



Victoria Government Gazette

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No. G 2 Thursday 16 January 2020

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GENERAL

TABLE OF PROVISIONS

Private Advertisements	
Discontinuance of Partnership	
Bridge to Chinese	44
Estates of Deceased Persons	
Basile & Co. Pty Ltd	44
Dr C. A. Burton	44
Devenish	44
Featherbys Lawyers	44
Hunt, McCullough, Kollias & Co.	45
I. Glenister & Associates	45
Joliman Lawyers	45
Keith R. Cameron Solicitors	45
Kingston Lawyers Pty Ltd	45
Lawson Hughes Peter Walsh	46
M Landau Legal	46
Macpherson Kelley Pty Ltd	46
Mahons with Yuncken & Yuncken	46
Moores	46
Perpetual Legal Services Pty Ltd	46
Stidston Warren Lawyers	47
Government and Outer Budget Sector	
Agencies Notices	48

Advertisers Please Note

As from 16 January 2020

The last Special Gazette was No. 16 dated 15 January 2020.

The last Periodical Gazette was No. 1 dated 29 May 2019.

How To Submit Copy

- See our webpage www.gazette.vic.gov.au
 - or contact our office on 8523 4601
between 8.30 am and 5.30 pm Monday to Friday
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**PUBLICATION OF THE VICTORIA GOVERNMENT GAZETTE (GENERAL)
AUSTRALIA DAY HOLIDAY 2020**

Please Note:

The Victoria Government Gazette (General) for AUSTRALIA DAY HOLIDAY week (G4/20) will be published on **Thursday 30 January 2020**.

Copy Deadlines:

Private Advertisements **9.30 am on Friday 24 January 2020**

Government and Outer

Budget Sector Agencies Notices

9.30 am on Friday 24 January 2020

Office Hours:

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

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

JENNY NOAKES
Government Gazette Officer

PRIVATE ADVERTISEMENTS

Partnership Act 1958

NOTICE OF DISCONTINUANCE OF PARTNERSHIP

Take notice that as from 7 October 2019 the partnership of Jennifer Wang and Lauren Ko in the State of Victoria who traded as Bridge to Chinese was dissolved.

Lauren Ko has retired from the partnership.

Jennifer Wang will continue to operate the business under the name of Bridge to Chinese and shall be responsible for all the debts and liabilities thereof.

Dated 11 January 2020

LAUREN KO
JENNIFER WANG

Estate WILLIAM CHARLES McKENZIE HELMAN, late of Respect Aged Care – Cohuna Village, 38 Augustine Street, Cohuna, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the abovenamed deceased, who died on 15 November 2019, are required by the executor, Sally Elizabeth Thomson, to send particulars of such claims to her, in care of the undermentioned solicitors, within two months from the date of publication of this notice, after which date they will distribute the assets, having regard only to the claims of which they then have notice.

Dated 6 January 2020

BASILE & CO. PTY LTD, legal practitioners, consultants and conveyancers (Vic. and NSW), 46 Wellington Street, Kerang, Victoria 3579.
RB:GR:19486.

Estate DIANE ELIZABETH WALSH, late of Cohuna Village, 38 Augustine Street, Cohuna, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the abovenamed deceased, who died on 16 October 2019, are required by the executor, Annette Marie Coates, to send particulars of such claims to her, 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 7 January 2020

BASILE & CO. PTY LTD, legal practitioners, consultants and conveyancers (Vic. and NSW), 46 Wellington Street, Kerang, Victoria 3579.
RB:GR:19446.

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

Notice to Claimants

KEITH HENRY BURTON, late of 12 Nottingwood Street, East Doncaster, retired marine chartering manager, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 March 2019, are required by Carol Audrey Burton, the executor of the Will of the deceased, to send particulars of their claims to her at the address below by 16 March 2020, after which date she will convey or distribute the assets, having regard only to the claims of which she then has notice.

DR C. A. BURTON,
GPO Box 1722, Melbourne 3001.

FAY LUCY HOARE, late of Donwood Community Aged Care, 11 Diana Street, Croydon, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 November 2019, are required by the executors, Mark Linley Hoare and Jillian Fay Durbridge, to send particulars of their claims to the undermentioned solicitors, within 60 days from the date of publication of this notice, after which date the executors may convey or distribute the assets, having regard only to the claims of which the executors then have notice.

DEVENISH, lawyers,
23 Ringwood Street, Ringwood, Victoria 3134.

Re: ELSIE ALICE PINER, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 March 2019, are required by the trustees, Janet Schnepf and Elaine Longley, care of the Featherbys Lawyers, of 14 Ninth

Avenue, Rosebud, Victoria, to send particulars to the trustee by 16 March 2020, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees have notice.

FEATHERBYS LAWYERS, solicitors,
14 Ninth Avenue, Rosebud 3939.

Re: GWENDOLINE MARY LEWINGTON, also known as Gwendolene and Gwendolyn Lewington, late of Village Glen Aged Care Facility, 34a Balaka Street, Capel Sound, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 May 2019, are required by the trustee, William Wayne Lewington, to send particulars to the undermentioned solicitors, by 25 March 2020, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

Erica Horsfield trading as
HUNT, McCULLOUGH, KOLLIAS & CO.,
solicitors,
207 Main Street, Mornington 3931.

PASQUALINA FRANCIONE, late of 7 Waranga Crescent, Broadmeadows, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 March 2019, are required by the executor, Giuseppe Francione, in the Will called Joseph Francione, to send particulars of their claims to the executor, care of the undermentioned solicitors, by a date not later than two months from the date of publication hereof, after which the executor may convey or distribute the assets, having regard only to the claims of which he has notice.

I. GLENISTER & ASSOCIATES, solicitors,
421 Bell Street, Pascoe Vale, Victoria 3044.

Re: Estate of IAN CHARLES BODINNAR, deceased.

Creditors, next-of-kin or others having claims in respect of the estate of IAN CHARLES BODINNAR, late of 31 Monash Avenue, Nyah West, in the State of Victoria, engineer,

deceased, who died on 30 August 2019, are to send particulars of their claim to the executrix, care of the undermentioned legal practitioners, by 11 March 2020, after which the executrix will distribute the assets, having regard only to the claims of which she then has notice.

JOLIMAN LAWYERS,
Beveridge Dome, 194–208 Beveridge Street,
Swan Hill 3585.

Re: MONICA MacKINTOSH MacCALLUM, deceased, of 709–723 Hawthorn Road, Brighton East, Victoria, university lecturer.

Creditors, next-of-kin and others having claims in respect to the estate of the deceased, who died on 22 December 2018, are required to send particulars of their claims to the executrix, Frances Ruth Pfeiffer, care of 273 Hampton Street, Hampton, Victoria 3188, by 19 March 2020, after which date the executrix may convey or distribute the assets, having regard only to the claims of which she may then have notice.

KEITH R. CAMERON SOLICITORS,
273 Hampton Street, Hampton, Victoria 3188.

Re: EVELYN MAY BUTTERY, late of 120 North Road, Avondale Heights, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of EVELYN MAY BUTTERY, deceased, who died on 15 November 2019, are required by the trustee, Leigh Josephine Harrison, to send particulars of their claim to the undermentioned firm by 13 March 2020, after which date the 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.

Re: PAUL HOWARD CARROLL, late of 57 Riviera Street, Mentone East, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of PAUL HOWARD CARROLL, deceased, who died on 2 June 2019, are required by the trustee, Gail Marie Cobb, to send particulars of their claim to

the undermentioned firm by 8 March 2020, after which date the 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.

Creditors, next-of-kin and others having claims in respect of the estate of LESLEY PATRICIA FARRANT, late of 9–17 Broughton Road, Surrey Hills, Victoria, deceased, who died on 12 May 2019, are required by the executors, Peter John Walsh and Norma Lynn Graves, to send particulars of their claims to the said executors, care of the undersigned solicitor, by 24 March 2020, after which date the executors will convey or distribute the assets, having regard only to the claims of which the executors then have notice.

LAWSON HUGHES PETER WALSH, lawyers,
Level 2, 533 Little Lonsdale Street,
Melbourne 3000.
susan@lhpw.com.au

PAUL GERE, late of Bupa Aged Care Caulfield, 349–351A North Road, Caulfield South, Victoria, furniture repairer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 June 2018, are required by the executor, Tom Rose, care of M Landau Legal, Level 24, 570 Bourke Street, Melbourne, Victoria, to send particulars to him within two months of the date of this publication, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

M LANDAU LEGAL,
Level 24, 570 Bourke Street, Melbourne,
Victoria 3000.

Re: NEIL EDWARD MASTERTSON, late of 754 Frankston Flinders Road, Baxter, Victoria, general manager, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 7 June 2017, are required by the trustees, Ian Masterson and Jacqueline Piko, care of Macpherson Kelley Lawyers,

40–42 Scott Street, Dandenong, Victoria 3175, to send particulars to the trustees by 16 March 2020, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

MACPHERSON KELLEY PTY LTD,
40–42 Scott Street, Dandenong 3175.

Re: Estate of MARY FRANCES LAWSON, late of Mercy Place, 16 Hopetoun Road, Warrnambool, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 7 August 2019, are required by the trustees to send particulars to the trustees, care of the undermentioned solicitors, by 16 April 2020, after which date the trustees may convey or distribute the assets, having regard only to the claims of which the trustees then have notice.

MAHONS with Yuncken & Yuncken, solicitors,
177 Surrey Road, Blackburn 3130.
SM:CH2191422.

Re: BETTY JEAN BYRNE, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 31 August 2019, are required by the personal representative, Neville John Byrne, to send particulars to the personal representative, care of Moores, Level 1, 5 Burwood Road, Hawthorn, Victoria, by 16 March 2020, 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.

PATRICIA EVELYN STEBBING, late of Uniting AgeWell Box Hill, 75 Thames Street, Box Hill, Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 25 August 2019, are required by Perpetual Trustee Company Limited, ACN 000 001 007, of Level 29, 525 Collins

Street, Melbourne, Victoria, the executor, to send particulars to it by 20 March 2020, after which date it may convey or distribute the assets, having regard only to the claims of which it then has notice.

PERPETUAL LEGAL SERVICES PTY LTD,
Level 29, 525 Collins Street, Melbourne,
Victoria 3000.

LYNETTE ELIZABETH CARSON, late of 711 Derril Road, Moorooduc, Victoria, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 5 September 2019, are required by the executor, Gary Mervyn Carson, to send particulars to him, care of the undermentioned solicitors, by 23 March 2020, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

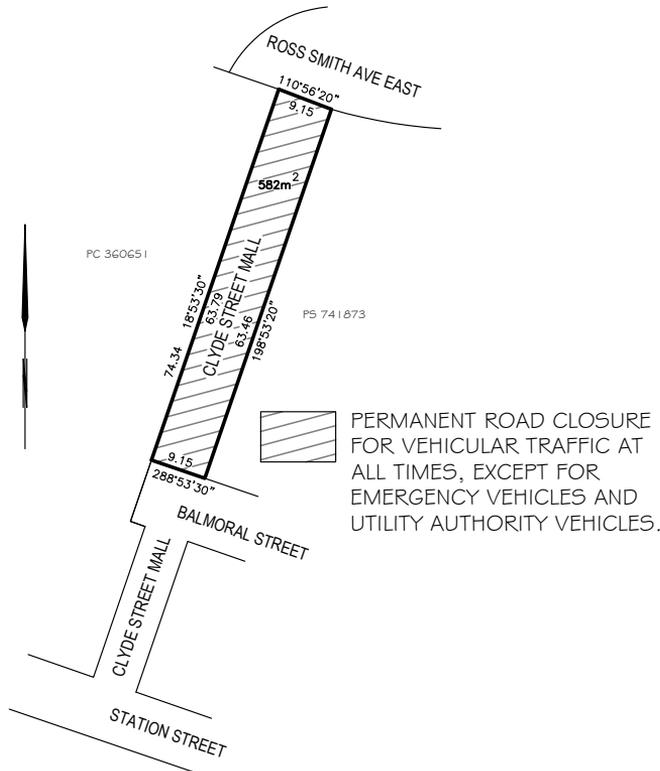
STIDSTON WARREN LAWYERS,
Suite 1, 10 Blamey Place, Mornington 3931.

**GOVERNMENT AND OUTER BUDGET
SECTOR AGENCIES NOTICES**



PROPOSED ROAD CLOSURE TO VEHICULAR TRAFFIC
Part of Clyde Street Mall, Frankston

Notice is hereby given that at its meeting on 18 November 2019, and in the exercise of a power conferred by section 207 and Schedule 11, Clause 9 of the **Local Government Act 1989**, Frankston City Council resolved that statutory procedures be commenced to consider the road closure of a section of Clyde Street Mall in Frankston to vehicular traffic, between Balmoral Street and Ross Smith Avenue East, but with emergency services and utility authorities retaining access. The location of the proposed road closure is shown hatched on the plan below:



Have Your Say

Any person may make a submission to Council on the proposed road closure. All submissions received by 17 February 2020 will be considered by Council in accordance with section 223 of the Act. Any person making a submission is entitled to request (in the submission itself) to be heard at a Council meeting in support of the submission, either in person or by a person acting on his or her behalf. Notice of the meeting date and time will be given to each person who has lodged a submission.

Submissions should be marked ‘Proposed road closure – Clyde Street Mall’ and should be addressed to: Governance Team, Frankston City Council, PO Box 490, Frankston 3199. Submissions may also be hand delivered to the Civic Centre, or emailed to info@frankston.vic.gov.au

Submitters should note that Council is required to maintain a public register of submissions received during the previous 12 months. Unless a submitter requests to the contrary, copies of submissions (including the submitters' names and addresses) may also be included in the Council meeting agenda and minutes, which are a permanent public record, and which are published on Council's website.

For further information about the proposed road closure, phone Council's Manager Capital Works Delivery on 1300 322 322.

PHIL CANTILLON
Chief Executive Officer



AMENDMENT TO KERBSIDE TRADING GUIDELINES

Frankston City Council, at its meeting held on Monday 16 December 2019, resolved to amend its Kerbside Trading Guidelines. The Kerbside Trading Guidelines is incorporated in Council's General Local Law 2016 No. 8 and, in part, includes provisions relating to applications for permits for kerbside trading within the municipality.

The main amendments relate to Kerbside Trading in Station Street Mall which:

- aligns outdoor dining and kerbside trading uses with the improved streetscape;
- provides an opportunity to trial reforms identified by small business owners and regulators as part of the Better Approvals Project; and
- includes conditions associated with the occupation of trading areas, outdoor dining furniture and configurations, moveable advertising sign and configurations and proposed fees and charges.

Copies of the amended Kerbside Trading Guidelines are available at the Civic Centre, Davey Street, Frankston, or on Council website.

For further information, phone Council's Manager Community Safety on 1300 322 322.

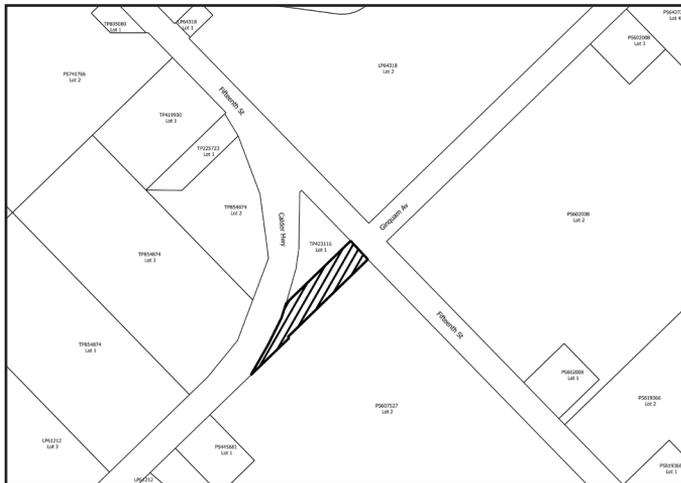
PHIL CANTILLON
Chief Executive Officer



Mildura Rural City Council

ROAD CLOSURE – PART GINQUAM AVENUE EXTENSION, IRYMPLE

Pursuant to section 206(1) and Schedule 10, Clause 3 of the **Local Government Act 1989**, Mildura Rural City Council, at its ordinary meeting held on 23 October 2019, formed the opinion that part of Ginquam Avenue Extension, Irymple, shown hatched on the plan below, is not reasonably required as a road for public use and resolved to discontinue the portion of road, and in doing so, transfers this land to the Crown.



ROAD CLOSURE – UNUSED ROAD RESERVE, MITTYACK

Pursuant to section 206(1) and Schedule 10, Clause 3 of the **Local Government Act 1989**, Mildura Rural City Council, at its ordinary meeting held on 23 October 2019, formed the opinion that part of the Mittyack Road Reserve, shown hatched on the plan below, is not reasonably required as a road for public use and resolved to discontinue the portion of road, and in doing so, transfers this land to the Crown.



PORT PHILLIP CITY COUNCIL

Local Law No. 1 (Community Amenity) 2013

In accordance with section 112(2) of the **Local Government Act 1989**, Port Phillip City Council (Council) gives notice that Clause 54.1, 54.2 and 19.01 of its Procedures and Protocol Manual (Manual) has been amended. The Manual is incorporated into Local Law No. 1 (Community Amenity) 2013.

Specifically, Clause 54.1 has been amended by providing that the following are areas in which the possession of unsealed alcohol in public is prohibited:

54.1 Unsealed containers of alcohol and the consumption of alcohol in public are prohibited in the following areas:

- (a) On all roads (including footpaths) throughout the whole of the municipal district at all times.
- (b) On council land, throughout the whole of the municipal district between the hours of 8.00 pm and 12.00 noon the following day.
- (c) At St Kilda Skate Park, Marine Parade, St Kilda, between 12.00 noon and 8.00 pm each day.
- (d) The St Kilda foreshore precinct from 12.01 am on 1 November to 11.59 pm on 31 March each year.

Note: The St Kilda foreshore precinct is defined as waters and Crown land within the municipal boundary up to the adjoining road, and includes all beaches, reserves, park land and car park from Langridge Street, Middle Park, to Thackeray Street, Elwood.

- (e) Public places (other than licensed premises within the meaning of the **Liquor Control Reform Act 1998**) within the whole of the municipal district for the period from 8.00 pm on 30 December until 12.00 noon on 2 January each year (New Year's Period).
- (f) Public places (other than licensed premises within the meaning of the **Liquor Control Reform Act 1998**) within the whole of the municipal district on 26 January between the hours of 12.01 am and 11.59 pm each year (Australia Day).
- (g) Public places (other than licensed premises within the meaning of the **Liquor Control Reform Act 1998**) within the whole of the municipal district on 25 January 2020 between the hours of 12.01 am and 11.59 pm.
- (h) The St Kilda Festival precinct between 9.00 am and 12.00 midnight on each day(s) of the festival.

Note: The St Kilda precinct is that area being from the foreshore along Thackeray Street to Barkly Street, along Barkly Street to Fitzroy Street, along Fitzroy Street to Canterbury Road, along Canterbury Road to Cowderoy Street then down Cowderoy Street to the foreshore, including the beach.

- (i) The Australian Formula 1 Grand Prix local access area for the period of the Grand Prix as defined in the **Australian Grands Prix Act 1994** – from midnight on the Monday preceding the Grand Prix to midnight on the Monday after the Grand Prix.

Specifically, Clause 54.2 has been amended by providing that the following are areas in which the possession of sealed alcohol in public is prohibited:

54.2 Sealed containers of alcohol in public are prohibited in the following areas:

- (a) New Year's Eve for the period from 8.00 pm on 30 December until 12.00 noon on 2 January in any year, no sealed containers of alcohol can be carried or possessed in the following areas along the foreshore:

Specifically, Clause 19.1 has been amended by providing that the following area may allow busking with the use of amplifiers with the written consent of Council:

19.01 Standard Conditions for a Busking Permit

- (h) (vi) The use of mains or battery-powered electrical amplifiers are strictly prohibited other than with the written consent of Council in Bay Street, Port Melbourne, for the purpose of a trial period to help inform the development of the Live Music Action Plan.

PETER SMITH
Chief Executive Officer

Planning and Environment Act 1987
MACEDON RANGES PLANNING SCHEME
Notice of the Preparation of an Amendment
Amendment C138macr

The Macedon Ranges Shire Council has prepared Amendment C138macr to the Macedon Ranges Planning Scheme.

The land affected by the Amendment is Lot 1 on TP 879826E, Walshes Road, Woodend.

The Amendment proposes to rezone land at Lot 1 on TP879826E, Walshes Road, Woodend, from Public Use Zone – Service and Utility (PUZ1) to Rural Conservation Zone, Schedule 1.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment, free of charge, during office hours at the following locations: Offices and Service Centres of the planning authority, Macedon Ranges Shire Council: Kyneton Council Office, 129 Mollison Street, Kyneton; Gisborne Council Office, 40 Robertson Street, Gisborne; Woodend Library, corner Forest and High Streets, Woodend; Romsey Library, 96–100 Main Street, Romsey; and at the Department of Environment, Land, Water and Planning website, www.delwp.vic.gov.au/public-inspection

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

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions. The closing date for submissions is 18 February 2020. A submission must be sent to the Macedon Ranges Shire Council at PO Box 151, Kyneton, Victoria 3444.

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.

MARGOT STORK
Chief Executive Officer
Macedon Ranges Shire Council

Planning and Environment Act 1987
BASS COAST PLANNING SCHEME
Notice of the Preparation of an Amendment
Amendment C136base

The Bass Coast Shire Council has prepared Amendment C136base to the Bass Coast Planning Scheme.

The land affected by the Amendment is:

- 2 Seaward Drive, Cape Paterson (Lot 1 on Plan of Subdivision 219915T);
- 20 Seaward Drive, Cape Paterson (Lot 1 on Plan of Subdivision 417548A);
- 40 Seaward Drive, Cape Paterson (Lot 2 on Plan of Subdivision 417548A);
- 140 Seaward Drive, Cape Paterson (Lot 3 on Plan of Subdivision 410049H); and
- Seaward Drive, Cape Paterson (Lot 2 on Plan of Subdivision 410049H).

As depicted in Figure 1 below:



This Amendment rezones approximately 53 hectares of land from the Farming Zone to the General Residential Zone. The rezoning applies to three parcels of land known as:

- 2 Seaward Drive, Cape Paterson (Lot 1 on Plan of Subdivision 219915T);
- 20 Seaward Drive, Cape Paterson (Lot 1 on Plan of Subdivision 417548A); and
- 40 Seaward Drive, Cape Paterson (Lot 2 on Plan of Subdivision 417548A);

As depicted in Figure 2 below:



The Amendment applies the Development Plan Overlay (Schedule 26) to the entire Cape Paterson north area, comprising all land included within the settlement boundary. The application of the DPO26 applies to:

- 2 Seaward Drive, Cape Paterson (Lot 1 on Plan of Subdivision 219915T);
- 20 Seaward Drive, Cape Paterson (Lot 1 on Plan of Subdivision 417548A);
- 40 Seaward Drive, Cape Paterson (Lot 2 on Plan of Subdivision 417548A);
- 140 Seaward Drive, Cape Paterson (Lot 3 on Plan of Subdivision 410049H); and
- Seaward Drive, Cape Paterson (Lot 2 on Plan of Subdivision 410049H).

As depicted in Figure 3 below:



The Amendment also:

- removes the Environmental Significance Overlay (ESO) and the Significant Landscape Overlay (SLO) from the land being rezoned;
- inserts a new Schedule 26 to Clause 43.03 Development Plan Overlay (DPO) to cover the entire Cape Paterson north area, comprising all land included within the settlement boundary;
- inserts a new Schedule to Clause 53.01 Public Open Space Contribution and Subdivision; and
- amends Schedule to Clause 72.03 What does this Planning Scheme consist of.

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, Bass Coast Shire Council, located at: 76 McBride Avenue, Wonthaggi; 91–97 Thompson Avenue, Cowes; 16 A'Beckett Street, Inverloch; 1504–1510 Bass Highway, Grantville; online at Bass Coast Shire Council's website, www.basscoast.vic.gov.au; and online at the Department of Environment, Land, Water and Planning website, www.delwp.vic.gov.au/public-inspection

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

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions.

The closing date for submissions is 5.00 pm Thursday 27 February 2020. A submission must be sent to the Bass Coast Shire Council: Strategic Planning, Bass Coast Shire Council, PO Box 118, Wonthaggi, Victoria 3995; or strategic.planningadmin@basscoast.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.

Community Consultation sessions:

Find out more by speaking to a Council officer at a drop-in session. You can book a time by calling 1300 BCOAST (226 278) to have your property specific questions answered.

Date	Time	Location
27 January 2020	9.00 am–12.00 pm	Cape Paterson Community Hall
15 February 2020	9.00 am–12.00 pm	Cape Paterson Community Hall

DONNA TAYLOR
Acting Manager Strategy and Growth

Planning and Environment Act 1987
PORT PHILLIP PLANNING SCHEME
Notice of the Preparation of an Amendment
Amendment C186port

The Port Phillip City Council has prepared Amendment C186port to the Port Phillip Planning Scheme. The Amendment will be on public exhibition from 16 January 2020 to 28 February 2020.

The land affected by the Amendment is 151–163 Montague Street and 496–546 City Road, South Melbourne, and includes three laneways (behind 500–510, 512–522 and 524–530 City Road, South Melbourne).

Amendment C186port gives statutory effect to the recommendations of the *Fishermans Bend Heritage Review: Montague Commercial Precinct (2019) (RBA Architects and Conservation Consultants, October 2019)* by proposing the following changes to the Port Phillip Planning Scheme:

1. Amend the Schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme Map 3HO to:
 - a. Apply Heritage Overlay HO513 (Montague Commercial Precinct) to 496–546 City Road, 151–163 Montague Street, South Melbourne, and laneways R3087, R3091 and R3093, behind 524–530, 512–522 and 500–510 City Road, South Melbourne, on a permanent basis and list the Statement of Significance.
 - b. Remove 512–512A, 516, 518, 522 and 524–528 City Road, South Melbourne, from HO442 as the properties will now be included in HO513.
 - c. Amend the HO442 heritage place name and description to remove references to the Part Montague Precinct.
 - d. Delete interim HO442 (Albert Park Residential Precinct/Part Montague Precinct).

2. Amend the Schedule to Clause 72.04 (Documents incorporated in this scheme) to list the Statement of Significance for the new HO513 Montague Commercial Precinct.
3. Amend the incorporated *Port Phillip Heritage Review Volumes 1–6* to:
 - a. Add a new precinct citation for HO513 (Montague Commercial Precinct).
 - b. Amend existing Citation 2371 relating to 506 City Road, South Melbourne.
 - c. Remove Citations 2370 (496–498 City Road, South Melbourne) and 2372 (159–163 Montague Street, South Melbourne) as these places contribute to the significance of the Montague Commercial Precinct, but are not of individual significance.
 - d. List the *Fishermans Bend Heritage Review: Montague Commercial Precinct (2019) (RBA Architects and Conservation Consultants, October 2019)* as a heritage study that has informed an update to the incorporated document.
4. Amend the incorporated *City of Port Phillip Heritage Policy Map* to:
 - a. Apply ‘Significant Heritage Place’, ‘Contributory Heritage Place’ and ‘Nil/Non-contributory Place’ gradings to properties in HO513 in accordance with Attachment 2.
5. Amend the incorporated *City of Port Phillip Neighbourhood Character Map* to remove the ‘Contributory Outside HO’ grading applying to 151 Montague Street, South Melbourne, as it is now included in HO513.
6. Amend Clause 22.04 (Heritage Policy) to list the *Fishermans Bend Heritage Review: Montague Commercial Precinct (2019) (RBA Architects and Conservation Consultants, October 2019)* as a background document.
7. Make other consequential changes to Clauses 21.07 (Incorporated Documents), Clause 22.04 (Heritage Policy) and the Schedule to Clause 72.04 (Documents incorporated in this scheme) to update the version number and date of the *Port Phillip Heritage Review* (including the *City of Port Phillip Heritage Policy Map* and the *City of Port Phillip Neighbourhood Character Map*).

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, Port Phillip City Council: St Kilda Town Hall, 99a Carlisle Street, St Kilda; Emerald Hill Library and Heritage Centre, 195 Bank Street, South Melbourne; on the City of Port Phillip website: <http://www.portphillip.vic.gov.au/amendment-c186port.htm>; and at the Department of Environment, Land, Water and Planning website: www.delwp.vic.gov.au/public-inspection

Any person 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 midnight 28 February 2020. A submission must be sent to the Head of City Policy, City of Port Phillip, Private Bag 3, PO St Kilda, Victoria 3182, or emailed to: strategicplanning@portphillip.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.

DAMIAN DEWAR
Manager Strategy and Design
City of Port Phillip

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, of 1 McNab Avenue, Footscray, Victoria 3011, the personal representative, on or before 19 March 2020, 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.

BRINDLEY, Francis James, also known as Francis Brindley, late of Regis Inala Village, 220 Middleborough Road, Blackburn South, Victoria 3130, deceased, who died on 6 September 2019.

DRAPER, Therese Marlene, late of 16 Swaby Square, Footscray, Victoria 3011, deceased, who died on 16 July 2019.

FLECKNOE, Hazel Agnes, late of Mount Martha Valley, 130 Country Club Drive, Safety Beach, Victoria 3936, deceased, who died on 7 November 2019.

FOSTER, Susan Marie, late of Unit 126, 49 Union Street, Windsor, Victoria 3181, deceased, who died on 1 October 2019.

FRINDIK, Antun, late of Westhaven Community – Baptcare, 50 Pickett Street, Footscray, Victoria 3011, deceased, who died on 2 November 2019.

HANDLEY, Colin Walter, late of 28 Emerald Street, Preston, Victoria 3072, deceased, who died on 15 May 2019.

LUCAS, Hans, late of Unit 25, Lionswood Village, 1–9 Kirk Street, Ringwood, Victoria 3134, deceased, who died on 19 October 2019.

MEREDITH, Peter Thomas, late of 322 Lydiard Street North, Soldiers Hill, Victoria 3350, deceased, who died on 25 July 2018.

NOYAN, Gulru, late of 17 Aster Street, Norlane, Victoria 3214, deceased, who died on 10 October 2019.

O'SHEA, Joan Carmen, late of 38 St Georges Road, Elsternwick, Victoria 3185, deceased, who died on 11 January 2019.

PUCKERIDGE, Bonny, late of 3 Fox Close, Highett, Victoria 3190, deceased, who died on 24 November 2019.

SHERRING, Mervyn John, late of Room 20, Golden Gate Lodge, 218 Western Highway, Ararat, Victoria 3377, deceased, who died on 16 November 2019.

TOBINPE, Marilyn Pinky, late of Unit 30, 3 Browning Walk, South Yarra, Victoria 3141, deceased, who died on 18 November 2019.

WILLIAMS, Bernard Thomas, late of Room 20, Estia Health, 413–415 Waterdale Road, Heidelberg West, Victoria 3081, deceased, who died on 25 October 2019.

WITHEROW, Brian Allen, late of East Grampians Health Service, 70 Lowe Street, Ararat, Victoria 3377, deceased, who died on 19 July 2019.

Dated 9 January 2020

Cemeteries and Crematoria Act 2003

SECTION 41(1)

Notice of Approval of Cemetery Trust Fees and Charges

I, Bryan Crampton, as Delegate of the Secretary to the Department of Health and Human Services for the purposes of section 40(2) of the **Cemeteries and Crematoria Act 2003**, give notice that I have approved the scales of fees and charges fixed by the following cemetery trust.

The approved scale of fees and charges will take effect from the date of publication of this notice in the Victoria Government Gazette and will be published on the internet.

The fees will be published on the internet at <http://www.health.vic.gov.au/cemeteries>
The Port Campbell Cemetery Trust

Dated 13 January 2020

BRYAN CRAMPTON
Manager
Cemetery Sector Governance Support Program

Children's Services Act 1996

NOTICE OF EXEMPTION

Authority

1. I, Katherine Whetton, Acting Secretary, Department of Education and Training, make this Notice of Exemption (this Notice) under section 29A of the **Children's Services Act 1996** (the Act).

Application and commencement

2. This Notice and the declarations in this Notice commence on the date this Notice is published in the Government Gazette.

Declaration

3. Pursuant to section 29A(2) of the Act, I hereby declare that the following requirements of the Children's Services Regulations 2009 do not apply to Mallee Minors Child Care Centre – Underbool (SE-00015722), Mallee Minors Child Care Centre – Murrayville (SE-00015719), Mallee Minors Child Care Centre – Sea Lake (SE-00015721) and Mallee Minors Child Care Centre – Ouyen (SE00015720):
 - the requirement to hold a qualification (or equivalent) for the purpose of the child/qualified staff ratios prescribed in regulations 53(1)(a)(ii), 53(1)(b)(ii) and 53(2).
4. Pursuant to section 25P of the Act, the following conditions are imposed on the licence for Mallee Minors Child Care Centre – Underbool (SE-00015722), Mallee Minors Child Care Centre – Murrayville (SE-00015719), Mallee Minors Child Care Centre – Sea Lake (SE-00015721) and Mallee Minors Child Care Centre – Ouyen (SE-00015720):
 1. A staff member who is enrolled in and studying for at least a 2 year full-time, or part time equivalent, early childhood diploma level qualification is taken to meet the qualified staff member requirements for the purposes of the child to qualified staff ratios prescribed in regulations 53(1)(a)(ii), 53(1)(b)(ii) and 53(2) of the Children's Services Regulations 2009.
 2. The staff member must be mentored by a qualified early childhood diploma level staff member.
 3. Details of the staff member's enrolment and progress towards attaining a two year fulltime, or part time equivalent, early childhood diploma level qualification must be held on their staff record.
 4. The licensee must advise the Department of Education and Training within 48 hours of any changes that will prevent compliance with the exemption and its conditions.

This exemption and the additional conditions remain in force until 1 June 2020.

Dated 10 January 2020

KATHERINE WHETTON
Acting Secretary
Department of Education and Training

Criminal Procedure Act 2009**DECLARATION OF A VENUE OF A COURT TO BE A PARTICIPATING VENUE PURSUANT TO SECTION 389G OF THE CRIMINAL PROCEDURE ACT 2009 FOR THE PURPOSES OF DIVISION 2 OF PART 8.2A OF THAT ACT**

Pursuant to section 389G of the **Criminal Procedure Act 2009**, I, Ben Carroll MP, Acting Attorney-General and Minister responsible for administering that Act, declare Wodonga County Court as being a venue of a court of the purposes of Division 2 of Part 8.2A of that Act.

This declaration takes effect from 16 January 2020.

Dated 8 January 2020

HON. BEN CARROLL MP
Acting Attorney-General

**Heritage Act 2017****NOTICE UNDER SECTION 137 OF THE HERITAGE ACT 2017 REGARDING COVENANT PURSUANT TO SECTION 134 OF THE HERITAGE ACT 2017
HERITAGE PLACE NO. H2220**

Flemington Racecourse,
448–550 Epsom Road, Flemington

It is proposed that the Heritage Council of Victoria enter into a Covenant pursuant to section 134(1) of the **Heritage Act 2017** in relation to the above Heritage Place with Pace of Flemington Pty Ltd, the owner of the above Heritage Place.

The Covenant will bind the owner of the above Heritage Place to the development, use or conservation of the Heritage Place in accordance with the terms of the Covenant.

H2220 Flemington Racecourse,
448–550 Epsom Road, Flemington.

Under the **Heritage Act 2017**.

Date of covenant:

Pace of Flemington Pty Ltd and the Heritage Council

Agreement:

Implement the approved Heritage Audit Management Plan for Former Jockey's Convalescent Lodge and associated landscape, which provides for the ongoing conservation, maintenance and interpretation of the Former Jockey's Convalescent Lodge and associated landscape.

The form of the Covenant is viewable at the offices of Heritage Victoria, 150 Lonsdale Street, Melbourne, telephone (03) 7022 6390, during business hours.

Any person wishing to make a written submission in response to the Covenant should write to the Executive Director, Heritage Victoria, care of the above address within 28 days of the publication of this notice.

STEVEN AVERY
Executive Director
Heritage Victoria

Major Transport Projects Facilitation Act 2009
(Section 10)

DECLARATION OF A TRANSPORT PROJECT

I, Daniel Andrews, Premier of the State of Victoria, under section 10(1)(b) of the **Major Transport Projects Facilitation Act 2009** (the Act) declare the transport project known as the Robyns Road, Deer Park Level Crossing Removal Project to be a declared project to which the Act (other than Parts 3 and 8) applies.

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

Dated 9 December 2019

THE HON. DANIEL ANDREWS MP
Premier of Victoria

Major Transport Projects Facilitation Act 2009
(Section 14)

APPOINTMENT OF MINISTER TO BE THE PROJECT MINISTER
FOR A DECLARED PROJECT

I, Daniel Andrews, Premier of the State of Victoria, in accordance with section 14 of the **Major Transport Projects Facilitation Act 2009**, appoint Jacinta Allan, Minister for Transport Infrastructure, to be the Project Minister for the Robyns Road, Deer Park Level Crossing Removal Project.

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

Dated 9 December 2019

THE HON. DANIEL ANDREWS MP
Premier of Victoria

Major Transport Projects Facilitation Act 2009
(Section 10)

DECLARATION OF A TRANSPORT PROJECT

I, Daniel Andrews, Premier of the State of Victoria, under section 10(1)(b) of the **Major Transport Projects Facilitation Act 2009** (the Act) declare the transport project known as the Fitzgerald Road, Ardeer Level Crossing Removal Project to be a declared project to which the Act (other than Parts 3 and 8) applies.

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

Dated 9 December 2019

THE HON. DANIEL ANDREWS MP
Premier of Victoria

Major Transport Projects Facilitation Act 2009
(Section 14)

APPOINTMENT OF MINISTER TO BE THE PROJECT MINISTER
FOR A DECLARED PROJECT

I, Daniel Andrews, Premier of the State of Victoria, in accordance with section 14 of the **Major Transport Projects Facilitation Act 2009**, appoint Jacinta Allan, Minister for Transport Infrastructure, to be the Project Minister for the Fitzgerald Road, Ardeer Level Crossing Removal Project.

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

Dated 9 December 2019

THE HON. DANIEL ANDREWS MP
Premier of Victoria

Major Transport Projects Facilitation Act 2009
(Section 10)

DECLARATION OF A TRANSPORT PROJECT

I, Daniel Andrews, Premier of the State of Victoria, under section 10(1)(b) of the **Major Transport Projects Facilitation Act 2009** (the Act) declare the transport project known as the Glenroy Level Crossing Removal Project to be a declared project to which the Act (other than Parts 3 and 8) applies.

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

Dated 9 December 2019

THE HON. DANIEL ANDREWS MP
Premier of Victoria

Major Transport Projects Facilitation Act 2009
(Section 14)

APPOINTMENT OF MINISTER TO BE THE PROJECT MINISTER
FOR A DECLARED PROJECT

I, Daniel Andrews, Premier of the State of Victoria, in accordance with section 14 of the **Major Transport Projects Facilitation Act 2009**, appoint Jacinta Allan, Minister for Transport Infrastructure, to be the Project Minister for the Glenroy Level Crossing Removal Project.

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

Dated 9 December 2019

THE HON. DANIEL ANDREWS MP
Premier of Victoria

Major Transport Projects Facilitation Act 2009
(Section 10)

DECLARATION OF A MAJOR TRANSPORT PROJECT

I, Daniel Andrews, Premier of the State of Victoria, under section 10(1)(b) of the **Major Transport Projects Facilitation Act 2009** (the Act) declare the Shepparton Corridor Upgrade to be a declared project to which the Act (other than Parts 3 and 8) applies.

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

Dated 20 December 2019

HON. DANIEL ANDREWS MP
Premier of Victoria

Major Transport Projects Facilitation Act 2009
(Section 14)

APPOINTMENT OF MINISTER TO BE THE PROJECT MINISTER
FOR A DECLARED PROJECT

I, Daniel Andrews, Premier of the State of Victoria, in accordance with section 14 of the **Major Transport Projects Facilitation Act 2009** appoint the Minister for Transport Infrastructure to be the Project Minister for the Shepparton Corridor Upgrade.

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

Dated 20 December 2019

HON. DANIEL ANDREWS MP
Premier of Victoria



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 2020 Australian Masters Water Ski Championships. The exclusion zone takes effect between 7.00 am and 6.00 pm from 24 to 26 January 2020.

BY ORDER OF LODDON SHIRE COUNCIL

Marine Safety Act 2010

Section 208(2)

NOTICE OF BOATING ACTIVITY EXCLUSION ZONE

I, David Roff, Group Manager of the Strathbogie Shire Council, the declared waterway manager for the Goulburn River from Hughes Creek to Goulburn Weir including Lake Nagambie, hereby give notice under section 208(2) of the **Marine Safety Act 2010** that all persons and vessels not participating in Nagambie Waterski Club event, or otherwise approved by Strathbogie Shire Council, are prohibited from entering and remaining in the waters on the Goulburn River from the vicinity of the 5 knot zone at the Tahbilk Winery proceeding 1.5 km upstream to Sandy Creek. The exclusion zone has effect from 8.00 am to 5.00 pm Saturday 16 November 2019, 4 and 18 January, 3 and 15 February, and 29 March 2020. Supervised transit access through the zone for vessels not participating in the event will be provided at various times when event boats are not operating.

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

Dated 13 November 2019

By order of
DAVID ROFF
Group Manager, Corporate and Community
Strathbogie Shire Council

Port Management Act 1995

PORT MANAGEMENT (LOCAL PORTS) REGULATIONS 2015

Set Aside Determination – Regulation 11(1)

Local Port of Western Port

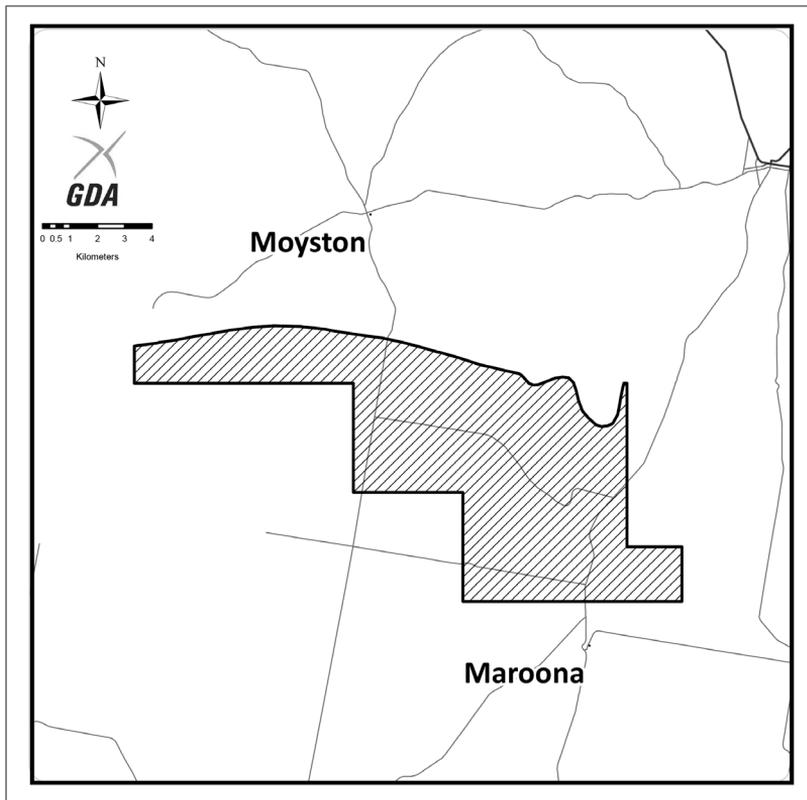
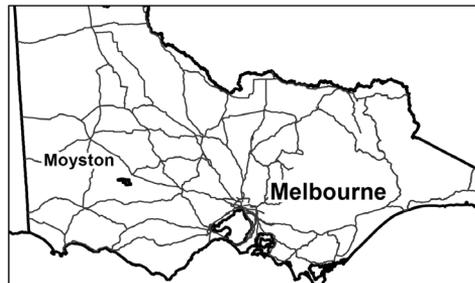
As the Port Manager of Port Phillip Bay, Parks Victoria has set aside an area of East Port Phillip to facilitate the Mornington Australia Day 2020 Celebration organised by Mornington Peninsula Shire east of Mornington Pier and Jetty. The set aside prohibits all persons entering the area between 9.00 pm and 10.30 pm on Saturday 26 January 2020. The full declaration including event information is available on Parks Victoria's website.

Dated 16 January 2020

BY ORDER PARKS VICTORIA

Mineral Resources (Sustainable Development) Act 1990**EXEMPTION OF LAND FROM A LICENCE**

I, Laura Helm, Acting Executive Director, Earth Resources Regulation, pursuant to section 7 of the **Mineral Resources (Sustainable Development) Act 1990** (the 'Act') and acting under delegation from the Minister for Resources dated 23 January 2017, hereby exempt all that land situated within the boundaries of the hatched area on attached Schedule A, from being subject to any and all licences under the Act.

Schedule A**Locality Map**

Dated 8 January 2020

LAURA HELM
Acting Executive Director
Earth Resources Regulation

Plant Biosecurity Act 2010

ORDER PROHIBITING OR RESTRICTING THE ENTRY OR IMPORTATION INTO VICTORIA OF MATERIALS WHICH ARE HOSTS OF EUROPEAN HOUSE BORER

I, Rosa Crnov, as delegate of the Minister for Agriculture, being of the reasonable suspicion that the exotic pest European house borer exists within Australia but outside Victoria, make the following Order:

1 Objective

The objective of this Order is to prohibit, restrict or impose conditions upon the entry or importation into Victoria of materials which are hosts of European house borer.

2 Authorising Provision

This Order is made under section 36(1) of the **Plant Biosecurity Act 2010** (the Act).

3 Commencement

This Order comes into operation on the date of making.

4 Revocation

The Order entitled *Order prohibiting the entry of importation into Victoria of materials which are hosts of European house borer* made under section 36(1) of the **Plant Biosecurity Act 2010**, prohibiting or restricting the entry or importation of European house borer host materials into Victoria, and published in Victorian Government Gazette G3 on 17 January 2019 at pages 73–74, is **revoked**.

5 Definitions

In this Order –

‘**European house borer**’ means the exotic pest *Hylotrupes bajulus* (Linnaeus);

‘**host material**’ means any pinewood, including pallets, packing materials and structural pinewood, but excluding items made only from reconstituted pinewood, any pinewood product made only of heartwood, any pinewood product less than 4 millimetres thick, or pinewood household articles and furniture imported by or on behalf of a person for the personal use of the person or a member of the person’s household (e.g. moving household furniture);

‘**pinewood**’ means any wood from trees of the genera *Abies* (Mill), *Picea* (Mill), *Pinus* (L.), *Araucaria* (Juss) or *Pseudotsuga* (Carriere);

‘**structural pinewood**’ means any pinewood which is part of an existing building or is to be used in the construction of a building.

6 Prohibitions, restrictions and conditions

The following prohibitions, restrictions and conditions are specified in relation to the entry or importation of host material.

- (a) The entry or importation into Victoria of any host material is prohibited.
- (b) Sub-clause (a) does not apply if the host material:
 - (i) originates from an area for which there is currently in force an area freedom certificate issued by an officer responsible for agriculture in the State or Territory from which the material originated, certifying that the area from which the material originated is known to be free of European house borer; or
 - (ii) is accompanied by a plant health certificate, assurance certificate or plant health declaration, certifying or declaring that the material has been treated in a manner described in the Schedule to this Order; or
 - (iii) enters Victoria under and in accordance with a permit issued by an inspector and there is compliance with any conditions or requirements set out in the permit.

7 Verification of consignments

Where requested by an authorised inspector, host material imported into Victoria, which is required by clause 6(b)(ii) to be accompanied by a certificate or declaration, must be presented to an authorised inspector for inspection.

8 Expiry

This Order remains in force for a period of 12 months after the date of making.

Schedule

Host material must –

- (1) be treated –
- (a) with a preservative specific for European house borer, and to a hazard class of H2 or greater as provided in the AS/NZS 1604 series ‘*Specification for preservative treatment*’; or
 - (b) by heating so that the core temperature at the product’s greatest thickness, remains at or above 56°C for not less than 30 minutes, where treatment has occurred not more than 21 days prior to the host material’s arrival in Victoria; or
 - (c) in the case where the cross section measures less than 20 centimetres, with methyl bromide in accordance with the following table and where treatment has occurred within 21 days prior to the arrival in Victoria; and

Temperature	Minimum concentration dosage (g/m ³) at:				
	Start	2 hours	4 hours	12 hours	24 hours
21°C or above	48	36	31	28	24
16°C or above	56	42	36	32	28
10°C or above	64	48	42	36	32

- (2) in the case of structural pinewood, stored so as to prevent infestation:
- (a) in a secure building, which has been inspected and approved by an authorised officer as being suitable for the purpose of excluding European house borer; or
 - (b) by fully wrapping in plastic film which is not ripped, torn or otherwise damaged; or
- (3) in the case of pallets, be sourced from a supplier approved under a scheme administered by Quarantine Western Australia.

Notes:

Section 38 of the Act provides that it is an offence for a person to cause, permit or assist any plant, plant product, plant vector, used equipment, used package, earth material or beehive to enter, or be imported, into Victoria in contravention of an importation order under section 36. The maximum penalty of 60 penalty units applies in the case of a natural person, and 300 penalty units in the case of a body corporate.

Terms in this Order that are defined in the Act have that meaning.

Dated 13 January 2020

ROSA CRNOV
Chief Plant Health Officer

SUBORDINATE LEGISLATION ACT 1994 GUIDELINES

TABLE OF CONTENTS

Acronym index

Introduction

Division 1 – Mandatory requirements and good practice examples

Division 2 – Definitions

Division 3 – Roles of BRV, DPC, OCPC and SARC

Division 4 – Key resources and guidance material

Division 5 – Further assistance

Part 1 – What is a statutory rule or legislative instrument?

Division 1 – The importance of the Regulations for legislative instruments

Division 2 – Possible factors to consider when determining legislative character

Part 2 – When to make a statutory rule or legislative instrument

Division 1 – Confirming authority to make a statutory rule or legislative instrument

Division 2 – What should be included in a statutory rule or legislative instrument?

Division 3 – Alternative means of achieving objectives

Division 4 – Formulation and inclusion of objectives

Part 3 – Making a statutory rule or legislative instrument

Division 1 – Consultation

Division 2 – Significant burden

Division 3 – Exemptions from the RIS process

Division 4 – The RIS process

Division 5 – Release of the RIS for public consultation

Division 6 – Making, tabling and publication

Part 4 – Other matters

Division 1 – Certificates

Division 2 – Interaction between the Subordinate Legislation Act and the authorising Act or statutory rule

Division 3 – Incorporating other material

Division 4 – Style and language

Division 5 – Sunsetting and extension

Appendix – Flowchart: Is your instrument a legislative instrument for the purposes of the SL Act?

Note: The **Subordinate Legislation Act 1994 Guidelines** are located at the Department of Premier and Cabinet's website: <https://www.vic.gov.au/>

ACRONYM INDEX

BRV	Better Regulation Victoria
COES	Certificates of Electrical Safety
DJCS	Department of Justice and Community Safety
DPC	Department of Premier and Cabinet
DTF	Department of Treasury and Finance
ILA	Interpretation of Legislation Act 1984
OCPC	Office of the Chief Parliamentary Counsel
OGC	Office of the General Counsel
RIS	Regulatory Impact Statement
SARC	Scrutiny of Acts and Regulations Committee
SL Act	Subordinate Legislation Act 1994
VGPB	Victorian Government Purchasing Board

INTRODUCTION

The **Subordinate Legislation Act 1994** (‘the SL Act’) governs the preparation and making of statutory rules and legislative instruments in Victoria. Importantly, the SL Act imposes requirements on the preparation and making of such instruments.

These Guidelines are made under the SL Act to assist in:

- the preparation, content, publication and availability of statutory rules and legislative instruments; and
- the procedures to be implemented and the steps to be undertaken for the purpose of ensuring consultation, co-ordination and uniformity in the preparation of statutory rules and legislative instruments (the SL Act, section 26(1)).

These Guidelines also deal with the matters listed in Schedule 1 to the SL Act (the SL Act, section 26(2)). The matters listed in Schedule 1 include guidelines as to:

- the types of matters appropriate for inclusion in statutory rules rather than in Acts or in instruments which are not of a legislative character (clause 1);
- the procedures to be adopted to ensure that:
 - o an agency preparing or considering a proposed statutory rule identifies and consults other relevant agencies (clause 4(a));
 - o where appropriate, independent advice is obtained as to the nature and content of the proposed statutory rule (clause 5(b));
 - o proper consultation takes place with any sector of business or the public which may be affected (clause 5(c));
 - o proper consultation takes place in circumstances where consultation is required under section 6 (clause 5(d));
- circumstances in which a statutory rule imposes a significant economic or social burden on a sector of the public (clause 6).

The SL Act imposes obligations on responsible Ministers to comply with the Guidelines in matters such as consultation, and in the preparation of a regulatory impact statement (RIS). Therefore, agencies must familiarise themselves with the SL Act and the Guidelines to properly inform their Minister of the Minister’s responsibilities under the SL Act.

Ultimately, responsibility for decisions about statutory rules and legislative instruments lies with the responsible Minister. Failure to comply with the SL Act and the Guidelines may result in an adverse report, or a recommendation of disallowance, from the Scrutiny of Acts and Regulations Committee (SARC). A court could also find that non-compliance with obligations imposed by the Guidelines in the preparation of statutory rules or legislative instruments raises issues about the validity of those rules or instruments once made.

In exercising responsibilities and making judgements under the SL Act, agencies should also draw on other relevant material such as the Subordinate Legislation (Legislative Instruments) Regulations 2011 (‘the Regulations’) and the resources listed in Division 4 below.

DIVISION 1 – MANDATORY REQUIREMENTS AND GOOD PRACTICE EXAMPLES

The Act imposes some mandatory requirements on responsible Ministers, such as the requirement for consultation under sections 6 (statutory rules) and 12C (legislative instruments) and the requirement to prepare a RIS under sections 7 (statutory rules) and 12E (legislative instruments), unless an exemption applies. Part 3 of these Guidelines provide more detail on those requirements.

Agencies are strongly encouraged, as good practice:

- to engage in early, and have ongoing, consultation with Better Regulation Victoria (BRV) e.g. when assessing whether a RIS is required for proposed subordinate legislation;
- if preparing statutory rules, to engage in early consultation with the Office of the Chief Parliamentary Counsel (OCPC);

- at the beginning of the year, to advise OCPC and BRV of the proposed timetable and program of regulations for the coming year;
- to apply the impact assessment framework when analysing policy issues and preparing advice for government even where an impact assessment is not required, as discussed in BRV's *Victorian Guide to Regulation*; and
- to include, in a RIS, an assessment of the impacts on small business, even though an assessment is not mandatory.

DIVISION 2 – DEFINITIONS

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

'Statutory rule' and 'legislative instrument'

'Statutory rule' and 'legislative instrument' are defined in section 3 of the SL Act.

A statutory rule is subordinate legislation made under the authority of an Act. Statutory Rules commonly take the form of regulations that are made by (or with the approval or consent of) the Governor in Council or local authority.

In contrast, legislative instruments are instruments that are legislative in character and made under an Act or statutory rule. An instrument will generally be considered to have 'legislative character' if it contains mandatory requirements with general application to undertake certain action(s), often accompanied by penalties or sanctions for non-compliance. These do not include instruments of purely administrative character. Section 3(2) of the SL Act provides examples of instruments of purely administrative character. Part 1 of these Guidelines provides further guidance on the definition of 'legislative instrument'.

'Minister' and 'responsible Minister'

The SL Act makes a distinction between the 'Minister' (meaning the Minister administering the SL Act) and the 'responsible Minister' (the Minister administering the authorising Act or statutory rule under which a statutory rule or legislative instrument is proposed to be made), which should be kept in mind. The General Order will assist in determining which Minister (or Ministers) are responsible for administering an authorising Act. The distinction between 'Minister' and 'responsible Minister' has implications about what each Minister must do or comply with under the SL Act and these Guidelines. Where extra clarity is required when referring to 'the Minister', these Guidelines instead refer to 'the Minister administering the SL Act'.

'Agency' and 'department'

The Guidelines use the term 'agency' rather than 'department'. This is to capture both departments and statutory bodies that may also be responsible for preparing and making statutory rules and legislative instruments.

DIVISION 3 – ROLES OF BRV, DPC, OCPC AND SARC

Better Regulation Victoria ('BRV')

The Commissioner for Better Regulation ('CBR') and BRV provide independent advice and guidance for agency staff preparing RISs, including RIS adequacy for statutory rules and legislative instruments. Refer to BRV's website for further information or call on 03 9092 5800. BRV also offers training, including a regular course for agency staff and other oneoff training courses developed by agreement to suit a specific agency's needs.

Department of Premier and Cabinet ('DPC')

DPC supports the Minister in administering the SL Act and the Regulations, and reviews the Regulations on an annual basis. DPC's Office of the General Counsel ('OGC') is DPC's lead branch undertaking such work, including providing training about these Guidelines and the Regulations. See Part 1, Division 1 and Part 4, Divisions 2 and 5 of these Guidelines for further detail about DPC's role in relation to sunseting and extension of statutory rules. Further information, including training, is also available here. OGC can be contacted by email to GeneralOrdersLegislativeInstruments@dpc.vic.gov.au

Office of the Chief Parliamentary Counsel ('OCPC')

OCPC settles all statutory rules and the Chief Parliamentary Counsel ('CPC') provides advice under section 13 of the SL Act. See Part 4, Divisions 4 and 5 of these Guidelines for further detail about OCPC's role. OCPC also offers training on the drafting of statutory rules. Refer to OCPC's website for further information.

Scrutiny of Acts and Regulations Committee ('SARC')

SARC is responsible for examining statutory rules and legislative instruments to ensure that they do not exceed the powers conferred by an Act and do not unduly trespass on rights and freedoms. For example, SARC may report to Parliament if it considers a statutory rule or legislative instrument:

- does not appear to be within the powers conferred by the authorising Act; or
- has retrospective effect or imposes any tax, fee, fine, imprisonment or other penalty without clear and express authority being conferred by the authorising Act.

Refer to SARC's website for further information.

DIVISION 4 – KEY RESOURCES AND GUIDANCE MATERIALS

Key resources and guidance materials include:

- BRV's *Victorian Guide to Regulation*, which explains the Government's approach and requirements for regulatory impact analysis.
- toolkits that support the *Victorian Guide to Regulation* with more practical or detailed advice which are available here.
- DTF's Cost Recovery Guidelines that provide a rigorous framework for use by agencies when considering, developing and reviewing user charges and regulatory fees.
- OCPC's *Notes for Guidance on the Preparation of Statutory Rules* ('Guidance on Statutory Rules').
- SARC's Resources for Legislation Officers, annual reports and alert digests.

Note that DPC, OCPC and BRV's websites may contain additional resources. DPC also maintains a list of hyperlinks to relevant documents on its website.

DIVISION 5 – FURTHER ASSISTANCE

If you have queries about the Guidelines, the Regulations or the SL Act, please contact DPC's OGC.

Agencies should refer to OCPC's *Guidance on Statutory Rules* if further guidance regarding statutory rules is required.

PART 1

WHAT IS A STATUTORY RULE OR LEGISLATIVE INSTRUMENT?

1. To establish whether the SL Act applies, it is necessary to identify whether an instrument is a statutory rule or a legislative instrument. If it is neither, the requirements under the SL Act do not apply.
2. Statutory rules and legislative instruments can only be made where there is a power to make them under an authorising Act or statutory rule. Therefore, the type of instrument to be made will be dictated by the authorising Act or statutory rule. However, in some cases it may be possible to achieve the same objectives through alternative, non-legislative means (see Part 2, Division 3 of these Guidelines).

Statutory rules

3. Section 3 of the SL Act provides an exhaustive definition of ‘statutory rule’. If the proposed instrument does not fall within the definition, it is not a statutory rule and is not subject to the requirements that apply to statutory rules under the SL Act.
4. However, the authorising Act itself might deem an instrument to be a statutory rule (e.g. section 86(5) of the **Wildlife Act 1975** provides that sections 15, 23, 24 and 25 of the SL Act applies to a notice under section 86(1) prohibiting, regulating or controlling the taking, destroying or hunting of wildlife, as if that notice were a statutory rule under the SL Act).

Legislative instruments

5. Under section 3 of the SL Act, an instrument can only be a ‘legislative instrument’ if it is of a legislative character and is made under an Act or statutory rule. An instrument will generally be considered to have ‘legislative character’ if it contains mandatory requirements with general application to undertake certain action(s), often accompanied by penalties or sanctions for non-compliance. See Part 1, Division 2 of these Guidelines for further explanation and criteria that may apply. See also the Appendix to these Guidelines for further assistance on establishing whether an instrument is a ‘legislative instrument’ for the purposes of the SL Act.
6. The definition of ‘legislative instrument’ expressly excludes certain types of instruments, including instruments of a purely administrative character. See section 3(2) of the SL Act for a nonexhaustive list of instruments that are of a purely administrative character.

DIVISION 1 – THE IMPORTANCE OF THE REGULATIONS FOR LEGISLATIVE INSTRUMENTS

7. The Regulations provides guidance as to whether an instrument is a ‘legislative instrument’ and which provisions of the SL Act apply to them.
8. The Regulations prescribe certain instruments as:
 - instruments that are not legislative instruments (that are not subject to the SL Act’s requirements) – Schedule 1;
 - legislative instruments (that are subject to the SL Act’s requirements) – Schedule 2; and
 - instruments exempt from most of the SL Act’s requirements (other than Government Gazettal publication) – Schedule 3.
9. The Regulations also prescribe that certain instruments are exempt from particular parts of the requirements under the SL Act, including the requirement for publication in the Government Gazette (see regulations 8 and 9 of the Regulations for exempt instruments made under **Emergency Management Act 2013** and **Emergency Management Act 1986**).
10. Schedules 1 and 2 to the Regulations may assist agencies where it is unclear whether an instrument is a legislative instrument. However, the Regulations do not list every single instrument made in Victoria, so agencies may need to assess whether an instrument is a legislative instrument, or a statutory rule, as required.

Requests to amend the Regulations

11. Agencies can request that instruments or classes of instruments be added, moved, or removed from, or their description be amended in, the Schedules to the Regulations. Agencies should make such requests to OGC in DPC.
12. OGC reviews the Regulations annually, with the process commencing in the second quarter of the year and finalised by the end of the year. Requests for changes will usually be considered as part of this annual cycle. There may be some time before the requests can be inserted into the Regulations. If your request is urgent, please include the reasons to support the urgency when you make your request.
13. Before making requests, agencies should first consider whether a particular instrument is a 'legislative instrument'. Relevant guidance can be found in Part 1, Division 2 below. Agencies can contact OGC for assistance through DPC's website.
14. Next, agencies should provide the following information to OGC:
 - if requesting changes to the Regulations –
 - the title of the instrument (including the clause number); and
 - whether the agency wants the instrument removed or amended and the reason for the request; or
 - if requesting additions –
 - the title of the instrument;
 - the authorising Act and the provision under which it is made;
 - the schedule in which the agency wants the instrument included (if relevant);
 - a copy of the instrument and a summary of the effect of the instrument; and
 - any evidence (such as legal advice, if sought) supporting the characterisation of the instrument as a legislative or non-legislative instrument, and its inclusion of the instrument in a Schedule to the Regulations.
15. Further details for requests to OGC are set out on DPC's website.

16. **Types of regulation – the legislative hierarchy**

Primary legislation should deal with the following matters:

- matters of substance or important procedural matters (particularly where they also affect individual rights and liberties – e.g. provisions that reverse the onus of proof or certify evidentiary matters);
- matters relating to a significant policy question, including the introduction of new policy or fundamental changes to existing policy;
- matters which have a significant impact on individual rights and liberties (e.g. powers of entry and search, arrest warrants, seizure and forfeiture), or which deal with property rights or traditional liberties and freedoms;
- matters imposing significant criminal penalties (such as fines exceeding 20 penalty units or imprisonment); and
- provisions imposing taxes.

For a discussion of these principles of what should be included in primary legislation, see for example the Victorian Parliament Law Reform Committee's Final Report on the *Powers of Entry, Search, Seizure, and Questioning by Authorised Persons* (May 2002).

Subordinate legislation

17. Subordinate legislation is made by a person delegated a power by Parliament. Subordinate legislation is usually more detailed than primary legislation and must be consistent with the principles and objectives of the policy issue that the legislation addresses. Subordinate legislation must also be consistent with the SL Act. There are two forms of subordinate legislation:

- First, the primary legislation can provide for regulations (‘statutory rules’), which are made by the Governor in Council. Regulations detail how an authorising Act is to be implemented practically.
 - Second, the primary legislation can provide for the creation of orders, codes of practice or directions, or other instruments. When such instruments are legislative instruments, they are subject to the SL Act.
18. When deciding whether to make a statutory rule or legislative instrument, agencies and responsible Ministers should consider the most appropriate way to achieve their objective, whether that is primary or subordinate legislation, or if a legislative approach is required at all.
19. The following are more appropriately dealt with by subordinate legislation:
- matters relating to detailed implementation of the policy reflected in the authorising Act, including standards, principles and guidelines;
 - prescribing fees to be paid for various services;
 - prescribing forms for use in connection with legislation; and
 - prescribing processes for the enforcement of legal rights and obligations.

Setting performance standards

20. Where performance standards, rather than detailed requirements, are proposed, agencies and responsible Ministers should consider whether a statutory rule or legislative instrument is most appropriate to achieve the regulatory objectives.
21. Agencies involved in instructing OCPC in the legislative drafting process should first refer to the authorising Act or statutory rule to determine whether to set performance standards or to prescribe detailed requirements. If either approach is allowed, agencies should assess the advantages and disadvantages of a statutory rule versus a legislative instrument, including the cost of different regulatory structures and their effectiveness in achieving the objectives. The *Victorian Guide to Regulation* and supporting toolkits (see the Introduction to these Guidelines) provides more detail on performance standards and relevant factors.
22. Agencies should consult the responsible Minister as they will likely be aware of the nature of the relevant industry and the general risks associated with the different regulatory approaches. This is important because the responsible Minister usually decides whether to proceed to make the instrument or rule.
23. Officers should also consult industry groups and other stakeholders on a proposed statutory rule or legislative instrument, which might help to identify potential advantages and disadvantages. This consultation might be part of an initial consultation that takes place before the RIS process (see Part 3, Division 1 of these Guidelines).

Non legislative regulation

Non-legislative means of achieving the regulatory objectives are discussed at Part 2, Division 3 of these Guidelines.

DIVISION 2 – POSSIBLE FACTORS TO CONSIDER WHEN DETERMINING LEGISLATIVE CHARACTER

24. Agencies must usually consider whether an instrument is of a legislative character on a case by case basis. To assist, a non-exhaustive list of relevant factors is set out below. There is no simple rule for determining whether an instrument is of legislative character. Agencies should take a holistic and global approach to assessing such factors as they are not all equally important and none of the factors on their own are necessarily determinative. Some factors carry more weight than others, for example the publication requirement is of less importance.
25. Where it is not clear whether an instrument is of legislative character, agencies may wish to obtain legal advice before making a final decision. The indicative list of instruments of administrative character in section 3(2) of the SL Act may also assist.

General or limited application

26. This factor can be a strong indicator of legislative character. Where an instrument is of general application or provides a general rule, it is more likely to be legislative in character, as opposed to an instrument applying a rule to particular facts, which is more likely to be administrative in character.
27. For example, Part 2 of the **Safety on Public Land Act 2004** allows the Secretary to declare an area of State forest to be a public safety zone. A declaration may prohibit certain activities in this zone. Such a declaration has general application, as it applies to the public generally within the specified zone. This suggests that the instrument may be of a legislative character.
28. In contrast, the Minister granting a lease on unreserved Crown land under section 121 of the **Land Act 1958**, or the Secretary granting an agistment permit under section 133A of the **Land Act 1958**, or the Secretary determining fees to be charged with the supply of any service under section 28 of the **Conservation, Forests and Land Act 1987**, are examples of instruments which are administrative in character because they apply to particular cases in accordance with administrative practice.

Mandatory compliance

29. This may be another key factor in assessing legislative character. Legislative instruments are generally binding in nature and require mandatory rather than voluntary compliance. Conversely, voluntary codes of conduct, non-binding guidelines and Codes of Practice are unlikely to be legislative, although there may be exceptions to this.
30. If an instrument allows sanctions to be imposed, or if failure to comply with the instrument triggers an offence or penalty, the instrument is more likely to be legislative.
31. Whether an instrument requires mandatory compliance can be determined by looking at the words used in the instrument.
32. For example, a declaration of a public safety zone under Part 2 of the **Safety on Public Land Act 2004** may prohibit certain activities in that zone. The word 'prohibition' indicates that the instrument is mandatory, as well as an offence under section 13 of that Act for non-compliance (penalty – 20 penalty units).
33. In contrast, guidelines relating to the protection of Aboriginal cultural heritage made pursuant to section 143(1)(e) of the **Aboriginal Heritage Act 2006** is an example of an instrument of administrative character. These guidelines are not mandatory in compliance and may be issued by the Secretary to assist in compliance with the requirements to protect Aboriginal cultural heritage and the administration of the **Aboriginal Heritage Act 2006**.

Disallowance by Parliament

34. Where an instrument's authorising Act or statutory rule expressly grants Parliament power to disallow it, it is more likely to be of a legislative character. For example:
 - Section 69AAE of the **Health Services Act 1988** – a determination to grant lease or licence provides for the disallowance by resolution by both House of Parliament; and
 - Section 47D of the **National Parks Act 1975** – a management plan for the Alpine National Park can be disallowed by resolution by both Houses of Parliament.

Wide public consultation requirements

35. A requirement to consult broadly during the development of an instrument may indicate that it is of a legislative character.
36. For example, before the Essential Services Commission may publish a Charter of Consultation and Regulatory Practice, Part 2 of the **Essential Services Commission Act 2001** requires extensive consultation. Consultation must occur with persons, bodies or agencies which have functions or powers under relevant health, safety, environmental or social legislation applying to a regulated industry and prescribed under the regulations made under the **Essential Services Commission Act 2001**. Agencies prescribed in those

regulations include the Department of Health and Human Services, Director of Consumer Affairs Victoria, Environment Protection Authority, Energy Safe Victoria, Sustainability Victoria and the Victorian Regional Channels Authority. The requirement for such rigorous consultation suggests that a Charter is of a legislative character.

37. In contrast, Division 1 of Part 4 (along with Schedule 2) of the **Catchment and Land Protection Act 1994** requires an authority to consult with affected persons in the preparation and approval of a regional catchment strategy, if the Authority makes such a strategy. It is not mandatory to make a regional catchment strategy. If an authority does prepare a regional catchment strategy, the authority may recommend to a planning authority under the **Planning and Environment Act 1987** that amendments be made to a planning scheme to give effect to the strategy (section 25 of the **Catchment and Land Protection Act 1994**). This would suggest that the strategy is not a legislative instrument for the purposes of the SL Act.

Breadth of policy considerations

38. Where the instrument maker must consider a broad range of issues when making an instrument, this suggests that it is of a legislative character.
39. For example, under section 69 of the **Fisheries Act 1995**, the Governor in Council may declare particular marine life to be protected. Any determination must be consistent with any criteria for the declaration determined by the Minister and published in the Government Gazette. Such criteria include social, economic and environmental considerations, suggesting that the declaration instrument is of a legislative character.

Control over variation of the instrument

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

No merits review process

42. Administrative instruments often affect individuals rather than the general public. For example, a permit issued to an individual or classes of persons, or an instrument of appointment is an administrative instrument relating to the specific permit-holder or appointee.
43. Commonly, a merits review process is available when an administrative instrument is made, allowing the individual to apply for the review of a decision that affects them personally (such as a right to internal review, or a right to appeal to VCAT).
44. By contrast, there is generally no merits review process available for legislative instruments, although these instruments might be subject to other types of review (such as a review to determine whether an instrument was made unlawfully).
45. For example, there is no provision for internal review or appeal to VCAT after the Governor in Council has declared particular marine life to be protected under section 69 of the **Fisheries Act 1995** (referred to above). This supports the view that such a declaration is a legislative instrument.

The instrument must be published

46. A requirement that an instrument be published may indicate legislative character. However, it is not a compelling indication of legislative character. Some decisions which are clearly administrative must be notified in the Government Gazette.

PART 2**WHEN TO MAKE A STATUTORY RULE OR LEGISLATIVE INSTRUMENT****DIVISION 1 – CONFIRMING AUTHORITY TO MAKE A STATUTORY RULE OR LEGISLATIVE INSTRUMENT**

47. Before deciding to make a statutory rule or legislative instrument, agencies should ensure the authorising Act or statutory rule provides the power to make the rule or instrument. Such rules or instruments can only cover matters permitted by the authorising Act or statutory rule and must be consistent with the purposes and objectives of that Act or statutory rule.
48. For example, for statutory rules, an authorising Act might apply to ‘prescribed’ matters (together with a regulation-making power with respect to certain matters) that must or may be provided for in the Regulations.

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

49. When considering the making of a statutory rule or legislative instrument, agencies and the responsible Ministers should consider the issues that a statutory rule or legislative instrument aims to address. Statutory rules and legislative instruments may relate to new initiatives or amendments to existing regimes. Key stakeholders such as business and community groups may identify problems or areas for improvement or further consideration.
50. Agencies should also ensure the proposed statutory rule or instrument can be justified before it is made. For example, where the SL Act requires preparation of a RIS for the proposed statutory rule or legislative instrument (see Part 3, Division 4 of these Guidelines), the RIS should assess the economic, social and environmental costs and benefits of the proposal. Agencies should also consider the principles of good regulatory design as described in the *Victorian Guide to Regulation* and supporting toolkits (see relevant links in the Introduction to these Guidelines).
51. Statutory rules and legislative instruments can be effective policy tools used by government to achieve a range of policy objectives, such as to:
 - control how government agencies exercise power;
 - prevent or reduce activity which is harmful to business, the environment or to people;
 - ensure that people engaged in certain occupations maintain a requisite level of knowledge and competence;
 - impose mandatory codes of conduct;
 - fix fees such as registration or application fees;
 - respond to emergencies such as power supply failures or pest and disease outbreaks;
 - protect consumers from harmful products; and
 - further define rights, entitlements or obligations.
52. The level of regulation required will depend on the circumstances. For example, statutory rules and legislative instruments may:
 - impose a prohibition on an activity;
 - restrict the carrying out of an activity by regulating those who engage in the activity or imposing conditions and limitations on the activity;
 - create an obligation to do something;
 - encourage organisations and individuals to consider the effects of their activities on the community and the environment and modify their activities accordingly; or
 - provide for voluntary ‘codes of conduct’.

DIVISION 3 – ALTERNATIVE MEANS OF ACHIEVING OBJECTIVES

53. Agencies and/or the responsible Minister should consider the advantages and disadvantages of subordinate legislation, as well as what kind of instrument can be made under the SL Act. For example, where the authorising Act only provides for fees to be prescribed in a statutory rule, the fees cannot be set by another method.
54. Alternatives to subordinate legislation include:
- providing better information to affected groups to raise awareness of their rights and/or obligations;
 - introducing voluntary codes of conduct (see below for the distinction between voluntary and mandatory codes of conduct);
 - winding back existing regulation;
 - encouraging the establishment of self-regulation or quasi-regulation;
 - encouraging organisations and individuals to consider the impact of their activities on the community and the environment;
 - amending existing primary legislation;
 - establishing a mandatory code of practice for the conduct of an activity;
 - compliance and enforcement regimes; and
 - developing efficient markets to deal with the issue.

Codes of conduct

55. Codes of conduct are usually drafted to incorporate large bodies of technical specifications or to guide compliance with generally-worded ‘performance-based’ regulation. They can be voluntary or compulsory in nature.
56. Self-regulatory, voluntary codes (including quasi-regulatory codes) can be an effective alternative because they can educate and inform consumers and traders without significantly adding to business costs.

DIVISION 4 – FORMULATION AND INCLUSION OF OBJECTIVES

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

Inclusion of objectives in a statutory rule

59. Pursuant to section 13 of the SL Act, proposed statutory rules to be made by, or with the consent or approval of the Governor in Council must be submitted to the CPC for the issue of a section 13 certificate. OCPC must have settled the proposed statutory rule before an agency requests a section 13 certificate.
60. In the section 13 certificate, CPC specify, among other things, that the proposed statutory rule ‘appears to be consistent with and achieves their stated objectives authorising Act’.

A clear statement of the objectives is, therefore, required so that the CPC can issue a section 13 certificate.

61. The objectives stated in the statutory rule itself might differ from those in the RIS as RIS objectives should be stated in terms of intended outcomes, rather than means. The objectives in statutory rules are usually narrower than the RIS objectives. They are a brief summary of what the statutory rule does, rather than any policy implications of the statutory rule.
62. An Explanatory Memorandum must be attached to any proposed statutory rule submitted to the Governor in Council. A clear statement of the effect of a proposed statutory rule must be included in the Explanatory Memorandum. The form of the Explanatory Memorandum is discussed in Part 3, Division 6 of these Guidelines.

Objectives in legislative instruments

63. There is no general requirement to include a statement of objectives in a legislative instrument. However, it is good practice for agencies in developing a legislative instrument to determine and consider the objectives for the instrument, even where a RIS is not required. A section 13 certificate is not required in relation to a legislative instrument. The *Victorian Guide to Regulation* and supporting toolkits (see the Introduction of these Guidelines) provides advice on the rationale for, and development of, policy objectives.

PART 3

MAKING A STATUTORY RULE OR LEGISLATIVE INSTRUMENT

The process

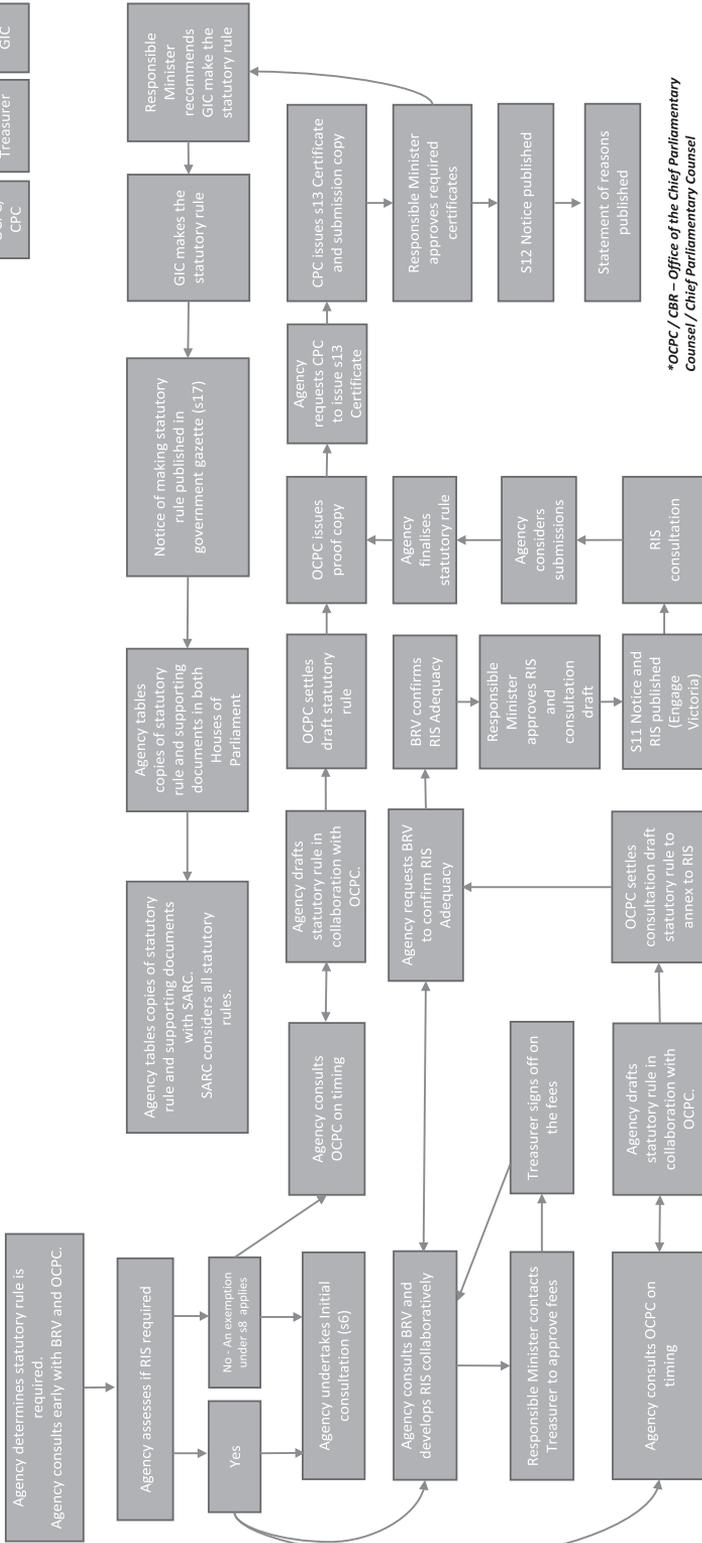
64. Once an agency has considered the scope of the statutory rule or legislative instrument making power and has determined the appropriate matters for inclusion in the statutory rule or instrument, the agency can begin the drafting process.

Process for statutory rules

The flowchart below identifies the usual steps involved in the making of statutory rules.

Steps involved in the making of statutory rules

Key*	Agency	Minister	BRV
	OCPC/ CPC	Treasurer	GIC



*OCPC / CBR – Office of the Chief Parliamentary Counsel / Chief Parliamentary Counsel
BRV – Better Regulation Victoria
GIC – Governor-in-Council

Process for legislative instruments

65. Agencies must comply with the legislative instrument making process set out in the authorising Act.
66. Agencies can draft and settle legislative instruments themselves. Agencies may also use OCPC's drafting services to prepare legislative instruments. Agencies should contact OCPC to discuss whether OCPC is able to draft a particular legislative instrument. Unlike statutory rules, OCPC does not settle all legislative instruments and the SL Act does not require CPC to provide advice under section 13.
67. Agencies should assess if a RIS is required and whether an exemption applies (see section 12F of the SL Act). The RIS process for a legislative instrument is similar to that for a statutory rule.

DIVISION 1 – CONSULTATION

68. The Act generally requires proposed statutory rules and legislative instruments to undergo two separate consultation processes:
 - The initial consultation occurs in the early stages of policy development. This ensures the responsible Minister identifies other Ministers, agencies and stakeholders who may be affected by the proposed changes and considers the impact the proposed statutory rule or legislative instrument is likely to have on those groups (see sections 6 and 12C of the SL Act).
 - The second is formal public consultation. Where a RIS has been prepared, public consultation occurs following the public release of the proposed statutory rule or legislative instrument along with its RIS. This gives members of the public the chance to comment on the proposed instrument before it is made. Public consultation is discussed at Part 3, Division 5 of these Guidelines.
69. The appropriate level of consultation for any statutory rule or legislative instrument will depend on the nature of the subordinate legislation. However, in all cases, instrument makers must comply with the consultation requirements under the SL Act.

Initial consultation

70. Sections 6, regarding statutory rules and 12C, regarding legislative instruments of the SL Act require consultation to occur in accordance with these Guidelines. Where initial consultation is required, it must take place before:
 - the RIS is prepared; and
 - the statutory rule or legislative instrument is released for public consultation.
71. Initial consultation occurs firstly with other relevant portfolio Ministers. This ensures a whole of Victorian Government perspective is considered before consulting external stakeholders.
72. Generally, initial consultation is required for all proposed statutory rules and legislative instruments, even where the responsible Minister anticipates there will be no significant burden imposed. However, initial consultation will not be required where the responsible Minister proposes to make:
 - a legislative instrument that is prescribed under the Regulations as being exempt from Part 2 of the SL Act; or
 - an extension regulation under section 5A of the SL Act.
73. Part 3, Division 3 of these Guidelines sets out additional circumstances in which initial consultation will not be required for a proposed statutory rule or legislative instrument that will be exempted under sections 8 or 9 (statutory rules) or sections 12F or 12G (legislative instruments) of the SL Act. However, in some cases initial consultation will be required for exempt instruments as the consultation will assist in determining whether an exemption should, in fact, apply.

74. During initial consultation, the responsible Minister must consult with other Ministers and the public, as specified in the paragraphs below. The responsible Minister may also identify the type of proposed regulatory approach and discuss the alternative means of achieving the objectives.

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

75. Ministers considering a new regulatory initiative, a change to an existing regulatory regime or the re-enactment of an existing regime should identify other Ministers' portfolios or agencies which may be affected by the proposed statutory rule or legislative instrument. Consultation should occur early in the development of policy options to avoid any potential overlaps or conflicts before the proposal becomes significantly developed.

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

76. The responsible Minister must ensure that consultation is carried out, in accordance with these Guidelines, with any sector of the public on which a significant economic or social burden may be imposed by a proposed statutory rule or legislative instrument. This may include, for example, business groups, community groups, special interest groups and local government.
77. When making an initial assessment of whether a significant burden may be imposed, only potential costs or negative impacts (i.e., the burden) should be assessed. (While relevant at other stages in the RIS process, the benefits of a proposal do not change the significance of the burden it imposes).
78. Burdens and benefits may not fall equally on the same groups. This highlights the importance of consultation, as particular groups may face a significant burden and not benefit from proposed regulations. Other groups may not face a burden but benefit from proposed regulations. See Part 3, Division 2 of these Guidelines in relation to what constitutes a 'significant burden'.
79. The initial consultation will assist agencies to identify all relevant burdens and benefits including indirect burdens and benefits, which may not have been apparent early in the policy development process.
80. Agencies should consider the impact of the proposed statutory rule or legislative instrument on:
- individuals directly affected by the regulation;
 - particular industries and sectors directly affected; and
 - the economy and the community more broadly.
81. Consultation with stakeholders is beneficial because they:
- play an important role in identifying and considering alternative methods of achieving the stated objectives;
 - greatly assist in the identification of innovative techniques for dealing with particular community concerns about the industry or sector;
 - have extensive knowledge about the costs of regulatory proposals; and
 - assist agencies to gain a better understanding of how the regulatory framework will actually function and how it will be enforced.
82. All stakeholder input should be evaluated and assessed. An agency may decide to undertake a RIS process even if a ground for an exemption applies under sections 8 or 12F of the SL Act (as well as sections 9 and 12G).
83. Agencies and responsible Ministers can only state that the proposed statutory rule or legislative instrument will yield the maximum net benefit if they have identified and assessed all the relevant impacts. There is a distinction between the issue of whether there is a net benefit and whether the statutory rule or legislative instrument would impose a significant burden (see Part 3, Division 2 of these Guidelines). For further information please refer to BRV's website.

84. Also, while agencies and the responsible Minister should try to identify all impacts before initial consultation, ensuring proper consultation with all those who may be affected can reveal impacts which would otherwise not be identified and will also inform the RIS process.

Process for initial consultation

85. The responsible Minister should determine the level of initial consultation required depending on the nature of the proposed statutory rule or legislative instrument.
86. Factors suggesting more than usual initial consultation is required include:
- whether the statutory rule or legislative instrument is being introduced into a previously unregulated area;
 - the nature of the industry that will be affected – does it have peak bodies that can or should be consulted?;
 - whether the proposed statutory rule or legislative instrument will replace an existing voluntary regime – e.g. voluntary code of conduct; and
 - whether the proposed statutory rule or legislative instrument will impose criminal or civil penalties.
87. Preliminary consultation may occur through focus groups and briefing sessions with key stakeholders before deciding that a regulatory proposal is the most appropriate response to an issue. Peak industry bodies and local government should be notified during the development of regulatory proposals. Issue papers can also be used as a preliminary vehicle for communication and gathering information from stakeholders.
88. The procedures to be adopted will also vary with the nature of the proposed statutory rule or legislative instrument. For example, where the area was previously unregulated, consultation may take the form of a discussion paper on the issues requesting input from interested stakeholders. Where only relatively minor changes to the regulatory environment are proposed, targeted consultation may be more appropriate, such as inviting selected stakeholders to comment on the proposed changes.

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

89. The responsible Minister must ensure that where these Guidelines require initial consultation, a certificate of consultation is issued (see sections 6(c) and 12C(c) of the SL Act). A consultation certificate should provide details of who was consulted. An example of a certificate is included in BRV's resources and guidance materials (please refer to the Introduction of these Guidelines).
90. Where a Ministerial exemption certificate is issued under sections 8 (statutory rules) or 12F (legislative instruments), limited formal consultation or no consultation may be acceptable. Refer to Part 3, Division 3 of these Guidelines for the consultation requirements applicable to each exemption ground.
91. A certificate of consultation may form part of a composite certificate (see Part 4, Division 1 of these Guidelines for further detail).
92. The certificate of consultation must be laid before Parliament and provided to SARC (sections 15, 15A, 16B and 16C of the SL Act). See generally Part 3, Division 6 of these Guidelines.

DIVISION 2 – SIGNIFICANT BURDEN

93. This Part of the Guidelines outlines circumstances in which a statutory rule or legislative instrument is considered to impose a significant economic or social burden on a sector of the public. This is important at two stages.
94. First, in determining whether a significant burden will be imposed (see Part 3, Division 1 of these Guidelines in relation to consultation under sections 6(b) (statutory rules) and 12C(b) (legislative instruments)).

95. Secondly, in determining whether a proposed statutory rule or legislative instrument imposes a significant economic or social burden on a sector of the public, and therefore whether a RIS should be prepared or an exemption certificate, exempting the preparation of a RIS applies (see Part 3, Division 3 of these Guidelines in relation to consultation under sections 8(1)(a) (statutory rules) and 12F(1)(a) (legislative instruments)).
96. In considering whether a proposed statutory rule or legislative instrument imposes a significant economic or social burden on a sector of the public, the responsible Minister must consider:
- the base case (that is, the status quo in the absence of the proposed rule or instrument);
 - whether the proposed statutory rule or legislative instrument imposes a burden on one or more sectors of the public; and
 - whether that burden is a ‘significant economic or social burden’.
97. Each of these considerations is discussed in more detail below.

The base case

98. The base case is relevant for considering whether to prepare a RIS and for characterising the problem that the proposed statutory rule or legislative instrument seeks to address while preparing the RIS.
99. The relevant base case can be determined by considering what the situation would be if the statutory rule or legislative instrument were not made. This will usually be either the existing regulatory environment, or no regulation, except in unusual circumstances, such as when Commonwealth regulations affecting Victorians are changing.
100. No regulation is the appropriate base case if:
- a statutory rule or legislative instrument is new and is not replacing an existing statutory rule or legislative instrument;
 - a statutory rule is made to replace an existing statutory rule that is automatically being revoked in accordance with section 5 of the SL Act (i.e. ‘sunsetting’); or
 - a statutory rule or legislative instrument is made to replace an existing statutory rule or legislative instrument that is expiring, other than by sunsetting.
101. In some circumstances, it may not be feasible to use the base case for a quantitative analysis because the regulations have been in place for a long time and the base case is speculative, or because the base case is unusual or complex. In those circumstances, it is recommended that BRV be consulted to establish how best to analyse the base case.
102. For a proposed statutory rule or legislative instrument that will amend an existing statutory rule or legislative instrument (that is not expiring), the base case is the burden imposed by the existing regulatory environment. The same approach should be used where regulations are revoked and replaced before the sunset date.

Sector of the public

103. A statutory rule or legislative instrument may impose a burden on either the whole community to impact a ‘sector of the public’ or on one or more identifiable groups of people within the community. Public sector bodies (within the meaning of the **Public Administration Act 2004**) are excluded from these considerations but local government (and other exempt bodies) are not. How many, and which people can constitute a sector of the public is a matter of judgement in each case. It will depend on the nature of the proposed statutory rule or legislative instrument.
104. For example, a statutory rule or legislative instrument might impose a burden on a sector of the public if it:
- affects a number of businesses, community groups, or individuals; or
 - has an aggregate impact on the Victorian economy.

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

Significant burden

106. 'Significant burden' cannot be precisely defined. 'Burden' is a broad concept which may include a range of negative effects or impacts. For example, a financial or other type of resource burden (e.g. time) may be placed on businesses or individuals, restrict the access of a sector of the public to certain amenities or areas, or restrict an individual's ability to make choices about certain things.
107. Whether a burden is 'significant' should be determined according to the ordinary meaning of 'significant'.
108. Ministers should consider the burden imposed by the statutory rule or legislative instrument itself (rather than the authorising legislation). In some cases, the burden imposed will derive from obligations set out in the authorising Act and the statutory rule or legislative instrument will merely be declaratory or machinery. 'Declaratory' refers to changes that update legislative references and text, without material change to the substance or the status quo. For example, removing an obsolete definition or reference. 'Machinery' refers to changes that are mechanical, routine, not material or substantial in nature that clarify or correct a provision without changing procedural requirements. For example, prescribing an address for service. A proposed statutory rule or legislative instrument that imposes a significant burden is, on its face, not machinery. A proposed statutory rule or legislative instrument is not 'machinery' just because it gives effect to the authorising Act under which it is made.
109. Whether a significant burden may be imposed should be assessed initially with reference only to the costs or negative impacts on a sector of the public. That is, potential costs should not be offset against potential benefits. Costs and benefits of the proposed statutory rule or legislative instrument are compared in the RIS (if one is prepared).
110. To determine whether a 'significant burden' is imposed, all potential costs must be assessed, regardless of how readily quantifiable those costs are. The analysis may need to include both quantitative and qualitative aspects. When the costs are not easily quantified, it may help to consider stakeholders' views on likely or desired outcomes.

Assessing qualitative burdens

111. Some statutory rules or legislative instruments will impose a burden that is primarily qualitative in nature, for example, those that significantly impact on rights, access to services or the ability to innovate or compete. These burdens are less readily quantifiable and require careful assessment to ensure all potential negative impacts are identified and the relative size of each is adequately assessed. Whether a burden is significant in these cases may not ultimately be able to be determined based on quantitative estimates.
112. In considering whether a proposed statutory rule or legislative instrument imposes a significant burden, the responsible Minister must also consider the likely effect of the proposed statutory rule or legislative instrument on the rights in the **Charter of Human Rights and Responsibilities Act 2006** (the 'Charter'). See Part 4, Division 1 of these Guidelines in relation to human rights certificates.

Assessing quantitative burdens

113. Where the impacts of the proposed statutory rule or legislative instrument are readily quantifiable, indicative data may be gathered to assess the likely costs of the proposal. This may involve seeking views from some of those likely to be affected.
114. Generally, if the preliminary analysis suggests the measurable social or economic costs to any sector of the public (including the Victorian community as a whole) are likely to be greater than \$2 million per year, compared with the relevant base case, then there is likely to be a significant burden. For the applicable base case, see paragraphs 98 to 102 above.

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

Examples of where a significant burden may be imposed

117. A significant burden may be imposed on a sector of the public where the proposed statutory rule or legislative instrument has one or more of the following effects:
- imposes restrictions on entry into, or exit out of, an affected industry;
 - alters the ability or incentives for business to compete in an industry;
 - requires business, community groups or individuals to spend significant additional funds or devote a significant amount of additional time to compliance activities, change current practices or seek external advice (whether the additional resources required are significant will, to some degree, depend on the nature of the businesses or industry affected);
 - changes the structure of markets or sectors or creates a market that could alter the viability of existing markets;
 - creates a significant disincentive to private investment – e.g. by increasing potential delays for approvals;
 - imposes significant penalties for non-compliance (either on businesses or individuals);
 - imposes minimum requirements or standards on businesses or individuals, such as building requirements or environmental standards; or
 - significantly affects individual rights and liberties in some other way.
118. The list above is a not exhaustive. Each policy proposal should be assessed based on its impact and the size of the impact.
119. Examples of cases where a RIS has been prepared include:
- The Prevention of Cruelty to Animals Regulations (yet to be made). The Regulations include requirements for specific activities such as the use of electronic and other devices on animals, transportation of animals and use of fruit netting. The Regulations impact on animal welfare as well as people who own or handle animals. Some of the key burdens of the Regulations were quantified in the RIS while other more difficult to quantify burdens were analysed qualitatively.
 - Electrical Safety (General) Regulations 2019 (yet to be made). These Regulations prescribe standards for electrical installations and set fees for Certificates of Electrical Safety (COES). In the RIS, it was estimated that COES apply to more than 500,000 electrical installations each year and the proposed fees would have raised about \$11.2 million in 2018–19.
 - The Supreme Court (Fees) Regulations 2018 set fees for users of the Supreme Court in civil law matters. The Regulations introduced a tiered fee structure with corporate, standard and concession fees. In the RIS, it was estimated that about \$20 million in fees would be raised per year under the Regulations.
120. RISs from 2004 onwards are generally available on BRV’s website. Agencies are encouraged to discuss any policy proposals with BRV early in the development to clarify RIS requirements.

Statutory rules and legislative instruments that impose fees or charges

121. Where statutory rules and legislative instruments introduce new fees or charges, or increase fees or charges by more than the Treasurer’s annual rate, a significant burden assessment must be conducted.

122. Statutory rules and legislative instruments that increase fees or charges by an amount not exceeding the Treasurer's annual rate are exempt from the requirement to prepare a RIS (the SL Act, sections 8(1)(d) and 12F(1)(c)). Where an agency is proposing to increase fees by a percentage that is no greater than the Treasurer's annual rate but would exceed the significant burden threshold then the agency would rely on a section 8(1)(d) or section 12F(1)(c) exemption. Exemptions under section 8(1)(a) and section 12F(1)(a) would not apply.
123. The section 8(1)(d) and section 12F(1)(c) exemptions cannot apply if there is an increase in fees collected for substantially the same purpose multiple times within one financial year, and the aggregate increase across the year is greater than the Treasurer's annual rate. Fees are likely to be imposed for substantially the same purpose if they are issued under the same Act and relate to the same regulatory scheme and subject-matter. This requirement promotes transparency in the collection of fees and charges, by ensuring the additional burden is considered in light of all other fee or charge increases in that year and allowing for fully informed scrutiny by Parliament and SARC (see Part 3, Division 6 of these Guidelines).
124. A statutory rule can set a package of fees, often known as a 'basket approach'. An example is the Prevention of Cruelty to Animals Regulations 2019 (discussed above) which set about 40 fees for approvals for therapeutic electronic devices, approvals for the use of traps and fees related to rodeos. Where there is to be an increase in one or more individual fees within a basket of fees exceeding the Treasurer's annual rate, but the increase to the basket of fees as a whole is within that rate, then this exemption can apply.
125. Fees may be rounded to the nearest whole dollar (section 8(2) of the SL Act) without affecting whether a section 8(1)(d) exemption can apply.
126. Where a statutory rule or legislative instrument imposes a fee or charge, the responsible Minister should consider the level of the fee, the size of any increase (as compared to the current fee, if one exists) and the impact it may have on an individual, community group or business. The indicative \$2 million threshold may assist with this assessment.
127. Agencies may decide that, due to the nature of the authorising Act, proposed statutory rule or proposed legislative instrument, it is appropriate for a RIS to be prepared, notwithstanding that an exemption may apply. Whether a RIS should be prepared is ultimately the responsible Minister's decision. Agencies should consult and obtain advice from their Minister, as it is ultimately the Minister's decision as to whether a RIS should be prepared.
128. The indicative \$2 million threshold applies to the cumulative impact of the policy proposal as effected by the statutory rule or legislative instrument. It does not apply to each affected individual or business. A new fee or charge which recovers \$2 million or more per year in total is likely to impose a significant burden on a sector of the public, although it may not impose a \$2 million burden on an individual business or group.
The threshold will also be met if the statutory rule or legislative instrument, as a whole, imposes a burden of \$2 million per year, despite the fact that any individual fee may not recover more than \$2 million per year (i.e. collectively if the rule or instrument sets multiple fees).
129. Note: The Treasurer's annual rate (sections 8(1)(d) and 12F(1)(c) of the SL Act) does not form part of the base case. This means that a fee increase does not need to propose to recover an additional \$2 million beyond the Treasurer's annual rate to meet the indicative significant burden threshold.

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

130. Statutory rules or legislative instruments which reduce existing fees or charges payable usually do not impose a significant burden on a sector of the public. However, there are exceptions, such as where a reduction in fees could result in costs being redistributed to another sector of the public. This might occur where reducing a particular fee leads to other fees increasing. For example, if a self-funded organisation (funded by its own fees rather than government appropriations) reduces one of its fees, then it might need to increase another fee to cover its costs.

131. A statutory rule or legislative instrument that is remade and re-imposes an existing fee or charge at the same level can impose a significant burden, as the relevant base case will be no fees (see paragraphs 98 to 102 above for commentary on the base case).

DIVISION 3 – EXEMPTIONS FROM THE RIS PROCESS

132. Unless an exemption (under the SL Act or its Regulations) applies, all statutory rules and legislative instruments must undergo a RIS process (see Part 3, Division 4 of these Guidelines).

133. There are circumstances where it is not appropriate or necessary to prepare a RIS, or where formal consultation is not required. There are exemptions under the SL Act in these cases. The exemptions may be determined on a case-by-case basis by:

- the responsible Minister (see the paragraphs directly below); or
- in special circumstances, the Premier (see paragraphs 142 to 156).

Exemption certificates

134. There are two types of exemption certificates that can exempt a statutory rule or legislative instrument from the requirement for a RIS. These are:

- exemption certificates issued by the responsible Minister – sections 8 (statutory rules) and 12F (legislative instruments); and
- exemption certificates issued by the Premier – sections 9 (statutory rules) and 12G (legislative instruments).

Ministerial exemption certificates under sections 8 and 12F

135. Sections 8 and 12F of the SL Act outline the circumstances in which the responsible Minister may issue an exemption certificate. The table below summarises these sections.

Ministerial exemptions applicable to statutory rules (section 8) and legislative instruments (section 12F)

Reason for Ministerial exemption	Statutory Rule – Exempt Provision and notes on consultation	Legislative Instrument – Exempt Provision and notes on consultation
Proposed statutory rule or legislative instrument does not impose a significant economic or social burden on a sector of the public.	Section 8(1)(a) of the SL Act Initial consultation should be undertaken under section 6(b) to enable the responsible Minister to obtain sufficient evidence to form a view as to whether the proposed statutory rule imposes a significant burden. See Part 3, Division 2 of these Guidelines for details on what constitutes a ‘significant burden’.	Section 12F(1)(a) of the SL Act mirrors section 8(1)(a) of the SL Act.
Proposed statutory rule relates only to a court or tribunal or the procedure, practice or costs of a court or tribunal.	Section 8(1)(b) Where a statutory rule is made by a court, consultation under section 6 is not required unless the judges or magistrates of that court determine that there should be consultation. In other cases, which fall under section 8(1)(b), sufficient consultation should occur with the courts, representative bodies of the legal profession and other relevant interest groups to ensure that the statutory rule is the most effective option available.	Not applicable

Reason for Ministerial exemption	Statutory Rule – Exempt Provision and notes on consultation	Legislative Instrument – Exempt Provision and notes on consultation
Proposed statutory rule or legislative instrument is of a fundamentally declaratory or machinery nature.	Section 8(1)(c) For such a statutory rule, no consultation is required under section 6(b).	Section 12F(1)(b) For such a legislative instrument, no consultation is required under section 12C.
Proposed statutory rule or legislative instrument only increases fees in respect of a financial year by an amount not exceeding the annual rate approved by the Treasurer in relation to the State Budget for the purposes of section 8 and 12F. <i>See 'Statutory rules and legislative instruments that impose fees or charges' above</i>	Section 8(1)(d) Extensive consultation is undertaken by the Treasurer and DTF in the development of the Budget strategy, which sets out the financial plan for the State for a 12-month period. Where a proposed statutory rule does no more than effect an increase in accordance with the Treasurer's annual rate, no additional consultation is required under section 6 of the SL Act. The current rate approved by the Treasurer can be found here.	Section 12F(1)(c) mirrors section 8(1)(d) of the SL Act.
Proposed statutory rule prescribing or exempting instruments under sections 4(1)(a) or 4(1)(b) of the SL Act.	Section 8(1)(e)(i) and 8(1)(e)(ii) No consultation is required except for consultation with the relevant responsible Minister or the body responsible for the statutory rule.	Not applicable.
A proposed statutory rule (extension regulations) which extends the life of sunseting statutory rules under section 5A of the SL Act.	Section 8(1)(e)(iii) Extension regulations can only extend an existing regulatory regime for a maximum of 12 months. No initial consultation is required under section 6 for these proposed statutory rules.	Not applicable.
A proposed statutory rule that prescribes under sections 4A(1)(a), (b) or (c) of the SL Act instruments as falling within or outside the definition of legislative instrument or the operation of the SL Act.	Sections 8(1)(e)(iv), (v) and (vi) No consultation is required except for consultation with the relevant responsible Minister and the body responsible for the legislative instrument.	Not applicable.

Reason for Ministerial exemption	Statutory Rule – Exempt Provision and notes on consultation	Legislative Instrument – Exempt Provision and notes on consultation
<p>Proposed statutory rule or legislative instrument is required under a national uniform legislation scheme and an assessment of costs and benefits has been undertaken under that scheme.</p>	<p>Section 8(1)(f)</p> <p>For such a statutory rule, the responsible Minister should ensure that the impact of the scheme on Victorians has been properly assessed (e.g. in a national RIS) and must be satisfied that there has been adequate consultation with relevant Victorian stakeholders. This consultation may have already occurred during the development of the national scheme and the decision for the Victorian Government to enter into that scheme. If this is the case, then the requirement for consultation under section 6(b) is satisfied.</p> <p>Note the responsible Minister is still required to issue a certificate of consultation under section 6(c). The certificate should outline the nature and timing of the consultation undertaken.</p>	<p>Section 12F(1)(f) mirrors section 8(1)(f) of the SL Act.</p>
<p>Proposed statutory rule deals with the administration or procedures within or as between departments or declared authorities within the meaning of the Public Administration Act 2004, or within or as between departments within the meaning of the Parliamentary Administration Act 2005.</p>	<p>Section 8(1)(g)</p> <p>Consultation is required under section 6(b) with the Victorian Public Sector Commissioner, and, for a statutory rule proposed under the Parliamentary Administration Act 2005, with relevant Parliamentary Officers. Otherwise the level and nature of the consultation required is a matter for the responsible Minister.</p>	<p>Section 12F(1)(i) mirrors section 8(1)(g) of the SL Act.</p>

Reason for Ministerial exemption	Statutory Rule – Exempt Provision and notes on consultation	Legislative Instrument – Exempt Provision and notes on consultation
<p>Where notice of the proposed statutory rule or legislative instrument would render the statutory rule or legislative instrument ineffective or would unfairly advantage or disadvantage any person likely to be affected by the proposed statutory rule or legislative instrument.</p>	<p>Section 8(1)(h) Normally, after the completion of a RIS, the SL Act requires that the RIS and proposed statutory rule be released for public consultation. In some cases, the release of the rule before it commences may undermine the purpose for which the rule is being made. In other cases, notification may mean that particular people are subject to unfair advantage or disadvantage. In such cases, the statutory rule may be eligible for an exemption from the RIS process. Consultation under section 6 should be conducted only to the extent that the responsible Minister considers it appropriate.</p>	<p>Section 12F(1)(j) mirrors section 8(1)(h) of the SL Act.</p>
<p>Proposed legislative instrument would only impose a burden on a public sector body.</p>	<p>Not applicable.</p>	<p>Section 12F(1)(d) A ‘public sector body’ is defined in the Public Administration Act 2004. It includes a Department, an Administrative Office, IBAC, Office of the Victorian Ombudsman, VCAT, the Victorian Electoral Commission, the Victorian Public Sector Commission and a body established by or under an Act, Governor in Council or Minister with a public function. Initial consultation should be undertaken under section 12C(b) to enable the responsible Minister to obtain sufficient evidence to form a view as to whether the proposed legislative instrument imposes any burden on a sector of the public (see Part 3, Division 2 of these Guidelines).</p>

Reason for Ministerial exemption	Statutory Rule – Exempt Provision and notes on consultation	Legislative Instrument – Exempt Provision and notes on consultation
		A determination by the responsible Minister that the economic or social burden imposed by the proposed legislative instrument is not significant under section 12F(1) (a) is not sufficient to show that the proposed legislative instrument imposes a burden only on a public sector body. The level and nature of the consultation required in each case is a matter for the responsible Minister.
Proposed legislative instrument is an order made under the Administrative Arrangements Act 1983 .	Not applicable.	Section 12F(1)(e) The Administrative Arrangements Act 1983 empowers the Governor in Council to make orders relating to the administration of government. These orders are machinery in nature and are unlikely to place any burden on a sector of the public. Consultation under section 12C(b) is not required.
Proposed legislative instrument is required to undergo, or has undergone an analytical and consultation process which, in the opinion of the responsible Minister, is equivalent to the RIS process required under section 12E – RIS equivalency.	Not applicable.	Section 12F(1)(g) Initial consultation under section 12C must be undertaken and the responsible Minister should issue a consultation certificate under section 12C(c). This exemption is intended to avoid the duplication of analysis and consultation requirements in circumstances where an authorising Act imposes requirements that are equivalent to the RIS process. Section 12H of the SL Act sets out a number of RIS requirements which should preferably be met by the equivalent process. However, as a minimum, the process must meet the following substantive requirements to qualify for exemption under this provision:

Reason for Ministerial exemption	Statutory Rule – Exempt Provision and notes on consultation	Legislative Instrument – Exempt Provision and notes on consultation
		<ul style="list-style-type: none"> ● the instrument must undergo an analysis of the costs and benefits, including consideration of alternative options for achieving the regulatory goal; ● the analysis must be independently assessed; and ● the instrument must undergo a public consultation process for at least 28 days.
Proposed legislative instrument is of not more than 12 months duration and is necessary to respond to a public emergency, an urgent public health issue or public safety issue, or likely or actual significant damage to the environment, resource sustainability or the economy.	Not applicable.	Section 12F(1)(h) The scope of consultation required for such legislative instruments is a matter for the responsible Minister.
Proposed legislative instrument is made under a statutory rule and the RIS for that statutory rule has adequately considered the impact of the proposed legislative instrument.	Not applicable.	Section 12F(1)(k) The scope of consultation required for such legislative instruments is a matter for the responsible Minister.

Form and content of Ministerial exemption certificates

136. If the responsible Minister considers that an exemption ground in section 8(1) or section 12F(1) of the SL Act applies to a proposed statutory rule or legislative instrument, the responsible Minister must specify the reasons for that opinion in their certificate (see sections 8(3) and 12F(3) of the SL Act). An exemption certificate should contain detailed reasons justifying the exemption (see sections 8(3) and 12F(3) of the SL Act). An assertion that the exemption ground applies is not sufficient.
137. The Act does not prescribe any form for an exemption certificate issued under sections 8 or 12F. However, the Clerk of the Executive Council has issued template certificates documents. The *Victorian Guide to Regulation* and supporting toolkits (see the Introduction of these Guidelines) also includes an example form of certificate. The certificate should include:
- the name of the proposed statutory rule or legislative instrument;
 - the relevant subsections of sections 8(1) or 12F(1) under which the exemption is made;

- an outline of the nature and effect of the proposed statutory rule or legislative instrument;
 - the proposed commencement date and, if relevant, the reason for that date; and
 - the reasons why the proposed statutory rule or legislative instrument falls within the relevant exemption – that is, what it is about the nature and effect of the statutory rule or legislative instrument that satisfies the exemption.
138. Where a Ministerial exemption certificate is issued in relation to a statutory rule or legislative instrument, the initial consultation requirements may also be affected. The following table provides further detail of initial consultation requirements under sections 6 (statutory rules) and 12C (legislative instruments) that apply in relation to each exemption ground.
139. A Ministerial exemption certificate may form part of a composite certificate (see Part 4, Division 1 of these Guidelines in relation to composite certificates for further detail).
140. Exemption certificates are laid before Parliament and sent to SARC (section 16C of the SL Act). See generally Part 3, Division 6 of these Guidelines regarding other tabling requirements.
141. For previous examples of exemption certificates, please contact DPC's OGC by email at GeneralOrdersLegislativeInstruments@dpc.vic.gov.au

Premier's exemption certificates under sections 9 and 12G

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

148. While there are no set criteria to determine the ‘public interest’, the following examples may assist agencies:
- Example 1: The agency requested the Premier to extend a sunseting statutory rule. The government had previously accepted recommendations in a review that directly related to the primary legislation under which the statutory rule was being made. The agency had to consult with the public about proposed amendments to the primary legislation arising from the review. After this consultation, there would then be insufficient time to conduct a RIS and make a new statutory rule replacing the sunseting rule. The Premier issued an extension in relation to the sunseting statutory rule to allow the reform to the primary legislation to be completed and then consultation on proposed regulations to replace the sunseting statutory rule.
 - Example 2: The agency commenced a review of the regulations but the initial consultation with stakeholders identified a number of operational issues. There was insufficient time to conduct a RIS process and amend the replacement regulations to address these concerns. Failure to extend the sunseting regulations would mean certain offences would cease or be more difficult to prove. The agency requested the Premier to extend the operation of the sunseting statutory rule and the Premier issued the extension.
 - Example 3: The sunseting statutory rule dealt with cost recovery fees for administering a scheme. However, amendments to a related statutory rule meant that the number of participants in the scheme could not be known. This information was key in calculating the fees to recover the costs of administering the sunseting scheme. The Premier granted an extension under section 9 of the SL Act.
149. To obtain a Premier’s exemption certificate, the responsible Minister must request, in writing, that the Premier issue an exemption certificate under section 9(1) (statutory rules) or section 12G(1) (legislative instruments). Such requests should be made at least four weeks before the proposed date of making the statutory rule or legislative instrument.
150. The responsible Minister’s letter to the Premier must explain why, in the special circumstances of the case, the public interest overrides the requirement to conduct a RIS and requires the exemption.
151. Before making the request for the Premier’s exemption certificate, the agency should ensure that the proposed statutory rule or legislative instrument has been finalised or settled. This will assist the Premier to properly assess the proposed public interest reasons. Where the certificate concerns a statutory rule, agencies must ensure that the statutory rule is settled with OCPC before the responsible Minister’s formal request to the Premier.
152. The responsible Minister’s request must be accompanied by a copy of the settled statutory rule. For legislative instruments, a copy of the finalised legislative instrument must be provided with the Minister’s request.
153. Agencies must also provide OGC with a copy of the advice provided by CPC under section 13 of the SL Act. OCPC will only provide a section 13 certificate if it is informed by agencies that an exemption has been granted and the duration of the exemption is known. Once OCPC issues the section 13 certificate, agencies must give a copy to OGC.
154. Where the Premier issues an exemption certificate for a statutory rule or legislative instrument, the agency must table the certificate in both Houses of Parliament and send it to SARC (see sections 15, 15A, 16B and 16C of the SL Act). Please also see Part 3, Division 5 of these Guidelines.
155. The agency must also forward to SARC a copy of the reasons given to the Premier when seeking a Premier’s exemption certificate, together with any other relevant materials (sections 15A(1)(b) and 16C(1)(c) of the SL Act).
156. If agencies experience difficulty locating previous exemption certificates, please contact DPC’s OGC at GeneralOrdersLegislativeInstruments@dpc.vic.gov.au

Exemptions under the Regulations (relevant only to legislative instruments)

157. As noted above in Part 1, Division 1, the Regulations may assist in answering the question of whether an agency needs to conduct a RIS process for a legislative instrument.
158. Summary of this Division:
- If an instrument is prescribed in Schedule 1 to the Regulations, agencies do not need to conduct a RIS process to make an instrument, as instruments in Schedule 1 to the Regulations are **not** legislative instruments.
 - If an instrument is prescribed in Schedule 2 to the Regulations, agencies must follow the RIS process to make an instrument (unless the agency or responsible Minister obtain an exemption certificate). This is because instruments in Schedule 2 to the Regulations **are** prescribed to be legislative instruments and are subject to the RIS requirements in the SL Act (unless an exemption under section 12F applies).
 - If an instrument is prescribed in Schedule 3 to the Regulations, agencies do not need to conduct a RIS process to make an instrument. This is because instruments in Schedule 3 to the Regulations **are** prescribed to be exempt from Parts 2A and 5A and sections 16B, 16C, 16E and 16F of the SL Act (which relate to preparation, tabling and scrutiny of legislative instruments).

DIVISION 4 – THE RIS PROCESS

159. The responsible Minister must ensure that a RIS is prepared for a proposed statutory rule or legislative instrument, unless an exemption applies (the SL Act, sections 7 and 12E).
160. Drafting and assessment requirements for the RIS are set out in sections 10 (statutory rules) and 12H (legislative instruments) of the SL Act. The requirements relating to statutory rules and legislative instruments are very similar. Agencies should note that the authorising Act may also include requirements relevant to the impact assessment (such as in the **Environment Protection Act 2017** as amended by the **Environment Protection (Amendment) Act 2018** and **Environment Protection (Amendment) Act 2019**).
161. As outlined in the *Victorian Guide to Regulation*, the primary objectives of the RIS process is to present sound analysis based on credible evidence that enables the government to consider all relevant information before making a decision. This should ensure that regulations are necessary, effective and efficient.

Content of a RIS

162. RISs should be drafted in plain English to ensure they are clear and accessible to the public. They must clearly set out the regulatory requirements to be created by the proposed statutory rule or legislative instrument.
163. The RIS must include a statement of the objective of a proposed statutory rule or legislative instrument (the SL Act, sections 10(1)(a) and 12H(1)(a)). The objectives stated in the RIS are likely to differ from those which must be included in the statutory rule (and which may be included in a legislative instrument) itself, as discussed above at Part 2, Division 4 of these Guidelines. RIS objectives must be stated in terms of the policy objectives, or outcomes, being sought to resolve the identified policy problem, regardless of the form of the solution.
164. A proposed statutory rule or legislative instrument may not be the only option to address the relevant policy problem, and might not be the final option selected as a result of the RIS and public consultation processes. RISs should analyse a range of regulatory and non-regulatory options.
165. Under section 10(1)(ba), note that when a proposed statutory rule will amend fees in an existing statutory rule, a table must be prepared in the RIS comparing the proposed and existing fees, including the percentage increase or decrease for each fee (the SL Act, section 10(1)(ba)). This includes when a proposed statutory rule will set new fees to replace existing fees in a statutory rule which is sunseting or otherwise being superseded.

166. The *Victorian Guide to Regulation* provides more detail on the preparation of RISs. Please refer to the resources and guidance materials listed in the Introduction to the Guidelines for techniques for quantifying costs and benefits, and the use of qualitative analysis where it is difficult to assign a dollar value to anticipated benefits. Further resources including RIS checklists and templates can be found on the websites of DTF and BRV.
167. The responsible Minister should determine at what stage they seek expert advice on the development of a regulatory proposal. Agencies may prepare their own RISs or engage contractors or consultants to prepare RISs. If engaging consultants external to government, agencies should also consult the policies concerning engaging and managing consultants issued by the Victorian Government Purchasing Board ('VGPB'). For further information and to obtain a copy of its policies, refer to the VGPB's website.
168. Agencies should also consider any significant impacts on human rights contained in the Charter when assessing the costs and benefits of the proposal (See Part 4, Division 1 of these Guidelines for information about the preparation of a Human Rights Certificate.)

Independent assessment

169. The responsible Minister or responsible instrument maker, respectively, must ensure that independent advice on the adequacy of a RIS is obtained and considered in accordance with these Guidelines (the SL Act, sections 10(3) and 12H(3)).
170. The CBR reviews RISs and provides the independent advice required by sections 10(3) (statutory rules) and 12H(3) (legislative instruments) of the SL Act. The CBR will advise the responsible Minister or responsible instrument maker whether the RIS adequately addresses the matters which must be included under sections 10 or 12H of the SL Act.
171. The responsible Minister or instrument maker must receive CBR's advice on adequacy before it releases the RIS for public consultation (see Part 3, Division 5 of these Guidelines). If the CBR advises that it considers that the RIS is inadequate, the Minister or responsible instrument maker may still decide to release the RIS, but must attach the independent advice to the RIS. If the CBR advises that it considers the RIS is adequate, it is best practice to attach the independent advice to the RIS.
172. Ministers and responsible instrument makers are also strongly encouraged to attach the CBR's advice to all RISs, even where they are assessed as being adequate. Sometimes the CBR may raise points that are relevant to stakeholders' consideration of a proposal.
173. Following the CBR's assessment of the RIS, the responsible Minister must issue a certificate certifying that the RIS complies with the requirements of the SL Act and the Guidelines and adequately addresses the likely impact of the statutory rule or legislative instrument (the SL Act, sections 10(4) and 12H(4)). Where the CBR assesses the RIS as inadequate, the certificate should explain why the Minister believes the requirements have been met, notwithstanding the CBR's assessment of inadequacy. Those reasons will be considered by SARC in its review of the statutory rule or legislative instrument.
174. A copy of the CBR's assessment of a RIS must be sent to SARC after the statutory rule is made (regardless of whether the RIS is assessed as adequate or not) (see Part 3, Division 6 of these Guidelines). This promotes a transparent and accountable regulatory system.

DIVISION 5 – RELEASE OF THE RIS FOR PUBLIC CONSULTATION

175. If a RIS is required, (see Part 3, Division 2 of these Guidelines) further public consultation requirements apply. This consultation occurs after the proposed statutory rule or legislative instrument has been settled by OCPC. These documents must be released at the beginning of the consultation period. This second, more formal, phase of consultation is distinct from the initial consultation required as part of the policy development process (see Part 3, Division 1 of these Guidelines).

176. The public consultation process gives businesses and the wider community a chance to communicate to government any concerns it may have about proposed regulations which will affect its activities. One of the aims of the RIS and the public consultation process is to obtain information and comment from the widest set of possible sources. This helps identify any weaknesses in the reasoning in the RIS, test assumptions and methodology in the RIS, and ensure that competing interests are recognised and adequately considered.
177. Undertaking the RIS and the public consultation process properly ensures that any resulting statutory rule or legislative instrument is likely to be effective and efficient.

Notice and publication for public consultation

178. Following initial consultation and the preparation of the RIS, the proposed statutory rule (as settled by OCPC) or proposed legislative instrument and RIS must be published by the responsible Minister, with a notice inviting comments and submissions from the public (the SL Act, sections 11 and 12I).
179. The notice must be published in:
 - the Government Gazette;
 - a daily newspaper circulating generally throughout Victoria; and
 - if the responsible Minister considers it appropriate, any trade, professional or public interest publications as the responsible Minister determines.
180. The notice must set out:
 - the reason for, and the objective of, the proposed statutory rule or legislative instrument;
 - the locations (including the Government website) where a copy of the RIS and the proposed statutory rule can be obtained; and
 - an invitation for public comments or submissions within a specified time not less than 28 days from the publication of the notice.
181. It is particularly important to ensure that the notice is published in accordance with sections 11 (statutory rules) and 12I (legislative instruments) of the SL Act. Failure to publish the notice may affect the operation or effect of the statutory rule or legislative instrument.
182. The RIS and a copy of the consultation draft of the statutory rule or legislative instrument must be available in electronic form on a government website (for example on the agency's and/or the Engage Victoria website) and in hard copy.
183. Under the SL Act, consultation following publication of a RIS is required for at least 28 days from public notification. However, consultation for at least 60 days is best practice.

Consideration of submissions

184. Following public consultation, the responsible Minister must consider all submissions and comments received in relation to the draft statutory rule or legislative instrument and RIS.
185. A statement of reasons summarising issues raised in submissions and explaining how the agency has responded must be prepared and published on a government website and available in hard copy. This allows those who have made submissions on a RIS to see how their comments have been addressed in the final version of the statutory rule or legislative instrument. Example statements of reasons include the statement of reasons for the Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019 and the Labour Hire Licensing Regulations 2018. Where there are a large number of submissions, a general letter with an attachment covering the various issues raised, and documenting how each issue has been addressed, can be used. A statement of reasons contributes to the transparency of the regulatory process.

186. If the Minister does not adequately address valid criticisms and suggestions received during consultation SARC may criticise the proposed statutory rule or legislative instrument. Under section 15A of the SL Act, SARC must be provided with a copy of **all comments and submissions** received in relation to the RIS (see generally Part 3, Division 6 of these Guidelines).

Notice of decision

187. Sections 12 (statutory rules) and 12J (legislative instruments) of the SL Act require the responsible Minister to publish a notice of their decision to make, or not to make, the relevant statutory rule or legislative instrument.
188. The notice must be published in:
- the Government Gazette; and
 - a daily newspaper circulating generally throughout Victoria.
189. If an agency published the RIS on a website, the agency should also publish the notice of their decision on the same website.
190. To ensure greater transparency of decisions, the responsible Minister should provide reasons for the direction taken in a final statutory rule or legislative instrument. These should address any general issues raised in submissions.
191. A statement of reasons must also be published on a government website and available in hard copy. This will allow those who have made submissions on the RIS to see how their comments have been addressed in the final version of the statutory rule or legislative instrument. Example statements of reasons include the statement of reasons for the Mineral Resources (Sustainable Development) (Mineral Industries) Regulations 2019 and the Labour Hire Licensing Regulations 2018.

DIVISION 6 – MAKING, TABLING AND PUBLICATION

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

Making statutory rules

193. After a draft of the proposed statutory rules has been settled by OCPC and OCPC has provided a formal letter of settlement to the agency, the agency may request the section 13 certificate from OCPC. The section 13 certificate is one of the documents that must accompany a proposed statutory rule when it is submitted to the Governor in Council for making (see the SL Act, section 14). Agencies must allow adequate time for the settling process and the issue of the section 13 certificate. Agencies should consult OCPC's *Guidance on Statutory Rules* when preparing a statutory rule.
194. Section 14 of the SL Act specifies requirements for submitting statutory rules to the Governor in Council and the documents which must accompany the proposed statutory rule.
195. In addition to the documents outlined in section 14 of the SL Act, an Explanatory Memorandum must accompany any statutory rule submitted to the Governor in Council. The Explanatory Memorandum should set out the nature and extent of any changes (if any, in the case of remade regulations) effected by the new statutory rule and the reason for the changes, particularly where no RIS has been prepared. The Explanatory Memorandum is especially important where the proposed statutory rule contains complex or detailed technical information.
196. The Explanatory Memorandum should be brief, and generally take the following form:
- a brief outline of the statutory rule;
 - an explanation of the changes effected by each provision;
 - a statement of the reasons for making the statutory rule;

- where applicable, the reasons no RIS was prepared;
 - a statement as to whether consultation has taken place, and if it has not taken place, an explanation as to why a decision was made not to consult; and
 - where a statutory rule amends fees in an existing statutory rule, a table comparing the proposed and existing fees (including the percentage increase or decrease for each fee).
197. A Recommendation page, signed by the responsible Minister, and an Agenda page, signed by the responsible Minister and Departmental Secretary (or authorised delegate), must also accompany a statutory rule when it is submitted to the Governor in Council.

Making and publishing legislative instruments

198. The legislative instrument should be made in accordance with the process set out in the authorising Act.
199. Legislative instruments must also be published in full in the Government Gazette (the SL Act, section 16A(1)).
200. In certain limited circumstances it may be impracticable to gazette a legislative instrument in full, for example where the instrument contains detailed maps or diagrams or is in a format incompatible with the format of the gazette. Instead, where a full copy is available, notice of the making of the legislative instrument must be published in the Government Gazette (the SL Act, section 16A(2)).
201. Agencies must include on their website copies of all:
- legislative instruments made or administered by the agency; and
 - current consolidated versions of legislative instruments (see paragraphs 202 to 203 below).

Consolidated version of legislative instruments

202. Section 16F of the SL Act applies to a legislative instrument that amends an existing legislative instrument. In these circumstances, the instrument maker will be required to ensure that a consolidated version of the legislative instrument, as amended, is made publicly available.
203. Agencies should prepare consolidated versions of legislative instruments for which they are responsible, and make these publicly available, including on their website.

Laying statutory rules and legislative instruments before Parliament

204. Sections 15 (statutory rules) and 16B (legislative instruments) of the SL Act require statutory rules and legislative instrument to be laid before Parliament within six sitting days of their notice of making under sections 17(2) (statutory rules) and 16A (legislative instruments). The notice of making is generally published in the Government Gazette on the day the statutory rule or legislative instrument is made. The Act also specifies documents which must accompany the new statutory rule or legislative instrument when laid before Parliament (and that must also be sent to SARC) by agencies and Ministers.
205. Some of these requirements apply to both statutory rules and legislative instruments, while other documents are required only in relation to statutory rules.
206. The following documents must accompany a statutory rule or a legislative instrument, where they are required to be prepared:
- a certificate of consultation issued under sections 6 or 12C (Part 3, Division 1 of these Guidelines);
 - a Ministerial exemption certificate issued under sections 8 or 12F (Part 3, Division 2 of these Guidelines);
 - a Premier's exemption certificate issued under sections 9 or 12G (Part 3, Division 2 of these Guidelines);
 - a compliance certificate in relation to RIS requirements and adequacy issued under sections 10(4) or 12H(4) (see Part 3, Division 4 of these Guidelines); and

- a human rights certificate or human rights exemption certificate issued under sections 12A or 12D (see Part 4, Division 1 of these Guidelines).
207. The following additional documents must accompany a statutory rule where they are required to be prepared:
- an extension certificate and the Premier's certificate agreeing to the extension issued under section 5A (see Part 4, Division 5 of these Guidelines);
 - an infringements offence consultation certificate issued under section 6A (see Part 4, Division 1 of these Guidelines);
 - a section 13 certificate issued by the CPC (see Part 3, Division 6 of these Guidelines); and
 - the responsible Minister's recommendation that the Governor in Council make the statutory rule.

Documents which must be sent to SARC

208. Pursuant to sections 15A and 16C of the SL Act, the following accompanying documents must be sent to SARC when a statutory rule or legislative instrument is made:
- any applicable document required to be laid before Parliament (see Part 3, Division 5 of these Guidelines);
 - if a Premier's exemption certificate has been issued – the reasons given by the responsible Minister to the Premier as to why the public interest requires that the proposed statutory rule or legislative instrument be made without preparing a RIS; and
 - if a RIS has been prepared – the RIS and a copy of all comments and submissions received.
209. A copy of each legislative instrument must also be sent to SARC under section 16C.
210. The following additional documents must also be sent to SARC:
- a copy of BRV's independent assessment of any RIS (see Part 3, Division 4 of these Guidelines);
 - one copy of the explanatory memorandum for the statutory rule or legislative instrument;
 - copies of any notices published in the Government Gazette, newspapers or other publications advertising a RIS;
 - copies of any notices advising of the decision to make or not make a proposed statutory rule or legislative instrument;
 - a summary of all comments and submissions received; and
 - copies of any letters sent to those who made comments or submissions.
211. These documents must be given to SARC no later than ten working days after the making of the statutory rule or legislative instrument (the SL Act, sections 15A(2)(a) and 16C(2)(a)). If, following the proroguing of Parliament, SARC has not yet been established, the documents must be given to SARC no later than ten working days after SARC has been established.

Scrutiny and disallowance of statutory rules and legislative instruments

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

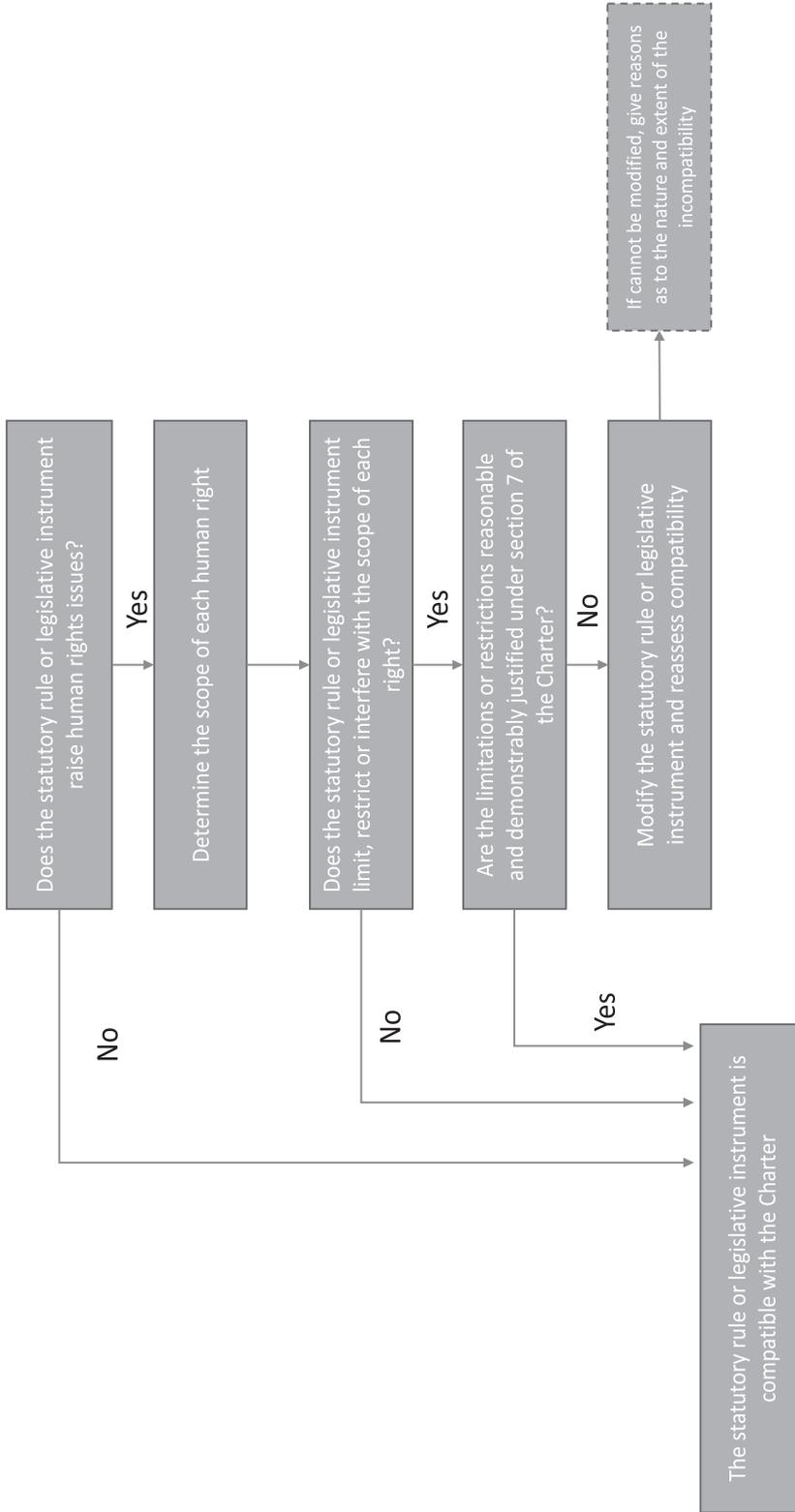
**PART 4
OTHER MATTERS**

DIVISION 1 – CERTIFICATES

Human rights certificates

214. The responsible Minister must issue a human rights certificate in respect of a proposed statutory rule or legislative instrument, unless an exception applies (the SL Act, sections 12A and 12D). The human rights certificate will then be finalised following the completion of the RIS process – it is not included as part of the RIS documents released for public consultation.
215. Sections 12A(2) (statutory rules) and 12D(2) (legislative instruments) set out the matters which must be included in the human rights certificate.
216. Preparing a human rights certificate involves assessing the instrument’s likely impact on the rights set out in the Charter. Conducting a human rights impact assessment as part of the policy development process will assist in the preparation of the human rights certificate accompanying the final statutory rule or legislative instrument. The flowchart below identifies the human rights impact assessment process. The analysis is similar to the analysis undertaken through the Statement of Compatibility process when preparing primary legislation.
217. It is recommended that agencies consult with the legal branch within their agencies. For further details on how to assess the human rights impact of proposed subordinate legislation, please refer to the resources and guidance materials in the Introduction to these Guidelines.

Flowchart of human rights impact assessment



218. The potential human rights impact of a proposed statutory rule or legislative instrument is relevant in considering whether it imposes a significant burden on a sector of the public. When considering that question, the responsible Minister must consider the likely effect of the proposed statutory rule or legislative instrument on the rights set out in the Charter (see Part 3, Division 2 of these Guidelines).
219. A proposal is likely to create a social, economic or environmental burden if it limits human rights. Whether the burden is significant will depend on the nature and extent of the limitation.
220. A detailed human rights analysis is not required in the RIS, as this is covered when preparing the human rights certificate. However, a RIS may include commentary on human rights implications and refer to rights and liberties (including Charter rights) as part of the broader concept of significant social burden.

Infringements offence consultation certificates for proposed statutory rules

221. If a proposed statutory rule provides for the enforcement of an offence by an infringement notice, the responsible Minister must issue an infringements offence consultation certificate (the SL Act, section 6A).
222. The responsible Minister must certify that:
 - DJCS has been consulted about the enforcement and suitability of the offence;
 - the Attorney-General's guidelines under the **Infringements Act 2006**, have been taken into account; and
 - the proposed infringement offence meets the requirements of those guidelines or does not meet the requirements but should be made anyway for reasons specified in the certificate.
223. Note that an infringements offence consultation certificate can be included in a composite certificate issued under that section (the SL Act, section 12B).

Other certificates under Parts 2 and 2A of the SL Act

224. Other certificates required under Part 2 (statutory rules) and Part 2A (legislative instruments) are discussed elsewhere in these Guidelines:
 - certificates of consultation – sections 6(c) and 12C(c) (see Part 3, Division 1).
 - Ministerial exemption certificates – sections 8 and 12F (see Part 3, Division 3).
 - Premier's exemption certificates (see Part 3, Division 3).
 - RIS certificates (see Part 3, Division 4).
225. Some certificates required by the SL Act may be issued in a single composite certificate (the SL Act, sections 12B and 12K).
226. Section 12B of the SL Act provides that the responsible Minister may issue a composite certificate for a proposed statutory rule that incorporates:
 - a Ministerial exemption certificate under section 8;
 - a consultation certificate under section 6;
 - an infringements offence consultation certificate under section 6A; and
 - a RIS certificate under section 10(4).
227. Section 12K of the SL Act provides that the responsible Minister may issue a composite certificate for a proposed legislative instrument that incorporates:
 - a Ministerial exemption certificate under section 12F;
 - a consultation certificate under section 12C; and
 - a RIS certificate under section 12H(4).

228. In order to meet the requirements of the Competition Principles Agreement the responsible Minister must also issue a competition policy certificate for proposed statutory rules for which a RIS has been prepared (see BRV guidance material). The certificate states either that the proposed statutory rule:
- (a) does not contain a restriction on competition; or
 - (b) does contain a restriction(s) but the objective can only be achieved by restricting competition, and benefits to the community outweigh costs.

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

229. When preparing a statutory rule or legislative instrument, agencies and responsible Ministers must consider the interaction between the SL Act (the **Subordinate Legislation Act 1994**) and the authorising Act or statutory rule (under which the proposed statutory rule or legislative instrument is made).
230. In some cases, the authorising Act or statutory rule may impose requirements, such as consultation and gazettal requirements, even though the instrument is subject to the requirements of the SL Act. In other cases, the authorising Act or statutory rule may apply provisions of the SL Act to the instrument that would not otherwise apply. This will be most common in authorising Acts or statutory rules for legislative instruments (as opposed to statutory rules).
231. In considering which requirements must be met, agencies should consider the relevant provisions of the SL Act and seek legal advice if necessary. In particular:
- if an instrument is prescribed to be a legislative instrument, any inconsistent or duplicating provision of the authorising Act does not apply to the instrument (section 4A(2)).
 - if an authorising Act requires gazettal of a legislative instrument within a shorter time period than the SL Act, compliance with the authorising Act is taken to be compliance with the SL Act (section 16D(2)). The authorising Act should be complied with.
 - if an authorising Act requires gazettal of a legislative instrument within a longer time period than the SL Act, the SL Act prevails over the authorising Act (section 16D(3)). The SL Act should be complied with.
 - if an authorising Act requires a legislative instrument to be tabled in Parliament within a time period the same as, or shorter than, the SL Act, compliance with the authorising Act is taken to be compliance with the SL Act (section 16E(1)). The authorising Act should be complied with.
 - if an authorising Act requires a legislative instrument to be tabled in Parliament within a longer time period than the SL Act, the SL Act prevails over the authorising Act (section 16E(2)). The SL Act should be complied with.
232. When preparing primary legislation, agencies should consider how the requirements of the SL Act will apply to any new statutory rule-making or legislative instrument-making powers. Except in exceptional circumstances, legislation should not contain provisions that exclude the operation of the SL Act. Agencies should contact OGC and OCPC if contemplating including such provisions in legislation.
233. Where there may be exceptional circumstances justifying an exclusion from the SL Act, the agency must consult with DPC during the policy development stage of the Bill. During the drafting stage, the agency must consult with OCPC as well as DPC.

DIVISION 3 – INCORPORATING OTHER MATERIAL

234. Section 32 of the **Interpretation of Legislation Act 1984** ('ILA') sets out when subordinate instruments, such as statutory rules or legislative instruments, may prescribe matters in other documents. This is known as incorporation by reference.

235. Generally, subordinate instruments may only incorporate by reference provisions of a Victorian or Commonwealth Act, a Code (as defined in the ILA), or a Victorian or Commonwealth statutory rule. Subordinate instruments may only incorporate other matters where there is explicit power to do so in the authorising Act.
236. Where matter is incorporated by reference, section 32 of the ILA sets out requirements for making material publicly available and for tabling the material in Parliament. The ILA requires:
- a copy of the incorporated material to be lodged with the Clerk of the Parliaments as soon as practicable after the statutory rule or legislative instrument is tabled;
 - publication of a notice in the Government Gazette outlining the documents which have been lodged with the Clerk of Parliament;
 - a copy of the Government Gazette notice to be laid before each House of the Parliament as soon as practicable after it is published; and
 - a copy of the incorporated material to be kept for inspection during normal office hours without charge at the principal office of the Department or body responsible for administering the statutory rule or legislative instrument.
237. It is a legal requirement that all material referred to in a statutory rule or legislative instrument (whether at a primary, secondary or tertiary level as referenced below) be freely available. Failure to fulfil this requirement could lead to problems with enforcement.
238. The Subordinate Legislation Regulations 2014 require statutory rules which incorporate material by reference to include a special footnote or endnote (regulation 5).
239. In deciding whether to incorporate material by reference, agencies should assess the drafting convenience against the effect on the accessibility of the incorporated material and the likely level of public awareness. Agencies should reserve incorporation of detailed and extensive technical material to subordinate legislation affecting industries familiar with the material.
240. Generally, material should only be incorporated by reference if the material or rule/instrument clearly describes the rights and obligations being created and the people who are subject to these rights and obligations.
241. Where it is proposed that a statutory rule or legislative instrument will incorporate material by reference, all material necessary to ensure compliance should be tabled unless such references are irrelevant to the substance of the regulation, are unnecessary or merely comprise a reference back to the primary reference material. This includes:
- primary references (references to other material – e.g. a standard);
 - references to documents at a secondary level (e.g. when a primary reference refers to another document); and
 - references to documents at a tertiary level (e.g. when the document referred to in the primary reference itself refers to another document).

Unless all relevant material is tabled, the statutory rule or legislative instrument does not apply, adopt or incorporate the material effectively.

DIVISION 4 – STYLE AND LANGUAGE

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

Clear drafting of statutory rules and legislative instruments

243. Statutory rules and legislative instruments should be accurately and clearly drafted to increase accessibility of the public and reduce the risk of disallowance or of a court finding the instrument was made beyond the power of the authorising legislation.
244. If a proposed instrument refers to any other statutory rule or legislative instrument, it must contain a footnote or endnote identifying the statutory rule or legislative instrument referred to. It must also identify all other instruments which amend the statutory rule or legislative instrument referred to.

245. If a footnote or endnote identifies a statutory rule or legislative instrument that has been reprinted in accordance with section 18 of the SL Act, the note may refer to:
- that reprint;
 - the last statutory rule or legislative instrument incorporated in the reprint; and
 - any statutory rule or legislative instrument which has amended the reprinted statutory rule or legislative instrument after it was reprinted.
246. All statutory rules and legislative instruments must be expressed:
- in language that is clear and unambiguous;
 - in a way which ensures that its meaning is certain and there are no inconsistencies between provisions;
 - in language that gives effect to its stated purpose;
 - consistently with the language of the empowering Act; and
 - in accordance with plain English drafting standards.
247. A statutory rule or legislative instrument should:
- not duplicate, overlap or conflict with other statutory rules, legislative instruments, or legislation (including the authorising Act);
 - always reflect the intention and promote the purpose of the authorising Act;
 - clearly set out as part of its text:
 - the objectives of the statutory rule or legislative instrument; and
 - the precise provision authorising the statutory rule or legislative instrument;
 - not deal with matters outside the scope of its objectives.

OCPC's role in drafting and settling statutory rules

248. Agencies must contact OCPC as soon as possible once it decides to prepare a statutory rule.
249. OCPC plays two roles in the statutory rule making process. First, OCPC is responsible for settling the power, form and content of statutory rules and drafting statutory rules in certain circumstances (see OCPC's *Guidance on Statutory Rules*). A draft copy of the proposed statutory rule, which OCPC has settled, must be included with the RIS (the SL Act, section 10(1)(g)). OCPC must settle draft statutory rules before the CBR provides independent advice on the adequacy of the RIS to ensure consistency between the RIS and the proposed statutory rule.
250. Second, if a proposed statutory rule is to be made by, or with the consent or approval of, the Governor in Council, it must be submitted to the CPC for the issue of a section 13 certificate (see Part 3, Division 6 of these Guidelines for further detail).
251. During the settling process, OCPC must consider the section 13 criteria in relation to the proposed statutory rule. The criteria go to fundamental issues concerning the power to make the statutory rule under an authorising Act, the clear expression of the rule and represent the framework within which a proposed statutory rule is drafted and settled.
252. Following the settling process, in the rare case where a proposed statutory rule does not meet the section 13 criteria, OCPC will consult with the relevant department to attempt to resolve these concerns so that an unqualified certificate can be issued. Where a department or Minister wishes to proceed with a proposed statutory rule that does not meet the section 13 criteria, the CPC may issue the certificate with relevant qualifications. Any qualification will outline how, in the CPC's opinion, the proposed statutory rule does not meet the section 13 criteria. Such a qualification would be extremely unusual and matters of concern can generally be satisfactorily resolved.

253. In accordance with the SL Act, a copy of the section 13 certificate is provided to the Governor in Council when the statutory rule is made and to SARC for consideration of the made statutory rule under Part 4 of the SL Act.
254. OCPC is also responsible for printing and publishing all statutory rules.

DIVISION 5 – SUNSETTING AND EXTENSION

Sunsetting statutory rules

255. The Act aims to ensure that outdated and unnecessary regulation is automatically repealed, with the automatic revocation of statutory rules ten years after they are made (section 5).
256. Agencies must maintain accurate records of the sunset dates for all statutory rules administered by their Ministers. Agencies must allow sufficient time for the review of the continuing appropriateness of all statutory rules and for the completion of the RIS process if they are to be re-made in whole, in part or in a modified form.
257. OCPC notifies agencies of statutory rules that are due to sunset and works with agencies to ensure the orderly sunset of statutory rules. The responsible Minister should nominate an officer to notify OCPC of the Minister’s intentions about remaking any statutory rule that is due to sunset. The officer should notify OCPC at least six months before the sunset date (although 12 months is the ideal timeframe) to allow OCPC to provide timely advice and allow sufficient time to settle any proposed new statutory rule.

Extension of statutory rules – section 5A

258. Where there are special circumstances that mean there is insufficient time to comply with Part 2 of the SL Act before a statutory rule sunsets, section 5A of the SL Act allows the responsible Minister, with the Premier’s agreement, to extend the statutory rule for up to 12 months. During this time, a RIS must be completed if the statutory rule is to continue operation.

Grounds for extension

259. The Act does not define ‘special circumstances’ justifying an extension of regulations which would otherwise sunset. However, special circumstances may be cases where the authorising Act has recently changed or a national scheme is being negotiated which makes it impossible to complete the RIS process before the sunset date in a way that would reflect and/or incorporate these other considerations.
260. Additionally, the special circumstances must be the cause of there being insufficient time for a RIS to be prepared. Where there is insufficient time to prepare a RIS, extension regulations should only be made where this is due to special circumstances.
261. Administrative oversight should not be considered to be a ‘special circumstance’. The scheme of the SL Act is to ensure that the regulatory process is undertaken in a timely manner and in cases where it is not, to make the reasons for not undertaking the process clear.

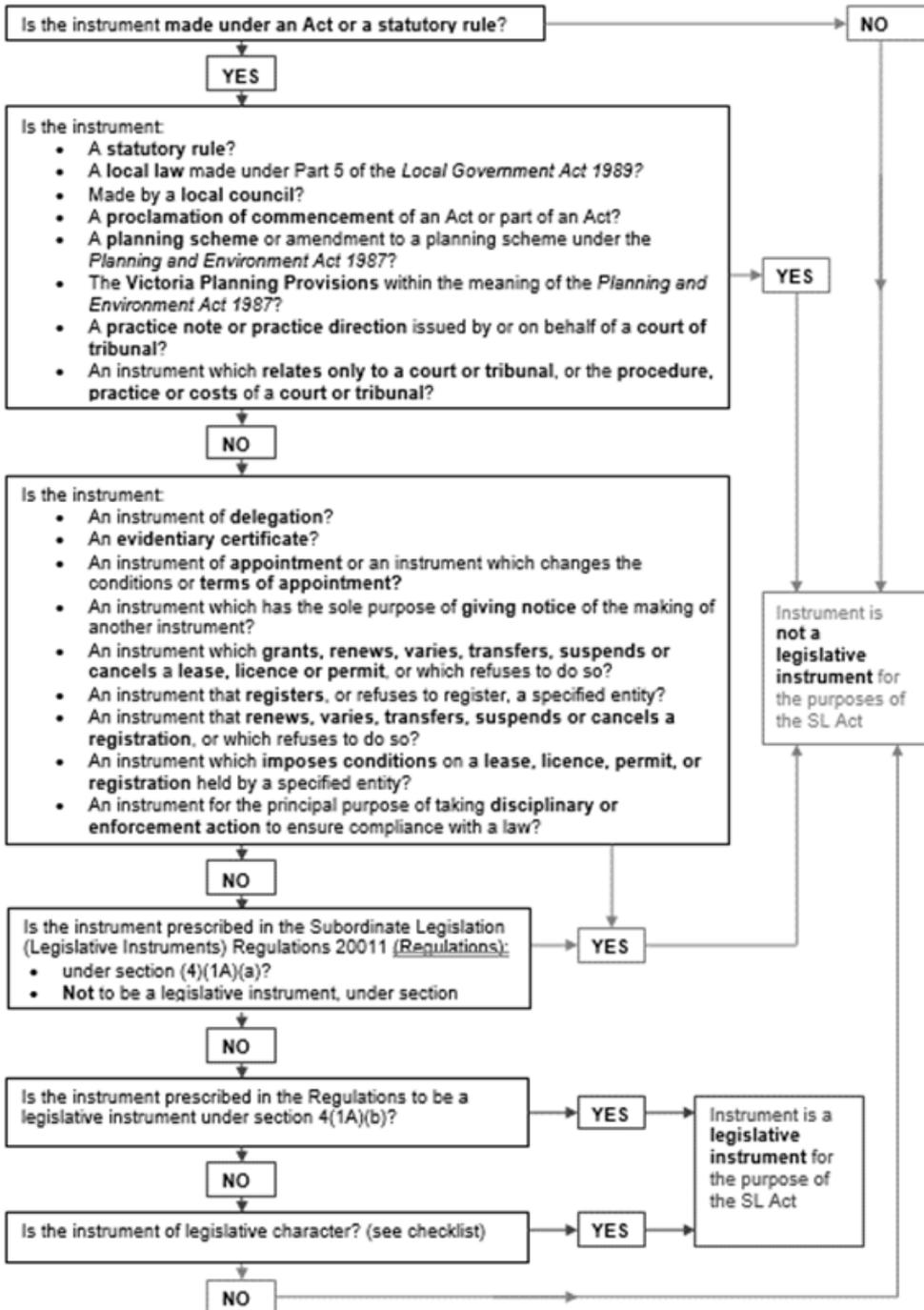
Process for extension

262. Only one ‘extension regulation’ can be made for each statutory rule under section 5A. Before the responsible Minister can issue an extension certificate, section 5A(3) of the SL Act requires them to obtain a certificate from the Premier agreeing to the extension.
263. Agencies should consult OCPC and DPC as soon as they believe a statutory rule may require a Premier’s extension certificate. Agencies should contact DPC at least ten weeks before a statutory rule expires for guidance on what information a request for an extension certificate should include. Agencies are encouraged to provide preliminary drafts of the proposed statutory rule to DPC to assist this initial consultation at least six weeks **before** a request is made to the Premier.
264. The responsible Minister should request in writing that the Premier issue an extension certificate under section 5A. Such requests should be made at least four weeks before the date by which the certificate is requested.

265. The Explanatory Memorandum submitted to the Governor in Council must also set out the special circumstances justifying the extension.
266. Extension regulations do not need to be accompanied by a RIS if the responsible Minister issues an exemption certificate under section 8(1)(e)(iii).
267. Extension certificates under section 5A(1), Premier's extension certificates under section 5A(3) or exemption certificates under section 8(1)(e)(iii) must be laid before Parliament and sent to SARC. See generally Part 3, Division 3 of these Guidelines.

APPENDIX

Is your instrument a “legislative instrument” for the purposes of the Subordinate Legislation Act 1994 (SL Act)?



Water Act 1989**DECLARATION OF NEW AREAS FOR POTABLE WATER,
RECYCLED WATER AND SEWERAGE****Declaration of Serviced Properties**

City West Water has made provision to supply potable (drinking) water, recycled water and sewerage services to each property in the serviced area(s) to be known as:

SERVICED AREA	LOCATION	PS NUMBER
LND/16/00586	Westbrook Estate – Stage 22	747876P
LND/16/01697	Emerald Park Estate – Stage 7	743463N
LND/17/00231	Ellarook Estate – Stage 2	808267E
LND/17/00340	Westbrook Estate – Stage 28	803961P
LND/17/01291	Orchard Estate – Stage 6	816911H
LND/17/01677	Newgate Estate – Stage 11	817173N
LND/18/00344	Westbrook Estate – Stage 52	819196P
LND/18/00401	Manor Lakes Estate – Stage 50	819175X
LND/18/00414	Westbrook Estate – Stage 53	819173C
LND/18/00629	Westbrook Estate – Stage 54	819189L
LND/18/00779	Westbrook Estate – Stage 56	822257C
LND/18/00919	Elements North Estate – Stage 22	817646U

Pursuant to section 144 of the **Water Act 1989**, City West Water now declares each such property to be a serviced property for the purposes of:

- (a) potable water supply;
- (b) recycled water supply; and
- (c) sewerage,

on and from 1 January 2020.

Please direct any enquiries about this declaration to City West Water on 9313 8379.

Water Act 1989**DECLARATION OF NEW AREAS FOR WATER SUPPLY AND SEWERAGE****Declaration of Serviced Properties**

City West Water has made provision to supply water and sewerage services to each property in the serviced areas known as:

SERVICED AREA	LOCATION	PS NUMBER
LND/17/01228	Aspire Estate – Stage 22	814748C
LND/18/00131	Sienna North Estate – Stage 1	813230A
LND/18/00266	Kinnears Site – Stage 1	805984Q
LND/18/00781	The Crossing Industrial Estate – Stage 3	803442Q/S3

Pursuant to section 144 of the **Water Act 1989**, City West Water now declares each such property to be a serviced property for the purposes of:

- (a) water supply;
- (b) sewerage,

on and from 1 January 2020.

Please direct any enquiries about this declaration to City West Water on 9313 8379.

Water Act 1989NOTICE PURSUANT TO SECTION 218(2)(b) OF THE **WATER ACT 1989**

Goulburn–Murray Rural Water Corporation, after six weeks from the publication of this notice, will make application to the Minister for Water (the Minister) to declare a drainage course in the Guilfus Congupna catchment.

The extent of the proposed drainage course is shown on a plan (Central Planning drawing number LEGL./19-291, GMW drawing number 489151), which can be inspected at the offices of Goulburn–Murray Rural Water Corporation, 40 Casey Street, Tatura.

Submissions received by Goulburn–Murray Rural Water Corporation within six (6) weeks of the publication of this notice will be forwarded to the Minister for consideration.

Submissions should be forwarded to Manager Drainage Systems, Goulburn–Murray Rural Water Corporation, PO Box 165, Tatura, Victoria 3616.

Enquiries about the proposed Guilfus Congupna drainage course should be directed to Carolyn Nigro on (03) 5826 3831.

CHARMAINE QUICK
Managing Director

Goulburn–Murray Rural Water Corporation

Water Act 1989

DECLARATION OF SERVICED PROPERTIES

For the purposes of section 144 of the **Water Act 1989**, North East Water declares it has made provision for water and/or sewerage services to the following lots commencing 19 February 2020:

Potable Water and Sewerage

Lots 1–4 PS832298F, Riverside Estate Stage 3, King Street, Oxley

Lots 54–57 PS746739F, Cambourne Park Stage 14B, Huon Creek Road, Wodonga

Lots 46–48 PS811092V, Cambourne Park Stage 14C, Huon Creek Road, Wodonga

Lots 500–514 PS811090A; Riverside Estate Stage 14, Kenneth Watson Drive, Killara

Lots 89, 116–118, 123–125, 137–164, 202, 231–234 PS820939K; Baltimore Park Stages 9 and 10, Christensen Lane, Wangaratta

Lots 1–5 PS818601N, Havenstock Drive, Yarrawonga

Lots 1–10 PS820595R, Belair Estate, Firbank Drive, Waldara

Lots 6–30 PS744670C, Kaiela Estate Stage 2, Murray Valley Highway, Yarrawonga

Lots 1–7 PS808872L, Glanmire Park Estate Stage 3, Cahills Road, Yarrawonga

Lots 701–714, 716, 718, 720, 722, 724, 726–738, 742–744 PS808249G, Daintree Estate Stage 7.1, McKoy Street and Daintree Way, West Wodonga

Lots 1–28, 54–63, 73 PS803183N, Avalon Park Stage 1.1, Baranduda Boulevard, Baranduda

Lots 29–53, 64–72, 74–102 PS815881U, Avalon Park Stage 1.2, Baranduda Boulevard, Baranduda.

For more information, telephone North East Water on 1800 361 622.

Water Act 1989**YARRA VALLEY WATER – DECLARATION OF SERVICED PROPERTIES FOR THE PURPOSE OF THE SUPPLY OF SEWERAGE SERVICES.**

Pursuant to section 144 of the **Water Act 1989**, Yarra Valley Water declares the following properties to be serviced by sewer from the Declaration Date listed below.

Service Type	Date Sewer Provided	Address
Pressure	10/01/2020	318–320 SPRINGVALE ROAD, DONVALE 3111
Gravity	10/01/2020	296–302 SPRINGVALE ROAD, DONVALE 3111
Gravity	10/01/2020	294 SPRINGVALE ROAD, DONVALE 3111
Gravity	10/01/2020	290–292 SPRINGVALE ROAD, DONVALE 3111
Gravity	10/01/2020	313–317 SPRINGVALE ROAD, DONVALE 3111
Gravity	10/01/2020	9 PESCARA PLACE, DONVALE 3111
Gravity	10/01/2020	1 PESCARA PLACE, DONVALE 3111
Pressure	10/01/2020	319–321 SPRINGVALE ROAD, DONVALE 3111
Pressure	10/01/2020	8 ELEANOR COURT, DONVALE 3111
Pressure	10/01/2020	331–333 SPRINGVALE ROAD, DONVALE 3111
Pressure	10/01/2020	335–337 SPRINGVALE ROAD, DONVALE 3111
Pressure	10/01/2020	339–341 SPRINGVALE ROAD, DONVALE 3111
Gravity	10/01/2020	29 PINE RIDGE, DONVALE 3111
Gravity	10/01/2020	31–37 PINE RIDGE, DONVALE 3111
Pressure	10/01/2020	15–17 MCGOWANS ROAD, DONVALE 3111
Pressure	10/01/2020	57–59 MCGOWANS ROAD, DONVALE 3111
Pressure	10/01/2020	61–63 MCGOWANS ROAD, DONVALE 3111
Pressure	10/01/2020	6 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	14 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	16 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	8 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	12 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	18 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	20 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	30 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	34 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	17 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	19 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	21 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	1 WHITEFRIARS WAY, DONVALE 3111
Pressure	10/01/2020	25 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	27 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	29 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	31 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	33 HEADS ROAD, DONVALE 3111

Service Type	Date Sewer Provided	Address
Pressure	10/01/2020	35 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	37 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	63–65 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	67–69 HEADS ROAD, DONVALE 3111
Gravity	10/01/2020	74 HEADS ROAD, DONVALE 3111
Gravity	10/01/2020	72 HEADS ROAD, DONVALE 3111
Gravity	10/01/2020	68–70 HEADS ROAD, DONVALE 3111
Gravity	10/01/2020	66 HEADS ROAD, DONVALE 3111
Gravity	10/01/2020	1 WATTAMOLLA RIDGE, DONVALE 3111
Gravity	10/01/2020	60 HEADS ROAD, DONVALE 3111
Gravity	10/01/2020	58 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	50–54 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	46–48 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	42–44 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	3 WHITEFRIARS WAY, DONVALE 3111
Pressure	10/01/2020	5 WHITEFRIARS WAY, DONVALE 3111
Pressure	10/01/2020	7 WHITEFRIARS WAY, DONVALE 3111
Pressure	10/01/2020	4 WHITEFRIARS WAY, DONVALE 3111
Pressure	10/01/2020	6 WHITEFRIARS WAY, DONVALE 3111
Pressure	10/01/2020	8 WHITEFRIARS WAY, DONVALE 3111
Gravity	10/01/2020	1–3 BECKETT ROAD, DONVALE 3111
Gravity	10/01/2020	5 BECKETT ROAD, DONVALE 3111
Gravity	10/01/2020	7 BECKETT ROAD, DONVALE 3111
Gravity	10/01/2020	9 BECKETT ROAD, DONVALE 3111
Gravity	10/01/2020	15 BECKETT ROAD, DONVALE 3111
Gravity	10/01/2020	10 BECKETT ROAD, DONVALE 3111
Gravity	10/01/2020	8 BECKETT ROAD, DONVALE 3111
Gravity	10/01/2020	6 BECKETT ROAD, DONVALE 3111
Gravity	10/01/2020	4 BECKETT ROAD, DONVALE 3111
Gravity	10/01/2020	2 BECKETT ROAD, DONVALE 3111
Pressure	10/01/2020	2 ELEANOR COURT, DONVALE 3111
Pressure	10/01/2020	3 ELEANOR COURT, DONVALE 3111
Pressure	10/01/2020	4 ELEANOR COURT, DONVALE 3111
Pressure	10/01/2020	5 ELEANOR COURT, DONVALE 3111
Pressure	10/01/2020	6 ELEANOR COURT, DONVALE 3111
Pressure	10/01/2020	7 ELEANOR COURT, DONVALE 3111
Pressure	10/01/2020	6 TALLAWARRA RISE, DONVALE 3111
Pressure	10/01/2020	7–8 TALLAWARRA RISE, DONVALE 3111
Pressure	10/01/2020	9 TALLAWARRA RISE, DONVALE 3111

Service Type	Date Sewer Provided	Address
Gravity	10/01/2020	10 TALLAWARRA RISE, DONVALE 3111
Gravity	10/01/2020	2 WATTAMOLLA RIDGE, DONVALE 3111
Gravity	10/01/2020	3 WATTAMOLLA RIDGE, DONVALE 3111
Gravity	10/01/2020	4 WATTAMOLLA RIDGE, DONVALE 3111
Gravity	10/01/2020	5 WATTAMOLLA RIDGE, DONVALE 3111
Pressure	10/01/2020	6 WATTAMOLLA RIDGE, DONVALE 3111
Pressure	10/01/2020	8 WATTAMOLLA RIDGE, DONVALE 3111
Pressure	10/01/2020	2 PESCARA PLACE, DONVALE 3111
Pressure	10/01/2020	3 PESCARA PLACE, DONVALE 3111
Pressure	10/01/2020	5 PESCARA PLACE, DONVALE 3111
Pressure	10/01/2020	6 PESCARA PLACE, DONVALE 3111
Pressure	10/01/2020	7 DECONTRA CLOSE, DONVALE 3111
Pressure	10/01/2020	5 DECONTRA CLOSE, DONVALE 3111
Pressure	10/01/2020	4 DECONTRA CLOSE, DONVALE 3111
Pressure	10/01/2020	2 DECONTRA CLOSE, DONVALE 3111
Pressure	10/01/2020	45 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	5 SELSDON TERRACE, DONVALE 3111
Gravity	10/01/2020	13 ELIZABETH COURT, DONVALE 3111
Gravity	10/01/2020	12 ELIZABETH COURT, DONVALE 3111
Gravity	10/01/2020	11 ELIZABETH COURT, DONVALE 3111
Gravity	10/01/2020	10 ELIZABETH COURT, DONVALE 3111
Gravity	10/01/2020	9 ELIZABETH COURT, DONVALE 3111
Pressure	10/01/2020	8 ELIZABETH COURT, DONVALE 3111
Pressure	10/01/2020	7 ELIZABETH COURT, DONVALE 3111
Pressure	10/01/2020	6 ELIZABETH COURT, DONVALE 3111
Pressure	10/01/2020	5 ELIZABETH COURT, DONVALE 3111
Pressure	10/01/2020	4 ELIZABETH COURT, DONVALE 3111
Pressure	10/01/2020	3 ELIZABETH COURT, DONVALE 3111
Pressure	10/01/2020	2 ELIZABETH COURT, DONVALE 3111
Pressure	10/01/2020	38A HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	38 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	4 PESCARA PLACE, DONVALE 3111
Pressure	10/01/2020	7 PESCARA PLACE, DONVALE 3111
Gravity	10/01/2020	8 PESCARA PLACE, DONVALE 3111
Pressure	10/01/2020	3 DECONTRA CLOSE, DONVALE 3111
Pressure	10/01/2020	61 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	32 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	22–26 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	7 WATTAMOLLA RIDGE, DONVALE 3111

Service Type	Date Sewer Provided	Address
Pressure	10/01/2020	36 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	71 HEADS ROAD, DONVALE 3111
Pressure	10/01/2020	28 HEADS ROAD, DONVALE 3111

In the interests of public health and the preservation of the environment, please arrange for your property to be connected to sewer as soon as possible. This work can be arranged through a licensed plumber. If you have any questions, please call 1300 651 511.

For more information visit www.yvw.com.au

Planning and Environment Act 1987
BANYULE PLANNING SCHEME
MANNINGHAM PLANNING SCHEME
NILLUMBIK PLANNING SCHEME
Notice of Approval of Amendment
Amendment GC119

The Minister for Planning has approved Amendment GC119 to the Banyule, Manningham and Nillumbik Planning Schemes.

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

The Amendment facilitates the Fitzsimons Lane (Foote Street, Porter Street, Main Road and Leane Drive) Upgrade Project by allowing the use and development of land for the project in accordance with the specific control in the *Fitzsimons Lane (Foote Street, Porter Street, Main Road and Leane Drive) Upgrade Project Incorporated Document, December 2019*.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the: Banyule City Council, 1 Flintoff Street, Greensborough; Manningham City Council, 699 Doncaster Road, Doncaster; Nillumbik Shire Council, 34 Civic Drive, Greensborough.

ADAM HENSON
Acting Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
BOROONDARA PLANNING SCHEME
Notice of Approval of Amendment
Amendment C322boro

The Minister for Planning has approved Amendment C322boro to the Boroondara Planning Scheme.

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

The Amendment alters the planning scheme Schedule to the Heritage Overlay so that the Boroondara Planning Scheme is consistent with the Victorian Heritage Register.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of Boroondara City Council, 8 Inglesby Road, Camberwell, Victoria.

ADAM HENSON
Acting Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
BOROONDARA PLANNING SCHEME
Notice of Approval of Amendment
Amendment C324boro

The Minister for Planning has approved Amendment C324boro to the Boroondara Planning Scheme.

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

The Amendment deletes the incorporated plan titled Planning permit exemptions, May 2019 from the Schedules to Clauses 43.01 (Heritage Overlay) and 72.04 (Schedule to the Documents Incorporated in this Planning Scheme).

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Boroondara City Council, 8 Inglesby Road, Camberwell, Victoria 3124.

ADAM HENSON
Acting Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
BRIMBANK PLANNING SCHEME
Notice of Approval of Amendment
Amendment C215brim

The Minister for Planning has approved Amendment C215brim to the Brimbank Planning Scheme.

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

The amendment corrects the misalignment between the building height and storey limit specified in Development Plan Overlay Schedule 4 and the General Residential Zone that was created by Amendment VC110.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the City of Brimbank, 301 Hampshire Road, Sunshine.

ADAM HENSON
Acting Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
CASEY PLANNING SCHEME
GREATER DANDENONG PLANNING SCHEME
Notice of Approval of Amendment
Amendment GC136

The Minister for Planning has approved Amendment GC136 to the Casey Planning Scheme and Greater Dandenong Planning Scheme.

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

The Amendment facilitates the South Gippsland Highway, Dandenong South Level Crossing Removal Project by making the following changes to the Casey Planning Scheme and Greater Dandenong Planning Scheme:

- Amends the schedule to Clause 45.12 (Specific Controls Overlay) to insert the *South Gippsland Highway, Dandenong South Level Crossing Removal Project Incorporated Document, September 2019*.
- Amends the schedule to Clause 72.03 (What Does this Scheme Consist of?).
- Amends the schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme).

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Casey City Council, 2 Patrick Northeast Drive, Narre Warren, and the Greater Dandenong City Council, 225 Lonsdale Street, Dandenong.

ADAM HENSON
Acting Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
GLENELG PLANNING SCHEME
Notice of Approval of Amendment
Amendment C102gelg

The Minister for Planning has approved Amendment C102gelg to the Glenelg Planning Scheme.

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

The Amendment translates the Glenelg Planning Scheme into the new Planning Policy Framework at Clauses 10–19 and Municipal Planning Strategy at Clause 02 introduced into the Victoria Planning Provisions by Amendment VC148.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Glenelg Shire Council, 71 Cliff Street, Portland.

ADAM HENSON
Acting Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
GREATER BENDIGO PLANNING SCHEME

Notice of Approval of Amendment

Amendment C226gben

The Minister for Planning has approved Amendment C226gben to the Greater Bendigo Planning Scheme.

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

The Amendment rezones 1.934 hectares of land at 1A Railway Street, Kangaroo Flat, from General Residential Zone to Industrial 3 Zone; deletes the Development Plan Overlay, Schedule 17 (former Rocklea Mill Site, 239–249 High Street, Kangaroo Flat) from 1A Railway Street and from 239–249 High Street, Kangaroo Flat, and deletes Schedule 17 to Clause 43.03 (DPO17 – former Rocklea Mill Site, 239–249 High Street, Kangaroo Flat) from the planning scheme ordinance.

The Minister has granted the following permit(s) under Division Five Part Four of the Act:

Permit No.	Description of Land
DSD/561/2017	1A Railway Street, Kangaroo Flat, Victoria 3555 known as Lot 2 on PS621066

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Greater Bendigo City Council, Planning Department, Hopetoun Mill, 15 Hopetoun Street, Bendigo.

ADAM HENSON
 Acting Director
 State Planning Services
 Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
GREATER GEELONG PLANNING SCHEME

Notice of Approval of Amendment

Amendment C367ggee

The Minister for Planning has approved Amendment C367ggee to the Greater Geelong Planning Scheme.

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

The Amendment rezones land at 2–120 Mollers Lane, Leopold, from Farming Zone to the General Residential Zone Schedule 1, applies a new Schedule 43 to Clause 43.02 Design and Development Overlay, reduces the extent of Significant Landscape Overlay Schedule 10, and revises Clause 21.14 The Bellarine Peninsula to amend the Leopold Structure Plan map to marginally extend the settlement boundary. The Amendment is accompanied by a planning permit for a multi-lot residential subdivision, removal of native vegetation, removal of easements and alteration of access and subdivision of land adjacent to a road in a Road Zone Category 1.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Greater Geelong City Council, 100 Brougham Street, Geelong.

ADAM HENSON
 Acting Director
 State Planning Services
 Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
MACEDON RANGES PLANNING SCHEME
Notice of Approval of Amendment
Amendment C117macr

The Minister for Planning has approved Amendment C117macr to the Macedon Ranges Planning Scheme.

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

The Amendment:

- applies a Development Plan Overlay (DPO24) to approximately 60 hectares of land within three areas zoned General Residential Zone (Schedule 1) and Low Density Residential Zone in Lancefield;
- amends Clause 21.13-8 (Lancefield) of the Municipal Strategic Statement to correct a township boundary mapping error shown on the Lancefield Strategic Framework Plan;
- inserts a new Schedule 24 to Clause 43.04 (Development Plan Overlay) to guide a coordinated and site responsive approach to future residential development within three areas of Lancefield.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Macedon Ranges Shire Council, 40 Robertson Street, Gisborne.

ADAM HENSON
Acting Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987
MACEDON RANGES PLANNING SCHEME
Notice of Approval of Amendment
Amendment C130macr

The Minister for Planning has approved Amendment C130macr to the Macedon Ranges Planning Scheme.

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

The Amendment:

- applies the Specific Controls Overlay (SCO1) to land within the helicopter flight path protection areas for the Kyneton District Hospital;
- amends Schedule 20 to Clause 43.04 (Development Plan Overlay) to replace Map 1 Concept Plan with the correct Map 1 Concept Plan;
- inserts Clause 45.12 (Specific Controls Overlay) into the Macedon Ranges Planning Scheme;
- inserts a new Schedule to Clause 45.12 (Specific Controls Overlay) and inserts a specific control and reference to an incorporated document that has been transferred from the Schedule to Clause 51.01 and mapped under the Specific Controls Overlay;
- amends the Schedule to Clause 51.01 to reflect that redundant specific sites have been deleted and the remaining specific site transferred to the Schedule to Clause 45.12;
- amends the Schedule to Clause 72.03 (What Does this Scheme Consist of?) to insert new Planning Scheme Map Nos. 13SCO and 16SCO Macedon Ranges Planning Scheme;

- amends the Schedule to Clause 72.04 (Documents incorporated in this Planning Scheme) to delete four incorporated documents, which have now expired.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection and free of charge, during office hours, at the Gisborne Council Office of the Macedon Ranges Shire Council, 40 Robertson Street, Gisborne.

ADAM HENSON
Acting Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987

MANSFIELD PLANNING SCHEME

Notice of Approval of Amendment

Amendment C42mans

The Minister for Planning has approved Amendment C42mans to the Mansfield Planning Scheme.

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

The Amendment applies the Specific Controls Overlay (SCO) to land listed under the Schedule to Clause 51.01 (Specific Sites and Exclusions) and other related consequential changes, as part of the Smart Planning Program to improve the transparency of site specific controls. The changes improve the clarity and format of the planning scheme by implementing the reforms introduced by VC148.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Mansfield Shire Council, 88 Highett Street, Mansfield.

ADAM HENSON
Acting Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987

MARIBYRNONG PLANNING SCHEME

Notice of Approval of Amendment

Amendment C147mari

The Minister for Planning has approved Amendment C147mari to the Maribyrnong Planning Scheme.

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

The Amendment introduces an Incorporated Plan to provide planning permit exemptions for certain works triggered under the Heritage Overlay.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Maribyrnong City Council, corner Hyde and Napier Streets, Footscray.

ADAM HENSON
Acting Director
State Planning Services
Department of Environment, Land, Water and Planning

Planning and Environment Act 1987

MELTON PLANNING SCHEME

Notice of Approval of Amendment

Amendment C172melt

The Minister for Planning has approved Amendment C172melt to the Melton Planning Scheme.

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

The Amendment incorporates the proposed Paynes Road Railway Station into the Toolern Precinct Structure Plan and Toolern Development Contributions Plan.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Melton City Council, Melton Civic Centre, 232 High Street, Melton 3337.

ADAM HENSON

Acting Director

State Planning Services

Department of Environment, Land, Water and Planning

Planning and Environment Act 1987

MOONEE VALLEY PLANNING SCHEME

Notice of Approval of Amendment

Amendment C201moon

The Minister for Planning has approved Amendment C201moon to the Moonee Valley Planning Scheme.

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

The Amendment applies the Heritage Overlay to 60 individual heritage places, 9 extended heritage precincts, 18 new heritage precincts and 1 serial listing on an interim basis for 12 months, introduces Statements of Significance in the Schedule to the Heritage Overlay and updates the *City of Moonee Valley Permit Exemptions Policy – Heritage Overlay Precincts* to include the additional places and precincts.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Moonee Valley City Council, 9 Kellaway Avenue, Moonee Ponds.

ADAM HENSON

Acting Director

State Planning Services

Department of Environment, Land, Water and Planning

Planning and Environment Act 1987

MORELAND PLANNING SCHEME

Notice of Approval of Amendment

Amendment C188more

The Minister for Planning has approved Amendment C188more to the Moreland Planning Scheme.

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

The Amendment applies the Specific Controls Overlay (SCO) to one site listed under the Schedule to Clause 51.01 (Specific Sites and Exclusions) and other related consequential changes, as part of the Smart Planning Program to improve the transparency of site specific controls. The changes improve the clarity and format of the planning scheme by implementing reforms introduced by VC148.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Moreland City Council, 90 Bell Street, Coburg 3058.

ADAM HENSON

Acting Director

State Planning Services

Department of Environment, Land, Water and Planning

Planning and Environment Act 1987

QUEENSCLIFFE PLANNING SCHEME

Notice of Approval of Amendment

Amendment C31quen

The Minister for Planning has approved Amendment C31quen to the Queenscliffe Planning Scheme.

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

The Amendment applies the Specific Controls Overlay (SCO) to particular properties in Queenscliff subject to the *Transfer of Use Rights (January 1999)* incorporated document that was previously listed under the Schedule to Clause 51.01 (Specific Sites and Exclusions) and other related consequential changes, as part of the Smart Planning Program to improve the transparency of site-specific controls. The changes improve the clarity and format of the planning scheme by implementing the reforms introduced by Amendment VC148.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Borough of Queenscliffe Council, 50 Learmonth Street, Queenscliff.

ADAM HENSON

Acting Director

State Planning Services

Department of Environment, Land, Water and Planning

Planning and Environment Act 1987**SURF COAST PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C123surf

The Minister for Planning has approved Amendment C123surf to the Surf Coast Planning Scheme.

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

The Amendment rezones the land at 3–5 Loch Ard Drive, Torquay, from General Residential Zone Schedule 1 to Commercial 1 Zone and deletes Schedule 21 to Clause 43.02 Design and Development Overlay from the land.

The Minister has granted the following permit under Division Five Part Four of the Act:

Permit No.	Description of Land
17/0207	3–5 Loch Ard Drive, Torquay (Lot S2 on PS410328D contained in Certificate of Title Volume 10536 Folio 294)

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Surf Coast Shire Council, 1 Merrijig Drive, Torquay.

ADAM HENSON

Acting Director

State Planning Services

Department of Environment, Land, Water and Planning

Planning and Environment Act 1987**YARRA RANGES PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C188yran

The Minister for Planning has approved Amendment C188yran to the Yarra Ranges Planning Scheme.

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

The Amendment applies the Specific Controls Overlay (SCO) to various properties listed under the Schedule to Clause 51.01 (Specific Sites and Exclusions) and other related consequential changes, as part of the Smart Planning Program to improve the transparency of site specific controls. The changes improve the clarity and format of the planning scheme by implementing reforms introduced by VC148.

A copy of the Amendment can be inspected, free of charge, at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection and free of charge, during office hours, at the offices of the Yarra Ranges Shire Council, Anderson Street, Lilydale 3140.

ADAM HENSON

Acting Director

State Planning Services

Department of Environment, Land, Water and Planning

Planning and Environment Act 1987

FRANKSTON PLANNING SCHEME

Notice of Lapsing of Amendment

Amendment C123fran

Pursuant to section 30(1)(a) of the **Planning and Environment Act 1987**, Amendment C123fran to the Frankston Planning Scheme has lapsed.

The Amendment proposed to implement the recommendations of the Frankston Metropolitan Activity Centre Structure Plan, 2015 and make other associated changes to the Frankston Planning Scheme.

The Amendment C123fran lapsed on 30 June 2018.

ADAM HENSON

Acting Director

State Planning Services

Department of Environment, Land, Water and Planning

Planning and Environment Act 1987

CORRIGENDUM

Cardinia Planning Scheme

Amendment C255card

In Government Gazette No. S 568 dated 24 December 2019 on page 1 under the Notice headed **Planning and Environment Act 1987**, CARDINIA PLANNING SCHEME, Notice of Approval of Amendment, Amendment C255card, the first line should read 'The Minister for Planning has approved Amendment C255card to the Cardinia Planning Scheme'.

ADAM HENSON

Acting Director

State Planning Services

Department of Environment, Land, Water and Planning

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