i) clearly state on the bill that it is based on an estimation; and
  - (ii) when your *meter* is later read, adjust your bill for the difference between the estimate and the energy actually used.
- (c) If the later *meter* read shows that you have been undercharged, we will allow you to pay the undercharged amount in instalments, over the same period of time during which the *meter* was not read (if less than 12 months), or otherwise over 12 months.
- (d) If the *meter* has not been read due to your actions, and you request us to replace the estimated bill with a bill based on an actual reading of the *meter*, we will comply with your request but may charge you any cost we incur in doing so.

#### **9.4 Your historical billing information**

Upon request, we must give you information about your billing history for the previous 2 years free of charge. However, we may charge you if we have already given you this information in the previous 12 months, or if you require information going back more than 2 years.

#### **9.5 Bill smoothing**

We may, where you agree, arrange for you to pay your bills under a bill smoothing arrangement, which is based on a 12-monthly estimate of your energy consumption.

### **10 PAYING YOUR BILL**

#### **10.1 What you have to pay**

You must pay to us the amount shown on each bill by the date for payment (the *pay-by date*) on the bill. The *pay-by date* will be no earlier than 13 *business days* from the date on which we issue your bill.

#### **10.2 Issue of reminder notices**

If you have not paid your bill by the *pay-by date*, we will send you a *reminder notice* that payment is required. The *reminder notice* will give you a further due date for payment which will be not less than 6 *business days* after we issue the notice.

#### **10.3 Difficulties in paying**

- (a) If you have difficulties paying your bill, you should contact us as soon as possible. We will provide you with information about payment options.
- (b) If you are a residential customer and have told us that you have difficulty paying your bill, we must offer you the option of paying your bill under a payment plan. However, we are not obliged to do so if you have had 2 payment plans cancelled due to non-payment in the previous 12 months or have been convicted of an offence involving the illegal use of energy in the previous 2 years.
- (c) Additional protections may be available to you under our Customer Hardship Policy and under the National Energy Retail Law and the Rules if you are a customer experiencing payment difficulties due to hardship. A copy of our Customer Hardship Policy is available on our website.

#### **10.4 Late payment fees**

If you have not paid your bill by the *pay-by date*, we may require you to pay a late payment fee, which is part of our standing offer prices published on our website. This clause does not apply where your premises is located in Victoria.

### **11 METERS**

- (a) You must allow safe and unhindered access to your premises for the purposes of reading and maintaining the *meters* (where relevant).
- (b) We will use our best endeavours to ensure that a *meter* reading is carried out as frequently as is needed to prepare your bills, consistently with the *metering rules* and in any event at least once every 12 months.

### **12 UNDERCHARGING AND OVERCHARGING**

#### **12.1 Undercharging**

- (a) If we have undercharged you, we may recover the undercharged amount from you. If we recover an undercharged amount from you:
  - (i) we will not charge interest on the undercharged amount; and
  - (ii) we will offer you time to pay the undercharged amount in instalments over the same period of time during which you were undercharged (if less than 12 months), or otherwise over 12 months.

- (b) The maximum amount we can recover from you is limited to the amount that has been undercharged in the 9 months immediately before we notify you, unless the undercharge is your fault, or results from your unlawful act or omission.

## 12.2 Overcharging

- (a) Where you have been overcharged by less than \$50, and you have already paid the overcharged amount, we must credit that amount to your next bill.
- (b) Where you have been overcharged by \$50 or more, we must inform you within 10 *business days* of our becoming aware of the overcharge and, if you have already paid that amount, we must credit that amount to your next bill. However, if you request otherwise, we will comply with that request.
- (c) If you have stopped buying energy from us, we will use our best endeavours to pay the overcharged amount to you within 10 *business days*.
- (d) If you have been overcharged as a result of your own fault or unlawful act or omission, we may limit the amount we credit or pay you to the amount you were overcharged in the last 12 months.

## 12.3 Reviewing your bill

- (a) If you disagree with the amount you have been charged, you can ask us to review your bill in accordance with our standard complaints and dispute resolution procedures.
- (b) If you ask us to, we must arrange for a check of the *meter* reading or *metering data* or for a test of the *meter* in reviewing the bill. You will be liable for the cost of the check or test and we may request payment in advance. However, if the *meter* or *metering data* proves to be faulty or incorrect, we must reimburse you for the amount paid.

**Note for Victorian customers:** Customers in Victoria are not required to pay for a *meter* check or test in advance.

- (c) If your bill is being reviewed, you are still required to pay any other bills from us that are due for payment and the lesser of:
  - (i) the portion of the bill that you do not dispute; or
  - (ii) an amount equal to the average of your bills in the last 12 months.

## 13 SECURITY DEPOSITS

### 13.1 Security deposit

We may require that you provide a *security deposit*. The circumstances in which we can require a *security deposit* and the maximum amount of the *security deposit* are governed by the Rules.

### 13.2 Interest on security deposits

Where you have paid a *security deposit*, we must pay you interest on the *security deposit* at a rate and on terms required by the Rules.

### 13.3 Use of a security deposit

- (a) We may use your *security deposit*, and any interest earned on the *security deposit*, to offset any amount you owe under this contract:
  - (i) if you fail to pay a bill and as a result we arrange for the disconnection of your premises; or
  - (ii) in relation to a final bill (i.e. a bill we issue when you vacate the premises or when you stop purchasing energy from us at your premises or when you request that your premises be disconnected).
- (b) If we use your *security deposit* or any accrued interest to offset amounts owed to us, we will advise you within 10 *business days*.

**13.4 Return of security deposit**

- (a) We must return your *security deposit* and any accrued interest in the following circumstances:
- (i) you complete 1 year's payment (in the case of residential customers) or 2 years' payment (in the case of business customers) by the *pay-by dates* on our initial bills; or
  - (ii) subject to clause 14.3 of this contract, you stop purchasing energy at the relevant premises under this contract.
- (b) If you do not give us any reasonable instructions, we will credit the amount of the *security deposit*, together with any accrued interest, to your next bill.

**14 DISCONNECTION OF SUPPLY****14.1 When can we arrange for disconnection?**

Subject to us satisfying the requirements in the Rules, we may arrange for the disconnection of your premises if:

- (a) you do not pay your bill by the *pay-by date* and, if you are a residential customer, you:
  - (i) fail to comply with the terms of an agreed payment plan; or
  - (ii) do not agree to an offer to pay the bill by instalments, or having agreed, you fail to comply with the instalment arrangement;
- (b) you do not provide a *security deposit* we are entitled to require from you; or
- (c) you do not give access to your premises to read a *meter* (where relevant) for 3 consecutive *meter* reads; or
- (d) there has been illegal or fraudulent use of energy at your premises in breach of clause 16 of this contract; or
- (e) we are otherwise entitled or required to do so under the Rules or by law.

**14.2 Notice and warning of disconnection**

Before disconnecting your premises, we must comply with relevant warning notice requirements and other provisions in the Rules. However, we are not required to provide a warning notice prior to disconnection in certain circumstances (for example, where there has been illegal or fraudulent use of energy at your premises or where there is an emergency or health and safety issue).

**14.3 When we must not arrange disconnection**

- (a) Subject to paragraph (b), your premises may not be disconnected during the following times ('the protected period'):
- (i) on a *business day* before 8.00am or after 3.00pm; or

**Note for Victorian customers:** The protected period for a residential customer in Victoria is before 8.00 am or after 2.00 pm. The protected period for a business customer in Victoria is before 8.00 am or after 3.00 pm.

- (ii) on a Friday or the day before a public holiday; or
- (iii) on a weekend or a public holiday; or
- (iv) on the days between 20 December and 31 December (both inclusive) in any year; or
- (v) if you are being disconnected under clause 14.1(a), during an extreme weather event.

**Note for Victorian customers:** Paragraph (v) does not apply in Victoria.

- (b) Your premises may be disconnected within the protected period:
  - (i) for reasons of health and safety; or
  - (ii) in an emergency; or
  - (iii) as directed by a *relevant authority*; or
  - (iv) if you are in breach of clause 6.5 of your customer connection contract which deals with interference with energy equipment; or

**Note for Victorian customers:** Victorian customers may be disconnected if it is permitted under their connection contract or under the applicable energy laws.

- (v) if you request us to arrange disconnection within the protected period; or
- (vi) if your premises contain a commercial business that only operates within the protected period and where access to the premises is necessary to effect disconnection; or
- (vii) where the premises are not occupied.

## 15 RECONNECTION AFTER DISCONNECTION

- (a) We must request your distributor to reconnect your premises if, within 10 business days of your premises being disconnected:
  - (i) you ask us to arrange for reconnection of your premises; and
  - (ii) you rectify the matter that led to the disconnection; and
  - (iii) you pay any reconnection charge (if requested).
- (b) We may terminate this contract 10 business days following disconnection if you do not meet the requirements in paragraph (a).

## 16 WRONGFUL AND ILLEGAL USE OF ENERGY

### 16.1 Use of energy

You must not, and must take reasonable steps to ensure others do not:

- (a) illegally use energy supplied to your premises; or
- (b) interfere or allow interference with any energy equipment that is at your premises except as may be permitted by law; or
- (c) use the energy supplied to your premises or any energy equipment in a manner that:
  - (i) unreasonably interferes with the connection or supply of energy to another customer; or
  - (ii) causes damage or interference to any third party; or
- (d) allow energy purchased from us to be used otherwise than in accordance with this contract and the Rules; or
- (e) tamper with, or permit tampering with, any *meters* or associated equipment.

## 17 NOTICES AND BILLS

- (a) Notices and bills under this contract must be sent in writing, unless this contract or the National Energy Retail Law and the Rules say otherwise.
- (b) A notice or bill sent under this contract is taken to have been received by you or by us (as relevant):
  - (i) on the date it is handed to the party, left at the party's premises (in your case) or one of our offices (in our case) or successfully faxed to the party (which occurs when the sender receives a transmission report to that effect); or
  - (ii) on the date 2 business days after it is posted; or

- (iii) on the date of transmission (unless the sender receives notice that delivery did not occur or has been delayed) if sent electronically and the use of electronic communication has been agreed between us.
- (c) Our contact details for you to contact us or send us a notice are as set out in our bill to you, or as notified to you from time to time.

## **18 PRIVACY ACT NOTICE**

We will comply with all relevant privacy legislation in relation to your personal information. You can find a summary of our privacy policy on our website. If you have any questions, you can contact our privacy officer.

## **19 COMPLAINTS AND DISPUTE RESOLUTION**

### **19.1 Complaints**

If you have a complaint relating to the sale of energy by us to you, or this contract generally, you may lodge a complaint with us in accordance with our standard complaints and dispute resolution procedures.

#### **Note:**

Our standard complaints and dispute resolution procedures are published on our website.

### **19.2 Our obligations in handling complaints**

If you make a complaint, we must respond to your complaint within the required timeframes set out in our standard complaints and dispute resolution procedures and inform you:

- (a) of the outcome of your complaint and the reasons for our decision; and
- (b) that if you are not satisfied with our response, you have a right to refer the complaint to the relevant energy Ombudsman, which means if your premises is located within:
  - i. New South Wales: the Energy and Water Ombudsman NSW
  - ii. Queensland: the Energy and Water Ombudsman QLD
  - iii. South Australia: the Energy and Water Ombudsman SA
  - iv. Victoria: the Energy and Water Ombudsman Victoria.

## **20 FORCE MAJEURE**

### **20.1 Effect of force majeure event**

If either party to this contract cannot meet an obligation under this contract because of an event outside the control of that party ('a force majeure event'):

- (a) the obligation, other than an obligation to pay money, is suspended to the extent it is affected by the force majeure event for as long as the force majeure event continues; and
- (b) the affected party must use its best endeavours to give the other party prompt notice of that fact including full particulars of the event, an estimate of its likely duration, the extent to which the affected party's obligations are affected and the steps being taken to remove, overcome or minimise those effects.

### **20.2 Deemed prompt notice**

If the effects of a force majeure event are widespread, we will be deemed to have given you prompt notice if we make the necessary information available by way of a 24-hour telephone service within 30 minutes of being advised of the event or otherwise as soon as practicable.

### **20.3 Obligation to overcome or minimise effect of force majeure event**

A party that claims a force majeure event must use its best endeavours to remove, overcome or minimise the effects of that event as soon as practicable.

### **20.4 Settlement of industrial disputes**

Nothing in this clause requires a party to settle an industrial dispute that constitutes a force majeure event in any manner other than the manner preferred by that party.

**21 APPLICABLE LAW**

The laws in force in the state of Victoria govern this contract.

**22 RETAILER OF LAST RESORT EVENT**

If we are no longer entitled by law to sell energy to you due to a Retailer of Last Resort (RoLR) event occurring in relation to us, we are required under the National Energy Retail Law and the Rules to provide relevant information (including your name, billing address and *metering* identifier) to the entity appointed as the relevant designated retailer for the RoLR event and this contract will come to an end.

**23 GENERAL****23.1 Our obligations**

Some obligations placed on us under this contract may be carried out by another person. If an obligation is placed on us to do something under this contract, then:

- (a) we are taken to have complied with the obligation if another person does it on our behalf; and
- (b) if the obligation is not complied with, we are still liable to you for the failure to comply with this contract.

**23.2 Amending this contract**

- (a) This contract may only be amended in accordance with the procedures set out in the National Energy Retail Law.

**Note for Victorian customers:** For Victorian customers the procedures are set out in section 40A of the Electricity Industry Act and section 48 Gas Industry Act.

- (b) We must publish any amendments to this contract on our website.

**Simplified explanation of terms**

**billing cycle** means the regular recurrent period for which you receive a bill from us;

**business day** means a day other than a Saturday, a Sunday or a public holiday;

**customer** means a person who buys or wants to buy energy from a retailer;

**customer connection contract** means a contract between you and your distributor for the provision of customer connection services;

**Note for Victorian customers:** There are no gas customer connection contracts in Victoria.

**designated retailer** means the financially responsible retailer for the premises (where you have an existing connection) or the local area retailer (where you do not have an existing connection) for your premises;

**disconnection** means an action to prevent the flow of energy to the premises, but does not include an *interruption*;

**distributor** means the person who operates the system that connects your premises to the distribution network;

**Note for Victorian customers:** In Victoria, **Electricity Industry Act** means the **Electricity Industry Act 2000**.

**emergency** means an emergency due to the actual or imminent occurrence of an event that in any way endangers or threatens to endanger the safety or health of any person, or normal operation of the distribution system or transmission system, or that destroys or damages, or threatens to destroy or damage, any property;

**energy** means electricity or gas;

**energy laws** means national and State and Territory laws and rules relating to energy and the legal instruments made under those laws and rules;

**Note for Victorian customers:** In Victoria **Energy Retail Code** means the Energy Retail Code Version 11 dated 13 October 2014 produced by the Essential Services Commission Victoria and as amended from time to time.

**force majeure event** means an event outside the control of a party;

**Note for Victorian customers:** In Victoria, **Gas Industry Act** means the **Gas Industry Act 2001**.

**GST** has the meaning given in the **GST Act (A New Tax System (Goods and Services Tax) Act 1999** (Cth));

**National Energy Retail Law** means *the Law* of that name that is applied by each participating State and Territory;

**relevant authority** means any person or body who has the power under law to direct us, including the Australian Energy Market Operator and State or Federal Police;

**residential customer** means a person who purchases energy principally for personal, household or domestic use at their premises;

**retailer** means a person that is authorised to sell energy to customers;

**RoLR event** means an event that triggers the operation of the Retailer of Last Resort scheme under the National Energy Retail Law;

**Rules** means the National Energy Retail Rules made under the National Energy Retail Law;

**security deposit** means an amount of money paid to us as security against non-payment of a bill in accordance with the Rules;

**small customer** means:

- (a) a residential customer; or
- (b) a business customer who consumes energy at or below a level determined under the National Energy Retail Law;

**Note for Victorian customers:** In Victoria, a **small customer** is a 'domestic or small business customer' as defined in the Electricity Industry Act or the Gas Industry Act.

**standing offer prices** means tariffs and charges that we charge you for or in connection with the sale and supply of energy. These are published on our website.

**Forests Act 1958****DETERMINATION OF FIREWOOD COLLECTION AREAS**

I, Scott Falconer, Land and Fire Regional Manager, Loddon Mallee, Department of Environment and Primary Industries, make the following determination under section 57U of the **Forests Act 1958**.

**Definitions**

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

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

**Determination**

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

**Table – Firewood collection areas**

<b>Item no.</b>	<b>Column 1 LEGL no.</b>	<b>Column 2 DEPI region</b>	<b>Column 3 DEPI district</b>	<b>Column 4 Name of firewood collection area</b>	<b>Column 5 Opening date</b>	<b>Column 6 Closing date</b>
1	LEGL\12-267	Loddon Mallee	Midlands	Cemetery	01/09/2014	30/11/2014
2	LEGL\12-268	Loddon Mallee	Midlands	Mallakoff Track	01/09/2014	30/11/2014
3	LEGL\12-271	Loddon Mallee	Midlands	Hardys South	01/09/2014	30/11/2014
4	LEGL\14-102	Loddon Mallee	Midlands	Jacksons	01/09/2014	30/11/2014
5	LEGL\14-103	Loddon Mallee	Murray Goldfields	Taig Road	01/09/2014	30/11/2014
6	LEGL\13-274	Loddon Mallee	Murray Goldfields	Myer Rd	01/09/2014	30/11/2014
7	LEGL\13-099	Loddon Mallee	Murray Goldfields	O'Callaghans Road	01/09/2014	30/11/2014
8	LEGL\13-275	Loddon Mallee	Murray Goldfields	Dunns Reef	01/09/2014	30/11/2014
9	LEGL\13-108	Loddon Mallee	Murray Goldfields	One Eye	01/09/2014	30/11/2014
10	LEGL\13-093	Loddon Mallee	Murray Goldfields	The Wedge	01/09/2014	30/11/2014
11	LEGL\12-280	Loddon Mallee	Murray Goldfields	Lacey Track	01/09/2014	30/11/2014

<b>Item no.</b>	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>	<b>Column 6</b>
	<b>LEGL no.</b>	<b>DEPI region</b>	<b>DEPI district</b>	<b>Name of firewood collection area</b>	<b>Opening date</b>	<b>Closing date</b>
12	LEGL\14-315	Loddon Mallee	Murray Goldfields	Hanleys–Wooley Track	01/09/2014	30/11/2014
13	LEGL\14-108	Loddon Mallee	Murray Goldfields	Greenhills Rd	01/09/2014	30/11/2014
14	LEGL\14-489	Loddon Mallee	Murray Goldfields	Bealiba–Ponderosa	01/09/2014	30/11/2014
15	LEGL\14-312	Loddon Mallee	Murray Goldfields	Pigeon Gully West	01/09/2014	30/11/2014
16	LEGL\12-380	Loddon Mallee	Murray Goldfields	Graveyard–Rambler	01/09/2014	30/11/2014
17	LEGL\14-120	Loddon Mallee	Murray Goldfields	New German	01/09/2014	30/11/2014
18	LEGL\13-276	Loddon Mallee	Murray Goldfields	Days	01/09/2014	30/11/2014
19	LEGL\14-314	Loddon Mallee	Murray Goldfields	Days Lane North	01/09/2014	30/11/2014
20	LEGL\14-113	Loddon Mallee	Murray Goldfields	Brays–Old Carapooee	01/09/2014	30/11/2014

**Notes**

1. The information in columns 2, 3 and 4 of the table is for information only.
2. **DEPI** means Department of Environment and Primary Industries.
3. The legal plan of any firewood collection area may be obtained from the Central Plan Office of the Department of Transport, Planning, and Local Infrastructure.
4. There are no firewood collection areas open outside the firewood collection seasons as defined in the **Forests Act 1958**.

Dated 25 August 2014

SCOTT FALCONER  
Land and Fire Regional Manager, Loddon Mallee  
Department of Environment and Primary Industries  
as delegate of the Secretary to the  
Department of Environment and Primary Industries

**Forests Act 1958**

## DETERMINATION OF FIREWOOD COLLECTION AREAS

I, Richard Teychenne, Fire and Land Regional Manager, Gippsland Region, Department of Environment and Primary Industries, make the following determination under section 57U of the **Forests Act 1958**.

**Definitions**

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

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

**Determination**

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

**Table – Firewood collection areas**

Item no.	Column 1 LEGL no.	Column 2 DEPI region	Column 3 DEPI district	Column 4 Name of firewood collection area	Column 5 Opening date	Column 6 Closing date
1	LEGL./14-404	Gippsland	Latrobe	Boola	01/09/2014	30/11/2014
2	LEGL./14-405	Gippsland	Latrobe	Callignee	01/09/2014	30/11/2014
3	LEGL./14-406	Gippsland	Latrobe	Aberfeldy North	01/09/2014	30/11/2014
4	LEGL./14-407	Gippsland	Latrobe	Thomson	01/09/2014	30/11/2014
5	LEGL./14-408	Gippsland	Latrobe	Walhalla South	01/09/2014	30/11/2014
6	LEGL./14-409	Gippsland	Latrobe	Tanjil Version 2	01/09/2014	30/11/2014
7	LEGL./14-410	Gippsland	Latrobe	Tanjil Bren	01/09/2014	30/11/2014
8	LEGL./14-411	Gippsland	Latrobe	Toorong	01/09/2014	30/11/2014
9	LEGL./14-412	Gippsland	Latrobe	Neerim East	01/09/2014	30/11/2014
10	LEGL./14-413	Gippsland	Latrobe	Loch	01/09/2014	30/11/2014
11	LEGL./14-414	Gippsland	Latrobe	Tarago	01/09/2014	30/11/2014
12	LEGL./14-415	Gippsland	Latrobe	Yinnar South	01/09/2014	30/11/2014
13	LEGL./14-416	Gippsland	Latrobe	Baromi	01/09/2014	30/11/2014
14	LEGL./14-417	Gippsland	Latrobe	Sampsons Version 2	01/09/2014	30/11/2014
15	LEGL/14-418	Gippsland	Latrobe	Boolarra Version 2	01/09/2014	30/11/2014
16	LEGL/14-419	Gippsland	Macalister	Gibraltar Range	01/09/2014	30/11/2014
17	LEGL/14-420	Gippsland	Macalister	Castleburn	01/09/2014	30/11/2014
18	LEGL/14-421	Gippsland	Macalister	Moornappa	01/09/2014	30/11/2014
19	LEGL/14-422	Gippsland	Macalister	Briagolong	01/09/2014	30/11/2014

Item no.	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
	LEGL no.	DEPI region	DEPI district	Name of firewood collection area	Opening date	Closing date
20	LEGL/14-423	Gippsland	Macalister	Stockdale	01/09/2014	30/11/2014
21	LEGL/14-424	Gippsland	Macalister	Sounding Gap	01/09/2014	30/11/2014
22	LEGL/14-425	Gippsland	Macalister	Woolenook	01/09/2014	30/11/2014
23	LEGL/14-426	Gippsland	Macalister	Valencia Creek	01/09/2014	30/11/2014
24	LEGL/14-427	Gippsland	Macalister	Ben Crauchan	01/09/2014	30/11/2014
25	LEGL/14-428	Gippsland	Macalister	Coongulla Version 2	01/09/2014	30/11/2014
26	LEGL/14-429	Gippsland	Macalister	Chesterfield	01/09/2014	30/11/2014
27	LEGL/14-430	Gippsland	Macalister	Stony Creek	01/09/2014	30/11/2014
28	LEGL/14-431	Gippsland	Macalister	Licola Version 2	01/09/2014	30/11/2014
29	LEGL/14-432	Gippsland	Macalister	Gormandale	01/09/2014	30/11/2014
30	LEGL/14-433	Gippsland	Macalister	Wilung South	01/09/2014	30/11/2014
31	LEGL/14-434	Gippsland	Macalister	Giffard West	01/09/2014	30/11/2014
32	LEGL/14-435	Gippsland	Macalister	Darriman	01/09/2014	30/11/2014
33	LEGL/14-436	Gippsland	Macalister	Woodside	01/09/2014	30/11/2014
34	LEGL/14-437	Gippsland	Macalister	Carrajung South	01/09/2014	30/11/2014
35	LEGL/14-438	Gippsland	Macalister	Wron Wron Version 3	01/09/2014	30/11/2014
36	LEGL/12-340	Gippsland	Macalister	Alberton West	01/09/2014	30/11/2014
37	LEGL/14-440	Gippsland	Snowy	Bonang Tubbut Amboyne	01/09/2014	30/11/2014
38	LEGL/14-441	Gippsland	Snowy	Bemm Mount Raymond	01/09/2014	30/11/2014
39	LEGL/14-442	Gippsland	Snowy	Bemm Tamboon	01/09/2014	30/11/2014
40	LEGL/14-443	Gippsland	Snowy	Bendoc	01/09/2014	30/11/2014
41	LEGL/14-444	Gippsland	Snowy	Cotonwood Bonang	01/09/2014	30/11/2014
42	LEGL/14-445	Gippsland	Snowy	Bonang Yalmy	01/09/2014	30/11/2014
43	LEGL/14-446	Gippsland	Snowy	Cann Valley	01/09/2014	30/11/2014
44	LEGL/14-447	Gippsland	Snowy	Club Terrace	01/09/2014	30/11/2014
45	LEGL/14-448	Gippsland	Snowy	Drummer East	01/09/2014	30/11/2014
46	LEGL/14-449	Gippsland	Snowy	Drummer West	01/09/2014	30/11/2014
47	LEGL/14-450	Gippsland	Snowy	Ellery Murrungower	01/09/2014	30/11/2014
48	LEGL/14-451	Gippsland	Snowy	Yalmy Ellery	01/09/2014	30/11/2014
49	LEGL/14-452	Gippsland	Snowy	Mallacoota Version 2	01/09/2014	30/11/2014
50	LEGL/14-453	Gippsland	Snowy	Merreminger Version 2	01/09/2014	30/11/2014
51	LEGL/14-454	Gippsland	Snowy	Murrungower	01/09/2014	30/11/2014

Item no.	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
	LEGL no.	DEPI region	DEPI district	Name of firewood collection area	Opening date	Closing date
52	LEGL/14-455	Gippsland	Snowy	Orbost	01/09/2014	30/11/2014
53	LEGL/14-456	Gippsland	Snowy	Tamboon	01/09/2014	30/11/2014
54	LEGL/14-457	Gippsland	Snowy	Wingan East	01/09/2014	30/11/2014
55	LEGL/14-458	Gippsland	Snowy	Wingan West	01/09/2014	30/11/2014
56	LEGL/14-459	Gippsland	Snowy	Yalmy South	01/09/2014	30/11/2014
57	LEGL/14-460	Gippsland	Snowy	Waygara Harland	01/09/2014	30/11/2014
58	LEGL/14-461	Gippsland	Snowy	Buldah	01/09/2014	30/11/2014
59	LEGL/14-462	Gippsland	Snowy	Combienbar Buldah	01/09/2014	30/11/2014
60	LEGL/14-463	Gippsland	Tambo	Nunnett	01/09/2014	30/11/2014
61	LEGL/14-464	Gippsland	Tambo	Nunnett Nunniong	01/09/2014	30/11/2014
62	LEGL/14-465	Gippsland	Tambo	Gelantipy	01/09/2014	30/11/2014
63	LEGL/14-466	Gippsland	Tambo	Wulgulmerang	01/09/2014	30/11/2014
64	LEGL/14-467	Gippsland	Tambo	Tulloch Ard	01/09/2014	30/11/2014
65	LEGL/14-468	Gippsland	Tambo	Kenny	01/09/2014	30/11/2014
66	LEGL/14-469	Gippsland	Tambo	Tara Waygara Version 2	01/09/2014	30/11/2014
67	LEGL/14-470	Gippsland	Tambo	Timbarra	01/09/2014	30/11/2014
68	LEGL/14-471	Gippsland	Tambo	Deptford	01/09/2014	30/11/2014
69	LEGL/14-472	Gippsland	Tambo	Bruthen	01/09/2014	30/11/2014
70	LEGL/14-473	Gippsland	Tambo	Bullumwaal Version 2	01/09/2014	30/11/2014
71	LEGL/14-474	Gippsland	Tambo	Colquhoun Version 2	01/09/2014	30/11/2014
72	LEGL/14-475	Gippsland	Tambo	Nowa Nowa Kenny	01/09/2014	30/11/2014
73	LEGL/14-476	Gippsland	Tambo	Mount Anderson	01/09/2014	30/11/2014
74	LEGL/14-477	Gippsland	Tambo	Glen Valley	01/09/2014	30/11/2014
75	LEGL/14-478	Gippsland	Tambo	Benambra	01/09/2014	30/11/2014
76	LEGL/14-479	Gippsland	Tambo	Beloka Version 2	01/09/2014	30/11/2014
77	LEGL/14-480	Gippsland	Tambo	Mount Tambo Version 2	01/09/2014	30/11/2014
78	LEGL/14-481	Gippsland	Tambo	Spliters	01/09/2014	30/11/2014
79	LEGL/14-482	Gippsland	Tambo	Ensay	01/09/2014	30/11/2014
80	LEGL/14-483	Gippsland	Tambo	Cobungra	01/09/2014	30/11/2014
81	LEGL/14-484	Gippsland	Tambo	Omeo	01/09/2014	30/11/2014
82	LEGL/14-485	Gippsland	Tambo	Birregun	01/09/2014	30/11/2014
83	LEGL/14-486	Gippsland	Tambo	Brookville	01/09/2014	30/11/2014

**Notes**

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

Dated 25 August 2014

RICHARD TEYCHENNE  
Fire and Land Regional Manager, Gippsland Region  
Department of Environment and Primary Industries  
as delegate of the Secretary to the  
Department of Environment and Primary Industries

### **Forests Act 1958**

#### DETERMINATION OF FIREWOOD COLLECTION AREAS

I, Rachael May, Fire and Land Regional Manager, Grampians, Department of Environment and Primary Industries, make the following determination under section 57U of the **Forests Act 1958**.

**Definitions**

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

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

**Determination**

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

**Table – Firewood collection areas**

Item no.	Column 1 LEGL no.	Column 2 DEPI region	Column 3 DEPI district	Column 4 Name of firewood collection area	Column 5 Opening date	Column 6 Closing date
1	LEGL./14-226	Grampians	Wimmera	Barrett Central Sugar Gum Plantation	01/09/2014	30/11/2014
2	LEGL./14-284	Grampians	Wimmera	Black Range – Rocklands Cherrypool Road North	01/09/2014	30/11/2014
3	LEGL./14-233	Grampians	Wimmera	Clarkes – Clarrie Chastons Road	01/09/2014	30/11/2014

Item no.	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
	LEGL no.	DEPI region	DEPI district	Name of firewood collection area	Opening date	Closing date
4	LEGL./14-220	Grampians	Wimmera	Stawell – Darlington Road	01/09/2014	30/11/2014
5	LEGL./14-232	Grampians	Wimmera	Wail Central Sugar Gum Plantation	01/09/2014	30/11/2014
6	LEGL./14-259	Grampians	Wimmera	Glenisla – Brooks Rd North	06/10/2014	30/11/2014
7	LEGL./14-273	Grampians	Wimmera	Balmoral – Golf Course	06/10/2014	30/11/2014
8	LEGL./14-281	Grampians	Wimmera	Barabool – Murtoa Glenorchy Road	06/10/2014	30/11/2014
9	LEGL./14-216	Grampians	Wimmera	Illawara – Barkers Creek Rd	06/10/2014	30/11/2014
10	LEGL./14-282	Grampians	Wimmera	Kadnook – Main Track	06/10/2014	30/11/2014
11	LEGL./14-248	Grampians	Wimmera	Murrays – Grays Road	06/10/2014	30/11/2014
12	LEGL./14-283	Grampians	Wimmera	Youngs – Hobbs and Flynns Road	06/10/2014	30/11/2014
13	LEGL./14-266	Grampians	Wimmera	Woolhpooer Block 3	06/10/2014	30/11/2014
14	LEGL./14-285	Grampians	Wimmera	Glenisla – Henty Highway	06/10/2014	30/11/2014
15	LEGL./14-299	Grampians	Midlands	Ballarat – Hughes Rd	01/09/2014	30/11/2014
16	LEGL./14-302	Grampians	Midlands	Ballarat – Lawrence Road	01/09/2014	30/11/2014
17	LEGL./14-300	Grampians	Midlands	Ballarat – Port Phillip Rd	01/09/2014	30/11/2014
18	LEGL./14-301	Grampians	Midlands	Ballarat – Tambo Rd	06/10/2014	30/11/2014
19	LEGL./14-298	Grampians	Midlands	Barkstead – Dredge Track	01/09/2014	30/11/2014
20	LEGL./14-306	Grampians	Midlands	Beaufort – Carngham Rd	01/09/2014	30/11/2014
21	LEGL./14-307	Grampians	Midlands	Beaufort – Mt Lonarch	01/09/2014	30/11/2014
22	LEGL./14-305	Grampians	Midlands	Beaufort – Poppet Track	01/09/2014	30/11/2014
23	LEGL./14-291	Grampians	Midlands	Campaspe – Burnt Mill Rd	01/09/2014	30/11/2014
24	LEGL./14-293	Grampians	Midlands	Daylesford – Dales Creek	01/09/2014	30/11/2014

Item no.	Column 1 LEGL no.	Column 2 DEPI region	Column 3 DEPI district	Column 4 Name of firewood collection area	Column 5 Opening date	Column 6 Closing date
25	LEGL./14-295	Grampians	Midlands	Daylesford – Telegraph Road	01/09/2014	30/11/2014
26	LEGL./14-296	Grampians	Midlands	Hepburn – Basalt Rd	01/09/2014	30/11/2014
27	LEGL./14-297	Grampians	Midlands	Lal Lal – Champion Hill	01/09/2014	30/11/2014
28	LEGL./14-304	Grampians	Midlands	Linton – Madden Flat	01/09/2014	30/11/2014
29	LEGL./14-303	Grampians	Midlands	Linton – Shellback Rd	01/09/2014	30/11/2014
30	LEGL./14-294	Grampians	Midlands	Daylesford – Whitepoint Rd	06/10/2014	30/11/2014
31	LEGL./14-292	Grampians	Midlands	Trentham – Old Blackwood	01/09/2014	30/11/2014

**Notes**

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

Dated 18 August 2014

RACHAELE MAY  
Fire and Land Regional Manager, Grampians  
Department of Environment and Primary Industries  
as delegate of the Secretary to the  
Department of Environment and Primary Industries

**Forests Act 1958**

## DETERMINATION OF FIREWOOD COLLECTION AREAS

I, Shaun Lawlor, Fire and Land Regional Manager, Hume, Department of Environment and Primary Industries, make the following determination under section 57U of the **Forests Act 1958**.

**Definitions**

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

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

**Determination**

Each area of State forest identified in the below table within column one (1) is hatched on a plan lodged in the Central Plan Office of the Department of Transport, Planning and Local Infrastructure, and is a firewood collection area for the purposes of section 57U of the **Forests Act 1958**, effective from the specified opening date in column five (5) until the identified closing date in column six (6) (inclusive).

**Table – Firewood collection areas**

Item no.	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
	LEGL no.	DEPI Region	DEPI District	Name of firewood collection area	Opening date	Closing date
1	LEGL./14-131	Hume	Murrindindi	Devastation Track	1/09/2014	30/11/2014
2	LEGL./14-126	Hume	Murrindindi	Boundary Track	1/09/2014	30/11/2014
3	LEGL./14-129	Hume	Murrindindi	15 Mile Road	1/09/2014	30/11/2014
4	LEGL./14-130	Hume	Murrindindi	Andersons Mill Depot	1/09/2014	30/11/2014
5	LEGL./14-316	Hume	Murrindindi	Black Range Road	1/09/2014	30/11/2014
6	LEGL./14-317	Hume	Murrindindi	Two Tees Rd	1/09/2014	30/11/2014
7	LEGL./14-318	Hume	Murrindindi	Flowerdale Rd	1/09/2014	30/11/2014
8	LEGL./14-319	Hume	Murrindindi	Murrindindi Rd	1/09/2014	30/11/2014
9	LEGL./14-320	Hume	Murrindindi	Falls Creek Rd	1/09/2014	30/11/2014
10	LEGL./14-350	Hume	Murrindindi	Boggy Creek Rd	1/09/2014	30/11/2014
11	LEGL./14-321	Hume	Upper Murray	Firebrace Firewood Coupe	1/09/2014	30/11/2014
12	LEGL./14-322	Hume	Upper Murray	Mystery Lane Firewood	1/09/2014	30/11/2014
13	LEGL./14-323	Hume	Upper Murray	Powerline Road	1/09/2014	30/11/2014
14	LEGL./14-324	Hume	Upper Murray	Trappers Gap	1/09/2014	30/11/2014
15	LEGL./14-325	Hume	Upper Murray	Dunstans Roadside	1/09/2014	30/11/2014

Item no.	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
	LEGL no.	DEPI Region	DEPI District	Name of firewood collection area	Opening date	Closing date
16	LEGL./14-326	Hume	Upper Murray	Gibb Roadside	1/09/2014	30/11/2014
17	LEGL./14-327	Hume	Upper Murray	Emperor Track	1/09/2014	30/11/2014
18	LEGL./14-328	Hume	Upper Murray	Dunstans Road	1/09/2014	30/11/2014
19	LEGL./14-329	Hume	Upper Murray	The Hollow	1/09/2014	30/11/2014
20	LEGL./14-330	Hume	Upper Murray	Walkers Roadside	1/09/2014	30/11/2014
21	LEGL./14-331	Hume	Upper Murray	Powerline Roadside	1/09/2014	30/11/2014
22	LEGL./14-333	Hume	Ovens	Carboor Range Tk (Section 1)	1/09/2014	30/11/2014
23	LEGL./14-334	Hume	Ovens	Eskdale Spur Tk (part)	1/09/2014	30/11/2014
24	LEGL./14-335	Hume	Ovens	Fletchers Rd	1/09/2014	30/11/2014
25	LEGL./14-336	Hume	Ovens	Fletchers Tk (Section 1)	1/09/2014	30/11/2014
26	LEGL./14-337	Hume	Ovens	Havilah Rd (Section 3)	1/09/2014	30/11/2014
27	LEGL./14-338	Hume	Ovens	Mountain Creek Rd (Section 2)	1/09/2014	30/11/2014
28	LEGL./14-343	Hume	Ovens	Mt Barambogio Rd (Section 2)	1/09/2014	30/11/2014
29	LEGL./14-487	Hume	Ovens	Magpie No 1 Track	1/09/2014	30/11/2014
30	LEGL./14-364	Hume	Ovens	Flagstaff Road (Section 2)	1/09/2014	30/11/2014
31	LEGL./14-366	Hume	Ovens	Bruarong Lane	1/09/2014	30/11/2014
32	LEGL./14-367	Hume	Ovens	Carrols Track	1/09/2014	30/11/2014
33	LEGL./14-368	Hume	Ovens	Yack Gate (part)	1/09/2014	30/11/2014
34	LEGL./14-369	Hume	Ovens	Wombat Spur Track	1/09/2014	30/11/2014
35	LEGL./14-370	Hume	Ovens	Casagrandia Track	1/09/2014	30/11/2014
36	LEGL./14-371	Hume	Ovens	Cemetery Lane	1/09/2014	30/11/2014
37	LEGL./14-372	Hume	Ovens	Fletchers Track (Section 2)	1/09/2014	30/11/2014
38	LEGL./14-373	Hume	Ovens	Matthews Track (Section 1)	1/09/2014	30/11/2014
39	LEGL./14-374	Hume	Ovens	Matthews Track (Section 2)	1/09/2014	30/11/2014

Item no.	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
	LEGL no.	DEPI Region	DEPI District	Name of firewood collection area	Opening date	Closing date
40	LEGL./14-375	Hume	Ovens	Sands Track	1/09/2014	30/11/2014
41	LEGL./14-376	Hume	Ovens	Brains Track (Section 1)	1/09/2014	30/11/2014
42	LEGL./14-378	Hume	Ovens	Carboor Range Tk (Section 2)	1/09/2014	30/11/2014
43	LEGL./14-382	Hume	Ovens	Quins Gap Track (part)	1/09/2014	30/11/2014
44	LEGL./14-383	Hume	Ovens	Mountain Creek Rd (Section 1)	1/09/2014	30/11/2014
45	LEGL./14-384	Hume	Ovens	Lake Buffalo–Whitfield Rd	1/09/2014	30/11/2014
46	LEGL./14-385	Hume	Goulburn	Harpers 1 Firewood	1/09/2014	30/11/2014
47	LEGL./14-386	Hume	Goulburn	Tiger Hill Firewood	1/09/2014	30/11/2014
48	LEGL./14-387	Hume	Goulburn	Glen Creek Road Firewood	1/09/2014	30/11/2014
49	LEGL./14-388	Hume	Goulburn	Honeysuckle Firewood	1/09/2014	30/11/2014
50	LEGL./14-389	Hume	Goulburn	Police Firewood	1/09/2014	30/11/2014
51	LEGL./14-390	Hume	Goulburn	Blue Range Firewood	1/09/2014	30/11/2014
52	LEGL./14-391	Hume	Goulburn	Spring Creek Rd Firewood	1/09/2014	30/11/2014
53	LEGL./14-392	Hume	Goulburn	Fair Weather Track	1/09/2014	30/11/2014
54	LEGL./14-393	Hume	Goulburn	Buttercup Firewood	1/09/2014	30/11/2014
55	LEGL./14-394	Hume	Goulburn	Carters Rd Firewood	1/09/2014	30/11/2014
56	LEGL./14-395	Hume	Goulburn	Merton Road Firewood	1/09/2014	30/11/2014
57	LEGL./14-396	Hume	Goulburn	Wilkinsons Firewood	1/09/2014	30/11/2014
58	LEGL./14-397	Hume	Goulburn	Duncans Firewood	1/09/2014	30/11/2014
59	LEGL./14-398	Hume	Goulburn	Sappers Track Firewood	1/09/2014	30/11/2014
60	LEGL./14-399	Hume	Goulburn	Doughty Road Firewood	1/09/2014	30/11/2014
61	LEGL./14-400	Hume	Goulburn	Frenchmans Gap Firewood	1/09/2014	30/11/2014
62	LEGL./14-401	Hume	Goulburn	Poletti Track Firewood	1/09/2014	30/11/2014
63	LEGL./14-402	Hume	Goulburn	Glenroy Firewood	1/09/2014	30/11/2014
64	LEGL./14-403	Hume	Goulburn	Eildon Road Firewood	1/09/2014	30/11/2014

**Notes**

1. The information in columns 2, 3 and 4 of the table is for information only.
2. **DEPI** means Department of Environment and Primary Industries.
3. The legal plan of any firewood collection area may be obtained from the Central Plan Office of the Department of Transport, Planning and Local Infrastructure at <<https://www.landata.vic.gov.au/tpc/>>. Maps of firewood collection areas that are open from time to time may be obtained from <[www.depi.vic.gov.au/forestry-and-land-use/forest-management/firewood](http://www.depi.vic.gov.au/forestry-and-land-use/forest-management/firewood)>.
4. There are no firewood collection areas open outside the firewood collection seasons as defined in the **Forests Act 1958**.

Dated 22 August 2014

SHAUN LAWLOR  
Fire and Land Regional Manager, Hume  
Department of Environment and Primary Industries  
as delegate of the Secretary to the  
Department of Environment and Primary Industries

**Forests Act 1958****DETERMINATION OF FIREWOOD COLLECTION AREAS**

I, Nicholas Ryan, Fire and Land Regional Manager, Port Phillip, Department of Environment and Primary Industries, make the following determination under section 57U of the **Forests Act 1958**.

**Definitions**

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

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

**Determination**

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

**Table – Firewood collection areas**

<b>Item no.</b>	<b>Column 1 LEGL no.</b>	<b>Column 2 DEPI region</b>	<b>Column 3 DEPI district</b>	<b>Column 4 Name of firewood collection area</b>	<b>Column 5 Opening date</b>	<b>Column 6 Closing date</b>
1	LEGL./13-292	Port Phillip	Yarra District	Torbets	01/09/2014	30/11/2014
2	LEGL./13-293	Port Phillip	Yarra District	Learmonth	01/09/2014	30/11/2014
3	LEGL./13-294	Port Phillip	Yarra District	Herrod	01/09/2014	30/11/2014
4	LEGL./13-295	Port Phillip	Yarra District	Goodwood	01/09/2014	30/11/2014

Item no.	Column 1 LEGL no.	Column 2 DEPI region	Column 3 DEPI district	Column 4 Name of firewood collection area	Column 5 Opening date	Column 6 Closing date
5	LEGL./13-296	Port Phillip	Yarra District	Dowey Spur	01/09/2014	30/11/2014
6	LEGL./13-297	Port Phillip	Yarra District	Woods Track	01/09/2014	30/11/2014
7	LEGL./13-298	Port Phillip	Yarra District	Mackley	01/09/2014	30/11/2014
8	LEGL./13-299	Port Phillip	Yarra District	Brittania Range	01/09/2014	30/11/2014
9	LEGL./13-300	Port Phillip	Yarra District	Mt Bride	01/09/2014	30/11/2014
10	LEGL./13-301	Port Phillip	Yarra District	Big Pats	01/09/2014	30/11/2014
11	LEGL./13-302	Port Phillip	Yarra District	Mississippi	01/09/2014	30/11/2014
12	LEGL./13-303	Port Phillip	Yarra District	McMahons	01/09/2014	30/11/2014

**Notes**

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

Dated 26 August 2014

NICHOLAS RYAN  
Fire and Land Regional Manager, Port Phillip  
Department of Environment and Primary Industries  
as delegate of the Secretary to the  
Department of Environment and Primary Industries

**Geographic Place Names Act 1998**

## NOTICE OF REGISTRATION OF GEOGRAPHIC NAMES

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

Road Naming:

<b>Change Request Number</b>	<b>Road Name</b>	<b>Locality</b>	<b>Proposer and Location</b>
74057	Wombat Gully Road	Flowerdale	Murrindindi Shire Council The road traverses east from Spring Valley Road.
74567	MacKillop Place	Portland	Glenelg Shire Council At the rear of 12 and 14 Henty Street.
N/A	Narrkwarren Lane	Box Hill North	Whitehorse City Council At the rear of 477–499 Middleborough Road.
N/A	Karrawang Lane	Mont Albert	Whitehorse City Council At the rear of 643–645 Whitehorse Road.
N/A	Aviary Grove	Thornbury	Darebin City Council (Private Road) The road traverses east from Sparks Avenue.
N/A	Ibis Place	Thornbury	Darebin City Council (Private Road) The road traverses north from Aviary Grove.
N/A	Rosella Walk	Thornbury	Darebin City Council (Private Road) Located at 314–326 Gooch Street.

Feature Naming:

<b>Change Request Number</b>	<b>Place Name</b>	<b>Naming Authority and Location</b>
74425	Harris Reserve	Cardinia Shire Council (Long-standing name) Located at Salisbury Road, Beaconsfield Upper.
74076	Cooks Spring Reserve	Cardinia Shire Council (Long-standing name) Located at Windermere Boulevard, Pakenham.
74075	Parker Reserve	Cardinia Shire Council (Long-standing name) Located at Belvedere Court, Gembrook.

Office of Geographic Names

Land Victoria  
570 Bourke Street  
Melbourne 3000

JOHN E. TULLOCH  
Registrar of Geographic Names

**Interpretation of Legislation Act 1984**  
**OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2007**  
 and  
**EQUIPMENT (PUBLIC SAFETY) REGULATIONS 2007**  
 Notice of Amended Incorporated Documents

Notice is given under section 32(4)(a)(ii) of the Interpretation of Legislation Act 1984 that the documents listed in column 2 of the below table, which are applied, adopted or incorporated by the provisions listed in column 1 of the table, are amended by the documents listed in column 3 of the table.

<b>Statutory Rule Provision</b>	<b>Title of Current Incorporated Document</b>	<b>Title of Amended Incorporated Document</b>
Occupational Health and Safety Regulations 2007 – Schedules 2 and 4	<ul style="list-style-type: none"> <li>● AMBSC Code Part 1, Issue 7 – 2001, Copper boilers, published by the Australian Miniature Boiler Safety Committee in 2001</li> <li>● AMBSC Code Part 2, Issue 4 – 1995, Steel boilers, published by the Australian Miniature Boiler Safety Committee in 1995</li> </ul>	<ul style="list-style-type: none"> <li>● AMBSC Code Part 1, Issue 8 – 2012, Copper boilers, published by the Australian Miniature Boiler Safety Committee in 2012</li> <li>● AMBSC Code Part 2, Issue 5 – 2012, Steel boilers, published by the Australian Miniature Boiler Safety Committee in 2012</li> </ul>
Equipment (Public Safety) Regulations 2007 – Schedule	<ul style="list-style-type: none"> <li>● AMBSC Code Part 1, Issue 7 – 2001, Copper boilers, published by the Australian Miniature Boiler Safety Committee in 2001</li> <li>● AMBSC Code Part 2, Issue 4 – 1995, Steel boilers, published by the Australian Miniature Boiler Safety Committee in 1995</li> </ul>	<ul style="list-style-type: none"> <li>● AMBSC Code Part 1, Issue 8 – 2012, Copper boilers, published by the Australian Miniature Boiler Safety Committee in 2012</li> <li>● AMBSC Code Part 2, Issue 5 – 2012, Steel boilers, published by the Australian Miniature Boiler Safety Committee in 2012</li> </ul>

The above documents are available for inspection, without charge, by the public during normal business hours at the offices of the Victorian WorkCover Authority, Ground Level, 222 Exhibition Street, Melbourne.

Copies of these documents were provided to the Clerk of the Parliaments on 22 July 2014.

Dated 13 August 2014

GORDON RICH-PHILLIPS MLC  
Assistant Treasurer

**Land Acquisition and Compensation Act 1986**

## FORM 7

S. 21(a)  
Reg. 16

## Notice of Acquisition

## Compulsory Acquisition of Interest in Land

Barwon Region Water Corporation of 61–67 Ryrie Street, Geelong, Victoria 3220, declares that by this notice it acquires the following interest in the land described as 39 Green Tent Road, Meredith, being more particularly described as Certificate of Title Volume 8941 Folio 085:

An easement for water supply purposes over that part of the land comprised in Certificate of Title Volume 8941 Folio 085 which is shown as E-1 comprising 1.301 hectares on Plan for Creation of Easement dated 23 April 2014, a copy of which is available for perusal at the offices of Barwon Region Water Corporation at 61–67 Ryrie Street, Geelong.

Published with the authority of Barwon Region Water Corporation.

For and on behalf of  
Barwon Region Water Corporation

Signed PAUL RAWSON  
(Authorised officer of the Authority)

Name and Paul Rawson  
Position Deputy Secretary

Dated 28 August 2014

**Land Acquisition and Compensation Act 1986**

## FORM 7

S. 21(a)  
Reg. 16

## Notice of Acquisition

## Compulsory Acquisition of Interest in Land

Barwon Region Water Corporation of 61–67 Ryrie Street, Geelong, Victoria 3220, declares that by this notice it acquires the following interest in the land described as 514 Lower Plains Road, Lethbridge, being more particularly described as Certificate of Title Volume 9481 Folio 106:

An easement for water supply purposes over that part of the land comprised in Certificate of Title Volume 9481 Folio 106 which is shown as E-1 comprising 2426 square metres on Plan

for Creation of Easement dated 23 April 2014, a copy of which is available for perusal at the offices of Barwon Region Water Corporation at 61–67 Ryrie Street, Geelong.

Published with the authority of Barwon Region Water Corporation.

For and on behalf of  
Barwon Region Water Corporation

Signed PAUL RAWSON  
(Authorised officer of the Authority)

Name and Paul Rawson  
Position Deputy Secretary

Dated 28 August 2014



**Geelong**  
**Regional Library**  
CORPORATION

Notice is hereby given that Geelong Regional Library Corporation (GRLC) resolved, at its Board meeting on 11 August 2014, to make Local Law No. 1 Meeting Procedures and Local Law No. 2 Library Services in accordance with section 119 of the **Local Government Act 1989**.

The purpose of the Local Law No. 1 Meeting Procedures is to:

- provide for the administration of the Corporation's powers and functions;
- regulate and control the use of the Common Seal of the Corporation;
- regulate and the election of Chairperson and Deputy Chairperson; and
- regulate and control the procedures of meetings of the Corporation.

The purpose of the Local Law No. 2 Library Services is to regulate the management and control of library services provided by the Geelong Regional Library Corporation.

The Local Laws are made under section 119 of the Act and will operate throughout the Geelong Regional Library Corporation (GRLC) and came into operation 11 August 2014. Copies of the Local Laws are available at all GRLC Libraries and website, [www.grlc.vic.gov.au](http://www.grlc.vic.gov.au)

PATTI MANOLIS  
Chief Executive Officer

**Mineral Resources (Sustainable Development) Act 1990**

## DEPARTMENT OF STATE DEVELOPMENT, BUSINESS AND INNOVATION

## Exemption of Land from a Licence

I, David Boothroyd, Manager Earth Resources Tenements, pursuant to section 7 of the **Mineral Resources (Sustainable Development) Act 1990** and under delegation from the Minister for Energy and Resources, hereby exempt all that Crown land situated within the boundaries of exploration licence applications 5480 and 5497 from being subject to a licence application under the **Mineral Resources (Sustainable Development) Act 1990**.

Dated 19 August 2014

DAVID BOOTHROYD  
Manager Earth Resources Tenements  
Earth Resources Regulation Victoria

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**National Parks Act 1975**BARMAH NATIONAL PARK – NOMINATION OF FIREWOOD COLLECTION AREAS –  
SPRING 2014 FIREWOOD COLLECTION SEASON

I, Craig Stubbings, Regional Director Northern Victoria, Parks Victoria, under paragraph 6 of the ‘Determination of conditions and times for firewood collection in Barmah National Park’ published in the Government Gazette No. S 68 on 4 March 2013, nominate as firewood collection area for the Spring 2014 firewood collection season the area shown delineated and coloured black on the designated area plan and numbered as follows:

- 105/519/0009 (known as Tongalong).

**Definitions**

In this nomination:

- (a) **Spring 2014 firewood collection season** means the period from 1 September 2014 until 30 November 2014 (inclusive);
- (b) **designated area plan** means the plan lodged in the Central Plan Office of the Department of Environment and Primary Industries and numbered LEGL./09-372.

**Notes**

1. The designated area plan may be obtained from the Central Plan Office of the Department of Environment and Primary Industries – see <<https://www.landata.vic.gov.au/tpc/>>.
2. There are no firewood collection areas open outside the determined firewood collection seasons.

Dated 21 August 2014

CRAIG STUBBINGS  
Regional Director Northern Victoria  
Parks Victoria

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**Pipelines Act 2005**

## SECTION 70

## Significant Alteration To Authorised Route

PIPELINE LICENCE NUMBER	PL101
NAME(S) OF LICENSEE(S)	APA GasNet Australia (Operations) Pty Ltd
ADDRESS(ES) OF LICENSEE(S)	180 Greens Road Dandenong, Victoria 3175
DESCRIPTION OF EXISTING AUTHORISED ROUTE	<ol style="list-style-type: none"> <li>1. The pipeline commences at the Keon Park offtake with a 600 mm nominal bore and heads north for 14.1 km to the Wollert Compressor Station. It then continues north for 269.4 km with a 300 mm nominal bore terminating at the Wodonga City Gate. The pipeline also includes a 34.5 km lateral with a 200 mm nominal bore from the Euroa City Gate to the Shepparton City Gate, a 27.8 km looping with a 400 mm nominal bore between Wollert and Wandong and a 33.6 km (400 mm diameter) looping of the existing 300 mm diameter pipeline between Longwood and Violet Town.</li> <li>2. The overall length of the pipeline is approximately 379.4 km.</li> </ol>
ALTERATION	<p>As from today:</p> <ol style="list-style-type: none"> <li>2. The authorised route of the pipeline is altered to construct a 33 km (400 mm diameter) looping of the existing 300 mm diameter pipeline between Mangalore and Longwood.</li> <li>3. The authorised route of the pipeline is delineated by the red and green lines depicted on Drawing Numbers A6-101-1 Rev L, A6-101-2 Rev G, A6-101-3 Rev G, A6-101-4 Rev D, A6-101-5 Rev D, A6-101-6 Rev J, A6-101-7 Rev D, A6-101-8 Rev D, A6-101-9 Rev D, A6-101-10 Rev D, A6-101-11 Rev G, A6-101-12 Rev H, A6-101-13 Rev D and A6-101-14 Rev F and replace all existing drawings.</li> </ol>

**CONDITIONS:**

As from today the conditions of Pipeline Licence PL101 are revoked and replaced with the following conditions:

1. The pipeline shall have the following features:
  - a. Maximum Allowable Operating Pressure:
    - Line 1 – 2,760 kPa
    - Line 2 – 8,800 kPa (KP 00 to KP 123.6)
    - Line 3 – 7,400 kPa (KP 123.6 to KP 269.4)
    - Line 4 – 7,400 kPa
    - Line 5 – 15,300 kPa
  - b. Contents: Gaseous hydrocarbons

- c. Internal diameter: 200 mm for a length of 34.5 km  
 Internal diameter: 300 mm for a length of 269.4 km  
 Internal diameter: 400 mm for a length of 94.4 km  
 Internal diameter: 600 mm for a length of 14.1 km
- d. Overall length – 412.4 km

Dated 21 August 2014

ANDREW RADOJKOVIC  
 Acting Executive Director, Earth Resources Regulation  
 Delegate of the Minister for Energy and Resources

**Pipelines Act 2005**

SECTION 63

Amendment of Licence Conditions

PIPELINE LICENCE NUMBER	PL277
NAME(S) OF LICENSEE(S)	Orica Australia Pty Ltd
ADDRESS(ES) OF LICENSEE(S)	Level 3 1 Nicholson Street Melbourne, Victoria 3000
DESCRIPTION OF AMENDMENT	<ol style="list-style-type: none"> <li>1. The length of the pipeline has been updated to 895 metres as a result of the length of the pipeline being resurveyed.</li> <li>2. The diameter of the pipeline has been changed from internal to nominal.</li> </ol>

**CONDITIONS:**

As from today the conditions of Pipeline Licence PL277 are revoked and replaced with the following conditions:

1. The pipeline shall have the following features:
  - a. Maximum Allowable Operating Pressure: 6.8 bar
  - b. Contents: Sulphuric acid
  - c. Length: 895 metres
  - d. Nominal diameter: 250 mm and 300 mm

Dated 21 August 2014

ANDREW RADOJKOVIC  
 Acting Executive Director, Earth Resources Regulation  
 Delegate of the Minister for Energy and Resources

**Road Safety Act 1986**

DECLARATION UNDER SECTION 99B(4) IN RELATION TO NON-ROAD ACTIVITIES  
ON ROADS WITHIN THE SHIRES OF SURF COAST SHIRE AND COLAC OTWAY SHIRE  
FOR 2014 AMY'S GRAN FONDO HELD ON  
SATURDAY 13 SEPTEMBER 2014 AND SUNDAY 14 SEPTEMBER 2014

**1 Purpose**

The purpose of this Declaration is to exempt participants in the 2014 Amy's Gran Fondo from specified provisions of the **Road Safety Act 1986** and regulations under that Act with respect to the Event, which is a non-road activity to be conducted in Lorne, Skenes Creek, Tanybryn, Forrest, Murroon, Pennyroyal, Deans Marsh and Benwerrin.

**2 Authorising provision**

This notice is made under section 99B(4) of the **Road Safety Act 1986**. Section 99B(4) provides that the Minister may, on the application of a person proposing to conduct a non-road activity on a highway, by notice published in the Government Gazette, declare that specified provisions of the **Road Safety Act 1986** and of the regulations made under that Act do not apply with respect to the non-road activity specified in the notice during the period specified in the notice.

**3 Commencement**

This notice takes effect on Saturday 13 September 2014 at 3.30 pm once the road is declared closed by Victoria Police.

**4 Expiry**

This notice expires on Sunday 14 September 2014 at 3.30 pm.

**5 Definitions**

In this notice, unless the context or subject-matter otherwise requires –

- a) 'Event' means the 2014 Amy's Gran Fondo, to be held on Saturday 13 September 2014 and finishes on Sunday 14 September 2014; and
- b) 'Participants' means participants in the Event, including officers, members and authorised agents of the 2014 Amy's Gran Fondo, whose presence is reasonably required to ensure the safe conduct of the Event.

**6 Declaration**

I, Steve Brown, as delegate of the Minister for Roads, under section 99B(4) of the **Road Safety Act 1986** declare that the provisions of the **Road Safety Act 1986** and regulations specified in Table 1 do not apply to Participants engaged in activities forming part of the Event on the highway specified in column 1 of Table 2 on the date and during the period specified in column 2 of Table 2.

**Table 1**

**Provisions of the Road Safety Act 1986 and regulations under that Act  
that do not apply to participants in the Event**

**Road Safety Act 1986**

ALL
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**Road Safety Road Rules 2009**

ALL
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**Road Safety (Vehicles) Regulations 2009**

ALL
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**Table 2****Saturday 13 September 2014**

<i>Column 1</i> <b>Highway</b>	<i>Column 2</i> <b>Date and time</b>
Bay Street between Great Ocean Road (Mount Joy Parade) and Charles Street, Lorne	Saturday 13 September 2014 between the hours of 3.30 pm to 7.30 pm

**Sunday 14 September 2014**

<i>Column 1</i> <b>Highway</b>	<i>Column 2</i> <b>Date and time</b>
Great Ocean Road (Mount Joy Parade) between Grove Road and Bay Street, Lorne	Sunday 14 September 2014 between the hours of 7.00 am to 9.30 am
Great Ocean Road between Bay Street, Lorne and Skenes Creek Road, Skenes Creek	Sunday 14 September 2014 between the hours of 7.00 am to 11.30 am
Skenes Creek Road between Great Ocean Road, Skenes Creek and Beech Forrest Road (Turtons Track), Tanybryn	Sunday 14 September 2014 between the hours of 8.00 am to 1.00 pm
Forrest Apollo Bay Road between Beech Forrest Road (Turtons Track), Tanybryn and Colac Forrest Road, Forrest	Sunday 14 September 2014 between the hours of 8.00 am to 1.00 pm
Birregurra–Forest Road between Colac–Forest Road, Forrest and Division Road, Murroon	Sunday 14 September 2014 between the hours of 9.00 am to 2.00 pm
Division Road (Local) between Birregurra–Forrest Road, Murroon and Murroon Road, Pennyroyal	Sunday 14 September 2014 between the hours of 9.00 am to 2.00 pm
Murroon Road (Local) between Division Road, Murroon and Pennyroyal Station Road, Pennyroyal	Sunday 14 September 2014 between the hours of 9.00 am to 2.00 pm
Pennyroyal Station Road (Local) between Murroon Road, Pennyroyal and Bushes Road, Deans Marsh	Sunday 14 September 2014 between the hours of 9.00 am to 2.00 pm
Bushes Road (Local) between Pennyroyal Station Road, Pennyroyal and Birregurra–Deans Marsh Road, Deans Marsh	Sunday 14 September 2014 between the hours of 9.00 am to 2.00 pm
Birregurra–Deans Marsh Road between Bushes Road, Deans Marsh and Deans Marsh–Lorne Road, Deans Marsh	Sunday 14 September 2014 between the hours of 9.30 am to 3.30 pm
Deans Marsh–Lorne Road between Deans Marsh Road and Neade Street	Sunday 14 September 2014 between the hours of 9.30 am to 3.30 pm

Dated 19 August 2014

STEVE BROWN  
Executive Director  
Roads Corporation

## SUBORDINATE LEGISLATION ACT 1994 GUIDELINES

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## INTRODUCTION

The **Subordinate Legislation Act 1994** ('the Act') governs the preparation and making of statutory rules and legislative instruments in Victoria. Section 26(1) of the Act provides that the Minister administering the Act may make guidelines for or with respect to:

- the preparation, content, publication and availability of statutory rules and legislative instruments; and
- the procedures to be implemented and the steps to be undertaken for the purpose of ensuring consultation, co-ordination and uniformity in the preparation of statutory rules and legislative instruments.

Section 26(2) requires the Guidelines to deal with the matters in Schedule 1 to the Act.

The Act imposes obligations on responsible Ministers to comply with the Guidelines in matters such as consultation and in the preparation of regulatory impact statements ('RISs'). Thus, it is necessary for officers to familiarise themselves with both the Act and the Guidelines to properly inform their Minister of his or her responsibilities under the Act.

Ultimately, responsibility for decisions concerning statutory rules and legislative instruments lies with the responsible Minister. Failure to comply with the Act and the Guidelines may result in an adverse report from the Scrutiny of Acts and Regulations Committee ('SARC').

In exercising responsibilities and making judgements under the Act, officers should also draw on other relevant material such as the *Victorian Guide to Regulation*, the Subordinate Legislation (Legislative Instruments) Regulations 2011 ('the Regulations') and reports of SARC.

### Definitions

The definitions set out in section 3 of the Act apply to terms used in these Guidelines.

For example, 'statutory rule' and 'legislative instrument' are defined in section 3 of the Act. The definition of 'legislative instrument' does not include instruments of purely administrative character. Section 3(2) of the Act provides examples of instruments which are of purely administrative character. For further guidance on the definition of legislative instrument, see Part 1 of these Guidelines.

The distinction between 'the Minister', meaning the Minister administering the Act, and 'the responsible Minister' (the Minister administering the Act or statutory rule under which a statutory rule or legislative instrument is proposed to be made) should be borne in mind when reading both the Act and these Guidelines to ensure that the appropriate Minister complies with both as required.

The Guidelines use the term 'agency' rather than 'department'. Although it will largely be officers within government departments who are concerned with making statutory rules and legislative instruments, statutory bodies may also be responsible for preparing and making these instruments. Therefore, the Guidelines use the term 'agency', to capture all relevant bodies.

### Mandatory and good practice requirements

The Act imposes some mandatory requirements on responsible Ministers, such as the requirement for consultation under sections 6 (statutory rules) and 12C (legislative instruments) and the requirement to prepare a RIS under sections 7 (statutory rules) and 12E (legislative instruments) (unless an exemption provision applies). These Guidelines expand on those requirements.

The Guidelines also include other relevant matters to assist agencies and responsible Ministers to observe good practice in regulation-making.

### Further assistance

If you have any queries in relation to the Guidelines and the Act, please contact the Department supporting the Minister administering the Act.

The Office of the Chief Parliamentary Counsel ('OCPC') settles all statutory rules. Therefore, agencies should consult OCPC when developing proposed statutory rules. Agencies should also refer to OCPC's *Notes for Guidance on the Preparation of Statutory Rules* (April 2011).

**PART 1****WHAT IS A STATUTORY RULE OR LEGISLATIVE INSTRUMENT?**

1. The Act imposes requirements on the preparation and making of statutory rules and legislative instruments. Instruments that do not fall within these two categories, such as instruments that are purely administrative, are not subject to these requirements. Therefore, it is important to determine what type of instrument will be made and which requirements must be met.
2. In many cases, the responsible Minister will not be able to choose what type of instrument he or she wishes to make. Statutory rules and legislative instruments can only be made where there is power to make them under the authorising Act or statutory rule. Therefore, the type of instrument to be made will be dictated by the provisions of the authorising Act or statutory rule. However, in some cases it may be possible to achieve the same objectives through alternative, non-legislative means (see Part 2, Division 3 of these Guidelines).

**Statutory rules**

3. Section 3 of the Act provides an exhaustive definition of 'statutory rule'. If the proposed instrument does not fall within the definition, it is not a statutory rule.
4. Unless otherwise indicated in the instrument's authorising Act, if an instrument is not a statutory rule it will not be subject to the requirements that apply to statutory rules under the Act.

**Legislative instruments**

5. From 1 July 2011, the Act was extended to impose new requirements for making legislative instruments. When making instruments agencies will need to consider whether the instrument is a legislative instrument within the meaning of the Act, and therefore subject to these requirements.
6. Under the definition of 'legislative instrument' in section 3 of the Act, an instrument can only be a legislative instrument if it is of legislative character and is made under an Act or statutory rule.
7. The definition of legislative instrument is non-exhaustive, but excludes certain types of instruments, including instruments of a purely administrative character. Section 3(2) of the Act sets out a non-exhaustive list of instruments that are of a purely administrative character.
8. In deciding whether an instrument is a legislative instrument for the purposes of the Act, agencies should consult the Regulations. The Regulations prescribe certain instruments as follows:
  - Schedule 1 – instruments prescribed not to be legislative instruments (not subject to the Act's requirements);
  - Schedule 2 – instruments prescribed to be legislative instruments (subject to the Act's requirements); and
  - Schedule 3 – instruments prescribed to be legislative instruments that are exempt from most of the Act's requirements.
9. Whether an instrument is of a legislative character must be considered case by case. In most cases, the answer will be clear.
10. Schedules 1 and 2 of the Regulations aim to provide certainty for agencies where it may be unclear whether an instrument is a legislative instrument. The Regulations do not contain exhaustive lists of all instruments made in Victoria.
11. Where it is unclear whether an instrument is a legislative instrument under the Act, agencies should take into account all relevant considerations in determining legislative character. The factors outlined below are examples of the sorts of considerations that might be relevant. The factors are not all equally important. Further, the list is indicative only and is not an exhaustive checklist.

12. Where the question of legislative character is unclear, agencies may choose to seek legal advice before making a final decision.

### **Possible factors to consider when determining legislative character**

#### *General or limited application*

13. This factor can be a strong indicator of legislative character. Where an instrument is of general application or determines a general rule, it is more likely to be legislative in character. This can be contrasted to the situation where an instrument applies a rule to particular facts. Instruments which apply in this way are more likely to be administrative in character.
14. For example, Part 2 of the **Safety on Public Land Act 2004** allows the Secretary to declare an area of State forest to be a public safety zone. A declaration may prohibit certain activities in this zone. Such a declaration has general application, as it applies generally within the specified zone. This suggests that the instrument may be of a legislative character.

#### *Mandatory compliance*

15. This may be another key factor in assessing legislative character. Legislative instruments are generally binding in nature. They require mandatory rather than voluntary compliance. Whether an instrument requires mandatory compliance can be determined by looking at the words used in the instrument.
16. Also, if the instrument allows sanctions to be imposed, or if failure to comply with the instrument triggers an offence or penalty, the instrument is more likely to be legislative.
17. For example, a declaration of a public safety zone under Part 2 of the **Safety on Public Land Act 2004** may prohibit certain activities in that zone. The word 'prohibition' indicates that the instrument is mandatory, as does the creation of an offence under section 13 of that Act for non-compliance with the declaration.
18. While mandatory codes of conduct are likely to be legislative instruments, voluntary codes of conduct are unlikely to be legislative. Similarly, non-binding guidelines and Codes of Practice are unlikely to be legislative instruments for the purposes of the Act.

#### *Disallowance by Parliament*

19. Where an instrument's authorising Act or statutory rule expressly grants Parliament power to disallow it, it is more likely to be of legislative character.

#### *Wide public consultation requirements*

20. A requirement to consult broadly during the development of an instrument may indicate that it is of a legislative character.
21. For example, under the **Environment Protection Act 1970**, extensive consultation must be undertaken before declaring or varying a State environment protection policy or a waste management policy. Consultation must be with all affected government departments and statutory authorities, and a draft policy and impact assessment must be published. The requirement for such rigorous consultation suggests that the policies are of a legislative character.

#### *Breadth of policy considerations*

22. Where the instrument maker must consider a broad range of issues when making an instrument, this suggests it is of legislative character.
23. For example, under section 69 of the **Fisheries Act 1995**, the Governor in Council may declare particular marine life to be protected. In determining whether such a declaration should be made, there are likely to be social, economic and environmental considerations. The breadth of these issues points towards the instrument being of a legislative character.

#### *Control over variation of the instrument*

24. If the instrument cannot be varied or controlled by another part of the executive (other than the instrument-maker), this suggests that the instrument may be of a legislative character.

25. For example, section 27 of the **Biological Control Act 1986** grants the Victorian Biological Control Authority power to declare an organism to be an 'agent organism' for the purpose of that Act. Such a declaration cannot be controlled or varied by any other part of the executive, including the responsible Minister. This supports the view that the declaration may be of a legislative character.

*No merits review process*

26. Administrative instruments often affect individuals rather than the general public. For example, a permit or an instrument of appointment is an administrative instrument relating to the specific permit-holder or appointee.
27. Where an administrative instrument is made it is common for there to be a merits review process available, to allow the individual to apply for the review of a decision that affects them personally. Merits review for administrative instruments might involve a right to internal review, or a right to appeal to the Victorian Civil and Administrative Tribunal ('VCAT'). Such reviews involve an assessment of the original decision.
28. By contrast, there is generally no merits review process available for legislative instruments. Legislative instruments might be subject to other types of review (in particular, a review to determine whether an instrument was made unlawfully). However, there is generally no process to consider whether the decision to make an instrument was the right decision to make in the circumstances.
29. For example, there is no provision for internal review or appeal to VCAT after the Governor in Council has declared particular marine life to be protected under section 69 of the **Fisheries Act 1995** (referred to above). This supports the view that such a declaration is a legislative instrument.

*The instrument must be published*

30. A requirement that an instrument be published is an indicator of legislative character.

**PART 2****WHEN TO MAKE A STATUTORY RULE OR LEGISLATIVE INSTRUMENT****DIVISION 1 – JUSTIFYING THE NEED FOR A STATUTORY RULE OR LEGISLATIVE INSTRUMENT**

31. Before deciding to make a statutory rule or legislative instrument, agencies should ensure the authorising Act or statutory rule provides power to make the instrument. Statutory rules and legislative instruments can only cover matters which are permitted by their authorising Act or statutory rule and must be consistent with the purposes and objectives of that Act.
32. A matter may be included in a statutory rule where:
  - the authorising Act allows for its inclusion, for instance by use of the word ‘prescribed’;
  - the authorising Act specifically provides power to make regulations with respect to that matter.
33. A matter may be included in a legislative instrument where an Act or statutory rule provides the power to make an instrument which would be of a legislative character.
34. Where the Act requires preparation of a RIS for the proposed statutory rule or legislative instrument (see Part 3, Division 3 of these Guidelines), the RIS should assess the economic, social and environmental costs and benefits of the proposal. Where a RIS is not required, agencies should still ensure the proposed instrument can be justified before it is made. Agencies should also consider the principles of good regulatory design as described in Toolkit 1 of the *Victorian Guide to Regulation*.

**DIVISION 2 – WHAT SHOULD BE INCLUDED IN A STATUTORY RULE OR LEGISLATIVE INSTRUMENT?**

35. Statutory rules and legislative instruments can be effective policy tools. Government can use them to achieve a range of policy objectives. For example, they can be used to:
  - control how government agencies exercise power;
  - prevent or reduce activity which is harmful to business, the environment or to other people;
  - control the activities of companies or individuals that are in a position to exercise market power;
  - ensure that people engaged in certain occupations maintain a requisite level of knowledge and competence;
  - impose mandatory codes of conduct;
  - fix fees such as registration or application fees;
  - respond to emergencies such as power supply failures or pest and disease outbreaks;
  - protect consumers from harmful products; and
  - define rights, entitlements or obligations.
36. The level of regulation required will depend on the circumstances. For example statutory rules and legislative instruments may:
  - impose a total prohibition on an activity;
  - restrict the carrying out of an activity by regulating those who engage in the activity or imposing conditions and limitations on the activity;
  - create an obligation to do something;
  - encourage organisations and individuals to consider the effects of their activities on the community and the environment and modify their activities accordingly; or
  - make provision for a code of practice (‘codes of conduct’).

37. When considering the use of subordinate legislation to address a regulatory need, agencies and responsible Ministers should bear in mind that all statutory rules and legislative instruments must be made within the scope of the power conferred by the principal legislation or statutory rule.
38. Agencies or Ministers may identify the need for a statutory rule or legislative instrument where there is a specific problem that needs to be addressed. Alternatively, key stakeholders such as business and community groups may identify problems or areas for improvement. Statutory rules and legislative instruments may be new initiatives or amendments to existing regimes.

### **Types of regulation**

39. Methods of regulating activities include:
  - primary legislation (Acts);
  - subordinate legislation (e.g. statutory rules and legislative instruments);
  - voluntary codes of conduct or self regulation; and
  - administrative practices.
40. When deciding whether to make a statutory rule or legislative instrument, agencies and responsible Ministers should consider if primary or subordinate legislation is the most appropriate way of achieving their objective, or if a legislative approach is appropriate at all.
41. Primary legislation is usually drafted in general rather than specific terms to avoid the need for frequent amendments. Matters of detail liable to frequent change should be dealt with by subordinate legislation rather than primary legislation where possible. However, the general rule is that matters of policy and general principle should be reserved to primary legislation.
42. Where authorised by primary legislation, subordinate legislation may deal with matters such as enforcement of the primary (authorising) Act, its administration or implementation. Subordinate legislation must be consistent with the general objectives of the authorising Act or statutory rule. Statutory rules and legislative instruments are often used to provide for the detailed components of a legislative scheme. However, they cannot add new aims or ideas unless expressly authorised to do so.
43. The following matters should be dealt with in primary rather than subordinate legislation:
  - matters of substance or important procedural matters (particularly where they also affect individual rights and liberties – e.g. provisions that reverse the onus of proof or certify evidentiary matters);
  - matters relating to a significant question of policy, including the introduction of new policy or fundamental changes to existing policy;
  - matters which have a significant impact on individual rights and liberties (e.g. powers of entry and search, arrest warrants, seizure and forfeiture), or which deal with property rights or traditional liberties and freedoms;
  - matters imposing significant criminal penalties (such as fines exceeding 20 penalty units or imprisonment); and
  - provisions imposing taxes.
44. By contrast, the following are more appropriately dealt with by subordinate legislation:
  - matters relating to detailed implementation of the policy reflected in the authorising Act;
  - prescribing fees to be paid for various services;
  - prescribing forms for use in connection with legislation;
  - prescribing processes for the enforcement of legal rights and obligations; and
  - times within which certain steps should be taken.

45. Alternative (non-legislative) means of achieving the regulatory objectives are discussed at Part 2, Division 3 of these Guidelines.

#### **Setting of performance standards**

46. Where it is proposed that a statutory rule or legislative instrument set performance standards rather than prescribing detailed requirements, agencies and responsible Ministers should consider which of these approaches is most appropriate to achieve the regulatory objectives.
47. Drafting officers should first refer to the terms of the authorising Act or statutory rule to determine that either approach is allowed for under the authorising Act or statutory rule.
48. If the authorising Act or statutory rule allows either approach, agencies should assess the advantages and disadvantages of each, including the cost of different regulatory structures and their effectiveness in achieving the objectives. Toolkit 1 of the *Victorian Guide to Regulation* provides more detail on relevant factors.
49. The responsible Minister will be aware of the nature of the relevant industry and the general risks associated with the different regulatory approaches. Consultation with industry groups and other stakeholders on a proposed statutory rule or legislative instrument will help to identify these advantages and disadvantages more specifically.

#### **DIVISION 3 – ALTERNATIVE MEANS OF ACHIEVING OBJECTIVES**

50. Statutory rules and legislative instruments have advantages and disadvantages. For example, they are usually quicker to implement than primary legislation, but are more inflexible than other mechanisms such as voluntary codes of conduct or administrative controls.
51. In most cases, when a responsible Minister is considering making a statutory rule or legislative instrument, the authorising Act or statutory rule will dictate what kind of instrument may be created. For example, where the authorising legislation provides for fees to be prescribed in statutory rules, there may be no discretion to set those fees by another method.
52. In these circumstances, the responsible Minister should consider whether a statutory rule or legislative instrument is the best way to achieve the objective. When developing options for regulation, agencies should refer to Toolkit 1 of the *Victorian Guide to Regulation*, which sets out the characteristics of good regulatory design.
53. Alternatives to subordinate legislation include:
- providing better information to affected groups to raise awareness of their rights and/or obligations;
  - introducing voluntary codes of conduct (see below for the distinction between voluntary and mandatory codes);
  - expanding the coverage of existing primary legislation;
  - encouraging organisations and individuals to consider the impact of their activities on the community and the environment;
  - establishing a code of practice for the conduct of an activity; and
  - developing efficient markets where these would deal with the issue.

#### **Codes of conduct**

54. Codes of conduct are usually employed to incorporate large bodies of technical specifications or to provide guidance on compliance with generally worded ‘performance based’ regulation. They can be voluntary or compulsory in nature. Compulsory codes of practice are likely to be legislative instruments and therefore subject to the requirements of the Act.
55. Self-regulatory codes can be an effective alternative to statutory rules and legislative instruments because they can educate and provide information to consumers and traders without adding to business costs.

## DIVISION 4 – FORMULATION AND INCLUSION OF OBJECTIVES

56. Before proceeding with a proposed statutory rule or legislative instrument, agencies and responsible Ministers should consider the intended objectives and the reasons for those objectives. It is important that these be clearly defined and formulated to ensure that:
- they are reasonable and appropriate for the intended level of regulation;
  - they can be clearly and succinctly set out;
  - they conform with the objectives, principles, spirit and intent of the authorising Act or statutory rule;
  - they are not inconsistent with the objectives of other legislation, subordinate legislation and stated government policies; and
  - any associated costs or disadvantages are not greater than the benefits or advantages.
57. Sections 10(1)(a) (statutory rules) and 12H(1)(a) (legislative instruments) of the Act require a statement of the objectives of a proposed statutory rule or legislative instrument to be included in the associated RIS. All proposed statutory rules and legislative instruments which require a RIS must comply with this requirement.

**Inclusion of objectives in a statutory rule**

58. The text of a statutory rule includes a statement of its intent and objectives. In addition, section 13 of the Act requires proposed statutory rules to be submitted to the Chief Parliamentary Counsel for the issue of a section 13 certificate.
59. Section 13 certificates specify, among other things, that the proposed statutory rule appears to be consistent with and to achieve the objectives set out in the proposed statutory rule. A clear statement of the objectives is therefore required so that the Chief Parliamentary Counsel can ensure that a section 13 certificate can be given on what appears on the face of the statutory rule.
60. The objectives stated in the statutory rule itself are likely to differ from those included in the RIS. RIS objectives should be stated in terms of ends (outcomes), rather than means. Statutory rules take a more narrow approach, stating the objectives of the statutory rule itself (i.e. the statutory rule provides the means for a change, which allows the wider policy outcomes to be achieved).
61. A clear statement of the effect of a proposed statutory rule must also be included in the Explanatory Memorandum that must accompany all proposed statutory rules submitted to the Governor in Council. The form of the Explanatory Memorandum is discussed in Part 3, Division 5 of these Guidelines.
62. There is no general requirement to include a statement of objectives in legislative instruments or obtain a certificate from the Chief Parliamentary Counsel. However, agencies should still consider the objectives of the proposal. This is the case even where a RIS is not required. The *Victorian Guide to Regulation* provides further advice on the rationale for, and development of, policy objectives (Toolkit 1).

**PART 3****MAKING A STATUTORY RULE OR LEGISLATIVE INSTRUMENT****DIVISION 1 – CONSULTATION PRIOR TO THE RIS PROCESS**

63. The Act generally requires proposed statutory rules and legislative instruments to undergo two separate consultation processes. The first is initial consultation, which happens in the early stages of policy development. This ensures the responsible Minister identifies other Ministers, agencies and stakeholders who will be affected by the proposed changes and take into account the impact the proposed statutory rule or legislative instrument is likely to have on those groups.
64. The second consultation process is formal public consultation. Where a RIS has been prepared, this happens following the public release of the proposed statutory rule or legislative instrument along with its RIS. This process gives members of the public the opportunity to comment on the proposed instrument before it is made. Public consultation is discussed at Part 3, Division 4 of these Guidelines.
65. Appropriate consultation is important in deciding whether a statutory rule or legislative instrument should be made and, if so, the objectives it will aim to achieve.
66. The nature and degree of consultation that is appropriate for any particular statutory rule or legislative instrument will vary with the nature of the subordinate legislation. However, in all cases instrument makers must comply with the consultation requirements imposed by the Act.

**Initial consultation**

67. Sections 6 (statutory rules) and 12C (legislative instruments) of the Act require consultation to occur in accordance with these Guidelines. Where initial consultation is required, it must take place before the RIS is prepared and before the statutory rule or legislative instrument is released for public consultation.
68. As a general rule, initial consultation is required for all proposed statutory rules and legislative instruments, even where the responsible Minister anticipates there will be no significant burden imposed. However, initial consultation will not be required where the responsible Minister proposes to make:
  - a legislative instrument that is prescribed under the Regulations as being exempt from Part 2 of the Act; or
  - an extension regulation under section 5A of the Act.
69. Part 3, Division 2 of these Guidelines sets out a number of additional circumstances in which initial consultation will not be required for a proposed statutory rule or legislative instrument that will be exempted under sections 8 or 9 (statutory rules) or sections 12F or 12G (legislative instruments) of the Act. However, in some cases initial consultation will be needed for exempt instruments as the consultation will assist in determining whether an exemption should, in fact, apply.
70. Among other things, the initial consultation should ensure that the need for, and the scope of, the proposed statutory rule or legislative instrument is presented for consideration by those affected. The type of the proposed regulation should also be presented at this stage of consultation and alternative means of achieving the objectives discussed.
71. During initial consultation, the responsible Minister must consult with:
  - any other Minister whose area of responsibility may be affected by the proposed statutory rule or legislative instrument; and
  - any sector of the public on which a significant economic or social burden may be imposed by the proposed statutory rule or legislative instrument.

*Initial consultation with other Ministers – sections 6(a) and 12C(a)*

72. The responsible Minister must ensure that there is consultation in accordance with these Guidelines with any other Minister whose area of responsibility may be affected by a proposed statutory rule or legislative instrument. The aim of the consultation is to avoid any overlap or conflict with any other existing or proposed legislation, statutory rule or legislative instrument.
73. Ministers considering a new regulatory initiative, a change to an existing regulatory regime or the re-enactment of that regime should therefore identify areas of responsibility of another Minister or agency which may be affected by the proposed statutory rule or legislative instrument. It is important to seek the views of those who may be affected by the proposal or the policy position it represents. This consultation should occur early in the development of policy options, to avoid any potential overlaps or conflicts before the proposal becomes significantly developed.
74. Consultation between Ministers and agencies under sections 6(a) (statutory rules) and 12C(a) (legislative instruments) should take place prior to the initial consultation with external public stakeholders under sections 6(b) (statutory rules) and 12C(b) (legislative instruments). This ensures a whole of Victorian Government perspective is achieved before consulting external stakeholders.

*Initial consultation with the public – sections 6(b) and 12C(b)*

75. The responsible Minister must ensure that there is consultation in accordance with these Guidelines with any sector of the public on which a significant economic or social burden may be imposed by a proposed statutory rule or legislative instrument. This may include, for example, business groups, community groups, special interest groups and local government.
76. When making an initial assessment of whether a significant burden may be imposed, only potential costs or negative impacts (the burden) should be assessed. While relevant at other stages in the RIS process, the benefits of a proposal do not change the significance of the burden it imposes and one cannot be offset against the other at this stage of development.
77. In addition, costs and benefits may not fall equally on the same groups. This highlights the importance of ensuring groups upon whom a significant burden may be imposed are consulted as part of the process, as they may not benefit from the final regulation. See Part 4 of these Guidelines in relation to what constitutes a significant burden.
78. It is important that all relevant costs and benefits are identified. It is particularly important to ensure indirect costs and benefits which may not be readily apparent are identified early in the policy development process.
79. To assist in ensuring that all effects are identified, it is helpful to consider in turn the impact of the proposed statutory rule or legislative instrument on:
  - individuals directly affected by the regulation;
  - particular industries and sectors directly affected; and
  - the economy and the community more broadly.
80. There are many benefits of effective consultation with business and members of the public who are affected by a proposed statutory rule or legislative instrument. For example, these stakeholders can:
  - play an important role in identifying and considering alternative methods of achieving the stated objectives. People involved in a particular industry can build up a wealth of knowledge about its historical development, current operation and future direction and the interrelationships with other industries and economic activities;
  - greatly assist in the identification of innovative techniques for dealing with the particular community concerns about the industry. Submissions that provide further relevant information on alternatives to a regulatory proposal should always be considered carefully;

- have extensive knowledge about the costs of regulatory proposals. For example a firm may be able to estimate the impact of a new statutory rule or legislative instrument on the cost of its operations. This kind of information greatly assists in evaluating the alternatives; and
  - gain a better understanding of how the regulatory framework will actually function and how it will be enforced, which can help promote a culture of compliance ahead of the regulations being introduced.
81. It is only possible to state that the proposed statutory rule or legislative instrument will yield the maximum net benefit if all the relevant effects have been identified and assessed. The question of net benefit is distinct from the question of whether the statutory rule or legislative instrument would impose a significant burden (see Part 4 of these Guidelines).
82. While every effort should be made to identify all effects prior to initial consultation, ensuring proper consultation with all those who may be affected may reveal effects which would otherwise not be identified.

#### *Process for initial consultation*

83. The responsible Minister should determine the level of initial consultation required depending on the proposed statutory rule or legislative instrument.
84. Factors to be taken into account when determining the appropriate level of consultation include:
- whether the statutory rule or legislative instrument is being introduced into a previously unregulated area;
  - the nature of the industry the statutory rule or legislative instrument will affect – does it have peak bodies that can or should be consulted?
  - whether the proposed statutory rule or legislative instrument will replace an existing regime – e.g. voluntary code of conduct; and
  - whether the proposed statutory rule or legislative instrument will impose criminal or civil penalties.
85. Preliminary consultation may occur through conducting focus groups and briefing sessions with key stakeholders before deciding that a regulatory proposal is the most appropriate response to an issue. Peak industry bodies should be notified during the development of regulatory proposals. Issues papers can also be used as a preliminary vehicle for communication.
86. The procedures to be adopted will also vary with the nature of the proposed statutory rule or legislative instrument. For example, where the area was previously unregulated, consultation may take the form of a discussion paper on the issue, or issues, and calling for a response from interested groups, or where only relatively minor changes to the regulatory environment are proposed, a minimal approach to consultation may be more appropriate.

#### **Certificates of consultation – sections 6(c) and 12C(e)**

87. The responsible Minister must ensure that where these Guidelines require initial consultation, a certificate of consultation is issued under section 6(c) (statutory rules) or 12C(c) (legislative instruments). A consultation certificate should provide details of who was consulted. An example form of certificate is included in Toolkit 3 of the *Victorian Guide to Regulation*.
88. Initial consultation requirements may be affected where a Ministerial exemption certificate is issued under section 8 (statutory rules) or 12F (legislative instruments). Where an exemption certificate is issued, limited consultation or no initial consultation may be required, and a consultation certificate may not need to be issued by the responsible Minister. Refer to Part 3, Division 2 of these Guidelines for the consultation requirements applicable to each exemption ground.

89. Sections 12B (statutory rules) and 12K (legislative instruments) of the Act provide that certain individual certificates required by the Act can be incorporated into a single 'composite certificate'. A certificate of consultation may form part of a composite certificate (see also Part 5, Division 1 of these Guidelines).
90. Sections 15 and 15A (statutory rules) and 16B and 16C (legislative instruments) of the Act provide that the certificate of consultation must be laid before Parliament and sent to SARC. See generally Part 3, Division 5 of these Guidelines.

#### DIVISION 2 – EXEMPTIONS FROM THE RIS PROCESS

91. Unless an exemption applies, all statutory rules and legislative instruments must undergo a RIS process (see Part 3, Division 3 of these Guidelines).
92. While the RIS process is a valuable part of the best-practice regulation making process, the Act recognises that there are certain circumstances in which it is not appropriate or necessary to prepare a RIS and release it for formal consultation. As such, the Act provides for exemptions from the process in certain circumstances. These exemptions may be determined on a case-by-case basis by the responsible Minister (or, in special circumstances, by the Premier) or prescribed in the Regulations.

#### Exemption certificates

93. There are two types of exemption certificates which can exempt a statutory rule or legislative instrument from the obligation to undertake a RIS process. These are:
  - exemption certificates issued by the responsible Minister – sections 8 (statutory rules) and 12F (legislative instruments); and
  - exemption certificates issued by the Premier – sections 9 (statutory rules) and 12G (legislative instruments).
94. Sections 8 (statutory rules) and 12F (legislative instruments) of the Act outline the circumstances in which the responsible Minister may issue a certificate of exemption from the RIS process.
95. In accordance with sections 8(3) (statutory rules) and 12F(3) (legislative instruments), exemption certificates should contain detailed reasons for the exemption. These reasons must justify the exemption and not merely assert that the exemption ground is applicable.
96. Where a Ministerial exemption certificate is issued in relation to a statutory rule or legislative instrument, the applicable initial consultation requirements may be affected. The following paragraphs contain further detail on the initial consultation requirements under sections 6 (statutory rules) and 12C (legislative instruments) that apply in relation to each exemption ground.

#### *Ministerial exemptions applicable to statutory rules – section 8*

97. **Section 8(1)(a)** allows exemption of a proposed statutory rule if the statutory rule would not impose a significant economic or social burden on a sector of the public. Initial consultation should be undertaken under section 6(b) for the responsible Minister to obtain sufficient evidence to form a view as to whether the proposed statutory rule imposes a significant burden. See Part 4 of these Guidelines for detail on what constitutes a significant burden.
98. For statutory rules imposing fees or charges, the responsible Minister issuing an exemption certificate under section 8(1)(a) should specify in that certificate whether he or she has issued or amended any other statutory rules in the current financial year imposing fees or charges for substantially the same purpose. See paragraph 102 for further information on what constitutes fees for substantially the same purpose.
99. **Section 8(1)(b)** allows exemption of a proposed statutory rule which relates only to a court or tribunal or the procedure, practice or costs of a court or tribunal. Where such statutory rules are made by a court, consultation under section 6 is not required unless the judges or magistrates of that court determine that there should be consultation. In other cases falling under section 8(1)(b), sufficient consultation should take place with the courts, representative

- bodies of the legal profession and other relevant interest groups to ensure that the statutory rule is the most effective option available.
100. **Section 8(1)(c)** allows exemption of a proposed statutory rule if the proposed statutory rule is of a fundamentally declaratory or machinery nature. For such a statutory rule, no consultation is required under section 6(b), as consultation on instruments of a minor machinery nature would be of little benefit in light of the limited nature of the matters allowed under this exemption.
  101. **Section 8(1)(d)** allows exemption of a proposed statutory rule if the proposed statutory rule only increases fees in respect of a financial year by an amount not exceeding the annual rate approved by the Treasurer in relation to the State Budget for the purposes of section 8 (the fee may be rounded to the nearest whole dollar).
  102. The exemption cannot be applied if there is an increase in fees collected for substantially the same purpose multiple times within one financial year (for example, quarterly fee amendments), and the aggregate increase across the year is greater than the Treasurer's annual rate. This promotes transparency in the collecting of fees and charges, by ensuring the additional burden on those paying the fee or charge is considered in light of all other fee or charge increases in that year and allowing for fully informed scrutiny when the statutory rule is laid before Parliament and sent to SARC for review (see Part 3, Division 5 of these Guidelines). Fees are likely to be imposed for substantially the same purpose if they are issued under the same Act and relate to the same regulatory scheme and subject-matter.
  103. A statutory rule can set a package of fees. This is often known as a 'basket approach'. However, the section 8(1)(d) exemption does not apply if any individual fee component in the package exceeds the Treasurer's annual rate. It does not matter if the average fee increase across the package is less than the annual rate. If any individual fee component is increased above the annual rate, a RIS process may need to be undertaken as the fee increase could have a significant and adverse impact on the community and business.
  104. Where a proposed statutory rule does no more than effect an increase in accordance with the Treasurer's annual rate, no additional consultation is required under section 6 of the Act. Extensive consultation is undertaken by the Treasurer and the Department of Treasury and Finance in the development of the Budget strategy, which sets out the financial plan for the State for a twelve month period. Additional consultation about an individual statutory rule which implements part of that strategy would be of little benefit.
  105. Under section 10(1)(ba), when a proposed statutory rule amends fees in an existing statutory rule, a table must be prepared comparing the proposed and existing fees, including an indication of the percentage increase or decrease for each fee. This includes when a proposed statutory rule sets new fees to replace existing fees in a statutory rule which is sunseting or otherwise being superseded.
  106. **Section 8(1)(e)(i) and (ii)** allows exemption of a proposed statutory rule to be made under section 4(1)(a) or (b) of the Act, which prescribes instruments as falling within or outside the definition of statutory rule or the operation of the Act. For such statutory rules, no consultation is required except for consultation with the relevant responsible Minister or the body responsible for the statutory rule and that required under section 4 with SARC.
  107. **Section 8(1)(e)(iii)** allows for the exemption of extension regulations, which extend the life of sunseting statutory rules under section 5A of the Act. Extension regulations can only continue an existing regulatory regime for a maximum of 12 months. Given that the purpose of the extension is to allow time for the RIS process, including consultation, to be completed, no consultation is required under section 6.
  108. **Section 8(1)(e)(iv), (v) and (vi)** allows exemption of a proposed statutory rule to be made under section 4A(1)(a), (b) or (c) of the Act, which prescribes instruments as falling within or outside the definition of legislative instrument or the operation of the Act. For such statutory rules, no consultation is required except for consultation with the relevant responsible Minister or the body responsible for the legislative instrument.

109. **Section 8(1)(f)** allows exemption of a proposed statutory rule if the proposed statutory rule is required under a national uniform legislation scheme and an assessment of costs and benefits has been undertaken under that scheme.
110. For such a statutory rule, the responsible Minister should ensure that the impact of the scheme, particularly on Victorian business, has been properly assessed and should be satisfied that there has been adequate consultation with the business community and other relevant stakeholders. This consultation may take place during the development of the national scheme and the decision as to Victoria's entry into that scheme. Under the Act, the responsible Minister should still be satisfied that the level of scrutiny and consultation required by the Act has been met. If this is the case, then the requirement for consultation under section 6(b) is satisfied. However, the responsible Minister is still required to issue a certificate of consultation under section 6(c).
111. **Section 8(1)(g)** allows exemption of a proposed statutory rule if the proposed statutory rule deals with the administration or procedures within or as between departments or declared authorities within the meaning of the **Public Administration Act 2004** or within or as between departments within the meaning of the **Parliamentary Administration Act 2005**. For such a statutory rule, consultation is required under section 6(b) with the Public Sector Standards Commissioner (and, for a statutory rule proposed under the **Parliamentary Administration Act 2005**, with relevant Parliamentary Officers), but otherwise the level and nature of the consultation required is a matter for the responsible Minister.
112. **Section 8(1)(h)** allows exemption of a proposed statutory rule if notice of the proposed statutory rule would render the statutory rule ineffective or would unfairly advantage or disadvantage any person likely to be affected by the proposed statutory rule.
113. Normally, after the completion of a RIS, the Act requires that the RIS and proposed statutory rule be released for public consultation. In some cases, the release of the rule prior to its commencement may undermine the purpose for which the rule is being made. In other cases, notification may mean that particular people are subject to unfair advantage or disadvantage. In such cases, the statutory rule may be eligible for an exemption from the RIS process. Consultation under section 6 should be conducted only to the extent that the responsible Minister considers it appropriate.

*Ministerial exemptions applicable to legislative instruments – Section 12F*

114. **Section 12F(1)(a)** allows exemption of a proposed legislative instrument if the legislative instrument would not impose a significant economic or social burden on a sector of the public. Initial consultation should be undertaken under section 12C(b) for the responsible Minister to obtain sufficient evidence to form a view as to whether the proposed legislative instrument imposes a significant burden. See Part 4 of these Guidelines in relation to what constitutes a significant burden.
115. For legislative instruments imposing fees or charges, the responsible Minister issuing an exemption certificate under section 12F(1)(a) should specify in that certificate whether he or she has issued or amended any other legislative instruments in the current financial year imposing fees or charges for substantially the same purpose. See paragraph 118 for further information on what constitutes fees for substantially the same purpose.
116. **Section 12F(1)(b)** allows exemption of a proposed legislative instrument if the proposed legislative instrument is of a fundamentally declaratory or machinery nature. For such a legislative instrument, no consultation is required under section 12C, as consultation on instruments of a minor machinery nature would be of little benefit in light of the limited nature of the matters allowed under this exemption.

117. **Section 12F(1)(c)** allows exemption of a proposed legislative instrument if the proposed legislative instrument only increases fees in respect of a financial year by an amount not exceeding the annual rate approved by the Treasurer in relation to the State Budget for the purposes of section 8.
118. The exemption cannot be applied if there is an increase in fees collected for substantially the same purpose multiple times within one financial year (for example, quarterly fee amendments), and the aggregate increase across the year is greater than the Treasurer's annual rate. This promotes transparency in the collecting of fees and charges, by ensuring the additional burden on those paying the fee or charge is considered in light of all other fee or charge increases in that year and allowing for fully informed scrutiny when the legislative instrument is laid before Parliament and sent to SARC for review. Fees are likely to be imposed for substantially the same purpose if they are issued under the same Act and relate to the same regulatory scheme and subject-matter.
119. If a legislative instrument sets a package of fees (a basket approach), the section 12F(1)(c) exemption does not apply if any individual fee component in the package exceeds the Treasurer's annual rate. It does not matter if the average fee increase across the package is less than the annual rate. If any individual fee component is increased above the annual rate, a RIS process may need to be undertaken as the fee increase could have a significant and adverse impact on the community and business.
120. Where a proposed legislative instrument does no more than effect an increase in accordance with the Treasurer's annual rate, no additional consultation is required under section 12C of the Act. Extensive consultation is undertaken by the Treasurer and the Department of Treasury and Finance in the development of the Budget strategy, which sets out the financial plan for the State for a twelve month period. Additional consultation about an individual legislative instrument which implements part of that strategy would be of little benefit.
121. **Section 12F(1)(d)** allows exemption of a proposed legislative instrument if the proposed legislative instrument would only impose a burden on a public sector body. Initial consultation should be undertaken under section 12C(b) for the responsible Minister to obtain sufficient evidence to form a view as to whether the proposed legislative instrument imposes any burden on a sector of the public (see Part 4 of these Guidelines).
122. A determination in relation to section 12F(1)(a), that the economic or social burden imposed by the proposed legislative rule is not significant, is insufficient to show that the proposed legislative instrument imposes a burden only on a public sector body. The level and nature of the consultation required in each case is a matter for the responsible Minister.
123. **Section 12F(1)(e)** allows exemption of a proposed legislative instrument if the proposed legislative instrument is an order made under the **Administrative Arrangements Act 1983**. The **Administrative Arrangements Act 1983** empowers the Governor in Council to make orders relating to the administration of government. These orders are machinery in nature and are unlikely to place any burden on a sector of the public. Therefore, consultation under section 12C(b) is not required.
124. **Section 12F(1)(f)** allows exemption of a proposed legislative instrument if the proposed legislative instrument is required under a national uniform legislation scheme and an assessment of costs and benefits has been undertaken under that scheme.
125. For such a legislative instrument, the responsible Minister should ensure that the impact of the scheme, particularly on Victorian business, has been properly assessed and should be satisfied that there has been adequate consultation with the business community. This consultation may take place during the development of the national scheme and the decision as to Victoria's entry into that scheme. Under the Act, the responsible Minister should still be satisfied the level of scrutiny and consultation required by the Act has been met. If this is the case, then the requirement for consultation under section 12C(b) is satisfied. However, the responsible Minister is still required to issue a certificate of consultation under section 12C(c).

126. **Section 12F(1)(g)** allows exemption of a proposed legislative instrument if the proposed legislative instrument is required to undergo, or has undergone, an analytical and consultation process which, in the opinion of the responsible Minister, is equivalent to the process for a RIS required under section 12E.
127. Initial consultation under section 12C should still be undertaken in relation to instruments to which this exemption applies, and the responsible Minister should issue a consultation certificate under section 12C(c).
128. This exemption is intended to avoid the duplication of analysis and consultation requirements in circumstances where an instrument's authorising legislation imposes requirements that are equivalent to the RIS process. Section 12H of the Act sets out a number of RIS requirements which should preferably be met by the equivalent process. However, as a minimum, the process must meet the following substantive requirements to qualify for exemption under this provision:
- the instrument must undergo an analysis of the costs and benefits, including consideration of alternative options for achieving the regulatory goal;
  - the analysis must be independently assessed; and
  - the instrument must undergo a public consultation process for at least 28 days.
129. **Section 12F(1)(h)** allows exemption of a proposed legislative instrument if the proposed legislative instrument is of not more than 12 months duration and is necessary to respond to a public emergency, an urgent public health issue, an urgent public safety issue or likely or actual significant damage to the environment, resource sustainability or the economy. These instruments can be exempted to allow quick response to pressing issues and to avoid undue delay which would be caused by a RIS process. The scope of consultation required for such legislative instruments is a matter for the responsible Minister.
130. **Section 12F(1)(i)** allows exemption of a proposed legislative instrument if the proposed legislative instrument deals with the administration or procedures within or as between departments or declared authorities within the meaning of the **Public Administration Act 2004** or within or as between departments within the meaning of the **Parliamentary Administration Act 2005**. For such a legislative instrument, consultation is required under section 12C(b) with the Public Sector Standards Commissioner (and, for a legislative instrument proposed under the **Parliamentary Administration Act 2005**, with relevant Parliamentary Officers), but otherwise the level and nature of the consultation required is a matter for the responsible Minister.
131. **Section 12F(1)(j)** allows exemption of a proposed legislative instrument if notice of the proposed legislative instrument would render the proposed legislative instrument ineffective or would unfairly advantage or disadvantage any person likely to be affected by the proposed legislative instrument.
132. Normally, after the completion of a RIS, the Act requires that the RIS and proposed legislative instrument be released for public consultation. In some cases, the release of the instrument prior to its commencement may undermine the purpose for which the instrument is being made. In other cases, notification may mean that particular people are subject to unfair advantage or disadvantage. In such cases, the legislative instrument may be eligible for an exemption from the RIS process. Consultation under section 12C should be conducted only to the extent that the responsible Minister considers it appropriate.
133. **Section 12F(1)(k)** allows exemption of a proposed legislative instrument if the proposed legislative instrument is made under a statutory rule and the RIS for that statutory rule has adequately considered the impact of the proposed legislative instrument.

*Form and content of Ministerial exemption certificates*

134. If the responsible Minister is of the opinion that an exemption ground in section 8(1) or section 12F(1) of the Act applies to a proposed statutory rule or legislative instrument, sections 8(3) (statutory rules) and 12F(3) (legislative instruments) require the responsible Minister to specify the reasons for that opinion.

135. The Act does not set out any form for the certificate that is to be issued under section 8 or section 12F. However, Toolkit 3 of the *Victorian Guide to Regulation* provides an example form of certificate. The certificate should include:
- the name of the proposed statutory rule or legislative instrument;
  - the paragraph of section 8(1) or 12F(1) under which the exemption is made;
  - an outline of the nature and effect of the proposed statutory rule or legislative instrument including the proposed operative date and, if relevant, the reason for that date; and
  - the reason why the proposed statutory rule or legislative instrument falls within the relevant exemption – i.e. what it is about the nature and effect of the statutory rule or legislative instrument that corresponds with the matters covered by the exemption.
136. Sections 12B (statutory rules) and 12K (legislative instruments) of the Act provide that certain individual certificates required by the Act can be incorporated into a single ‘composite certificate’. A Ministerial exemption certificate may form part of a composite certificate (see also Part 5, Division 1 of these Guidelines in relation to composite certificates)
137. Section 16C of the Act requires that exemption certificates are laid before Parliament and sent to SARC. See generally Part 3, Division 5 of these Guidelines regarding other tabling requirements.

#### **Exemption certificates under sections 9 and 12G**

138. Sections 9(1) (statutory rules) and 12G(1) (legislative instruments) of the Act give the Premier the power to exempt a proposed statutory rule or legislative instrument from the RIS process. The Premier may only issue an exemption certificate where, in the special circumstances of the case, the public interest requires that the proposed statutory rule or legislative instrument be made without complying with section 7(1) (statutory rules) or section 12E (legislative instruments).
139. The purpose of the exemption is to ensure that subordinate instruments can be made without delay where the public interest requires that this occur. The Premier’s power to grant exemptions is extremely limited and Premier’s exemption certificates are only issued in special circumstances. For example, the Premier may decide to issue an exemption certificate where there is an emergency situation and there are overriding public interest reasons for the statutory rule or legislative instrument to be made without undergoing a RIS.
140. Premier’s exemption certificates are not intended to provide an exemption merely because there is insufficient time to comply with the requirements of the Act.
141. Under sections 9(2)(a) (statutory rules) and 12G(2)(a) (legislative instruments) of the Act the Premier cannot grant an exemption certificate unless the proposed statutory rule or legislative instrument is to expire within 12 months of its commencement date. If a Premier’s exemption certificate is granted, agencies will need to commence and complete a RIS process during the lifetime of the certificate. More than one certificate will rarely be granted.
142. Moreover, the duration of the certificate will be the shortest possible period necessary to enable the RIS process to be undertaken unless there are exceptional circumstances. In considering requesting a Premier’s exemption certificate, the relevant Minister should be aware that in practice, a six month (rather than 12 month) exemption may be the maximum granted.
143. There are no set criteria for determining whether the public interest requires an exemption. Requests for a Premier’s exemption certificate are assessed on a case by case basis. This involves balancing the public interest in the consultation and cost-benefit assessment involved in the RIS process and the public interest in making the proposed statutory rule or legislative instrument without delay.

144. DPC should be consulted as soon as it is contemplated that the responsible Minister may request a Premier's exemption certificate. Agencies are encouraged to provide preliminary drafts of the proposed statutory rule or legislative instrument to DPC to assist in this process.
145. The responsible Minister should request in writing that the Premier issue an exemption certificate under section 9(1) (statutory rules) or 12G(1) (legislative instruments). Such requests should be made at least 14 days before the proposed date of making for the statutory rule or legislative instrument.
146. To enable the Premier to assess the public interest reasons, requests for an exemption certificate should only be made once the statutory rule or legislative instrument has been finalised. Where the certificate concerns a statutory rule, agencies will need to ensure that the rule is settled with OCPC prior to the responsible Minister's formal request to the Premier.
147. The responsible Minister's request must be accompanied by a copy of the settled statutory rule and advice provided by Chief Parliamentary Counsel under section 13 of the Act. For legislative instruments, a copy of the settled legislative instrument must be provided with the Minister's request.
148. The responsible Minister's letter to the Premier must explain why the public interest requires the exemption.
149. Where the Premier issues an exemption certificate for a statutory rule or legislative instrument, the Act requires that the agency ensures the certificate is laid before Parliament and sent to SARC (see Part 3, Division 5 of these Guidelines).
150. The agency must also forward to SARC a copy of the reasons given to the Premier when seeking a Premier's exemption certificate together with any other relevant materials.

#### **Exemptions under the Regulations**

151. The Regulations were made under section 4A, following amendments to the Act in 2010 which introduced new requirements in relation to legislative instruments.
152. Schedule 1 of the Regulations specifies certain instruments not to be legislative instruments for the purposes of the Act. If an instrument is prescribed in Schedule 1, it is not subject to any of the requirements of the Act.
153. Schedule 2 of the Regulations specifies certain instruments to be legislative instruments. Instruments prescribed in Schedule 2 are subject to the requirements of the Act. This does not preclude the Minister from issuing an exemption certificate under section 12F of the Act where appropriate, or requesting that the Premier issue an exemption certificate under section 12G.
154. Schedule 3 of the Regulations specifies certain instruments to be legislative instruments that are exempt from most requirements of the Act. These instruments are not exempt from the gazettal requirements under section 16A.

#### **DIVISION 3 – THE RIS PROCESS**

155. Sections 7 (statutory rules) and 12E (legislative instruments) of the Act state that the responsible Minister must ensure that a RIS is prepared for the proposed statutory rule or legislative instrument, unless an exemption applies.
156. The drafting and assessment requirements for the RIS are set out in sections 10 (statutory rules) and 12H (legislative instruments). The requirements relating to statutory rules and legislative instruments are very similar.
157. As outlined in the *Victorian Guide to Regulation*, the primary objectives of a RIS are to ensure:
  - regulation is only implemented where there is a justified need;
  - only the most efficient forms of regulation are adopted; and
  - there is an adequate level of public consultation in the development of subordinate legislation.

**Content of a RIS**

158. RISs should be drafted in plain English to ensure they are clear and accessible to the public. They must clearly set out any new regulatory requirements to be created by the proposed statutory rule or legislative instrument.
159. Sections 10(1)(a) (statutory rules) and 12H(1)(a) (legislative instruments) of the Act require a statement of the objective of a proposed statutory rule or legislative instrument to be included in a RIS. The objectives stated in the RIS are likely to differ from those which must be included in the statutory rule (and which may be included in a legislative instrument) itself, as discussed above at Part 2, Division 4 of these Guidelines. RIS objectives should be stated in terms of the policy objectives, or outcomes, being sought to resolve the policy problem, regardless of the form the solution takes.
160. A proposed statutory rule or legislative instrument may not be the only option to address the relevant policy problem, and may not be the final option selected as a result of the RIS and public consultation processes. RISs should analyse a range of regulatory and non-regulatory options.
161. The *Victorian Guide to Regulation* provides more detail on the preparation of RISs. In particular, Toolkit 2 includes techniques for quantifying costs and benefits, and the use of cost-effectiveness analysis where it is difficult to assign a dollar value to anticipated benefits. Further resources including RIS checklists and templates can be found on the website of the Victorian Competition and Efficiency Commission ('VCEC') ([www.vcec.vic.gov.au](http://www.vcec.vic.gov.au)).
162. The responsible Minister should determine at what stage he or she seeks expert advice on the development of a regulatory proposal. Contractors and consultants may be engaged to prepare RISs. If engaging consultants external to government, agencies should also consult the policies concerning engaging and managing consultants issued by the Victorian Government Purchasing Board ('VGPB'). For further information and to obtain a copy of its policies, refer to the VGPB's website ([www.vgpb.vic.gov.au](http://www.vgpb.vic.gov.au)).
163. A detailed human rights analysis is not required in the RIS, as this is covered when preparing the accompanying draft human rights certificate (see Part 5, Division 1 of these Guidelines). Agencies should also consider any significant impacts on human rights contained in the **Charter of Human Rights and Responsibilities Act 2006** ('Charter Act') when assessing the social costs and benefits of the proposal.

**Independent assessment – VCEC**

164. Sections 10(3) (statutory rules) and 12H(3) (legislative instruments) of the Act require the responsible Minister to ensure that independent advice on the adequacy of a RIS is obtained and considered.
165. VCEC was established on 1 July 2004. One of VCEC's core functions is to review RISs and provide the independent advice required by sections 10(3) (statutory rules) and 12H(3) (legislative instruments) of the Act. VCEC will advise the responsible Minister as to whether the RIS adequately addresses the matters which must be included under section 10 or 12H of the Act.
166. VCEC's advice must be received before the RIS is released for public consultation (see Part 3, Division 4 of these Guidelines). If VCEC advises that it considers the RIS is inadequate, the Minister may still decide to release the RIS, but must attach the VCEC advice to the RIS.
167. Ministers are also strongly encouraged to attach VCEC's assessment letters to all RISs, even where they are assessed as being adequate. Sometimes VCEC may raise points that are relevant to stakeholders' consideration of a proposal and it is in the public interest that this advice be made available.

168. Following VCEC's assessment of the RIS, the responsible Minister must issue a certificate under section 10(4) or 12H(4) of the Act certifying that the RIS complies with the requirements of the Act and adequately addresses the likely impact of the statutory rule or legislative instrument. Where VCEC has assessed the RIS as inadequate, the certificate should explain why the Minister believes the requirements have been met, notwithstanding VCEC's assessment of inadequacy.
169. A copy of VCEC's assessment of a RIS must be sent to SARC after the statutory rule is made (regardless of whether the RIS is assessed as adequate or not). See Part 3, Division 5 of these Guidelines. This will promote a more transparent and accountable regulatory system.

#### DIVISION 4 – RELEASE OF THE RIS FOR PUBLIC CONSULTATION

170. Where the proposed statutory rule or legislative instrument requires the preparation of a RIS (see Part 3, Division 2 of these Guidelines) further public consultation requirements apply. This consultation occurs after the proposed statutory rule or legislative instrument has been drafted and a RIS and draft human rights certificate have been prepared. These documents must be released at the beginning of the consultation period. This second, more formal, phase of consultation is distinct from the initial consultation required as part of the policy development process (see Part 3, Division 1 of these Guidelines).
171. The public consultation process gives the business and wider community an opportunity to communicate to government any concerns it may have about regulations affecting its activities. One of the aims of the RIS and the public consultation process is to obtain information and comment from the widest set of possible sources. This helps identify any weaknesses in the reasoning, test assumptions and methodology, and ensure that competing interests are recognised and considered.
172. If the RIS and the public consultation process are properly undertaken, any resulting statutory rule or legislative instrument should represent the most balanced, cost effective and least intrusive solution to a problem.

#### **Notice and publication for public consultation**

173. Following initial consultation and the preparation of the RIS, the proposed statutory rule or legislative instrument, RIS and draft human rights certificate must be published, along with a notice inviting comments and submissions from the public.
174. Sections 11 (statutory rules) and 12I (legislative instruments) of the Act require that the responsible Minister publish a notice inviting public comments on the proposed statutory rule or legislative instrument.
175. The notice must be published in:
  - the Government Gazette;
  - a daily newspaper circulating generally throughout Victoria; and
  - if the responsible Minister considers it appropriate, any trade, professional or public interest publications as the responsible Minister determines.
176. The notice must set out:
  - the reason for, and the objective of, the proposed statutory rule or legislative instrument;
  - a summary of the results of the RIS;
  - the locations (including the Government website) where a copy of the RIS and the proposed statutory rule can be obtained; and
  - an invitation for public comments or submissions within a specified time not less than 28 days from the publication of the notice.
177. The RIS must be available in electronic form from a government website and in hard copy.

178. Under the Act, consultation following publication of a RIS is required for at least 28 days from public notification. However consultation for at least 60 days is best practice.

#### **Consideration of submissions**

179. Following the public consultation process, the responsible Minister must consider all submissions and comments received in relation to the draft statutory rule or legislative instrument, RIS and draft human rights certificate.
180. If the Minister does not adequately address valid criticisms and suggestions made in relation to a statutory rule or legislative instrument released for public consultation, SARC may criticise the statutory rule or legislative instrument. Under section 15A of the Act, SARC must be provided with a copy of all comments and submissions received in relation to the RIS (see generally Part 3, Division 5 of these Guidelines). While this requirement does not apply to comments and submissions on draft human rights certificates, it will generally be appropriate to also provide this material to SARC.

#### **Notice of decision**

181. Sections 12 (statutory rules) and 12J (legislative instruments) of the Act require the responsible Minister to publish a notice of his or her decision to make, or not to make, the relevant statutory rule or legislative instrument.
182. The notice must be published in:
- the Government Gazette; and
  - a daily newspaper circulating generally throughout Victoria.
183. To ensure greater transparency of decisions, the responsible Minister should provide reasons for the direction taken in a final statutory rule or legislative instrument. These should address any general issues raised in submissions.
184. A statement of reasons must also be published on a government website and available in hard copy. This will allow those who have made submissions on the RIS to see how their comments have been addressed in the final version of the statutory rule or legislative instrument.

#### **DIVISION 5 – MAKING, TABLING AND PUBLICATION**

185. Parts 3 (statutory rule) and 3A (legislative instruments) of the Act specify the requirements for making, tabling and publishing statutory rules and legislative instruments. Some of these requirements differ depending on whether a statutory rule or legislative instrument is being made, while others apply to both. These Guidelines specify some requirements in addition to those imposed by the Act.

#### **Making statutory rules**

186. Section 13 of the Act requires statutory rules made by or with the consent of the Governor in Council to be accompanied by a 'section 13 certificate' issued by the Chief Parliamentary Counsel. The section also specifies the matters which must be included in the certificate. After OCPC has settled the proposed statutory rule, a section 13 certificate must be obtained before the proposed statutory rule is submitted to the Governor in Council to be made.
187. Once the section 13 certificate has been obtained, and all other requirements outlined in these Guidelines and the Act have been complied with, the proposed statutory rule may be submitted to the Governor in Council. Section 14 of the Act specifies requirements for submitting statutory rules to the Governor in Council and the documents which must accompany the proposed statutory rule.
188. In addition to the documents outlined in section 14 of the Act, an Explanatory Memorandum must be prepared to accompany any statutory rule submitted to the Governor in Council. The Explanatory Memorandum should set out the nature and extent of any changes effected by the new statutory rule and the reason for the changes, particularly where no RIS has been prepared. The Explanatory Memorandum is especially important where the proposed statutory rule contains complex or detailed technical information.

189. The Explanatory Memorandum should be brief, and generally take the following form:
- a brief outline of the statutory rule;
  - an explanation of the changes effected by each provision;
  - a statement of the reasons for making the statutory rule;
  - where applicable, the reasons no RIS was prepared; and
  - a statement as to whether consultation has taken place, and if it has not taken place, an explanation as to why a decision was made not to consult.
190. A Recommendation page, signed by the responsible Minister, and an Agenda page, signed by the responsible Minister and Departmental Secretary (or authorised delegate), must also accompany a statutory rule when it is submitted to the Governor in Council.
191. Agencies should consult OCPC's *Notes for Guidance on the Preparation of Statutory Rules* (April 2011) when preparing a statutory rule.

#### **Publishing legislative instruments**

192. Section 16A(1) of the Act requires legislative instruments to be published in full in the Government Gazette.
193. In certain limited circumstances it may be impracticable to gazette a legislative instrument in full. These circumstances include where it is not possible to gazette an instrument in full because it contains detailed maps or diagrams or is in a format that is incompatible with the format of the gazette.
194. Subsection (2) provides that where an instrument is not suitable for publication in full in the gazette, notice of the making of the legislative instrument and details of where a full copy may be obtained must be published instead.

#### *Amendments commencing 1 January 2013*

195. Section 39 of the **Subordinate Legislation Amendment Act 2010** provides for the insertion of section 16F into the Act. This section will commence on 1 January 2013.
196. The new section 16F will apply where a legislative instrument is made which amends an existing legislative instrument. In these circumstances, the instrument maker will be required to ensure that a consolidated version of the legislative instrument, as amended, is made available to the public.
197. In anticipation of the commencement of this new section, agencies should begin preparing consolidated versions of legislative instruments for which they are responsible, and make these publicly available (prior to 1 January 2013) where possible.

#### **Laying statutory rules and legislative instruments before Parliament**

198. Sections 15 (statutory rules) and 16B (legislative instruments) of the Act require statutory rules and legislative instrument to be laid before Parliament within 6 sitting days of being made. The Act also specifies documents which must accompany the new statutory rule or legislative instrument when laid before Parliament (and must also be forwarded to SARC).
199. Some of these requirements apply to both statutory rules and legislative instruments, while other documents are required only in relation to statutory rules. Requirements apply only if the documents have been prepared.
200. The following documents must accompany both a statutory rule and a legislative instrument, where they have been prepared:
- a certificate of consultation issued under section 6 or 12C (Part 3, Division 1 of these Guidelines);
  - a Ministerial exemption certificate issued under section 8 or 12F (Part 3, Division 2 of these Guidelines);
  - a Premier's exemption certificate issued under section 9 or 12G (Part 3, Division 2 of these Guidelines);

- a compliance certificate in relation to RIS requirements and adequacy issued under section 10(4) or 12H(4) (Part 3, Division 3 of these Guidelines); and
  - a human rights certificate or human rights exemption certificate issued under section 12A or 12D (Part 5, Division 1 of these Guidelines).
201. The following additional documents must accompany a statutory rule where they have been prepared:
- an extension certificate and the Premier's certificate agreeing to the extension issued under section 5A (see Part 5, Division 5 of these Guidelines);
  - an infringements offence consultation certificate issued under section 6A (see Part 5, Division 1 of these Guidelines);
  - a section 13 certificate issued by the Chief Parliamentary Counsel (see Part 3, Division 5 of these Guidelines); and
  - the responsible Minister's recommendation that the Governor in Council make the statutory rule.

**Documents which must be sent to SARC**

202. Sections 15A (statutory rules) and 16C (legislative instruments) of the Act require new statutory rules and legislative instruments to be sent to SARC. The Act also specifies documents which must accompany the new statutory rule or legislative instrument when sent to SARC.
203. Accompanying documents required by the Act:
- any applicable document required to be laid before Parliament (see Part 3, Division 5 of these Guidelines);
  - if a Premier's exemption certificate has been issued – the reasons given by the responsible Minister to the Premier as to why the public interest requires that the proposed statutory rule or legislative instrument be made without preparing a RIS; and
  - if a RIS has been prepared – the RIS and a copy of all comments and submissions received.
204. The following additional documents must also be sent to SARC:
- a copy of VCEC's assessment of any RIS (see Part 3, Division 3 of these Guidelines);
  - copies of any notices published in the Government Gazette, newspapers or other publications advertising a RIS; and
  - copies of any notices advising of the decision to make or not make a proposed statutory rule or legislative instrument.
205. Agencies should refer to the Act for timing requirements.

**Scrutiny and disallowance of statutory rules and legislative instruments**

206. Parts 5 (statutory rules) and 5A (legislative instruments) of the Act deal with the powers of SARC to report to Parliament recommending that a statutory rule or legislative instrument be disallowed or amended. SARC may only recommend disallowance or amendment where it considers that one of the criteria set out in sections 21 (statutory rules) or 25A (legislative instruments) has been breached. Agencies should consult these sections when considering the content of statutory rules or legislative instruments to minimise the likelihood of disallowance.
207. Upon SARC's recommendation, Parliament may disallow the statutory rule or legislative instrument in accordance with section 23 or 25C.

**PART 4**  
**SIGNIFICANT BURDEN**

208. This Part of the Guidelines outlines circumstances in which a statutory rule or legislative instrument is considered to impose a significant burden on a sector of the public.
209. Whether a statutory rule or legislative instrument imposes a ‘significant economic or social burden’ is important at two stages.
210. First, sections 6(b) (statutory rules) and 12C(b) (legislative instruments) require consultation in accordance with these Guidelines with any sector of the public on which a significant economic or social burden may be imposed by a proposed statutory rule or legislative instrument. See Part 3, Division 1 of these Guidelines in relation to consultation under sections 6(b) and 12C(b).
211. Second, sections 8(1)(a) (statutory rules) and 12F(1)(a) (legislative instruments) allow a responsible Minister to issue a certificate exempting a proposed statutory rule or legislative instrument from the requirement to prepare a RIS where, in his or her opinion, the proposed statutory rule or legislative instrument would not impose a significant economic or social burden on a sector of the public. See Part 3, Division 2 of these Guidelines.
212. In considering whether a proposed statutory rule or legislative instrument imposes a significant economic or social burden on a sector of the public, the responsible Minister must consider:
- the relevant base case;
  - whether the proposed statutory rule or legislative instrument imposes a burden on one or more ‘sector[s] of the public’; and
  - whether that burden is a ‘significant economic or social burden’.
213. Each of these considerations is discussed in more detail below.

**The base case**

214. The relevant base case can be determined by considering what the situation would be if the statutory rule or legislative instrument were not made. This will be either the existing regulatory environment, or no regulation.
215. No regulation is the appropriate base case if:
- a statutory rule or legislative instrument is new and is not replacing an existing statutory rule or legislative instrument;
  - a statutory rule is made to replace an existing statutory rule that is automatically being revoked in accordance with section 5 of the Act (i.e. ‘sunsetting’); or
  - a statutory rule or legislative instrument is made to replace an existing statutory rule or legislative instrument that is expiring, other than by sunseting.
216. For a proposed statutory rule or legislative instrument that will amend an existing statutory rule or legislative instrument, the base case is the burden imposed by the existing regulatory environment.

**Sector of the public**

217. For a burden to be imposed on a ‘sector of the public’, the proposed statutory rule or legislative instrument must impose a burden on either the whole community or on one or more identifiable groups of people within the community. How many, and which, people can constitute a sector of the public is a matter of judgement in each case. It will depend on the nature of the proposed statutory rule or legislative instrument.
218. For example, a statutory rule or legislative instrument might impose a burden on a sector of the public if it:
- affects a number of businesses, community groups, or individuals;
  - has a concentrated effect on a particular group, region or industry; or
  - has an aggregate impact on the Victorian economy.

219. In some circumstances, a statutory rule or legislative instrument may have a significant concentrated effect on a particular group, region or industry. In such cases the burden on that group, region or industry may mean that the burden as a whole is significant, even though the majority of the population is not affected.

#### **Significant burden**

220. ‘Significant burden’ cannot be defined prescriptively. ‘Burden’ is a broad concept which may include a range of negative effects or impacts. For example, a statutory rule or legislative instrument may place a financial or another type of resource burden (e.g. time) on businesses or individuals, restrict a sector of the public’s access to certain amenities or areas, or restrict an individual’s ability to make choices about certain things.
221. Whether a burden is ‘significant’ should be determined in accordance with the ordinary English-language meaning of the word. A burden that is very minor, inconsequential or of little importance will not be a ‘significant burden’.
222. Ministers should consider the burden imposed by the statutory rule or legislative instrument itself, rather than any burden imposed by the authorising legislation or statutory rule. In some cases, the burden imposed will derive from obligations set out in the authorising Act or statutory rule and the statutory rule or legislative instrument will merely be machinery. Statutory rules or legislative instruments which are machinery or declaratory in nature are unlikely to impose a significant burden.
223. Whether a significant burden may or would be imposed should initially be assessed with reference only to the costs or negative impacts on a sector of the public. That is, when assessing whether a significant burden exists, potential costs should not be offset against potential benefits. This balancing exercise is undertaken later as part of the RIS process, in analysing the overall costs and benefits of the proposed statutory rule or legislative instrument.

#### **Assessing qualitative burdens**

224. All potential costs must be assessed, regardless of how readily quantifiable those costs are. The analysis may need to include both quantitative and qualitative dimensions. Taking into account the views of stakeholders on likely or desired outcomes may help to determine whether a ‘significant’ burden is imposed, particularly where the costs are not easily quantified.
225. Some statutory rules or legislative instruments will impose a burden which is primarily qualitative in nature; for example those that significantly impact on rights, access to services or the ability to innovate or compete. These burdens are by nature less readily quantifiable, and will require careful assessment to ensure all potential negative impacts are identified and the relative size of each is adequately assessed. Whether a burden is significant in these cases may not ultimately be able to be based on quantitative estimates.
226. In considering whether a proposed statutory rule or legislative instrument imposes a significant burden, the responsible Minister must also consider the effect the proposed statutory rule or legislative instrument is likely to have on the rights set out in the Charter Act. See Part 5, Division 1 of these Guidelines in relation to Human Rights Certificates.

#### **Assessing quantitative burdens**

227. Where the impacts of the proposed statutory rule or legislative instrument are readily quantifiable, indicative data may be gathered to assess the likely costs of the proposal. This may involve seeking views from some of those likely to be affected.
228. In general, if the preliminary and indicative analysis suggests the measurable social and/or economic costs to any sector of the public (including costs to the Victorian community as a whole) are greater than \$2 million per year, compared with the relevant base case, then there is likely to be a significant burden. For the applicable base case, see paragraphs 214–216 above.

229. The \$2 million threshold is indicative only and should be reserved for situations where it is not otherwise clear that a significant burden may be imposed. Further, a statutory rule or legislative instrument may impose a significant burden on a sector of the public even if it imposes quantifiable costs of less than \$2 million per year – for example, if the impact is concentrated on a particular group, region or industry.
230. In determining whether a significant burden is imposed, quantifiable costs should be considered in conjunction with qualitative costs discussed above at 224–226.

**Examples of where a significant burden may be imposed**

231. A significant burden may be imposed on a sector of the public where the proposed statutory rule or legislative instrument has one or more of the following effects:
- imposing restrictions on entry into, or exit out of, an affected industry;
  - altering the ability or incentives for business to compete in an industry;
  - requiring business, community groups or individuals to spend significant additional funds or devote a significant amount of additional time to compliance activities, change current practices or seek external advice (whether the additional resources required are significant will, to some degree, depend on the nature of the businesses or industry affected);
  - creating a significant disincentive to private investment – e.g. by increasing potential delays for approvals;
  - imposing significant penalties for non-compliance (either on businesses or individuals);
  - imposing minimum requirements or standards on businesses or individuals, such as building requirements or environmental standards; or
  - significantly affecting individual rights and liberties in some other way.
232. The above is a non-exhaustive list of examples. Each policy proposal should be assessed based on the particular impacts it will impose and the relative size of those impacts.
233. Examples of cases where a RIS has been prepared in the past include:
- Petroleum Regulations. Following the sunset of existing regulations, these imposed a continued requirement for petroleum firms to have development and operation plans prior to the commencement of onshore petroleum operations.
  - Associations Incorporation Amendment (Fees and Other Matters) Regulations. These prescribed accounting requirements, fees to cover the costs of the incorporated associations scheme, and maximum fines which can be imposed by an association on a member.
  - Marine Regulations. These imposed requirements for the registration of emergency positioning devices, introduced a National Standard for Commercial Vessels and updated standards for personal floatation devices.
  - Visitable and Adaptable Features in Housing. These prescribed minimum building requirements for pathways, level entries, doorway and passage widths, and accessible bathroom facilities.
234. All RISs from 2004 onwards are available on the VCEC website ([www.vcec.vic.gov.au](http://www.vcec.vic.gov.au)). Agencies are also encouraged to discuss any policy proposals with VCEC at an early stage of development to clarify RIS requirements.

**Statutory rules and legislative instruments that impose fees or charges where section 8(1)(d) or section 12F(1)(c) does not apply**

235. Where a statutory rule or legislative instrument imposes a fee or charge, the responsible Minister should consider the level of the fee, the size of any increase being made (as compared to the current fee, if one exists) and the impact it may have on an individual, community group or business. The indicative \$2 million threshold may assist with this assessment.

236. The indicative \$2 million threshold applies to the cumulative impact of the policy proposal as effected by the statutory rule or legislative instrument. It does not apply to each affected individual or business. That is, a new fee or charge which recovers \$2 million or more per year in total is likely to impose a significant burden on a sector of the public, although it may not impose a \$2 million burden on individual businesses or groups.
237. The threshold will also be met if the statutory rule or legislative instrument as a whole imposes a burden of \$2 million per year despite the fact that individual fee components may not recover more than \$2 million per year (i.e. if a basket approach is used to set multiple fees).
238. The Treasurer's annual rate does not form part of the base case. This means that a fee increase does not need to recover an additional \$2 million on top of the Treasurer's annual rate to meet the indicative significant burden threshold.

**Statutory rules and legislative instruments reducing or maintaining existing fees or charges**

239. Statutory rules or legislative instruments which reduce existing fees or charges payable do not usually impose a significant burden on a sector of the public.
240. However, there are exceptions, such as where a reduction in fees could cause costs to be redistributed to other sectors. This might occur where a reduction in fees lowers the level of cost-recovery and causes cost to be shifted to the general community. This may be achieved through increased base fees or charges to all those affected or additional funding being allocated from general taxation.
241. A statutory rule or legislative instrument that is remade and re-imposes an existing fee or charge at the same level can impose a significant burden, as the relevant base case will be 'no regulation' (see paragraphs 214-216 above).

**PART 5**  
**OTHER MATTERS**

**DIVISION 1 – CERTIFICATES**

**Human rights certificates**

242. Sections 12A (statutory rules) and 12D (legislative instruments) require the responsible Minister to issue a human rights certificate in respect of a proposed statutory rule or legislative instrument. If a RIS is prepared for the statutory rule or legislative instrument, a draft human rights certificate must be published alongside the RIS. The human rights certificate will then be finalised following the completion of the RIS process.
243. Sections 12A(2) (statutory rules) and 12D(2) (legislative instruments) set out the matters which must be included in the human rights certificate. There are a limited number of exceptions to the requirement to produce a human rights certificate, which are set out at sections 12A(3) (statutory rules) and 12D(3) (legislative instruments). If a RIS is prepared for a statutory rule or legislative instrument which is exempt from the requirement to produce a human rights certificate, the RIS must include a statement to this effect or be accompanied by a draft human rights exemption certificate.
244. Preparing a human rights certificate involves assessing the instrument's likely impact on the rights set out in the Charter Act. Conducting a human rights impact assessment as part of the policy development process will assist in the preparation of the human rights certificate that accompanies the final statutory rule or legislative instrument. This analysis is similar to the analysis undertaken through the Statement of Compatibility process when preparing primary legislation.
245. For further details on how to assess the human rights impact of proposed subordinate legislation, see Toolkit 3 of the *Victorian Guide to Regulation* and the Department of Justice's *Charter of Human Rights and Responsibilities: Guidelines for Legislation and Policy Officers in Victoria* ('Charter Act Guidelines'). The Charter Act Guidelines include a template for completing a human rights impact assessment. This may be a useful tool for agencies when preparing human rights certificates.
246. The potential human rights impact of a proposed statutory rule or legislative instrument is relevant in considering whether it imposes a significant burden on a sector of the public. The responsible Minister must consider the effect the proposed statutory rule or legislative instrument is likely to have on the rights set out in the Charter Act when considering whether the proposed statutory rule or legislative instrument imposes a significant burden. (See Part 4 of these Guidelines).
247. A proposal is likely to create a social burden if it limits human rights. Whether the burden is significant will depend on the nature and extent of the limitation.
248. A detailed human rights analysis is not required in the RIS, as this is covered when preparing the accompanying draft human rights certificate. However, a RIS may refer to rights and liberties (including Charter Act rights) as part of the broader concept of significant social burden.

**Infringements offence consultation certificates**

249. If a proposed statutory rule provides for the enforcement of an offence by an infringement notice, section 6A of the Act requires the responsible Minister to issue an infringements offence consultation certificate.
250. The responsible Minister must certify that:
- the Department of Justice has been consulted about the enforcement and suitability of the offence;
  - the Attorney-General's guidelines under the **Infringements Act 2006** have been taken into account; and

- the proposed infringements offence meets the requirements of those guidelines or does not meet the requirements but should be made anyway for reasons specified in the certificate.
251. Section 12B of the Act allows an infringements offence consultation certificate to be included in a composite certificate issued under that section. See Paragraphs 252–255.

#### **Composite certificates**

252. Sections 12B (statutory rules) and 12K (legislative instruments) provide that some certificates required by the Act may be issued in a single instrument, known as a composite certificate.
253. Section 12B of the Act provides that the responsible Minister may issue a composite certificate for a proposed statutory rule that incorporates:
- a Ministerial exemption certificate under section 8;
  - a consultation certificate under section 6;
  - an infringements offence consultation certificate under section 6A; and
  - a RIS certificate under section 10(4).
254. Section 12K of the Act provides that the responsible Minister may issue a composite certificate for a proposed legislative instrument that incorporates:
- a Ministerial exemption certificate under section 12F;
  - a consultation certificate under section 12C; and
  - a RIS certificate under section 12H(4).
255. Agencies should note that a Ministerial exemption certificate and a RIS certificate should never be included in the same composite certificate.

#### **Other certificates under Parts 2 and 2A**

256. Other certificates which are required under Part 2 (statutory rules) and Part 2A (legislative instruments) are discussed elsewhere in these Guidelines.
- certificates of consultation – sections 6(c) and 12C(c) (see Part 3, Division 1 of these Guidelines).
  - Ministerial exemption certificates – sections 8 and 12F (see Part 3, Division 2 of these Guidelines).
  - Premier’s exemption certificates (see Part 3, Division 2 of these Guidelines).
  - RIS certificates (see Part 3, Division 3 of these Guidelines).

#### **DIVISION 2 – INTERACTION BETWEEN THE SUBORDINATE LEGISLATION ACT AND THE AUTHORISING ACT OR STATUTORY RULE**

257. When preparing a statutory rule or legislative instrument, agencies and Ministers must consider the interaction between the Act (that is, the **Subordinate Legislation Act 1994**) and the authorising Act or statutory rule (under which the proposed statutory rule or legislative instrument is made).
258. In some cases, the authorising Act or statutory rule may impose requirements, such as consultation and gazettal requirements, even though the instrument is subject to the requirements of the Act. In other cases, the authorising Act or statutory rule may apply provisions of the Act to the instrument that would not otherwise apply. This will be most common in authorising Acts or statutory rules for legislative instruments (as opposed to statutory rules).
259. In considering which requirements must be met, agencies should consider the relevant provisions of the Act and seek legal advice if necessary. In particular:
- if an instrument is prescribed to be a legislative instrument, any inconsistent or duplicating provision of the authorising Act does not apply to the instrument (section 4A(2)).

- if an authorising Act requires gazettal of a legislative instrument within a shorter time period than the Act, compliance with the authorising Act is taken to be compliance with the Act (section 16D(2)). The authorising Act should be complied with.
  - if an authorising Act requires gazettal of a legislative instrument within a longer time period than the Act, the Act prevails over the authorising Act (section 16D(3)). The Act should be complied with.
  - if an authorising Act requires a legislative instrument to be tabled in Parliament within a time period the same as, or shorter than, the Act, compliance with the authorising Act is taken to be compliance with the Act (section 16E(1)). The authorising Act should be complied with.
  - if an authorising Act requires a legislative instrument to be tabled in Parliament within a longer time period than the Act, the Act prevails over the authorising Act (section 16E(2)). The Act should be complied with.
260. When preparing primary legislation, agencies should consider how the requirements of the Act will apply to any new statutory rule-making or legislative instrument-making powers. Except in exceptional circumstances, legislation should not contain provisions that exclude the operation of the Act.
261. Where there may be exceptional circumstances justifying an exclusion from the Act, the agency must consult with DPC during the policy development stage of the Bill. During the drafting stage, the agency must consult with OCPC as well as DPC.

#### DIVISION 3 – INCORPORATING OTHER MATERIAL

262. Section 32 of the **Interpretation of Legislation Act 1984** ('ILA') sets out when subordinate instruments, such as statutory rules or legislative instruments, may refer to other documents. This is known as incorporation by reference.
263. Generally, subordinate instruments may only incorporate by reference provisions of a Victorian or Commonwealth Act, a Code (as defined in the ILA), or a Victorian or Commonwealth statutory rule. Subordinate instruments may only incorporate other matters where there is explicit power to do so in the authorising Act.
264. Where matter is incorporated by reference, section 32 of the ILA sets out requirements for making material available to the public and for tabling the material in Parliament.
265. In deciding whether to incorporate material by reference, agencies should assess the drafting convenience against the effect on the accessibility of the incorporated material and the likely level of public awareness. Agencies should reserve the use of incorporated detailed and extensive technical material to subordinate legislation affecting industries familiar with the material.
266. Generally, material should only be incorporated by reference if the material clearly describes the rights and obligations being created and the people who are subject to these rights and obligations.
267. Where it is proposed that a statutory rule or legislative instrument incorporates material, all material necessary to ensure compliance should be tabled. This includes primary references as well as references to documents at a secondary or tertiary level unless such references are irrelevant to the substance of the regulation, are unnecessary or merely comprise a reference back to the primary reference material. Unless all relevant material is tabled, the statutory rule or legislative instrument does not apply, adopt or incorporate the material effectively.

#### DIVISION 4 – STYLE AND LANGUAGE

268. This Division outlines guidelines as to the style and language to be used in drafting statutory rules and legislative instruments.

**Clear drafting of statutory rules and legislative instruments**

269. Statutory rules and legislative instruments should be accurately and clearly drafted. Clear drafting will make the statutory rule or legislative instrument more accessible to the public and will reduce the risk that the instrument will be held to be in excess of the power by a court.
270. If a proposed instrument refers to any other statutory rule or legislative instrument, it must contain a footnote or end note identifying the statutory rule or legislative instrument referred to. It must also identify all other instruments which amend the statutory rule or legislative instrument referred to.
271. If a footnote or end note identifies a statutory rule or legislative instrument that has been reprinted in accordance with section 18 of the Act, the note may refer to:
- that reprint;
  - the last statutory rule or legislative instrument incorporated in the reprint; and
  - any statutory rule or legislative instrument which has amended the reprinted statutory rule or legislative instrument after it was reprinted.
272. All statutory rules and legislative instruments must be expressed:
- in language that is clear and unambiguous;
  - in a way which ensures that its meaning is certain and there are no inconsistencies between provisions;
  - in language that gives effect to its stated purpose;
  - consistently with the language of the empowering Act; and
  - in accordance with plain English drafting standards.
273. A statutory rule or legislative instrument should:
- not duplicate, overlap or conflict with other statutory rules, legislative instruments, or legislation; and
  - always reflect the intention and promote the purpose of the authorising statute.
274. A statutory rule or legislative instrument must:
- not conflict with the letter and intent of the authorising Act;
  - clearly set out as part of its text;
  - the objectives of the statutory rule or legislative instrument; and
  - the precise provision authorising the statutory rule or legislative instrument; and
  - not deal with matters outside the scope of its objectives.

**OCPC's role in drafting and settling statutory rules**

275. Agencies must consult OCPC in drafting statutory rules.
276. OCPC plays two roles in the statutory rule making process. First, OCPC is responsible for settling the power, form and content of statutory rules and drafting statutory rules in certain circumstances (see OCPC's *Notes for Guidance on the Preparation of Statutory Rules* (April 2011)). Under section 10(1)(g) of the Act, a draft copy of the proposed statutory rule must be included with the RIS. OCPC must settle draft statutory rules before VCEC will provide its final assessment of adequacy of the RIS.
277. Second, if a proposed statutory rule is to be made by, or with the consent or approval of, the Governor in Council, section 13 of the Act requires that it be submitted to the Chief Parliamentary Counsel for the issue of a certificate by the Chief Parliamentary Counsel. Section 13 sets out certain criteria that the certificate must address (see Part 3, Division 5 of these Guidelines).

## DIVISION 5 – SUNSETTING AND EXTENSION

**Sunsetting of statutory rules**

278. One of the aims of the Act is to ensure that outdated and unnecessary regulation is automatically repealed. Section 5 of the Act provides for the automatic revocation of statutory rules ten years after they are made.
279. Agencies must maintain accurate records of the sunset dates for all statutory rules administered by the Ministers to whom the agency reports. It is essential that an agency allow sufficient time for the review of the continuing appropriateness of all statutory rules and for the completion of the RIS process if they are to be re-made in whole, part or in a modified form.
280. OCPC notifies agencies of statutory rules that are due to sunset and works with agencies to ensure the orderly sunset of statutory rules. The responsible Minister should nominate an officer to notify OCPC of the Minister's intentions about remaking any statutory rule that is due to sunset. The officer should notify OCPC at least 6 months before the sunset date to allow OCPC to provide timely advice and to allow sufficient time to settle any proposed new statutory rule.

**Extension of statutory rules**

281. Where there are special circumstances that mean there is insufficient time to complete the RIS process before a statutory rule sunsets, section 5A of the Act allows the responsible Minister, with the agreement of the Premier, to extend the statutory rule for up to 12 months. During this time, a RIS must be completed if the statutory rule is to continue operation.

*Grounds for extension*

282. The Act does not define the 'special circumstances' that would justify the extension of regulations which would otherwise sunset. However, the type of circumstances envisaged may be cases where the authorising legislation has recently changed or a national scheme is being negotiated which makes it impossible for the RIS process to be completed in time.
283. In addition, the special circumstances must *cause* there to be insufficient time for a RIS to be prepared. Where there is insufficient time to prepare a RIS, extension regulations should only be made where this is due to special circumstances.
284. Administrative oversight should not be considered to be a 'special circumstance'. The scheme of the Act is to ensure that the regulatory process is undertaken and in cases where it is not, to make the reasons for not undertaking the process clear.

*Process for extension*

285. Only one 'extension regulation' can be made for each statutory rule. Before the responsible Minister can issue an extension certificate, section 5A(3) of the Act requires him or her to obtain a certificate from the Premier agreeing to the extension.
286. Agencies should consult OCPC and DPC as soon as they believe a statutory rule or legislative instrument may require a Premier's extension certificate. Agencies are encouraged to provide preliminary drafts of the proposed statutory rule to DPC to assist this initial consultation.
287. The responsible Minister should request in writing that the Premier issue an extension certificate under section 5A. Such requests should be made at least 14 days before the date on which it is sought to have the proposed statutory rule made.
288. The Explanatory Memorandum submitted to the Governor in Council must also set out the special circumstances justifying the extension.
289. Extension regulations do not need to be accompanied by a RIS if the responsible Minister issues an exemption certificate under section 8(1)(e)(iii).
290. Extension certificates under section 5A(1), Premier's extension certificates under section 5A(3) or exemption certificates under section 8(1)(e)(iii) must be laid before Parliament and sent to SARC. See generally Part 3, Division 2 of these Guidelines.

TRANSPORT SUPERANNUATION REGULATIONS 2008

Regulation 5(2)(e)

STATE SUPERANNUATION REGULATIONS 2008

Regulation 7(a)(ii)

Schedule of Allowances

Downer EDI Rail – Dynon

The following allowances are approved by the Emergency Services Superannuation Board, for employees covered by the Downer EDI Rail Dynon Maintenance Centre Enterprise Agreement 2013–2015:

*Category of employee*

C10A Dynon Diesel Maintainer

C07 Dynon Trade Maintenance Technician

C08 Dynon Trade Maintenance

*Percentage of Base Salary: 9%*

This allowance represents the aggregated values of the following shift allowances:

1. Afternoon shift
  2. Rostered to work on Saturday
  3. Rostered to work on Public Holiday
  4. Rostered to work on Sunday
  5. Permanently working on Night Shift
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**Planning and Environment Act 1987**

**BAYSIDE PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C136

The Minister for Planning has approved Amendment C136 to the Bayside Planning Scheme.

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

The Amendment amends Clause 21.02 by updating Map 2 at 21.02-5 to show the correct Residential Strategic Framework Plan.

A copy of the Amendment can be inspected, free of charge, at the Department of Transport, Planning and Local Infrastructure website at [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection) and free of charge, during office hours, at the offices of the Bayside City Council, 76 Royal Avenue, Sandringham.

JOHN PHILLIPS

Director

Planning Systems

Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**

**BOROONDARA PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C193

The Minister for Planning has approved Amendment C193 to the Boroondara Planning Scheme.

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

The Amendment seeks to correct mapping anomalies in the Boroondara Planning Scheme by removing or altering the Heritage Overlays that have been incorrectly applied to:

- 4 Bowen Street, Kew;
- 1 and 2A High Street, South Kew; and
- Units 2–10/492 Barkers Roads, Hawthorn East.

A copy of the Amendment can be inspected, free of charge, at the Department of Transport, Planning and Local Infrastructure website at [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection) and free of charge, during office hours, at the offices of the Boroondara City Council, 8 Inglesby Road, Camberwell.

JOHN PHILLIPS

Director

Planning Systems

Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**

**CARDINIA PLANNING SCHEME**

**Notice of Approval of Amendment**

**Amendment C196**

The Minister for Planning has approved Amendment C196 to the Cardinia Planning Scheme.

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

The Amendment removes the redundant Floodway Overlay from 1, 3, 5, 7, 9, 11, 13A and 13B Sharnet Circuit and part 18–26 Bate Close, Pakenham, and rezones land at Bald Hill Road road reserve from Road Zone (Category 2) to Industrial 1 Zone.

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

JOHN PHILLIPS

Director

Planning Systems

Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**

**BRIMBANK PLANNING SCHEME**

**MELTON PLANNING SCHEME**

**WYNDHAM PLANNING SCHEME**

**Notice of Approval of Amendment**

**Amendment GC18**

The Minister for Planning has approved Amendment GC18 to the Brimbank Planning Scheme, Melton Planning Scheme and Wyndham Planning Scheme.

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

The Amendment:

- modifies the ‘Water for a Growing West Project Incorporated Document, March 2014’ by including maps defining the project land and modifying conditions regarding the provision of offsets;
- modifies the Schedule to Clause 52.03 ‘Specific Sites and Exclusions’ to replace the ‘Water for a Growing West Project Incorporated Document, March 2014’ with the revised ‘Water for a Growing West Project Incorporated Document, July 2014’ within the Brimbank, Melton and Wyndham Planning Schemes; and
- modifies the Schedule to Clause 81.01 to replace the ‘Water for a Growing West Project Incorporated Document, March 2014’ with the revised ‘Water for a Growing West Project Incorporated Document, July 2014’ as an incorporated document within the Brimbank, Melton and Wyndham Planning Schemes.

A copy of the Amendment can be inspected, free of charge, at the Department of Transport, Planning and Local Infrastructure website at [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection) and free of charge, during office hours, at the offices of the Brimbank City Council, 6–18 Alexandra Avenue, Sunshine 3020; Melton City Council, 232 High Street, Melton 3337; and Wyndham City Council, 45 Princes Highway, Werribee 3030.

JOHN PHILLIPS

Director

Planning Systems

Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**

MELTON PLANNING SCHEME

Notice of Approval of Amendment

Amendment C158

The Minister for Planning has approved Amendment C158 to the Melton Planning Scheme.

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

The Amendment is required to update the Small Lot Housing Code provisions in Schedule 3 (Toolern Precinct Structure Plan), Schedule 4 (Rockbank North Precinct Structure Plan) and Schedule 5 (Diggers Rest Precinct Structure Plan) to Clause 37.07 (Urban Growth Zone) to improve the flexibility of dwelling approvals by making the application of the Small Lot Housing Code optional rather than mandatory.

A copy of the Amendment can be inspected, free of charge, at the Department of Transport, Planning and Local Infrastructure website at [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection) and free of charge, during office hours, at the offices of Melton City Council, Civic Centre, 232 High Street, Melton, Victoria 3337.

JOHN PHILLIPS

Director

Planning Systems

Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**

MELTON PLANNING SCHEME

Notice of Approval of Amendment

Amendment C159

The Minister for Planning has approved Amendment C159 to the Melton Planning Scheme.

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

The Amendment corrects a Public Use Zone mapping anomaly and amends Clause 22.03 (Recreation and open space networks policy) to reintroduce wording that was inadvertently removed in a recent Amendment.

A copy of the Amendment can be inspected, free of charge, at the Department of Transport, Planning and Local Infrastructure website at [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection) and free of charge, during office hours, at the offices of the Melton City Council, 232 High Street, Melton.

JOHN PHILLIPS

Director

Planning Systems

Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**

MITCHELL PLANNING SCHEME

Notice of Approval of Amendment

Amendment C95

The Minister for Planning has approved Amendment C95 to the Mitchell Planning Scheme.

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

The Amendment is required to update the Small Lot Housing Code provisions in Schedule 1 (Lockerbie Precinct Structure Plan) and Schedule 2 (Lockerbie North Precinct Structure Plan) to Clause 37.07 (Urban Growth Zone) to improve the flexibility of dwelling approvals by making the application of the Small Lot Housing Code optional rather than mandatory.

A copy of the Amendment can be inspected, free of charge, at the Department of Transport, Planning and Local Infrastructure website at [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection) and free of charge, during office hours, at the offices of Mitchell Shire Council, 113 High Street, Broadford, Victoria 3658.

JOHN PHILLIPS

Director

Planning Systems

Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**

MORELAND PLANNING SCHEME

Notice of Approval of Amendment

Amendment C156

The Minister for Planning has approved Amendment C156 to the Moreland Planning Scheme.

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

The Amendment updates Schedule 1 to the Comprehensive Development Zone to amend the Sub-Precinct A Map.

A copy of the Amendment can be inspected, free of charge, at the Department of Transport, Planning and Local Infrastructure website at [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection) and free of charge, during office hours, at the offices of the Moreland City Council, 90 Bell Street, Coburg.

JOHN PHILLIPS

Director

Planning Systems

Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**  
**SOUTH GIPPSLAND PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C95

The Minister for Planning has approved Amendment C95 to the South Gippsland Planning Scheme.

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

The Amendment introduces the Leongatha Industrial Land Supply Study by amending Clauses 21.11, Clause 21.15 and Clause 22.02 and introduces the study as a Reference Document at Clause 21.16.

A copy of the Amendment can be inspected, free of charge, at the Department of Transport, Planning and Local Infrastructure website at [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection) and free of charge, during office hours, at the offices of the South Gippsland Shire, 9 Smith Street, Leongatha.

JOHN PHILLIPS  
Director  
Planning Systems  
Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**  
**WANGARATTA PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C51

The Minister for Planning has approved Amendment C51 to the Wangaratta Planning Scheme.

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

The Amendment implements the 'Wangaratta Recreation Strategy and Open Space Strategy 2012' by amending the Local Planning Policy Framework and the Schedule to Clause 52.01.

A copy of the Amendment can be inspected, free of charge, at the Department of Transport, Planning and Local Infrastructure website at [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection) and free of charge, during office hours, at the offices of the Rural City of Wangaratta Council, 62–68 Ovens Street, Wangaratta.

JOHN PHILLIPS  
Director  
Planning Systems  
Department of Transport, Planning and Local Infrastructure

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**Planning and Environment Act 1987**  
**WYNDHAM PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment C181

The Minister for Planning has approved Amendment C181 to the Wyndham Planning Scheme.

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

The Amendment is required to apply the Small Lot Housing Code in Schedule 1 (Truganina South PSP) to Clause 37.07 in the Wyndham Planning Scheme where it has not yet been applied.

The Amendment also updates the Small Lot Housing Code provisions in Schedule 3 (Manor Lakes PSP), Schedule 4 (Alfred Road PSP), Schedule 5 (Point Cook West PSP), Schedule 6 (Black Forest Road South PSP) and Schedule 14 (East Werribee Employment Precinct) to Clause 37.07 and Condition C1 in the East Werribee Employment Precinct Structure Plan to improve the flexibility of dwelling approvals by making the application of the Small Lot Housing Code optional rather than mandatory.

A copy of the Amendment can be inspected, free of charge, at the Department of Transport, Planning and Local Infrastructure website at [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection) and free of charge, during office hours, at the offices of the Wyndham City Council, 45 Princes Highway, Werribee, Victoria 3030.

JOHN PHILLIPS  
Director  
Planning Systems

Department of Transport, Planning and Local Infrastructure

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**ORDERS IN COUNCIL**

**Crown Land (Reserves) Act 1978**

**CROWN LANDS TEMPORARILY RESERVED – BALLARAT WEST**

**Order in Council**

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

**MUNICIPAL DISTRICT OF THE CITY OF BALLARAT**

DOWLING FOREST – Public purposes; being Crown Allotment R (area 92.80 hectares) as shown on Plan No. OP123507, Crown Allotment R3 (area 45.19 hectares) as shown on Plan No. OP123508, Crown Allotment R4 (area 57.40 hectares) as shown on Plan No. OP123509, Crown Allotment S1 (area 57.83 hectares) as shown on Plan No. OP123510 and Crown Allotment R2 (area 91.19 hectares, more or less) as shown on Plan No. OP123511, all plans lodged in the Central Plan Office of the Department of Transport, Planning and Local Infrastructure. – (0506597)

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

Dated 26 August 2014

Responsible Minister

THE HON RYAN SMITH

Minister for Environment and Climate Change

YVETTE CARISBROOKE  
Clerk of the Executive Council

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**Crown Land (Reserves) Act 1978**

**LINCOLN PARK (JOINT TRUSTEE RESERVES) REVOCATION REGULATIONS 2014**

**Order in Council**

The Governor in Council, under section 13 of the **Crown Land (Reserves) Act 1978**, being satisfied that there are special reasons justifying the revocation of regulations by the Minister for Environment and Climate Change and the City of Moonee Valley as Joint Trustees of Lincoln Park, approves the revocation of the regulations.

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

Dated 26 August 2014

Responsible Minister

THE HON RYAN SMITH

Minister for Environment and Climate Change

YVETTE CARISBROOKE  
Clerk of the Executive Council

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**Crown Land (Reserves) Act 1978**

LINCOLN PARK (REVOCATION) REGULATIONS 2014

I, Ryan Smith, Minister for Environment and Climate Change and the Moonee Valley City Council as joint trustees make the following Regulations:

**1. Title**

These Regulations may be cited as the Lincoln Park (Revocation) Regulations 2014.

**2. Objective**

The objective of these Regulations is to revoke the Lincoln Park Regulations.

**3. Authorising provision**

These Regulations are made under section 13 of the **Crown Land (Reserves) Act 1978**.

**4. Principal Regulations**

In these regulations the 'Regulations for the Care, Protection and Management of the Reserve for Public Recreation in the Parish of Doutta Galla and known as Lincoln Park, made on 11 January 1938 and published in the government gazette dated 12 January 1938, page 153 and amended by notice published in the government gazette dated 20 January 1965, page 164.

**5. Commencement**

These Regulations come into operation on the day that they are published in the Government Gazette.

**6. Revocation of Principle regulations**

The principle regulations are revoked.

THE HON RYAN SMITH MP  
Minister for Environment and Climate Change

MR NEVILLE SMITH  
Chief Executive Officer  
as delegate for and on behalf of  
Moonee Valley City Council

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

Notice is hereby given under section 17(3) of the **Subordinate Legislation Act 1994** that the following Statutory Rules were first obtainable from SAI Global, Unit 3, 18 Salmon Street, Port Melbourne on the date specified:

108. *Statutory Rule:* Workplace Injury  
Rehabilitation and  
Compensation  
(Savings and  
Transitional)  
Amendment  
Regulations 2014
- Authorising Act:* Workplace Injury  
Rehabilitation and  
Compensation  
Act 2013
- Date first obtainable:* 22 August 2014
- Code A*
109. *Statutory Rule:* Building  
Amendment (New  
Residential Zones)  
Regulations 2014
- Authorising Act:* Building Act 1993
- Date first obtainable:* 22 August 2014
- Code B*
-

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