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National Electricity (Victoria) Act 2005

2017 MINISTERIAL ORDER UNDER SECTION 16BA

I, Lily D'Ambrosio, Minister for Energy, Environment and Climate Change and Minister responsible for administering the **National Electricity (Victoria) Act 2005**, declare pursuant to section 16BA(1) of that Act that Chapter 7 of the National Electricity Rules has force in Victoria subject to the following modifications.

And I further declare that this Order is for the purpose of matters necessary and consequential on the making of the AMI (Obligations to Install Meters) Order 2017.

1. Commencement

- (1) This clause and clause 9 of this Order come into operation on the day on which this Order is made.
- (2) The remaining provisions of this Order come into operation on 1 December 2017.

2. Modification of new Chapter 7 – definitions and application

After clause 7.1.1 insert:

‘7.1.2 Application to Victoria

- (a) In this Chapter 7:

AMI (Obligations to Install Meters) Order means the Advanced Metering Infrastructure (Obligations to Install Meters) Order 2017 made on 10 October 2017 under sections 15A and 46D of the **Electricity Industry Act 2000** and published in the Government Gazette S342 on that day as amended from time to time.

complying remotely read interval meter has the same meaning as it has in the AMI (Obligations to Install Meters) Order.

Cost Recovery Order means the Order in Council made on 28 August 2007 under sections 15A and 46D of the **Electricity Industry Act 2000** and published in the Government Gazette S200 on that day as amended from time to time.

Old Chapter 7 means Chapter 7 of these Rules as in force before 1 December 2017 and as modified for Victoria by clause 9 of the 2017 Ministerial Order under section 16BA of the **National Electricity (Victoria) Act 2005** of Victoria.

relevant metering installation, in relation to a *Local Network Service Provider*, means a *metering installation* for a small customer connected to the Provider's network but does not include a *metering installation* of that kind that:

- (a) was installed before 1 July 2009 and in respect of which, as at that date, the *financially responsible Market Participant* was the responsible person; or
- (b) was installed on or after 1 July 2009, by a *financially responsible Market Participant* as part of the *financially responsible Market Participant's* ordinary replacement cycle of *metering installations* of that kind and in respect of which the *financially responsible Market Participant* was, as at 1 July 2009, the responsible person; or
- (c) is a type 1 metering installation; or
- (d) is a type 2 metering installation; or
- (e) is a type 3 metering installation; or
- (f) is a type 7 metering installation; or
- (g) is located at a high voltage connection point.

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small customer means a *retail customer* with an annual volume consumption of electricity of less than 160 MWh.

Victorian Specifications means the Functionality Specification and the Service Levels Specification within the meaning of the AMI (Obligations to Install Meters) Order.

volume consumption means the volume of energy consumed by a customer at the relevant *connection point* calculated in accordance with clause 3.5(d) of the metrology procedure Part A as amended from time to time.

- (b) In this Chapter 7, a relevant metering installation that, but for it being capable of remote acquisition, would be a type 5 or type 6 metering installation is taken to be a type 5 or type 6 metering installation respectively.
- (c) The minimum services specifications referred to in this Chapter 7 do not apply in Victoria in respect of relevant metering installations. Schedule 7.5 does not apply in Victoria in respect of relevant metering installations. The Victorian Specifications apply in Victoria in respect of relevant metering installations.
- (d) In this Chapter 7, a reference to a *metering installation malfunction*, in relation to a relevant metering installation, is taken to include a reference to a failure of the relevant metering installation to meet the Victorian Specifications.
- (e) In this Chapter 7, for the purposes of clause 7.8.9(b) and (c), a relevant metering installation with a complying remotely read interval meter is a type 5 *metering installation* that has been altered to make it capable of *remote acquisition*.

3. Modification of new Chapter 7 – Metering Coordinator can be Metering Provider or Metering Data Provider

After clause 7.3.2 insert:

‘7.3.2A Metering Coordinator can be Metering Provider or Metering Data Provider

A *Local Network Service Provider* appointed as the *Metering Coordinator* at the *connection point* with a relevant metering installation may appoint itself as the *Metering Provider* or *Metering Data Provider* in respect of that metering installation if doing so is consistent with the AMI (Obligations to Install Meters) Order.’

4. Modification of new Chapter 7 – Appointment of Metering Coordinators

After clause 7.6.2 insert:

‘7.6.2A Local Network Service Provider to be appointed as Metering Coordinator for relevant metering installations

- (a) Despite anything to the contrary in the Rules, the only person who can be appointed as the *Metering Coordinator* in respect of a *connection point* with a relevant metering installation existing on or after 1 December 2017 is the *Local Network Service Provider* for that connection point.
- (b) Unless the *financially responsible Market Participant* and *Local Network Service Provider* agree other terms and conditions to apply to the *Local Network Service Provider*’s appointment as the *Metering Coordinator* under paragraph (a) prior to the 1 December 2017, the *Local Network Service Provider* will be deemed to be appointed as the *Metering Coordinator* on and from that date on the standard terms and conditions of appointment provided under clause 7.16A.1(b) of old Chapter 7.
- (c) The terms and conditions on which a *Local Network Service Provider* is appointed as *Metering Coordinator* under paragraph (a) or deemed to be appointed as *Metering Coordinator* under paragraph (b) must:
 - (1) include terms as to price which are consistent with Chapter 6 and, where relevant, Chapter 11; and

- (2) include a scope of services which is consistent with the responsibilities of the *Metering Coordinator* with respect to the *connection point* under this Chapter 7; and
 - (3) be fair and reasonable; and
 - (4) not have the effect of unreasonably discriminating between *financially responsible Market Participants*, or between *retail customers* of a *financially responsible Market Participant*.
- (d) An agreement between a *Local Network Service Provider* and the *financially responsible Market Participant* relating to the appointment under paragraph (a) or deemed appointment under paragraph (b) of the *Local Network Service Provider* as *Metering Coordinator* may include agreed terms and conditions that are in addition to those required by paragraph (c), provided the additional terms and conditions are consistent with paragraph (c).
- (e) For the avoidance of doubt:
- (1) any *Metering Coordinator* appointed under paragraph (a), or deemed to be appointed under paragraph (b), must comply with Chapter 2 of the Rules, including the requirement that a *Metering Coordinator* be registered with AEMO as a *Metering Coordinator* under clause 2.4A.1(a) of Chapter 2 of the Rules; and
 - (2) to the extent of any inconsistency between this clause 7.6.2A and clause 7.6.1(a) of this Chapter 7, this clause 7.6.2A prevails; and
 - (3) clause 11.86.7 does not apply to the appointment of a *Metering Coordinator* in respect of a relevant metering installation.

7.6.2B Local Network Service Provider to be appointed as Metering Coordinator for type 5 and type 6 metering installations connected to embedded networks

- (a) Despite anything to the contrary in the Rules other than this clause 7.6.2B, the only person who can be appointed as the *Metering Coordinator* in respect of a type 5 or type 6 *metering installation* connected to an *embedded network* immediately before 1 December 2017 is the *Local Network Service Provider* that was the responsible person for that type 5 or type 6 *metering installation* immediately before that date.
- (b) Unless the *financially responsible Market Participant* and *Local Network Service Provider* agree other terms and conditions to apply to the *Local Network Service Provider's* appointment as the *Metering Coordinator* under paragraph (a) prior to the 1 December 2017, the *Local Network Service Provider* will be deemed to be appointed as the *Metering Coordinator* on and from that date on the standard terms and conditions of appointment provided under clause 7.16A.2(b) of old Chapter 7.
- (c) The terms and conditions on which a *Local Network Service Provider* is appointed as *Metering Coordinator* under paragraph (a) or deemed to be appointed as *Metering Coordinator* under paragraph (b) must:
 - (1) include terms as to price which are consistent with Chapter 6 and, where relevant, Chapter 11; and
 - (2) include a scope of services which is consistent with the responsibilities of the *Metering Coordinator* with respect to the *metering installation* under this Chapter 7; and
 - (3) be fair and reasonable; and
 - (4) not have the effect of unreasonably discriminating between *financially responsible Market Participants*, or between *retail customers* of a *financially responsible Market Participant*; and

- (5) provide that the *financially responsible Market Participant* may terminate the appointment or deemed appointment on reasonable notice to the *Metering Coordinator*; and
 - (6) not prevent, hinder or otherwise impede a *financially responsible Market Participant* from appointing a person other than the *Local Network Service Provider* as *Metering Coordinator* on any day following 1 December 2017.
- (d) An agreement between a *Local Network Service Provider* and the *financially responsible Market Participant* relating to the appointment under paragraph (a) or deemed appointment under paragraph (b) of the *Local Network Service Provider* as *Metering Coordinator* may include agreed terms and conditions that are in addition to those required by paragraph (c), provided the additional terms and conditions are consistent with paragraph (c).
- (e) For the avoidance of doubt:
- (1) any *Metering Coordinator* appointed under paragraph (a), or deemed to be appointed under paragraph (b), must comply with Chapter 2 of the Rules, including the requirement that a *Metering Coordinator* be registered with AEMO as a *Metering Coordinator* under clause 2.4A.1(a) of Chapter 2 of the Rules; and
 - (2) to the extent of any inconsistency between this clause 7.6.2B and clause 7.6.1(a) of this Chapter 7, this clause 7.6.2B prevails; and
 - (3) clause 11.86.7 does not apply to the appointment of a *Metering Coordinator* in respect of a type 5 or type 6 *metering installation* connected to an *embedded network* where paragraph (a) or (b) of this clause 7.6.2B requires the appointment of the *Local Network Service Provider* as the *Metering Coordinator*.
- (f) Despite anything to the contrary in the terms and conditions on which a *Local Network Service Provider* is appointed as *Metering Coordinator* under paragraph (a) or a deemed appointment under paragraph (b), that appointment will continue until the earliest of:
- (1) the services provided with respect to the *metering installation* ceasing to be classified by the AER as direct control services; and
 - (2) a *Metering Coordinator* being appointed with respect to that *metering installation* under this Chapter 7; and
 - (3) 1 December 2018.
- Note: The consequence of paragraph (f) of this clause 7.6.2B is that the appointment or deemed appointment (as the case may be) will come to an end on the earliest of the three listed events occurring. Where the appointment ceases on that event occurring, the financially responsible Market Participant will be responsible for appointing a Metering Coordinator under this Chapter 7 and the Metering Coordinator will be responsible for ensuring that the metering installation complies with this Chapter 7 as in force at that date.’.

5. Modification of new Chapter 7 – Clauses 7.8.3 and 7.8.4 disapplied in respect of relevant metering installations

- (1) After clause 7.8.3(c) insert:
 - ‘(d) This clause 7.8.3 does not apply in Victoria in respect of relevant metering installations.’.

(2) After clause 7.8.4(i) **insert:**

‘(j) This clause 7.8.4 does not apply in Victoria in respect of relevant metering installations.’

6. Modification of new Chapter 7 – Metering data performance standards

After clause 7.10.7(d) **insert:**

‘(e) For the purposes of paragraph (d), if metering data from a relevant metering installation is collected and delivered to *AEMO* more frequently than required by the *metrology procedure* and *relevant service level procedures*, estimations are not required to be provided to *AEMO* routinely or as a result of a change to the current published Scheduled Reading Date.’

7. Modification of new Chapter 7 – Clauses 7.15.4(b)(1) and 7.17.3(a)(1) disappplied in respect of relevant metering installations

(1) After clause 7.15.4(e) **insert:**

‘(f) Paragraph (b)(1) of this clause 7.15.4 does not apply in Victoria in respect of relevant metering installations.’

(2) After clause 7.17.3(c) **insert:**

‘(d) Paragraph (a)(1) of this clause 7.17.3 does not apply in Victoria in respect of relevant metering installations.’

8. Advanced Metering Infrastructure (AMI Tariffs) Order

After clause 7.15.5 **insert:**

7.15.6 Advanced Metering Infrastructure (AMI Tariffs) Order

(a) Clause 7.15.5 does not prevent:

(1) a *Network Service Provider* or a small customer from having access to *energy data* or receiving *metering data*, *NMI standing data*, *settlements ready data* or data from the *metering register* for a *metering installation*;
or

(2) a *Network Service Provider* providing to a small customer or, allowing a small customer to access or receive, all or any of that data,

in any case where, and to the extent that the **Advanced Metering Infrastructure (AMI Tariffs) Order** provides that the *Network Service Provider* or a small customer may have access to, receive or be provided the data.

(b) In paragraph (a):

Advanced Metering Infrastructure (AMI Tariffs) Order means the Order in Council made 18 June 2013 under section 46D of the **Electricity Industry Act 2000** of Victoria and published in the Victoria Government Gazette S216 on 19 June 2013.

small customer has the same meaning as it has in the *Advanced Metering Infrastructure (AMI Tariffs) Order* and includes an entity authorised by a small customer.’

9. Modification of old Chapter 7 – New Rule 7.16A inserted

After Rule 7.16 **insert:**

7.16A Transitional

7.16A.1 Transitional – Appointment of Metering Coordinators for relevant metering installations

(a) Despite anything to the contrary in the Rules, the only person who can be appointed as the *Metering Coordinator* under new Chapter 7 in respect of a *connection point* with a relevant metering installation existing on or after 1 December 2017 is the *Local Network Service Provider* for that *connection point*.

- (b) By no later than 15 October 2017, the *Local Network Service Provider* must provide each *financially responsible Market Participant* with a standard set of terms and conditions on which it will agree to act as the *Metering Coordinator* in respect of a relevant metering installation under clause 7.6.2A of new Chapter 7 on and after 1 December 2017.

Note: Under clause 7.6.2A(b) of new Chapter 7, unless the *financially responsible Market Participant* and *Local Network Service Provider* agree other terms and conditions to apply to the *Local Network Service Provider's* appointment as the *Metering Coordinator* under this clause 7.16A.1(a) or clause 7.6.2A(a) of new Chapter 7 prior to 1 December 2017, the *Local Network Service Provider* will be deemed to be appointed as the *Metering Coordinator* on and from that date on the standard terms and conditions of appointment provided under this clause 7.16A.1(b).

- (c) The terms and conditions on which a *Local Network Service Provider* is appointed as *Metering Coordinator* under paragraph (a) and the standard terms and conditions provided under paragraph (b) must:
- (1) include terms as to price which are consistent with Chapter 6 and, where relevant, Chapter 11 as in force on and after 1 December 2017; and
 - (2) include a scope of services which is consistent with the responsibilities of the *Metering Coordinator* with respect to the *connection point* under new Chapter 7; and
 - (3) be fair and reasonable; and
 - (4) not have the effect of unreasonably discriminating between *financially responsible Market Participants*, or between *retail customers* of a *financially responsible Market Participant*.
- (d) An agreement between a *Local Network Service Provider* and the *financially responsible Market Participant* relating to the appointment under paragraph (a) of the *Local Network Service Provider* as *Metering Coordinator* and the standard terms and conditions provided under paragraph (b) may include agreed terms and conditions that are in addition to those required by paragraph (c), provided the additional terms and conditions are consistent with paragraph (c).
- (e) For the avoidance of doubt:
- (1) any *Metering Coordinator* appointed under paragraph (a) must comply with Chapter 2 of the Rules, including the requirement that a *Metering Coordinator* be registered with AEMO as a *Metering Coordinator* under new clause 2.4A.1(a) of Chapter 2 of the Rules; and
 - (2) to the extent of any inconsistency between this clause 7.16A.1 and clause 7.6.1(a) of new Chapter 7, this clause 7.16A.1 prevails; and
 - (3) clause 11.86.7 does not apply to the appointment of a *Metering Coordinator* in respect of a relevant metering installation.
- (f) In this clause:
- (1) **new Chapter 7** means Chapter 7 of the Rules as in force on and after 1 December 2017 and as modified for Victoria by clauses 2 to 8 of the 2017 Ministerial Order under section 16BA of the **National Electricity (Victoria) Act 2005** of Victoria; and
 - (2) **new clause 2.4A.1 of Chapter 2 of the Rules** means clause 2.4A.1 of Chapter 2 of the Rules as in force on and after 1 December 2017.

- (3) Words and expressions have the same meanings as they have in new Chapter 7.
- (g) This clause ceases to apply when new Chapter 7 commences.
- Note: This clause will be replaced by clause 7.6.2A to be inserted in new Chapter 7 as a Victorian modification by clause 4 of the AMI (Obligations to Install) Order.

7.16A.2 Transitional – Appointment of Metering Coordinators for type 5 and type 6 metering installations connected to embedded networks

- (a) Despite anything to the contrary in any of the Rules other than this clause 7.16A.2, the only person who can be appointed as the *Metering Coordinator* under new Chapter 7 in respect of a type 5 or type 6 metering installation connected to an *embedded network* immediately before 1 December 2017 is the *Local Network Service Provider* that was the responsible person for that type 5 or type 6 *metering installation* immediately before that date.
- (b) By no later than 15 October 2017, the *Local Network Service Provider* must provide *each financially responsible Market Participant* with a standard set of terms and conditions on which it will agree to act as the *Metering Coordinator* with respect to type 5 or type 6 *metering installations* connected to *embedded networks* under clause 7.6.2B of new Chapter 7 on and after 1 December 2017.
- Note: Under clause 7.6.2B(b) of new Chapter 7, unless the *financially responsible Market Participant* and *Local Network Service Provider* agree other terms and conditions to apply to the *Local Network Service Provider's* appointment as the *Metering Coordinator* under this clause 7.16A.2(a) or clause 7.6.2B(a) of new Chapter 7 prior to 1 December 2017, the *Local Network Service Provider* will be deemed to be appointed as the *Metering Coordinator* on and from that date on the standard terms and conditions of appointment provided under this clause 7.16A.2(b).
- (c) The terms and conditions on which a *Local Network Service Provider* is appointed as *Metering Coordinator* under paragraph (a) and the standard terms and conditions provided under paragraph (b) must:
- (1) include terms as to price which are consistent with Chapter 6 and, where relevant, Chapter 11 as in force on and after 1 December 2017; and
 - (2) include a scope of services which is consistent with the responsibilities of the *Metering Coordinator* with respect to the *metering installation* under new Chapter 7; and
 - (3) be fair and reasonable; and
 - (4) not have the effect of unreasonably discriminating between *financially responsible Market Participants*, or between retail customers of a *financially responsible Market Participant*; and
 - (5) provide that the *financially responsible Market Participant* may terminate the appointment or deemed appointment on reasonable notice to the *Metering Coordinator*; and
 - (6) must not prevent, hinder or otherwise impede a *financially responsible Market Participant* from appointing a person other than the *Local Network Service Provider* as *Metering Coordinator* on any day following 1 December 2017.

- (d) An agreement between a *Local Network Service Provider* and the *financially responsible Market Participant* relating to the appointment under paragraph (a) of the *Local Network Service Provider* as *Metering Coordinator* and the standard terms and conditions provided under paragraph (b) may include agreed terms and conditions that are in addition to those required by paragraph (c), provided the additional terms and conditions are consistent with paragraph (c).
- (e) For the avoidance of doubt:
- (1) any *Metering Coordinator* appointed under paragraph (a) must comply with Chapter 2 of the Rules, including the requirement that a *Metering Coordinator* be registered with AEMO as a *Metering Coordinator* under new clause 2.4A.1(a) of Chapter 2 of the Rules; and
 - (2) to the extent of any inconsistency between this clause 7.16A.2 and clause 7.6.1(a) of new Chapter 7, this clause 7.16A.2 prevails; and
 - (3) clause 11.86.7 does not apply to the appointment of a *Metering Coordinator* in respect of a type 5 or type 6 *metering installation* connected to an *embedded network* where paragraph (a) of this clause 7.16A.2 requires the appointment of the *Local Network Service Provider* as the *Metering Coordinator*.
- (f) Despite anything to the contrary in the terms and conditions on which a *Local Network Service Provider* is appointed as *Metering Coordinator* under paragraph (a), that appointment will continue until the earliest of:
- (1) the services provided with respect to the *metering installation* ceasing to be classified by the AER as *direct control services*; and
 - (2) a *Metering Coordinator* being appointed with respect to that *metering installation* under new Chapter 7; and
 - (3) 1 December 2018.
- Note: The consequence of paragraph (f) of this clause 7.16A.2 is that the appointment will come to an end on the earliest of the three listed events occurring. Where the appointment ceases on that event occurring, the financially responsible Market Participant will be responsible for appointing a *Metering Coordinator* under new Chapter 7 and the *Metering Coordinator* will be responsible for ensuring that the metering installation complies with new Chapter 7 as in force at that date.
- (g) In this clause:
- (1) **new Chapter 7** means Chapter 7 of these Rules as in force on and after 1 December 2017 and as modified for Victoria by clause 2 to 8 of the 2017 Ministerial Order under section 16BA of the **National Electricity (Victoria) Act 2005** of Victoria; and
 - (2) **new clause 2.4A.1 of Chapter 2 of the Rules** means clause 2.4A.1 of Chapter 2 of the Rules as in force on and after 1 December 2017.
 - (3) Words and expressions have the same meanings as they have in new Chapter 7.
- (h) This clause ceases to apply when new Chapter 7 commences.
- Note: This clause will be replaced by clause 7.6.2B to be inserted in new Chapter 7 as a Victorian modification by clause 4 of the AMI (Obligations to Install) Order.’

10. Amendment of 2013 Ministerial Order

Clause 6 of the Ministerial Order made under section 16BA of the **National Electricity (Victoria) Act 2005** on 30 August 2013 and published in the Government Gazette G37 on 12 September 2013 is **revoked**.

Dated 11 October 2017

LILY D'AMBROSIO
Minister for Energy, Environment and Climate Change

National Electricity (Victoria) Act 2005
MINISTERIAL ORDER UNDER SECTION 22A
Amendment Order

I, Lily D'Ambrosio, Minister for Energy, Environment and Climate Change and Minister responsible for administering the **National Electricity (Victoria) Act 2005**, make the following order under section 22A of that Act:

1. Objective

The objective of this Order is to amend the section 22A Order as a result of:

- (a) the making of the AMI (Obligations to Install Meters) Order; and
- (b) the revocation of the AMI Specifications Order.

2. Commencement

This Order commences on 1 December 2017.

3. Definitions

In this Order:

AMI (Obligations to Install Meters) Order means the Advanced Metering Infrastructure (Obligations to Install Meters) Order 2017 made on 10 October 2017 under sections 15A and 46D of the **Electricity Industry Act 2000** and published in the Government Gazette S342 on that day as amended from time to time.

AMI Specifications Order means the Order in Council made on 12 November 2007 under sections 15A and 46D of the **Electricity Industry Act 2000** and published in the Government Gazette S286 on that day as amended and in force immediately before the commencement of this Order.

section 22A Order means the Ministerial Order made under section 22A of the **National Electricity (Victoria) Act 2005** on 12 September 2014 and published in the Government Gazette G38 p 2145 on 18 September 2014 as amended from time to time.

4. Amendments

- (1) In clause 2 of the section 22A Order, the definition of 'AMI Specifications Order' is **revoked**.
- (2) In clause 2 of the section 22A Order, **insert** the following definition (in the correct alphabetical order):
'**AMI (Obligations to Install Meters) Order** means the Advanced Metering Infrastructure (Obligations to Install Meters) Order 2017 made under sections 15A and 46D of the **Electricity Industry Act 2000** as amended from time to time.'
- (3) In clause 5(a) of the section 22A Order, for "14.1, 14.2, 14A, 14AA," **substitute** '14A'.
- (4) For clause 5(b) of the section 22A Order **substitute**:
'(b) Clauses 5, 6 and 7 of the AMI (Obligations to Install Meters) Order.'

Dated 11 October 2017

LILY D'AMBROSIO
Minister for Energy, Environment and Climate Change

Interpretation of Legislation Act 1984

SPECIFICATIONS FOR ADVANCED METERING INFRASTRUCTURE

Notice of Incorporation of Documents

As required by section 32 of the **Interpretation of Legislation Act 1984**, I give notice that the Order in Council made on 10 October 2017 under sections 15A and 46D of the **Electricity Industry Act 2000** and published in the Government Gazette S342 on that day applies, adopts or incorporates the following documents:

Subordinate Instrument provision	Title of Document	Matter in document
Clause 2, definition of 'Functionality Specification'	Minimum AMI Functionality Specification (Victoria)	Sections 3 and 4
Clause 2, definition of 'Service Levels Specification'	Minimum AMI Service Levels Specification (Victoria)	Section 4

A copy of the matter applied, adopted or incorporated by the subordinate instrument is available for inspection, without charge, by the public during normal business hours at the offices of the Energy Policy and Programs Division, Department of Environment, Land, Water and Planning, Level 3, 8 Nicholson Street, Melbourne.

Dated 11 October 2017

HON. LILY D'AMBROSIO, MP
Minister for Energy, Environment and Climate Change

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