



# Victoria Government Gazette

By Authority of Victorian Government Printer

**No. G 3 Thursday 18 January 2018**

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**GENERAL**

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**Advertisers Please Note**

As from 18 January 2018

The last Special Gazette was No. 13 dated 16 January 2018.

The last Periodical Gazette was No. 1 dated 17 May 2017.

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**How To Submit Copy**

- See our webpage [www.gazette.vic.gov.au](http://www.gazette.vic.gov.au)
  - or contact our office on 8523 4601  
between 8.30 am and 5.30 pm Monday to Friday
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**OFFICE HOURS FOR AUSTRALIA DAY PUBLIC HOLIDAY**

**Please Note:**

**This Office will be closed on Friday 26 January 2018, Australia Day Public Holiday**

**Normal copy deadlines still apply,  
please refer to our website [www.gazette.vic.gov.au](http://www.gazette.vic.gov.au)**

**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

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## PRIVATE ADVERTISEMENTS

### Land Act 1958

Notice is hereby given that Michael Harris has applied for a lease pursuant to section 134 of the **Land Act 1958** for a term of twenty-one (21) years in respect of Crown Allotment 2010, Parish of Flinders within the Flinders Aquaculture Fisheries Reserve, containing approximately 3.0 hectares for aquaculture purposes.

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### DISSOLUTION OF PARTNERSHIP

In accordance with section 41 of the **Partnership Act 1958**, Monir El Rayes and Samah Sabawi give notice that the partnership heretofore conducted by them under the name 'M El Rayes and S Sabawi' is now dissolved by mutual consent effective 24 November 2017. The business of the partnership has been transferred to the company Rayes Investments Pty Ltd ACN 623 059 325.

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### NOTICE OF PARTNERSHIP DISSOLUTION

#### Partnership Act 1958

Take notice that as from 15 December 2017, the partnership of Katherine Bamford and Tiffany Ashman in the State of Victoria, who traded as The Pest and Vermin Control Centre, was dissolved.

YARRA RANGES LAWYERS,  
16 Winyard Drive, Mooroolbark, Victoria 3138.

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### DISSOLUTION OF PARTNERSHIP

Notice is hereby given that Dr Peter Joseph McCourt has retired as a partner in the partnership previously subsisting between Dr Peter Joseph McCourt and Dr Wagihh Wadid Tawfik, ABN 20 460 078 278, trading under the name Trafalgar Veterinary Centre in Trafalgar and Newborough Veterinary Centre in Newborough, which has now been dissolved with effect as and from 31 December 2017. Trafalgar Veterinary Centre and Newborough Veterinary Centre will continue to operate under the company Tawcort Pty Ltd ACN 052 479 240. Any enquiries can be directed care of Duffy & Simon Lawyers, PO Box 75, Pakenham, Victoria 3810, phone (03) 5941 1662.

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Estate CHRISTINE ANNE HAY, late of 158 King George Street, Cohuna, deceased.

Creditors, next-of-kin and others having claims in respect of the abovenamed deceased, who died on 23 October 2017, are required by the executors, Cathryn Marie Donehue and Ross Maxwell Hay, 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 12 January 2018

BASILE & CO. PTY LTD, legal practitioners, consultants and conveyancers (Vic. and NSW), 46 Wellington Street, Kerang, Victoria 3579.  
RB:GR:17736

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Re: Estate of TASMAN ARNOLD PAYNE, late of 6 Ivy Street, Parkdale, Victoria, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of the deceased, who died on 3 November 2017, are required by the trustee, Graham Tasman Payne, to send particulars of their claims to the trustee, care of the undermentioned legal practitioners, by a date not later than two months from the date of publication of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

BRENDAN HOLLAND & MICHAEL CAHIR, legal practitioners,  
130 Balcombe Road, Mentone 3194.

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INGRID KATHERINE GERTRUDE CONWAY, late of 60 Lascelles Street, Hopetoun, Victoria 3396, deceased.

Creditors, next-of-kin and others having claims in respect of the Will/estate of the abovenamed deceased, who died on 16 May 2016, are required by the executors for Grant of Probate, Jennifer Alice Conway and Jodie Ann Fincham, care of Suite 11C, 21 Woods Point Road, Warburton, Victoria 3799, to send particulars of their claims to them by 19 March 2018, after which date the executors may convey and distribute the estate, having regard only

to the claims of which they then have notice. Probate was granted in Victoria on 15 June 2017.

Dated 18 January 2018

BROCKWAY LEGAL,  
PO Box 260, Yarra Junction, Victoria 3797.  
Ph: 0475 423 269.

Re: HENRY WOLFF, late of 7 Tangyes Street, Pascoe Vale, Victoria, former jobbing moulder, deceased.

Creditors, next-of-kin and all others having claims in respect of the estate of the abovementioned deceased, who died on 11 August 2017, are required by the executors, Marianna Bugaj and Krystyna Szpotko, to send particulars of such claims to them, care of the undermentioned solicitors, by 20 March 2018, after which date the executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

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

Re: GEOFFREY KENNETH FAULKS, late of 73 Tarana Avenue, Glenroy, Victoria, police sergeant, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 October 2017, are required by the trustees, Susan Gaye Wilson and Carole Diane Lear, to send particulars to the trustees, care of the undermentioned solicitors, within 60 days from the publication hereof, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

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

Re: MARIA ANNA PIRAINO, late of Villa Del Sole, 73 William Street, Glenroy, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 May 2017, are required by the trustee, Mario Cladinoro Piraino, to send particulars to the trustee, care of the undermentioned solicitors, within 60 days

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

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

**NOTICE OF CLAIMANTS UNDER  
TRUSTEE ACT 1958**

(SECTION 33 NOTICE)

Notice to Claimants

DAVID JOHN KIMBER, late of 40 Central Road, Blackburn, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 July 2017, are required by the trustee, Equity Trustees Wealth Services Limited of 1/575 Bourke Street, Melbourne, Victoria, to send particulars to the trustee by 19 March 2018, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

EQUITY TRUSTEES WEALTH  
SERVICES LTD,  
1/575 Bourke Street, Melbourne, Victoria 3000.

ALAN GORDON REID, late of 11 Washington Street, St Albans, Victoria, Australia, inventory controller, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died 16 April 2017, are required by Alma Florence Richards, care of 1st Floor, 409 Keilor Road, Niddrie, Victoria 3042, the executor of the Will of the deceased, to send particulars of their claims to her, care of the undermentioned solicitor, by 25 March 2018, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

Dated 11 January 2018

Meade Lawyers Pty Ltd, trading as  
FLOOD CHALMERS MEADE LAWYERS,  
1st Floor, 409 Keilor Road, Niddrie,  
Victoria 3042.  
PO Box 93, Niddrie, Victoria 3042.  
Phone: (03) 9379 6111, Fax: (03) 9374 2774.  
Contact: Hannah Moffatt.

RICK LIEW, also known as Rick Teow Liew and Rick Teow Lim Liew, late of 45 Warrigal Road, Surrey Hills, Victoria, international law arbitrator, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 14 February 2016, are required to send particulars of their claims to the executor, John Xiang Jun Li, care of the undermentioned solicitors, by 30 April 2018, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

FRANCIS LIM  
BARRISTERS & SOLICITORS,  
982 Whitehorse Road, Box Hill, Victoria 3128.

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MARGARET LOUISE BAULCH, also known as Margaret Louisa Baulch, late of Elstoft House, 12–14 Beulah Street, Hamlyn Heights, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 1 October 2017, are required by Kenneth Walter Tingate, the executor of the deceased's Will, to send particulars to him, care of the undermentioned lawyers, by 19 March 2018, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

HARWOOD ANDREWS,  
70 Gheringhap Street, Geelong 3220.

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Re: DOMINGO ARROQUERO, also known as Jose Arroquero, late of 23A Elizabeth Street, Oakleigh East, Victoria, retired factory worker, deceased intestate.

Creditors, next-of-kin and others having claims in respect of the estate of DOMINGO ARROQUERO, also known as Jose Arroquero, deceased, who died on 2 July 2017, are required by the trustee, Gloria Arroquero, to send particulars of their claim to the undermentioned firm by 13 March 2018, after which date the said trustee will convey or distribute assets, having regard only to the claims of which she then has notice.

KINGSTON LAWYERS PTY LTD,  
barristers and solicitors,  
8 Station Road, Cheltenham, Victoria 3192.

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Re: HIROKO HINKEN, late of Vonlea Manor, 1–9 Moran Place, Norlane, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 4 August 2017, are required by the trustee, Equity Trustees Wealth Services Limited,

ABN 33 006 132 332, of Level 1, 575 Bourke Street, Melbourne, Victoria, to send particulars to the trustee, care of the undermentioned solicitors, by 30 March 2018, 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.

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Re: HAZEL WHITE MOYES, late of 25 Parkhill Drive, Berwick, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 30 October 2017, are required by the trustee, Equity Trustees Limited, ACN 004 031 298, of Level 1, 575 Bourke Street, Melbourne, Victoria, to send particulars to the trustee, care of the undermentioned solicitors, by 23 March 2018, 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.

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BETTY BLACK, late of 32 Ida Street, Niddrie, Victoria, hospitality, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 23 February 2016, are required by the administrator, Equity Trustees Limited, ABN 46 004 031 298, of 2/575 Bourke Street, Melbourne, Victoria, to send particulars of their claims to the business by 19 March 2018, after which date the administrator will distribute the assets, having regard only to the claims of which it then has notice. Probate was granted in Victoria on 25 May 2017.

Dated 9 January 2018

MNG LAWYERS PTY LTD,  
Level 1, Suite 2, 638–640 Mt Alexander Road,  
Moonee Ponds, Victoria 3039.  
PO Box 121, Essendon North, Victoria 3041.  
Ph: + 61 3 8371 1600, Fax: + 61 3 9372 9506.  
DG: OR:17/0544. Contact David Gonzalez.

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Re: KENNETH CARLYLE DEMPSEY, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 April 2017, are required by the

personal representative, Julie Ann Dempsey, to send particulars to the personal representative, care of Moores, Level 1, 5 Burwood Road, Hawthorn, Victoria, by 19 March 2018, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which the personal representative has notice.

MOORES,  
Level 1, 5 Burwood Road, Hawthorn,  
Victoria 3122.

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Re: ELIZABETH LILLIAS GILLESPIE, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 August 2001, are required by the personal representative, Paul Henry Cameron, to send particulars to the personal representative, care of Moores, Level 1, 5 Burwood Road, Hawthorn, Victoria, by 19 March 2018, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which the personal representative has notice.

MOORES,  
Level 1, 5 Burwood Road, Hawthorn,  
Victoria 3122.

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FRANCES MARY RIMMER, late of Mercy Place, Rice Village, 7 Moylan Loop, Marshall, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 1 June 2017, are required by the trustee, Kathleen Freeman, to send particulars of their claims to the trustee, in the care of the undermentioned legal practitioner, within 60 days from the date of publication of this notice, 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.

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JAMES FORBES ALEXANDER, late of 2 Booker Avenue, Mornington, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 September 2017, are required by the executor, Judith Grace Alexander, to send particulars to her, care of the undermentioned

solicitors, by 25 March 2018, after which date the executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

STIDSTON WARREN LAWYERS,  
Suite 1, 10 Blamey Place, Mornington 3931.

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Creditors, next-of-kin or others having claims in respect of the estate of TERENCE RICHARD GRANDY, late of Regis Waverley Gardens, 5 Bakers Road, Dandenong, in the State of Victoria, retired accountant, who died on 30 September 2013, are to send particulars of their claim to the executor, care of the undermentioned lawyers, by 18 March 2018, after which date the executor will distribute the assets, having regard only to the claims of which they then have notice.

TAYLOR, SPLATT & PARTNERS, lawyers,  
PO Box 8278, Carrum Downs, Victoria 3201.  
Telephone: (03) 9783 7700.  
Reference: AS:220661-1:DM.

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Re: The estate of JENNIFER MARY COTTER, late of 84 Wells Road, Beaumaris, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 June 2017, are required by the executors, Timothy David Cotter and Angela Mary Cotter, to send particulars to them, care of the undersigned solicitors, by a date not later than two months from the date of publication hereof, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

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

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Re: The estate of ROBERT WILLIAM DOUGLAS, late of Greenwood Manor, 617 Lower Dandenong Road, Dingley Village, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 10 October 2017, are required by the executor, Robert Leslie Tuppen, to send particulars to him, care of the undersigned solicitors, by a date not later than two months

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

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

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MARK STEPHEN TASSEL (in the Will called Mark Steven Tassel), late of 11 Panorama Avenue, Beaconsfield, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 26 September 2017, are required by the executors, Linda Joy Taylor and Kim Nadine Croft (in the Will called Kim Croft), care of Wollerman Shacklock Lawyers, 2/8 Gloucester Avenue, Berwick, Victoria, to send particulars of their claims to them by 12 March 2018, after which date the executors may convey or distribute the assets and distribute the estate, having regard only to the claims of which they then have notice. Probate was granted in Victoria on 5 January 2018.

WOLLERMAN SHACKLOCK LAWYERS,  
8 Gloucester Avenue, Berwick 3806.

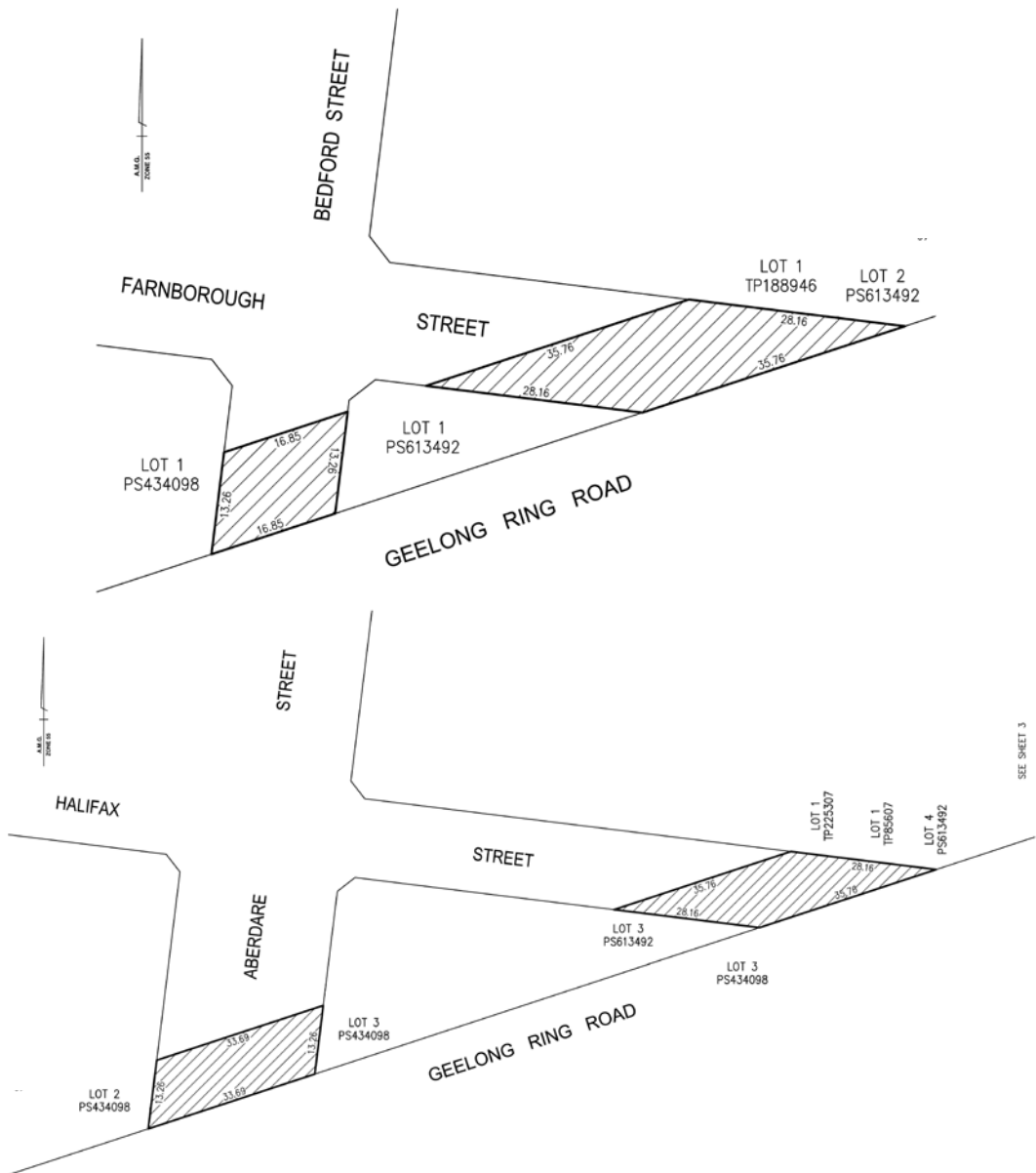
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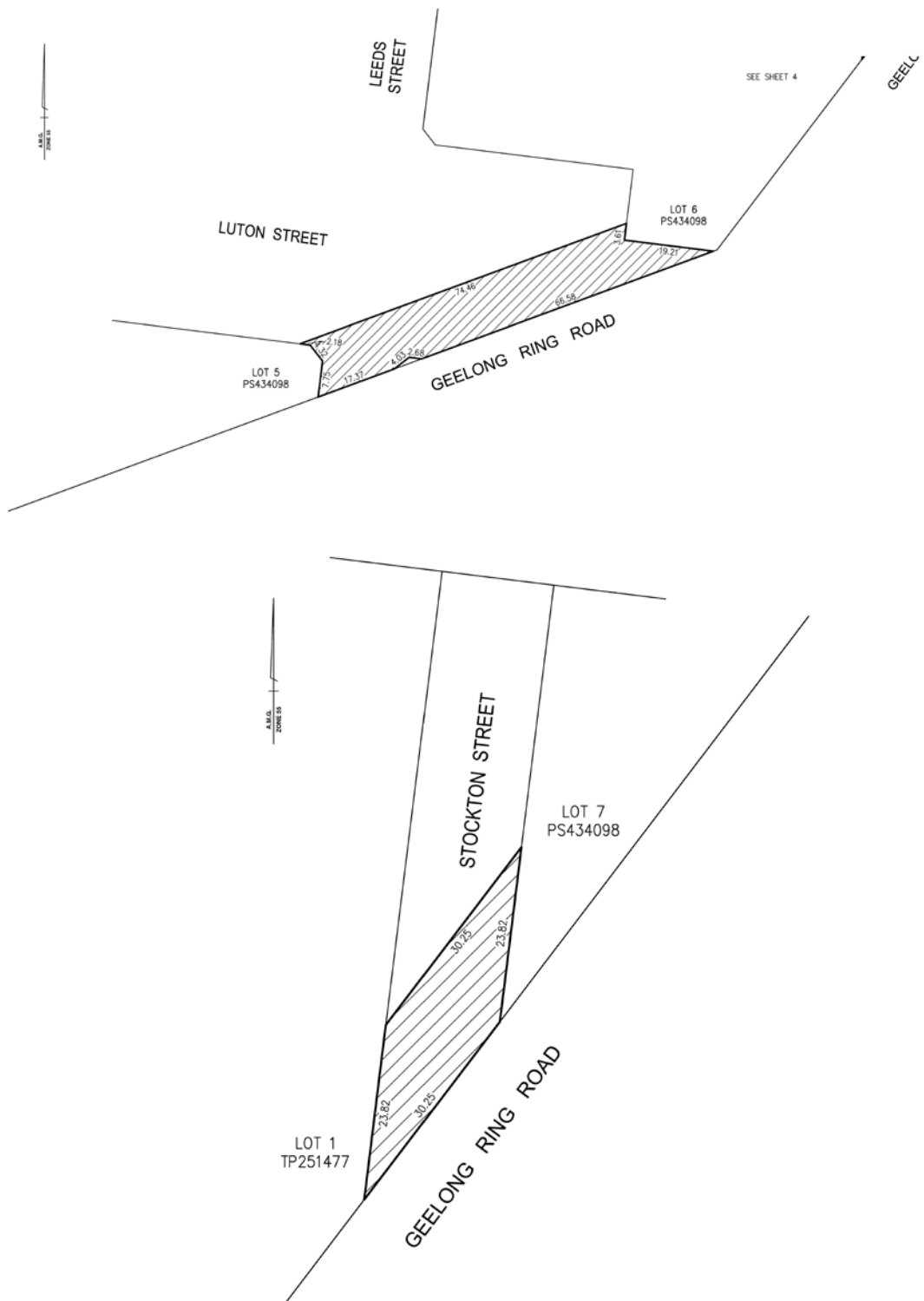


**GOVERNMENT AND OUTER BUDGET  
SECTOR AGENCIES NOTICES**

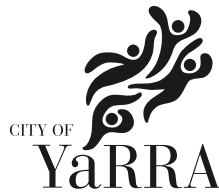
**GREATER GEELONG CITY COUNCIL**  
Road Discontinuance

Pursuant to section 206 and Schedule 10, Clause 3 of the **Local Government Act 1989**, the Greater Geelong City has formed the opinion on 1 August 2017, that various parts of unmade roads in an inappropriate subdivision known as New Station Estate, located on the northern boundary of Geelong Ring Road between Broderick and Forest Road, roads also known as Bedford, Farnborough, Aberdare, Halifax, Luton, Leeds and Stockton Street, Corio, shown hatched on the plans below, are not reasonably required as roads for public use and that the parts of the roads be discontinued and the land sold to Barwon Water.





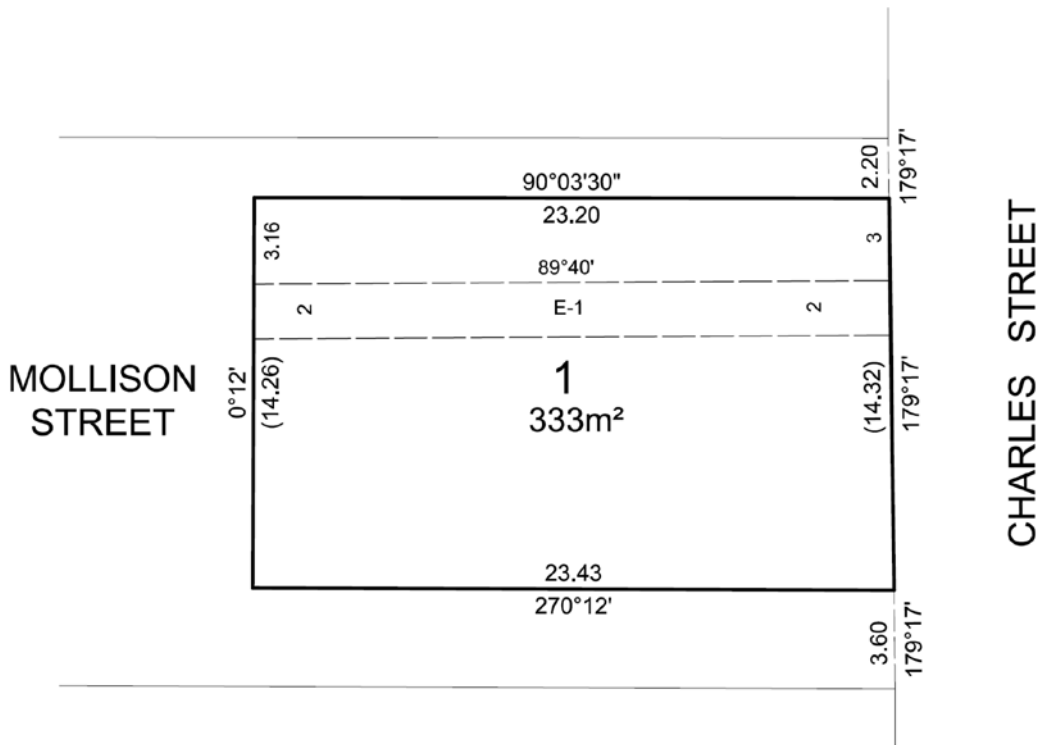
KELVIN SPILLER  
Chief Executive Officer



ROAD DISCONTINUANCE

At its meeting on 5 September 2017 and acting under Clause 3 of Schedule 10 to the **Local Government Act 1989**, Yarra City Council resolved to discontinue part of Mollison Street, Abbotsford, being part of the land contained in Book W No. 115 and shown as Lot 1 on the plan below, and retain the land for municipal purposes.

The land is to be retained by Yarra City Council subject to any right, power or interest held by City West Water Corporation in connection with any sewers, drains or pipes under the control of that authority in the land.



VIJAYA VAIDYANATH  
 Chief Executive Officer  
 Yarra City Council

**Planning and Environment Act 1987****CARDINIA PLANNING SCHEME**Notice of the Preparation of an Amendment  
Amendment C234

The Victorian Planning Authority has prepared Amendment C234 to the Cardinia Planning Scheme.

The land affected by the Amendment forms the Pakenham East Precinct and is generally bounded by Deep Creek and Ryan Road to the west, Mount Ararat Road to the east and the Princes Freeway to the south. The northern boundary runs parallel to the transmission line easement approximately 700 metres south of Seymour Road.

The Amendment proposes to incorporate three new documents into the Cardinia Planning Scheme titled 'Pakenham East Precinct Structure Plan', 'Pakenham East Native Vegetation Precinct Plan' and 'Small Lot Housing Code'.

Planned development will include new residential land as well as retail and commercial opportunities within a new local town centre. The plan sets out transport connections, upgrades to existing roads, local parks and walking and cycling trails as part of a dynamic suburb which will integrate with the existing Pakenham Township.

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, Victorian Planning Authority, Level 25, 35 Collins Street, Melbourne; during office hours at the offices of Cardinia Shire Council at 20 Siding Avenue, Officer; at the Victorian Planning Authority's website, [www.vpa.vic.gov.au](http://www.vpa.vic.gov.au); and at the Department of Environment, Land, Water and Planning website, [www.delwp.vic.gov.au/public-inspection](http://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 the VPA to consider submissions and to notify such persons of the opportunity to attend community meetings and any public hearing held to consider submissions. The closing date for submissions is 23 February 2018. A submission must be sent to: Victorian Planning Authority, Level 25, 35 Collins Street, Melbourne, Victoria 3000; or via email at [amendments@vpa.vic.gov.au](mailto:amendments@vpa.vic.gov.au)

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.

STUART MOSELEY  
Chief Executive Officer  
Victorian Planning Authority

**Planning and Environment Act 1987****LATROBE PLANNING SCHEME**Notice of the Preparation of an Amendment  
Amendment C106

The Latrobe City Council has prepared Amendment C106 to the Latrobe Planning Scheme.

The Amendment applies to land known as the Traralgon Activity Centre (TAC). The area is generally bounded by Grey Street to the north, Traralgon Creek and Princes Highway to the east, the railway precinct to the south, and the rear property boundary of Breed Street commercial properties (including but not rezoning Hubert Osborne Park) to the west.

The Amendment proposes to implement the recommendations of the Traralgon Activity Centre Plan 2017 by: amending Clauses 21.02, 21.07, 21.09 and 21.10 of the Municipal Strategic Statement; introducing a new Clause 37.08 – Activity Centre Zone and a new Schedule 1 to Clause 37.08; rezoning all Commercial 1 Zone and Mixed Use Zone land in the TAC to the Activity Centre Zone; correcting minor zoning anomalies within the TAC; and rezoning land at 112 McNairn Road, Traralgon East (L1 PS 401791), from the Public Park and Recreation Zone to the General Residential Zone 1.

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 Latrobe City Council: 141 Commercial Road, Morwell, Victoria 3840; 34–38 Kay Street, Traralgon, Victoria 3844; 9–11 Philip Parade, Churchill, Victoria 3842; 1–29 George Street, Moe, Victoria 3825; Latrobe City website: [www.latrobe.vic.gov.au](http://www.latrobe.vic.gov.au); and at the Department of Environment, Land, Water and Planning website: [www.delwp.vic.gov.au/public-inspection](http://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 5 March 2018.

A submission must be sent to the Strategic Planning Department by mail: Latrobe City Council, PO Box 264, Morwell, Victoria 3840; or online: [ww.latrobe.vic.gov.au/C106](http://ww.latrobe.vic.gov.au/C106) on the Have Your Say page; or email: [Latrobe@latrobe.vic.gov.au](mailto:Latrobe@latrobe.vic.gov.au) – Attention: Strategic Planning Department.

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.

GARY VAN DRIEL  
Chief Executive Officer

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

#### **MELTON PLANNING SCHEME**

#### **Notice of Preparation of Amendment**

#### **Amendment C181**

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

The land affected by the Amendment is all land subject to the Diggers Rest Precinct Structure Plan and the Diggers Rest Development Contributions Plan Overlay.

The Amendment proposes to amend the Diggers Rest Precinct Structure Plan and the Diggers Rest Development Contributions Plan Overlay to reflect changes to the design of the intersections that link Vineyard Road with the outbound lanes of the Calder Freeway, and reduce the overall cost of these works in the Diggers Rest Development Contributions Plan.

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, Melton City Council, 232 High Street, Melton, or Caroline Springs Civic Centre/Library, 193–201 Caroline Springs Boulevard, Caroline Springs; and at the Department of Environment, Land, Water and Planning website, [www.delwp.vic.gov.au/public-inspection](http://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 1 March 2018. A submission must be sent to the Manager of City Design, Strategy and Environment, Melton City Council, PO Box 21, Melton, Victoria 3337.

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.

KEL TORI  
Chief Executive Officer

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Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 20 March 2018, 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.

BENCE, Richard Henry, late of 6 McConnell Street, Kensington, Victoria 3031, deceased, who died on 1 July 2017.

BEST, Noreen, late of Sumner House Nursing Home, 128 Fitzroy Street, Fitzroy, Victoria 3065, deceased, who died on 4 October 2017.

CIVITAREALE, Americo, late of Glendale Aged Care, 265 Heaths Road, Werribee, Victoria 3030, retired, deceased, who died on 13 October 2017.

GRIFFIN, Albert James, late of Unit 3, 43 Dandenong Road East, Frankston, Victoria 3199, retired, deceased, who died on 25 March 2017.

HUGHES, Patricia Barbara, late of 2 Edgecombe Street, Kyneton, Victoria 3444, pensioner, deceased, who died on 17 January 2017. Grant of Probate dated 21 December 2017.

JACKSON, Bruce, late of Meevacare Trescowthick Centre, 70 Charles Street, Prahran, Victoria 3181, deceased, who died on 25 November 2017.

PERT, Marjorie, late of Opal Meadowglen, 202 McDonalds Road, Epping, Victoria 3076, deceased, who died on 9 September 2017.

QUICK, Kathleen Betty, late of 32 Morris Road, Upwey, Victoria 3158, home duties, deceased, who died on 26 September 2017.

REID, Donald James, late of The Alexander Aged Care Facility, 1720–1722 Dandenong Road, Clayton, Victoria 3168, pensioner, deceased, who died on 15 May 2017.

RICHARDS, Robert, late of Unit 15, Waldreas Retirement Living, 207–217 Wantirna Road, Ringwood, Victoria 3134, deceased, who died on 18 August 2017.

SCHEMBRI, Guglielmo, late of Unit 114, 159 Melrose Street, North Melbourne, Victoria 3051, deceased, who died on 14 November 2017.

THOMPSON, Ronald Matthew, late of 14 Banbury Road, Reservoir, Victoria 3073, deceased, who died on 26 June 2016.

Dated 9 January 2018

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Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 23 March 2018, 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.

ATWELL, John Francis, late of Homestead Lakes Residential Aged Care, 33 Homestead Avenue, Wallington, Victoria 3221, deceased, who died on 28 July 2017.

CHAN, Stephen, late of James Barker House, 64 Buckley Street, Footscray, Victoria 3011, deceased, who died on 8 September 2017.

DETRACY, Barry John, late of Corpus Christi Community, 855 Mickleham Road, Greenvale, Victoria 3059, deceased, who died on 27 November 2017.

DOWLING, Terrance Joseph Michael, late of Room 18, Menarock Salisbury House, 5–9 Salisbury Road, Upper Beaconsfield, Victoria 3808, deceased, who died on 7 October 2017.

HARRISON, Jill Wendy, late of Namarra Nursing Home, 260 Kooyong Road, Caulfield, Victoria 3162, deceased, who died on 26 July 2017.

HONEYBONE, Jeanne Mary, late of Sutton Park, 126–134 Exford Road, Melton South, Victoria 3338, deceased, who died on 29 June 2017.

JONES, David Jason, also known as David Jason Blyth, late of 8 Gumtree Close, St Albans, Victoria 3021, deceased, who died on 5 July 2017.

LUCAS, Samuel, late of 382 Carlisle Street, Balaclava, Victoria 3183, deceased, who died on 31 March 2017.

MERRIFIELD, Linton, late of 81 Dallas Drive, Dallas, Victoria 3047, deceased, who died on 29 September 2017.

SINCLAIR, Margaret Hart Rutherford, late of Bupa Aged Care, 120–124 Maroondah Highway, Croydon, Victoria 3136, deceased, who died on 10 August 2017. Date of Grant 5 January 2018.

SMITH, Meyrick Gary, late of Unit 37, 130 High Street, Northcote, Victoria 3070, deceased, who died on 31 October 2017.

WENZEL, Jasmine, late of 18 Scott Avenue, St Albans, Victoria 3021, deceased, who died on 29 November 2017.

Dated 12 January 2018

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**Adoption Act 1984**

## APPOINTMENT OF COUNSELLOR FOR RELINQUISHMENT COUNSELLING

Under the functions and powers assigned to me by the Secretary, Department of Health and Human Services Victoria under section 17(5) of the **Children, Youth and Families Act 2005** in relation to section 5 of the **Adoption Act 1984**, I, Denise McLaughlin approve the following person under section 5(1) and section 5(2)(a) of the **Adoption Act 1984** as approved Counsellor for the purposes of section 35 of the **Adoption Act 1984**.

Keren Sarah Barnett

Dated 5 January 2018

DENISE McLAUGHLIN  
Director, Child Protection  
North Division

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**Corrections Act 1986**

## NOTICE OF AN AWARD OF DAMAGES TO A PRISONER

In accordance with section 104Y of the **Corrections Act 1986** notice is given that an award of damages has been made to a former prisoner, Gheorghe Vasile Luhan, in a claim against a private prison in Victoria (the State). The award money, excluding legal costs and medical expenses, has been paid into the Prisoner Compensation Quarantine Fund, where it will be held for an initial period of 12 months from 18 January 2018.

Creditors and victims in relation to criminal acts of Gheorghe Vasile Luhan are invited to seek further information from the Secretary to the Department of Justice and Regulation. To do so, please contact the Co-ordinator, Victims Register and PCQF, at Community Operations and Victims Support Agency on 1800-819-817.

Dated 18 January 2018

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**Catchment and Land Protection Act 1994**

## NOTICE OF STATEMENT OF OBLIGATIONS

I, Lisa Neville, Minister for Water, pursuant to section 19E(1)(a) of the **Catchment and Land Protection Act 1994**, give notice that I have made and issued a Statement of Obligations for the purpose of imposing obligations in relation to the performance of their functions and the exercise of their power, for the following authorities:

1. Corangamite Catchment Management Authority
2. East Gippsland Catchment Management Authority
3. Glenelg Hopkins Catchment Management Authority
4. Goulburn Broken Catchment Management Authority
5. Mallee Catchment Management Authority
6. North Central Catchment Management Authority
7. North East Catchment Management Authority
8. Port Phillip and Westernport Catchment Management Authority
9. West Gippsland Catchment Management Authority
10. Wimmera Catchment Management Authority.

The Statement of Obligations commenced operation on 5 January 2018.

A copy of the Statement of Obligations is available on the Department of Environment, Land, Water and Planning's website. A copy is also available on each authority's website, and may also be inspected during office hours at the office of the authority.

Dated 5 January 2018

HON. LISA NEVILLE MP  
Minister for Water

**Water Act 1989**

## NOTICE OF STATEMENT OF OBLIGATIONS

I, Lisa Neville, Minister for Water, pursuant to section 186A(1)(a) of the **Water Act 1989**, give notice that I have made and issued a Statement of Obligations for the purpose of imposing obligations in relation to the performance of their functions and the exercise of their power, for the following authorities:

1. Corangamite Catchment Management Authority
2. East Gippsland Catchment Management Authority
3. Glenelg Hopkins Catchment Management Authority
4. Goulburn Broken Catchment Management Authority
5. Mallee Catchment Management Authority
6. North Central Catchment Management Authority
7. North East Catchment Management Authority
8. West Gippsland Catchment Management Authority
9. Wimmera Catchment Management Authority.

The Statement of Obligations commenced operation on 5 January 2018.

A copy of the Statement of Obligations is available on the Department of Environment, Land, Water and Planning's website. A copy is also available on each authority's website, and may also be inspected during office hours at the office of the authority.

Dated 5 January 2018

HON. LISA NEVILLE MP  
Minister for Water



**Disability Act 2006**  
DECLARATION AND REVOCATION OF RESIDENTIAL SERVICES  
AS GROUP HOMES

The Minister under section 64(1) of the **Disability Act 2006**:

1. DECLARES the residential services listed in Table A as group homes.
2. REVOKES any and all previous declarations made under section 64(1) of the **Disability Act 2006** and published in the Victoria Government Gazette in respect of the residential services as group homes listed in Table B below.

This Declaration and Revocation is effective as from the date of publication of this Notice in the Government Gazette.

Dated 3 January 2018

MARTIN FOLEY MP  
Minister for Housing, Disability and Ageing

**Table A – Residential services to be declared as group homes**

<b>Department of Health and Human services</b>	<b>DHHS Area</b>	<b>Town/Suburb</b>	<b>Facility ID</b>
East Division	Inner East	Burwood	71397
South Division	Inner Gippsland	Moe	16774
<b>Community Services Organisation</b>	<b>DHHS Area</b>	<b>Town/Suburb</b>	<b>Facility ID</b>
West Division	Central Highlands	Bacchus Marsh	2435
South Division	Bayside Peninsula	Clarinda	2439
South Division	Bayside Peninsula	Frankston South	2440
East Division	Goulburn	Shepparton	1432
North Division	Hume Moreland	Sunbury	37984
East Division	Inner East Melbourne	Box Hill South	16774
East Division	Outer East Melbourne	Croydon South	84533
South Division	Southern Melbourne	Eumemmerring	2441
South Division	Inner Gippsland	Wonthaggi	2434
West Division	Western Melbourne	Werribee	99179

**Table B – Group home to be revoked**

<b>Community Services Organisation</b>	<b>DHHS Area</b>	<b>Town/Suburb</b>	<b>Facility ID</b>
East Division	Outer East	Mooroolbark	48684

**Education and Training Reform Act 2006**

## MINISTERIAL ORDER NO. 969

## Procedures for Suspension and Expulsion of Students in Government Schools

**PART 1 – PRELIMINARY****1. Title**

This Order may be cited as Ministerial Order No. 969 — ‘Procedures for Suspension and Expulsion of Students in Government Schools’.

**2. Authorising provisions**

This Order is made under sections 2.2.19 and 5.10.4 of, and clause 4 of Schedule 6 to, the **Education and Training Reform Act 2006**.

**3. Commencement**

This Order comes into operation on 16 July 2018.

**4. Revocation**

Ministerial Order No. 625 – ‘Procedures for Suspension and Expulsion’, made by the Minister for Education on 23 December 2013, is revoked on the day this Order comes into operation.

**5. Definitions**

(1) In this Order –

**Area Executive Director** means an employee of the Secretary for the time being appointed to, acting in or performing the role of Area Executive Director in a regional office;

**Business day** means any day except for a holiday (as defined in section 44(4) of the **Interpretation of Legislation Act 1984**);

**Department** means the Department of Education and Training;

**disability** means –

- (a) total or partial loss of a bodily function; or
- (b) the presence in the body of organisms that may cause disease; or
- (c) total or partial loss of a part of the body; or
- (d) malfunction of a part of the body, including –
  - (i) a mental or psychological disease or disorder;
  - (ii) a condition or disorder that results in a person learning more slowly than people who do not have that condition or disorder; or
- (e) malformation or disfigurement of a part of the body –

and includes a disability that may exist in the future (including because of a genetic predisposition to that disability) and, to avoid doubt, behaviour that is a symptom or manifestation of a disability;

**nominated** means nominated in accordance with Part 2;

**out of home care** means a child who is living with someone other than a parent and includes –

- (a) an informal care arrangement that may or may not be documented by an Informal Relative Carer Statutory Declaration form; and
- (b) a formal care arrangement that is provided for under the **Family Law Act 1975** (Cth) and includes a Parenting Plan or a Court Order; and
- (c) a formal care arrangement that is provided for under the **Children, Youth and Families Act 2005** or other state welfare legislation;

**overseas student** has the same meaning as in the **Education and Training Reform Act 2006**;

**parent** in relation to a child means any person who has parental responsibility for 'major long term issues' as defined in the **Family Law Act 1975** (Cth) or has been granted 'guardianship' for the child pursuant to the **Children, Youth and Families Act 2005** or other state welfare legislation;

**principal** means an employee within the meaning of Division 3 of Part 2.4 of the **Education and Training Reform Act 2006** occupying, or for the time being performing the duties of, the position of principal of a Government school;

**regional approved list** means the list for each region approved by the Regional Director for the region in accordance with subclause (2);

**Regional Director** means an employee of the Secretary for the time being appointed to, acting in or performing the role of Regional Director in a regional office;

**regional office** means the area of the Department that is responsible for supporting the delivery of education services in a particular region across Victoria;

**relevant person** means –

- (a) where a student is living with his or her parent/s, is under 18 years of age and is not considered a mature minor –
  - (i) a parent;
  - (ii) an adult nominated by the parent; or
  - (iii) an adult from the suitable person list;
- (b) where a student is in out of home care –
  - (i) a parent;
  - (ii) an adult who is residing with, and providing care to, the child in the out of home care arrangement; or
  - (iii) an adult from the suitable person list;
- (c) where a student is considered a mature minor –
  - (i) an adult nominated by the student; or
  - (ii) an adult from the suitable person list;

**Secretary** means the Secretary to the Department;

**school day** means a day on which the school is open for instruction;

**SSS Network** means a group of schools who have agreed to work together as a network to provide Student Support Services in accordance with any Guidelines published by the Department;

**SSS Network Co-ordinator** means the person appointed to the position of SSS Network Co-ordinator by the Executive Group or Executive Chair of an SSS Network;

**suitable person** means a person selected from the suitable person list to be a relevant person for the purposes of a suspension or an expulsion;

**suitable person list** means a list created by each SSS Network of persons who are:

- (a) employed by the Department of Education and Training; and
  - (b) have completed training to be a relevant person.
- (2) For the purpose of the definition of **regional approved list**, a Regional Director must approve a list consisting of 1 or more of any of the following persons in the relevant regional office –
- (a) Area Executive Director; and
  - (b) any other senior staff member for that region or local area.

- (3) For the purpose of subclause (2)(b), a principal is not a senior staff member for a region or local area.
- (4) If the position title of Regional Director, Area Executive Director or any other position in the Department referred to in this Order or in an instrument made under this Order is changed, the reference to the position is, from the date when the name is changed, taken to be a reference to the position by the new name, provided the role and responsibilities of the position by the new name remain the same or substantially similar.

#### 6. Application

- (1) This Order applies to students enrolled in Government schools in Victoria.
- (2) This Order does not apply to the expulsion of an overseas student under section 2.2.8 of the **Education and Training Reform Act 2006** in respect of whom any fee required to be paid under that section has not been paid by the due date.

#### PART 2 – IDENTIFYING THE RELEVANT PERSON

#### 7. Relevant persons

- (1) Where a student or parent nominates an adult as the relevant person, the principal must –
  - (a) notify that adult of the nomination;
  - (b) explain the duties and obligations of a relevant person to the nominated adult; and
  - (c) ensure the student or parent and the nominated adult complete the ‘Nomination and Acceptance Form’.
- (2) Where a person from the suitable person list is required, the principal must –
  - (a) submit a ‘Request to Appoint a Person from the Suitable Person List form’ to the SSS Network Coordinator, or, if there is no SSS Network Coordinator in that principal’s SSS Network, the Executive Chair of the SSS Network; and
  - (b) appoint, in conjunction with the SSS Network Coordinator or Executive Chair, a person from the suitable person list.
- (3) In applying this Order, where a student has attained 18 years of age, the principal may disregard any reference in this Order to ‘relevant person’, however, the student should be encouraged to have a support person or independent person to provide support to the student;
- (4) In applying subclause (3), where it is apparent to a principal that a student has a disability, the principal must:
  - (a) make enquiries as to the student’s ability to represent himself or herself for the purposes of this Order; and
  - (b) after making such enquiries, if the principal is not satisfied that a student has the ability to adequately represent himself or herself, subclause (3) shall not apply to that student and the student is not to be treated as if he or she were a mature minor.

#### PART 3 – SUSPENSION

#### 8. Authority for suspension

- (1) Only a principal has the authority to suspend a student from the school of which he or she is the principal.
- (2) A principal may not delegate his or her power to suspend a student.

**9. Grounds for suspension**

A principal may suspend a student if, whilst attending school, travelling to or from school or engaging in any school activity away from the school (including travelling to or from that activity), the student –

- (a) behaves in such a way as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person;
- (b) causes significant damage to or destruction of property;
- (c) commits or attempts to commit or is knowingly involved in the theft of property;
- (d) possesses, uses or sells or deliberately assists another person to possess, use or sell illicit substances or weapons;
- (e) fails to comply with any clear and reasonable instruction of a staff member so as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person;
- (f) consistently engages in behaviour that vilifies, defames, degrades or humiliates another person based on age; breastfeeding; gender identity; disability; impairment; industrial activity; lawful sexual activity; marital status; parental status or status as a carer; physical features; political belief or activity; pregnancy; race; religious belief or activity; sex; sexual orientation; personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes; or
- (g) consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student.

**10. Procedures for suspension**

- (1) In determining whether to suspend a student, the principal must ensure that suspending the student is appropriate to –
  - (a) the behaviour for which the student is being suspended;
  - (b) the educational needs of the student;
  - (c) any disability of the student;
  - (d) the age of the student; and
  - (e) the residential and social circumstances of the student.
- (2) Before implementing a suspension, the principal must ensure that –
  - (a) the student has had the opportunity to be heard;
  - (b) any information or documentation provided by the student or their relevant person has been taken into account in making the decision regarding suspension; and
  - (c) other forms of action to address the behaviour for which the student is being suspended have been considered.
- (3) Prior to suspension taking effect, or on the day of implementing a suspension with immediate effect in accordance with subclauses (4) and (5), the principal must –
  - (a) identify the relevant person in accordance with Part 2;
  - (b) give verbal notification to the student and notify the relevant person via telephone or in person of the reason/s for the suspension, the school days on which the suspension shall occur and where the suspension will occur;
  - (c) provide contact details for additional support services to the student and their relevant person, as appropriate;
  - (d) where the student is suspended for 3 school days or less, provide meaningful work;

- (e) where the student is suspended for more than 3 school days, develop a Student Absence Learning Plan and Return to School Plan;
  - (f) provide the student and their relevant person with a Notice of Suspension which must include –
    - (i) the reasons for the suspension; and
    - (ii) the school days on which the suspension shall occur;
    - (iii) provide the student and their relevant person with copies of the Student Absence Learning Plan and the Return to School Plan (if required to be prepared in accordance with paragraph (e));
  - (g) provide the student and their relevant person with a copy of the information brochure ‘Procedures for Suspension’; and
  - (h) record the suspension in CASES21.
- (4) The principal may implement a suspension in accordance with this Part to have immediate effect if the student’s behaviour is such that they are putting the health, safety and wellbeing of themselves, or any other person at significant risk.
- (5) Where a principal implements a suspension with immediate effect, the principal may determine to expel the student, in accordance with the procedures in Part 4, while the student is on suspension.
- (6) Where a principal implements a suspension with immediate effect, the principal has a duty of care to provide supervision of the student –
- (a) until the student is collected by a parent or a person chosen as an emergency contact for the student by the parent; or
  - (b) if the student is in out of home care, if the student cannot be collected by a parent, until the student is collected by an adult who is residing with, and providing care to, the student; or
  - (c) until the end of the school day; or
  - (d) in the case of a school camp or school excursion, if paragraphs (a) or (b) do not apply, until the end of the camp or excursion.

#### **11. Period of suspension**

- (1) The maximum continuous period of time a student can be suspended at any given time is 5 school days, unless a longer period is approved by the Regional Director in accordance with subclause (2).
- (2) Where a principal implements a suspension with immediate effect and is considering whether to expel the student, the principal may request written approval from the Regional Director for a period of suspension greater than 5 school days for the purposes of undertaking the expulsion procedures in Part 4.
- (3) A student cannot be suspended for more than 15 school days in a school year without written approval from the Regional Director.
- (4) If a student is suspended for a period which is longer than the days left in a term, the principal should consider the likely disruption to the student’s learning before imposing a suspension that will continue into the following term.
- (5) If a student has been suspended for 15 school days in a school year, an expulsion is not the automatic consequence.

**PART 4 – EXPULSION****12. Authority for expulsion**

- (1) Only a principal has the authority to expel a student from the school of which he or she is the principal.
- (2) A principal may not delegate his or her power to expel a student.
- (3) A principal must not expel a student who is aged 8 years or less, unless approval from the Secretary has been obtained in accordance with clause 16(1)(d) of this Order.

**13. Grounds for expulsion**

A principal may expel a student from the school if, whilst attending school, travelling to and from school or engaging in any school related activity away from school (including when travelling to or from that activity) –

- (a) the student does anything mentioned in clause 9(a) to (g) of this Order; and
- (b) the student's behaviour is of such magnitude that, having regard to the need of the student to receive an education compared to the need to maintain the health, safety and wellbeing of other students and staff at the school and the need to maintain the effectiveness of the school's educational programs, expulsion is the only available mechanism.

**14. Procedures prior to expulsion**

- (1) The principal must identify the relevant person in accordance with Part 2.
- (2) The principal must inform the Regional Director that expulsion of a student is being considered if the student belongs to 1 or more of the following classes of student:
  - (a) a student in out of home care;
  - (b) a student with a disability who is eligible for the 'Program for Students with Disabilities' provided by the Department;
  - (c) an Aboriginal or Torres Strait Islander student.
- (3) If the student is an overseas student, the principal must inform the relevant business unit of the Department that the expulsion of the student is being considered.

**15. Behaviour support and intervention meeting**

- (1) The principal must convene a behaviour support and intervention meeting.
- (2) The purpose of the behaviour support and intervention meeting is to –
  - (a) advise the student and their relevant person that the principal is considering whether to expel the student;
  - (b) ensure all available supports and interventions to support the behaviours of concern are considered for the student;
  - (c) outline the grounds for expulsion that are being considered and the evidence to support a finding that the student has engaged in relevant conduct;
  - (d) ensure that the student and their relevant person have the opportunity to be heard; and
  - (e) identify the future educational, training and/or employment options most suited to the student's needs and agree on a course of action in the event expulsion is decided.
- (3) The principal must seek the support of a member selected from the regional approved list to –
  - (a) attend the behaviour support and intervention meeting, where appropriate;
  - (b) ensure all available supports and interventions to support the behaviours of concern are considered for the student;

- (c) ensure that alternative disciplinary measures are considered for the student;
  - (d) ensure that the appropriate education, training and/or employment options are considered for the student; and
  - (e) assist in implementing the course of action agreed to at the behaviour support and intervention meeting.
- (4) Prior to the behaviour support and intervention meeting, the principal must contact the student and the relevant person and advise them of the following –
- (a) provide the student and their relevant person with a copy of the information brochure titled ‘Information for parents and carers about school expulsions’;
  - (b) the date, time and place for the behaviour support and intervention meeting;
  - (c) that both the student and their relevant person are encouraged to attend the behaviour support and intervention meeting;
  - (d) that if the student’s relevant person is unable or unwilling to attend, the relevant person and/or the student may nominate another adult to attend the behaviour support and intervention meeting;
  - (e) the relevant person and/or the student may be accompanied at the conference by an independent support person of their choice who is not acting for fee or reward; and
  - (f) that if the student and their relevant person do not attend the behaviour support and intervention meeting, the behaviour support and intervention meeting may proceed in their absence and, if expulsion is decided, the course of action may be determined without the benefit of hearing from the student and their relevant person.
- (5) The principal should determine whether the assistance of an interpreter in any language (including Auslan) is required by any person who is to attend the behaviour support and intervention meeting and arrange for such assistance to be present at the conference.
- (6) When conducting a behaviour support and intervention meeting, a principal must ensure that the conference is conducted as informally as possible.
- (7) If the student and their relevant person do not attend the behaviour support and intervention meeting, the principal must ensure that the key points discussed at the behaviour support and intervention meeting are recorded in writing and sent to the student and their relevant person.

#### **16. Decision regarding expulsion**

- (1) Before deciding to expel a student, the principal must:
- (a) properly, fairly and without bias consider all of the relevant matters in making their decision;
  - (b) determine whether the expulsion is appropriate when compared to –
    - (i) the behaviour for which the student is being expelled;
    - (ii) the educational needs of the student;
    - (iii) any disability of the student;
    - (iv) the age of the student; and
    - (v) the residential and social circumstances of the student.
  - (c) ensure that any information or documentation provided by the student or their relevant person has been taken into account in making the decision regarding expulsion; and
  - (d) where the student is 8 years of age or less, seek approval to expel the student from the Secretary.



- (2) The principal must notify the student and their relevant person of the principal's decision to expel or not expel the student:
  - (a) where the student is 9 years of age or more, within 2 business days of the conclusion of the behaviour support and intervention meeting;
  - (b) in any other case, within 10 business days of the conclusion of the behaviour support and intervention meeting.
- (3) If the principal decides to expel the student, the principal must provide the student and their relevant person with the following documentation –
  - (a) a Notice of Expulsion, which must state –
    - (i) the ground/s for the expulsion;
    - (ii) the reason/s for the expulsion;
    - (iii) the date of the commencement of the expulsion; and
    - (iv) that the student has a right to appeal the expulsion decision.
  - (b) a copy of the Expulsion Appeal form.
- (4) The principal must prepare an Expulsion Report which must be in writing and contain –
  - (a) a short statement of the history of the student's time at the school;
  - (b) the grounds for the expulsion;
  - (c) the reasons for expulsion;
  - (d) any considerations in support of the expulsion including a comprehensive range of strategies which might have been employed to date;
  - (e) any representation made by the student or their relevant person;
  - (f) a summary of the options considered at the behaviour support and intervention meeting and why expulsion was considered necessary;
  - (g) details of the arrangements that have been made for the continuing education, training and/or employment of the student; and
  - (h) recommendations on whether any further action either at the school, local, regional or system level is required, including strategies at the school level, to prevent the repeat of similar circumstances.
- (5) Within 1 business day of the expulsion taking effect, a copy of the Notice of Expulsion and the Expulsion Report must be provided to the Regional Director.
- (6) The principal must record the expulsion in CASES21.

**17. Procedures following expulsion**

- (1) The principal of the expelling school, in collaboration with the Department's relevant regional office, must ensure that the student is provided with other educational and development opportunities as soon as practicable after the expulsion.
- (2) In the case of a student of compulsory school age, the relevant regional office, in collaboration with the principal, must ensure that the student is participating in 1 or more of the following options as soon as practicable –
  - (a) enrolled at another registered school;
  - (b) enrolled at a registered training organisation;
  - (c) engagement with an employment agency or other organisation that provides services that support the future employment of the student.
- (3) In the case of a student of compulsory school age, the principal must provide the student with meaningful work from the time of expulsion until the student is participating in 1 or more of the options specified in subclause (2), and monitor completion of that work.

- (4) The obligations in subclauses (2) and (3) do not apply if an exemption under section 2.1.5 of the **Education and Training Reform Act 2006** applies.<sup>1</sup>
- (5) In the case of a student who is beyond compulsory school age, the relevant regional office, in collaboration with the principal, must provide the student and their relevant person with information about other schools or registered training organisations that may provide suitable opportunities for the student, or employment agencies or other organisations that support the future employment of the student.

## 18. Appeal procedures

- (1) A student may appeal a principal's decision to expel the student to the Secretary (or the Secretary's delegate) provided that the appeal is lodged in accordance with this Order.<sup>2</sup>
- (2) The grounds on which an appeal can be made are –
  - (a) there have not been sufficient prior interventions and strategies utilised prior to the decision to expel where the student has a history of behavioural issues;
  - (b) the grounds on which the student was expelled are unfair;
  - (c) that the expulsion process was not followed by the principal; and
  - (d) other extenuating circumstances.
- (3) An Expulsion Appeal must be received by the principal within 10 business days of the student and their relevant person receiving the Notice of Expulsion.
- (4) The principal must provide the Secretary (or the Secretary's delegate) with a copy of the following documents within 1 business day of receiving the Expulsion Appeal –
  - (a) Notice of Expulsion;
  - (b) Expulsion Report; and
  - (c) Expulsion Appeal.
- (5) The Secretary (or the Secretary's delegate) must determine to either:
  - (a) uphold the decision made by the principal to expel the student; or
  - (b) overturn the decision made by the principal to expel the student.
- (6) The Secretary (or the Secretary's delegate) may appoint an Expulsion Review Panel to review the principal's decision to expel the student.
- (7) The role of the Expulsion Review Panel is to –
  - (a) provide an opportunity for the student and their relevant person to be heard; and
  - (b) provide an Expulsion Review Panel Report to the Secretary (or delegate), outlining the relevant facts and relevant considerations and recommending to the Secretary (or delegate) the decision that should be made in relation to the expulsion appeal.
- (8) Subject to subclause (9), if the Secretary (or the Secretary's delegate) determines to appoint an Expulsion Review Panel, the Secretary (or delegate) must appoint the following persons to be members of the panel –
  - (a) a Department representative selected by the Secretary (or delegate);
  - (b) a member from the regional approved list selected by the Regional Director; and
  - (c) a member from the regional approved list selected by the principal.

<sup>1</sup> Section 2.1.5 authorises the Minister to exempt a student from enrolment at school, attendance at school or both enrolment and attendance at school.

<sup>2</sup> Section 2.2.19(2) of the Act states that a student expelled from a Government school may, in accordance with any Ministerial Order, appeal to the Secretary against his or her expulsion.

- (9) In appointing a person under subclauses (8)(b) and (c), the Secretary (or the Secretary's delegate) must not appoint a person who participated in the behaviour support and intervention meeting prior to the expulsion.
- (10) The Secretary (or the Secretary's delegate) must appoint an executive officer to assist the Expulsion Review Panel.
- (11) The role of the Executive Officer is to –
  - (a) liaise with the panel members to determine an appropriate date, time and place to convene an Expulsion Review Panel meeting;
  - (b) contact the student and their relevant person and advise them of the following –
    - (i) the date, time and place for the Expulsion Review Panel meeting;
    - (ii) that both the student and their relevant person are encouraged to attend the Expulsion Review Panel meeting;
    - (iii) that if the student's relevant person is unable or unwilling to attend, the relevant person and/or the student may nominate another adult to attend the Expulsion Review Panel meeting;
    - (iv) the student and/or relevant person may be accompanied at the meeting by an independent support person of their choice who is not acting for fee or reward; and
    - (v) if the student and their relevant person do not attend the Expulsion Review Panel meeting, the Expulsion Review Panel meeting may proceed in their absence, and an Expulsion Review Panel Report to the Secretary may be prepared without the benefit of hearing from the student and their relevant person.
  - (c) determine whether the assistance of an interpreter in any language (including Auslan) is required by any person who is to attend the Expulsion Review Panel meeting and arrange for such assistance to be present at the meeting;
  - (d) ensure that the panel members receive the following documents prior to the Expulsion Review Panel meeting –
    - (i) Notice of Expulsion;
    - (ii) Expulsion Report; and
    - (iii) Expulsion Appeal;
  - (e) ensure that the panel members are fully informed of their role; and
  - (f) appoint a Chairperson for the Expulsion Review Panel meeting.
- (12) The expulsion review panel must provide a completed Expulsion Review Panel Report to the Secretary (or the Secretary's delegate) within 1 business day of the conclusion of the Expulsion Review Panel meeting.
- (13) Where the Secretary (or the Secretary's delegate) appoints an Expulsion Review Panel, the Secretary (or delegate) must consider the Expulsion Review Panel Report prior to making a determination but he or she is not bound to follow the recommendation made by the Expulsion Review Panel.
- (14) Where information that was not considered by the principal when deciding to expel the student (**new information**) is raised during the appeal, the Secretary (or the Secretary's delegate) and the Expulsion Review Panel may seek additional information from the principal about the new information.
- (15) The Secretary (or the Secretary's delegate) should use his or her best endeavours to make a determination within 15 business days of receiving the Expulsion Appeal from the principal.

- (16) The Secretary (or the Secretary's delegate) must verbally notify the student, their relevant person, and the principal of the outcome of the appeal within 1 business day of the decision being made.
- (17) The Secretary (or the Secretary's delegate) must also provide written notification to the student, their relevant person and the principal of the determination made in relation to the expulsion appeal.
- (18) If an Expulsion Review Panel was appointed a copy of the Expulsion Review Panel Report must be sent to the student, their relevant person and the principal.
- (19) If the Secretary (or the Secretary's delegate) overturns the principal's decision to expel the student, the principal must ensure that the following actions are implemented as soon as possible –
  - (a) the student must be re-enrolled in the school;
  - (b) the principal must work with the student, their relevant person and the student's teacher/s to develop a Return to School Plan for the student;
  - (c) the principal must ensure that the record of expulsion is removed from the student's permanent record and CASES21; and
  - (d) once expulsion has been removed from the student's record, the principal must notify the student and their relevant person of this in writing.
- (20) If a delegate of the Secretary is considering an appeal under this clause, the Secretary must not, in any capacity, seek to direct or control the delegate in relation to the consideration and determination of the appeal.

**19. Transitional Provision**

- (1) Ministerial Order 625 applies to all disciplinary action commenced but not yet completed before the date this Order comes into operation.
- (2) For the purposes of subclause (1), disciplinary action, in relation to a student:
  - (a) commences when the following occurs:
    - (i) in the case of a suspension, the principal first takes any action under clause 7 of the Ministerial Order 625;
    - (ii) in the case of an expulsion, the principal first takes any action under clause 11 of the Ministerial Order 625;
    - (iii) in the case of an appeal of an expulsion, the student lodges an appeal of a principal's decision to expel the student under clause 13 of the Ministerial Order 625;
  - (b) is completed when the following occurs:
    - (i) in the case of a suspension, the principal decides to suspend or not suspend the student under clause 7 of the Ministerial Order 625;
    - (ii) in the case of an expulsion, the principal decides to expel or not expel the student under clause 11 of the Ministerial Order 625;
    - (iii) in the case of an appeal of an expulsion, the Secretary (or delegate) determines the appeal under clause 13 of the Ministerial Order 625.
- (3) Where an appeal is lodged after the commencement of this Order, in relation to a decision to expel a student under Ministerial Order 625, the appeal must be determined:
  - (a) subject to paragraphs (b) and (c), in accordance with clause 18 of this Order;
  - (b) as though clauses 9 to 11 of Ministerial Order 625 continue to apply;
  - (c) as though clauses 12 to 16 of this Order do not apply.

- (4) In this clause:
- (a) **disciplinary action** means any action taken under the Old Ministerial Order in relation to:
- (i) the suspension or proposed suspension of a student;
  - (ii) the expulsion or proposed expulsion of a student;
  - (iii) an appeal of a principal's decision to expel a student;
- (b) **Ministerial Order 625** means Ministerial Order No. 625 – 'Procedures for Suspension and Expulsion', made by the Minister for Education on 23 December 2013.

Dated 15 January 2018

THE HON. JAMES MERLINO  
Minister for Education

### Geographic Place Names Act 1998

#### NOTICE OF REGISTRATION OF GEOGRAPHIC NAMES

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

Road Naming:

Change Request Number	Road Name	Locality	Naming Authority and Location
105407	Ellerston Place	Heatherton	Kingston City Council Formerly known as Royal Troon Place. The road traverses north from Royal Troon Avenue.

Feature Naming:

Change Request Number	Place Name	Naming Authority and Location
104172	John Famechon Monument	Frankston City Council Located at Ballam Park, Frankston. For further details see map at <a href="http://www.delwp.vic.gov.au/namingplaces">www.delwp.vic.gov.au/namingplaces</a>
104382	Harold Caterson Reserve	Kingston City Council Formerly known as Keys Road Reserve. Located at 92 Keys Road, Moorabbin. For further details see map at <a href="http://www.delwp.vic.gov.au/namingplaces">www.delwp.vic.gov.au/namingplaces</a>

Office of Geographic Names

Land Use Victoria  
2 Lonsdale Street  
Melbourne 3000

CRAIG L. SANDY  
Registrar of Geographic Names



**Marine Safety Act 2010**

NOTICE OF BOATING ACTIVITY EXCLUSION ZONE

Loddon Shire Council, as the declared waterway manager for the Loddon River at Bridgewater between Flour Mill Weir and Sweeneys Lane, hereby gives notice under section 208(2) of the **Marine Safety Act 2010** that the waters of the Loddon River between the Calder Highway Bridge and the boat ramp at Sweeneys Lane are prohibited to all persons and vessels not registered to take part in the 2018 Australian Masters Water Ski Tournament. The exclusion zone takes effect between 7.00 am and 6.00 pm from 26 to 28 January 2018.

BY ORDER OF LODDON SHIRE COUNCIL



**Marine Safety Act 2010**

NOTICE OF BOATING ACTIVITY EXCLUSION ZONE

Loddon Shire Council, the declared Waterway Manager for the Loddon River (at Bridgewater between Flour Mill Weir and Sweeneys Lane), hereby give notice under section 208(2) of the **Marine Safety Act 2010** that all persons and vessels not registered to participate in the Bridgewater Triathlon from 6.00 am to 11.00 am on 4 February 2018 are prohibited from entering and remaining in the waters of the Loddon River at Bridgewater between the Calder Highway Bridge and Sweeneys Lane.

BY ORDER OF LODDON SHIRE COUNCIL

STATE OF VICTORIA

**Offshore Petroleum and Greenhouse Gas Storage Act 2010**

APPLICATION FOR VARIATION OF A PETROLEUM PIPELINE LICENCE

An application has been received from Cooper Energy (Sole) Pty Ltd, ACN 86 613 951 429, Level 10, 60 Waymouth Street, Adelaide, South Australia 5000, for a variation of Petroleum Pipeline Licence VIC/PL006401(V), situated off the coast near Orbost in the Gippsland Basin, in accordance with section 224 of the **Offshore Petroleum and Greenhouse Gas Storage Act 2010**.

The pipeline licence is sought to be varied to enable the construction and operation of a pipeline of approximately 5.6 km, commencing at the 3 nautical mile Victorian State waters line located at approximately 626 515E and 5 809 530N and finishing at the coastline located at approximately 626 506E and 5 815 097N.

Pursuant to subsection 224(3) of the Act, a person may make a written submission to the Minister about this application within 30 days from the date of this notice.

This notice takes effect on the day on which it appears in the Victoria Government Gazette.

Made under the **Offshore Petroleum and Greenhouse Gas Storage Act 2010**.

Dated 16 January 2018

DUNCAN PENDRIGH  
Acting Executive Director  
On behalf of Minister for Resources  
Earth Resources Regulation

**Port Management Act 1995**

## PORT MANAGEMENT (LOCAL PORTS) REGULATIONS 2015

## Set Aside Determination – Regulation 11(1)

## Local Ports of Port Phillip, Western Port and/or Port Campbell

As the Port Manager of Port Phillip, Parks Victoria has set aside an area of Port Phillip to facilitate the Australia Day in Altona 2018 fireworks display organised by Show FX Australia on the Altona foreshore. The set aside prohibits all persons entering the area between 6.00 pm and 11.00 pm on Friday 26 January 2018. The full declaration including event information is available on Parks Victoria's website.

Dated 16 December 2017

BY ORDER OF PARKS VICTORIA

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**Port Management Act 1995**

## PORT MANAGEMENT (LOCAL PORTS) REGULATIONS 2015

## Set Aside Determination – Regulation 11(1)

## Local Ports of Port Phillip, Western Port and/or Port Campbell

As the Port Manager of Port Phillip, Parks Victoria has set aside an area of Port Phillip to facilitate the Mornington Australia Day Fireworks Display organised by Mornington Peninsula Shire Council on barges off Mothers Beach, Mornington. The set aside prohibits all persons entering the area between 9.00 pm to 10.15 pm on Friday 26 January 2018. The full declaration including event information is available on Parks Victoria's website.

Dated 18 December 2017

BY ORDER OF PARKS VICTORIA

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**Port Management Act 1995**

## PORT MANAGEMENT (LOCAL PORTS) REGULATIONS 2015

## Set Aside Determination – Regulation 11(1)

## Local Ports of Port Phillip, Western Port and/or Port Campbell

As the Port Manager of Port Phillip, Parks Victoria has set aside an area of Port Phillip Bay to facilitate the Festival of Sails fireworks display organised by Royal Geelong Yacht Club on Corio Bay between Cunningham Pier and the Royal Geelong Yacht Club. The set aside prohibits all persons entering the area between 6.00 pm and 11.00 pm on Friday 26 January 2018. The full declaration including event information is available on Parks Victoria's website.

Dated 4 January 2018

BY ORDER OF PARKS VICTORIA

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**Port Management Act 1995**

## PORT MANAGEMENT (LOCAL PORTS) REGULATIONS 2015

## Set Aside Determination – Regulation 11(1)

## Local Ports of Port Phillip, Western Port and/or Port Campbell

As the Port Manager of Port Phillip, Parks Victoria has set aside an area of Port Phillip to facilitate the Rye Australia Day Fireworks Display organised by South Channel Promotions Pty Ltd on the Rye Pier. The set aside prohibits all persons entering the area between 9.00 pm and 9.45 pm on Friday 26 January 2018. The full declaration including event information is available on Parks Victoria's website.

Dated 18 January 2018

BY ORDER OF PARKS VICTORIA

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**Professional Standards Act 2003**

## AUTHORISATION AND PUBLICATION PURSUANT TO SECTION 14

## The CPA Australia Ltd Professional Standards (Accountants) Scheme

I, Martin Pakula MP, Attorney-General, pursuant to section 14 of the **Professional Standards Act 2003** (the Act), authorise the publication of the CPA Australia Ltd Professional Standards (Accountants) Scheme (the Scheme) submitted to me by the Professional Standards Council of New South Wales. The Scheme is published with this authorisation and will commence in accordance with section 15 of the Act.

Dated 6 January 2018

THE HON. MARTIN PAKULA MP  
Attorney-General

**Professional Standards Act 1994 (NSW)**THE CPA AUSTRALIA LTD PROFESSIONAL STANDARDS  
(ACCOUNTANTS) SCHEME**PREAMBLE**

- A. CPA Australia Ltd ('CPA Australia') is a national occupational association.
- B. CPA Australia has made an application to the Professional Standards Council, appointed under the **Professional Standards Act 1994** (NSW) ('the Act') for approval of a scheme under the Act.
- C. The Scheme is prepared by CPA Australia for the purposes of limiting Occupational Liability to the extent to which such liability may be limited under the Act.
- D. The Scheme propounded by CPA Australia is to apply to all participating members referred to in clause 2 of the Scheme and as otherwise stated in that clause.
- E. CPA Australia has furnished the Council with a detailed list of the risk management strategies intended to be implemented in respect of its members and the means by which those strategies are intended to be implemented.
- F. All participating members referred to in clause 2 of the Scheme are subject to disciplinary measures under the Constitution and By-Laws of CPA Australia and are also subject to the professional indemnity insurance requirements under the By-Laws of CPA Australia.
- G. The Scheme is intended to remain in force for a period of two (2) years from the date of commencement in each jurisdiction for which it is in force unless it is revoked, extended or ceases in accordance with section 32 of the Act.
- H. This Scheme is not intended to apply to holders of an Australian Financial Services Licence under Chapter 7 of the **Corporations Act 2001** (Cth) other than those who hold a Limited Licence.

**THE CPA AUSTRALIA LTD PROFESSIONAL STANDARDS  
(ACCOUNTANTS) SCHEME****1. Occupational Association**

- 1.1. The CPA Australia Ltd Professional Standards (Accountants) Scheme (the 'Scheme') is a scheme under 'the Act' of CPA Australia, Level 20, 28 Freshwater Place, Southbank, Victoria 3006.
- 1.2. Definitions of terms used in the Scheme appear in the Scheme, including in Part 4.

**2. Persons to Whom the Scheme Applies**

- 2.1. This Scheme applies to:
  - (a) all CPA Australia members who hold a current Public Practice Certificate issued by CPA Australia other than:



- (i) such members who also hold an Australian Financial Services Licence granted in accordance with section 913B of the **Corporations Act 2001** (Cth), not being a Limited Licence; and
- (ii) Representatives of licensees under section 913B of the **Corporations Act 2001** (Cth), not being a Limited Licence;

And

- (b) all persons to whom the Scheme applies, by virtue of the Act<sup>1</sup> and the corresponding provisions of the Acts<sup>2</sup> of other jurisdictions in which the Scheme applies.

Each such participating member and person is referred to in the Scheme as a 'participant'.

- 2.2. No participant to whom the Scheme applies may choose not to be subject to the Scheme, however CPA Australia may, on written application by a participant referred to in clause 2.1(a), exempt the participant from the Scheme if CPA Australia is satisfied that he or she would suffer financial hardship in obtaining professional indemnity insurance to the levels set out in clause 3 below.
- 2.3. All participating members referred to in this clause 2 of the Scheme are subject to disciplinary measures under the Constitution and By-Laws of CPA Australia and are also subject to the professional indemnity insurance requirements under the By-Laws of CPA Australia.

### 3. **Limitation of Liability**

- 3.1. This Scheme only affects the Occupational Liability of a participant for damages<sup>3</sup> arising from a Cause of Action to the extent to which the liability results in damages exceeding \$2 million.
- 3.2. Where a participant against whom a proceeding is brought relating to Occupational Liability in connection with Category 1 services is able to satisfy the court that the participant has the benefit of an Insurance Policy insuring the participant against the Occupational Liability and the amount payable under the Insurance Policy in respect of the Occupational Liability relating to the Cause of Action (including any amount payable by the person by way of excess under or in relation to the Policy) is not less than the Category 1 monetary ceiling determined in accordance with the table in clause 3.3, then the participant is not liable in damages in relation to that Cause of Action above the Category 1 monetary ceiling specified in clause 3.3.

<sup>1</sup> Sections 18 and 19 of the Act provide that if the Scheme applies to a body corporate, the Scheme also applies to each officer of the body corporate and if the Scheme applies to a person, the Scheme also applies to each partner of a person, and if the Scheme applies to a person, the Scheme also applies to each employee of that person, provided that if such officer of the corporation or partner of the person or employee of the person is entitled to be a member of the same occupational association, such officer, partner or employee is a member of the occupational association. Section 20 provides that the Scheme may also apply to other persons as specified in that section. Section 20A extends the limitation of liability of persons to whom the scheme applies by virtue of sections 18 to 20.

<sup>2</sup> **Professional Standards Act 2003** (Vic.); **Professional Standards Act 2004** (Qld); **Professional Standards Act 2004** (SA); **Professional Standards Act 1997** (WA); **Professional Standards Act 2005** (Tas.); **Professional Standards Act 2004** (NT); **Civil Law (Wrongs) Act 2002** (ACT).

<sup>3</sup> Damages as defined in section 4 of the Act means:

- (a) damages awarded in respect of a claim or counter-claim or by way of set-off; and
- (b) costs in or in relation to the proceedings ordered to be paid in connection with such an award (other than costs incurred in enforcing a judgment or incurred on an appeal made by a defendant); and
- (c) any interest payable on the amount of those damages or costs.

- 3.3. The Category 1 monetary ceiling is an amount specified in the table below:

<b>Groups</b>	<b>Monetary ceiling</b>
1. Participants who at the Relevant Time were in an Accounting Practice which generated total annual fee income, for the financial year immediately preceding the Relevant Time, of less than \$10 million.	\$2 million
2. Participants other than those in Groups 1 and 3.	\$10 million
3. Participants who at the Relevant Time were in an Accounting Practice which generated total annual fee income, for the financial year immediately preceding the Relevant Time, greater than \$20 million.	\$75 million

- 3.4. Where a participant against whom a proceeding is brought relating to Occupational Liability in connection with Category 2 services is able to satisfy the court that the participant has the benefit of an Insurance Policy insuring the participant against the Occupational Liability, and the amount payable under the insurance policy in respect of the Occupational Liability relating to that Cause of Action (including any amount payable by the person by way of excess under or in relation to the policy) is not less than the Category 2 monetary ceiling determined in accordance with the table in clause 3.5 below, then the participant is not liable in damages in relation to that Cause of Action above the Category 2 monetary ceiling specified in clause 3.5.
- 3.5. The Category 2 monetary ceiling is the amount specified in the table below:

<b>Groups</b>	<b>Monetary ceiling</b>
1. Participants who at the Relevant Time were in an Accounting Practice which generated total annual fee income, for the financial year immediately preceding the Relevant Time, of less than \$10 million.	\$2 million
2. Participants other than those in Groups 1 and 3.	\$10 million
3. Participants who at the Relevant Time were in an Accounting Practice which generated total annual fee income, for the financial year immediately preceding the Relevant Time, greater than \$20 million.	\$20 million

- 3.6. Where a participant against whom a proceeding is brought relating to Occupational Liability in connection with Category 3 services is able to satisfy the court that the participant has the benefit of an Insurance Policy insuring the participant against the Occupational Liability, and the amount payable under the Insurance Policy in respect of the Occupational Liability relating to that Cause of Action (including any amount payable by the person by way of excess under or in relation to the Policy) is not less than the amount of the Category 3 monetary ceiling determined in accordance with the table in clause 3.7 below, then the participant is not liable in damages in relation to that Cause of Action above the Category 3 monetary ceiling specified in clause 3.7.

- 3.7. The Category 3 monetary ceiling is the amount specified in the table below:

<b>Groups</b>	<b>Monetary ceiling</b>
1. Participants who at the Relevant Time were in an Accounting Practice which generated total annual fee income, for the financial year immediately preceding the Relevant Time, of less than \$10 million.	\$2 million
2. Participants other than those in Groups 1 and 3.	\$10 million
3. Participants who at the Relevant Time were in an Accounting Practice which generated total annual fee income, for the financial year immediately preceding the Relevant Time, greater than \$20 million.	\$20 million

- 3.8. Pursuant to section 24 of the Act, this Scheme confers on CPA Australia a discretionary authority to specify, on application by a participant member, a higher maximum amount of liability not exceeding \$75 million than would otherwise apply under the Scheme in respect of any specified case or class of case of Category 2 services or Category 3 services.
- 3.9. In circumstances where the services provided by a participant comprise a combination of Category 1 services and any of:
- Category 2 services;
  - Category 3 services;
  - Category 2 services and Category 3 services,
- the participant's liability under this Scheme for damages in respect of a proceeding in relation to Occupational Liability in excess of the applicable amount specified in clause 3.1 will be determined in accordance with those provisions of the Scheme relating to Category 1 services only.
- 3.10. In circumstances where the services provided by a participant comprise a combination of Category 2 services and Category 3 services, the participant's liability under this Scheme for damages in respect of a proceeding in relation to Occupational Liability in excess of the applicable amount specified in clause 3.1 will be determined (subject to clause 3.9) in accordance with those provisions of the Scheme relating to Category 2 services only.
- 3.11. Nothing in this scheme is intended to increase, or has the effect of increasing, a participant's liability for damages to a person beyond the amount that, other than for the existence of this Scheme, the participant would be liable in law.
- 3.12. This Scheme only limits the amount of damages for which a participant is liable if and to the extent that it exceeds the amount specified in clause 3.1. Where the amount of damages in relation to a Cause of Action exceeds the amount specified in clause 3.1 liability for those damages will instead be limited to the amount specified in the applicable other provision of this clause 3.
- 3.13. Notwithstanding anything to the contrary contained in this scheme, if in particular circumstances giving rise to Occupational Liability, the liability of any participant should be capped both by this scheme and also by any other scheme under Professional Standards legislation (whether of this jurisdiction or under the law of any other Australian state or territory) and, if the amount of such caps should differ, then the cap which is higher shall be the applicable cap.

#### 4. Definitions

- 4.1. In this Scheme, the following words and phrases have the following meanings:
- ‘Accounting Practice’** means the activities of a member including those who provide Public Accounting Services through an Approved Practice Entity (in accordance with the requirements of By-Law 9.3 of the By-Laws).
- ‘Act’** means **Professional Standards Act 1994** (NSW).
- ‘Acts’** means state and territory legislation other than the Act, including:
- (a) **Professional Standards Act 2003** (Vic.);
  - (b) **Professional Standards Act 2004** (Qld);
  - (c) **Professional Standards Act 2004** (SA);
  - (d) **Professional Standards Act 1997** (WA);
  - (e) **Professional Standards Act 2005** (Tas.);
  - (f) **Professional Standards Act 2004** (NT); and
  - (g) **Civil Law (Wrongs) Act 2002** (ACT).
- ‘Approved Practice Entity’** means such entities as defined as Approved Practice Entity in By-Law 9.3 of the By-Laws.
- ‘By – Laws’** means the By-Laws of CPA Australia Limited.
- ‘Category 1 services’** means:
- (a) all services required by Australian law to be provided only by a registered company auditor;
  - (b) all other services provided by a registered company auditor in his or her capacity as auditor;
  - (c) all services the deliverables from which:
    - (i) will be used in determining the nature, timing and extent of audit procedures in the context of an audit of a financial report; or
    - (ii) will be incorporated into the financial report of an entity; or
    - (iii) are required by law or regulation to be filed with a regulator (excluding returns signed by a registered tax agent).
- ‘Category 2 services’** means:
- (a) services to which Chapter 5 or Chapter 5A of the **Corporations Act 2001** (Cth) applies;
  - (b) services provided pursuant to section 233(2) of the **Corporations Act 2001** (Cth);
  - (c) services to which the **Bankruptcy Act 1966** (Cth) applies; or
  - (d) services arising out of any court appointed liquidation or receivership.
- ‘Category 3 services’** means any services provided by a participant in the performance of his, her or its occupation, which are not Category 1 or Category 2 services.
- ‘Cause of Action’** means and includes all causes of action arising from the same source or originating cause.
- ‘Financial Services’** means financial services as described in Chapter 7 of the **Corporations Act 2001** (Cth) and the Regulations made under it, as amended from time to time but does not include those provided under a Limited Licence.
- ‘Insurance Policy’** means an insurance policy that complies with By-Law 9.8 of the By-Laws and section 27 of the Act.
- ‘Limited Licence’** means a licence to provide only limited financial services as defined in Regulations 7.8.12A and 7.8.14B of the Corporations Regulations 2001 (Cth).

**‘Occupational Liability’** has the same meaning as is ascribed to that term in the Act<sup>4</sup> and Acts.

**‘Public Accounting Services’** means those services defined as public accounting services in the By-Laws.

**‘Principal(s)’** for the purposes of clauses 3.3, 3.5, and 3.7 means a person(s) in a Public Accounting Practice who is affiliated with the Controlled Person within the meaning of By-Law 1.2(c) of the By-Laws.

**‘Public Practice Certificate’** means a Public Practice Certificate issued by CPA Australia Ltd, permitting a Member to provide Public Accounting Services.

**‘Relevant Time’** means, in respect of a liability potentially limited by the Scheme, the period from the time(s) of the act(s) or omission(s) giving rise to the liability until the date that is seven years after the last such act or omission took place.

## 5. Jurisdiction

- 5.1. This Scheme is intended to operate in New South Wales. This Scheme is also intended to operate in the Australian Capital Territory, the Northern Territory, Victoria, Queensland, South Australia, Tasmania, and Western Australia by way of mutual recognition under the professional standards legislation.

## 6. Commencement date and duration

- 6.1.1. This Scheme will commence on the day after the date of Gazettal in each of the following jurisdictions respectively: New South Wales; the Australian Capital Territory; the Northern Territory; Queensland; South Australia; and Western Australia; and
- 6.1.2. In the event the Scheme or a notice relating to the Scheme is published in the Gazette in each of Victoria and Tasmania, on such day that is two (2) months after the date of its publication in each of those jurisdictions respectively.
- 6.2. The Scheme will operate for and is intended to remain in force for a period of two (2) years from the date of commencement in each jurisdiction for which it is in force unless it is revoked, extended or ceases in accordance with section 32 of the Act.

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<sup>4</sup> Occupational liability is defined in the Act as meaning ‘civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted by a member of an occupational association acting in the performance of his or her occupation’.

**Road Safety Act 1986**DECLARATION UNDER SECTION 99B(4) IN RELATION TO  
AUSTRALIA DAY CELEBRATIONS, MANSFIELD, ON 26 JANUARY 2018**1 Purpose**

The purpose of this Declaration is to exempt participants in the Australia Day Celebrations from specified provisions of the Road Safety Road Rules 2017 with respect to the Event, which is a non-road activity to be conducted on Maroondah Highway (High Street) and Midland Highway (Highett Street) roundabout, Mansfield, on 26 January 2018.

**2 Authorising provision**

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

**3 Commencement**

This notice takes effect on 26 January 2018 at 9.15 am.

**4 Expiry**

This notice expires on 26 January 2018 at 10.00 am.

**5 Definitions**

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

- a) ‘Event’ means the Australia Day Celebrations, to be held on 26 January 2018; and
- b) ‘Participants’ means participants in the Event, including officers, members and authorised agents of the Mansfield Shire Council, whose presence is reasonably required to ensure the safe conduct of the Event.

**6 Declaration**

I, Bill Glasgow, Executive Director Regional Services, as delegate of the Minister for Roads, under section 99B(4) of the **Road Safety Act 1986** declare that the provisions of the Road Safety Road Rules 2017 specified in Table 1 do not apply to Participants engaged in activities forming part of the Event on the highway specified in column 1 of Table 2, on the date and during the period specified in column 2 of Table 2.

**Table 1****Provisions of the Road Safety Road Rules 2009 that  
do not apply to participants in the Event**

<b>Road Safety Road Rules 2009</b>	
Part 18	Miscellaneous road rules
Rule 303	Riding an animal alongside more than one other rider

**Table 2**

<i>Column 1</i> <b>Highway</b>	<i>Column 2</i> <b>Date and time</b>
Maroondah Highway (High Street) and Midland Highway (Highett Street) – Roundabout	26 January 2018, between 9.15 am and 10.00 am

Dated 12 January 2018

BILL GLASGOW  
Executive Director Regional Services  
Roads Corporation

### Road Safety Act 1986

#### DECLARATION UNDER SECTION 99B(4) IN RELATION TO MARYSVILLE LIONS JAZZ & BLUES PARADE, MARYSVILLE, ON 26 JANUARY 2018

#### 1 Purpose

The purpose of this Declaration is to exempt participants in the Marysville Lions Australia Day Parade from specified provisions of the Road Safety Road Rules 2009 with respect to the Event, which is a non-road activity to be conducted on Marysville Road (Murchison Street), Marysville, on 26 January 2018.

#### 2 Authorising provision

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

#### 3 Commencement

This notice takes effect on 26 January 2018 at 10.30 am.

#### 4 Expiry

This notice expires on 26 January 2018 at 12.30 pm.

#### 5 Definitions

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

- a) 'Event' means the Marysville Lions Australia Day Parade, to be held on 26 January 2018; and
- b) 'Participants' means participants in the Event, including officers, members and authorised agents of the Marysville and District Lions Club, whose presence is reasonably required to ensure the safe conduct of the Event.

#### 6 Declaration

I, Bill Glasgow, Executive Director Regional Services, as delegate of the Minister for Roads, under section 99B(4) of the **Road Safety Act 1986** declare that the provisions of the Road Safety Road Rules 2009 specified in Table 1 do not apply to Participants engaged in activities forming part of the Event on the highway specified in column 1 of Table 2, on the date and during the period specified in column 2 of Table 2.

**Table 1**  
**Provisions of the Road Safety Road Rules 2009 that**  
**do not apply to participants in the Event**

<b>Road Safety Road Rules 2009</b>	
Part 9	Roundabouts
Part 11	Keeping Left, Overtaking and Other Driving Rules
Part 12	Restrictions on Stopping and Parking
Part 14	Rules for Pedestrians
Part 16	Rules for Persons Travelling on or in Vehicles
Rule 298	Driving with a person in a trailer

Table 2

<i>Column 1</i> <b>Highway</b>	<i>Column 2</i> <b>Date and time</b>
Marysville Road (Murchison Street) between Old Melbourne Road and Darwin Street, Marysville	26 January 2018, between 10.30 am and 12.30 pm

Dated 12 January 2018

BILL GLASGOW  
Executive Director Regional Services  
Roads Corporation

### **Transport Superannuation Act 1988**

#### DECLARATION OF EMPLOYER

I, Robin Scott MP, in my capacity as Minister for Finance for the State of Victoria, under paragraph (i) of the definition of 'Transport Authority' in section 3(1) of the **Transport Superannuation Act 1988** (the Act) by this instrument declare Electro-Motive Maintenance Operations Pty Ltd, ABN 38 063 514 01, to be an employer for the purposes of the Act in relation to existing members of the Transport Superannuation Fund.

Dated 15 January 2018

ROBIN SCOTT MP  
Minister for Finance  
Minister for Multicultural Affairs

### **Water Act 1989**

#### EXTENSION OF THE BALLARAT SEWERAGE DISTRICT DECLARATION 2018

I, Melinda Stuart-Adams, 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 Ballarat Sewerage District Declaration 2018.

**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**

Central Highlands Region Water Corporation submitted a notice of its decision on the proposal for the extension of the Ballarat Sewerage District to the Minister in January 2018, in accordance with section 122R of the **Water Act 1989**. This proposal was approved by the delegate of the Minister for Water under section 122S of the **Water Act 1989** as dated below.

**5. Area of Extended Sewerage District**

The Ballarat Sewerage District is extended to include an area delineated by a red border as indicated on Central Highlands Region Water Corporation's Plan Number LEGL./17-290. A copy of this plan may be inspected at the office of the Central Highlands Region Water Corporation, located at 7 Learmonth Road, Wendouree, Victoria 3355.

Dated 12 January 2018

MELINDA STUART-ADAMS  
Acting Executive Director  
Department of Environment, Land, Water and Planning  
(As delegate of the Minister)



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