



Victoria Government Gazette

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National Electricity (Victoria) Act 2005

THIRD REZ STAGE 1 PROJECTS MINISTERIAL ORDER

I, Lily D'Ambrosio, Minister for Energy and Minister responsible for administering the **National Electricity (Victoria) Act 2005** (Act), having consulted with the Premier, the Treasurer and AEMO in accordance with section 16ZA of the Act, make the following Order pursuant to section 16Y of the Act.

Note: In accordance with section 16ZB of the Act, my reasons for making this Order are published in this same issue of the Government Gazette and will be made available at www.delwp.vic.gov.au as soon as practicable after the making of this Order.

PRELIMINARY

1. Commencement

This Order commences on the day it is published in the Government Gazette.

2. Definitions and interpretation

In this Order, unless the context otherwise requires, the following words have the following definitions:

AEMO has the same meaning as in the Law.

AEMO's contracting costs means the costs AEMO incurs as a result of the making of this Order, carrying out a function conferred on it by this Order or complying with a requirement under this Order, including (without limitation) any:

- (a) amounts payable by AEMO under a REZ stage 1 augmentation project document entered into by AEMO in accordance with clause 5, or imposed by law in connection with that document; and
- (b) other costs AEMO incurs in performing, complying with, administering, managing or enforcing a REZ stage 1 augmentation project document entered into by AEMO in accordance with clause 5,

but does not include:

- (c) any costs incurred by AEMO prior to the commencement of this Order;
- (d) tender costs; or
- (e) any costs for which AEMO is reimbursed, or is to be reimbursed, by the State.

augmentation has the same meaning as in the Law.

AusNet means AusNet Transmission Group Pty Ltd ABN 78 079 798 173.

Berrybank Development means Berrybank Development Pty Ltd ABN 94 146 466 882.

Berrybank 2 means Berrybank 2 Asset Pty Ltd ACN 642 735 288 as trustee of the Berrybank 2 Asset Trust.

declared transmission system has the same meaning as in the Law.

Note: See also Ministerial Order under section 30 of the Act made 26 June 2009, published in Special Gazette S 222 on 30 June 2009, which initially described the declared transmission system.

first REZ stage 1 projects Ministerial Order means the Ministerial Order made under section 16Y of the Act and published in Special Gazette S417 on 3 August 2021.

Iraak Sun Farm means Iraak Sun Farm Pty Ltd ABN 38 611 727 774.

Law means the National Electricity (Victoria) Law.

maximum allowed revenue has the same meaning as in Chapter 10 of the Rules.

Murraylink means Murraylink Transmission Company Pty Ltd ABN 42 089 875 605.

Powercor means Powercor Australia Ltd ABN 89 064 651 109.

SPECIAL

prescribed common transmission services has the same meaning as in Chapter 10 of the Rules.

prescribed transmission services has the same meaning as in Chapter 10 of the Rules.

regulatory year has the same meaning as in Chapter 10 of the Rules.

revenue methodology means the revenue methodology referred to in clause S6A.4.2(c) of the Rules.

REZ means renewable energy zone.

REZ stage 1 augmentation is defined in clause 3.

REZ stage 1 augmentation network services agreement means an agreement between AEMO and AusNet under which AEMO receives shared network capability services in relation to part or all of each REZ stage 1 augmentation.

REZ stage 1 augmentation project agreement means an agreement between AEMO and AusNet under which AusNet must carry out the design, construction and commissioning of part or all of each REZ stage 1 augmentation.

REZ stage 1 augmentation project document means:

- (a) a REZ stage 1 augmentation project agreement; or
- (b) a REZ stage 1 augmentation network services agreement; or
- (c) any agreement referred to in subclauses 5(2) to 5(9) (inclusive).

Rules means the National Electricity Rules made under Part 7 of the Law, as amended from time to time in accordance with Part 7 of the Law or the Act.

shared network capability services has the same meaning as in the Law.

tender cost has the same meaning as in the first REZ stage 1 augmentation Ministerial Order.

TOA means Transmission Operations (Australia) Pty Ltd ABN 21 159 526 520.

TransGrid means Lumea Pty Ltd ACN 626 136 865 as trustee of the Lumea Trust.

Yatpool Sun Farm means Yatpool Sun Farm Pty Ltd ABN 83 610 306 324.

SPECIFICATION OF AUGMENTATION

3. Specified augmentation

- (1) The carrying out and operation of each augmentation specified in the Schedule is a specified augmentation (**REZ stage 1 augmentation**) for the purposes of Division 7 of Part 3 of the Act.
- (2) Each REZ stage 1 augmentation is deemed to be an augmentation that is not a contestable augmentation.

AEMO'S FUNCTIONS

4. AEMO required to carry out the functions conferred on it by this Order

- (1) AEMO is required to carry out the relevant functions in respect of each REZ stage 1 augmentation conferred on it by this Order.

Note: Pursuant to section 16X(2)(a) of the Act, the functions conferred on AEMO by this Order are taken to be conferred by the Act for the purposes of section 50C(1)(f) of the Law.

- (2) Except to the extent that this Order provides otherwise, nothing in this Order:
 - (a) limits AEMO's functions under the Law or the Rules; or
 - (b) without limiting paragraph (a), limits AEMO in terms of any other agreement that it has entered into or may enter into with respect to the declared transmission system.

5. AEMO's functions in respect of REZ stage 1 augmentations

AEMO is conferred the following functions:

- (1) entering into:
 - (a) a REZ stage 1 augmentation project agreement; and
 - (b) a REZ stage 1 augmentation network services agreement,following the issue of a request for proposal for all or part of each of the relevant REZ stage 1 augmentations, the evaluation of the response to that request for proposal and any negotiation with AusNet, by AEMO in accordance with clause 6 and clause 10(a) of the first REZ stage 1 projects Ministerial Order;

Note: See section 16X(1)(a), section 16Y(2)(l) of the Act.

- (2) subject to AEMO negotiating acceptable terms and conditions, entering into one or more agreements with TransGrid under which:
 - (a) TransGrid must carry out the construction and commissioning of; and
 - (b) AEMO receives shared network capability services in relation to,part of the augmentation specified in item 1 of the Schedule and part of the augmentation specified in item 7 of the Schedule;
- (3) subject to AEMO negotiating acceptable terms and conditions, entering into one or more agreements with Murraylink under which Murraylink must carry out the construction and commissioning of part of the augmentation specified in item 6 of the Schedule;
- (4) subject to AEMO negotiating acceptable terms and conditions, entering into one or more agreements with TOA under which:
 - (a) TOA must carry out the construction and commissioning of; and
 - (b) AEMO receives shared network capability services in relation to,part of the augmentation specified in item 7 of the Schedule;
- (5) subject to AEMO negotiating acceptable terms and conditions, entering into one or more agreements with Berrybank Development under which Berrybank Development must carry out the construction and commissioning of part of the augmentation specified in item 1 of the Schedule;
- (6) subject to AEMO negotiating acceptable terms and conditions, entering into one or more agreements with Berrybank 2 under which Berrybank 2 must carry out the construction and commissioning of part of the augmentation specified in item 1 of the Schedule;
- (7) subject to AEMO negotiating acceptable terms and conditions, entering into one or more agreements with Iraak Sun Farm under which Iraak Sun Farm must carry out the construction and commissioning of part of the augmentation specified in item 5 of the Schedule;
- (8) subject to AEMO negotiating acceptable terms and conditions, entering into one or more agreements with Yatpool Sun Farm under which Yatpool Sun Farm must carry out the construction and commissioning of part of the augmentation specified in item 5 of the Schedule;
- (9) subject to AEMO negotiating acceptable terms and conditions, entering into one or more agreements with Powercor under which Powercor must carry out the construction and commissioning of part of the augmentation specified in item 5 of the Schedule;
- (10) subject to AEMO negotiating acceptable terms and conditions, exercising and enforcing its rights under or in respect of any REZ stage 1 augmentation project document entered into in accordance with subclauses (1) to (9); and
- (11) any other function related to, or arising from, subclauses (1) to (10).

PERFORMANCE OF AEMO'S FUNCTIONS**6. No cost benefit analysis**

The following provisions do not apply in respect of each REZ stage 1 augmentation:

- (1) section 50F(2) or section 50F(3) of the Law;
- (2) rule 5.16 of the Rules; and
- (3) AEMO's planning criteria published in accordance with clause 8.11.4 of the Rules.

7. No application of section 50H of the Law

Section 50H of the Law does not apply to AEMO or a declared transmission system operator in respect of a REZ stage 1 augmentation project document.

COST RECOVERY**8. AEMO's costs**

- (1) Despite anything to the contrary in the Rules, AEMO's contracting costs may be recovered through charges in respect of prescribed transmission services.
- (2) For the purposes of subclause (1), AEMO complying with this Order, or the incurring of AEMO's contracting costs, is deemed to be the provision of prescribed common transmission services.
- (3) The definition of *prescribed common transmission services* in the Rules is modified accordingly.
- (4) Despite anything to the contrary in the Rules:
 - (a) AEMO's contracting costs form part of AEMO's maximum allowed revenue for this and each relevant subsequent regulatory year;
 - (b) AEMO may amend its revenue methodology for this and each relevant subsequent regulatory year to provide for AEMO's contracting costs; and
 - (c) AEMO is not required to consult with the public in respect of any amendment that is required to its revenue methodology in order to provide for AEMO's contracting costs.

Notes: See clause S6A.4.2 of the Rules.

Section 16ZC(1) of the Act provides that this Order has effect despite anything to the contrary in any agreement or contract.

- (5) Except to the extent that this Order provides otherwise, nothing in this clause limits the provisions of the Law or the Rules that otherwise apply to AEMO in respect of its maximum allowed revenue, revenue methodology or prices for prescribed common transmission services.

Dated 13 October 2022

HON. LILY D'AMBROSIO MP
Minister for Energy

SCHEDULE**SPECIFIED AUGMENTATION**

The carrying out and operation of each of the following:

1. South West REZ augmentation 1: BATS – TGTS – MLTS thermal loading control scheme.
2. South West REZ augmentation 2: HYTS – MLTS uprating (substation/auxiliary upgrade and dynamic line rating).
3. South West REZ augmentation 3: SYTS – KTS line uprating (station upgrade).
4. South West REZ augmentation 4: MLTS 220 kV transformer (station upgrade).
5. Murray River REZ augmentation 1: RCTS – KMTS – MRTS – HOTS – BGTS thermal loading control scheme.
6. Murray River REZ augmentation 2: RCTS – KMTS – MRTS – HOTS – BGTS MurrayLink runback control scheme for MurrayLink import.
7. Murray River REZ augmentation 3: ARTS, WBTS, BATS, BGTS and possibly KMTS station interplant upgrades.
8. Central North REZ augmentation 1: DDTS – GNTS – SHTS – BETS line thermal loading control scheme.
9. Central North REZ augmentation 2: DDTS 330 / 220 kV transformer (secondary cooling system).

In this schedule, each of the abbreviations has the following meaning:

ARTS	Ararat Terminal Station
BATS	Ballarat Terminal Station
BETS	Bendigo Terminal Station
BGTS	Bulgana Terminal Station
DDTS	Dederang Terminal Station
GNTS	Glenrowan Terminal Station
HOTS	Horsham Terminal Station
HYTS	Heywood Terminal Station
KMTS	Kiamal Terminal Station
KTS	Keilor Terminal Station
MLTS	Moorabool Terminal Station
MRTS	Murra Warra Terminal Station
RCTS	Red Cliffs Terminal Station
SHTS	Shepparton Terminal Station
SYTS	Sydenham Terminal Station
TGTS	Terang Terminal Station
WBTS	Waubra Terminal Station

**REASONS FOR MAKING THIRD REZ STAGE 1 PROJECTS
MINISTERIAL ORDER UNDER SECTION 16Y OF THE
NATIONAL ELECTRICITY (VICTORIA) ACT 2005**

In accordance with section 16ZB(1) of the **National Electricity (Victoria) Act 2005** (the Act), I make the following statement of reasons for making the Third REZ Stage 1 Projects Ministerial Order under section 16Y of the Act.

As noted in the First REZ Stage 1 Ministerial Order (Victoria Government Gazette, No. S 417, 3 August 2021) as Victoria's ageing coal-fired power stations retire, a significant volume of new renewable generation and storage capacity will be needed over the coming decades to meet community expectations of climate change goals, and to achieve better energy affordability and reliability outcomes for consumers. Victoria has an abundance of renewable energy resources but faces limited existing network capacity in locations with the highest renewable potential.

The recent rapid growth in renewable energy generation capacity has presented challenges for Victoria's transmission network. Under the national market rules and the regulatory framework, the Australian Energy Market Operator (AEMO), as the Victorian Transmission System Planner, was unable to undertake sufficient and timely anticipatory development of transmission system hosting capacity. Thermal constraints are emerging in many parts of the network, limiting available capacity to host renewable generation. A lack of hosting capacity on parts of the network is causing operational curtailment of some generators, while delaying or preventing the connection of pipeline projects.

Network augmentation upgrades are a method of unlocking capacity on the existing network to accommodate greater levels of renewable generation at a lower cost than new network build. These augmentations will enable higher levels of existing network capacity utilisation while maintaining system security.

To this end, and pursuant to the first Ministerial Order, AEMO has completed a request for proposal (RFP) process to obtain a legally binding offer from the relevant declared transmission system operator to procure up to three sets of network upgrades across the Murray River, South West and Central North Renewable Energy Zones (collectively called Network Augmentations Project). Based on the outcomes of the RFP process, AEMO has recommended that the services provided by the Network Augmentations Project will relieve existing thermal constraints in the Victorian network, allowing renewable energy generators to export more electricity - resulting in an increase in renewable generation in the existing network. Independent analysis based on AEMO's recommendation confirmed that the proposed Network Augmentations Project will result in the desired network outcomes with a positive cost to benefits ratio, allowing Victorian consumers to realise savings through lower electricity prices in the long term by the increased access to more cost-effective renewable generation.

I have considered the outcome of the RFP process and whether there is, or may be, a crucial national electricity system need in Victoria together with the actual or projected amount of generation in the national electricity system. Based on these considerations, the Victorian Government has decided to proceed with the offer to supply the Network Augmentation Project.

Accordingly, this Third REZ Stage 1 Projects Ministerial Order directs AEMO to enter into contracts with the incumbent declared transmission system operator for the Network Augmentations Project. In addition, AEMO is directed to enter into agreements, subject to the negotiation of appropriate terms and conditions, with TransGrid, Berrybank Development Pty Ltd, Berrybank2 Asset Pty Ltd, Powercor Australia Limited, Iraak Sun Farm Pty Ltd, Yatpool Sun Farm Pty Ltd, Murraylink Transmission Company Pty Ltd and Transmission Operations (Australia) Pty Ltd to procure aspects of the Network Augmentations Project in the South West and Murray River REZ. This Third REZ Stage 1 Ministerial Order enables AEMO to enter into all contracts necessary for commencement of the Network Augmentations Project through to completion and ongoing operation. The costs for the Network Augmentations Project will be paid for by the Victorian Government's \$540 million REZ Fund established to invest in needed network infrastructure.

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

National Electricity (Victoria) Act 2005**SECOND MORTLAKE TURN IN MINISTERIAL ORDER**

I, Lily D'Ambrosio, Minister for Energy and Minister responsible for administering the **National Electricity (Victoria) Act 2005** (Act), having consulted with the Premier, the Treasurer and AEMO in accordance with section 16ZA of the Act, make the following Order pursuant to section 16Y of the Act.

Note: In accordance with section 16ZB of the Act, my reasons for making this Order are published in this same issue of the Government Gazette and will be made available at www.delwp.vic.gov.au as soon as practicable after the making of this Order.

PRELIMINARY**1. Commencement**

This Order commences on the day it is published in the Government Gazette.

2. Definitions and interpretation

In this Order, unless the context otherwise requires, the following words have the following definitions:

AEMO has the same meaning as in the Law.

AEMO's contracting costs means the costs AEMO incurs as a result of the making of this Order, carrying out a function conferred on it by this Order or complying with a requirement under this Order, including (without limitation) any:

- (a) amounts payable by AEMO under a Mortlake turn in project document entered into by AEMO in accordance with clause 5, or imposed by law in connection with that document; and
- (b) other costs AEMO incurs in performing, complying with, administering, managing or enforcing a Mortlake turn in project document entered into by AEMO in accordance with clause 5,

but does not include:

- (c) any costs incurred by AEMO prior to the commencement of this Order;
- (d) RFP costs; or
- (e) any costs for which AEMO is reimbursed, or is to be reimbursed, by the State.

augmentation has the same meaning as in the Law.

declared transmission system has the same meaning as in the Law.

Note: See also Ministerial Order under section 30 of the Act made 26 June 2009, published in Special Gazette S222 on 30 June 2009, which initially described the declared transmission system.

first Mortlake turn in Ministerial Order means the Ministerial Order made under section 16Y of the Act and published in Special Gazette S10 on 11 January 2022.

incumbent declared transmission system operator has the same meaning as in clause 8.11.3 of the Rules.

Law means the National Electricity (Victoria) Law.

maximum allowed revenue has the same meaning as in Chapter 10 of the Rules.

Mortlake turn in is defined in clause 3.

Mortlake turn in network services agreement means an agreement between AEMO and the incumbent declared transmission system operator under which AEMO receives shared network capability services in relation to the Mortlake turn in.

Mortlake turn in project agreement means an agreement between AEMO and the incumbent declared transmission system operator under which the incumbent declared transmission system operator must carry out the design, construction and commissioning of the Mortlake turn in.

Mortlake turn in project document means:

- (a) a Mortlake turn in network services agreement; or
- (b) a Mortlake turn in project agreement.

prescribed common transmission services has the same meaning as in Chapter 10 of the Rules.

prescribed transmission services has the same meaning as in Chapter 10 of the Rules.

regulatory year has the same meaning as in Chapter 10 of the Rules.

revenue methodology means the revenue methodology referred to in clause 6A.4.2(c) of the Rules.

RFP cost has the same meaning as in the first Mortlake turn in Ministerial Order.

Rules means the National Electricity Rules made under Part 7 of the Law, as amended from time to time in accordance with Part 7 of the Law or the Act.

shared network capability services has the same meaning as in the Law.

SPECIFICATION OF AUGMENTATION

3. Specified augmentation

- (1) The carrying out and operation of the augmentation specified in the Schedule is a specified augmentation (**Mortlake turn in**) for the purposes of Division 7 of Part 3 of the Act.
- (2) The Mortlake turn in is deemed to be an augmentation that is not a contestable augmentation.

AEMO'S FUNCTIONS

4. AEMO required to carry out the functions conferred on it by this Order

- (1) AEMO is required to carry out the functions in respect of the Mortlake turn in conferred on it by this Order.

Note: Pursuant to section 16X(2)(a) of the Act, the functions conferred on AEMO by this Order are taken to be conferred by the Act for the purposes of section 50C(1)(f) of the Law.

- (2) Except to the extent that this Order provides otherwise, nothing in this Order:
 - (a) limits AEMO's functions under the Law or the Rules; or
 - (b) without limiting paragraph (a), limits AEMO in terms of any other agreement that it has entered into or may enter into with respect to the declared transmission system.

5. AEMO's functions in respect of Mortlake turn in

AEMO is conferred the following functions:

- (1) entering into:
 - (a) a Mortlake turn in project agreement; and
 - (b) a Mortlake turn in network services agreement,following the issue of a request for proposal for the Mortlake turn in, the assessment of the response to that request for proposal and any negotiation with the relevant incumbent declared transmission system operator or any other relevant person, by AEMO in accordance with clause 5 and clause 7 of the first Mortlake turn in Ministerial Order;

Note: See section 16X(1)(a), section 16Y(2)(l) of the Act.

- (2) exercising and enforcing its rights under or in respect of any Mortlake turn in project document entered into in accordance with subclause (1); and
- (3) any other function related to, or arising from, subclause (1) or (2).

PERFORMANCE OF AEMO'S FUNCTIONS**6. No cost benefit analysis**

The following provisions do not apply in respect of the Mortlake turn in:

- (1) section 50F(2) or section 50F(3) of the Law;
- (2) rule 5.16 of the Rules; and
- (3) AEMO's planning criteria published in accordance with clause 8.11.4 of the Rules.

7. No application of section 50H of the Law

Section 50H of the Law does not apply to AEMO or a declared transmission system operator in respect of a Mortlake turn in project document.

COST RECOVERY**8. AEMO's costs**

- (1) Despite anything to the contrary in the Rules, AEMO's contracting costs may be recovered through charges in respect of prescribed transmission services.
- (2) For the purposes of subclause (1), AEMO complying with this Order, or the incurring of AEMO's contracting costs, is deemed to be the provision of prescribed common transmission services.
- (3) The definition of *prescribed common transmission services* in the Rules is modified accordingly.
- (4) Despite anything to the contrary in the Rules:
 - (a) AEMO's contracting costs form part of AEMO's maximum allowed revenue for this and each relevant subsequent regulatory year;
 - (b) AEMO may amend its revenue methodology for this and each relevant subsequent regulatory year to provide for AEMO's contracting costs; and
 - (c) AEMO is not required to consult with the public in respect of any amendment that is required to its revenue methodology in order to provide for AEMO's contracting costs.

Notes: See clause S6A.4.2 of the Rules.

Section 16ZC(1) of the Act provides that this Order has effect despite anything to the contrary in any agreement or contract.

- (5) Except to the extent that this Order provides otherwise, nothing in this clause limits the provisions of the Law or the Rules that otherwise apply to AEMO in respect of its maximum allowed revenue, revenue methodology or prices for prescribed common transmission services.

Dated 13 October 2022

HON. LILY D'AMBROSIO MP
Minister for Energy

SCHEDULE

SPECIFIED AUGMENTATION

The carrying out and operation of:

- (a) the turn in of the existing 500 kV transmission line which runs from Haunted Gully Terminal Station to Tarrone Terminal Station into the Mortlake Power Station, resulting in the establishment of a Haunted Gully Terminal Station to Mortlake Power Station 500 kV line and a Mortlake Power Station to Tarrone Terminal Station 500 kV line; and
 - (b) associated works at affected terminal stations.
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REASONS FOR MAKING THE SECOND MORTLAKE TURN
IN MINISTERIAL ORDER UNDER SECTION 16Y OF THE
NATIONAL ELECTRICITY (VICTORIA) ACT 2005

In accordance with section 16ZB(1) of the **National Electricity (Victoria) Act 2005** (the Act), I make the following statement of reasons for making the Second Mortlake Turn In Ministerial Order under section 16Y of the Act.

As noted in the reasons for making the First Mortlake Turn In Ministerial Order (Victoria Government Gazette, No. S10, 11 January 2022) the Victorian Government is committed to the transition of the energy sector from fossil-fueled generation to renewable sources of energy generation to meet our climate change targets of net-zero emissions by 2050.

To facilitate the transition to renewable energy led generation, new transmission network infrastructure is needed to increase the capacity of the existing Victorian system. Under the national market rules and the regulatory framework, the Australian Energy Market Operator (AEMO), as the Victorian Transmission System Planner, was unable to undertake sufficient and timely anticipatory development of transmission system hosting capacity. Without upgrades, the stability of the transmission system is being challenged as more renewable energy generation connects. Some generators are being operationally curtailed, while the connection of others is being delayed or prevented.

To this end, and pursuant to the first Mortlake Turn In Project Ministerial Order, AEMO has completed a request for proposal (RFP) process to obtain a legally binding offer from the incumbent declared transmission system operator to supply the Mortlake Turn In Project. Based on the outcomes of the RFP process, AEMO has recommended that the services provided by the proposed Mortlake Turn In Project will reduce curtailment of renewable generation in the region, remove actual and projected network constraints and enable increased hosting capacity of new renewable energy in the longer term. Independent analysis based on AEMO's recommendation confirmed that the proposed Mortlake Turn In Project will result in the desired network outcomes with a positive cost to benefits ratio, allowing Victorian consumers to realise savings through lower electricity prices in the long term by the increased access to more cost-effective renewable generation.

I have considered the outcome of the RFP process and whether there is, or may be, a crucial national electricity system need in Victoria together with the actual or projected amount of generation in the national electricity system. Based on these considerations, the Victorian Government has decided to proceed with the offer, and the Second Mortlake Turn In Project Ministerial Order directs AEMO to enter into a contract with the incumbent declared transmission system operator to supply the Mortlake Turn In Project.

As this will lead to lower electricity prices, the costs to provide the service will be apportioned to customers in accordance with the existing rules and procedures for transmission charges.

HON. LILY D'AMBROSIO MP
Minister for Energy

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