



Victoria Government Gazette

By Authority of Victorian Government Printer

No. G 41 Thursday 13 October 2016

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GENERAL

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As from 13 October 2016

The last Special Gazette was No. 314 dated 12 October 2016.

The last Periodical Gazette was No. 1 dated 18 May 2016.

How To Submit Copy

- See our webpage www.gazette.vic.gov.au
 - or contact our office on 8523 4601 between 8.30 am and 5.30 pm Monday to Friday
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**PUBLICATION OF THE VICTORIA GOVERNMENT GAZETTE (General)
MELBOURNE CUP HOLIDAY WEEK 2016**

Please Note New Deadlines for General Gazette G44/16:

The Victoria Government Gazette (General) for Melbourne Cup week (G44/16) will be published on **Thursday 3 November 2016**.

Copy deadlines:

Private Advertisements	9.30 am on Friday 28 October 2016
Government and Outer Budget Sector Agencies Notices	9.30 am on Friday 28 October 2016

Office Hours:

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

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

JENNY NOAKES
Government Gazette Officer

PRIVATE ADVERTISEMENTS

VICTORIA

State Aid to Religion Abolition Act 1871

ACT No: 391/1871 – Section 4

THE FIRST SCHEDULE

I, Garry John Weatherill, authorised representative of the denomination known as The Anglican Church of Australia (formerly Church of England) in the Diocese of Ballarat, with the consent of the Corporation The Ballarat Diocesan Trustees, of the land described in the subjoined Statement of Trusts being the person entitled to minister in or occupy a building or buildings upon the said land Hereby Apply to the Governor of the State (formerly Colony) of Victoria for leave to dispose of the said land by the means and for the purposes mentioned in the said Statement of Trusts. And I hereby certify that the said land set apart for Church of England purposes was approved on 17 December 1855 by the Governor with the advice of the Executive Council, as confirmed by the Appointment of Trustees published in the Victoria Government Gazette on 14 October 1870 at page 1526: That the only Trustee of the said land resident in the State (formerly Colony) of Victoria is the Corporation The Ballarat Diocesan Trustees of The Diocesan Centre, Anglican Church of Australia, Diocese of Ballarat, 49 Lydiard Street South, Ballarat, Victoria 3350.

That the only buildings upon the said land are the Church, a small brick building with a water tank and a small brick shed and that the only person entitled to minister in or occupy the land and said buildings is the abovenamed.

Dated 3 October 2016

Signature of head or authorised representative:

THE RIGHT REVEREND GARRY JOHN WEATHERILL
Bishop

We consent to this application.

The Common Seal of The Ballarat
Diocesan Trustees for the Diocese of
Ballarat was hereunto affixed in the
presence of us being three of the Trustees
authorised to witness the affixing of such
seal in the presence of:

GARRY JOHN WEATHERILL
Trustee

CHRISTOPHER MARK CHATAWAY
Trustee

PETER NEIL JARVIS
Trustee

STATEMENT OF TRUSTS

Site set apart for Church of England purposes, approved on 17 December 1855 by the Governor with the advice of the Executive Council, as confirmed by the Appointment of Trustees published in the Victoria Government Gazette on 14 October 1870 at page 1526.

Description of land: 8094 square metres, Township of Yambuk, Parish of Yambuk, being Crown Allotments 1, 2 and 3, Section 6.

Commencing at the intersection of the eastern alignment of Church Street and the southern alignment of High Street; bounded thence by High Street bearing 90°00' 80.47 metres; thence by a line bearing 180°00' 100.58 metres; thence by Chester Street bearing 270°00' 80.47 metres, and thence by Church Street bearing 0°00' 100.58 metres back to the point of commencement.

Name of Trustees: The Ballarat Diocesan Trustees, The Diocesan Centre, Anglican Church of Australia, Diocese of Ballarat, 49 Lydiard Street South, Ballarat, Victoria, 3350.

Powers of Disposition: Such powers of disposition including powers of sale, exchange, mortgage or lease as are contained in **The Ballarat Diocesan Trustees Act 1988**.

Purposes to which proceeds of Dispositions are to be applied: To such Anglican Church purposes as shall be approved by the Trustee.

Re: BARBARA LORRAINE SIMMONDS, of Unit 1, 9 Lime Avenue, Balwyn North, retired psychologist, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 February 2016, are required by the trustee, Peta Michele Simmonds, to send particulars to the trustees, care of the undermentioned solicitors, by a date not later than two months from the date of publication hereof, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she has notice.

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

ALEXANDER MALCOLM ZORANNE, late of 4 Clegg Court, Endeavour Hills, Victoria, student, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 10 September 2015, are required by the administrator, Phrynnette Manel Jayasuriya, care of Alphastream Lawyers, 1 Dunoon Court, Mulgrave, Victoria 3170, to send particulars thereof to her, care of the undermentioned solicitors, within 60 days from the date of publication of this notice, after which the administrator will distribute the estate, having regard only to the claims of which she has notice.

ALPHASTREAM LAWYERS,
1 Dunoon Court, Mulgrave, Victoria 3170.

FERRUCCIO MEJAK, late of 44 Nurten Parade, Aspendale Gardens, 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 19 November 2015, are required by the executrix, Doriana Pinazo (in the Will called Dorina Mejak), care of Arthur J. Dines & Co., solicitors, 2 Enterprise Drive, Bundoora, in the said State, to send particulars to her by 12 December 2016, after which date the executrix may convey or distribute the assets, having regard only to claims to which she has notice.

Dated 13 October 2016

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

Estate EILEEN MARY WOOD, late of Geelong Aged Care, 6a Perrett Street, Grovedale, Victoria 3216, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 4 February 2013, are required by the executors, Raymond John Wood and Bernice Majella O'Sullivan, to send particulars of such claims to them, in care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date they will distribute the assets, having regard only to the claims of which they then have notice.

Dated 6 October 2016

BASILE & CO. PTY LTD, legal practitioners, consultants and conveyancers (Vic. and NSW), 46 Wellington Street, Kerang, Victoria 3579.
LB:GR:16263

Re: KENNETH MUNTON, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 May 2016, are required by the personal representatives, Equity Trustees Limited, to send particulars to the personal representatives, care of its address below, by 12 December 2016, after which date the personal representatives may convey or distribute the assets, having regard only to the claims of which it has notice.

EQUITY TRUSTEES LIMITED,
Level 2, 575 Bourke Street, Melbourne 3000.

Trustee Act 1958

SECTION 33 NOTICE

Notice to Claimants

GEOFFREY NORRIS DUTNEALL, late of Cheltenham Manor, 10–12 Bendigo Street, Cheltenham, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 7 August 2016, are required by Equity Trustees Limited, of Level 2, 575 Bourke Street, Melbourne, Victoria, the executor of the estate of the deceased, to send particulars of their claims by 13 December 2016, after which

date the executor may convey or distribute the assets, having regard only to the claims of which it then has notice.

HUNT & HUNT,
Level 26, 385 Bourke Street, Melbourne,
Victoria 3000.
Ref: 9614210.

Trustee Act 1958

SECTION 33 NOTICE

Notice to Claimants

WALLACE ERNEST HEADS, late of Salford Park, 100 Harold Street, Wantirna, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 July 2016, are required by Equity Trustees Limited, of Level 2, 575 Bourke Street, Melbourne, Victoria, the executor of the estate of the deceased, to send particulars of their claims by 13 December 2016, after which date the executor may convey or distribute the assets, having regard only to the claims of which it then has notice.

HUNT & HUNT,
Level 26, 385 Bourke Street, Melbourne,
Victoria 3000.
Ref: 9614261.

Re: The estate of MARGARET WILKINSON, of Gracedale Private Nursing Home, 205 Warrandyte Road, Ringwood North, Victoria 3136, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 April 2016, are required by the trustee, Terrence Richard Wilkinson, to send particulars of such claims to him, care of the undersigned, by 12 December 2016, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

HUTCHINSON LEGAL,
12 Warrandyte Road, Ringwood, Victoria 3134.

ERNEST SPENCER HARNDEN, late of 1088 Bendigo Maryborough Road, Lockwood, Victoria 3551, drover, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 1 May 2016, are required by Marian Joy Fawcett, the executor of the Will of the deceased, to send particulars of

their claims to her, care of the undermentioned address, by 15 December 2016, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

J. A. MIDDLEMIS, barrister and solicitor,
30 Myers Street, Bendigo, Victoria 3550.

Re: KEVIN DARRELL CLARKE, late of 'Highwood Court', 359 Warrigal Road, Burwood, Victoria 3125.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 2 June 2016, are required to send particulars of their claims to the executor, care of Level 35, 525 Collins Street, Melbourne, Victoria 3000, by 12 December 2016, after which date the executor may convey or distribute the assets, having regard only to the claims of which it may then have notice.

KLIGER PARTNERS, lawyers,
Level 2, 280 Queen Street, Melbourne 3000.

HARLEY JAMES OLIVER THIEL, late of 73 Katrina Street, Blackburn North, in the State of Victoria, retired supermarket proprietor, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 19 December 2015, are required by the legal personal representative, William Edward Thiel, to send particulars to him, care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date the legal personal representative may convey or distribute the assets, having regard only to the claims of which he then has notice.

KYARD BUSINESS LAW, solicitors,
Suite 2, 1004 Doncaster Road, East Doncaster,
Victoria 3109.

Re: KENNETH COX, late of 9 McIlwraith Road, Rhyll, Victoria 3923, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 July 2016, are required to send particulars of their claim to the executor, care of the undersigned lawyers, by 13 December 2016,

after which date the executor 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.

Re: ROY GEORGE WOODRUP, late
of 38 Scenic Drive, Cowes, Victoria 3922,
deceased.

Creditors, next-of-kin and others having
claims in respect of the estate of the deceased,
who died on 27 July 2016, are required to send
particulars of their claim to the executors, care
of the undersigned lawyers, by 13 December
2016, after which date the executors 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.

Re: LORNA MAY FEENEY, deceased.

Creditors, next-of-kin and others having
claims in respect of the estate of the deceased,
who died on 25 May 2016, are required by the
trustees, Kevin Lawrence Feeny and Mary
Patricia Feeny, to send particulars to their
solicitors at the address below by 13 December
2016, after which date the trustees may convey
or distribute the assets, having regard only to the
claims of which the trustees have notice.

MST LAWYERS,
315 Ferntree Gully Road, Mount Waverley 3149.

Re: PATRICIA ANNE SYMONDS, deceased.

Creditors, next-of-kin and others having
claims in respect of the estate of the deceased,
who died on 8 August 2016, are required by
the trustee, Gary Leonard Symonds, to send
particulars to his solicitor at the address below
by 13 December 2016, after which date the
trustee may convey or distribute the assets,
having regard only to the claims of which the
trustee has notice.

MST LAWYERS,
315 Ferntree Gully Road, Mount Waverley 3149.

Re: MARGARET ALLAN ASHTON, late
of 2 Darriwell Drive, Mount Helen, Victoria,
deceased.

Creditors, next-of-kin and others having
claims in respect of the estate of the deceased,
who died on 25 July 2016, are required by
the trustee, Equity Trustees Limited, ABN 46
004 031 298, of Level 2, 575 Bourke Street,
Melbourne, Victoria, to send particulars to the
trustee, care of the undermentioned solicitors, by
22 December 2016, after which date the trustee
may convey or distribute the assets, having
regard only to the claims of which the trustee
then has notice.

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

Creditors, next-of-kin or others having
claims in respect of the estate of LIDA ROGA,
deceased, of 12 Randall Street, Maribyrnong,
Victoria, who died on 5 March 2016, are required
by Flavio Paoli and Gabriella Salmon, the
executors named in the Will, to send particulars
of their claims, care of the undermentioned
solicitors, by 12 December 2016, after which
date the executors will distribute the assets,
having regard only to the claims of which the
executors then have notice.

PATTEN ROBINS, lawyers,
62–64 Doncaster Road, Balwyn North,
Victoria 3104.

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 the
administrator, David Henry Sonenberg, care of
Pearce Webster Dugdales, Level 4, 379 Collins
Street, Melbourne, Victoria, by 22 December
2016, after which date the administrator may
convey or distribute the assets, having regard
only to the claims of which the administrator
then has notice.

SEOUD, Nassim, late of 88 Bruce Street,
Preston, Victoria 3072, deceased, who died on
8 November 2015.

SEOUD, Zarife, late of 88 Bruce Street,
Preston, Victoria 3072, deceased, who died on
4 August 2015.

Re: DEAN LEONARD WITHERS, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 August 2015, are required by the administrator, Barbara Elizabeth Catto, care of Pearce Webster Dugdales, of Level 4, 379 Collins Street, Melbourne, Victoria, to send particulars to the administrator by 22 December 2016, after which date the administrator may convey or distribute the assets, having regard only to the claims of which they then have notice.

PEARCE WEBSTER DUGDALES, lawyers,
4th Floor, 379 Collins Street, Melbourne 3000.

Creditors, next-of-kin and others having claims against the estate of RONALD WILLIAM SPICER BEASLEY, late of 7–9 Orchard Grove, Warrandyte, in the State of Victoria, retired, deceased, who died on 10 May 2015, are required to send particulars of the claims to the executrix, Merlyn Joy Beasley, care of the undermentioned solicitor, by 14 December 2016, after which date she will distribute the estate of the deceased, having regard only to the claims of which she then has notice.

PETER GARDINER, solicitor,
Office 1, 2 Colin Avenue, Warrandyte 3113.

DAVID IAN TRODD, late of Costa House, Investigator Drive, Lara, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 7 July 2016, are required by the trustee, Debra Elizabeth Farrar, to send particulars of their claims to the trustees, in the care of the undermentioned legal practitioner, by 12 December 2016, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

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

Creditors, next-of-kin or others having claims in respect of the estate of WYNETTE RAE CORRAN, deceased, late of 450 Waverley Road, Mount Waverley, Victoria 3149, who died on 11 December 2015, are to send particulars

of their claims to the executor, care of the undermentioned solicitors, by 15 December 2016, after which date the executor will distribute the assets, having regard only to the claims of which the executor then has notice.

RIGBY COOKE LAWYERS,
Level 11, 350 Elizabeth Street, Melbourne,
Victoria 3000.

Re: ALBERTUS CORNELIS BROUWER, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 2 August 2016, are required by the trustees, Albert Cornelis Brouwer and Teunis Hendrikus Jan Brouwer, to send particulars of such claims to them, in care of the below mentioned lawyers, by 14 December 2016, 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, Mornington, Victoria 3931.

Re: JEFFERY WILLIAM EVERETT, late of 20 Lawrence Street, Camperdown, Victoria, retired dairy farmer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 18 January 2016, are required by the deceased's personal representative, Sandra Lois Taverna, to send particulars to her, care of the undermentioned lawyers, by 10 December 2016, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which she then has notice.

SLM LAW, lawyers and advisors,
17 Pike Street, Camperdown, Victoria 3260.

Re: GARRY JAMES HUTCHINSON, late of 101 Hylands Road, Heskett, Victoria, business owner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 July 2016, are required by the trustee, Sandhurst Trustees Limited, ACN 004 030 737, of 18 View Street, Bendigo, Victoria, to send particulars to the trustee by 8 December 2016, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

SANDHURST TRUSTEES LIMITED,
18 View Street, Bendigo 3550.

Re: BETTY JEAN NEIWAND, late of Stella Anderson Nursing Home, 26 Gibson Street, North Bendigo, Victoria, retired linen sorter, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 August 2016, are required by the trustee, Wayne Maxwell Neiwand, care of Sandhurst Trustees, 18 View Street, Bendigo, Victoria, to send particulars to the trustee by 8 December 2016, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

SANDHURST TRUSTEES LIMITED,
18 View Street, Bendigo 3550.

Re: RICHARD WARRINER, late of Footscray Aged Care, Mephan Street, Footscray, Victoria, retired psychiatric nurse, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 14 June 2016, are required by the trustee, Sandhurst Trustees Limited, ACN 004 030 737, of 18 View Street, Bendigo, Victoria, to send particulars to the trustee by 4 January 2017, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

SANDHURST TRUSTEES LIMITED,
18 View Street, Bendigo 3550.

Re: MARY RUTH WELDON, late of Bethlehem Home for the Aged, 36–42 Specimen Hill Road, Golden Square, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 14 July 2016, are required by the trustee, Sandhurst Trustees Limited, ACN 004 030 737, of 18 View Street, Bendigo, Victoria, to send particulars to the trustee by 4 January 2017, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

SANDHURST TRUSTEES LIMITED,
18 View Street, Bendigo 3550.

ALICE AMELIA GOTTS, late of 13 Howard Street, Altona Meadows, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 June 2016, are required by the personal legal representative, Russell John Glen, to send

particulars to him, care of the undermentioned solicitors, by 15 December 2016, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which he then has notice.

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

MYRTLE TERESA ROWBOTTOM, late of Glenview Nursing Home, 168 High Street, Rutherglen, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 March 2016, are required by the personal legal representative, Harold Simon Marsh, to send particulars to him, care of the undermentioned solicitors, by 15 December 2016, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which he then has notice.

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

ADVERTISEMENT OF AUCTION BY THE SHERIFF

On Thursday 17 November 2016 at 1.30 pm in the afternoon, at the Sheriff's Office, 444 Swanston Street, Carlton (unless process be stayed or satisfied).

All the estate and interest (if any) of Mulin Tian of 1/22 Warrabel Road, Ferntree Gully, sole proprietor of an estate in fee simple in the land described on Certificate of Title Volume 11561 Folio 628, upon which is erected a partially constructed dwelling and known as 24 Appledale Way, Wantirna South, will be auctioned by the Sheriff.

Registered Mortgage (Dealing Number AL842154H) and Covenant PS705529Y affect the said estate and interest. The Sheriff is unable to provide access to this property.

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

Note, this property is subject to GST.

Please visit Sheriff's Office Real Estate Section website at www.justice.vic.gov.au/sheriffrealestate for an information sheet on Sheriff's Auctions, a contract of sale and any other enquiries.

SHERIFF

**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES**

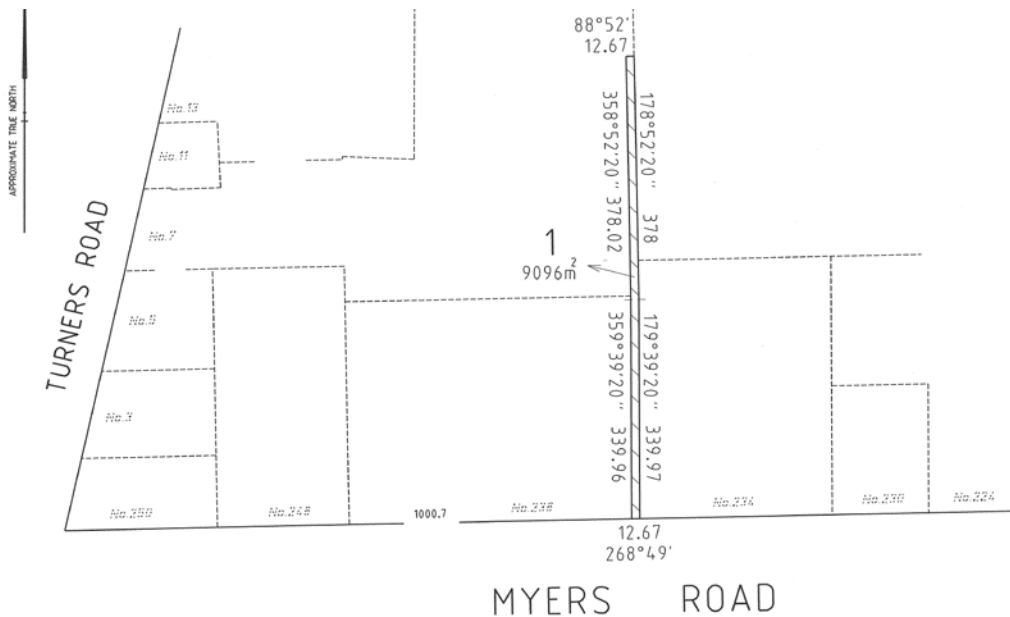


**MORNINGTON
PENINSULA**
Shire

ROAD DISCONTINUANCE

Pursuant to section 206 and Schedule 10, Clause 3 of the **Local Government Act 1989**, the Mornington Peninsula Shire Council has formed the opinion that the section of road located off Myers Road, Balnarring, and as shown hatched and marked '1' on the plan below, is not reasonably required as a road for public use.

The Shire has resolved to discontinue the section of road and to sell it by private treaty to the owner of No. 7 Turners Road, Balnarring, for consolidation with the surrounding title. The land is to be sold subject to any right, power or interest held by United Energy in the road in connection with any electricity transmission cables under the control of United Energy running under or over the road.



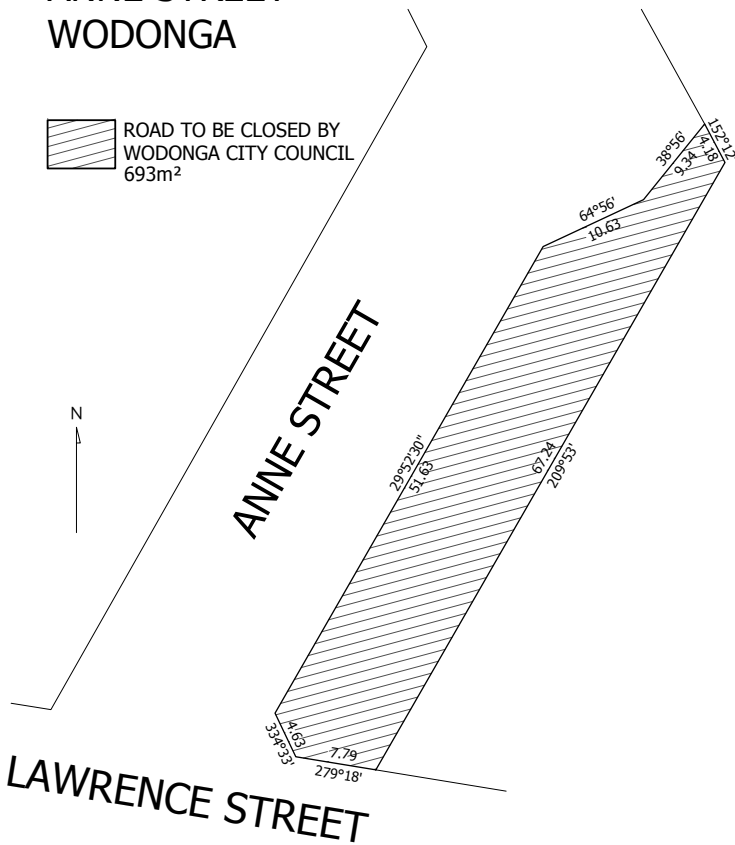
CARL COWIE
Chief Executive Officer



DISCONTINUANCE OF A ROAD

Pursuant to section 206 and Schedule 10, Clause 3 of the **Local Government Act 1989**, Wodonga City Council, at its ordinary meeting of 27 June 2016, formed the opinion that the section of road reserve in Anne Street, Wodonga, shown hatched on the plan, was not reasonably required as a road for public use and resolved to discontinue the section of road and transfer the land from the discontinued road to the Crown.

PLAN OF ROAD CLOSURE
ANNE STREET
WODONGA



PATIENCE HARRINGTON
Chief Executive Officer



NOTICE OF INTENTION TO MAKE A LOCAL LAW

Draft Local Law 2: General Public Amenity

In accordance with a resolution of the Golden Plains Shire Council (Council) made at its meeting held on 27 September 2016, notice is given that it is the intention of Council, acting under section 119 of the **Local Government Act 1989**, to create a new local law.

The following information about the proposed local law is provided in accordance with section 119(2) of the **Local Government Act 1989**.

Purpose and general purport

The proposed Local Law, if made, will replace the Local Law No. 2 – Public Amenity, Roads and Streets (2007).

The objectives of the proposed Local Law 2: General Public Amenity are to:

- (a) provide a safe and healthy environment in which the residents of the Shire are provided with an opportunity to enjoy a quality of life that enhances their well-being;
- (b) prohibit, regulate and control activities that may be dangerous, unsafe or detrimental to quality of life or environment in the Shire;
- (c) facilitate the provision of general public services, health and other community services, property services, recreational and cultural services and other services in a way that promotes equal opportunity and non-discriminatory practices and enhances the environment and quality of life in the Shire;
- (d) control nuisances and other environmental hazards that may adversely affect the enjoyment of life, health, safety or welfare of people within the Shire;
- (e) prohibit, regulate and control activities and events associated with:
 - (i) unsightly land;
 - (ii) burning of offensive materials;
 - (iii) the use of recreational vehicles;
 - (iv) advertising and bill posting;
 - (v) camping;
 - (vi) animals, including animal numbers and the keeping and control of animals;
 - (vii) the disposal of waste, including behaviour associated with waste disposal sites; and
 - (viii) the administration of Council's powers and functions in a way that is consistent with, and in furtherance of, the objectives specified in paragraphs (a) to (d) above.
- (f) provide for the management of the physical features of roads and adjacent properties in a manner that is consistent with the safety and convenience of road users;
- (g) control the use of various types of vehicles and animals for the safety and convenience of road users;
- (h) provide for the preservation and protection of Council's assets from damage that may be caused from extraordinary use of roads;
- (i) control and regulate secondary activities on roads, including trading, the placing of goods and equipment, parties, festivals, processions, collections, and droving;
- (j) facilitate free and safe access for people with sight and movement impairment or disabilities;

- (k) provide for the management and control of parking to minimise disruption, danger or nuisance to the users of Council's parking facilities;
- (l) control the use of Council-operated standpipes;
- (m) revoke Local Law No. 2 of 2007; and
- (n) provide generally for the peace, order and good government of the Shire.

Accessing the draft Local Law

A copy of the proposed local law may be inspected at the following customer service locations: Bannockburn Customer Service Centre, 2 Pope Street, Bannockburn, Victoria 3331; and Linton Customer Service Centre, 68 Sussex Street, Linton, Victoria 3331.

Alternatively, a copy of the proposed Local Law is available for review on the Golden Plains Shire website and can be accessed by following the below listed link:

www.goldenplains.vic.gov.au/local-laws

Lodging submissions

Any person may make a written submission to Council under section 223 of the **Local Government Act 1989**.

Written submissions must be received by Council by 5.00 pm on 14 November 2016.

Written submissions should be addressed to the Chief Executive Officer, Golden Plains Shire Council and sent by mail to PO Box 111, Bannockburn, Victoria 3331.

Any person who has made a submission under section 223 of the Act and has requested to be heard in support of their written submission is entitled to appear in person or to be represented by a person specified in the submission before the Council. The proposed Local Law will be considered at the ordinary meeting to be held on 20 December 2016. The time and place of the Council meeting will be advised in writing.

Any person making a written submission under section 223 of the Act is advised that under regulation 11 of the Local Government (General) Regulations 2004, the Council is required to make available for public inspection all submissions (including personal information) received in accordance with section 223 of the Act during the previous 12 months. Details of submissions may also be included within the official Council Agendas and Minutes which are public documents and which may also be made available on Council's website.

Council will consider any written submissions in accordance with section 223 of the Act.

Contact

Any person requiring further information should direct their enquiries to Tim Waller, Development Manager on (03) 5220 7111; fax: 5220 7100; email: twaller@gplains.vic.gov.au

ROD NICHOLLS
Chief Executive Officer

INDIGO SHIRE COUNCIL

Local Laws

At its ordinary council meeting on 13 September 2016, Indigo Shire Council resolved to make the following Local Laws:

- Local Law No. 3: Meeting Procedures and Common Seal; and
- Local Law No. 5: Murray to Mountains Rail Trail.

The Local Laws come into operation on 13 October 2016.

In accordance with section 119(2) of the **Local Government Act 1989**, the purpose and general purport of the Local Laws is to:

Local Law No. 3:

- regulate the procedure for the election of Mayor and Deputy Mayor and Chairpersons of various committees;
- regulate proceedings at Council meetings, Special Committee meetings and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of the Local Law are to apply;
- set the rules and behaviour for those participating in or present at Council meetings and Special Committee meetings; and
- regulate the use of the Common Seal.

Local Law No. 5:

- prohibit, regulate and control activities which may be dangerous or unsafe or detrimental to the enjoyment and use of the Rail Trail;
- prohibit, regulate and control access to, behaviour on and use of, the Rail Trail; and
- provide for the peace, order and good governance of the municipal district.

Copies of the Local Law No. 3: Meeting Procedures and Common Seal and Local Law No. 5: Murray to Mountains Rail Trail are available for inspection at Council's Customer Service Centres at Beechworth, Chiltern, Rutherglen and Yackandandah, and can be viewed at www.indigoshire.vic.gov.au/LocalLaw

The Amendment applies to 71 and 77 Racecourse Road, Pakenham, shown as Lots 1 and 2 on PS734191W. This land is the last remnant of the old Pakenham Racecourse, the majority of which was rezoned by Amendment C141 on 7 October 2010 from Special Use Zone Schedule 2 – Recreation and Tourism (SUZ2) to Comprehensive Development Zone Schedule 2 (CDZ2).

The Amendment proposes to rezone the portions of the sites in Special Use Zone Schedule 2 – Recreation and Tourism (SUZ2) to General Residential Zone – Schedule 1 (GRZ1). This will delete the Special Use Zone 2 from the Cardinia 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, Cardinia Shire Council, 20 Siding Avenue, Officer 3809; during opening hours at Pakenham Library, corner John Street and Henry Street, Pakenham; and at the Department of Environment, Land, Water and Planning website, www.delwp.vic.gov.au/public-inspection

Any person who may be affected by the Amendment may make a submission to the planning authority about the Amendment. 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. The closing date for submissions is 14 November 2016. A submission must be sent to mail@cardinia.vic.gov.au or Cardinia Shire Council, Amendment C214, PO Box 7, Pakenham, Victoria 3810.

The planning authority must make a copy of every submission available at its office for any person to inspect, free of charge, for two months after the Amendment comes into operation or lapses.

TRACEY PARKER
Manager Strategic and
Economic Development

Planning and Environment Act 1987

CARDINIA PLANNING SCHEME

Notice of the Preparation of an Amendment

Amendment C214

Cardinia Shire Council has prepared Amendment C214 to the Cardinia Planning Scheme.

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 13 December 2016, 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.

BOURKE, Stanley Joseph Stephen, late of Unit 2, 9 Dacelo Avenue, Broadmeadows, Victoria 3047, deceased, who died on 26 August 2016.

HAYS, Percy Edmund, late of Mayflower Reservoir Hostel, 56 Elliot Street, Reservoir, Victoria 3073, home duties, deceased, who died on 24 August 2016. Grant of Probate dated 29 September 2016.

TRAJKOVIC, Katarina, late of Kallara Care SRS, 126 Cuthberts Road, Alfredton, Victoria 3350, deceased, who died on 1 July 2016. Grant of Probate dated 29 September 2016.

TREMAIN, Violet Joycelyn, late of TLC Homewood Residential Aged Care, 8 Young Road, Hallam, Victoria 3803, retired, deceased, who died on 20 July 2016.

URBANO, Frank, late of Salisbury House Nursing Home, 3/5-9 Salisbury Road, Upper Beaconsfield, Victoria 3808, deceased, who died on 10 July 2016.

Dated 4 October 2016

STEWART MacLEOD
Manager

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 14 December 2016, 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.

GRIME, Joan Kay Doreen, late of 3 Winmalee Drive, Glen Waverley, Victoria 3150, retired, deceased, who died on 12 July 2016.

PEREIRA, Naur, late of Amaroo Aged Care, 36 Kennedy Street, Euroa, Victoria 3666, deceased, who died on 5 August 2016.

MAHER, Alan Travis, late of 35 Harrison Street, Swan Hill, Victoria 3585, deceased, who died on 21 August 2016.

Dated 5 October 2016

STEWART MacLEOD
Manager

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 15 December 2016, 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.

BURGOYNE, Samuel, late of 47 Charlotte Street, Springvale South, Victoria 3172, retired, deceased, who died on 12 July 2016.

GRUNDY, Eveline Annabel, late of Elouera Aged Care Hostel P/L, 6-11 Kooringa Place, Torquay, Victoria 3228, home duties, deceased, who died on 6 July 2016.

JACKSON, Ronald Frank, late of Victoria Manor Aged Care Facility, 15 Mladen Court, Coolaroo, Victoria 3048, gentleman, deceased, who died on 11 July 2016.

MEREDITH, Dane Colin, late of Room 3, 7 Paterson Street, Croydon North, Victoria 3136, deceased, who died on 3 September 2016.

ROHAN, Shirley June, late of Unit 2, 47 Coorigil Road, Carnegie, Victoria 3163, retired, deceased, who died on 12 September 2016.

WATT, Ian McClure, late of Golden Oaks Nursing Home, Stoneham Street, Golden Square, Victoria 3555, deceased, who died on 12 August 2016.

Dated 6 October 2016

STEWART MacLEOD
Manager

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

representative, on or before 16 December 2016, 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.

BARNETT, Muriel Olive, late of 24 Miowera Green, Greensborough, Victoria 3088, deceased, who died on 27 May 2016.

BRAMMER, Peter John, late of Whittlesea Lodge, 30–32 Fir Street, Whittlesea, Victoria 3757, deceased, who died on 15 March 2016.

BUCKLEY, Patricia Joan, late of Unit 2, 3 Elm Grove, Mount Waverley, Victoria 3149, retired, deceased, who died on 1 August 2016.

BUJNOWICZ, Tamara, late of Goonawarra Aged Care Facility, 19–25 Anderson Road, Sunbury, Victoria 3429, deceased, who died on 28 December 2015.

COSSON, Romano, late of 93 Arundel Avenue, Reservoir, Victoria 3073, deceased, who died on 18 July 2016.

DENIC, Marica, late of Unit 1, 5 Phillip Street, Dandenong North, Victoria 3175, deceased, who died on 7 September 2016.

EVERETT, Josephine Gladys Kathleen, late of 119 Derby Street, Kew, Victoria 3101, retired, deceased, who died on 27 July 2016.

GLASSON, William Daryl, late of 27 Munday Street, Torquay, Victoria 3228, retired, deceased, who died on 1 August 2015.

ROGERS, Rita M, late of 79 Haywood Street, Morwell, Victoria 3840, deceased, who died on 18 November 2015.

SMITH, Mikhail, late of Unit 7, 28 Rooney Street, Maidstone, Victoria 3012, deceased, who died on 20 July 2016.

VOLKMANN, Ingrid Maria, late of 37 Clifford Street, Port Melbourne, Victoria 3207, deceased, who died on 11 September 2016.

Dated 7 October 2016

STEWART MacLEOD
Manager

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 19 December 2016, 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.

ALLWOOD, Michael Andrew, late of 31 Graham Street, Bundalong, Victoria 3730, deceased, who died on 2 June 2016.

GOLLOP, Caroline Ellen, late of Unit 14, 26 Canning Street, North Melbourne, Victoria 3051, deceased, who died on 12 July 2016.

PRATT, Valerie June, late of Koraleigh Nursing Home, 18 Purdey Street, Tongala, Victoria 3621, deceased, who died on 22 August 2016.

RODERIQUE, Barry, late of Unit 5, 18 Airlie Avenue, Prahran, Victoria 3181, deceased, who died on 31 May 2016.

STOKES, Michael Peter, late of Unit 2, 21 Argyle Road, Maryborough, Victoria 3465, deceased, who died on 26 July 2016.

Dated 10 October 2016

STEWART MacLEOD
Manager

Department of Treasury and Finance

SALE OF CROWN LAND BY
PUBLIC AUCTION

on Saturday 12 November 2016 at
11.00 am on site

Reference: F14/4802.

Address of Property: 5 Roadknight Street,
Lakes Entrance.

Crown Description: Crown Allotment 2020,
Township of Lakes Entrance, Parish of
Colquhoun, County of Tambo, Title Plan
No. TP959036R.

Terms of Sale: Deposit 10%, Balance 90 days.

Area: 660 m².

Officer Co-ordinating Sale: Joe Rossello,
Land and Property Group, Department of
Treasury and Finance, Level 5, 1 Treasury
Place, Melbourne, Victoria 3002.

Selling Agent: LJ Hooker Lakes Entrance,
511 Esplanade, Lakes Entrance, Victoria
3909.

ROBIN SCOTT MP
Minister for Finance

Adoption Act 1984

I, Denise Harrison, as a delegate of the Secretary to the Department of Health and Human Services, under section 17(5) of the **Children, Youth and Families Act 2005** and in relation to section 5 of the **Adoption Act 1984**, approve the following person as counsellor for the purposes of the **Adoption Act 1984**.

Collette Reid

Dated 4 October 2016

DENISE HARRISON
Director, Child Protection
South Division

Adoption Act 1984

Under the functions and powers assigned to me by the Secretary to the Department of Health and Human Services under section 17(5) of the **Children, Youth and Families Act 2005** in relation to section 5 of the **Adoption Act 1984**:

I, Jan Snell, approve the appointment of the following person as Principal Officer for the purposes the Adoption Act:

Ms Jo Farrelly
Anglicare Victoria, St Luke's region
175 Hargreaves Street, Bendigo, Victoria.

Dated 5 October 2016

JAN SNELL
Deputy Secretary
North Division

Education and Training Reform Act 2006

MINISTERIAL ORDER NO. 936

Craigieburn North West Primary School Council (Interim Name)
Constituting Order

A. Purpose

The purpose of this Order is to constitute a school council for Craigieburn North West Primary School (Interim Name).

B. Authorising provisions

This Order is made under section 2.3.2 (1) and (2) and all other enabling provisions of the **Education and Training Reform Act 2006**.

C. Commencement

This Order comes into operation on the day it is made.

PART A – CONSTITUTION

1. Incorporation

A school council is hereby constituted, under section 2.3.2(1) of the **Education and Training Reform Act 2006**, by the name of Craigieburn North West Primary School Council (Interim Name), as a body corporate to exercise and discharge the powers, duties and functions conferred or imposed on it by or under that Act in relation to the Government school No. 5545 named Craigieburn North West Primary School (Interim Name) situated at 202–226 Newbury Boulevard, Craigieburn, Victoria 3064.

1A. Objectives of the Council

The objectives of the Council with regard to the School are:

- (a) To assist in the efficient governance of the School;
- (b) To ensure that its decisions affecting students of the School are made having regard, as a primary consideration, to the best interest of the students;
- (c) To enhance the educational opportunities of students at the School; and
- (d) To ensure the School and the council comply with any requirements of the **Education and Training Reform Act 2006**, any regulations or a Ministerial Order made under that Act, or a direction, guideline or policy issued under that Act.

1B. Functions of the Council

The functions of the Council with regard to the School are:

- (a) To establish the broad direction and vision of the School within the School's community;
- (b) To arrange for the supply of goods, services, facilities, materials, equipment and other things or matters that are required for the conduct of the School including the provision of preschool programs;
- (c) To raise funds for School-related purposes;
- (d) To regulate and facilitate the after-hours use of the School premises and grounds;
- (e) To exercise a general oversight of the School buildings and grounds and ensure that they are kept in good order and condition;
- (f) To provide for the cleaning and sanitary services that are necessary for the School;
- (g) To ensure that all money coming into the hands of the Council is expended for proper purposes relating to the School;
- (h) To provide meals and refreshments for the staff and students of the School and make charges for those meals or refreshments;
- (i) To inform itself and take into account any views of the School community for the purpose of making decisions in regard to the School and the students at the School;
- (j) To generally stimulate interest in the School in the wider community; and
- (k) To perform any other function or duty or to exercise any power conferred or imposed on the Council:
 - (i) By or under the **Education and Training Reform Act 2006** or any regulations made under that Act; or
 - (ii) By a Ministerial Order made, or direction issued, by the Minister under the **Education and Training Reform Act 2006**.

1C. Powers of the Council

1C.1 For the purpose of meeting its objectives or performing its functions or duties the Council may:

- (a) Enter into contracts, agreements or arrangements;
- (b) Establish trusts and act as trustee of them;
- (c) Subject to section 2.2.4 of the **Education and Training Reform Act 2006** and in accordance with any Ministerial Order made under that Act, charge fees to parents for goods, services or other things provided by the School to a child of the parent; and
- (d) Do any other thing that is necessary or convenient to be done for, or in connection with, meeting its objectives or performing its functions or duties.

- 1C.2 In addition to the powers under clause 1C.1, the Council has any other powers conferred on it by or under the **Education and Training Reform Act 2006**, or any regulations or a Ministerial Order made under that Act.
- 1C.3 The Council does not have the power to do any of the following:
- (a) Employ a teacher with no date fixed for the termination of that employment;
 - (b) Purchase or acquire for consideration any land or building; or
 - (c) Unless authorised by or under the **Education and Training Reform Act 2006** or any regulations or a Ministerial Order made under that Act:
 - (i) License or grant any interest in land, including School lands or buildings;
 - (ii) Enter into hire purchase agreements;
 - (iii) Obtain loan or credit facilities;
 - (iv) Form or become a member of a corporation;
 - (v) Provide for any matter or thing outside Victoria unless it is related to an excursion by students from the School or the professional development of staff of the School;
 - (vi) Purchase a motor vehicle, boat or plane.

1D. Accountability and executive officer

- 1D.1 The Council is accountable to the Minister for Education in respect of the performance by the Council of its functions in accordance with any Order made by the Minister.
- 1D.2 The principal of the School is the executive officer of the Council and must ensure that:
- (a) Adequate and appropriate advice is provided to the Council on educational and other matters;
 - (b) The decisions of the Council are implemented; and
 - (c) Adequate support and resources are provided for the conduct of Council meetings.

PART B – GENERAL

2. Regulations

Part 3 of the Education and Training Reform Regulations 2007 apply to the Council.

3. Definitions

3.1 In this Order:

‘Composition and Election Provisions’ means the Composition and Election provisions of the School Council Composition and Elections Order (Ministerial Order No. 52);

‘Council’ means the school council constituted by this Order;

‘DET’ means the Department of Education and Training;

‘Principal’ includes the person or persons for the time being authorised to perform the duties of principal of the School;

‘Public Reporting Meeting’ means a public reporting meeting as described in regulation 28 of the Education and Training Reform Regulations 2007, as amended from time to time;

‘School’ means the Government school referred to in clause 1 of this Order;

‘School Council Composition and Elections Order’ means Ministerial Order No. 52 made under the **Education and Training Reform Act 2006**, as amended and in force from time to time.

4. Specific clauses to prevail over general clauses

To the extent that there is any inconsistency between:

- (a) Clause 1B; or
- (b) Clause 1C,

and any other clause in this Order, that other clause will prevail.

5. Council composition and elections

- (a) The Composition and Election Provisions are incorporated in this Order and apply, inter alia, to the Council election process and the tenure of Council members.
- (b) The size and composition of the elected membership of the Council, including members co-opted by the Council, are specified in Schedule 1.
- (c) Options for change in the authorised size and/or composition of the Council membership pursuant to the Composition and Election Provisions are specified in Schedule 2.
- (d) Schedules 1 and 2 are part of this Order.

PART C – POWERS**6. Employment**

6.1 The Council, in accordance with the **Education and Training Reform Act 2006**, may:

- (a) Employ:
 - (i) Teachers for a fixed period not exceeding one year or on a casual basis;
 - (ii) Teacher aides; or
 - (iii) Any other staff,for the purpose of performing its functions and duties; and
- (b) Employ any person to enable the Council to do anything it is authorised to do by section 2.3.11 or Division 6 of the **Education and Training Reform Act 2006**.

6.2 If the Council employs a person under clause 6.1, it may do so on behalf of a group of school councils and the group of school councils may decide from time to time in a manner determined by agreement amongst themselves the time which the person is to spend on each school.

7. Use of buildings and grounds

7.1 The Council may:

- (a) Conduct programs in or use;
- (b) Subject to any conditions imposed by the Council, join with any other person or body to conduct programs in or use; or
- (c) Subject to any conditions imposed by the Council, allow any other person or body to conduct programs in or use,

any buildings or grounds of the School in relation to which the Council is constituted for the purposes of educational, recreational, sporting or cultural activities for students, the local community or young persons.

7.2 The Council may only allow buildings and grounds of the School to be used under clause 7.1 when the buildings or grounds are not required for ordinary School purposes.

8. Council may carry out works

8.1 The Council may, in regard to the School, with the approval of the Minister for Education given either generally or in any particular case:

- (a) Construct or carry out any improvements to any building structure on the School grounds, or carry out any improvements in or to the School grounds;
 - (b) Enter into a contract with any person for or in relation to the construction or carrying out by that person of any such building structure or improvements or of any other work which the Council is authorised or required by or under the **Education and Training Reform Act 2006** to carry out; or
 - (c) Construct or carry out any improvements to any building structure, or carry out any improvements, on, in or to the School grounds or any other land that the Minister for Education has acquired an estate or interest in to provide preschool programs.
- 8.2 The Council may obtain and accept offers or tenders for any work approved by the Minister for Education under this clause that it proposes to carry out.

9. Other School Council works

The Council if so authorised by the Minister for Education is authorised and empowered to:

- (a) Enter into contracts with another school council for or in connection with:
 - (i) the construction of buildings or structures or the carrying out of improvements on, in or to the grounds of the school in relation to which the council is constituted; or
 - (ii) any other work which the Council is authorised or required by or under the **Education and Training Reform Act 2006** to carry out; and
- (b) Do or comply with anything necessary or expedient for carrying the contract into effect.

10. Council may form sub-committee

Subject to the **Education and Training Reform Act 2006** and regulations made under that Act, the Council may form a sub-committee, consisting of at least one member of the Council and any other persons, to assist the Council.

11. Council may delegate powers, duties or functions

Subject to the **Education and Training Reform Act 2006** and regulations made under that Act, the Council may by instrument delegate all or any of the powers, duties or functions conferred or imposed on the Council by or under the **Education and Training Reform Act 2006**, the regulations, a Ministerial Order or a direction issued by the Minister under that Act, except this power of delegation to another person or body.

12. Council may form committees to manage joint facilities

If the Council enters into an agreement under its powers under the **Education and Training Reform Act 2006** for the use of any real or personal property by other persons or bodies, the Council may agree with the other parties to the agreement to form a committee for the management of the property.

13. Delegation to committee

If the Council agrees to form a committee to manage property under clause 12 the Council may, with the approval of the Minister for Education, delegate by instrument to members of the committee all or any of the Council's powers, duties or functions conferred or imposed on the Council by or under the **Education and Training Reform Act 2006** in relation to that property except this power of delegation.

14. Council may sell property

- 14.1 The Council may sell equipment, goods or other similar personal property acquired for use in the School.
- 14.2 If the proceeds from the sale of property under clause 14.1 are less than the amount determined by the Minister for Education, the Council may keep those proceeds.

- 14.3 If the proceeds from the sale of property under clause 14.1 are equal to or more than the amount determined by the Minister for Education, the Council may keep those proceeds, if the person appointed by the Secretary to the DET has given approval for the Council to do so.
- 14.4 For the purposes of clauses 14.2 and 14.3, a determination of the Minister for Education:
- (a) Must be in writing; and
 - (b) May be varied or revoked by the Minister in writing.
- 14.5 The Secretary to the DET may appoint a person to give approvals under clause 14.3.
- 14.6 An approval given under clause 14.3 must be:
- (a) In writing; and
 - (b) Given before the property is sold.

15. Preschool programs

15.1 Council may provide for preschool programs

- (1) If the School provides primary education, the Council may:
- (a) Provide preschool programs on the premises of the School or on any other land or premises under the control of the Minister for Education;
 - (b) Enter into an agreement or arrangement with any other school council or other person or body for that council, person or body to use part of the premises of that school or other premises under the control of the Minister for Education to provide a preschool program on those premises; or
 - (c) Enter into an agreement or arrangement with any other school council or other person or body to jointly provide a preschool program.
- (2) If the Council provides a preschool program or enters into an arrangement or agreement to provide a preschool program, it must ensure that, in any records kept by the School or the Council, the preschool children using the program are accounted for separately from students enrolled at the School in school programs.

15.2 Council may grant lease or licence over preschool land

The Council may, if authorised in writing by the Minister for Education, either generally or in any specified circumstances, grant a leasehold interest in, or a licence over, land of the School to be used to operate a preschool program or programs for children.

15.3 Fees for preschool programs

The Council or any other person or body authorised by the Council under clause 15.1 may require the payment of fees for the provision of preschool programs and other related services.

15.4 Application of, and accounting for, money received

In relation to any agreement or arrangement made by the Council for the provision of preschool programs under clause 15 the Council must ensure:

- (a) That any fees or other money received by the Council in the course of that provision or those agreements or arrangements is applied to the provision of preschool programs unless directed otherwise by a direction or guideline issued by the Minister for Education; and
- (b) That separate accounts and financial records are maintained in relation to the provision of those programs.

16. Payment of members

- 16.1 A member of the Council is not to receive any payment for his or her services as a member.
- 16.2 This does not prevent the Council reimbursing a member for any reasonable expenses incurred in the performance of his or her duties as a member.

17–23. Not used

24. Student dress code

- (1) The Council may determine a student dress code which is to apply to students of the School while they are at the School, travelling to and from School and/or attending School activities.
- (2) A student dress code may cover any matters which the Council considers appropriate in relation to clothing and other items worn, carried or used by students and to grooming, physical appearance and the general presentation of students, including without limiting the generality of the above –
- (a) Whether a school uniform may or must be worn by students, and the school uniform to be worn;
 - (b) Clothing (including shoes) to be worn during classes and specified School activities such as sport, laboratory experiments and extra-curricular activities, and bags to be taken to School;
 - (c) The grounds on which any student may be exempted from complying with the dress code; and
 - (d) How the dress code may be enforced, provided the methods of enforcement are consistent with section 2.2.19 of the **Education and Training Reform Act 2006**, and the School's Student Code of Conduct (referred to in section 5.2.12 of the **Education and Training Reform Act 2006**).
- (3) The Council may enter into a contract with any person for the supply of school uniforms for students of the School.

25. Power to purchase

The Council may, subject to compliance with any directions issued by the Secretary to the DET, purchase goods, equipment or material for the purposes of the School.

26. Children's services

The Council may apply for and obtain under the **Children's Services Act 1996** approval to operate a children's service on premises of the School or on premises under the control of the Minister and may apply for and obtain a licence to operate a children's service and, subject to the **Children's Services Act 1996** and the **Education and Training Reform Act 2006** –

- (1) may operate, either solely or jointly, a children's service on part of the School premises or on other premises under the control of the Minister and may require payment of fees for the service and other related services;
- (2) may enter into a licence agreement, or a lease agreement if authorised in writing by the Minister, with another person for that person to use part of the School premises or other premises under the control of the Minister to provide a children's service or to provide a children's service on behalf of the Council on those premises; and
- (3) may carry out improvements to the School buildings and grounds for the provision of a children's service under subsection (1) or (2).

27. Other powers**27.1 Activities outside School Hours**

The Council may conduct or join with any other school council in conducting any educational, recreational or cultural activity for the students of the School outside School hours at the School or any other location.

27.2 Fund Raising

The Council may raise funds for School purposes by conducting local efforts or amusements.

27.3 Gifts

- (1) Subject to section 5.2.6 of the **Education and Training Reform Act 2006**, the Council may –
 - (a) accept gifts including real estate, providing that if a gift is encumbered or conditional, consent must be obtained from the Secretary to the DET before acceptance of such gifts; and
 - (b) purchase or maintain goods, equipment and material for the carrying out of its powers duties or functions under the **Education and Training Reform Act 2006** or any other Act, but may not purchase any vehicle without the prior consent of the Secretary to the DET.
- (2) For the purposes of this clause, ‘vehicle’ means the same as ‘vehicle’ in the **Road Safety Act 1986**.

27.4 Hire or use of Equipment

- (1) Definitions
In this clause –
‘Equipment’ includes goods and products but does not include fixtures.
‘Equipment agreement’ means a contract to hire equipment or a licence to use equipment under which –
 - (a) the Council has the right to use the equipment; and
 - (b) there is no option, right or obligation of the Council or any other person to buy the equipment; and
 - (c) at the end of the contract or licence the School Council has to return the equipment to the other party to the contract or licence.
- (2) The Council may enter into an equipment agreement with another party if the sole or main purpose of entering into the equipment agreement is to benefit the education of students at the School or to assist with the efficient conduct of the School.
- (3) Prior to entering into an equipment agreement the Council must –
 - (a) obtain more than one written quotation or tender for the hire or use of the equipment if the annual cost of the hire or use of the equipment is expected to exceed \$1000; and
 - (b) carry out a financial evaluation of the proposal to hire or use the equipment; and
 - (c) ensure that the equipment to be hired or used has appropriate insurance cover, either through the terms of the equipment agreement or by separate cover.
- (4) The Council must not –
 - (a) enter into an equipment agreement for a continuous period exceeding four years until the Regional Director has approved the entering into of that equipment agreement; and
 - (b) enter into an equipment agreement for the hire or use of equipment previously owned or operated by the Council or for the purposes of the DET; and

- (c) commit funds of a non-recurrent nature or funds granted for a specific purpose towards the costs of an equipment agreement until the donor or provider of the funds has consented to that in writing; or
- (d) enter into an equipment agreement unless it is satisfied that it will be able to meet all the costs of the equipment agreement.

27.5 Reporting

- (1) The Council must report the details of all equipment agreements it has entered into to the Council's Public Reporting Meeting. The report must include a description of the equipment hired or used, the purpose, the duration and the cost of the equipment agreement.
- (2) The costs of each equipment agreement must be fully identified in the Council's audited statement of receipts and expenditure presented to the Council's Public Reporting Meeting.

27.6 Exclusions

Clauses 27.4(3) and 27.5 do not apply to –

- (a) the hire of a video recording; or
- (b) the hire of any other equipment for less than four weeks in any one calendar year where the cost of the hire is less than \$1,000.00.

28. Transport Accident Commission agreements

The Council may enter into one or more agreements with the Transport Accident Commission concerning the provision of staff, facilities, equipment, support or other services for any student of the School who is the subject of a claim under the **Transport Accident Act 1986**.

29. Power to provide goods, services or facilities

- (a) Subject to subclauses (b) and (c), the Council may, for the purpose of the efficient conduct of the School, enter into arrangements or agreements, for reward or otherwise, to provide or supply goods, services or facilities to other Government schools or other educational institutions.
- (b) Any arrangement or agreement under subclause (a) may only be for goods, services or facilities that the Council is empowered under the **Education and Training Reform Act 2006**, the Education and Training Reform Regulations 2007, this Order, or any Ministerial Order made under the **Education and Training Reform Act 2006**, to provide or supply to the School.
- (c) Any arrangement or agreement under subclause (a) must comply with any directions issued by the Secretary to the DET.

30. Power to purchase by use of purchasing card facilities

- (a) Subject to this clause the Council may enter into arrangements with a financial institution under which the Council may purchase goods, services, equipment or material only for the purposes of the School by the use of purchasing card facilities provided by the financial institution.
- (b) Any purchase of goods, services, equipment or material under subclause (a) must comply with:
 - (i) any guidelines and directions issued by the Minister under section 5.2.1 of the **Education and Training Reform Act 2006**;
 - (ii) any directions issued by the Secretary to the DET; and
 - (iii) the terms and conditions relating to the use of any purchasing card issued by the financial institution to the Council from time to time.

31. Not used.

32. **Trusts**

The Council may act as a trustee of any trust fund established for the benefit of the School or its students with power to do any act or thing authorised under the terms of the relevant trust fund.

PART D – TRANSITIONAL PROVISIONS

33. **Transitional provisions**

- 33.1 (a) Subject to subclause (b), this clause 33 operates until and inclusive of the date of the declaration of the poll in 2017 (or, if no election is held that year, 31 March of that year);
- (b) Subclause 33.12 operates until and inclusive of the day after the date of the declaration of the poll in 2017 (or, if no election is held that year, 31 March of that year).
- 33.2 Subject to subclause 33.11, during the operation of this clause the Composition and Election provisions, namely clauses 5A to 5V of the School Council Composition and Elections Order (Ministerial Order No. 52), except clauses 5A, 5B.3 (insofar as it defines eligibility for election), 5B.3A(a) and 5R thereof, do not operate.
- 33.3 The School Council shall consist of a total of 6 members comprising the principal *ex officio* and one other DET employee, three parents and one community member.
- 33.4 (a) By ministerial appointment made for the purposes of this clause on the date of this Order the principal *ex officio* and two parents are appointed as members of the Council from the date this clause takes effect until and inclusive of the date of declaration of the poll in 2017.
- (b) The School Council may, prior to the date of the declaration of the poll in 2017 (or if no election is held that year, 31 March of that year), appoint one persons who is eligible for appointment to the community member category of the school council for a term of office until and inclusive of the date of the declaration of the poll in 2017 (or if no election is held that year, 31 March of that year).
- 33.5 The School Council may, prior to the date of the declaration of the poll in 2017 (or, if no election is held that year, 31 March of that year), fill any casual vacancy that occurs in the membership of the School Council, by appointing to the School Council a person who is eligible for election or appointment (as the case may be) to the relevant membership category, provided that any person who fills a vacant position created by a casual vacancy shall only serve the unexpired portion of the vacating member's term of office.
- 33.6 Not used.
- 33.7 A parent appointed under clause 33.4 who does not have a child enrolled at the School at the time of the Notice of Election and Call for Nominations for any School Council election shall cease to be a member of the Council on that date, and a casual vacancy is thereby created.
- 33.8 In the event that the School Council is unable to comply with the quorum provisions of Part 3 of the Education and Training Reform Regulations 2007 owing to the number of casual vacancies in its membership, the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** may fill any casual vacancy that occurs in the membership of the School Council by appointing to the School Council for a term of office that does not extend beyond the unexpired portion of the vacating member's term of office a person who is eligible for election or appointment (as the case may be) to the relevant membership category.

- 33.9 In the event that the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** is satisfied that a School Council member no longer intends to attend School Council meetings, but a casual vacancy has not been created in respect of that member's position on the School Council, the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** may remove the person as a School Council member and appoint to the School Council for a term of office that does not extend beyond the unexpired portion of the vacating member's term of office a person who is eligible for election or appointment (as the case may be) to the relevant membership category.
- 33.10 (a) The School Council may not conduct any School Council meeting unless the quorum provisions of Part 3 of the Education and Training Reform Regulations 2007 are satisfied.
- (b) Subject to clause 33.10(c), the School Council must not decide any matter unless a majority of the School Council members present are not DET employees.
- (c) If at any time the membership of the School Council is such that it is impossible for the School Council to decide a matter in accordance with clause 33.10(b), the School Council may nonetheless decide to fill a casual vacancy under clause 33.5 or appoint or co-opt a member under clause 33.4(b) and (c).
- (d) Subject to subclauses 33.10(a), 33.10(b), and 33.10(c), an act or decision of the School Council is not invalid, and the School Council is properly constituted, notwithstanding –
- (i) a vacancy in the office of a member (including a Community member);
 - (ii) a defect or irregularity in or in connection with the appointment or co-option of a member;
 - (iii) a casual vacancy is not filled; or
 - (iv) for any other reason the total number of school council members stated in clause 33.3 has not been appointed.
- 33.11 The first School Council election must be completed between the 2017 school year commencement date and 31 March 2017 in respect of three Parent member positions and one DET employee member position and the Composition and Election provisions (except clause 5D.3) shall apply to that School Council election.
- 33.12 The term of office of members of the School Council elected at the School Council election referred to in clause 33.11 shall commence on the day after the date of declaration of the poll in 2017.

This Order is made 4 October 2016

THE HON. JAMES MERLINO, MP
Minister for Education

SCHEDULE 1

Craigieburn North West Primary School Council (Interim Name) 6T 3P 2DET 1CO

SCHEDULE 2**SCHOOL COUNCIL MEMBERSHIP TABLE**

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
15	6	5	4	7	2
15	6	4	5	7	3
15	6	3	6	7	4
15	6	2	7	7	5
15	6	1	8	7	6
15	7	5	3	7	2
15	7	4	4	7	3
15	7	3	5	7	4
15	7	2	6	7	5
15	7	1	7	7	6
15	8	5	2	7	2
15	8	4	3	7	3
15	8	3	4	7	4
15	8	2	5	7	5
15	8	1	6	7	6
15	9	5	1	7	2
15	9	4	2	7	3
15	9	3	3	7	4
15	9	2	4	7	5
15	9	1	5	7	6
15	10	5	0	7	2
15	10	4	1	7	3
15	10	3	2	7	4
15	10	2	3	7	5
15	10	1	4	7	6
15	11	4	0	7	3
15	11	3	1	7	4
15	11	2	2	7	5
15	11	1	3	7	6
15	12	3	0	7	4
15	12	2	1	7	5
15	12	1	2	7	6
15	13	2	0	7	5
15	13	1	1	7	6
15	14	1	0	7	6
14	5	4	5	6	2
14	5	3	6	6	3

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
14	5	2	7	6	4
14	5	1	8	6	5
14	6	4	4	6	2
14	6	3	5	6	3
14	6	2	6	6	4
14	6	1	7	6	5
14	7	4	3	6	2
14	7	3	4	6	3
14	7	2	5	6	4
14	7	1	6	6	5
14	8	4	2	6	2
14	8	3	3	6	3
14	8	2	4	6	4
14	8	1	5	6	5
14	9	4	1	6	2
14	9	3	2	6	3
14	9	2	3	6	4
14	9	1	4	6	5
14	10	4	0	6	2
14	10	3	1	6	3
14	10	2	2	6	4
14	10	1	3	6	5
14	11	3	0	6	3
14	11	2	1	6	4
14	11	1	2	6	5
14	12	2	0	6	4
14	12	1	1	6	5
14	13	1	0	6	5
13	5	4	4	6	2
13	5	3	5	6	3
13	5	2	6	6	4
13	5	1	7	6	5
13	6	4	3	6	2
13	6	3	4	6	3
13	6	2	5	6	4
13	6	1	6	6	5
13	7	4	2	6	2
13	7	3	3	6	3
13	7	2	4	6	4
13	7	1	5	6	5
13	8	4	1	6	2
13	8	3	2	6	3

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
13	8	2	3	6	4
13	8	1	4	6	5
13	9	4	0	6	2
13	9	3	1	6	3
13	9	2	2	6	4
13	9	1	3	6	5
13	10	3	0	6	3
13	10	2	1	6	4
13	10	1	2	6	5
13	11	2	0	6	4
13	11	1	1	6	5
13	12	1	0	6	5
12	5	4	3	5	1
12	5	3	4	5	2
12	5	2	5	5	3
12	5	1	6	5	4
12	6	4	2	5	1
12	6	3	3	5	2
12	6	2	4	5	3
12	6	1	5	5	4
12	7	4	1	5	1
12	7	3	2	5	2
12	7	2	3	5	3
12	7	1	4	5	4
12	8	4	0	5	1
12	8	3	1	5	2
12	8	2	2	5	3
12	8	1	3	5	4
12	9	3	0	5	2
12	9	2	1	5	3
12	9	1	2	5	4
12	10	2	0	5	3
12	10	1	1	5	4
12	11	1	0	5	4
11	4	3	4	5	2
11	4	2	5	5	3
11	4	1	6	5	4
11	5	3	3	5	2
11	5	2	4	5	3
11	5	1	5	5	4
11	6	3	2	5	2

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
11	6	2	3	5	3
11	6	1	4	5	4
11	7	3	1	5	2
11	7	2	2	5	3
11	7	1	3	5	4
11	8	3	0	5	2
11	8	2	1	5	3
11	8	1	2	5	4
11	9	2	0	5	3
11	9	1	1	5	4
11	10	1	0	5	4
10	4	3	3	4	1
10	4	2	4	4	2
10	4	1	5	4	3
10	5	3	2	4	1
10	5	2	3	4	2
10	5	1	4	4	3
10	6	3	1	4	1
10	6	2	2	4	2
10	6	1	3	4	3
10	7	3	0	4	1
10	7	2	1	4	2
10	7	1	2	4	3
10	8	2	0	4	2
10	8	1	1	4	3
10	9	1	0	4	3
9	4	3	2	4	1
9	4	2	3	4	2
9	4	1	4	4	3
9	5	3	1	4	1
9	5	2	2	4	2
9	5	1	3	4	3
9	6	3	0	4	1
9	6	2	1	4	2
9	6	1	2	4	3
9	7	2	0	4	2
9	7	1	1	4	3
9	8	1	0	4	3
8	3	2	3	3	1
8	3	1	4	3	2

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
8	4	2	2	3	1
8	4	1	3	3	2
8	5	2	1	3	1
8	5	1	2	3	2
8	6	2	0	3	1
8	6	1	1	3	2
8	7	1	0	3	2
7	3	2	2	3	1
7	3	1	3	3	2
7	4	2	1	3	1
7	4	1	2	3	2
7	5	2	0	3	1
7	5	1	1	3	2
7	6	1	0	3	2
6	3	2	1	2	0
6	3	1	2	2	1
6	4	2	0	2	0
6	4	1	1	2	1
6	5	1	0	2	1

* A DET employee parent is a DET employee who is a parent of a child at the school.

Education and Training Reform Act 2006

MINISTERIAL ORDER NO. 940

Mernda Central P–12 College Council

Constituting Order

A. Purpose

The purpose of this Order is to constitute a school council for Mernda Central P–12 College.

B. Authorising provisions

This Order is made under section 2.3.2 (1) and (2) and all other enabling provisions of the **Education and Training Reform Act 2006**.

C. Commencement

This Order comes into operation on the day it is made.

PART A – CONSTITUTION**1. Incorporation**

A school council is hereby constituted, under section 2.3.2(1) of the **Education and Training Reform Act 2006**, by the name of Mernda Central P–12 College Council, as a body corporate to exercise and discharge the powers, duties and functions conferred or imposed on it by or under that Act in relation to the Government school No. 8897 named Mernda Central P–12 College situated at 70 Breadalbane Avenue, Mernda, Victoria 3754.

1A. Objectives of the Council

The objectives of the Council with regard to the School are:

- (a) To assist in the efficient governance of the School;
- (b) To ensure that its decisions affecting students of the School are made having regard, as a primary consideration, to the best interest of the students;
- (c) To enhance the educational opportunities of students at the School; and
- (d) To ensure the School and the council comply with any requirements of the **Education and Training Reform Act 2006**, any regulations or a Ministerial Order made under that Act, or a direction, guideline or policy issued under that Act.

1B. Functions of the Council

The functions of the Council with regard to the School are:

- (a) To establish the broad direction and vision of the School within the School's community;
- (b) To arrange for the supply of goods, services, facilities, materials, equipment and other things or matters that are required for the conduct of the School including the provision of preschool programs;
- (c) To raise funds for School-related purposes;
- (d) To regulate and facilitate the after-hours use of the School premises and grounds;
- (e) To exercise a general oversight of the School buildings and grounds and ensure that they are kept in good order and condition;
- (f) To provide for the cleaning and sanitary services that are necessary for the School;
- (g) To ensure that all money coming into the hands of the Council is expended for proper purposes relating to the School;
- (h) To provide meals and refreshments for the staff and students of the School and make charges for those meals or refreshments;
- (i) To inform itself and take into account any views of the School community for the purpose of making decisions in regard to the School and the students at the School;

- (j) To generally stimulate interest in the School in the wider community; and
- (k) To perform any other function or duty or to exercise any power conferred or imposed on the Council:
 - (i) By or under the **Education and Training Reform Act 2006** or any regulations made under that Act; or
 - (ii) By a Ministerial Order made, or direction issued, by the Minister under the **Education and Training Reform Act 2006**.

1C. Powers of the Council

1C.1 For the purpose of meeting its objectives or performing its functions or duties the Council may:

- (a) Enter into contracts, agreements or arrangements;
- (b) Establish trusts and act as trustee of them;
- (c) Subject to section 2.2.4 of the **Education and Training Reform Act 2006** and in accordance with any Ministerial Order made under that Act, charge fees to parents for goods, services or other things provided by the School to a child of the parent; and
- (d) Do any other thing that is necessary or convenient to be done for, or in connection with, meeting its objectives or performing its functions or duties.

1C.2 In addition to the powers under clause 1C.1, the Council has any other powers conferred on it by or under the **Education and Training Reform Act 2006**, or any regulations or a Ministerial Order made under that Act.

1C.3 The Council does not have the power to do any of the following:

- (a) Employ a teacher with no date fixed for the termination of that employment;
- (b) Purchase or acquire for consideration any land or building; or
- (c) Unless authorised by or under the **Education and Training Reform Act 2006** or any regulations or a Ministerial Order made under that Act:
 - (i) License or grant any interest in land, including School lands or buildings;
 - (ii) Enter into hire purchase agreements;
 - (iii) Obtain loan or credit facilities;
 - (iv) Form or become a member of a corporation;
 - (v) Provide for any matter or thing outside Victoria unless it is related to an excursion by students from the School or the professional development of staff of the School;
 - (vi) Purchase a motor vehicle, boat or plane.

1D. Accountability and executive officer

1D.1 The Council is accountable to the Minister for Education in respect of the performance by the Council of its functions in accordance with any Order made by the Minister.

1D.2 The principal of the School is the executive officer of the Council and must ensure that:

- (a) Adequate and appropriate advice is provided to the Council on educational and other matters;
- (b) The decisions of the Council are implemented; and
- (c) Adequate support and resources are provided for the conduct of Council meetings.

PART B – GENERAL**2. Regulations**

Part 3 of the Education and Training Reform Regulations 2007 apply to the Council.

3. Definitions

3.1 In this Order:

‘Composition and Election Provisions’ means the Composition and Election provisions of the School Council Composition and Elections Order (Ministerial Order No. 52);

‘Council’ means the school council constituted by this Order;

‘DET’ means the Department of Education and Training;

‘Principal’ includes the person or persons for the time being authorised to perform the duties of principal of the School;

‘Public Reporting Meeting’ means a public reporting meeting as described in regulation 28 of the Education and Training Reform Regulations 2007, as amended from time to time;

‘School’ means the Government school referred to in clause 1 of this Order;

‘School Council Composition and Elections Order’ means Ministerial Order No. 52 made under the **Education and Training Reform Act 2006**, as amended and in force from time to time.

4. Specific clauses to prevail over general clauses

To the extent that there is any inconsistency between:

- (a) Clause 1B; or
- (b) Clause 1C,

and any other clause in this Order, that other clause will prevail.

5. Council composition and elections

- (a) The Composition and Election Provisions are incorporated in this Order and apply, inter alia, to the Council election process and the tenure of Council members.
- (b) The size and composition of the elected membership of the Council, including members co-opted by the Council, are specified in Schedule 1.
- (c) Options for change in the authorised size and/or composition of the Council membership pursuant to the Composition and Election Provisions are specified in Schedule 2.
- (d) Schedules 1 and 2 are part of this Order.

PART C – POWERS**6. Employment**

6.1 The Council, in accordance with the **Education and Training Reform Act 2006**, may:

- (a) Employ:
 - (i) Teachers for a fixed period not exceeding one year or on a casual basis;
 - (ii) Teacher aides; or
 - (iii) Any other staff,for the purpose of performing its functions and duties; and
- (b) Employ any person to enable the Council to do anything it is authorised to do by section 2.3.11 or Division 6 of the **Education and Training Reform Act 2006**.

6.2 If the Council employs a person under clause 6.1, it may do so on behalf of a group of school councils and the group of school councils may decide from time to time in a manner determined by agreement amongst themselves the time which the person is to spend on each school.

7. Use of buildings and grounds

7.1 The Council may:

- (a) Conduct programs in or use;
- (b) Subject to any conditions imposed by the Council, join with any other person or body to conduct programs in or use; or
- (c) Subject to any conditions imposed by the Council, allow any other person or body to conduct programs in or use,

any buildings or grounds of the School in relation to which the Council is constituted for the purposes of educational, recreational, sporting or cultural activities for students, the local community or young persons.

7.2 The Council may only allow buildings and grounds of the School to be used under clause 7.1 when the buildings or grounds are not required for ordinary School purposes.

8. Council may carry out works

8.1 The Council may, in regard to the School, with the approval of the Minister for Education given either generally or in any particular case:

- (a) Construct or carry out any improvements to any building structure on the School grounds, or carry out any improvements in or to the School grounds;
- (b) Enter into a contract with any person for or in relation to the construction or carrying out by that person of any such building structure or improvements or of any other work which the Council is authorised or required by or under the **Education and Training Reform Act 2006** to carry out; or
- (c) Construct or carry out any improvements to any building structure, or carry out any improvements, on, in or to the School grounds or any other land that the Minister for Education has acquired an estate or interest in to provide preschool programs.

8.2 The Council may obtain and accept offers or tenders for any work approved by the Minister for Education under this clause that it proposes to carry out.

9. Other School Council works

The Council if so authorised by the Minister for Education is authorised and empowered to:

- (a) Enter into contracts with another school council for or in connection with:
 - (i) the construction of buildings or structures or the carrying out of improvements on, in or to the grounds of the school in relation to which the council is constituted; or
 - (ii) any other work which the Council is authorised or required by or under the **Education and Training Reform Act 2006** to carry out; and
- (b) Do or comply with anything necessary or expedient for carrying the contract into effect.

10. Council may form sub-committee

Subject to the **Education and Training Reform Act 2006** and regulations made under that Act, the Council may form a sub-committee, consisting of at least one member of the Council and any other persons, to assist the Council.

11. Council may delegate powers, duties or functions

Subject to the **Education and Training Reform Act 2006** and regulations made under that Act, the Council may by instrument delegate all or any of the powers, duties or functions conferred or imposed on the Council by or under the **Education and Training Reform Act 2006**, the regulations, a Ministerial Order or a direction issued by the Minister under that Act, except this power of delegation to another person or body.

12. Council may form committees to manage joint facilities

If the Council enters into an agreement under its powers under the **Education and Training Reform Act 2006** for the use of any real or personal property by other persons or bodies, the Council may agree with the other parties to the agreement to form a committee for the management of the property.

13. Delegation to committee

If the Council agrees to form a committee to manage property under clause 12 the Council may, with the approval of the Minister for Education, delegate by instrument to members of the committee all or any of the Council's powers, duties or functions conferred or imposed on the Council by or under the **Education and Training Reform Act 2006** in relation to that property except this power of delegation.

14. Council may sell property

14.1 The Council may sell equipment, goods or other similar personal property acquired for use in the School.

14.2 If the proceeds from the sale of property under clause 14.1 are less than the amount determined by the Minister for Education, the Council may keep those proceeds.

14.3 If the proceeds from the sale of property under clause 14.1 are equal to or more than the amount determined by the Minister for Education, the Council may keep those proceeds, if the person appointed by the Secretary to the DET has given approval for the Council to do so.

14.4 For the purposes of clauses 14.2 and 14.3, a determination of the Minister for Education:

(a) Must be in writing; and

(b) May be varied or revoked by the Minister in writing.

14.5 The Secretary to the DET may appoint a person to give approvals under clause 14.3.

14.6 An approval given under clause 14.3 must be:

(a) In writing; and

(b) Given before the property is sold.

15. Preschool programs**15.1 Council may provide for preschool programs**

(1) If the School provides primary education, the Council may:

(a) Provide preschool programs on the premises of the School or on any other land or premises under the control of the Minister for Education;

(b) Enter into an agreement or arrangement with any other school council or other person or body for that council, person or body to use part of the premises of that school or other premises under the control of the Minister for Education to provide a preschool program on those premises; or

(c) Enter into an agreement or arrangement with any other school council or other person or body to jointly provide a preschool program.

- (2) If the Council provides a preschool program or enters into an arrangement or agreement to provide a preschool program, it must ensure that, in any records kept by the School or the Council, the preschool children using the program are accounted for separately from students enrolled at the School in school programs.

15.2 Council may grant lease or licence over preschool land

The Council may, if authorised in writing by the Minister for Education, either generally or in any specified circumstances, grant a leasehold interest in, or a licence over, land of the School to be used to operate a preschool program or programs for children.

15.3 Fees for preschool programs

The Council or any other person or body authorised by the Council under clause 15.1, may require the payment of fees for the provision of preschool programs and other related services.

15.4 Application of, and accounting for, money received

In relation to any agreement or arrangement made by the Council for the provision of preschool programs under clause 15 the Council must ensure:

- (a) That any fees or other money received by the Council in the course of that provision or those agreements or arrangements is applied to the provision of preschool programs unless directed otherwise by a direction or guideline issued by the Minister for Education; and
- (b) That separate accounts and financial records are maintained in relation to the provision of those programs.

16. Payment of members

- 16.1 A member of the Council is not to receive any payment for his or her services as a member.
- 16.2 This does not prevent the Council reimbursing a member for any reasonable expenses incurred in the performance of his or her duties as a member.

17–23. Not used

24. Student dress code

- (1) The Council may determine a student dress code which is to apply to students of the School while they are at the School, travelling to and from School and/or attending School activities.
- (2) A student dress code may cover any matters which the Council considers appropriate in relation to clothing and other items worn, carried or used by students and to grooming, physical appearance and the general presentation of students, including without limiting the generality of the above –
 - (a) Whether a school uniform may or must be worn by students, and the school uniform to be worn;
 - (b) Clothing (including shoes) to be worn during classes and specified School activities such as sport, laboratory experiments and extra-curricular activities, and bags to be taken to School;
 - (c) The grounds on which any student may be exempted from complying with the dress code; and
 - (d) How the dress code may be enforced, provided the methods of enforcement are consistent with section 2.2.19 of the **Education and Training Reform Act 2006**, and the School's Student Code of Conduct (referred to in section 5.2.12 of the **Education and Training Reform Act 2006**).

- (3) The Council may enter into a contract with any person for the supply of school uniforms for students of the School.

25. Power to purchase

The Council may, subject to compliance with any directions issued by the Secretary to the DET, purchase goods, equipment or material for the purposes of the School.

26. Children's services

The Council may apply for and obtain under the **Children's Services Act 1996** approval to operate a children's service on premises of the School or on premises under the control of the Minister and may apply for and obtain a licence to operate a children's service and, subject to the **Children's Services Act 1996** and the **Education and Training Reform Act 2006** –

- (1) may operate, either solely or jointly, a children's service on part of the School premises or on other premises under the control of the Minister and may require payment of fees for the service and other related services;
- (2) may enter into a licence agreement, or a lease agreement if authorised in writing by the Minister, with another person for that person to use part of the School premises or other premises under the control of the Minister to provide a children's service or to provide a children's service on behalf of the Council on those premises; and
- (3) may carry out improvements to the School buildings and grounds for the provision of a children's service under subsection (1) or (2).

27. Other powers

27.1 Activities outside School Hours

The Council may conduct or join with any other school council in conducting any educational, recreational or cultural activity for the students of the School outside School hours at the School or any other location.

27.2 Fund Raising

The Council may raise funds for School purposes by conducting local efforts or amusements.

27.3 Gifts

- (1) Subject to section 5.2.6 of the **Education and Training Reform Act 2006**, the Council may –
- (a) accept gifts including real estate, providing that if a gift is encumbered or conditional, consent must be obtained from the Secretary to the DET before acceptance of such gifts; and
- (b) purchase or maintain goods, equipment and material for the carrying out of its powers duties or functions under the **Education and Training Reform Act 2006** or any other Act, but may not purchase any vehicle without the prior consent of the Secretary to the DET.
- (2) For the purposes of this clause, 'vehicle' means the same as 'vehicle' in the **Road Safety Act 1986**.

27.4 Hire or use of Equipment

- (1) Definitions
- In this clause –
- 'Equipment' includes goods and products but does not include fixtures.
- 'Equipment agreement' means a contract to hire equipment or a licence to use equipment under which –
- (a) the Council has the right to use the equipment; and

- (b) there is no option, right or obligation of the Council or any other person to buy the equipment; and
 - (c) at the end of the contract or licence the School Council has to return the equipment to the other party to the contract or licence.
- (2) The Council may enter into an equipment agreement with another party if the sole or main purpose of entering into the equipment agreement is to benefit the education of students at the School or to assist with the efficient conduct of the School.
- (3) Prior to entering into an equipment agreement the Council must –
- (a) obtain more than one written quotation or tender for the hire or use of the equipment if the annual cost of the hire or use of the equipment is expected to exceed \$1000; and
 - (b) carry out a financial evaluation of the proposal to hire or use the equipment; and
 - (c) ensure that the equipment to be hired or used has appropriate insurance cover, either through the terms of the equipment agreement or by separate cover.
- (4) The Council must not –
- (a) enter into an equipment agreement for a continuous period exceeding four years until the Regional Director has approved the entering into of that equipment agreement; and
 - (b) enter into an equipment agreement for the hire or use of equipment previously owned or operated by the Council or for the purposes of the DET; and
 - (c) commit funds of a non-recurrent nature or funds granted for a specific purpose towards the costs of an equipment agreement until the donor or provider of the funds has consented to that in writing; or
 - (d) enter into an equipment agreement unless it is satisfied that it will be able to meet all the costs of the equipment agreement.

27.5 Reporting

- (1) The Council must report the details of all equipment agreements it has entered into to the Council's Public Reporting Meeting. The report must include a description of the equipment hired or used, the purpose, the duration and the cost of the equipment agreement.
- (2) The costs of each equipment agreement must be fully identified in the Council's audited statement of receipts and expenditure presented to the Council's Public Reporting Meeting.

27.6 Exclusions

Clauses 27.4(3) and 27.5 do not apply to –

- (a) the hire of a video recording; or
- (b) the hire of any other equipment for less than four weeks in any one calendar year where the cost of the hire is less than \$1,000.00.

28. Transport Accident Commission agreements

The Council may enter into one or more agreements with the Transport Accident Commission concerning the provision of staff, facilities, equipment, support or other services for any student of the School who is the subject of a claim under the **Transport Accident Act 1986**.

29. Power to provide goods, services or facilities

- (a) Subject to subclauses (b) and (c), the Council may, for the purpose of the efficient conduct of the School, enter into arrangements or agreements, for reward or otherwise, to provide or supply goods, services or facilities to other Government schools or other educational institutions.
- (b) Any arrangement or agreement under subclause (a) may only be for goods, services or facilities that the Council is empowered under the **Education and Training Reform Act 2006**, the Education and Training Reform Regulations 2007, this Order, or any Ministerial Order made under the **Education and Training Reform Act 2006**, to provide or supply to the School.
- (c) Any arrangement or agreement under subclause (a) must comply with any directions issued by the Secretary to the DET.

30. Power to purchase by use of purchasing card facilities

- (a) Subject to this clause the Council may enter into arrangements with a financial institution under which the Council may purchase goods, services, equipment or material only for the purposes of the School by the use of purchasing card facilities provided by the financial institution.
- (b) Any purchase of goods, services, equipment or material under subclause (a) must comply with:
 - (i) any guidelines and directions issued by the Minister under section 5.2.1 of the **Education and Training Reform Act 2006**;
 - (ii) any directions issued by the Secretary to the DET; and
 - (iii) the terms and conditions relating to the use of any purchasing card issued by the financial institution to the Council from time to time.

31. Not used.

32. Trusts

The Council may act as a trustee of any trust fund established for the benefit of the School or its students with power to do any act or thing authorised under the terms of the relevant trust fund.

PART D – TRANSITIONAL PROVISIONS**33. Transitional provisions**

- 33.1 (a) Subject to subclause (b), this clause 33 operates until and inclusive of the date of the declaration of the poll in 2018 (or, if no election is held that year, 31 March of that year);
- (b) Subclause 33.12 operates until and inclusive of the day after the date of the declaration of the poll in 2018 (or, if no election is held that year, 31 March of that year).
- 33.2 Subject to subclause 33.11, during the operation of this clause the Composition and Election provisions, namely clauses 5A to 5V of the School Council Composition and Elections Order (Ministerial Order No.52), except clauses 5A, 5B.3 (insofar as it defines eligibility for election), 5B.3A(a) and 5R thereof, do not operate.
- 33.3 The School Council shall consist of a total of six members comprising the principal *ex officio* and one other DET employee, three parents and one community member.
- 33.4 (a) By ministerial appointment made for the purposes of this clause on the date of this Order the principal *ex officio*, one other DET employee, and three parents are appointed as members of the Council from the date this clause takes effect until and inclusive of the date of declaration of the poll in 2018.

- (b) The School Council may, prior to the date of the declaration of the poll in 2018 (or if no election is held that year, 31 March of that year), appoint one person who is eligible for appointment to the community member category of the school council for a term of office until and inclusive of the date of the declaration of the poll in 2018 (or if no election is held that year, 31 March of that year).
- 33.5 The School Council may, prior to the date of the declaration of the poll in 2018 (or, if no election is held that year, 31 March of that year), fill any casual vacancy that occurs in the membership of the School Council, by appointing to the School Council a person who are eligible for election or appointment (as the case may be) to the relevant membership category, provided that any person who fills a vacant position created by a casual vacancy shall only serve the unexpired portion of the vacating member's term of office.
- 33.6 Not used.
- 33.7 A parent appointed under clause 33.4 who does not have a child enrolled at the School at the time of the Notice of Election and Call for Nominations for any School Council election shall cease to be a member of the Council on that date, and a casual vacancy is thereby created.
- 33.8 In the event that the School Council is unable to comply with the quorum provisions of Part 3 of the Education and Training Reform Regulations 2007 owing to the number of casual vacancies in its membership, the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** may fill any casual vacancy that occurs in the membership of the School Council by appointing to the School Council for a term of office that does not extend beyond the unexpired portion of the vacating member's term of office a person who is eligible for election or appointment (as the case may be) to the relevant membership category.
- 33.9 In the event that the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** is satisfied that a School Council member no longer intends to attend School Council meetings, but a casual vacancy has not been created in respect of that member's position on the School Council, the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** may remove the person as a School Council member and appoint to the School Council for a term of office that does not extend beyond the unexpired portion of the vacating member's term of office a person who is eligible for election or appointment (as the case may be) to the relevant membership category.
- 33.10 (a) The School Council may not conduct any School Council meeting unless the quorum provisions of Part 3 of the Education and Training Reform Regulations 2007 are satisfied.
- (b) Subject to clause 33.10(c), the School Council must not decide any matter unless a majority of the School Council members present are not DET employees.
- (c) If at any time the membership of the School Council is such that it is impossible for the School Council to decide a matter in accordance with clause 33.10(b), the School Council may nonetheless decide to fill a casual vacancy under clause 33.5 or appoint or co-opt a member under clause 33.4(b) and (c).
- (d) Subject to subclauses 33.10(a), 33.10(b), and 33.10(c), an act or decision of the School Council is not invalid, and the School Council is properly constituted, notwithstanding –
- (i) a vacancy in the office of a member (including a Community member);
 - (ii) a defect or irregularity in or in connection with the appointment or co-optation of a member;

- (iii) a casual vacancy is not filled; or
- (iv) for any other reason the total number of school council members stated in clause 33.3 has not been appointed.

33.11 The first School Council election must be completed between the 2018 school year commencement date and 31 March 2018 in respect of three Parent member positions and one DET employee member position and the Composition and Election provisions (except clause 5D.3) shall apply to that School Council election.

33.12 The term of office of members of the School Council elected at the School Council election referred to in clause 33.11 shall commence on the day after the date of declaration of the poll in 2018.

This Order is made 4 October 2016

THE HON. JAMES MERLINO, MP
Minister for Education

SCHEDULE 1

Mernda Central P–12 College Council 6T 3P 2DET 1CO

SCHEDULE 2

SCHOOL COUNCIL MEMBERSHIP TABLE

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
15	6	5	4	7	2
15	6	4	5	7	3
15	6	3	6	7	4
15	6	2	7	7	5
15	6	1	8	7	6
15	7	5	3	7	2
15	7	4	4	7	3
15	7	3	5	7	4
15	7	2	6	7	5
15	7	1	7	7	6
15	8	5	2	7	2
15	8	4	3	7	3
15	8	3	4	7	4
15	8	2	5	7	5
15	8	1	6	7	6
15	9	5	1	7	2
15	9	4	2	7	3
15	9	3	3	7	4
15	9	2	4	7	5
15	9	1	5	7	6
15	10	5	0	7	2
15	10	4	1	7	3
15	10	3	2	7	4
15	10	2	3	7	5
15	10	1	4	7	6

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
15	11	4	0	7	3
15	11	3	1	7	4
15	11	2	2	7	5
15	11	1	3	7	6
15	12	3	0	7	4
15	12	2	1	7	5
15	12	1	2	7	6
15	13	2	0	7	5
15	13	1	1	7	6
15	14	1	0	7	6
14	5	4	5	6	2
14	5	3	6	6	3
14	5	2	7	6	4
14	5	1	8	6	5
14	6	4	4	6	2
14	6	3	5	6	3
14	6	2	6	6	4
14	6	1	7	6	5
14	7	4	3	6	2
14	7	3	4	6	3
14	7	2	5	6	4
14	7	1	6	6	5
14	8	4	2	6	2
14	8	3	3	6	3
14	8	2	4	6	4
14	8	1	5	6	5
14	9	4	1	6	2
14	9	3	2	6	3
14	9	2	3	6	4
14	9	1	4	6	5
14	10	4	0	6	2
14	10	3	1	6	3
14	10	2	2	6	4
14	10	1	3	6	5
14	11	3	0	6	3
14	11	2	1	6	4
14	11	1	2	6	5
14	12	2	0	6	4
14	12	1	1	6	5
14	13	1	0	6	5
13	5	4	4	6	2

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
13	5	3	5	6	3
13	5	2	6	6	4
13	5	1	7	6	5
13	6	4	3	6	2
13	6	3	4	6	3
13	6	2	5	6	4
13	6	1	6	6	5
13	7	4	2	6	2
13	7	3	3	6	3
13	7	2	4	6	4
13	7	1	5	6	5
13	8	4	1	6	2
13	8	3	2	6	3
13	8	2	3	6	4
13	8	1	4	6	5
13	9	4	0	6	2
13	9	3	1	6	3
13	9	2	2	6	4
13	9	1	3	6	5
13	10	3	0	6	3
13	10	2	1	6	4
13	10	1	2	6	5
13	11	2	0	6	4
13	11	1	1	6	5
13	12	1	0	6	5
12	5	4	3	5	1
12	5	3	4	5	2
12	5	2	5	5	3
12	5	1	6	5	4
12	6	4	2	5	1
12	6	3	3	5	2
12	6	2	4	5	3
12	6	1	5	5	4
12	7	4	1	5	1
12	7	3	2	5	2
12	7	2	3	5	3
12	7	1	4	5	4
12	8	4	0	5	1
12	8	3	1	5	2
12	8	2	2	5	3
12	8	1	3	5	4
12	9	3	0	5	2

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
12	9	2	1	5	3
12	9	1	2	5	4
12	10	2	0	5	3
12	10	1	1	5	4
12	11	1	0	5	4
11	4	3	4	5	2
11	4	2	5	5	3
11	4	1	6	5	4
11	5	3	3	5	2
11	5	2	4	5	3
11	5	1	5	5	4
11	6	3	2	5	2
11	6	2	3	5	3
11	6	1	4	5	4
11	7	3	1	5	2
11	7	2	2	5	3
11	7	1	3	5	4
11	8	3	0	5	2
11	8	2	1	5	3
11	8	1	2	5	4
11	9	2	0	5	3
11	9	1	1	5	4
11	10	1	0	5	4
10	4	3	3	4	1
10	4	2	4	4	2
10	4	1	5	4	3
10	5	3	2	4	1
10	5	2	3	4	2
10	5	1	4	4	3
10	6	3	1	4	1
10	6	2	2	4	2
10	6	1	3	4	3
10	7	3	0	4	1
10	7	2	1	4	2
10	7	1	2	4	3
10	8	2	0	4	2
10	8	1	1	4	3
10	9	1	0	4	3
9	4	3	2	4	1
9	4	2	3	4	2

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
9	4	1	4	4	3
9	5	3	1	4	1
9	5	2	2	4	2
9	5	1	3	4	3
9	6	3	0	4	1
9	6	2	1	4	2
9	6	1	2	4	3
9	7	2	0	4	2
9	7	1	1	4	3
9	8	1	0	4	3
8	3	2	3	3	1
8	3	1	4	3	2
8	4	2	2	3	1
8	4	1	3	3	2
8	5	2	1	3	1
8	5	1	2	3	2
8	6	2	0	3	1
8	6	1	1	3	2
8	7	1	0	3	2
7	3	2	2	3	1
7	3	1	3	3	2
7	4	2	1	3	1
7	4	1	2	3	2
7	5	2	0	3	1
7	5	1	1	3	2
7	6	1	0	3	2
6	3	2	1	2	0
6	3	1	2	2	1
6	4	2	0	2	0
6	4	1	1	2	1
6	5	1	0	2	1

* A DET employee parent is a DET employee who is a parent of a child at the school.

Education and Training Reform Act 2006

MINISTERIAL ORDER NO. 943

Wilandra Rise Primary School Council

Constituting Order

A. Purpose

The purpose of this Order is to constitute a school council for Wilandra Rise Primary School.

B. Authorising provisions

This Order is made under section 2.3.2 (1) and (2) and all other enabling provisions of the **Education and Training Reform Act 2006**.

C. Commencement

This Order comes into operation on the day it is made.

PART A – CONSTITUTION**1. Incorporation**

A school council is hereby constituted, under section 2.3.2(1) of the **Education and Training Reform Act 2006**, by the name of Wilandra Rise Primary School Council, as a body corporate to exercise and discharge the powers, duties and functions conferred or imposed on it by or under that Act in relation to the Government school No. 5558 named Wilandra Rise Primary School situated at 25 Aayana Street, Clyde North, Victoria 3978.

1A. Objectives of the Council

The objectives of the Council with regard to the School are:

- (a) To assist in the efficient governance of the School;
- (b) To ensure that its decisions affecting students of the School are made having regard, as a primary consideration, to the best interest of the students;
- (c) To enhance the educational opportunities of students at the School; and
- (d) To ensure the School and the council comply with any requirements of the **Education and Training Reform Act 2006**, any regulations or a Ministerial Order made under that Act, or a direction, guideline or policy issued under that Act.

1B. Functions of the Council

The functions of the Council with regard to the School are:

- (a) To establish the broad direction and vision of the School within the School's community;
- (b) To arrange for the supply of goods, services, facilities, materials, equipment and other things or matters that are required for the conduct of the School including the provision of preschool programs;
- (c) To raise funds for School-related purposes;
- (d) To regulate and facilitate the after-hours use of the School premises and grounds;
- (e) To exercise a general oversight of the School buildings and grounds and ensure that they are kept in good order and condition;
- (f) To provide for the cleaning and sanitary services that are necessary for the School;
- (g) To ensure that all money coming into the hands of the Council is expended for proper purposes relating to the School;
- (h) To provide meals and refreshments for the staff and students of the School and make charges for those meals or refreshments;
- (i) To inform itself and take into account any views of the School community for the purpose of making decisions in regard to the School and the students at the School;

- (j) To generally stimulate interest in the School in the wider community; and
- (k) To perform any other function or duty or to exercise any power conferred or imposed on the Council:
 - (i) By or under the **Education and Training Reform Act 2006** or any regulations made under that Act; or
 - (ii) By a Ministerial Order made, or direction issued, by the Minister under the **Education and Training Reform Act 2006**.

1C. Powers of the Council

- 1C.1 For the purpose of meeting its objectives or performing its functions or duties the Council may:
- (a) Enter into contracts, agreements or arrangements;
 - (b) Establish trusts and act as trustee of them;
 - (c) Subject to section 2.2.4 of the **Education and Training Reform Act 2006** and in accordance with any Ministerial Order made under that Act, charge fees to parents for goods, services or other things provided by the School to a child of the parent; and
 - (d) Do any other thing that is necessary or convenient to be done for, or in connection with, meeting its objectives or performing its functions or duties.
- 1C.2 In addition to the powers under clause 1C.1, the Council has any other powers conferred on it by or under the **Education and Training Reform Act 2006**, or any regulations or a Ministerial Order made under that Act.
- 1C.3 The Council does not have the power to do any of the following:
- (a) Employ a teacher with no date fixed for the termination of that employment;
 - (b) Purchase or acquire for consideration any land or building; or
 - (c) Unless authorised by or under the **Education and Training Reform Act 2006** or any regulations or a Ministerial Order made under that Act:
 - (i) License or grant any interest in land, including School lands or buildings;
 - (ii) Enter into hire purchase agreements;
 - (iii) Obtain loan or credit facilities;
 - (iv) Form or become a member of a corporation;
 - (v) Provide for any matter or thing outside Victoria unless it is related to an excursion by students from the School or the professional development of staff of the School;
 - (vi) Purchase a motor vehicle, boat or plane.

1D. Accountability and executive officer

- 1D.1 The Council is accountable to the Minister for Education in respect of the performance by the Council of its functions in accordance with any Order made by the Minister.
- 1D.2 The principal of the School is the executive officer of the Council and must ensure that:
- (a) Adequate and appropriate advice is provided to the Council on educational and other matters;
 - (b) The decisions of the Council are implemented; and
 - (c) Adequate support and resources are provided for the conduct of Council meetings.

PART B – GENERAL**2. Regulations**

Part 3 of the Education and Training Reform Regulations 2007 apply to the Council.

3. Definitions

3.1 In this Order:

‘Composition and Election Provisions’ means the Composition and Election provisions of the School Council Composition and Elections Order (Ministerial Order No. 52);

‘Council’ means the school council constituted by this Order;

‘DET’ means the Department of Education and Training;

‘Principal’ includes the person or persons for the time being authorised to perform the duties of principal of the School;

‘Public Reporting Meeting’ means a public reporting meeting as described in regulation 28 of the Education and Training Reform Regulations 2007, as amended from time to time;

‘School’ means the Government school referred to in clause 1 of this Order;

‘School Council Composition and Elections Order’ means Ministerial Order No. 52 made under the **Education and Training Reform Act 2006**, as amended and in force from time to time.

4. Specific clauses to prevail over general clauses

To the extent that there is any inconsistency between:

(a) Clause 1B; or

(b) Clause 1C,

and any other clause in this Order, that other clause will prevail.

5. Council composition and elections

(a) The Composition and Election Provisions are incorporated in this Order and apply, inter alia, to the Council election process and the tenure of Council members.

(b) The size and composition of the elected membership of the Council, including members co-opted by the Council, are specified in Schedule 1.

(c) Options for change in the authorised size and/or composition of the Council membership pursuant to the Composition and Election Provisions are specified in Schedule 2.

(d) Schedules 1 and 2 are part of this Order.

PART C – POWERS**6. Employment**

6.1 The Council, in accordance with the **Education and Training Reform Act 2006**, may:

(a) Employ:

(i) Teachers for a fixed period not exceeding one year or on a casual basis;

(ii) Teacher aides; or

(iii) Any other staff,

for the purpose of performing its functions and duties; and

(b) Employ any person to enable the Council to do anything it is authorised to do by section 2.3.11 or Division 6 of the **Education and Training Reform Act 2006**.

- 6.2 If the Council employs a person under clause 6.1, it may do so on behalf of a group of school councils and the group of school councils may decide from time to time in a manner determined by agreement amongst themselves the time which the person is to spend on each school.

7. Use of buildings and grounds

- 7.1 The Council may:

- (a) Conduct programs in or use;
- (b) Subject to any conditions imposed by the Council, join with any other person or body to conduct programs in or use; or
- (c) Subject to any conditions imposed by the Council, allow any other person or body to conduct programs in or use,

any buildings or grounds of the School in relation to which the Council is constituted for the purposes of educational, recreational, sporting or cultural activities for students, the local community or young persons.

- 7.2 The Council may only allow buildings and grounds of the School to be used under clause 7.1 when the buildings or grounds are not required for ordinary School purposes.

8. Council may carry out works

- 8.1 The Council may, in regard to the School, with the approval of the Minister for Education given either generally or in any particular case:

- (a) Construct or carry out any improvements to any building structure on the School grounds, or carry out any improvements in or to the School grounds;
- (b) Enter into a contract with any person for or in relation to the construction or carrying out by that person of any such building structure or improvements or of any other work which the Council is authorised or required by or under the **Education and Training Reform Act 2006** to carry out; or
- (c) Construct or carry out any improvements to any building structure, or carry out any improvements, on, in or to the School grounds or any other land that the Minister for Education has acquired an estate or interest in to provide preschool programs.

- 8.2 The Council may obtain and accept offers or tenders for any work approved by the Minister for Education under this clause that it proposes to carry out.

9. Other School Council works

The Council if so authorised by the Minister for Education is authorised and empowered to:

- (a) Enter into contracts with another school council for or in connection with:
 - (i) the construction of buildings or structures or the carrying out of improvements on, in or to the grounds of the school in relation to which the council is constituted; or
 - (ii) any other work which the Council is authorised or required by or under the **Education and Training Reform Act 2006** to carry out; and
- (b) Do or comply with anything necessary or expedient for carrying the contract into effect.

10. Council may form sub-committee

Subject to the **Education and Training Reform Act 2006** and regulations made under that Act, the Council may form a sub-committee, consisting of at least one member of the Council and any other persons, to assist the Council.

11. Council may delegate powers, duties or functions

Subject to the **Education and Training Reform Act 2006** and regulations made under that Act, the Council may by instrument delegate all or any of the powers, duties or functions conferred or imposed on the Council by or under the **Education and Training Reform Act 2006**, the regulations, a Ministerial Order or a direction issued by the Minister under that Act, except this power of delegation to another person or body.

12. Council may form committees to manage joint facilities

If the Council enters into an agreement under its powers under the **Education and Training Reform Act 2006** for the use of any real or personal property by other persons or bodies, the Council may agree with the other parties to the agreement to form a committee for the management of the property.

13. Delegation to committee

If the Council agrees to form a committee to manage property under clause 12 the Council may, with the approval of the Minister for Education, delegate by instrument to members of the committee all or any of the Council's powers, duties or functions conferred or imposed on the Council by or under the **Education and Training Reform Act 2006** in relation to that property except this power of delegation.

14. Council may sell property

14.1 The Council may sell equipment, goods or other similar personal property acquired for use in the School.

14.2 If the proceeds from the sale of property under clause 14.1 are less than the amount determined by the Minister for Education, the Council may keep those proceeds.

14.3 If the proceeds from the sale of property under clause 14.1 are equal to or more than the amount determined by the Minister for Education, the Council may keep those proceeds, if the person appointed by the Secretary to the DET has given approval for the Council to do so.

14.4 For the purposes of clauses 14.2 and 14.3, a determination of the Minister for Education:

(a) Must be in writing; and

(b) May be varied or revoked by the Minister in writing.

14.5 The Secretary to the DET may appoint a person to give approvals under clause 14.3.

14.6 An approval given under clause 14.3 must be:

(a) In writing; and

(b) Given before the property is sold.

15. Preschool programs**15.1 Council may provide for preschool programs**

(1) If the School provides primary education, the Council may:

(a) Provide preschool programs on the premises of the School or on any other land or premises under the control of the Minister for Education;

(b) Enter into an agreement or arrangement with any other school council or other person or body for that council, person or body to use part of the premises of that school or other premises under the control of the Minister for Education to provide a preschool program on those premises; or

(c) Enter into an agreement or arrangement with any other school council or other person or body to jointly provide a preschool program.

- (2) If the Council provides a preschool program or enters into an arrangement or agreement to provide a preschool program, it must ensure that, in any records kept by the School or the Council, the preschool children using the program are accounted for separately from students enrolled at the School in school programs.

15.2 Council may grant lease or licence over preschool land

The Council may, if authorised in writing by the Minister for Education, either generally or in any specified circumstances, grant a leasehold interest in, or a licence over, land of the School to be used to operate a preschool program or programs for children.

15.3 Fees for preschool programs

The Council or any other person or body authorised by the Council under clause 15.1, may require the payment of fees for the provision of preschool programs and other related services.

15.4 Application of, and accounting for, money received

In relation to any agreement or arrangement made by the Council for the provision of preschool programs under clause 15 the Council must ensure:

- (a) That any fees or other money received by the Council in the course of that provision or those agreements or arrangements is applied to the provision of preschool programs unless directed otherwise by a direction or guideline issued by the Minister for Education; and
- (b) That separate accounts and financial records are maintained in relation to the provision of those programs.

16. Payment of members

- 16.1 A member of the Council is not to receive any payment for his or her services as a member.
- 16.2 This does not prevent the Council reimbursing a member for any reasonable expenses incurred in the performance of his or her duties as a member.

17–23. Not used

24. Student dress code

- (1) The Council may determine a student dress code which is to apply to students of the School while they are at the School, travelling to and from School and/or attending School activities.
- (2) A student dress code may cover any matters which the Council considers appropriate in relation to clothing and other items worn, carried or used by students and to grooming, physical appearance and the general presentation of students, including without limiting the generality of the above –
- (a) Whether a school uniform may or must be worn by students, and the school uniform to be worn;
- (b) Clothing (including shoes) to be worn during classes and specified School activities such as sport, laboratory experiments and extra-curricular activities, and bags to be taken to School;
- (c) The grounds on which any student may be exempted from complying with the dress code; and
- (d) How the dress code may be enforced, provided the methods of enforcement are consistent with section 2.2.19 of the **Education and Training Reform Act 2006**, and the School's Student Code of Conduct (referred to in section 5.2.12 of the **Education and Training Reform Act 2006**).

- (3) The Council may enter into a contract with any person for the supply of school uniforms for students of the School.

25. Power to purchase

The Council may, subject to compliance with any directions issued by the Secretary to the DET, purchase goods, equipment or material for the purposes of the School.

26. Children's services

The Council may apply for and obtain under the **Children's Services Act 1996** approval to operate a children's service on premises of the School or on premises under the control of the Minister and may apply for and obtain a licence to operate a children's service and, subject to the **Children's Services Act 1996** and the **Education and Training Reform Act 2006** –

- (1) may operate, either solely or jointly, a children's service on part of the School premises or on other premises under the control of the Minister and may require payment of fees for the service and other related services;
- (2) may enter into a licence agreement, or a lease agreement if authorised in writing by the Minister, with another person for that person to use part of the School premises or other premises under the control of the Minister to provide a children's service or to provide a children's service on behalf of the Council on those premises; and
- (3) may carry out improvements to the School buildings and grounds for the provision of a children's service under subsection (1) or (2).

27. Other powers

27.1 Activities outside School Hours

The Council may conduct or join with any other school council in conducting any educational, recreational or cultural activity for the students of the School outside School hours at the School or any other location.

27.2 Fund Raising

The Council may raise funds for School purposes by conducting local efforts or amusements.

27.3 Gifts

- (1) Subject to section 5.2.6 of the **Education and Training Reform Act 2006**, the Council may –
- (a) accept gifts including real estate, providing that if a gift is encumbered or conditional, consent must be obtained from the Secretary to the DET before acceptance of such gifts; and
- (b) purchase or maintain goods, equipment and material for the carrying out of its powers duties or functions under the **Education and Training Reform Act 2006** or any other Act, but may not purchase any vehicle without the prior consent of the Secretary to the DET.
- (2) For the purposes of this clause, 'vehicle' means the same as 'vehicle' in the **Road Safety Act 1986**.

27.4 Hire or use of Equipment

- (1) Definitions
- In this clause –
- 'Equipment' includes goods and products but does not include fixtures.
- 'Equipment agreement' means a contract to hire equipment or a licence to use equipment under which –
- (a) the Council has the right to use the equipment; and

- (b) there is no option, right or obligation of the Council or any other person to buy the equipment; and
 - (c) at the end of the contract or licence the School Council has to return the equipment to the other party to the contract or licence.
- (2) The Council may enter into an equipment agreement with another party if the sole or main purpose of entering into the equipment agreement is to benefit the education of students at the School or to assist with the efficient conduct of the School.
- (3) Prior to entering into an equipment agreement the Council must –
 - (a) obtain more than one written quotation or tender for the hire or use of the equipment if the annual cost of the hire or use of the equipment is expected to exceed \$1000; and
 - (b) carry out a financial evaluation of the proposal to hire or use the equipment; and
 - (c) ensure that the equipment to be hired or used has appropriate insurance cover, either through the terms of the equipment agreement or by separate cover.
- (4) The Council must not –
 - (a) enter into an equipment agreement for a continuous period exceeding four years until the Regional Director has approved the entering into of that equipment agreement; and
 - (b) enter into an equipment agreement for the hire or use of equipment previously owned or operated by the Council or for the purposes of the DET; and
 - (c) commit funds of a non-recurrent nature or funds granted for a specific purpose towards the costs of an equipment agreement until the donor or provider of the funds has consented to that in writing; or
 - (d) enter into an equipment agreement unless it is satisfied that it will be able to meet all the costs of the equipment agreement.

27.5 Reporting

- (1) The Council must report the details of all equipment agreements it has entered into to the Council's Public Reporting Meeting. The report must include a description of the equipment hired or used, the purpose, the duration and the cost of the equipment agreement.
- (2) The costs of each equipment agreement must be fully identified in the Council's audited statement of receipts and expenditure presented to the Council's Public Reporting Meeting.

27.6 Exclusions

Clauses 27.4(3) and 27.5 do not apply to –

- (a) the hire of a video recording; or
- (b) the hire of any other equipment for less than four weeks in any one calendar year where the cost of the hire is less than \$1,000.00.

28. Transport Accident Commission agreements

The Council may enter into one or more agreements with the Transport Accident Commission concerning the provision of staff, facilities, equipment, support or other services for any student of the School who is the subject of a claim under the **Transport Accident Act 1986**.

29. Power to provide goods, services or facilities

- (a) Subject to subclauses (b) and (c), the Council may, for the purpose of the efficient conduct of the School, enter into arrangements or agreements, for reward or otherwise, to provide or supply goods, services or facilities to other Government schools or other educational institutions.
- (b) Any arrangement or agreement under subclause (a) may only be for goods, services or facilities that the Council is empowered under the **Education and Training Reform Act 2006**, the Education and Training Reform Regulations 2007, this Order, or any Ministerial Order made under the **Education and Training Reform Act 2006**, to provide or supply to the School.
- (c) Any arrangement or agreement under subclause (a) must comply with any directions issued by the Secretary to the DET.

30. Power to purchase by use of purchasing card facilities

- (a) Subject to this clause the Council may enter into arrangements with a financial institution under which the Council may purchase goods, services, equipment or material only for the purposes of the School by the use of purchasing card facilities provided by the financial institution.
- (b) Any purchase of goods, services, equipment or material under subclause (a) must comply with:
 - (i) any guidelines and directions issued by the Minister under section 5.2.1 of the **Education and Training Reform Act 2006**;
 - (ii) any directions issued by the Secretary to the DET; and
 - (iii) the terms and conditions relating to the use of any purchasing card issued by the financial institution to the Council from time to time.

31. Not used.

32. Trusts

The Council may act as a trustee of any trust fund established for the benefit of the School or its students with power to do any act or thing authorised under the terms of the relevant trust fund.

PART D – TRANSITIONAL PROVISIONS**33. Transitional provisions**

- 33.1 (a) Subject to subclause (b), this clause 33 operates until and inclusive of the date of the declaration of the poll in 2018 (or, if no election is held that year, 31 March of that year);
- (b) Subclause 33.12 operates until and inclusive of the day after the date of the declaration of the poll in 2018 (or, if no election is held that year, 31 March of that year).
- 33.2 Subject to subclause 33.11, during the operation of this clause the Composition and Election provisions, namely clauses 5A to 5V of the School Council Composition and Elections Order (Ministerial Order No.52), except clauses 5A, 5B.3 (insofar as it defines eligibility for election), 5B.3A(a) and 5R thereof, do not operate.
- 33.3 The School Council shall consist of a total of nine members comprising the principal *ex officio* and three other DET employees, four parents and two community member.
- 33.4 (a) By ministerial appointment made for the purposes of this clause on the date of this Order the principal *ex officio*, three other DET employees, and four parents are appointed as members of the Council from the date this clause takes effect until and inclusive of the date of declaration of the poll in 2018.

- (b) The School Council may, prior to the date of the declaration of the poll in 2018 (or if no election is held that year, 31 March of that year), appoint one person who is eligible for appointment to the community member category of the school council for a term of office until and inclusive of the date of the declaration of the poll in 2018 (or if no election is held that year, 31 March of that year).
- 33.5 The School Council may, prior to the date of the declaration of the poll in 2018 (or, if no election is held that year, 31 March of that year), fill any casual vacancy that occurs in the membership of the School Council, by appointing to the School Council two persons who are eligible for election or appointment (as the case may be) to the relevant membership category, provided that any person who fills a vacant position created by a casual vacancy shall only serve the unexpired portion of the vacating member's term of office.
- 33.6 Not used.
- 33.7 A parent appointed under clause 33.4 who does not have a child enrolled at the School at the time of the Notice of Election and Call for Nominations for any School Council election shall cease to be a member of the Council on that date, and a casual vacancy is thereby created.
- 33.8 In the event that the School Council is unable to comply with the quorum provisions of Part 3 of the Education and Training Reform Regulations 2007 owing to the number of casual vacancies in its membership, the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** may fill any casual vacancy that occurs in the membership of the School Council by appointing to the School Council for a term of office that does not extend beyond the unexpired portion of the vacating member's term of office a person who is eligible for election or appointment (as the case may be) to the relevant membership category.
- 33.9 In the event that the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** is satisfied that a School Council member no longer intends to attend School Council meetings, but a casual vacancy has not been created in respect of that member's position on the School Council, the Minister administering section 2.3.2 of the **Education and Training Reform Act 2006** may remove the person as a School Council member and appoint to the School Council for a term of office that does not extend beyond the unexpired portion of the vacating member's term of office a person who is eligible for election or appointment (as the case may be) to the relevant membership category.
- 33.10 (a) The School Council may not conduct any School Council meeting unless the quorum provisions of Part 3 of the Education and Training Reform Regulations 2007 are satisfied.
- (b) Subject to clause 33.10(c), the School Council must not decide any matter unless a majority of the School Council members present are not DET employees.
- (c) If at any time the membership of the School Council is such that it is impossible for the School Council to decide a matter in accordance with clause 33.10(b), the School Council may nonetheless decide to fill a casual vacancy under clause 33.5 or appoint or co-opt a member under clause 33.4(b) and (c).
- (d) Subject to subclauses 33.10(a), 33.10(b), and 33.10(c), an act or decision of the School Council is not invalid, and the School Council is properly constituted, notwithstanding –
- (i) a vacancy in the office of a member (including a Community member);
 - (ii) a defect or irregularity in or in connection with the appointment or co-optation of a member;

- (iii) a casual vacancy is not filled; or
 (iv) for any other reason the total number of school council members stated in clause 33.3 has not been appointed.

33.11 The first School Council election must be completed between the 2018 school year commencement date and 31 March 2018 in respect of three Parent member positions and one DET employee member position and the Composition and Election provisions (except clause 5D.3) shall apply to that School Council election.

33.12 The term of office of members of the School Council elected at the School Council election referred to in clause 33.11 shall commence on the day after the date of declaration of the poll in 2018.

This Order is made 6 October 2016

THE HON. JAMES MERLINO, MP
 Minister for Education

SCHEDULE 1

Wilandra Rise Primary School Council 9T 4P 3DET 2CO

SCHEDULE 2

SCHOOL COUNCIL MEMBERSHIP TABLE

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
15	6	5	4	7	2
15	6	4	5	7	3
15	6	3	6	7	4
15	6	2	7	7	5
15	6	1	8	7	6
15	7	5	3	7	2
15	7	4	4	7	3
15	7	3	5	7	4
15	7	2	6	7	5
15	7	1	7	7	6
15	8	5	2	7	2
15	8	4	3	7	3
15	8	3	4	7	4
15	8	2	5	7	5
15	8	1	6	7	6
15	9	5	1	7	2
15	9	4	2	7	3
15	9	3	3	7	4
15	9	2	4	7	5
15	9	1	5	7	6
15	10	5	0	7	2
15	10	4	1	7	3
15	10	3	2	7	4
15	10	2	3	7	5
15	10	1	4	7	6

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
15	11	4	0	7	3
15	11	3	1	7	4
15	11	2	2	7	5
15	11	1	3	7	6
15	12	3	0	7	4
15	12	2	1	7	5
15	12	1	2	7	6
15	13	2	0	7	5
15	13	1	1	7	6
15	14	1	0	7	6
14	5	4	5	6	2
14	5	3	6	6	3
14	5	2	7	6	4
14	5	1	8	6	5
14	6	4	4	6	2
14	6	3	5	6	3
14	6	2	6	6	4
14	6	1	7	6	5
14	7	4	3	6	2
14	7	3	4	6	3
14	7	2	5	6	4
14	7	1	6	6	5
14	8	4	2	6	2
14	8	3	3	6	3
14	8	2	4	6	4
14	8	1	5	6	5
14	9	4	1	6	2
14	9	3	2	6	3
14	9	2	3	6	4
14	9	1	4	6	5
14	10	4	0	6	2
14	10	3	1	6	3
14	10	2	2	6	4
14	10	1	3	6	5
14	11	3	0	6	3
14	11	2	1	6	4
14	11	1	2	6	5
14	12	2	0	6	4
14	12	1	1	6	5
14	13	1	0	6	5
13	5	4	4	6	2

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
13	5	3	5	6	3
13	5	2	6	6	4
13	5	1	7	6	5
13	6	4	3	6	2
13	6	3	4	6	3
13	6	2	5	6	4
13	6	1	6	6	5
13	7	4	2	6	2
13	7	3	3	6	3
13	7	2	4	6	4
13	7	1	5	6	5
13	8	4	1	6	2
13	8	3	2	6	3
13	8	2	3	6	4
13	8	1	4	6	5
13	9	4	0	6	2
13	9	3	1	6	3
13	9	2	2	6	4
13	9	1	3	6	5
13	10	3	0	6	3
13	10	2	1	6	4
13	10	1	2	6	5
13	11	2	0	6	4
13	11	1	1	6	5
13	12	1	0	6	5
12	5	4	3	5	1
12	5	3	4	5	2
12	5	2	5	5	3
12	5	1	6	5	4
12	6	4	2	5	1
12	6	3	3	5	2
12	6	2	4	5	3
12	6	1	5	5	4
12	7	4	1	5	1
12	7	3	2	5	2
12	7	2	3	5	3
12	7	1	4	5	4
12	8	4	0	5	1
12	8	3	1	5	2
12	8	2	2	5	3
12	8	1	3	5	4
12	9	3	0	5	2

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
12	9	2	1	5	3
12	9	1	2	5	4
12	10	2	0	5	3
12	10	1	1	5	4
12	11	1	0	5	4
11	4	3	4	5	2
11	4	2	5	5	3
11	4	1	6	5	4
11	5	3	3	5	2
11	5	2	4	5	3
11	5	1	5	5	4
11	6	3	2	5	2
11	6	2	3	5	3
11	6	1	4	5	4
11	7	3	1	5	2
11	7	2	2	5	3
11	7	1	3	5	4
11	8	3	0	5	2
11	8	2	1	5	3
11	8	1	2	5	4
11	9	2	0	5	3
11	9	1	1	5	4
11	10	1	0	5	4
10	4	3	3	4	1
10	4	2	4	4	2
10	4	1	5	4	3
10	5	3	2	4	1
10	5	2	3	4	2
10	5	1	4	4	3
10	6	3	1	4	1
10	6	2	2	4	2
10	6	1	3	4	3
10	7	3	0	4	1
10	7	2	1	4	2
10	7	1	2	4	3
10	8	2	0	4	2
10	8	1	1	4	3
10	9	1	0	4	3
9	4	3	2	4	1
9	4	2	3	4	2

Total	Parent members	DET employee members	Community members	Max DET employees	Max DET employee parents*
9	4	1	4	4	3
9	5	3	1	4	1
9	5	2	2	4	2
9	5	1	3	4	3
9	6	3	0	4	1
9	6	2	1	4	2
9	6	1	2	4	3
9	7	2	0	4	2
9	7	1	1	4	3
9	8	1	0	4	3
8	3	2	3	3	1
8	3	1	4	3	2
8	4	2	2	3	1
8	4	1	3	3	2
8	5	2	1	3	1
8	5	1	2	3	2
8	6	2	0	3	1
8	6	1	1	3	2
8	7	1	0	3	2
7	3	2	2	3	1
7	3	1	3	3	2
7	4	2	1	3	1
7	4	1	2	3	2
7	5	2	0	3	1
7	5	1	1	3	2
7	6	1	0	3	2
6	3	2	1	2	0
6	3	1	2	2	1
6	4	2	0	2	0
6	4	1	1	2	1
6	5	1	0	2	1

* A DET employee parent is a DET employee who is a parent of a child at the school.

Flora and Fauna Guarantee Act 1988NOTICE OF FINAL RECOMMENDATIONS OF THE
SCIENTIFIC ADVISORY COMMITTEE

Items supported for listing

In accordance with section 15 of the **Flora and Fauna Guarantee Act 1988** (the Act), the Scientific Advisory Committee (SAC) has made final recommendations to support the nominations of the following items for addition to the Threatened List and Processes List.

Eligibility for listing is outlined in section 11 of the Act and criteria by which the eligibility for listing are determined are outlined in the Flora and Fauna Guarantee Regulations 2011.

Item number	Scientific Name	Common Name	Criteria satisfied
868	<i>Numenius madagascariensis</i>	Eastern Curlew	(1.2) 1.2.1, 1.2.2
869	<i>Calidris ferruginea</i>	Curlew Sandpiper	(1.2) 1.2.1, 1.2.2
870	<i>Hirundapus caudacutus</i>	White-throated Needletail	(1.2) 1.2.3
875	<i>Podolepis laevigata</i>	<i>Podolepis</i> species	(1.2) 1.2.1

Item number	Potentially Threatening Process	Criteria satisfied
877	Loss of biodiversity due to the spread of Coast Wattle and Sallow Wattle into areas outside its natural range	(5.1 and 5.2) 5.1.1, 5.1.2, 5.2.2 and 6.1

Items 868–870 and 875 are eligible for addition to the Threatened List and item 877 is eligible for addition to the Processes List as each item satisfies at least one of the criteria for listing.

NOTICE OF PRELIMINARY RECOMMENDATION OF THE
SCIENTIFIC ADVISORY COMMITTEE

Item supported for listing

In accordance with section 14 of the Act, the SAC has made a preliminary recommendation to support the nomination of the following item for addition to the Threatened List.

Eligibility for listing is outlined in section 11 of the Act and criteria by which the eligibility for listing is determined are outlined in the Flora and Fauna Guarantee Regulations 2011.

Item number	Community	Criteria satisfied
867	North Western Goldfields Intermittent Soak Community	2.1, 2.1.1, 2.1.2, 2.2.1 and 2.2.2

Item 867 is eligible for addition to the Threatened List as it satisfies at least one of the criteria for listing.

PUBLIC COMMENT INVITED ON THE PRELIMINARY RECOMMENDATION

The SAC welcomes comments on the preliminary recommendation. Public comments on the above preliminary recommendation may be made to the SAC until Friday 18 November 2016. Copies of the recommendation report on the above item and details on how to make public comments to the SAC on the preliminary recommendation can be obtained through the Department of Environment, Land, Water and Planning website (www.delwp.vic.gov.au) or the Customer Service Centre (136 186).

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.

School Naming:

School Name	Naming Authority and Location
Mernda Central P-12 College	Department of Education and Training A new school entity located at 70 Breadalbane Avenue, Mernda.
Wilandra Rise Primary School	Department of Education and Training A new school entity located at 25 Haflinger Avenue, Clyde North.

Office of Geographic Names

Land Victoria
570 Bourke Street
Melbourne 3000

JOHN E. TULLOCH
Registrar of Geographic Names

Housing Act 1983

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

Active Community Housing Limited

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

The Director and Active Community Housing Limited have agreed in writing that the following land of which Active Community Housing Limited is registered as proprietor is land to which section 107 of the Act should apply and is therefore land in which the Director is deemed to have an interest under section 107.

Volume	Folio	Address
09172	480	8 Browne Avenue, St Albans

Dated 4 October 2016

Signed at Melbourne in the State of Victoria
NICK FOA
Director of Housing

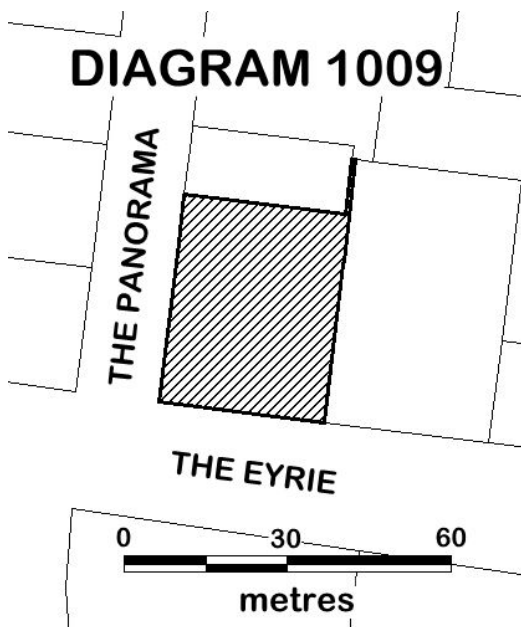


Heritage Act 1995

NOTICE OF REGISTRATION

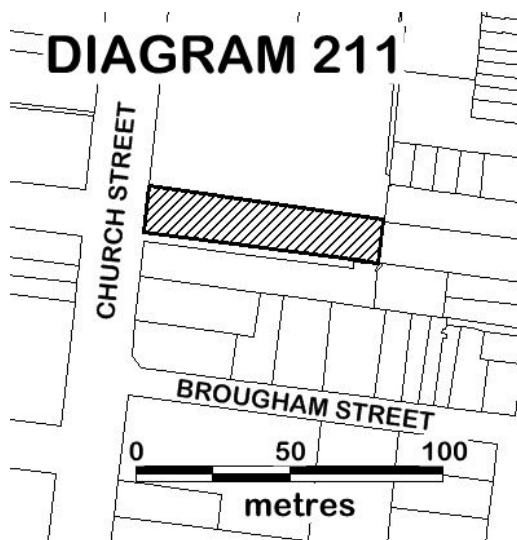
As Executive Director for the purpose of the **Heritage Act 1995**, I give notice under section 46 that the Victorian Heritage Register is amended by modifying the following places in the Heritage Register:

Number: H1009
 Category: Heritage Place
 Place: Desbrowe Annear House
 Location: 38 The Eyrie
 Eaglemont
 Banyule City



All of the place shown hatched on Diagram 1009 encompassing all of Lot 1 on Plan of Subdivision 611703.

Number: H0211
 Category: Heritage Place
 Place: Former Lalor House
 Location: 293 Church Street
 Richmond
 Yarra City



All of the place shown hatched on Diagram 211 encompassing all of Lot 1 on Title Plan 888367.

Dated 13 October 2016

TIM SMITH
 Executive Director

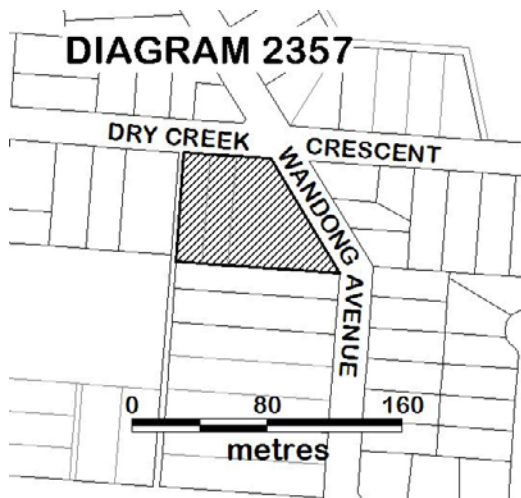
HERITAGE
VICTORIA
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Heritage Act 1995

NOTICE OF REGISTRATION

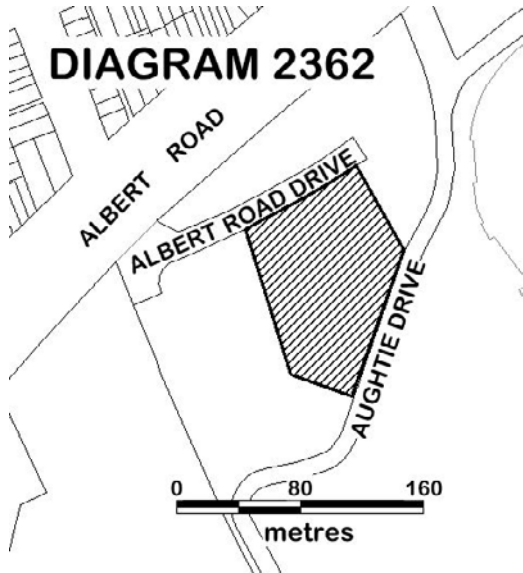
As Executive Director for the purpose of the **Heritage Act 1995**, I give notice under section 46 that the Victorian Heritage Register is amended by including the following places in the Heritage Register:

Number: H2357
Category: Heritage Place
Place: St Michael's Catholic Church
Location: 33-35 Wandong Avenue
Wandong
Mitchell Shire



All of the place shown hatched on Diagram 2357 encompassing all of Lots 33-35 on Lodged Plan 3204.

Number: H2362
Category: Heritage Place
Place: Former Royal Australian Corps of Signals Drill Hall
Location: 29A Albert Road Drive South
Albert Park
Port Phillip City



All of the place shown hatched on Diagram 2362 encompassing all of Crown Allotment 2027, City of South Melbourne, Parish of Melbourne South.

Dated 13 October 2016

TIM SMITH
Executive Director

Land Acquisition and Compensation Act 1986

FORM 7

S. 21(a)
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Roads Corporation (VicRoads) declares that by this notice it acquires the following interest in the land described as part of the land in Plan of Consolidation 357015J, Parish of Maryvale, comprising 2,232 square metres and being part of the land described in Certificate of Title Volume 10239 Folio 027, shown as Parcel 1 on Survey Plan 23397.

Licence Interest Acquired: That of Grand Ridge Plantations Pty Ltd (ACN 004 285 705) and all other interests.

Published with the authority of VicRoads.

For and on behalf of VicRoads

Signed JOEL NOBLE

Name Joel Noble

Dated 13 October 2016

Land Acquisition and Compensation Act 1986

FORM 7

S. 21(a)
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Roads Corporation (VicRoads) declares that by this notice it acquires the following interest in the land described as part of the land in Plan of Consolidation 357015J, Parish of Maryvale, comprising 2,232 square metres and being part of the land described in Certificate of Title Volume 10239 Folio 027, shown as Parcel 1 on Survey Plan 23397.

Interest Acquired: That of Paper Australia Pty Ltd (ACN 061 583 533) and all other interests.

Published with the authority of VicRoads.

For and on behalf of VicRoads

Signed JOEL NOBLE

Name Joel Noble

Dated 13 October 2016

Mineral Resources (Sustainable Development) Act 1990EXEMPTION OF LAND FROM AN EXPLORATION, MINING, RETENTION
OR PROSPECTING LICENCE

I, Duncan Pendrigh, Director Statutory Authorisations, 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 application EL006348 from being subject to a licence under the **Mineral Resources (Sustainable Development) Act 1990**.

Dated 10 October 2016

DUNCAN PENDRIGH
Director Statutory Authorisations
Delegate of the Minister

Local Government Act 1989

SCHEDULE 11 CLAUSE 4

Designation of Tow Away Areas

- 2016 World Superbike Championship
- 2016 WD-40 Phillip Island SuperSprint
- 2016 Australian Motorcycle Grand Prix

Clause 4 Schedule 11 to the **Local Government Act 1989** provide Councils with the power to tow away and impound vehicles which are causing an unlawful obstruction or are unlawfully parked or left standing in an area designated by the Minister, and to charge the owner of the vehicle a fee up to the amount of the fee set for the purposes of clause 3(1)(c).

For the purpose of these provisions, I, Hon. Luke Donnellan, Minister for Roads And Road Safety, designate the areas contained in the reservations of the roads listed in the following as tow away areas.

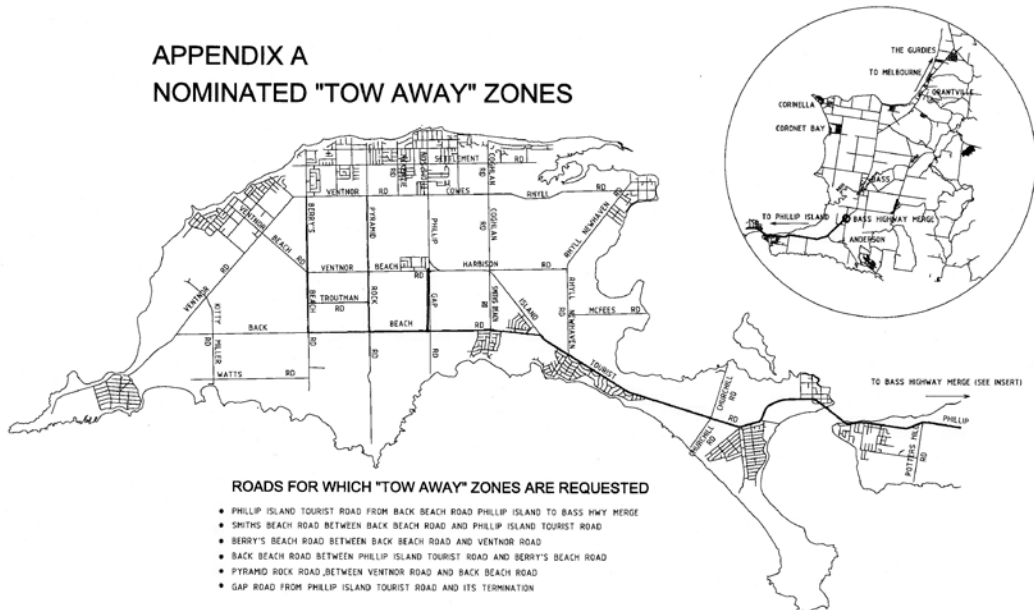
THE SCHEDULE

A list of all the roads, streets and lanes included in this designation of tow away areas within the Shire of Bass Coast is detailed below.

- Phillip Island Tourist Road from Back Beach Road, Phillip Island to Bass Highway, Merge;
- Smiths Beach Road between Back Beach Road and Phillip Island Tourist Road;
- Berry’s Beach Road between Back Beach Road and Ventnor Road;
- Back Beach Road between Phillip Island Tourist Road and Berry’s Beach Road;
- Pyramid Rock Road between Ventnor Road and Back Beach Road; and
- Gap Road from Phillip Island Road and its termination.

The tow away areas listed above are to operate from 12.01 am on Friday 26 February 2016 to 11.59 pm on Sunday 28 February 2016; and 12.01 am on Friday 15 April 2016 to 11.59 pm on Sunday 17 April 2016; 12.01 am on Friday 21 October 2016 to 11.59 pm on Sunday 23 October 2016, 24 hours per day on both sides of every street, road and lane.

**APPENDIX A
NOMINATED "TOW AWAY" ZONES**



Dated 3 March 2016

HON. LUKE DONNELLAN MP
Minister For Roads And Road Safety

Marine Safety Act 2010

PUBLIC NOTICE

Declaration of Boating Activity Exemption

I, Steve Croucher, Chief Executive Officer of Strathbogie Shire Council, the waterway manager for the Goulburn River from Hughes Creek to Goulburn Weir including Lake Nagambie, declare under section 203(3) of the **Marine Safety Act 2010** that persons and vessels competing in the Head of the Goulburn proposed by Rowing Victoria on 22 October 2016 are exempt from:

1. Clause 2(c) of the Notice under the **Marine Act 1988** in respect to operating a vessel at a speed not exceeding 5 knots within 50 metres of another vessel.
2. Clause 3 of the Notice under the **Marine Act 1988** in respect to operating a vessel at a speed not exceeding 5 knots within 50 metres of the water's edge and a fixed or floating structure.
3. Clauses 91.4(a)(iii-v) and 91.8 of Schedule 91 waterway rules in respect to the 5 knot speed restriction zones on Goulburn River between the upstream boundary of the 5 knot zone at Tahbilk Winery to Scour Bridge and the exclusive use and special purpose area for waterskiing on Goulburn River.

The exemptions apply to persons and vessels participating in the 'Head of the Goulburn' Rowing Victoria event between 8.00 am and 1.30 pm on 22 October 2016 provided that the stated safety controls and undertakings detailed in the Application for Boating Activity exemptions and Exclusion Zones and Rowing Victoria Safety Management Plan are adhered to.

During the event an exclusion zone will be in place, with the Goulburn River from the upstream boundary of the 5 knot zone at Tahbilk to Scour Bridge and Furlong Cove on Lake Nagambie closed to general boating.

The Strathbogie Shire Council has determined that this activity exclusion zone is a necessary measure to ensure the proposed activity can occur in the safest possible manner.

Dated 10 October 2016

STEVE CROUCHER
Chief Executive Officer
Strathbogie Shire Council

Marine Safety Act 2010

Section 208(2)

NOTICE OF BOATING ACTIVITY EXCLUSION ZONE

In accordance with section 208(2) of the **Marine Safety Act 2010**, Parks Victoria (the waterway manager for the Yarra River upstream of the port waters of the Port of Melbourne) gives notice that the waters of the Yarra River between Princes Bridge and the upstream edge of Federation Wharf, to a point on the southern side of the Yarra River, are prohibited to all persons and vessels not registered to take part in the Victorian Festival of DIWALI fireworks display. The exclusion zone takes effect between 8.00 pm to 11.00 pm on Saturday 22 October 2016.

Dated 13 October 2016

BY ORDER OF PARKS VICTORIA

Owner Drivers and Forestry Contractors Act 2005

TRANSPORT INDUSTRY COUNCIL

Rates and Costs Schedule 2016–2017

Semi-Trailer (Bogie Drive, 6-axle)

INTRODUCTION

This vehicle operating Rates and Costs Schedule is based on the Transport Industry Council's evaluation of the cost recovery recommended for an owner driver to take into consideration based on being able to operate a business on a sustainable basis.

This Schedule is a general guide only. Owner drivers¹ are strongly advised to seek independent professional accounting advice for their own situation and discuss all issues with their hirer or potential hirer to ensure that there is no misunderstanding concerning payment structures.

This Rates and Costs Schedule is published under section 14 of the **Owner Drivers and Forestry Contractors Act 2005** (Vic.) (the Act). Under the Act, this Schedule must be given at least three business days before the owner driver is engaged, if the owner driver will be engaged for a period of at least 30 days; or on the thirtieth day, if the owner driver is engaged for a total period of at least 30 days in any three month period.

These requirements also apply to freight brokers and to tender situations.

This Schedule will be revised at least annually, and under section 18 of the Act, hirers are required to give owner drivers a copy of any such revised Schedule as soon as practicable after it is published.

The Schedule is intended to assist owner drivers and their hirers to better understand the typical operating costs of an owner driver business and to inform their negotiations.

THE SCHEDULE DOES NOT SET MINIMUM RATES THAT MUST BE PAID.

The Schedule sets out a worked example of typical overhead costs for an owner driver supplying a Semi Trailer (Bogie Drive, 6-axle). The worked example is based on certain assumptions about the business, for example, that the vehicle is 10 years old, is in operation for 7.6 hours a day and uses a certain number of tyres.

The aim of the Schedule is to assist owner drivers to:

- better understand their business cost structures and how increases and decreases in different cost items affect overall profitability; and
- calculate their own unique cost model.

This Schedule applies to owner drivers who supply a Semi Trailer (Bogie Drive, 6 axle) or similar vehicle.²

The Schedule is structured as follows:

Part 1: Fixed Costs

Describes typical fixed (or annual) business costs. These are the costs that the business must pay each year regardless of how many kilometres the vehicle travels.

Part 2: Variable Costs

Describes typical variable business costs. These are the costs (such as fuel and tyres) that vary with how many kilometres are travelled. These are calculated on an hourly basis.

Part 3: Payment for Labour

Describes the range of rates that are typically paid to employee drivers for performing similar kinds of work, to assist the owner driver to determine what may be a reasonable payment for their own labour.

¹ Owner Driver is defined in the **Owner Drivers and Forestry Contractors Act 2005**. The definition is also affected by the Owner Drivers and Forestry Contractors Regulations 2006 made under the Act.

² Rates and Costs Schedules have been published for 1 tonne Van Courier Messenger, 1 tonne GVM – General Freight, 4.5 tonne GVM, 8 tonne GVM, 12 tonne GVM (2-axle), Prime Mover (Bogie Drive) and Semi-Trailer (Bogie Drive, 6-axle). Hirers are required to provide owner drivers with the Schedule that most closely relates to the owner driver's vehicle.

Part 4: Totals

This section allows the owner driver to prepare total hourly rates for ordinary hours (up to 1,672 a year) and excess hours.

The Schedule does not deal with the issue of return on investment, and this would need to be factored in where appropriate. The issue of return on investment is dealt with in section 11 of the Owner Drivers and Forestry Contractors Code of Practice.

KEY ASSUMPTIONS

The model set out in this Schedule is based on certain assumptions about the vehicle used, hours of work and the type of business. The assumptions used that have the greatest impact on the figures given are:

Subject	Costing assumptions
Vehicle and finance	<p>The fixed costs are based on:</p> <ul style="list-style-type: none"> ● a vehicle and trailer with a current capital value of \$72,827 (being the current average retail value of a 10 year old vehicle). ● a vehicle subject to a lease arrangement, over a 4 year term with a 25% residual, with interest at a comparison interest rate of 5.5% per annum. <p>Note that if the business owns the vehicle outright, or has a loan, the cost structure will be different with depreciation as the relevant cost rather than lease payments. All costs exclude GST.</p>
Driving hours per year (kilometres travelled)	<ul style="list-style-type: none"> ● The calculation of the fixed costs assumes the vehicle is in operation for 7.6 driving hours per day for 220 working days a year. This equals 1,672 hours of operation a year. ● The model spreads fixed operating costs over those 1,672 hours. ● In Part 4, a separate hourly rate for hours over and above the base hours of 1,672 a year is provided. To avoid double counting of fixed costs, this rate only includes variable costs and a return for labour, based on an overtime labour rate.

The cost structure of the individual business will be significantly different if, for example:

- the age, current capital value (or both) of the vehicle is less or more than the above figures;
- other finance arrangements apply (for example, the vehicle is fully owned or is subject to a loan);
- more or fewer hours are worked each year.

BECAUSE OF THESE POTENTIAL VARIATIONS, GREAT CARE SHOULD BE TAKEN IN USING THE INDICATIVE FIGURES SET OUT IN THE COST MODEL, AS THE COSTS OF THE INDIVIDUAL BUSINESS MAY VARY SIGNIFICANTLY.

To assist owner drivers to calculate their own unique cost model, a blank column is included to calculate the business's own unique costs.

RATE STRUCTURES

This model calculates the cost of running a typical owner driver business, described as an hourly rate, made up of fixed and variable costs and a payment for the owner driver's labour. The Schedule does not calculate or suggest any particular rate calculation or payment method.

Arrangements for payment for owner drivers in the transport industry vary enormously. They can be paid an hourly rate, a load rate, parcel rate, on the basis of tasks performed, or even kilometres travelled. If an owner driver is paid on such an arrangement, the Schedule set out below can be used as a base to calculate the cost to the business of travelling per kilometre, or delivering a particular load. Unions, industry associations or accountants and other professional advisers can assist in this task.

PART 1 – FIXED ANNUAL COSTS – PER YEAR AND PER HOUR

Note: All costs are exclusive of GST

Cost items assumptions used in the example	Example: Typical cost per year	Your costs	Variations in this cost item
<p>Vehicle Lease Costs</p> <p>This model is based on a vehicle with a current capital value of \$72,827 (based on typical retail value of a 10 year old vehicle and trailer), and is based on a lease arrangement over a 4 year term with a 25% residual, at 5.5% interest per annum.</p>	\$15,203		<p>Finance arrangements will vary widely depending on:</p> <ul style="list-style-type: none"> • if the arrangement is a lease or hire purchase, or purchase of the vehicle through a loan; or • if the arrangement is a loan, then the purchase price, the amount borrowed and the loan terms will affect cash-flow, and depreciation needs to be allowed for.
<p>Registration, Permits and TAC Fees</p> <p>Based on vehicle registration fee of \$9,723 and TAC charge of \$2,037.20 which is net of GST. Assumes payment is made on an annual basis. TAC charge assumes vehicle is garaged in a high risk area (e.g. metropolitan Melbourne).</p>	\$11,760.20		<p>These fees are current as at 1 July 2016 but may change.</p> <p>Additional licences may be payable for certain types of operations (e.g. interstate registration, oversize, port security permit, dangerous goods).</p> <p>Additional administration charges may apply to registration fees if they are paid in instalments. TAC charges may be lower if the vehicle is garaged in a medium or low risk area.</p>
<p>Superannuation</p> <p>Self-funded, based on 9.5% of own labour assumed at \$42,416.</p>	\$4,029.52		
<p>Insurance Comprehensive Vehicle</p> <p>Based on rate of 3.15% per annum. Based on operator who is over the age of 25, has at least 5 years' experience and no claims history. Assumes vehicle is not carrying dangerous goods. Assumes vehicle is travelling intrastate only.</p>	\$2,294		<p>Rates may be higher for interstate trucks. Additional insurance charges may apply to certain kinds of goods carried (e.g. refrigerated goods or livestock). Comprehensive vehicle insurance costs may vary depending upon the age and value of the equipment insured, the insurance provider, the amount of any excess payable, the individual's claims history, the age and experience level of the driver and whether the vehicle is carrying dangerous goods.</p>

Cost items assumptions used in the example	Example: Typical cost per year	Your costs	Variations in this cost item
Insurance Goods in Transit Based on an insured sum of \$50,000 at an insurance rate of 0.8%. Assumes vehicle is not carrying dangerous goods.	\$400		The cost of goods in transit insurance may vary depending on the type of goods being transported.
Insurance Personal Sickness and Accident/Income Basic policy, based on 80% of income for 52 weeks, 30 day waiting period. Assumes driver is travelling intrastate only. Assumes driver has no pre-existing conditions. Maximum age limit of 60 years. These fixed costs have been calculated at 100%.	\$510		The cost of personal income and accident insurance (also called income protection insurance) will vary depending on the individual's health history, the amount of income insured, the period of time after an accident before benefits are payable and the maximum period over which benefits are paid.
Insurance Public Liability Assumes policy for public liability claims up to \$10 million. These fixed costs have been calculated at 100%.	\$459		
Insurance Workers' Compensation Assumed at the rate of 4.7% for the assumed labour rate of the business owner of \$42,416. Assumes vehicle is primarily travelling intrastate.	\$1,992.70		The rate is current as at 2015–2016 and is subject to change. The rate charged for workers' compensation insurance may vary depending on whether the vehicle is travelling short or long distances and whether the vehicle is travelling interstate. The rate may also vary depending on the driver's claims history.

Cost items assumptions used in the example	Example: Typical cost per year	Your costs	Variations in this cost item
Business Administration Costs Includes maintenance of records, preparation of tax returns, mobile phone charges, consumer price index and sundry business expenses. These fixed costs have been calculated at 100%.	\$2,701		Accounting/bookkeeping fees may be lower if the business prepares its own BAS and accounts. Mobile phone charges will vary significantly depending on level of use. Other costs: Professional association fees, accommodation costs, parking fees, bank charges, and other costs should be allowed for where relevant. This example is based on a business that is already up and running, and does not take into account the costs of starting a business (e.g. registering a company). This figure may also vary depending on contractual conditions.
Total annual fixed costs	\$39,349.42		
Total hourly fixed costs Assuming 1,672 vehicle operation hours.	\$23.53		Assumes that the annual fixed costs of the business are spread over 1,672 vehicle operation hours per year.

PART 2 – VARIABLE COSTS – PER KILOMETRE AND PER HOUR

Note: All costs are exclusive of GST

Cost items assumptions assumes 28,600 km travelled per year	Typical cost per km	Your cost per km	Variations in this cost item
Fuel Based on retail diesel fuel cost as at 3 June 2016 of 105 cents per litre, which is net of GST. Assumes 62.89 litres consumed per 100 km.	66.04 cents		Fuel is the single biggest variable cost and will significantly affect your business. Fuel costs will also vary depending on the age, features and condition of the vehicle.
Tyres Assumes cost of \$586.44 per tyre (10 tyres) based on vehicle specific average performance and replaced after 80,000 km.	7.33 cents		Consumption of tyres will vary with the age of vehicle, off-road use, geographic and road conditions, braking frequency and driving techniques and the quality of the tyres used. Cost of tyres will also vary depending on the manufacturer, type of tyres and any discount arrangements.

Cost items assumptions assumes 28,600 km travelled per year	Typical cost per km	Your cost per km	Variations in this cost item
Servicing, Repairs and Maintenance Based on rate of 54.47 cents per km.	54.47 cents		Repair and maintenance costs will vary significantly with the age and condition of the vehicle. Major repairs may be a one-off major cost in any given year. Significant savings can be made if the business does its own servicing and repairs.
Total variable costs per km	127.84 cents		

Total variable costs per driving hour	Typical cost per hour	Your cost per hour	Variations in this cost item
Assumes 18 km travelled per hour.	\$23.01		These rates are typical for city driving only. The number of kilometres travelled per hour will vary significantly depending on the routes travelled, whether the work is metropolitan or regional, how often the vehicle stops to load or unload and the nature of the work. Drivers who travel long distance or in the country will need to take this into account for their own calculations.

Note: Citylink tolls: Where directed to take a route using tolls you may incur an additional cost for road tolls.

PART 3 – PAYMENT FOR THE OWNER DRIVER’S OWN LABOUR

The next factor to include in a business cost model is an amount for the business owner’s own work (labour) in driving the vehicle and in work such as loading and unloading and tasks necessary in running the business. This Part will provide information to assist owner drivers to determine the amount they can aim to receive as a payment for that labour.

Because an owner driver is a small business (not an employee) the hirer is not legally obliged to pay a minimum wage or rate of pay. However, the wages that are paid to employee drivers are a useful guide to the market for the labour services of driving a vehicle.

Set out below are rates that would typically be paid for driving a vehicle if this work was performed by an employee rather than an owner driver.

These rates will vary over time, and should be used as a general guide only. Unions, industry associations, newspaper job advertisements and other drivers are sources of advice about the going rates in your industry sector.

Base hourly rate ¹	Casual/loaded hourly rate ² (includes allowance for leave, etc.)	Casual overtime rate ³ For the first two hours over 7.6 per day or 38 per week	Casual overtime rate ³ For hours worked over 10 per day or 48 per week
Typical base and casual rates paid to employee drivers per hour			
\$24.31	\$25.37	\$32.47	\$42.62
Range of rates typically paid in Victoria ⁴			
\$24.31 to \$29.17	\$25.37 to \$30.44	\$32.47 to \$38.97	\$42.62 to \$51.14

Notes:

1. Base hourly rate: The base hourly rate is based on the rate in the Road Transport and Distribution Award 2010 for an employee driver of a 1 Tonne Vehicle (GVM) ('the Award rate'). The base hourly rate is calculated by first working out the minimum amount an employee driver working a 38 hour week would be paid under the Award over one year (including 4 weeks annual leave, 10 days personal/carer's leave, 10 public holidays and 17.5% annual leave loading). This amount is then converted to an hourly rate for working 38 hours per week over 44 weeks (one year less the paid leave and public holiday entitlements of a full-time employee).
The Award rate is accurate as at 1 July 2016, but is varied from time to time by the Fair Work Commission. You can find information about the most recently published minimum employee rates by visiting www.fwc.gov.au or contacting your association or union.
2. Casual/loaded rate: The casual/loaded rate includes an additional 25% loading. This is compensation for not receiving the paid annual leave, personal/carer's leave and public holidays that ongoing employees enjoy. The casual/loaded rate is calculated on the Award rate.
3. Casual overtime rates: Employee drivers in Victoria would typically receive payment at overtime rates for hours worked in excess of 38 hours a week. Typically a 50% loading applies for the first two hours of overtime per day or up to 48 hours per week and then a 100% loading for hours thereafter. For each hour of overtime worked a casual must also be paid 10% of 1/38th of the minimum wage specified in the Award for their classification. The overtime rates are calculated on the Award rate.
4. The range of rates in Victoria: This part of the table sets out a range of rates typically paid in Victoria to employee drivers in the transport industry. A range is supplied because the rate paid will vary depending on whether a company is party to an enterprise agreement, the particular industry sector, the skill and efficiency of the particular driver and market factors such as whether there is a shortage of drivers in the area. The top rate in each range is calculated by adding 20% to the bottom rate.

PART 4 – HOURLY TOTALS**Hourly total for hours up to 7.6 hours a day / 1,672 hours a year**

Totals			
Totals per driving hour	Typical Costs	Your figures	Notes
Fixed Costs	\$23.53		Assuming fixed costs spread over 1,672 hours.
Variable Costs	\$23.01		Assuming 18 km travelled per hour.
Labour	\$25.37		This worked example is based on a labour rate of \$25.37 per hour. See discussion on rates for labour in Part 3.

Totals			
Totals per driving hour	Typical Costs	Your figures	Notes
Total per hour (up to 1,672 hours)	\$71.91		Note that this is not a prescribed or recommended rate. Owner drivers are strongly recommended to consider their own circumstances and obtain advice.

2. Total per hour – for hours in excess of 7.6 hours per day / 1,672 hours a year

This model assumes that the owner driver will recover fixed annual costs over 1,672 driving hours a year. Many owner drivers work longer than these hours, either extra days each week or longer hours each day. This table calculates an hourly rate for those extra hours, using variable and labour costs only, and using an overtime rate of pay.

Totals			
Totals per driving hour	Typical costs	Your figures	Notes
Variable Costs	\$23.01		Assuming 18 km travelled per hour.
Labour (overtime rates)	\$32.47		This worked example is based on a nominal penalty labour rate of \$32.47 per hour. See discussion on rates for labour in Part 3.
Total per hour (up to 1,672 hours)	\$55.48		Note that this is not a prescribed or recommended rate. Owner drivers are strongly recommended to consider their own circumstances and obtain advice.

In addition to the figures above, owner drivers should where relevant include any amount that they seek as a return on their capital investment. This issue is dealt with in section 11 of the Owner Drivers and Forestry Contractors Code of Practice, available from www.business.vic.gov.au/ownerdrivershirers.

Note that this is not a prescribed or recommended rate. It is strongly recommended that owner drivers obtain advice on their own individual circumstances and discuss all issues with their hirer or potential hirer to ensure that there is no misunderstanding concerning payment structures.

Owner Drivers and Forestry Contractors Act 2005

TRANSPORT INDUSTRY COUNCIL

Rates and Costs Schedule 2016–2017

Prime Mover (Bogie Drive)

INTRODUCTION

This vehicle operating Rates and Costs Schedule is based on the Transport Industry Council's evaluation of the cost recovery recommended for an owner driver to take into consideration based on being able to operate a business on a sustainable basis.

This Schedule is a general guide only. Owner drivers¹ are strongly advised to seek independent professional accounting advice for their own situation and discuss all issues with their hirer or potential hirer to ensure that there is no misunderstanding concerning payment structures.

This Rates and Costs Schedule is published under section 14 of the **Owner Drivers and Forestry Contractors Act 2005** (Vic.) (the Act). Under the Act, this Schedule must be given at least three business days before the owner driver is engaged, if the owner driver will be engaged for a period of at least 30 days; or on the thirtieth day, if the owner driver is engaged for a total period of at least 30 days in any three month period.

These requirements also apply to freight brokers and to tender situations.

This Schedule will be revised at least annually, and under section 18 of the Act, hirers are required to give owner drivers a copy of any such revised Schedule as soon as practicable after it is published.

The Schedule is intended to assist owner drivers and their hirers to better understand the typical operating costs of an owner driver business and to inform their negotiations.

THE SCHEDULE DOES NOT SET MINIMUM RATES THAT MUST BE PAID.

The Schedule sets out a worked example of typical overhead costs for an owner driver supplying a Prime Mover (Bogie Drive). The worked example is based on certain assumptions about the business, for example, that the vehicle is 10 years old, is in operation for 7.6 hours a day and uses a certain number of tyres.

The aim of the Schedule is to assist owner drivers to:

- better understand their business cost structures and how increases and decreases in different cost items affect overall profitability; and
- calculate their own unique cost model.

This Schedule applies to owner drivers who supply a Prime Mover (Bogie Drive) or similar vehicle.²

The Schedule is structured as follows:

Part 1: Fixed Costs

Describes typical fixed (or annual) business costs. These are the costs that the business must pay each year regardless of how many kilometres the vehicle travels.

Part 2: Variable Costs

Describes typical variable business costs. These are the costs (such as fuel and tyres) that vary with how many kilometres are travelled. These are calculated on an hourly basis.

Part 3: Payment for Labour

Describes the range of rates that are typically paid to employee drivers for performing similar kinds of work, to assist the owner driver to determine what may be a reasonable payment for their own labour.

1 Owner Driver is defined in the **Owner Drivers and Forestry Contractors Act 2005**. The definition is also affected by the Owner Drivers and Forestry Contractors Regulations 2006 made under the Act.

2 Rates and Costs Schedules have been published for 1 tonne Van Courier Messenger, 1 tonne GVM – General Freight, 4.5 tonne GVM, 8 tonne GVM, 12 tonne GVM (2-axle), Prime Mover (Bogie Drive) and Semi-Trailer (Bogie Drive, 6-axle). Hirers are required to provide owner drivers with the Schedule that most closely relates to the owner driver's vehicle.

Part 4: Totals

This section allows the owner driver to prepare total hourly rates for ordinary hours (up to 1,672 a year) and excess hours.

The Schedule does not deal with the issue of return on investment, and this would need to be factored in where appropriate. The issue of return on investment is dealt with in section 11 of the Owner Drivers and Forestry Contractors Code of Practice.

KEY ASSUMPTIONS

The model set out in this Schedule is based on certain assumptions about the vehicle used, hours of work and the type of business. The assumptions used that have the greatest impact on the figures given are:

Subject	Costing assumptions
Vehicle and finance	<p>The fixed costs are based on:</p> <ul style="list-style-type: none"> ● a vehicle with a current capital value of \$58,313 (being the current average retail value of a 10 year old vehicle). ● a vehicle subject to a lease arrangement, over a 4 year term with a 25% residual, with interest at a comparison interest rate of 5.5% per annum. <p>Note that if the business owns the vehicle outright, or has a loan, the cost structure will be different with depreciation as the relevant cost rather than lease payments. All costs exclude GST.</p>
Driving hours per year (kilometres travelled)	<ul style="list-style-type: none"> ● The calculation of the fixed costs assumes the vehicle is in operation for 7.6 driving hours per day for 220 working days a year. This equals 1,672 hours of operation a year. ● The model spreads fixed operating costs over those 1,672 hours. ● In Part 4, a separate hourly rate for hours over and above the base hours of 1,672 a year is provided. To avoid double counting of fixed costs, this rate only includes variable costs and a return for labour, based on an overtime labour rate.

The cost structure of the individual business will be significantly different if, for example:

- the age, current capital value (or both) of the vehicle is less or more than the above figures;
- other finance arrangements apply (for example, the vehicle is fully owned or is subject to a loan);
- more or fewer hours are worked each year.

BECAUSE OF THESE POTENTIAL VARIATIONS, GREAT CARE SHOULD BE TAKEN IN USING THE INDICATIVE FIGURES SET OUT IN THE COST MODEL, AS THE COSTS OF THE INDIVIDUAL BUSINESS MAY VARY SIGNIFICANTLY.

To assist owner drivers to calculate their own unique cost model, a blank column is included to calculate the business's own unique costs.

RATE STRUCTURES

This model calculates the cost of running a typical owner driver business, described as an hourly rate, made up of fixed and variable costs and a payment for the owner driver's labour. The Schedule does not calculate or suggest any particular rate calculation or payment method.

Arrangements for payment for owner drivers in the transport industry vary enormously. They can be paid an hourly rate, a load rate, parcel rate, on the basis of tasks performed, or even kilometres travelled. If an owner driver is paid on such an arrangement, the Schedule set out below can be used as a base to calculate the cost to the business of travelling per kilometre, or delivering a particular load. Unions, industry associations or accountants and other professional advisers can assist in this task.

PART 1 – FIXED ANNUAL COSTS – PER YEAR AND PER HOUR

Note: All costs are exclusive of GST

Cost items assumptions used in the example	Example: Typical cost per year	Your costs	Variations in this cost item
<p>Vehicle Lease Costs</p> <p>This model is based on a vehicle with a current capital value of \$58,313 (based on typical retail value of a 10 year old vehicle), and is based on a lease arrangement over a 4 year term with a 25% residual, at 5.5% interest per annum.</p>	\$12,173		<p>Finance arrangements will vary widely depending on:</p> <ul style="list-style-type: none"> • if the arrangement is a lease or hire purchase, or purchase of the vehicle through a loan; or • if the arrangement is a loan, then the purchase price, the amount borrowed and the loan terms will affect cash-flow, and depreciation needs to be allowed for.
<p>Registration, Permits and TAC Fees</p> <p>Based on vehicle registration fee of \$4,594 and TAC charge of \$2,037.20 which is net of GST. Assumes payment is made on an annual basis. TAC charge assumes vehicle is garaged in a high risk area (e.g. metropolitan Melbourne).</p>	\$6,631.20		<p>These fees are current as at 1 July 2016 but may change.</p> <p>Additional licences may be payable for certain types of operations (e.g. interstate registration, oversize, port security permit, dangerous goods).</p> <p>Additional administration charges may apply to registration fees if they are paid in instalments. TAC charges may be lower if the vehicle is garaged in a medium or low risk area.</p>
<p>Superannuation</p> <p>Self-funded, based on 9.5% of own labour assumed at \$42,416.</p>	\$4,029.52		
<p>Insurance Comprehensive Vehicle</p> <p>Based on rate of 3.15% per annum. Based on operator who is over the age of 25, has at least 5 years' experience and no claims history. Assumes vehicle is not carrying dangerous goods. Assumes vehicle is travelling intrastate only.</p>	\$1,837		<p>Rates may be higher for interstate trucks. Additional insurance charges may apply to certain kinds of goods carried (e.g. refrigerated goods or livestock). Comprehensive vehicle insurance costs may vary depending upon the age and value of the equipment insured, the insurance provider, the amount of any excess payable, the individual's claims history, the age and experience level of the driver and whether the vehicle is carrying dangerous goods.</p>

Cost items assumptions used in the example	Example: Typical cost per year	Your costs	Variations in this cost item
<p>Insurance Goods in Transit Based on an insured sum of \$20,000 at an insurance rate of 0.8%. Assumes vehicle is not carrying dangerous goods. These fixed costs have been calculated at 100%.</p>	\$400		<p>The cost of goods in transit insurance may vary depending on the type of goods being transported.</p>
<p>Insurance Personal Sickness and Accident/Income Basic policy, based on 80% of income for 52 weeks, 30 day waiting period. Assumes driver is travelling intrastate only. Assumes driver has no pre-existing conditions. Maximum age limit of 60 years. These fixed costs have been calculated at 100%.</p>	\$510		<p>The cost of personal income and accident insurance (also called income protection insurance) will vary depending on the individual's health history, the amount of income insured, the period of time after an accident before benefits are payable and the maximum period over which benefits are paid.</p>
<p>Insurance Public Liability Assumes policy for public liability claims up to \$10 million.</p>	\$459		
<p>Insurance Workers' Compensation Assumed at the rate of 4.7% for the assumed labour rate of the business owner of \$42,416. Assumes vehicle is primarily travelling intrastate.</p>	\$1,992.70		<p>The rate is current as at 2015–2016 and is subject to change. The rate charged for workers' compensation insurance may vary depending on whether the vehicle is travelling short or long distances and whether the vehicle is travelling interstate. The rate may also vary depending on the driver's claims history.</p>

Cost items assumptions used in the example	Example: Typical cost per year	Your costs	Variations in this cost item
Business Administration Costs Includes maintenance of records, preparation of tax returns, mobile phone charges, consumer price index and sundry business expenses. These fixed costs have been calculated at 100%.	\$2,701		Accounting/bookkeeping fees may be lower if the business prepares its own BAS and accounts. Mobile phone charges will vary significantly depending on level of use. Other costs: Professional association fees, accommodation costs, parking fees, bank charges, and other costs should be allowed for where relevant. This example is based on a business that is already up and running, and does not take into account the costs of starting a business (e.g. registering a company). This figure may also vary depending on contractual conditions.
Total annual fixed costs	\$30,734.42		
Total hourly fixed costs Assuming 1,672 vehicle operation hours.	\$18.38		Assumes that the annual fixed costs of the business are spread over 1,672 vehicle operation hours per year.

PART 2 – VARIABLE COSTS – PER KILOMETRE AND PER HOUR

Note: All costs are exclusive of GST

Cost items assumptions assumes 28,600 km travelled per year	Typical cost per km	Your cost per km	Variations in this cost item
Fuel Based on retail diesel fuel cost as at 3 June 2016 of 105 cents per litre, which is net of GST. Assumes 62.89 litres consumed per 100 km.	66.04 cents		Fuel is the single biggest variable cost and will significantly affect your business. Fuel costs will also vary depending on the age, features and condition of the vehicle.
Tyres Assumes cost of \$586.44 per tyre (10 tyres) based on vehicle specific average performance and replaced after 80,000 km.	7.33 cents		Consumption of tyres will vary with the age of vehicle, off-road use, geographic and road conditions, braking frequency and driving techniques and the quality of the tyres used. Cost of tyres will also vary depending on the manufacturer, type of tyres and any discount arrangements.

Cost items assumptions assumes 28,600 km travelled per year	Typical cost per km	Your cost per km	Variations in this cost item
Servicing, Repairs and Maintenance Based on rate of 41.32 cents per km.	41.32 cents		Repair and maintenance costs will vary significantly with the age and condition of the vehicle. Major repairs may be a one-off major cost in any given year. Significant savings can be made if the business does its own servicing and repairs.
Total variable costs per km	114.69 cents		

Total variable costs per driving hour	Typical cost per hour	Your cost per km	Variations in this cost item
Assumes 18 km travelled per hour.	\$20.64		These rates are typical for city driving only. The number of kilometres travelled per hour will vary significantly depending on the routes travelled, whether the work is metropolitan or regional, how often the vehicle stops to load or unload and the nature of the work. Drivers who travel long distance or in the country will need to take this into account for their own calculations.

Note: Citylink tolls: Where directed to take a route using tolls you may incur an additional cost for road tolls.

PART 3 – PAYMENT FOR THE OWNER DRIVER’S OWN LABOUR

The next factor to include in a business cost model is an amount for the business owner’s own work (labour) in driving the vehicle and in work such as loading and unloading and tasks necessary in running the business. This Part will provide information to assist owner drivers to determine the amount they can aim to receive as a payment for that labour.

Because an owner driver is a small business (not an employee) the hirer is not legally obliged to pay a minimum wage or rate of pay. However, the wages that are paid to employee drivers are a useful guide to the market for the labour services of driving a vehicle.

Set out below are rates that would typically be paid for driving a vehicle if this work was performed by an employee rather than an owner driver.

These rates will vary over time, and should be used as a general guide only. Unions, industry associations, newspaper job advertisements and other drivers are sources of advice about the going rates in your industry sector.

Base hourly rate ¹	Casual/loaded hourly rate ² (includes allowance for leave, etc.)	Casual overtime rate ³ For the first two hours over 7.6 per day or 38 per week	Casual overtime rate ³ For hours worked over 10 per day or 48 per week
Typical base and casual rates paid to employee drivers per hour			
\$24.31	\$25.37	\$32.47	\$42.62
Range of rates typically paid in Victoria ⁴			
\$24.31 to \$29.17	\$25.37 to \$30.44	\$32.47 to \$38.97	\$42.62 to \$51.14

Notes:

1. Base hourly rate: The base hourly rate is based on the rate in the Road Transport and Distribution Award 2010 for an employee driver of a 1 Tonne Vehicle (GVM) ('the Award rate'). The base hourly rate is calculated by first working out the minimum amount an employee driver working a 38 hour week would be paid under the Award over one year (including 4 weeks annual leave, 10 days personal/carer's leave, 10 public holidays and 17.5% annual leave loading). This amount is then converted to an hourly rate for working 38 hours per week over 44 weeks (one year less the paid leave and public holiday entitlements of a full-time employee).
The Award rate is accurate as at 1 July 2016, but is varied from time to time by the Fair Work Commission. You can find information about the most recently published minimum employee rates by visiting www.fwc.gov.au or contacting your association or union.
2. Casual/loaded rate: The casual/loaded rate includes an additional 25% loading. This is compensation for not receiving the paid annual leave, personal/carer's leave and public holidays that ongoing employees enjoy. The casual/loaded rate is calculated on the Award rate.
3. Casual overtime rates: Employee drivers in Victoria would typically receive payment at overtime rates for hours worked in excess of 38 hours a week. Typically a 50% loading applies for the first two hours of overtime per day or up to 48 hours per week and then a 100% loading for hours thereafter. For each hour of overtime worked a casual must also be paid 10% of 1/38th of the minimum wage specified in the Award for their classification. The overtime rates are calculated on the Award rate.
4. The range of rates in Victoria: This part of the table sets out a range of rates typically paid in Victoria to employee drivers in the transport industry. A range is supplied because the rate paid will vary depending on whether a company is party to an enterprise agreement, the particular industry sector, the skill and efficiency of the particular driver and market factors such as whether there is a shortage of drivers in the area. The top rate in each range is calculated by adding 20% to the bottom rate.

PART 4 – HOURLY TOTALS**Hourly total for hours up to 7.6 hours a day / 1,672 hours a year**

Totals			
Totals per driving hour	Typical Costs	Your figures	Notes
Fixed Costs	\$18.38		Assuming fixed costs spread over 1,672 hours.
Variable Costs	\$20.64		Assuming 18 km travelled per hour.
Labour	\$25.37		This worked example is based on a labour rate of \$25.37 per hour. See discussion on rates for labour in Part 3.

Totals			
Totals per driving hour	Typical Costs	Your figures	Notes
Total per hour (up to 1,672 hours)	\$64.39		Note that this is not a prescribed or recommended rate. Owner drivers are strongly recommended to consider their own circumstances and obtain advice.

2. Total per hour – for hours in excess of 7.6 hours per day / 1,672 hours a year

This model assumes that the owner driver will recover fixed annual costs over 1,672 driving hours a year. Many owner drivers work longer than these hours, either extra days each week or longer hours each day. This table calculates an hourly rate for those extra hours, using variable and labour costs only, and using an overtime rate of pay.

Totals			
Totals per driving hour	Typical costs	Your figures	Notes
Variable Costs	\$20.64		Assuming 18 km travelled per hour.
Labour (overtime rates)	\$32.47		This worked example is based on a nominal penalty labour rate of \$32.47 per hour. See discussion on rates for labour in Part 3.
Total per hour (up to 1,672 hours)	\$53.11		Note that this is not a prescribed or recommended rate. Owner drivers are strongly recommended to consider their own circumstances and obtain advice.

In addition to the figures above, owner drivers should where relevant include any amount that they seek as a return on their capital investment. This issue is dealt with in section 11 of the Owner Drivers and Forestry Contractors Code of Practice, available from www.business.vic.gov.au/ownerdrivershirers.

Note that this is not a prescribed or recommended rate. It is strongly recommended that owner drivers obtain advice on their own individual circumstances and discuss all issues with their hirer or potential hirer to ensure that there is no misunderstanding concerning payment structures.

Owner Drivers and Forestry Contractors Act 2005

TRANSPORT INDUSTRY COUNCIL

Rates and Costs Schedule 2016–2017

1 Tonne Van Courier/Messenger

INTRODUCTION

This vehicle operating Rates and Costs Schedule is based on the Transport Industry Council's evaluation of the cost recovery recommended for an owner driver to take into consideration based on being able to operate a business on a sustainable basis.

This Schedule is a general guide only. Owner drivers¹ are strongly advised to seek independent professional accounting advice for their own situation and discuss all issues with their hirer or potential hirer to ensure that there is no misunderstanding concerning payment structures.

This Rates and Costs Schedule is published under section 14 of the **Owner Drivers and Forestry Contractors Act 2005** (Vic.) (the Act). Under the Act, this Schedule must be given at least three business days before the owner driver is engaged, if the owner driver will be engaged for a period of at least 30 days; or on the thirtieth day, if the owner driver is engaged for a total period of at least 30 days in any three month period.

These requirements also apply to freight brokers and to tender situations.

This Schedule will be revised at least annually, and under section 18 of the Act, hirers are required to give owner drivers a copy of any such revised Schedule as soon as practicable after it is published.

The Schedule is intended to assist owner drivers and their hirers to better understand the typical operating costs of an owner driver business and to inform their negotiations.

The Schedule is based on a 75:25 split between business and private use of the vehicle (except where indicated otherwise). Where the vehicle is used 100 per cent for business use the 75:25 split between business and private use of the vehicle does not apply.

THE SCHEDULE DOES NOT SET MINIMUM RATES THAT MUST BE PAID.

The Schedule sets out a worked example of typical overhead costs for an owner driver supplying a 1 Tonne Van, Courier/Messenger. The worked example is based on certain assumptions about the business, for example, that the vehicle is 3 years old, is in operation for 7.6 hours a day and uses a certain number of tyres.

The aim of the Schedule is to assist owner drivers to:

- better understand their business cost structures and how increases and decreases in different cost items affect overall profitability; and
- calculate their own unique cost model.

This Schedule applies to owner drivers who supply a 1 Tonne Van, Courier/Messenger (1 tonne being the weight of the vehicle fully loaded) or similar vehicle.²

The Schedule is structured as follows:

Part 1: Fixed Costs

Describes typical fixed (or annual) business costs. These are the costs that the business must pay each year regardless of how many kilometres the vehicle travels.

Part 2: Variable Costs

Describes typical variable business costs. These are the costs (such as fuel and tyres) that vary with how many kilometres are travelled. These are calculated on an hourly basis.

¹ Owner Driver is defined in the **Owner Drivers and Forestry Contractors Act 2005**. The definition is also affected by the Owner Drivers and Forestry Contractors Regulations 2006 made under the Act.

² Rates and Costs Schedules have been published for 1 tonne Van Courier Messenger, 1 tonne GVM – General Freight, 4.5 tonne GVM, 8 tonne GVM, 12 tonne GVM (2-axle), Prime Mover (Bogie Drive) and Semi-Trailer (Bogie Drive, 6-axle). Hirers are required to provide owner drivers with the Schedule that most closely relates to the owner driver's vehicle.

Part 3: Payment for Labour

Describes the range of rates that are typically paid to employee drivers for performing similar kinds of work, to assist the owner driver to determine what may be a reasonable payment for their own labour.

Part 4: Totals

This section allows the owner driver to prepare total hourly rates for ordinary hours (up to 1,672 a year) and excess hours.

The Schedule does not deal with the issue of return on investment, and this would need to be factored in where appropriate. The issue of return on investment is dealt with in section 11 of the Owner Drivers and Forestry Contractors Code of Practice.

KEY ASSUMPTIONS

The model set out in this Schedule is based on certain assumptions about the vehicle used, hours of work and the type of business. The assumptions used that have the greatest impact on the figures given are:

Subject	Costing assumptions
Vehicle and finance	<p>The fixed costs are based on:</p> <ul style="list-style-type: none"> ● a vehicle with a current capital value of \$26,108 (being the current average retail value of a 3 year old vehicle). ● a vehicle subject to a lease arrangement, over a 4 year term with a 25% residual, with interest at a comparison interest rate of 5.5% per annum. <p>Note that if the business owns the vehicle outright, or has a loan, the cost structure will be different with depreciation as the relevant cost rather than lease payments. All costs exclude GST.</p>
Driving hours per year (kilometres travelled)	<ul style="list-style-type: none"> ● The calculation of the fixed costs assumes the vehicle is in operation for 7.6 driving hours per day for 220 working days a year. This equals 1,672 hours of operation a year. ● The model spreads fixed operating costs over those 1,672 hours. ● In Part 4, a separate hourly rate for hours over and above the base hours of 1,672 a year is provided. To avoid double counting of fixed costs, this rate only includes variable costs and a return for labour, based on an overtime labour rate.

The cost structure of the individual business will be significantly different if, for example:

- the age, current capital value (or both) of the vehicle is less or more than the above figures;
- other finance arrangements apply (for example, the vehicle is fully owned or is subject to a loan);
- more or fewer hours are worked each year.

BECAUSE OF THESE POTENTIAL VARIATIONS, GREAT CARE SHOULD BE TAKEN IN USING THE INDICATIVE FIGURES SET OUT IN THE COST MODEL, AS THE COSTS OF THE INDIVIDUAL BUSINESS MAY VARY SIGNIFICANTLY.

To assist owner drivers to calculate their own unique cost model, a blank column is included to calculate the business's own unique costs.

RATE STRUCTURES

This model calculates the cost of running a typical owner driver business, described as an hourly rate, made up of fixed and variable costs and a payment for the owner driver's labour. The Schedule does not calculate or suggest any particular rate calculation or payment method.

Arrangements for payment for owner drivers in the transport industry vary enormously. They can be paid an hourly rate, a load rate, parcel rate, on the basis of tasks performed, or even kilometres travelled. If an owner driver is paid on such an arrangement, the Schedule set out below can be used as a base to calculate the cost to the business of travelling per kilometre, or delivering a particular load. Unions, industry associations or accountants and other professional advisers can assist in this task.

PART 1 – FIXED ANNUAL COSTS – PER YEAR AND PER HOUR

Note: All costs are exclusive of GST

Cost items assumptions used in the example	Example: Typical cost per year	Your costs	Variations in this cost item
<p>Vehicle Lease Costs</p> <p>This model is based on a vehicle with a current capital value of \$26,108 (based on typical retail value of a 3 year old vehicle), and is based on a lease arrangement over a 4 year term with a 25% residual, at 5.5% interest per annum.</p>	\$4,087.78		<p>Finance arrangements will vary widely depending on:</p> <ul style="list-style-type: none"> • if the arrangement is a lease or hire purchase, or purchase of the vehicle through a loan; or • if the arrangement is a loan, then the purchase price, the amount borrowed and the loan terms will affect cash-flow, and depreciation needs to be allowed for.
<p>Registration, Permits and TAC Fees</p> <p>Based on vehicle registration fee of \$284.70 and TAC charge of \$503.80 which is net of GST. Assumes payment is made on an annual basis. TAC charge assumes vehicle is garaged in a high risk area (e.g. metropolitan Melbourne).</p>	\$591.38		<p>These fees are current as at 1 July 2016 but may change.</p> <p>Additional licences may be payable for certain types of operations (e.g. interstate registration, oversize, port security permit, dangerous goods).</p> <p>Additional administration charges may apply to registration fees if they are paid in instalments. TAC charges may be lower if the vehicle is garaged in a medium or low risk area.</p>
<p>Superannuation</p> <p>Self-funded, based on 9.5% of own labour assumed at \$30,129.</p>	\$2,862.26		
<p>Insurance Comprehensive Vehicle</p> <p>Based on rate of 3.15% per annum. Based on operator who is over the age of 25, has at least 5 years' experience and no claims history. Assumes vehicle is not carrying dangerous goods. Assumes vehicle is travelling intrastate only.</p>	\$616.81		<p>Rates may be higher for interstate trucks. Additional insurance charges may apply to certain kinds of goods carried (e.g. refrigerated goods or livestock). Comprehensive vehicle insurance costs may vary depending upon the age and value of the equipment insured, the insurance provider, the amount of any excess payable, the individual's claims history, the age and experience level of the driver and whether the vehicle is carrying dangerous goods.</p>

Cost items assumptions used in the example	Example: Typical cost per year	Your costs	Variations in this cost item
<p>Insurance Goods in Transit Based on an insured sum of \$20,000 at an insurance rate of 0.8%. Assumes vehicle is not carrying dangerous goods. These fixed costs have been calculated at 100%.</p>	\$160		<p>The cost of goods in transit insurance may vary depending on the type of goods being transported.</p>
<p>Insurance Personal Sickness and Accident/Income Basic policy, based on 80% of income for 52 weeks, 30 day waiting period. Assumes driver is travelling intrastate only. Assumes driver has no pre-existing conditions. Maximum age limit of 60 years. These fixed costs have been calculated at 100%.</p>	\$510		<p>The cost of personal income and accident insurance (also called income protection insurance) will vary depending on the individual's health history, the amount of income insured, the period of time after an accident before benefits are payable and the maximum period over which benefits are paid.</p>
<p>Insurance Public Liability Assumes policy for public liability claims up to \$10 million. These fixed costs have been calculated at 100%.</p>	\$459		
<p>Insurance Workers' Compensation Assumed at the rate of 4.7% for the assumed labour rate of the business owner of \$30,129. Assumes vehicle is primarily travelling intrastate.</p>	\$1,415.46		<p>The rate is current as at 2015–2016 and is subject to change. The rate charged for workers' compensation insurance may vary depending on whether the vehicle is travelling short or long distances and whether the vehicle is travelling interstate. The rate may also vary depending on the driver's claims history. Note: It is not uncommon for hirers of this type of vehicle to pay workers' compensation premiums on behalf of the owner driver. Drivers are advised to consult their hirer about this cost.</p>

Cost items assumptions used in the example	Example: Typical cost per year	Your costs	Variations in this cost item
<p>Business Administration Costs</p> <p>Includes maintenance of records, preparation of tax returns, mobile phone charges, consumer price index and sundry business expenses.</p> <p>These fixed costs have been calculated at 100%.</p>	\$2,701		<p>Accounting/bookkeeping fees may be lower if the business prepares its own BAS and accounts.</p> <p>Mobile phone charges will vary significantly depending on level of use.</p> <p>Other costs: Professional association fees, accommodation costs, parking fees, bank charges, and other costs should be allowed for where relevant. This example is based on a business that is already up and running, and does not take into account the costs of starting a business (e.g. registering a company). This figure may also vary depending on contractual conditions.</p>
Total annual fixed costs	\$13,403.69		
Total hourly fixed costs Assuming 1,672 vehicle operation hours.	\$8.02		Assumes that the annual fixed costs of the business are spread over 1,672 vehicle operation hours per year.

PART 2 – VARIABLE COSTS – PER KILOMETRE AND PER HOUR

Note: All costs are exclusive of GST

Cost items assumptions assumes 44,000 km travelled per year	Typical cost per km	Your cost per km	Variations in this cost item
<p>Fuel</p> <p>Based on retail diesel fuel cost as at 3 June 2016 of 105 cents per litre, which is net of GST. Assumes 18.2 litres consumed per 100 km.</p>	19.11 cents		<p>Fuel is the single biggest variable cost and will significantly affect your business.</p> <p>Fuel costs will also vary depending on the age, features and condition of the vehicle.</p>
<p>Tyres</p> <p>Assumes cost of \$297.12 per tyre (4 tyres) based on vehicle specific average performance and replaced after 60,000 km.</p>	1.98 cents		<p>Consumption of tyres will vary with the age of vehicle, off-road use, geographic and road conditions, braking frequency and driving techniques and the quality of the tyres used.</p> <p>Cost of tyres will also vary depending on the manufacturer, type of tyres and any discount arrangements.</p>

Cost items assumptions assumes 44,000 km travelled per year	Typical cost per km	Your cost per km	Variations in this cost item
Servicing, Repairs and Maintenance Based on rate of 4.15 cents per km.	4.15 cents		Repair and maintenance costs will vary significantly with the age and condition of the vehicle. Major repairs may be a one-off major cost in any given year. Significant savings can be made if the business does its own servicing and repairs.
Total variable costs per km	25.24 cents		

Total variable costs per driving hour	Typical cost per hour	Your cost per hour	Variations in this cost item
Assumes 25 km travelled per hour.	\$6.31		These rates are typical for city driving only. The number of kilometres travelled per hour will vary significantly depending on the routes travelled, whether the work is metropolitan or regional, how often the vehicle stops to load or unload and the nature of the work. Drivers who travel long distance or in the country will need to take this into account for their own calculations.

Note: Citylink tolls: Where directed to take a route using tolls you may incur an additional cost for road tolls.

PART 3 – PAYMENT FOR THE OWNER DRIVER’S OWN LABOUR

The next factor to include in a business cost model is an amount for the business owner’s own work (labour) in driving the vehicle and in work such as loading and unloading and tasks necessary in running the business. This Part will provide information to assist owner drivers to determine the amount they can aim to receive as a payment for that labour.

Because an owner driver is a small business (not an employee) the hirer is not legally obliged to pay a minimum wage or rate of pay. However, the wages that are paid to employee drivers are a useful guide to the market for the labour services of driving a vehicle.

Set out below are rates that would typically be paid for driving a vehicle if this work was performed by an employee rather than an owner driver.

These rates will vary over time, and should be used as a general guide only. Unions, industry associations, newspaper job advertisements and other drivers are sources of advice about the going rates in your industry sector.

Base hourly rate ¹	Casual/loaded hourly rate ² (includes allowance for leave, etc.)	Casual overtime rate ³ For the first two hours over 7.6 per day or 38 per week	Casual overtime rate ³ For hours worked over 10 per day or 48 per week
Typical base and casual rates paid to employee drivers per hour			
\$23.02	\$24.03	\$30.75	\$40.36
Range of rates typically paid in Victoria ⁴			
\$23.02 to \$27.63	\$24.03 to \$28.83	\$30.75 to \$36.90	\$40.36 to \$48.44

Notes:

1. Base hourly rate: The base hourly rate is based on the rate in the Road Transport and Distribution Award 2010 for an employee driver of a 1 Tonne Vehicle (GVM) ('the Award rate'). The base hourly rate is calculated by first working out the minimum amount an employee driver working a 38 hour week would be paid under the Award over one year (including 4 weeks annual leave, 10 days personal/carer's leave, 10 public holidays and 17.5% annual leave loading). This amount is then converted to an hourly rate for working 38 hours per week over 44 weeks (one year less the paid leave and public holiday entitlements of a full-time employee).
The Award rate is accurate as at 1 July 2016, but is varied from time to time by the Fair Work Commission. You can find information about the most recently published minimum employee rates by visiting www.fwc.gov.au or contacting your association or union.
2. Casual/loaded rate: The casual/loaded rate includes an additional 25% loading. This is compensation for not receiving the paid annual leave, personal/carer's leave and public holidays that ongoing employees enjoy. The casual/loaded rate is calculated on the Award rate.
3. Casual overtime rates: Employee drivers in Victoria would typically receive payment at overtime rates for hours worked in excess of 38 hours a week. Typically a 50% loading applies for the first two hours of overtime per day or up to 48 hours per week and then a 100% loading for hours thereafter. For each hour of overtime worked a casual must also be paid 10% of 1/38th of the minimum wage specified in the Award for their classification. The overtime rates are calculated on the Award rate.
4. The range of rates in Victoria: This part of the table sets out a range of rates typically paid in Victoria to employee drivers in the transport industry. A range is supplied because the rate paid will vary depending on whether a company is party to an enterprise agreement, the particular industry sector, the skill and efficiency of the particular driver and market factors such as whether there is a shortage of drivers in the area. The top rate in each range is calculated by adding 20% to the bottom rate.

PART 4 – HOURLY TOTALS**Hourly total for hours up to 7.6 hours a day / 1,672 hours a year**

Totals			
Totals per driving hour	Typical Costs	Your figures	Notes
Fixed Costs	\$8.02		Assuming fixed costs spread over 1,672 hours.
Variable Costs	\$6.31		Assuming 25 km travelled per hour.
Labour	\$24.03		This worked example is based on a labour rate of \$24.03 per hour. See discussion on rates for labour in Part 3.

Totals			
Totals per driving hour	Typical Costs	Your figures	Notes
Total per hour (up to 1,672 hours)	\$38.36		Note that this is not a prescribed or recommended rate. Owner drivers are strongly recommended to consider their own circumstances and obtain advice.

2. Total per hour – for hours in excess of 7.6 hours per day / 1,672 hours a year

This model assumes that the owner driver will recover fixed annual costs over 1,672 driving hours a year. Many owner drivers work longer than these hours, either extra days each week or longer hours each day. This table calculates an hourly rate for those extra hours, using variable and labour costs only, and using an overtime rate of pay.

Totals			
Totals per driving hour	Typical costs	Your figures	Notes
Variable Costs	\$6.31		Assuming 25 km travelled per hour.
Labour (overtime rates)	\$30.75		This worked example is based on a nominal penalty labour rate of \$30.75 per hour. See discussion on rates for labour in Part 3.
Total per hour (up to 1,672 hours)	\$37.06		Note that this is not a prescribed or recommended rate. Owner drivers are strongly recommended to consider their own circumstances and obtain advice.

In addition to the figures above, owner drivers should where relevant include any amount that they seek as a return on their capital investment. This issue is dealt with in section 11 of the Owner Drivers and Forestry Contractors Code of Practice, available from www.business.vic.gov.au/ownerdrivershirers.

Note that this is not a prescribed or recommended rate. It is strongly recommended that owner drivers obtain advice on their own individual circumstances and discuss all issues with their hirer or potential hirer to ensure that there is no misunderstanding concerning payment structures.

Owner Drivers and Forestry Contractors Act 2005

TRANSPORT INDUSTRY COUNCIL

Rates and Costs Schedule 2016–2017

1 Tonne Vehicle (GVM) – General Freight

INTRODUCTION

This vehicle operating Rates and Costs Schedule is based on the Transport Industry Council's evaluation of the cost recovery recommended for an owner driver to take into consideration based on being able to operate a business on a sustainable basis.

This Schedule is a general guide only. Owner drivers¹ are strongly advised to seek independent professional accounting advice for their own situation and discuss all issues with their hirer or potential hirer to ensure that there is no misunderstanding concerning payment structures.

This Rates and Costs Schedule is published under section 14 of the **Owner Drivers and Forestry Contractors Act 2005** (Vic.) (the Act). Under the Act, this Schedule must be given at least three business days before the owner driver is engaged, if the owner driver will be engaged for a period of at least 30 days; or on the thirtieth day, if the owner driver is engaged for a total period of at least 30 days in any three month period.

These requirements also apply to freight brokers and to tender situations.

This Schedule will be revised at least annually, and under section 18 of the Act, hirers are required to give owner drivers a copy of any such revised Schedule as soon as practicable after it is published.

The Schedule is intended to assist owner drivers and their hirers to better understand the typical operating costs of an owner driver business and to inform their negotiations.

THE SCHEDULE DOES NOT SET MINIMUM RATES THAT MUST BE PAID.

The Schedule sets out a worked example of typical overhead costs for an owner driver supplying a 1 Tonne Vehicle (GVM) – General Freight. The worked example is based on certain assumptions about the business, for example, that the vehicle is 3 years old, is in operation for 7.6 hours a day and uses a certain number of tyres.

The aim of the Schedule is to assist owner drivers to:

- better understand their business cost structures and how increases and decreases in different cost items affect overall profitability; and
- calculate their own unique cost model.

This Schedule applies to owner drivers who supply a 1 Tonne Vehicle (GVM) – General Freight (1 tonne being the weight of the vehicle fully loaded) or similar vehicle.²

The Schedule is structured as follows:

Part 1: Fixed Costs

Describes typical fixed (or annual) business costs. These are the costs that the business must pay each year regardless of how many kilometres the vehicle travels.

Part 2: Variable Costs

Describes typical variable business costs. These are the costs (such as fuel and tyres) that vary with how many kilometres are travelled. These are calculated on an hourly basis.

Part 3: Payment for Labour

Describes the range of rates that are typically paid to employee drivers for performing similar kinds of work, to assist the owner driver to determine what may be a reasonable payment for their own labour.

¹ Owner Driver is defined in the **Owner Drivers and Forestry Contractors Act 2005**. The definition is also affected by the Owner Drivers and Forestry Contractors Regulations 2006 made under the Act.

² Rates and Costs Schedules have been published for 1 tonne Van Courier Messenger, 1 tonne GVM – General Freight, 4.5 tonne GVM, 8 tonne GVM, 12 tonne GVM (2-axle), Prime Mover (Bogie Drive) and Semi-Trailer (Bogie Drive, 6-axle). Hirers are required to provide owner drivers with the Schedule that most closely relates to the owner driver's vehicle.

Part 4: Totals

This section allows the owner driver to prepare total hourly rates for ordinary hours (up to 1,672 a year) and excess hours.

The Schedule does not deal with the issue of return on investment, and this would need to be factored in where appropriate. The issue of return on investment is dealt with in section 11 of the Owner Drivers and Forestry Contractors Code of Practice.

KEY ASSUMPTIONS

The model set out in this Schedule is based on certain assumptions about the vehicle used, hours of work and the type of business. The assumptions used that have the greatest impact on the figures given are:

Subject	Costing assumptions
Vehicle and finance	<p>The fixed costs are based on:</p> <ul style="list-style-type: none"> ● a vehicle with a current capital value of \$26,108 (being the current average retail value of a 3 year old vehicle). ● a vehicle subject to a lease arrangement, over a 4 year term with a 25% residual, with interest at a comparison interest rate of 5.5% per annum. <p>Note that if the business owns the vehicle outright, or has a loan, the cost structure will be different with depreciation as the relevant cost rather than lease payments. All costs exclude GST.</p>
Driving hours per year (kilometres travelled)	<ul style="list-style-type: none"> ● The calculation of the fixed costs assumes the vehicle is in operation for 7.6 driving hours per day for 220 working days a year. This equals 1,672 hours of operation a year. ● The model spreads fixed operating costs over those 1,672 hours. ● In Part 4, a separate hourly rate for hours over and above the base hours of 1,672 a year is provided. To avoid double counting of fixed costs, this rate only includes variable costs and a return for labour, based on an overtime labour rate.

The cost structure of the individual business will be significantly different if, for example:

- the age, current capital value (or both) of the vehicle is less or more than the above figures;
- other finance arrangements apply (for example, the vehicle is fully owned or is subject to a loan);
- more or fewer hours are worked each year.

BECAUSE OF THESE POTENTIAL VARIATIONS, GREAT CARE SHOULD BE TAKEN IN USING THE INDICATIVE FIGURES SET OUT IN THE COST MODEL, AS THE COSTS OF THE INDIVIDUAL BUSINESS MAY VARY SIGNIFICANTLY.

To assist owner drivers to calculate their own unique cost model, a blank column is included to calculate the business's own unique costs.

RATE STRUCTURES

This model calculates the cost of running a typical owner driver business, described as an hourly rate, made up of fixed and variable costs and a payment for the owner driver's labour. The Schedule does not calculate or suggest any particular rate calculation or payment method.

Arrangements for payment for owner drivers in the transport industry vary enormously. They can be paid an hourly rate, a load rate, parcel rate, on the basis of tasks performed, or even kilometres travelled. If an owner driver is paid on such an arrangement, the Schedule set out below can be used as a base to calculate the cost to the business of travelling per kilometre, or delivering a particular load. Unions, industry associations or accountants and other professional advisers can assist in this task.

PART 1 – FIXED ANNUAL COSTS – PER YEAR AND PER HOUR

Note: All costs are exclusive of GST

Cost items assumptions used in the example	Example: Typical cost per year	Your costs	Variations in this cost item
<p>Vehicle Lease Costs</p> <p>This model is based on a vehicle with a current capital value of \$26,108 (based on typical retail value of a 3 year old vehicle), and is based on a lease arrangement over a 4 year term with a 25% residual, at 5.5% interest per annum.</p>	\$5,450		<p>Finance arrangements will vary widely depending on:</p> <ul style="list-style-type: none"> • if the arrangement is a lease or hire purchase, or purchase of the vehicle through a loan; or • if the arrangement is a loan, then the purchase price, the amount borrowed and the loan terms will affect cash-flow, and depreciation needs to be allowed for.
<p>Registration, Permits and TAC Fees</p> <p>Based on vehicle registration fee of \$284.70 and TAC charge of \$503.80 which is net of GST. Assumes payment is made on an annual basis. TAC charge assumes vehicle is garaged in a high risk area (e.g. metropolitan Melbourne).</p>	\$788.50		<p>These fees are current as at 1 July 2016 but may change.</p> <p>Additional licences may be payable for certain types of operations (e.g. interstate registration, oversize, port security permit, dangerous goods).</p> <p>Additional administration charges may apply to registration fees if they are paid in instalments. TAC charges may be lower if the vehicle is garaged in a medium or low risk area.</p>
<p>Superannuation</p> <p>Self-funded, based on 9.5% of own labour assumed at \$40,172.</p>	\$3,816.34		
<p>Insurance Comprehensive Vehicle</p> <p>Based on rate of 3.15% per annum. Based on operator who is over the age of 25, has at least 5 years' experience and no claims history. Assumes vehicle is not carrying dangerous goods. Assumes vehicle is travelling intrastate only.</p>	\$822		<p>Rates may be higher for interstate trucks. Additional insurance charges may apply to certain kinds of goods carried (e.g. refrigerated goods or livestock). Comprehensive vehicle insurance costs may vary depending upon the age and value of the equipment insured, the insurance provider, the amount of any excess payable, the individual's claims history, the age and experience level of the driver and whether the vehicle is carrying dangerous goods.</p>

Cost items assumptions used in the example	Example: Typical cost per year	Your costs	Variations in this cost item
Insurance Goods in Transit Based on an insured sum of \$20,000 at an insurance rate of 0.8%. Assumes vehicle is not carrying dangerous goods.	\$160		The cost of goods in transit insurance may vary depending on the type of goods being transported.
Insurance Personal Sickness and Accident/Income Basic policy, based on 80% of income for 52 weeks, 30 day waiting period. Assumes driver is travelling intrastate only. Assumes driver has no pre-existing conditions. Maximum age limit of 60 years.	\$510		The cost of personal income and accident insurance (also called income protection insurance) will vary depending on the individual's health history, the amount of income insured, the period of time after an accident before benefits are payable and the maximum period over which benefits are paid.
Insurance Public Liability Assumes policy for public liability claims up to \$10 million. These fixed costs have been calculated at 100%.	\$459		
Insurance Workers' Compensation Assumed at the rate of 4.7% for the assumed labour rate of the business owner of \$40,172. Assumes vehicle is primarily travelling intrastate.	\$1,887.28		The rate is current as at 2015–2016 and is subject to change. The rate charged for workers' compensation insurance may vary depending on whether the vehicle is travelling short or long distances and whether the vehicle is travelling interstate. The rate may also vary depending on the driver's claims history. Note: It is not uncommon for hirers of this type of vehicle to pay workers' compensation premiums on behalf of the owner driver. Drivers are advised to consult their hirer about this cost.

Cost items assumptions used in the example	Example: Typical cost per year	Your costs	Variations in this cost item
Business Administration Costs Includes maintenance of records, preparation of tax returns, mobile phone charges, consumer price index and sundry business expenses. These fixed costs have been calculated at 100%.	\$2,701		Accounting/bookkeeping fees may be lower if the business prepares its own BAS and accounts. Mobile phone charges will vary significantly depending on level of use. Other costs: Professional association fees, accommodation costs, parking fees, bank charges, and other costs should be allowed for where relevant. This example is based on a business that is already up and running, and does not take into account the costs of starting a business (e.g. registering a company). This figure may also vary depending on contractual conditions.
Total annual fixed costs	\$16,594.12		
Total hourly fixed costs Assuming 1,672 vehicle operation hours.	\$9.93		Assumes that the annual fixed costs of the business are spread over 1,672 vehicle operation hours per year.

PART 2 – VARIABLE COSTS – PER KILOMETRE AND PER HOUR

Note: All costs are exclusive of GST

Cost items assumptions assumes 44,000 km travelled per year	Typical cost per km	Your cost per km	Variations in this cost item
Fuel Based on retail diesel fuel cost as at 3 June 2016 of 105 cents per litre, which is net of GST. Assumes 18.2 litres consumed per 100 km.	19.11 cents		Fuel is the single biggest variable cost and will significantly affect your business. Fuel costs will also vary depending on the age, features and condition of the vehicle.
Tyres Assumes cost of \$297.12 per tyre (4 tyres) based on vehicle specific average performance and replaced after 60,000 km.	1.98 cents		Consumption of tyres will vary with the age of vehicle, off-road use, geographic and road conditions, braking frequency and driving techniques and the quality of the tyres used. Cost of tyres will also vary depending on the manufacturer, type of tyres and any discount arrangements.

Cost items assumptions assumes 44,000 km travelled per year	Typical cost per km	Your cost per km	Variations in this cost item
Servicing, Repairs and Maintenance Based on rate of 4.15 cents per km.	4.15 cents		Repair and maintenance costs will vary significantly with the age and condition of the vehicle. Major repairs may be a one-off major cost in any given year. Significant savings can be made if the business does its own servicing and repairs.
Total variable costs per km	25.24 cents		

Total variable costs per driving hour	Typical cost per hour	Your cost per hour	Variations in this cost item
Assumes 25 km travelled per hour.	\$6.31		These rates are typical for city driving only. The number of kilometres travelled per hour will vary significantly depending on the routes travelled, whether the work is metropolitan or regional, how often the vehicle stops to load or unload and the nature of the work. Drivers who travel long distance or in the country will need to take this into account for their own calculations.

Note: Citylink tolls: Where directed to take a route using tolls you may incur an additional cost for road tolls.

PART 3 – PAYMENT FOR THE OWNER DRIVER’S OWN LABOUR

The next factor to include in a business cost model is an amount for the business owner’s own work (labour) in driving the vehicle and in work such as loading and unloading and tasks necessary in running the business. This Part will provide information to assist owner drivers to determine the amount they can aim to receive as a payment for that labour.

Because an owner driver is a small business (not an employee) the hirer is not legally obliged to pay a minimum wage or rate of pay. However, the wages that are paid to employee drivers are a useful guide to the market for the labour services of driving a vehicle.

Set out below are rates that would typically be paid for driving a vehicle if this work was performed by an employee rather than an owner driver.

These rates will vary over time, and should be used as a general guide only. Unions, industry associations, newspaper job advertisements and other drivers are sources of advice about the going rates in your industry sector.

Base hourly rate ¹	Casual/loaded hourly rate ² (includes allowance for leave, etc.)	Casual overtime rate ³ For the first two hours over 7.6 per day or 38 per week	Casual overtime rate ³ For hours worked over 10 per day or 48 per week
Typical base and casual rates paid to employee drivers per hour			
\$23.02	\$24.03	\$30.75	\$40.36
Range of rates typically paid in Victoria ⁴			
\$23.02 to \$27.63	\$24.03 to \$28.83	\$30.75 to \$36.90	\$40.36 to \$48.44

Notes:

1. Base hourly rate: The base hourly rate is based on the rate in the Road Transport and Distribution Award 2010 for an employee driver of a 1 Tonne Vehicle (GVM) (“the Award rate”). The base hourly rate is calculated by first working out the minimum amount an employee driver working a 38 hour week would be paid under the Award over one year (including 4 weeks annual leave, 10 days personal/carer’s leave, 10 public holidays and 17.5% annual leave loading). This amount is then converted to an hourly rate for working 38 hours per week over 44 weeks (one year less the paid leave and public holiday entitlements of a full-time employee).
The Award rate is accurate as at 1 July 2016, but is varied from time to time by the Fair Work Commission. You can find information about the most recently published minimum employee rates by visiting www.fwc.gov.au or contacting your association or union.
2. Casual/loaded rate: The casual/loaded rate includes an additional 25% loading. This is compensation for not receiving the paid annual leave, personal/carer’s leave and public holidays that ongoing employees enjoy. The casual/loaded rate is calculated on the Award rate.
3. Casual overtime rates: Employee drivers in Victoria would typically receive payment at overtime rates for hours worked in excess of 38 hours a week. Typically a 50% loading applies for the first two hours of overtime per day or up to 48 hours per week and then a 100% loading for hours thereafter. For each hour of overtime worked a casual must also be paid 10% of 1/38th of the minimum wage specified in the Award for their classification. The overtime rates are calculated on the Award rate.
4. The range of rates in Victoria: This part of the table sets out a range of rates typically paid in Victoria to employee drivers in the transport industry. A range is supplied because the rate paid will vary depending on whether a company is party to an enterprise agreement, the particular industry sector, the skill and efficiency of the particular driver and market factors such as whether there is a shortage of drivers in the area. The top rate in each range is calculated by adding 20% to the bottom rate.

PART 4 – HOURLY TOTALS**Hourly total for hours up to 7.6 hours a day / 1,672 hours a year**

Totals			
Totals per driving hour	Typical Costs	Your figures	Notes
Fixed Costs	\$9.93		Assuming fixed costs spread over 1,672 hours.
Variable Costs	\$6.31		Assuming 25 km travelled per hour.
Labour	\$24.03		This worked example is based on a labour rate of \$24.03 per hour. See discussion on rates for labour in Part 3.

Totals			
Totals per driving hour	Typical Costs	Your figures	Notes
Total per hour (up to 1,672 hours)	\$40.27		Note that this is not a prescribed or recommended rate. Owner drivers are strongly recommended to consider their own circumstances and obtain advice.

2. Total per hour – for hours in excess of 7.6 hours per day / 1,672 hours a year

This model assumes that the owner driver will recover fixed annual costs over 1,672 driving hours a year. Many owner drivers work longer than these hours, either extra days each week or longer hours each day. This table calculates an hourly rate for those extra hours, using variable and labour costs only, and using an overtime rate of pay.

Totals			
Totals per driving hour	Typical costs	Your figures	Notes
Variable Costs	\$6.31		Assuming 25 km travelled per hour.
Labour (overtime rates)	\$30.75		This worked example is based on a nominal penalty labour rate of \$30.75 per hour. See discussion on rates for labour in Part 3.
Total per hour (up to 1,672 hours)	\$37.06		Note that this is not a prescribed or recommended rate. Owner drivers are strongly recommended to consider their own circumstances and obtain advice.

In addition to the figures above, owner drivers should where relevant include any amount that they seek as a return on their capital investment. This issue is dealt with in section 11 of the Owner Drivers and Forestry Contractors Code of Practice, available from www.business.vic.gov.au/ownerdrivershirers.

Note that this is not a prescribed or recommended rate. It is strongly recommended that owner drivers obtain advice on their own individual circumstances and discuss all issues with their hirer or potential hirer to ensure that there is no misunderstanding concerning payment structures.

Owner Drivers and Forestry Contractors Act 2005

TRANSPORT INDUSTRY COUNCIL

Rates and Costs Schedule 2016–2017

4.5 Tonne Rigid Vehicle (GVM)

INTRODUCTION

This vehicle operating Rates and Costs Schedule is based on the Transport Industry Council's evaluation of the cost recovery recommended for an owner driver to take into consideration based on being able to operate a business on a sustainable basis.

This Schedule is a general guide only. Owner drivers¹ are strongly advised to seek independent professional accounting advice for their own situation and discuss all issues with their hirer or potential hirer to ensure that there is no misunderstanding concerning payment structures.

This Rates and Costs Schedule is published under section 14 of the **Owner Drivers and Forestry Contractors Act 2005** (Vic.) (the Act). Under the Act, this Schedule must be given at least three business days before the owner driver is engaged, if the owner driver will be engaged for a period of at least 30 days; or on the thirtieth day, if the owner driver is engaged for a total period of at least 30 days in any three month period.

These requirements also apply to freight brokers and to tender situations.

This Schedule will be revised at least annually, and under section 18 of the Act, hirers are required to give owner drivers a copy of any such revised Schedule as soon as practicable after it is published.

The Schedule is intended to assist owner drivers and their hirers to better understand the typical operating costs of an owner driver business and to inform their negotiations.

THE SCHEDULE DOES NOT SET MINIMUM RATES THAT MUST BE PAID.

The Schedule sets out a worked example of typical overhead costs for an owner driver supplying a 4.5 Tonne Vehicle (GVM). The worked example is based on certain assumptions about the business, for example, that the vehicle is 5 years old, is in operation for 7.6 hours a day and uses a certain number of tyres.

The aim of the Schedule is to assist owner drivers to:

- better understand their business cost structures and how increases and decreases in different cost items affect overall profitability; and
- calculate their own unique cost model.

This Schedule applies to owner drivers who supply a 4.5 Tonne Vehicle (GVM) (4.5 tonnes being the weight of the vehicle fully loaded) or similar vehicle.²

The Schedule is structured as follows:

Part 1: Fixed Costs

Describes typical fixed (or annual) business costs. These are the costs that the business must pay each year regardless of how many kilometres the vehicle travels.

Part 2: Variable Costs

Describes typical variable business costs. These are the costs (such as fuel and tyres) that vary with how many kilometres are travelled. These are calculated on an hourly basis.

Part 3: Payment for Labour

Describes the range of rates that are typically paid to employee drivers for performing similar kinds of work, to assist the owner driver to determine what may be a reasonable payment for their own labour.

¹ Owner Driver is defined in the **Owner Drivers and Forestry Contractors Act 2005**. The definition is also affected by the Owner Drivers and Forestry Contractors Regulations 2006 made under the Act.

² Rates and Costs Schedules have been published for 1 tonne Van Courier Messenger, 1 tonne GVM – General Freight, 4.5 tonne GVM, 8 tonne GVM, 12 tonne GVM (2-axle), Prime Mover (Bogie Drive) and Semi-Trailer (Bogie Drive, 6-axle). Hirers are required to provide owner drivers with the Schedule that most closely relates to the owner driver's vehicle.

Part 4: Totals

This section allows the owner driver to prepare total hourly rates for ordinary hours (up to 1,672 a year) and excess hours.

The Schedule does not deal with the issue of return on investment, and this would need to be factored in where appropriate. The issue of return on investment is dealt with in section 11 of the Owner Drivers and Forestry Contractors Code of Practice.

KEY ASSUMPTIONS

The model set out in this Schedule is based on certain assumptions about the vehicle used, hours of work and the type of business. The assumptions used that have the greatest impact on the figures given are:

Subject	Costing assumptions
Vehicle and finance	<p>The fixed costs are based on:</p> <ul style="list-style-type: none"> ● a vehicle with a current capital value of \$37,409 (being the current average retail value of a 5 year old vehicle). ● a vehicle subject to a lease arrangement, over a 4 year term with a 25% residual, with interest at a comparison interest rate of 5.5% per annum. <p>Note that if the business owns the vehicle outright, or has a loan, the cost structure will be different with depreciation as the relevant cost rather than lease payments. All costs exclude GST.</p>
Driving hours per year (kilometres travelled)	<ul style="list-style-type: none"> ● The calculation of the fixed costs assumes the vehicle is in operation for 7.6 driving hours per day for 220 working days a year. This equals 1,672 hours of operation a year. ● The model spreads fixed operating costs over those 1,672 hours. ● In Part 4, a separate hourly rate for hours over and above the base hours of 1,672 a year is provided. To avoid double counting of fixed costs, this rate only includes variable costs and a return for labour, based on an overtime labour rate.

The cost structure of the individual business will be significantly different if, for example:

- the age, current capital value (or both) of the vehicle is less or more than the above figures;
- other finance arrangements apply (for example, the vehicle is fully owned or is subject to a loan);
- more or fewer hours are worked each year.

BECAUSE OF THESE POTENTIAL VARIATIONS, GREAT CARE SHOULD BE TAKEN IN USING THE INDICATIVE FIGURES SET OUT IN THE COST MODEL, AS THE COSTS OF THE INDIVIDUAL BUSINESS MAY VARY SIGNIFICANTLY.

To assist owner drivers to calculate their own unique cost model, a blank column is included to calculate the business's own unique costs.

RATE STRUCTURES

This model calculates the cost of running a typical owner driver business, described as an hourly rate, made up of fixed and variable costs and a payment for the owner driver's labour. The Schedule does not calculate or suggest any particular rate calculation or payment method.

Arrangements for payment for owner drivers in the transport industry vary enormously. They can be paid an hourly rate, a load rate, parcel rate, on the basis of tasks performed, or even kilometres travelled. If an owner driver is paid on such an arrangement, the Schedule set out below can be used as a base to calculate the cost to the business of travelling per kilometre, or delivering a particular load. Unions, industry associations or accountants and other professional advisers can assist in this task.

PART 1 – FIXED ANNUAL COSTS – PER YEAR AND PER HOUR

Note: All costs are exclusive of GST

Cost items assumptions used in the example	Example: Typical cost per year	Your costs	Variations in this cost item
<p>Vehicle Lease Costs</p> <p>This model is based on a vehicle with a current capital value of \$37,409 (based on typical retail value of a 5 year old vehicle), and is based on a lease arrangement over a 4 year term with a 25% residual, at 5.5% interest per annum.</p>	\$7,809		<p>Finance arrangements will vary widely depending on:</p> <ul style="list-style-type: none"> • if the arrangement is a lease or hire purchase, or purchase of the vehicle through a loan; or • if the arrangement is a loan, then the purchase price, the amount borrowed and the loan terms will affect cash-flow, and depreciation needs to be allowed for.
<p>Registration, Permits and TAC Fees</p> <p>Based on vehicle registration fee of \$620 and TAC charge of \$733.70 which is net of GST.</p> <p>Assumes payment is made on an annual basis. TAC charge assumes vehicle is garaged in a high risk area (e.g. metropolitan Melbourne).</p>	\$1,353.70		<p>These fees are current as at 1 July 2016 but may change.</p> <p>Additional licences may be payable for certain types of operations (e.g. interstate registration, oversize, port security permit, dangerous goods).</p> <p>Additional administration charges may apply to registration fees if they are paid in instalments. TAC charges may be lower if the vehicle is garaged in a medium or low risk area.</p>
<p>Superannuation</p> <p>Self-funded, based on 9.5% of own labour assumed at \$40,667.</p>	\$3,863.37		
<p>Insurance Comprehensive Vehicle</p> <p>Based on rate of 3.15% per annum. Based on operator who is over the age of 25, has at least 5 years' experience and no claims history.</p> <p>Assumes vehicle is not carrying dangerous goods.</p> <p>Assumes vehicle is travelling intrastate only.</p>	\$1,178		<p>Rates may be higher for interstate trucks. Additional insurance charges may apply to certain kinds of goods carried (e.g. refrigerated goods or livestock). Comprehensive vehicle insurance costs may vary depending upon the age and value of the equipment insured, the insurance provider, the amount of any excess payable, the individual's claims history, the age and experience level of the driver and whether the vehicle is carrying dangerous goods.</p>
<p>Insurance Goods in Transit</p> <p>Based on an insured sum of \$30,000 at an insurance rate of 0.8%.</p> <p>Assumes vehicle is not carrying dangerous goods.</p>	\$240		<p>The cost of goods in transit insurance may vary depending on the type of goods being transported.</p>

Cost items assumptions used in the example	Example: Typical cost per year	Your costs	Variations in this cost item
<p>Insurance Personal Sickness and Accident/Income</p> <p>Basic policy, based on 80% of income for 52 weeks, 30 day waiting period. Assumes driver is travelling intrastate only.</p> <p>Assumes driver has no pre-existing conditions. Maximum age limit of 60 years.</p>	\$510		The cost of personal income and accident insurance (also called income protection insurance) will vary depending on the individual's health history, the amount of income insured, the period of time after an accident before benefits are payable and the maximum period over which benefits are paid.
<p>Insurance Public Liability</p> <p>Assumes policy for public liability claims up to \$10 million.</p>	\$459		
<p>Insurance Workers' Compensation</p> <p>Assumed at the rate of 4.7% for the assumed labour rate of the business owner of \$40,667.</p> <p>Assumes vehicle is primarily travelling intrastate.</p>	\$1,910.54		<p>The rate is current as at 2015–2016 and is subject to change.</p> <p>The rate charged for workers' compensation insurance may vary depending on whether the vehicle is travelling short or long distances and whether the vehicle is travelling interstate. The rate may also vary depending on the driver's claims history.</p>
<p>Business Administration Costs</p> <p>Includes maintenance of records, preparation of tax returns, mobile phone charges, consumer price index and sundry business expenses.</p>	\$2,701		<p>Accounting/bookkeeping fees may be lower if the business prepares its own BAS and accounts.</p> <p>Mobile phone charges will vary significantly depending on level of use.</p> <p>Other costs: Professional association fees, accommodation costs, parking fees, bank charges, and other costs should be allowed for where relevant. This example is based on a business that is already up and running, and does not take into account the costs of starting a business (e.g. registering a company). This figure may also vary depending on contractual conditions.</p>
Total annual fixed costs	\$20,024.61		
Total hourly fixed costs Assuming 1,672 vehicle operation hours.	\$11.98		Assumes that the annual fixed costs of the business are spread over 1,672 vehicle operation hours per year.

PART 2 – VARIABLE COSTS – PER KILOMETRE AND PER HOUR

Note: All costs are exclusive of GST

Cost items assumptions assumes 39,600 km travelled per year	Typical cost per km	Your cost per km	Variations in this cost item
Fuel Based on retail diesel fuel cost as at 3 June 2016 of 105 cents per litre, which is net of GST. Assumes 20.2 litres consumed per 100 km.	21.21 cents		Fuel is the single biggest variable cost and will significantly affect your business. Fuel costs will also vary depending on the age, features and condition of the vehicle.
Tyres Assumes cost of \$297.12 per tyre (6 tyres) based on vehicle specific average performance and replaced after 60 000 km.	2.97 cents		Consumption of tyres will vary with the age of vehicle, off-road use, geographic and road conditions, braking frequency and driving techniques and the quality of the tyres used. Cost of tyres will also vary depending on the manufacturer, type of tyres and any discount arrangements.
Servicing, Repairs and Maintenance Based on rate of 7.73 cents per km.	7.73 cents		Repair and maintenance costs will vary significantly with the age and condition of the vehicle. Major repairs may be a one-off major cost in any given year. Significant savings can be made if the business does its own servicing and repairs.
Total variable costs per km	31.92 cents		

Total variable costs per driving hour	Typical cost per hour	Your cost per hour	Variations in this cost item
Assumes 25 km travelled per hour.	\$7.98		These rates are typical for city driving only. The number of kilometres travelled per hour will vary significantly depending on the routes travelled, whether the work is metropolitan or regional, how often the vehicle stops to load or unload and the nature of the work. Drivers who travel long distance or in the country will need to take this into account for their own calculations.

Note: Citylink tolls: Where directed to take a route using tolls you may incur an additional cost for road tolls.

PART 3 – PAYMENT FOR THE OWNER DRIVER’S OWN LABOUR

The next factor to include in a business cost model is an amount for the business owner’s own work (labour) in driving the vehicle and in work such as loading and unloading and tasks necessary in running the business. This Part will provide information to assist owner drivers to determine the amount they can aim to receive as a payment for that labour.

Because an owner driver is a small business (not an employee) the hirer is not legally obliged to pay a minimum wage or rate of pay. However, the wages that are paid to employee drivers are a useful guide to the market for the labour services of driving a vehicle.

Set out below are rates that would typically be paid for driving a vehicle if this work was performed by an employee rather than an owner driver.

These rates will vary over time, and should be used as a general guide only. Unions, industry associations, newspaper job advertisements and other drivers are sources of advice about the going rates in your industry sector.

Base hourly rate¹	Casual/loaded hourly rate² (includes allowance for leave, etc.)	Casual overtime rate³ For the first two hours over 7.6 per day or 38 per week	Casual overtime rate³ For hours worked over 10 per day or 48 per week
Typical base and casual rates paid to employee drivers per hour			
\$23.31	\$24.32	\$31.13	\$40.86
Range of rates typically paid in Victoria ⁴			
\$23.31 to \$27.97	\$24.32 to \$29.19	\$31.13 to \$37.36	\$340.86 to \$49.03

Notes:

1. Base hourly rate: The base hourly rate is based on the rate in the Road Transport and Distribution Award 2010 for an employee driver of a 1 Tonne Vehicle (GVM) ('the Award rate'). The base hourly rate is calculated by first working out the minimum amount an employee driver working a 38 hour week would be paid under the Award over one year (including 4 weeks annual leave, 10 days personal/carer's leave, 10 public holidays and 17.5% annual leave loading). This amount is then converted to an hourly rate for working 38 hours per week over 44 weeks (one year less the paid leave and public holiday entitlements of a full-time employee).
The Award rate is accurate as at 1 July 2016, but is varied from time to time by the Fair Work Commission. You can find information about the most recently published minimum employee rates by visiting www.fwc.gov.au or contacting your association or union.
2. Casual/loaded rate: The casual/loaded rate includes an additional 25% loading. This is compensation for not receiving the paid annual leave, personal/carer's leave and public holidays that ongoing employees enjoy. The casual/loaded rate is calculated on the Award rate.
3. Casual overtime rates: Employee drivers in Victoria would typically receive payment at overtime rates for hours worked in excess of 38 hours a week. Typically a 50% loading applies for the first two hours of overtime per day or up to 48 hours per week and then a 100% loading for hours thereafter. For each hour of overtime worked a casual must also be paid 10% of 1/38th of the minimum wage specified in the Award for their classification. The overtime rates are calculated on the Award rate.
4. The range of rates in Victoria: This part of the table sets out a range of rates typically paid in Victoria to employee drivers in the transport industry. A range is supplied because the rate paid will vary depending on whether a company is party to an enterprise agreement, the particular industry sector, the skill and efficiency of the particular driver and market factors such as whether there is a shortage of drivers in the area. The top rate in each range is calculated by adding 20% to the bottom rate.

PART 4 – HOURLY TOTALS**Hourly total for hours up to 7.6 hours a day / 1,672 hours a year**

Totals			
Totals per driving hour	Typical Costs	Your figures	Notes
Fixed Costs	\$11.98		Assuming fixed costs spread over 1,672 hours.
Variable Costs	\$7.98		Assuming 25 km travelled per hour.
Labour	\$24.32		This worked example is based on a labour rate of \$24.32 per hour. See discussion on rates for labour in Part 3.
Total per hour (up to 1,672 hours)	\$44.28		Note that this is not a prescribed or recommended rate. Owner drivers are strongly recommended to consider their own circumstances and obtain advice.

2. Total per hour – for hours in excess of 7.6 hours per day / 1,672 hours a year

This model assumes that the owner driver will recover fixed annual costs over 1,672 driving hours a year. Many owner drivers work longer than these hours, either extra days each week or longer hours each day. This table calculates an hourly rate for those extra hours, using variable and labour costs only, and using an overtime rate of pay.

Totals			
Totals per driving hour	Typical costs	Your figures	Notes
Variable Costs	\$7.98		Assuming 25 km travelled per hour.
Labour (casual overtime rates)	\$31.13		This worked example is based on a nominal penalty labour rate of \$31.13 per hour. See discussion on rates for labour in Part 3.
Total per hour (up to 1,672 hours)	\$39.11		Note that this is not a prescribed or recommended rate. Owner drivers are strongly recommended to consider their own circumstances and obtain advice.

In addition to the figures above, owner drivers should where relevant include any amount that they seek as a return on their capital investment. This issue is dealt with in section 11 of the Owner Drivers and Forestry Contractors Code of Practice, available from www.business.vic.gov.au/ownerdrivershirers.

Note that this is not a prescribed or recommended rate. It is strongly recommended that owner drivers obtain advice on their own individual circumstances and discuss all issues with their hirer or potential hirer to ensure that there is no misunderstanding concerning payment structures.

Owner Drivers and Forestry Contractors Act 2005

TRANSPORT INDUSTRY COUNCIL

Rates and Costs Schedule 2016–2017

8 Tonne Rigid Vehicle (GVM)

INTRODUCTION

This vehicle operating Rates and Costs Schedule is based on the Transport Industry Council's evaluation of the cost recovery recommended for an owner driver to take into consideration based on being able to operate a business on a sustainable basis.

This Schedule is a general guide only. Owner drivers¹ are strongly advised to seek independent professional accounting advice for their own situation and discuss all issues with their hirer or potential hirer to ensure that there is no misunderstanding concerning payment structures.

This Rates and Costs Schedule is published under section 14 of the **Owner Drivers and Forestry Contractors Act 2005** (Vic.) (the Act). Under the Act, this Schedule must be given at least three business days before the owner driver is engaged, if the owner driver will be engaged for a period of at least 30 days; or on the thirtieth day, if the owner driver is engaged for a total period of at least 30 days in any three month period.

These requirements also apply to freight brokers and to tender situations.

This Schedule will be revised at least annually, and under section 18 of the Act, hirers are required to give owner drivers a copy of any such revised Schedule as soon as practicable after it is published.

The Schedule is intended to assist owner drivers and their hirers to better understand the typical operating costs of an owner driver business and to inform their negotiations.

THE SCHEDULE DOES NOT SET MINIMUM RATES THAT MUST BE PAID.

The Schedule sets out a worked example of typical overhead costs for an owner driver supplying a 8 Tonne Rigid Vehicle (GVM). The worked example is based on certain assumptions about the business, for example, that the vehicle is 6 years old, is in operation for 7.6 hours a day and uses a certain number of tyres.

The aim of the Schedule is to assist owner drivers to:

- better understand their business cost structures and how increases and decreases in different cost items affect overall profitability; and
- calculate their own unique cost model.

This Schedule applies to owner drivers who supply a 8 Tonne Rigid Vehicle (GVM) (8 tonnes being the weight of the vehicle fully loaded) or similar vehicle.²

The Schedule is structured as follows:

Part 1: Fixed Costs

Describes typical fixed (or annual) business costs. These are the costs that the business must pay each year regardless of how many kilometres the vehicle travels.

Part 2: Variable Costs

Describes typical variable business costs. These are the costs (such as fuel and tyres) that vary with how many kilometres are travelled. These are calculated on an hourly basis.

Part 3: Payment for Labour

Describes the range of rates that are typically paid to employee drivers for performing similar kinds of work, to assist the owner driver to determine what may be a reasonable payment for their own labour.

¹ Owner Driver is defined in the **Owner Drivers and Forestry Contractors Act 2005**. The definition is also affected by the Owner Drivers and Forestry Contractors Regulations 2006 made under the Act.

² Rates and Costs Schedules have been published for 1 tonne Van Courier Messenger, 1 tonne GVM – General Freight, 4.5 tonne GVM, 8 tonne GVM, 12 tonne GVM (2-axle), Prime Mover (Bogie Drive) and Semi-Trailer (Bogie Drive, 6-axle). Hirers are required to provide owner drivers with the Schedule that most closely relates to the owner driver's vehicle.

Part 4: Totals

This section allows the owner driver to prepare total hourly rates for ordinary hours (up to 1,672 a year) and excess hours.

The Schedule does not deal with the issue of return on investment, and this would need to be factored in where appropriate. The issue of return on investment is dealt with in section 11 of the Owner Drivers and Forestry Contractors Code of Practice.

KEY ASSUMPTIONS

The model set out in this Schedule is based on certain assumptions about the vehicle used, hours of work and the type of business. The assumptions used that have the greatest impact on the figures given are:

Subject	Costing assumptions
Vehicle and finance	<p>The fixed costs are based on:</p> <ul style="list-style-type: none"> ● a vehicle with a current capital value of \$62,995 (being the current average retail value of a 6 year old vehicle). ● a vehicle subject to a lease arrangement, over a 4 year term with a 25% residual, with interest at a comparison interest rate of 5.5% per annum. <p>Note that if the business owns the vehicle outright, or has a loan, the cost structure will be different with depreciation as the relevant cost rather than lease payments. All costs exclude GST.</p>
Driving hours per year (kilometres travelled)	<ul style="list-style-type: none"> ● The calculation of the fixed costs assumes the vehicle is in operation for 7.6 driving hours per day for 220 working days a year. This equals 1,672 hours of operation a year. ● The model spreads fixed operating costs over those 1,672 hours. ● In Part 4, a separate hourly rate for hours over and above the base hours of 1,672 a year is provided. To avoid double counting of fixed costs, this rate only includes variable costs and a return for labour, based on an overtime labour rate.

The cost structure of the individual business will be significantly different if, for example:

- the age, current capital value (or both) of the vehicle is less or more than the above figures;
- other finance arrangements apply (for example, the vehicle is fully owned or is subject to a loan);
- more or fewer hours are worked each year.

BECAUSE OF THESE POTENTIAL VARIATIONS, GREAT CARE SHOULD BE TAKEN IN USING THE INDICATIVE FIGURES SET OUT IN THE COST MODEL, AS THE COSTS OF THE INDIVIDUAL BUSINESS MAY VARY SIGNIFICANTLY.

To assist owner drivers to calculate their own unique cost model, a blank column is included to calculate the business's own unique costs.

RATE STRUCTURES

This model calculates the cost of running a typical owner driver business, described as an hourly rate, made up of fixed and variable costs and a payment for the owner driver's labour. The Schedule does not calculate or suggest any particular rate calculation or payment method.

Arrangements for payment for owner drivers in the transport industry vary enormously. They can be paid an hourly rate, a load rate, parcel rate, on the basis of tasks performed, or even kilometres travelled. If an owner driver is paid on such an arrangement, the Schedule set out below can be used as a base to calculate the cost to the business of travelling per kilometre, or delivering a particular load. Unions, industry associations or accountants and other professional advisers can assist in this task.

PART 1 – FIXED ANNUAL COSTS – PER YEAR AND PER HOUR

Note: All costs are exclusive of GST

Cost items assumptions used in the example	Example: Typical cost per year	Your costs	Variations in this cost item
<p>Vehicle Lease Costs</p> <p>This model is based on a vehicle with a current capital value of \$62,995 (based on typical retail value of a 6 year old vehicle), and is based on a lease arrangement over a 4 year term with a 25% residual, at 5.5% interest per annum.</p>	\$13,151		<p>Finance arrangements will vary widely depending on:</p> <ul style="list-style-type: none"> • if the arrangement is a lease or hire purchase, or purchase of the vehicle through a loan; or • if the arrangement is a loan, then the purchase price, the amount borrowed and the loan terms will affect cash-flow, and depreciation needs to be allowed for.
<p>Registration, Permits and TAC Fees</p> <p>Based on vehicle registration fee of \$620 and TAC charge of \$733.70 which is net of GST. Assumes payment is made on an annual basis. TAC charge assumes vehicle is garaged in a high risk area (e.g. metropolitan Melbourne).</p>	\$1,353.70		<p>These fees are current as at 1 July 2016 but may change</p> <p>Additional licences may be payable for certain types of operations (e.g. interstate registration, oversize, port security permit, dangerous goods).</p> <p>Additional administration charges may apply to registration fees if they are paid in instalments. TAC charges may be lower if the vehicle is garaged in a medium or low risk area.</p>
<p>Superannuation</p> <p>Self-funded, based on 9.5% of own labour assumed at \$40,667.</p>	\$3,863.37		
<p>Insurance Comprehensive Vehicle</p> <p>Based on rate of 3.15% per annum. Based on operator who is over the age of 25, has at least 5 years' experience and no claims history. Assumes vehicle is not carrying dangerous goods. Assumes vehicle is travelling intrastate only.</p>	\$1,984		<p>Rates may be higher for interstate trucks. Additional insurance charges may apply to certain kinds of goods carried (e.g. refrigerated goods or livestock). Comprehensive vehicle insurance costs may vary depending upon the age and value of the equipment insured, the insurance provider, the amount of any excess payable, the individual's claims history, the age and experience level of the driver and whether the vehicle is carrying dangerous goods.</p>
<p>Insurance Goods in Transit</p> <p>Based on an insured sum of \$50,000 at an insurance rate of 0.8%. Assumes vehicle is not carrying dangerous goods.</p>	\$400		<p>The cost of goods in transit insurance may vary depending on the type of goods being transported.</p>

Cost items assumptions used in the example	Example: Typical cost per year	Your costs	Variations in this cost item
<p>Insurance Personal Sickness and Accident/Income</p> <p>Basic policy, based on 80% of income for 52 weeks, 30 day waiting period. Assumes driver is travelling intrastate only.</p> <p>Assumes driver has no pre-existing conditions. Maximum age limit of 60 years. These fixed costs have been calculated at 100%.</p>	\$510		<p>The cost of personal income and accident insurance (also called income protection insurance) will vary depending on the individual's health history, the amount of income insured, the period of time after an accident before benefits are payable and the maximum period over which benefits are paid.</p>
<p>Insurance Public Liability</p> <p>Assumes policy for public liability claims up to \$10 million.</p>	\$459		
<p>Insurance Workers' Compensation</p> <p>Assumed at the rate of 4.7% for the assumed labour rate of the business owner of \$40,667</p> <p>Assumes vehicle is primarily travelling intrastate.</p>	\$1,910.54		<p>The rate is current as at 2015–2016 and is subject to change.</p> <p>The rate charged for workers' compensation insurance may vary depending on whether the vehicle is travelling short or long distances and whether the vehicle is travelling interstate. The rate may also vary depending on the driver's claims history.</p>
<p>Business Administration Costs</p> <p>Includes maintenance of records, preparation of tax returns, mobile phone charges, consumer price index and sundry business expenses.</p>	\$2,701		<p>Accounting/bookkeeping fees may be lower if the business prepares its own BAS and accounts.</p> <p>Mobile phone charges will vary significantly depending on level of use.</p> <p>Other costs: Professional association fees, accommodation costs, parking fees, bank charges, and other costs should be allowed for where relevant. This example is based on a business that is already up and running, and does not take into account the costs of starting a business (e.g. registering a company). This figure may also vary depending on contractual conditions.</p>
<p>Total annual fixed costs</p>	\$26,332.61		
<p>Total hourly fixed costs</p> <p>Assuming 1,672 vehicle operation hours.</p>	\$15.75		<p>Assumes that the annual fixed costs of the business are spread over 1,672 vehicle operation hours per year.</p>

PART 2 – VARIABLE COSTS – PER KILOMETRE AND PER HOUR

Note: All costs are exclusive of GST

Cost items assumptions assumes 39,600 km travelled per year	Typical cost per km	Your cost per km	Variations in this cost item
Fuel Based on retail diesel fuel cost as at 3 June 2016 of 105 cents per litre, which is net of GST. Assumes 25.71 litres consumed per 100 km.	25.80 cents		Fuel is the single biggest variable cost and will significantly affect your business. Fuel costs will also vary depending on the age, features and condition of the vehicle.
Tyres Assumes cost of \$644.44 per tyre (8 tyres) based on vehicle specific average performance and replaced after 80,000 km.	6.44 cents		Consumption of tyres will vary with the age of vehicle, off-road use, geographic and road conditions, braking frequency and driving techniques and the quality of the tyres used. Cost of tyres will also vary depending on the manufacturer, type of tyres and any discount arrangements.
Servicing, Repairs and Maintenance Based on rate of 9.90 cents per km.	9.90 cents		Repair and maintenance costs will vary significantly with the age and condition of the vehicle. Major repairs may be a one-off major cost in any given year. Significant savings can be made if the business does its own servicing and repairs.
Total variable costs per km	42.15 cents		

Total variable costs per driving hour	Typical cost per hour	Your cost per hour	Variations in this cost item
Assumes 20 km travelled per hour.	\$8.43		These rates are typical for city driving only. The number of kilometres travelled per hour will vary significantly depending on the routes travelled, whether the work is metropolitan or regional, how often the vehicle stops to load or unload and the nature of the work. Drivers who travel long distance or in the country will need to take this into account for their own calculations.

Note: Citylink tolls: Where directed to take a route using tolls you may incur an additional cost for road tolls.

PART 3 – PAYMENT FOR THE OWNER DRIVER’S OWN LABOUR

The next factor to include in a business cost model is an amount for the business owner’s own work (labour) in driving the vehicle and in work such as loading and unloading and tasks necessary in running the business. This Part will provide information to assist owner drivers to determine the amount they can aim to receive as a payment for that labour.

Because an owner driver is a small business (not an employee) the hirer is not legally obliged to pay a minimum wage or rate of pay. However, the wages that are paid to employee drivers are a useful guide to the market for the labour services of driving a vehicle.

Set out below are rates that would typically be paid for driving a vehicle if this work was performed by an employee rather than an owner driver.

These rates will vary over time, and should be used as a general guide only. Unions, industry associations, newspaper job advertisements and other drivers are sources of advice about the going rates in your industry sector.

Base hourly rate¹	Casual/loaded hourly rate² (includes allowance for leave, etc.)	Casual overtime rate³ For the first two hours over 7.6 per day or 38 per week	Casual overtime rate³ For hours worked over 10 per day or 48 per week
Typical base and casual rates paid to employee drivers per hour			
\$23.31	\$24.32	\$31.13	\$40.86
Range of rates typically paid in Victoria ⁴			
\$23.31 to \$27.97	\$24.32 to \$29.19	\$31.13 to \$37.36	\$40.86 to \$49.03

Notes:

1. Base hourly rate: The base hourly rate is based on the rate in the Road Transport and Distribution Award 2010 for an employee driver of a 1 Tonne Vehicle (GVM) (‘the Award rate’). The base hourly rate is calculated by first working out the minimum amount an employee driver working a 38 hour week would be paid under the Award over one year (including 4 weeks annual leave, 10 days personal/carer’s leave, 10 public holidays and 17.5% annual leave loading). This amount is then converted to an hourly rate for working 38 hours per week over 44 weeks (one year less the paid leave and public holiday entitlements of a full-time employee).
The Award rate is accurate as at 1 July 2016, but is varied from time to time by the Fair Work Commission. You can find information about the most recently published minimum employee rates by visiting www.fwc.gov.au or contacting your association or union.
2. Casual/loaded rate: The casual/loaded rate includes an additional 25% loading. This is compensation for not receiving the paid annual leave, personal/carer’s leave and public holidays that ongoing employees enjoy. The casual/loaded rate is calculated on the Award rate.
3. Casual overtime rates: Employee drivers in Victoria would typically receive payment at overtime rates for hours worked in excess of 38 hours a week. Typically a 50% loading applies for the first two hours of overtime per day or up to 48 hours per week and then a 100% loading for hours thereafter. For each hour of overtime worked a casual must also be paid 10% of 1/38th of the minimum wage specified in the Award for their classification. The overtime rates are calculated on the Award rate.
4. The range of rates in Victoria: This part of the table sets out a range of rates typically paid in Victoria to employee drivers in the transport industry. A range is supplied because the rate paid will vary depending on whether a company is party to an enterprise agreement, the particular industry sector, the skill and efficiency of the particular driver and market factors such as whether there is a shortage of drivers in the area. The top rate in each range is calculated by adding 20% to the bottom rate.

PART 4 – HOURLY TOTALS**Hourly total for hours up to 7.6 hours a day / 1,672 hours a year**

Totals			
Totals per driving hour	Typical Costs	Your figures	Notes
Fixed Costs	\$15.75		Assuming fixed costs spread over 1,672 hours.
Variable Costs	\$8.43		Assuming 20 km travelled per hour.
Labour	\$24.32		This worked example is based on a labour rate of \$24.32 per hour. See discussion on rates for labour in Part 3.
Total per hour (up to 1,672 hours)	\$48.50		Note that this is not a prescribed or recommended rate. Owner drivers are strongly recommended to consider their own circumstances and obtain advice.

2. Total per hour – for hours in excess of 7.6 hours per day / 1,672 hours a year

This model assumes that the owner driver will recover fixed annual costs over 1,672 driving hours a year. Many owner drivers work longer than these hours, either extra days each week or longer hours each day. This table calculates an hourly rate for those extra hours, using variable and labour costs only, and using an overtime rate of pay.

Totals			
Totals per driving hour	Typical costs	Your figures	Notes
Variable Costs	\$8.43		Assuming 20 km travelled per hour.
Labour (overtime rates)	\$31.13		This worked example is based on a nominal penalty labour rate of \$31.13 per hour. See discussion on rates for labour in Part 3.
Total per hour (up to 1,672 hours)	\$39.56		Note that this is not a prescribed or recommended rate. Owner drivers are strongly recommended to consider their own circumstances and obtain advice.

In addition to the figures above, owner drivers should where relevant include any amount that they seek as a return on their capital investment. This issue is dealt with in section 11 of the Owner Drivers and Forestry Contractors Code of Practice, available from www.business.vic.gov.au/ownerdrivershirers.

Note that this is not a prescribed or recommended rate. It is strongly recommended that owner drivers obtain advice on their own individual circumstances and discuss all issues with their hirer or potential hirer to ensure that there is no misunderstanding concerning payment structures.

Owner Drivers and Forestry Contractors Act 2005

TRANSPORT INDUSTRY COUNCIL

Rates and Costs Schedule 2016–2017

12 Tonne Rigid Vehicle (GVM) (2-axle)

INTRODUCTION

This vehicle operating Rates and Costs Schedule is based on the Transport Industry Council's evaluation of the cost recovery recommended for an owner driver to take into consideration based on being able to operate a business on a sustainable basis.

This Schedule is a general guide only. Owner drivers¹ are strongly advised to seek independent professional accounting advice for their own situation and discuss all issues with their hirer or potential hirer to ensure that there is no misunderstanding concerning payment structures.

This Rates and Costs Schedule is published under section 14 of the **Owner Drivers and Forestry Contractors Act 2005** (Vic.) (the Act). Under the Act, this Schedule must be given at least three business days before the owner driver is engaged, if the owner driver will be engaged for a period of at least 30 days; or on the thirtieth day, if the owner driver is engaged for a total period of at least 30 days in any three month period.

These requirements also apply to freight brokers and to tender situations.

This Schedule will be revised at least annually, and under section 18 of the Act, hirers are required to give owner drivers a copy of any such revised Schedule as soon as practicable after it is published.

The Schedule is intended to assist owner drivers and their hirers to better understand the typical operating costs of an owner driver business and to inform their negotiations.

THE SCHEDULE DOES NOT SET MINIMUM RATES THAT MUST BE PAID.

The Schedule sets out a worked example of typical overhead costs for an owner driver supplying a 12 Tonne Rigid Vehicle (GVM) (2-axle). The worked example is based on certain assumptions about the business, for example, that the vehicle is 10 years old, is in operation for 7.6 hours a day and uses a certain number of tyres.

The aim of the Schedule is to assist owner drivers to:

- better understand their business cost structures and how increases and decreases in different cost items affect overall profitability; and
- calculate their own unique cost model.

This Schedule applies to owner drivers who supply a 12 Tonne Rigid Vehicle (GVM) (2-axle) (12 tonnes being the weight of the vehicle fully loaded) or similar vehicle.²

The Schedule is structured as follows:

Part 1: Fixed Costs

Describes typical fixed (or annual) business costs. These are the costs that the business must pay each year regardless of how many kilometres the vehicle travels.

Part 2: Variable Costs

Describes typical variable business costs. These are the costs (such as fuel and tyres) that vary with how many kilometres are travelled. These are calculated on an hourly basis.

Part 3: Payment for Labour

Describes the range of rates that are typically paid to employee drivers for performing similar kinds of work, to assist the owner driver to determine what may be a reasonable payment for their own labour.

¹ Owner Driver is defined in the **Owner Drivers and Forestry Contractors Act 2005**. The definition is also affected by the Owner Drivers and Forestry Contractors Regulations 2006 made under the Act.

² Rates and Costs Schedules have been published for 1 tonne Van Courier Messenger, 1 tonne GVM – General Freight, 4.5 tonne GVM, 8 tonne GVM, 12 tonne GVM (2-axle), Prime Mover (Bogie Drive) and Semi-Trailer (Bogie Drive, 6-axle). Hirers are required to provide owner drivers with the Schedule that most closely relates to the owner driver's vehicle.

Part 4: Totals

This section allows the owner driver to prepare total hourly rates for ordinary hours (up to 1,672 a year) and excess hours.

The Schedule does not deal with the issue of return on investment, and this would need to be factored in where appropriate. The issue of return on investment is dealt with in section 11 of the Owner Drivers and Forestry Contractors Code of Practice.

KEY ASSUMPTIONS

The model set out in this Schedule is based on certain assumptions about the vehicle used, hours of work and the type of business. The assumptions used that have the greatest impact on the figures given are:

Subject	Costing assumptions
Vehicle and finance	<p>The fixed costs are based on:</p> <ul style="list-style-type: none"> ● a vehicle with a current capital value of \$51,693 (being the current average retail value of a 10 year old vehicle). ● a vehicle subject to a lease arrangement, over a 4 year term with a 25% residual, with interest at a comparison interest rate of 5.5% per annum. <p>Note that if the business owns the vehicle outright, or has a loan, the cost structure will be different with depreciation as the relevant cost rather than lease payments. All costs exclude GST.</p>
Driving hours per year (kilometres travelled)	<ul style="list-style-type: none"> ● The calculation of the fixed costs assumes the vehicle is in operation for 7.6 driving hours per day for 220 working days a year. This equals 1,672 hours of operation a year. ● The model spreads fixed operating costs over those 1,672 hours. ● In Part 4, a separate hourly rate for hours over and above the base hours of 1,672 a year is provided. To avoid double counting of fixed costs, this rate only includes variable costs and a return for labour, based on an overtime labour rate.

The cost structure of the individual business will be significantly different if, for example:

- the age, current capital value (or both) of the vehicle is less or more than the above figures;
- other finance arrangements apply (for example, the vehicle is fully owned or is subject to a loan);
- more or fewer hours are worked each year.

BECAUSE OF THESE POTENTIAL VARIATIONS, GREAT CARE SHOULD BE TAKEN IN USING THE INDICATIVE FIGURES SET OUT IN THE COST MODEL, AS THE COSTS OF THE INDIVIDUAL BUSINESS MAY VARY SIGNIFICANTLY.

To assist owner drivers to calculate their own unique cost model, a blank column is included to calculate the business's own unique costs.

RATE STRUCTURES

This model calculates the cost of running a typical owner driver business, described as an hourly rate, made up of fixed and variable costs and a payment for the owner driver's labour. The Schedule does not calculate or suggest any particular rate calculation or payment method.

Arrangements for payment for owner drivers in the transport industry vary enormously. They can be paid an hourly rate, a load rate, parcel rate, on the basis of tasks performed, or even kilometres travelled. If an owner driver is paid on such an arrangement, the Schedule set out below can be used as a base to calculate the cost to the business of travelling per kilometre, or delivering a particular load. Unions, industry associations or accountants and other professional advisers can assist in this task.

PART 1 – FIXED ANNUAL COSTS – PER YEAR AND PER HOUR

Note: All costs are exclusive of GST

Cost items assumptions used in the example	Example: Typical cost per year	Your costs	Variations in this cost item
<p>Vehicle Lease Costs</p> <p>This model is based on a vehicle with a current capital value of \$51,693 (based on typical retail value of a 10 year old vehicle), and is based on a lease arrangement over a 4 year term with a 25% residual, at 5.5% interest per annum.</p>	\$10,791		<p>Finance arrangements will vary widely depending on:</p> <ul style="list-style-type: none"> • if the arrangement is a lease or hire purchase, or purchase of the vehicle through a loan; or • if the arrangement is a loan, then the purchase price, the amount borrowed and the loan terms will affect cash-flow, and depreciation needs to be allowed for.
<p>Registration, Permits and TAC Fees</p> <p>Based on vehicle registration fee of \$620 and TAC charge of \$733.70 which is net of GST. Assumes payment is made on an annual basis. TAC charge assumes vehicle is garaged in a high risk area (e.g. metropolitan Melbourne).</p>	\$1,353.70		<p>These fees are current as at 1 July 2016 but may change.</p> <p>Additional licences may be payable for certain types of operations (e.g. interstate registration, oversize, port security permit, dangerous goods).</p> <p>Additional administration charges may apply to registration fees if they are paid in instalments. TAC charges may be lower if the vehicle is garaged in a medium or low risk area.</p>
<p>Superannuation</p> <p>Self-funded, based on 9.5% of own labour assumed at \$41,415.</p>	\$3,934.43		
<p>Insurance Comprehensive Vehicle</p> <p>Based on rate of 3.15% per annum. Based on operator who is over the age of 25, has at least 5 years' experience and no claims history. Assumes vehicle is not carrying dangerous goods. Assumes vehicle is travelling intrastate only.</p>	\$1,628		<p>Rates may be higher for interstate trucks. Additional insurance charges may apply to certain kinds of goods carried (e.g. refrigerated goods or livestock). Comprehensive vehicle insurance costs may vary depending upon the age and value of the equipment insured, the insurance provider, the amount of any excess payable, the individual's claims history, the age and experience level of the driver and whether the vehicle is carrying dangerous goods.</p>
<p>Insurance Goods in Transit</p> <p>Based on an insured sum of \$50,000 at an insurance rate of 0.8%. Assumes vehicle is not carrying dangerous goods.</p>	\$400		<p>The cost of goods in transit insurance may vary depending on the type of goods being transported.</p>

Cost items assumptions used in the example	Example: Typical cost per year	Your costs	Variations in this cost item
<p>Insurance Personal Sickness and Accident/Income</p> <p>Basic policy, based on 80% of income for 52 weeks, 30 day waiting period. Assumes driver is travelling intrastate only.</p> <p>Assumes driver has no pre-existing conditions. Maximum age limit of 60 years.</p>	\$510		<p>The cost of personal income and accident insurance (also called income protection insurance) will vary depending on the individual's health history, the amount of income insured, the period of time after an accident before benefits are payable and the maximum period over which benefits are paid.</p>
<p>Insurance Public Liability</p> <p>Assumes policy for public liability claims up to \$10 million.</p>	\$459		
<p>Insurance Workers' Compensation</p> <p>Assumed at the rate of 4.7% for the assumed labour rate of the business owner of \$41,415.</p> <p>Assumes vehicle is primarily travelling intrastate.</p>	\$1,945.68		<p>The rate is current as at 2015–2016 and is subject to change.</p> <p>The rate charged for workers' compensation insurance may vary depending on whether the vehicle is travelling short or long distances and whether the vehicle is travelling interstate. The rate may also vary depending on the driver's claims history.</p>
<p>Business Administration Costs</p> <p>Includes maintenance of records, preparation of tax returns, mobile phone charges, consumer price index and sundry business expenses.</p>	\$2,701		<p>Accounting/bookkeeping fees may be lower if the business prepares its own BAS and accounts.</p> <p>Mobile phone charges will vary significantly depending on level of use.</p> <p>Other costs: Professional association fees, accommodation costs, parking fees, bank charges, and other costs should be allowed for where relevant. This example is based on a business that is already up and running, and does not take into account the costs of starting a business (e.g. registering a company). This figure may also vary depending on contractual conditions.</p>
Total annual fixed costs	\$23,722.81		
Total hourly fixed costs Assuming 1,672 vehicle operation hours.	\$14.19		Assumes that the annual fixed costs of the business are spread over 1,672 vehicle operation hours per year.

PART 2 – VARIABLE COSTS – PER KILOMETRE AND PER HOUR

Note: All costs are exclusive of GST

Cost items assumptions assumes 33,000 km travelled per year	Typical cost per km	Your cost per km	Variations in this cost item
Fuel Based on retail diesel fuel cost as at 3 June 2016 of 105 cents per litre, which is net of GST. Assumes 25.71 litres consumed per 100 km.	26.99 cents		Fuel is the single biggest variable cost and will significantly affect your business. Fuel costs will also vary depending on the age, features and condition of the vehicle.
Tyres Assumes cost of \$586 per tyre (10 tyres) based on vehicle specific average performance and replaced after 80,000 km.	7.33 cents		Consumption of tyres will vary with the age of vehicle, off-road use, geographic and road conditions, braking frequency and driving techniques and the quality of the tyres used. Cost of tyres will also vary depending on the manufacturer, type of tyres and any discount arrangements.
Servicing, Repairs and Maintenance Based on rate of 21.97 cents per km.	21.97 cents		Repair and maintenance costs will vary significantly with the age and condition of the vehicle. Major repairs may be a one-off major cost in any given year. Significant savings can be made if the business does its own servicing and repairs.
Total variable costs per km	56.30 cents		

Total variable costs per driving hour	Typical cost per hour	Your cost per hour	Variations in this cost item
Assumes 18 km travelled per hour.	\$10.13		These rates are typical for city driving only. The number of kilometres travelled per hour will vary significantly depending on the routes travelled, whether the work is metropolitan or regional, how often the vehicle stops to load or unload and the nature of the work. Drivers who travel long distance or in the country will need to take this into account for their own calculations.

Note: Citylink tolls: Where directed to take a route using tolls you may incur an additional cost for road tolls.

PART 3 – PAYMENT FOR THE OWNER DRIVER’S OWN LABOUR

The next factor to include in a business cost model is an amount for the business owner’s own work (labour) in driving the vehicle and in work such as loading and unloading and tasks necessary in running the business. This Part will provide information to assist owner drivers to determine the amount they can aim to receive as a payment for that labour.

Because an owner driver is a small business (not an employee) the hirer is not legally obliged to pay a minimum wage or rate of pay. However, the wages that are paid to employee drivers are a useful guide to the market for the labour services of driving a vehicle.

Set out below are rates that would typically be paid for driving a vehicle if this work was performed by an employee rather than an owner driver.

These rates will vary over time, and should be used as a general guide only. Unions, industry associations, newspaper job advertisements and other drivers are sources of advice about the going rates in your industry sector.

Base hourly rate¹	Casual/loaded hourly rate² (includes allowance for leave, etc.)	Casual overtime rate³ For the first two hours over 7.6 per day or 38 per week	Casual overtime rate³ For hours worked over 10 per day or 48 per week
Typical base and casual rates paid to employee drivers per hour			
\$23.73	\$24.77	\$31.71	\$41.61
Range of rates typically paid in Victoria ⁴			
\$23.73 to \$28.48	\$24.77 to \$29.72	\$31.71 to \$38.05	\$41.61 to \$49.94

Notes:

1. Base hourly rate: The base hourly rate is based on the rate in the Road Transport and Distribution Award 2010 for an employee driver of a 1 Tonne Vehicle (GVM) (‘the Award rate’). The base hourly rate is calculated by first working out the minimum amount an employee driver working a 38 hour week would be paid under the Award over one year (including 4 weeks annual leave, 10 days personal/carer’s leave, 10 public holidays and 17.5% annual leave loading). This amount is then converted to an hourly rate for working 38 hours per week over 44 weeks (one year less the paid leave and public holiday entitlements of a full-time employee).
The Award rate is accurate as at 1 July 2016, but is varied from time to time by the Fair Work Commission. You can find information about the most recently published minimum employee rates by visiting www.fwc.gov.au or contacting your association or union.
2. Casual/loaded rate: The casual/loaded rate includes an additional 25% loading. This is compensation for not receiving the paid annual leave, personal/carer’s leave and public holidays that ongoing employees enjoy. The casual/loaded rate is calculated on the Award rate.
3. Casual overtime rates: Employee drivers in Victoria would typically receive payment at overtime rates for hours worked in excess of 38 hours a week. Typically a 50% loading applies for the first two hours of overtime per day or up to 48 hours per week and then a 100% loading for hours thereafter. For each hour of overtime worked a casual must also be paid 10% of 1/38th of the minimum wage specified in the Award for their classification. The overtime rates are calculated on the Award rate.
4. The range of rates in Victoria: This part of the table sets out a range of rates typically paid in Victoria to employee drivers in the transport industry. A range is supplied because the rate paid will vary depending on whether a company is party to an enterprise agreement, the particular industry sector, the skill and efficiency of the particular driver and market factors such as whether there is a shortage of drivers in the area. The top rate in each range is calculated by adding 20% to the bottom rate.

PART 4 – HOURLY TOTALS**Hourly total for hours up to 7.6 hours a day, 1,672 hours a year**

Totals			
Totals per driving hour	Typical Costs	Your figures	Notes
Fixed Costs	\$14.19		Assuming fixed costs spread over 1,672 hours.
Variable Costs	\$10.13		Assuming 18 km travelled per hour.
Labour	\$24.77		This worked example is based on a labour rate of \$24.77 per hour. See discussion on rates for labour in Part 3.
Total per hour (up to 1,672 hours)	\$49.09		Note that this is not a prescribed or recommended rate. Owner drivers are strongly recommended to consider their own circumstances and obtain advice.

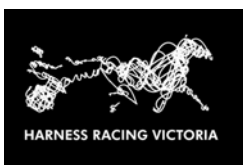
2. Total per hour – for hours in excess of 7.6 hours per day / 1,672 hours a year

This model assumes that the owner driver will recover fixed annual costs over 1,672 driving hours a year. Many owner drivers work longer than these hours, either extra days each week or longer hours each day. This table calculates an hourly rate for those extra hours, using variable and labour costs only, and using an overtime rate of pay.

Totals			
Totals per driving hour	Typical costs	Your figures	Notes
Variable Costs	\$10.13		Assuming 18 km travelled per hour.
Labour (overtime rates)	\$31.71		This worked example is based on a nominal penalty labour rate of \$31.71 per hour. See discussion on rates for labour in Part 3.
Total per hour (up to 1,672 hours)	\$41.84		Note that this is not a prescribed or recommended rate. Owner drivers are strongly recommended to consider their own circumstances and obtain advice.

In addition to the figures above, owner drivers should where relevant include any amount that they seek as a return on their capital investment. This issue is dealt with in section 11 of the Owner Drivers and Forestry Contractors Code of Practice, available from www.business.vic.gov.au/ownerdrivershirers.

Note that this is not a prescribed or recommended rate. It is strongly recommended that owner drivers obtain advice on their own individual circumstances and discuss all issues with their hirer or potential hirer to ensure that there is no misunderstanding concerning payment structures.



Subordinate Legislation Act 1994

NOTICE OF AMENDMENTS TO AUSTRALIAN RULES OF HARNESS RACING (ARHR)

Notice is hereby given under section 16A(2) of the **Subordinate Legislation Act 1994** of the making of amendments to the ARHR, made by Harness Racing Victoria under section 49 of the **Racing Act 1958**.

Details of the amendments to the ARHR may be obtained by contacting Harness Racing Victoria, Integrity Department: (in person) 400 Epsom Road, Flemington; or (by mail) PO Box 184, Moonee Ponds 3039.

Water Act 1989

EXTENSION OF NAGAMBIE SEWERAGE DISTRICT DECLARATION 2016

I, Michael Wheelahan, Acting Executive Director, Department of Environment, Land, Water and Planning, as the delegate of the Minister administering the **Water Act 1989**, make the following Declaration:

1. Citation

This Declaration is called the Extension of the Nagambie Sewerage District Declaration 2016.

2. Authorising Provision

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

3. Commencement

This Declaration of the extension of the district will take effect from the date it is published in the Victoria Government Gazette.

4. Preliminary

Goulburn Valley Region Water Corporation submitted the proposal for the extension of the Nagambie Sewerage District to the Minister in May 2016. This proposal was approved by the Minister for Water under section 122S of the **Water Act 1989** as dated below.

5. Area of Extended Sewerage District

The Nagambie Sewerage District is extended by a red border as indicated on the Goulburn Valley Region Water Corporation's Plan Numbers FOL/2790/1S and FOL/2790/2S. Copies of these plans may be inspected at the office of the Goulburn Valley Region Water Corporation, located at 104–110 Fryers Street, Shepparton, Victoria 3632.

Dated 7 October 2016

MICHAEL WHEELAHAN
Acting Executive Director
Department of Environment, Land, Water and Planning
(as delegate of the Minister)

Water Act 1989

EXTENSION OF NAGAMBIE WATER DISTRICT DECLARATION 2016

I, Michael Wheelahan, Acting Executive Director, Department of Environment, Land, Water and Planning, as the delegate of the Minister administering the **Water Act 1989**, make the following Declaration:

1. Citation

This Declaration is called the Extension of the Nagambie Water District Declaration 2016.

2. Authorising Provision

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

3. Commencement

This Declaration of the extension of the district will take effect from the date it is published in the Victoria Government Gazette.

4. Preliminary

Goulburn Valley Region Water Corporation submitted the proposal for the extension of the Nagambie Water District to the Minister in May 2016. The proposal for this was approved by the Minister for Water under section 122S of the **Water Act 1989**.

5. Area of Extended Water District

The Nagambie Water District is extended to include the area delineated by a red border as indicated on the Goulburn Valley Region Water Corporation's Plan Numbers FOL/2790/1W. A copy of this plan may be inspected at the office of the Goulburn Valley Region Water Corporation, located at 104–110 Fryers Street, Shepparton, Victoria 3632.

Dated 7 October 2016

MICHAEL WHEELAHAN
Acting Executive Director
Department of Environment, Land, Water and Planning
(as delegate of the Minister)

Planning and Environment Act 1987
SOUTH GIPPSLAND PLANNING SCHEME
BAW BAW PLANNING SCHEME
LATROBE PLANNING SCHEME
Notice of Approval of Amendment
Amendment GC31

The Minister for Planning has approved Amendment GC31 to the South Gippsland Planning Scheme, Baw Baw Planning Scheme and Latrobe Planning Scheme.

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

The Amendment:

- replaces Schedule 2 to the Environmental Significance Overlay (ESO2) in the South Gippsland, Baw Baw and Latrobe Planning Schemes;
- applies the ESO2 to land within a Special Water Supply Catchment Area as listed in Schedule 5 of the **Catchment and Land Protection Act 1994** in the South Gippsland, Baw Baw and Latrobe Planning Schemes, excluding land in the Special Use Zone Schedule 1 of the Latrobe Planning Scheme and land in the Rural Living Zone and the residential zones of unsewered areas in Mirboo North, Korumburra, Leongatha, Meeniyan, Stoney Creek, Kardella, Koonwarra and Dumbalk in the South Gippsland Planning Scheme;
- amends the Schedule to Clause 61.03 in the South Gippsland, Baw Baw and Latrobe Planning Scheme;
- removes ESO2 from land not within a Special Water Supply Catchment Area in the Baw Baw and Latrobe Planning Schemes; and
- amends Clause 21.03 and Clause 21.07 in the South Gippsland Planning Scheme.

A copy of the Amendment can be inspected, free of charge, at: the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection; and free of charge, during office hours, at: the offices of the South Gippsland Shire Council, 9 Smith Street, Leongatha; the offices of the Baw Baw Shire Council, 33 Young Street, Drouin; the offices of the Latrobe City Council, 141 Commercial Road, Morwell.

RACHAEL JOINER
Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
CORANGAMITE PLANNING SCHEME
Notice of Approval of Amendment
Amendment C46

The Minister for Planning has approved Amendment C46 to the Corangamite Planning Scheme.

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

The Amendment rezones Peterborough Road, Terang, to Road Zone 1 to reflect its declaration as an arterial road and removes Road Zone 1 from Cobden–Terang Road between Peterborough Road and Princes Highway, Terang, replacing it with the relevant background zones to reflect its declaration as a municipal road.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Corangamite Shire Council, 181 Manifold Street, Camperdown.

RACHAEL JOINER
Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
EAST GIPPSLAND PLANNING SCHEME
Notice of Approval of Amendment
Amendment C132

The Minister for Planning has approved Amendment C132 to the East Gippsland Planning Scheme.

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

The Amendment corrects mapping anomalies, deletes redundant controls and amends Schedule 11 to Clause 43.02 Design and Development Overlay of the East Gippsland Planning Scheme.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of East Gippsland Shire Council, 276 Main Street, Bairnsdale, Victoria 3875.

RACHAEL JOINER
Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
FRANKSTON PLANNING SCHEME
Notice of Approval of Amendment
Amendment C112

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

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

The Amendment makes changes to the Schedule to the Green Wedge Zone (Clause 35.04), Schedules 1, 2, 3 and 4 to the Rural Conservation Zone (Clause 35.06), the Schedule to the Farming Zone (Clause 35.07) and Schedule 4 to the Design and Development Overlay (Clause 43.02), to require permits for earthworks.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Frankston City Council, 30 Davey Street, Frankston.

RACHAEL JOINER
Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
GREATER SHEPPARTON PLANNING SCHEME
Notice of Approval of Amendment
Amendment C194

The Minister for Planning has approved Amendment C194 to the Greater Shepparton Planning Scheme.

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

The Amendment rezones part of 310 Bayunga Road, Tatura (Lots 1 and 2 TP 327412), from the Farming Zone – Schedule 2 (FZ2) to the Rural Living Zone (RLZ).

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Greater Shepparton City Council, 90 Welsford Street, Shepparton, Victoria 3632.

RACHAEL JOINER
Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
LATROBE PLANNING SCHEME
Notice of Approval of Amendment
Amendment C93

The Minister for Planning has approved Amendment C93 to the Latrobe Planning Scheme.

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

The Amendment rezones Lots 1, 2, 3, 4, 8, 9, 10, 11 and 12, PS126409 in Ashworth Drive, Traralgon, from the Rural Living Zone Schedule 3 to the General Residential Zone Schedule 1.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Latrobe City Council, Corporate Headquarters, 141 Commercial Road, Morwell.

RACHAEL JOINER
Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
MARIBYRNONG PLANNING SCHEME
Notice of Approval of Amendment
Amendment C142

The Minister for Planning has approved Amendment C142 to the Maribyrnong Planning Scheme.

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

The Amendment amends Schedule 1 to the Activity Centre Zone to correctly specify a 12-storey preferred maximum building height for all areas of sub-precinct 5C and amends the Schedule to Clause 61.01 to remove the Minister for Planning as the responsible authority for planning permit 2012/006036 for land at 1 Warde Street, Footscray, planning permit 2013/002736 for land at 4 Hopkins Street, Footscray, and planning permit 2013/009824 for land at 26–34 Buckley Street, Footscray.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Maribyrnong City Council, corner Hyde Street and Napier Street, Footscray.

RACHAEL JOINER
Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
MOUNT ALEXANDER PLANNING SCHEME
Notice of Approval of Amendment
Amendment C60

The Minister for Planning has approved Amendment C60 to the Mount Alexander Planning Scheme.

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

The Amendment applies Heritage Overlay HO1214 in Castlemaine as shown on Planning Scheme Map No. 23HO, amends Clause 21.07 (Built Environment and Heritage) of the Municipal Strategic Statement to include a new reference document and amends the Schedule to Clause 43.01 (Heritage Overlay) to include HO1214 (Forest Street to Forest Creek Historic Precinct) to implement the findings of the 'Forest Street to Forest Creek Heritage Assessment Report, May 2016'.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Mount Alexander Shire Council, Civic Centre, corner Lyttleton Street and Lloyd Street, Castlemaine.

RACHAEL JOINER
Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
MOUNT ALEXANDER PLANNING SCHEME
Notice of Approval of Amendment
Amendment C77

The Minister for Planning has approved Amendment C77 to the Mount Alexander Planning Scheme.

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

The Amendment makes corrections to the Schedule to Clause 43.01 (Heritage Overlay) and heritage overlay maps predominately in Chewton, Golden Point, Metcalfe and Barkers Creek, and rezones land at Symes Road, Harcourt, from Township Zone and Farming Zone to Farming Zone and 15 Symes Road, Harcourt, from Farming Zone and Township Zone to Township Zone to align zoning with property boundaries and apply the most appropriate zone; Maldon Post Office, 95 High Street, Maldon, from Public Use Zone 6 (Local Government) to Commercial 1 Zone and the former State Electricity Commission building, 13–21 Mostyn Street, Castlemaine, from Public Use Zone 1 (Service and Utility) to Commercial 1 Zone. The Amendment also applies heritage overlay HO1214 ‘Forest Street to Forest Creek Historic Precinct’ to 113 Barker Street, Castlemaine.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Mount Alexander Shire Council, Civic Centre, 27 Lyttleton Street, Castlemaine.

RACHAEL JOINER
Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
NILLUMBIK PLANNING SCHEME
Notice of Approval of Amendment
Amendment C110

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

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

The Amendment applies to Lot 1 TP 755064 which forms part of land at 43 Diamond Street, Eltham.

The Amendment inserts Lot 1 TP 755064 in the Specific Sites and Exclusion provision of Clause 52.03 to facilitate use of the land for the purpose of accommodation that would otherwise be prohibited under the Nillumbik Planning Scheme. The Amendment will enable immediate occupation of the existing buildings for residential purposes for a period of two years.

More specifically, the Amendment seeks the following changes to the Nillumbik Planning Scheme:

- Include Lot 1 TP 755064 in the Schedule to Clause 52.03 – Specific Sites and Exclusions, to allow the land to be used for accommodation that would otherwise be prohibited.
- Amend Clause 81.01 – Incorporated Document to insert St Vincent’s Care Services – Incorporated Document, September 2016 as an Incorporated Document in the Nillumbik Planning Scheme.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of Nillumbik Shire Council, Civic Drive, Greensborough.

RACHAEL JOINER
Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
SOUTH GIPPSLAND PLANNING SCHEME
Notice of Approval of Amendment
Amendment C107

The Minister for Planning has approved Amendment C107 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 and applies Schedule 9 to the Environmental Significance Overlay 'Giant Gippsland Earthworm'. The Amendment also updates Clauses 21.06 and 21.16 to include reference to the Giant Gippsland Earthworm, amends the Schedule to Clause 61.03 to include 13 new maps, and amends the Schedule Clause 66.04 to include the Department of Environment, Land, Water and Planning as a determining referral authority.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the South Gippsland Shire Council, 9 Smith Street, Leongatha.

RACHAEL JOINER
Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
SURF COAST PLANNING SCHEME
Notice of Approval of Amendment
Amendment C110

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

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

The Amendment implements the strategic directions of the 'Aireys Inlet to Eastern View Structure Plan' (2015) affecting the areas of Aireys Inlet, Fairhaven, Moggs Creek and Eastern View. The Amendment updates the Municipal Strategic Statement Clause 21.12, and amends Schedule 10 and Schedule 11 to the Design and Development Overlay and Schedule 1 to the Neighbourhood Character Overlay, extends the Wildfire Management Overlay at 35 Boyd Avenue, Moggs Creek, and rezones crown land and municipal reserves at Fairhaven, Eastern View and Aireys Inlet.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Surf Coast Shire Council, 1 Merrijig Drive, Torquay.

RACHAEL JOINER
Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
WHITTLESEA PLANNING SCHEME
Notice of Approval of Amendment
Amendment C76

The Minister for Planning has approved Amendment C76 to the Whittlesea Planning Scheme.

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

The Amendment applies the Development Plan Overlay Schedule 25 (DPO25) to land known as 530 McDonalds Road, South Morang.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Whittlesea City Council, 25 Ferres Boulevard, South Morang.

RACHAEL JOINER
Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
YARRA RANGES PLANNING SCHEME
Notice of Approval of Amendment
Amendment C155

The Minister for Planning has approved Amendment C155 to the Yarra Ranges Planning Scheme.

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

The Amendment introduces a provision in the Schedule to Clause 53.01 to allow consideration of planning permit applications for the resubdivision of two existing lots in the Green Wedge, Green Wedge A, Rural Living and Rural Conservation Zones where the lots do not meet the lot size requirements in the schedule to the zone.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Yarra Ranges Shire Council, Anderson Street, Lilydale.

RACHAEL JOINER
Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987

NILLUMBIK PLANNING SCHEME

Notice of Lapsing of Amendment

Amendment C92

Pursuant to section 30(1)(a) of the **Planning and Environment Act 1987**, Amendment C92 to the Nillumbik Planning Scheme has lapsed.

The Amendment C92 proposed to apply the Design and Development Overlay 8 to all land in Precincts 8–11 of the Eltham Activity Centre.

The Amendment C92 lapsed on 19 June 2016.

RACHAEL JOINER

Director

State Planning Services

Department of Environment, Land, Water and Planning

Planning and Environment Act 1987

MORNINGTON PENINSULA PLANNING SCHEME

Notice of Lapsing of Amendment

Amendment C193

The Mornington Peninsula Shire Council has resolved to abandon Amendment C193 to the Mornington Peninsula Planning Scheme.

The Amendment C193 proposed to insert a new Incorporated Document ‘Stuart Road, Tyabb, April 2016’ and amend the Schedule to Clause 52.03 Specific Sites and Exclusions and the Schedule to Clause 81.01 Table of Documents incorporated in this Scheme.

The Amendment C193 lapsed on 19 September 2016.

RACHAEL JOINER

Director

State Planning Services

Department of Environment, Land, Water and Planning

ORDERS IN COUNCIL

Planning and Environment Act 1987

VARIATION TO THE COMMUNITY INFRASTRUCTURE LEVY

Order in Council

The Governor in Council under section 46L(2) of the **Planning and Environment Act 1987** varies the maximum amount of the community infrastructure levy payable under an approved development contributions plan in accordance with section 46L(1)(a) of the Act, in the case of the construction of a dwelling, from \$900 to \$1,150 for each dwelling constructed.

Dated 11 October 2016

HON RICHARD WYNNE MP
Minister for Planning

ANDREW ROBINSON
Clerk of the Executive Council

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

Notice is hereby given under section 17(3) of the **Subordinate Legislation Act 1994** that the following Statutory Rules were first obtainable from SAI Global Bookshop, 85 Buckhurst Street, South Melbourne, on the date specified:

122. *Statutory Rule:* Prevention of
Cruelty to Animals
(Domestic Fowl)
Regulations 2016
- Authorising Act:* Prevention of
Cruelty to Animals
Act 1986
- Date first obtainable:* 11 October 2016
- Code A*
123. *Statutory Rule:* Offshore Petroleum
and Greenhouse
Gas Storage
Amendment
Regulations 2016
- Authorising Act:* Offshore Petroleum
and Greenhouse
Gas Storage
Act 2010
- Date first obtainable:* 11 October 2016
- Code C*
-

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