



# Victoria Government Gazette

No. G 43 Thursday 30 October 1997

## GENERAL

### GENERAL AND PERIODICAL GAZETTE

All copy to be sent to:

Government Gazette Officer  
AGPS Victorian Operations  
PO Box 263  
60 Fallon Street, Brunswick 3056  
Telephone (03) 9387 8135  
Fax (03) 9387 3404

#### Advertising Rates and Payment

##### Private Notices

Payment must be received in advance with advertisement details.

30 cents per word - Full page \$180.00.

An additional cost must be included in prepayment if a copy of the gazette is required. Cheques should be made payable to AGPS Victorian Operations.

##### Government and Outer Budget Sector Notices

Not required to pre-pay.

Advertisements must be faxed, and a cover sheet should be used, marked to the attention of the Gazette Coordinator.

Per Line	Camera Ready	Typeset
Single column	\$0.50	\$1.50
Double column	\$1.00	\$3.00
Full page	\$20.00	\$63.00

##### Copy Deadline for General Gazette:

9.30 a.m. Monday - (Private)

9.30 a.m. Tuesday - (Government and Outer Budget Sector)

Copy Prices - Page	\$1.50
- Certified	\$3.50
- Gazette	\$3.20

(All prices include Postage)

#### Advertisers should note:

- Late copy received at AGPS Victorian Operations after deadlines will be placed in the following issue of VGG, irrespective of any date/s mentioned in the copy (unless otherwise advised).
- Proofs will be supplied only when requested or at the direction of the Gazette Officer.
- No additions or amendments to material for publications will be accepted by telephone.
- Departments are requested not to lodge Executive Council papers for gazette unless a copy is provided with the Governor or Clerk's signature on the relevant document.
- Government and Outer Budget Sector Agencies Please note:  
To ensure that material received can be reproduced, and that errors are minimised, the following guidelines are to be observed when submitting material by fax.  
Fax resolution  
Material sent by fax should be transmitted using Fine resolution (200 dots per inch by 200 dpi). Normal resolution is unacceptable.  
Font Size  
Use 12 point (10 pitch) or larger.

#### Font Style

Clear plain font styles, such as Helvetica, should be used.

#### Graphics

Line drawings should be transmitted as large as possible to ensure clarity. Drawings up to A4 size sent by fax using Fine resolution provide a good quality for reproduction.

#### Avoid

Italics, underlining, and full justification.

Ensure document is square when sending

Documents that are sent skewed are difficult to read and process.

If material does not meet above requirements your advertisement may not be published.

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Copy to: Julia Saad

AGPS Victorian Operations  
60 Fallon Street,  
Brunswick 3056  
Telephone inquiries (03) 9387 8135  
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##### Private Notices

Full page \$360.00

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##### Government and Outer Budget Sector

	Camera Ready	Typeset
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#### Note:

The after hours contact number for Special Gazettes is:  
Telephone 0412 243 123  
014 693 550

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#### The Victoria Government Gazette

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General, Special and Periodical - \$220.00 each year

Periodical - \$110.00 each year

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All payments should be made payable to AGPS Victorian Operations.

#### Subscription inquiries

AGPS Victorian Operations  
PO Box 263  
Brunswick Vic 3056  
Telephone 13 2447  
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**PUBLICATION OF THE  
"VICTORIA GOVERNMENT  
GAZETTE" (GENERAL)  
MELBOURNE CUP —  
PUBLIC HOLIDAY**

**Please Note:**

The Victoria Government Gazette for the Melbourne Cup week will be published on Thursday, 6 November 1997. All copy for Private Advertisements must reach the Government Gazette Office by no later than 9.30 a.m. on Friday 31 October 1997. The deadline for advertisements for Government and Outer Budget Sector Agencies advertisements will be 9.30 a.m. on Monday 3 November 1997.

Where urgent gazettal is required arrangements should be made with Julia Saad on 014 693 550, or Ann White on 0412 243 123.

JULIA SAAD  
Gazette Officer

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**PRIVATE ADVERTISEMENTS**

**PARTNERSHIP NOTICE**

David Williams will retire as a partner in the firm Purves Clarke Richards, solicitors, on 31 October 1997. Martin Gannoni, Stephen Greenham and Patrick Walsh will join the Partnership on 1 November 1997.

**PURVES CLARKE RICHARDS**

Notice is hereby given that the partnership hereto subsisting between John Franklin Scown of 29 Vernon Street, South Kingsville, and Paul Clayton Naismith of 94 Bruce Street, Coburg, carrying on business as pharmacists at 17D Vernon Street, South Kingsville, known as Scowns Pharmacy has been dissolved by mutual consent as from 1 July 1997 the said business now being continued by Paul Clayton Naismith only.

McNAB McNAB & STARKE, solicitors,  
10th Floor, 552 Lonsdale Street, Melbourne

Creditors, next of kin and others having claims in respect of the estate of, Mary Geraldine Morris late of 1/162 Riversdale Road, Hawthorn, Victoria, pensioner, deceased who died on 4 September 1997 are to send particulars of their claims to David Anthony Corrigan the executor appointed by the Will care of the undersigned by 6 January 1998, after which date he will commence to distribute the assets having regard only to the claims of which he then has notice.

RENNICK & GAYNOR, solicitors, 431  
Riversdale Road, Hawthorn East

EDWARD JOHN ROLLO, late of 6 Hillview Avenue, Rowville, Victoria, cartographer, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 21 June 1997 are required by the executor The Equity Trustees Executors and Agency Company Limited (A.C.N. 004 031 298) of 472 Bourke Street, Melbourne, Victoria, to send particulars to it by 31 December 1997, after which date it may convey or distribute the assets having regard only to the claims of which it then has notice.

NICHOLAS O'DONOHUE & CO.,  
solicitors, 180 Queen Street, Melbourne

KATHE REGINA WEISSELBERG, deceased

Creditors, next of kin or others having claims in respect of the estate of Kathe Regina Weissselberg late of Centennial House Nursing Home, K16 Raleigh Street, Windsor, who died on 26 January 1997 are to send particulars of their claims to the executor care of the undermentioned solicitor by 31 December 1997, after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

MORRIS MARGOLIS, solicitor, Suite 7,  
1097-1111 High Street, Armadale

HANNAH HIRSCH, deceased

Creditors, next of kin or others having claims in respect of the estate of Hannah Hirsch late of Unit 1, 550 Toorak Road, Toorak, who died on 14 July 1996 are to send particulars of their claims to the executor care of the undermentioned solicitor by 31 December 1997, after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

MORRIS MARGOLIS, solicitor, Suite 7,  
1097-1111 High Street, Armadale

Creditors, next of kin and others having any claims in respect of the estate of Mary Ann Vincent late of 12 Athol Street, Moonee Ponds, Victoria, spinster, deceased who died on 9 September 1997 are requested by John Patrick Toohey of 83 William Street, Melbourne, the executor of the Will of the deceased to send to him particulars thereof by 20 January 1998, after which date he will distribute the assets of the deceased having regard only to the claims of which he shall then have notice.

GAVAN DUFFY & KING, 83 William  
Street, Melbourne

Creditors, next of kin and others having claims in respect of the estate of John Leslie Moloney late of 7 Backous Way, Noble Park, Victoria, retired welder, deceased who died on 11 September 1997 are required to send particulars of their claims to the executrix care of the undermentioned solicitors by 29 December 1997, after which date the executrix will distribute the assets having regard only to the claims for which notice has been received.

BORCHARD & MOORE, solicitors, 44  
Douglas Street, Noble Park

Creditors, next of kin and others having claim in respect of the estate of Verne Amanda Hurse late of Hawthorn Grange Accommodation Home, 7 Hunter Street, Hawthorn, Victoria, home duties, deceased who died on 17 July 1997 are requested to send particulars of their claims to the executor National Mutual Trustees Limited of 65 Southbank Boulevard, Southbank, Victoria, by 31 December 1997, after which date the executor will distribute the assets having regard only to the claims of which it then has notice.

PETER J. WALSH CARROLL KIERNAN & FORREST, solicitors, 83 William Street, Melbourne

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NOTICE TO CREDITORS

Creditors, next of kin and others having claims against the estate of Thelma Jean Stock late of Liscombe House, 339 St Helena Road, North Eltham, Victoria, widow, deceased who died on 8 July 1997 are required to send particulars of their claims to the executors Lorraine Joy Tugnett (in the Will called Lorraine Tugnett) and Permanent Trustee Company Limited to whom probate was granted by the Supreme Court of Victoria on 14 October 1997 care of Minter Ellison of 40 Market Street, Melbourne, Victoria by 30 December 1997, after which date the executors will distribute the assets of the estate having regard only to the claims of which they shall then have had notice.

MINTER ELLISON, solicitors, 40 Market Street, Melbourne

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Creditors, next of kin and others having claims against the estate of Alice Myrtle Paul (also known as Myrtle Alice Paul) late of Willow Brae Hostel, 81-85 Porter Street, Templestowe in the State of Victoria, home duties, deceased who died on 25 June 1997 are required to send particulars of the claims to the executrix Carolyn Joy Boyne care of the undermentioned solicitor by 31 December 1997, after which date she will distribute the estate of the deceased having regard only to the claims of which she then has notice.

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

Creditors, next of kin and others having claims in respect of the estate of Thomas Henry King late of 7 Sunderland Circuit, Traralgon, Victoria, retired gentleman, deceased who died on 11 September 1997 are to send their claims to the executrix Myra Essie King of 7 Sunderland Circuit, Traralgon, Victoria, widow, care of the belowmentioned solicitors by 10 January 1998, after which date she will distribute the assets of the deceased having regard only to the claims of which she then has notice.

LITTLETON HACKFORD, solicitors, "Law Chambers", 115-119 Hotham Street, Traralgon

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Creditors, next of kin and others having claims in respect of the estate of Joan McGill late of 7 Matthew Street, Noojee, Victoria, widow, deceased who died on 11 September 1997 are to send their claims to Patricia Dennett of W. T. Onus Hostel, 75 Westgarth Street, Northcote, care of the belowmentioned solicitors by 31 December 1997, after which date she will distribute the assets of the deceased having regard only to the claims of which she then has notice.

LITTLETON HACKFORD, solicitors, "Law Chambers", 115-119 Hotham Street, Traralgon

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Creditors, next of kin and others having claims in respect of the estate of Katherine Frances Shubart late of St Annes Nursing Home, 33 Wattle Road, Hawthorn, Victoria, widow, deceased (who died on 2 August 1997) are required by the executor ANZ Executors & Trustee Company Limited (A.C.N. 006 132 332) of 530 Collins Street, Melbourne, Victoria, to send particulars to it by 30 December 1997, after which date it may convey or distribute the estate having regard only to the claims of which it then has notice.

MILLS OAKLEY LAWYERS, 131 Queen Street, Melbourne

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NOTICE TO CREDITORS

JOAN HENDERSON, deceased

Creditors, next of kin and others having claims in respect of the estate of Joan Henderson late of Unit 2, 21 Sussex Street, Brighton, Victoria, spinster, deceased who died on 12 August 1997 are required by the trustee Trust Company of Australia Limited

(A.C.N. 004 027 749) of 151 Rathdowne Street, Carlton South, Victoria, to send particulars of their claims to the company by 2 January 1998, after which date the assets of the estate will be distributed having regard only to the claims of which the trustee then has notice.

ROYSTON CAHIR & MARTIN, solicitors,  
Level 6, 409 St Kilda Road, Melbourne

Creditors, next of kin and others having claims in respect of the estate of Thomas Charles Brophy late of Prairie Road, Prairie, farmer, deceased who died on 4 July 1997 are required to send particulars of their claims to the executors National Mutual Trustees Limited of 46 Queen Street, Bendigo, by 15 January 1998, after which date they will distribute the assets having regard only to the claims of which they have notice.

NATIONAL MUTUAL TRUSTEES  
LIMITED, 46 Queen Street, Bendigo

Creditors, next of kin and others having claims in respect of the estate of Stanley Raymond Alderson late of Laanecoorie, farmer, deceased who died on 17 July 1997 are required to send particulars of their claims to the executors National Mutual Trustees Limited of 46 Queen Street, Bendigo, by 15 January 1998, after which date they will distribute the assets having regard only to the claims of which they have notice.

NATIONAL MUTUAL TRUSTEES  
LIMITED, 46 Queen Street, Bendigo

Creditors, next of kin and others having claims in respect of the estate of Ian Charles Callanan late of 88 McKenzie Street, Bendigo, sheet metal worker, deceased who died on 20 August 1997 are required to send particulars of their claims to the executors National Mutual Trustees Limited of 46 Queen Street, Bendigo, by 15 January 1998, after which date they will distribute the assets having regard only to the claims of which they have notice.

NATIONAL MUTUAL TRUSTEES  
LIMITED, 46 Queen Street, Bendigo

Creditors, next of kin and others having claims in respect of the estate of Heather Cecilia Jackson late of 354 High Street, Golden Square, widow, deceased who died on 20 June 1997 are required to send particulars of their claims to the executors National Mutual Trustees Limited of 46 Queen Street,

Bendigo by 15 January 1998, after which date they will distribute the assets having regard only to the claims of which they have notice.

NATIONAL MUTUAL TRUSTEES  
LIMITED, 46 Queen Street, Bendigo

BEATRICE BARRY DALY, late of 79  
Stevenson Street, Kew, Victoria, home  
duties, deceased

Creditors, next of kin and others having claims in respect of the deceased (who died on 9 June 1997) are required by The Equity Trustees Executors and Agency Company Limited A.C.N. 004 031 298 of 472 Bourke Street, Melbourne 3000, to send particulars of their claims to the said The Equity Trustees Executors and Agency Company Limited by 6 January 1998, after which date it will convey or distribute the assets having regard only to the claims of which the company then has notice.

EGGLESTON CLIFTON-JONES & CO.,  
solicitors, 7th Floor 83-89 William Street,  
Melbourne

SHEILA HOWY SCOTT, deceased

Creditors, next of kin or others having claims in respect of the estate of Sheila Howy Scott late of 7 Hunter Street, Hawthorn, Victoria, home duties, deceased who died on 24 July 1997 are to send particulars of their claims to the personal representative/s care of the undermentioned solicitors by 8 January 1998, after which date the personal representative/s will distribute the assets having regard only to the claims of which the personal representative/s then has notice.

BRUCE M. COOK & ASSOCIATES,  
barristers and solicitors, 832 High Street, East  
Kew

STEPHEN LYLE IRWIN, deceased

Creditors, next of kin or others having claims in respect of the estate of Stephen Lyle Irwin late of 9 O'Shaughnessy Street, Kew, Victoria, investor/nurse, educator, deceased who died on 31 May 1997 are to send particulars of their claims to the executor care of the undermentioned solicitors by 31 December 1997, after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

MADDOCK LONIE & CHISHOLM,  
solicitors, 140 William Street, Melbourne

**ERNEST BERTRAM BARNETT, deceased**

Creditors, next of kin and others having claims against the estate of Ernest Bertram Barnett late of Coogee Nursing Home, 7 Coogee Street, Boronia, Victoria, retired, deceased who died on 26 July 1997 are hereby required to send particulars in writing of such claims to the executors care of Verna A. Cook, solicitor, at her address by 31 December 1997, after which date the said executors will proceed to distribute the assets having regard only to the claims of which they shall then have had notice.

VERNA A. COOK, solicitor, 5/8 St Andrews Street, Brighton

**NONA IRENE LANGE, deceased**

Creditors, next of kin and others having claims against the estate of Nona Irene Lange late of 1 Bertram Street, Gardenvale, Victoria, home duties, deceased who died on 10 July 1997 are hereby required to send particulars in writing of such claims to the executors care of Verna A. Cook, solicitor, at her address by 31 December 1997, after which date the said executors will proceed to distribute the assets having regard only to the claims of which they shall then have had notice.

VERNA A. COOK, solicitor, 5/8 St Andrews Street, Brighton

**FRANCIS HENRY GREY RICHARDSON, deceased**

Creditors, next of kin or others having claims in respect of the estate of Francis Henry Grey Richardson late of 14 Bell Street, Nyah, Victoria, retired orchardist, deceased who died on 22 August 1997 are to send particulars of their claims to the executor Effie Rose Richardson care of the undermentioned solicitors by 24 December 1997, after which date the executor will distribute the assets having regard only to the claims of which she then has notice.

GARDEN & GREEN, lawyers, 4 McCallum Street, Swan Hill

**JOHN THOMAS O'NEAL, late of Southern Cross Hostel, 288 Melbourne Road, Newport, deceased**

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 6 August 1997 are required by

the personal representative Kenneth David James Barry of 385 Bourke Street, Melbourne, solicitor, to send particulars to him care of the belowmentioned solicitors by 30 December 1997, after which date the personal representative may convey or distribute the assets having regard only to the claims of which he then has notice.

DEACONS GRAHAM & JAMES, solicitors for the estate, 385 Bourke Street, Melbourne

Creditors, next of kin and others having claim in respect of the estate of Frederick John Preston late of 13 Balloan Street, Coburg, retired, deceased who died on 29 July 1997 are required by Hanora Elizabeth Preston of 13 Balloan Street, Coburg, to send particulars of their claim to the said Hanora Elizabeth Preston by 30 December 1997, after which date they will convey or distribute the assets having had regard only to the claims of which they then have notice.

AKEHURST, FRIEND & ALLAWAY, legal practitioners, Suite 1102, 10 Queen Street, Melbourne

**THOMAS EDWARD NEVEN, formerly of Strathlea but late of Barkly Private Nursing Home, 81 Barkly Street, Bendigo, farmer, deceased**

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 27 July 1997 are required by the trustee Judith Elva Maywood of Lot 15 Old Sydney Road, Wallan, to send particulars to her care of the undermentioned solicitors by 20 January 1998, after which date the trustee may convey or distribute the assets having regard only to the claims of which she then has notice.

H. S. W. LAWSON & CO., solicitors, 157 Barker Street, Castlemaine

**JOYCE GRIFFITHS, late of Flat 11, 28 Arnold Street, South Yarra, Victoria, legal secretary, deceased**

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 3 July 1997 are required by the

applicant for Probate The Equity Trustees Executors and Agency Company Limited A.C.N. 004 031 298 of 472 Bourke Street, Melbourne, Victoria, to send particulars of their claims to the said company by 2 January 1998, after which date it will convey or distribute the assets having regard only to the claims of which the company then has notice.

ARTHUR ROBINSON & HEDDERWICKS, solicitors, 530 Collins Street, Melbourne

NANCYE MARY BERNARD LAWRENCE, deceased

Creditors, next of kin and others having claims in respect of the estate of Nancye Mary Bernard Lawrence late of 93 Marlborough Street, East Bentleigh, Victoria, deceased who died on 3 July 1997 are required by the executors and trustees to send particulars to them care of the undermentioned solicitors by 30 December 1997, after which date the executors and trustees may convey or distribute the assets having regard only to the claims of which they have notice.

STUART MORGAN & ASSOCIATES, solicitors, 238 Glenferrie Road, Malvern

Creditors, next of kin and others having claims in respect of the Will of Rosa Romano late of 13 Sedgefield Place, Craigieburn, Victoria, artist, deceased who died on 22 August 1997 are requested to send particulars of their claims to the executor Joseph Romano care of the undermentioned legal practitioner by 31 December 1997, after which date he will distribute the assets having regard only as to the claims of which he then has notice.

JOHN STEWART, legal practitioner, 290 Racecourse Road, Newmarket

In the Supreme Court of the State of Victoria SALE BY THE SHERIFF

On 4 December 1997 at 2.30 p.m. at the Sheriff's Office, 8-20 King Street, Oakleigh (unless process be stayed or satisfied).

All the estate and interest (if any) of Michael Patrick O'Malley of 29 Sterling Drive, East Keilor, proprietor of an estate in fee simple in the land described on Certificate of Title Volume 8699, Folio 668 upon which is erected a residence known as 29 Sterling Drive, East Keilor.

Registered Mortgage No. M778203K, Caveat Nos S74797J, T29654M and the Covenant contained in Transfer D603803 affect the said estate and interest.

Terms—Cash only  
Dated 30 October 1997

S. BLOXIDGE  
Sheriff's Officer

In the Supreme Court of the State of Victoria SALE BY THE SHERIFF

On 4 December 1997 at 2.30 p.m. at the Sheriff's Office, 8-20 King Street, Oakleigh (unless process be stayed or satisfied).

All the estate and interest (if any) of Theo Morihovitis of 47 Rochester Drive, Thomastown, proprietor of an estate in fee simple in the land described on Certificate of Title Volume 9014, Folio 916 upon which is erected a house known as 47 Rochester Drive, Thomastown.

Registered Mortgage No. L309292Q affects the said estate and interest.

Terms—Cash only  
Dated 30 October 1997

S. BLOXIDGE  
Sheriff's Officer

In the Supreme Court of the State of Victoria SALE BY THE SHERIFF

On 4 December 1997 at 11.00 a.m. at the Sheriff's Office, 107 Baxter Street, Bendigo (unless process be stayed or satisfied).

All the estate and interest (if any) of Mary Grant of 525 Pyrenees Highway, Chewton, as shown on Certificate of Title as Mary Collins Grant, proprietor of an estate in fee simple in the land described on Certificate of Title Volume 9435, Folio 195 and Crown Grant Volume 9481, Folio 584 containing approximately 3.696 hectares or thereabouts upon which is erected a house upon mainly cleared land with the usual small farm outbuildings and improvements.

The property is located by travelling south east from Castlemaine along the Pyrenees Highway for approximately 7.6 km. The property is on the southern side of the road and is known as 525 Pyrenees Highway, Chewton.



Registered Mortgage No. U405910X, Caveat No. U390344C and the Covenant contained in Transfer No. G399469 affect the said estate and interest.

Terms—Cash only  
Dated 30 October 1997

S. BLOXIDGE  
Sheriff's Officer

In the Supreme Court of the State of Victoria  
SALE BY THE SHERIFF

On 4 December 1997 at 2.30 p.m. at the Sheriff's Office, 8-20 King Street, Oakleigh (unless process be stayed or satisfied).

All the estate and interest (if any) of Stephen Alan Carson and Ann Maree Carson of 731 Burwood Highway, Ferntree Gully, joint proprietors of an estate in fee simple in the land described on Certificate of Title Volume 8438, Folio 975 upon which is erected a dwelling known as 731 Burwood Highway, Ferntree Gully.

Registered Mortgage No. T510460E affects the said estate and interest.

Terms—Cash only  
Dated 30 October 1997

S. BLOXIDGE  
Sheriff's Officer

In the Supreme Court of the State of Victoria  
SALE BY THE SHERIFF

On 4 December 1997 at 2.30 p.m. at the Sheriff's Office, 8-20 King Street, Oakleigh (unless process be stayed or satisfied).

All the estate and interest (if any) of Ingrid Zaccagnini of 110 Sherbourne Road, Montmorency, proprietor of an estate in fee simple in the land described on Certificate of Title Volume 8146, Folio 410 upon which is erected a dwelling known as 110 Sherbourne Road, Montmorency.

Registered Mortgage No. U437072D affects the said estate and interest.

Terms—Cash only  
Dated 30 October 1997

S. BLOXIDGE  
Sheriff's Officer

Unclaimed Moneys Act 1962

Register of Unclaimed Moneys held by the—

Name of Owner on Books and Last Known Address	Total Amount Due to Owner	Description of Unclaimed Money	Date when first became Payable
			Amount
\$			
<b>ARBEE REAL ESTATE</b>			
Tootel, M., 1 Hansen St, Bacchus Marsh 97185 CONTACT: VIVYENNE REGO, PHONE: (03) 5367 2333	103.20	Security bond	15.7.96

TWIN HILLS NURSES AGENCY

Name of Owner on Books and Last Known Address	Total Amount Due to Owner	Description of Unclaimed Money	Date when first became Payable
Williams, Marilyn, 20 Kawarren St, Nth Balwyn	156.57	Wages	1994
Williams, Anne, 676 Burwood Hwy, Burwood	194.87	"	"
Dawson, Debbie, 84 Albert Rd, Boronia	240.07	"	"
Just, Barbara, 14 Beausford Cl, East Doncaster	120.62	"	"
Cocker, Judith	110.47	"	"

97184  
CONTACT: VICKIE KRITHARELIS, PHONE: (03) 9585 1988

**PROCLAMATIONS**

**ACTS OF PARLIAMENT**  
Proclamation

I, James Gobbo, Governor of Victoria declare that I have today assented in Her Majesty's name to the following Bills:

No. 57/1997 **Associations Incorporation (Amendment) Act 1997.**

No. 58/1997 **Veterinary Practice Act 1997.**

Given under my hand and the seal of Victoria on 28 October 1997.

(L.S.) **JAMES GOBBO**  
Governor  
By His Excellency's Command  
**J. G. KENNETT**  
Premier

No. 57/1997 (1) Section 1 and this section come into operation on the day on which this Act receives the Royal Assent.

(2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.

(3) If a provision referred to in sub-section (2) does not come into operation before 1 July 1998, it comes into operation on that day.

No. 58/1997 (1) This Part comes into operation on the day on which this Act receives the Royal Assent.

(2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.

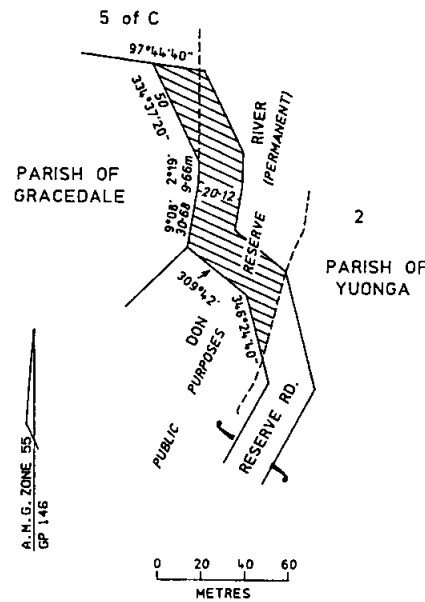
(3) If a provision referred to in sub-section (2) does not come into operation before 1 December 1998, it comes into operation on that day.

**Land Act 1958**  
**PROCLAMATION OF ROADS**

I, James Gobbo, Governor of Victoria acting with the advice of the Executive Council and under Section 25(3)(c) of the **Land Act 1958** proclaim as roads the following lands:

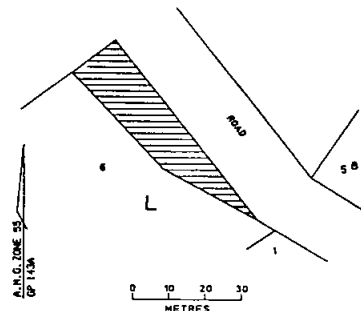
**MUNICIPAL DISTRICT OF THE YARRA RANGES SHIRE COUNCIL**

**GRACEDALE and YUONGA**—The land in the Parishes of Gracedale and Yuonga shown by hatching on plan hereunder—(G166[4] and Y118[3]) (96/1095).



**MUNICIPAL DISTRICT OF THE ALPINE SHIRE COUNCIL**

**HARRIETVILLE**—The land in the Township of Harrietville, Parish of Harrietville shown by hatching on plan hereunder—(H125[6]) (P200224).



This Proclamation is effective from the date on which it is published in the Victoria Government Gazette.

Given under my hand and the seal of  
Victoria on 28 October 1997.

(L.S.) JAMES GOBBO  
Governor

By His Excellency's Command

MARIE TEHAN  
Minister for Conservation and  
Land Management

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## VICTORIAN ACTS AND REGULATIONS ON CD-ROM AND INTERNET

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### **ANSTAT'S SERVICE IS GENUINELY DIFFERENT**

#### **Key Features**

- Same appearance as the paper version
- Monthly or quarterly updates
- Service is Internet linked
- Powerful search facility across the entire database or within each item
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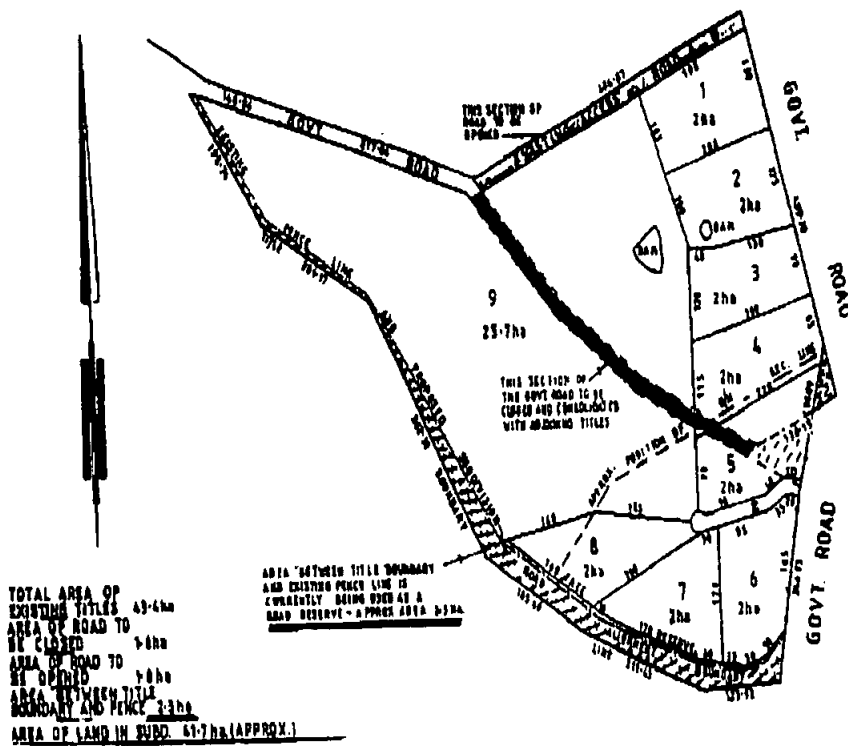
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**Anstat Pty Ltd ACN 005 446 748  
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**GOVERNMENT AND OUTER BUDGET SECTOR  
AGENCIES NOTICES**

**MITCHELL SHIRE COUNCIL**  
Road Exchange/Road Closure—Parish of Pyalong

Pursuant to the provisions of Clause 2, Schedule 10, of the **Local Government Act 1989**, the Council having advertised its intention in local papers and received no submissions pursuant to Section 223, of the **Local Government Act 1989**, resolved at a meeting on 19 August 1997, to authorise and approve the road exchange and road closure set out on the plan below.



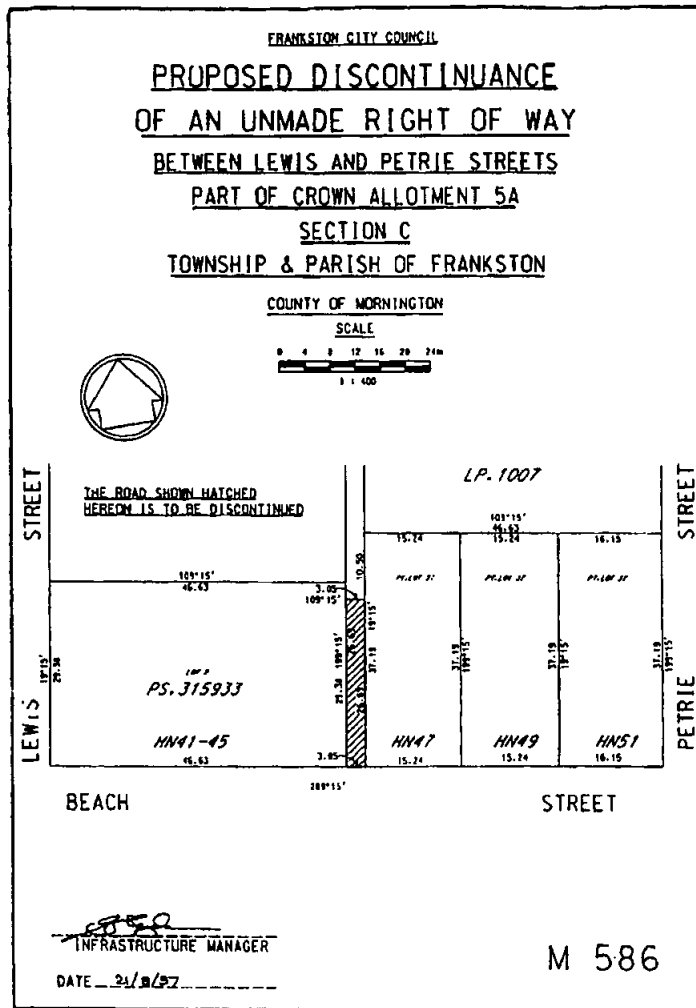
Dated 21 October 1997

**DARRELL TRELOAR**  
Chief Executive Officer

**FRANKSTON CITY COUNCIL**  
Discontinuance of Portion of Unmade Road

At its meeting on 6 October 1997, and acting under Clause 3 of Schedule 10 to the **Local Government Act 1989**, Frankston City Council ("Council") resolved to discontinue that portion of the (unmade) road between Lewis and Petrie Roads, Frankston ("the portion of road") shown hatched on the plan attached.

Council also resolved to sell the portion of road by private sale to Fifty-Ninth Vocation Pty Ltd for \$5,000.

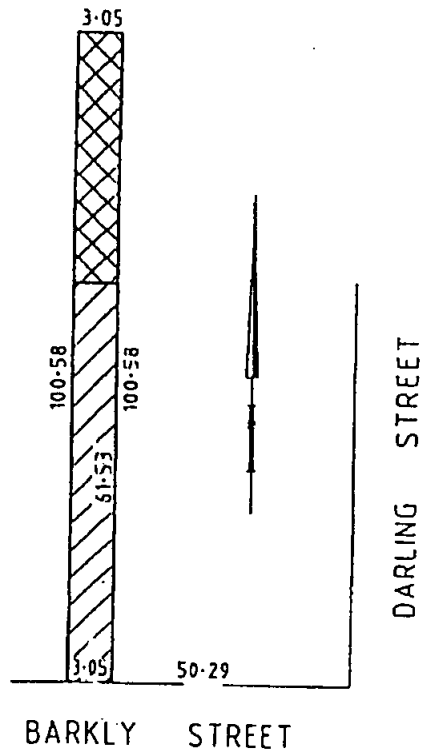


KEITH WHITE  
Acting Chief Executive Officer

ERRATUM  
MONASH CITY COUNCIL

Notice is hereby given that the plan in the Monash City Council's road discontinuance notice published on Page 1567 of the Victoria Government Gazette G26, dated 3 July 1997, was incorrect.

The plan shown below replaces that previously published.



DAVID CONRAN  
Chief Executive Officer

**DELATITE SHIRE**  
Notice of Making of Local Law

Notice is hereby given in accordance with Section 119 of the **Local Government Act 1989** (the "Act") that the Delatite Shire Council, at its meeting on 22 October 1997, and acting within the authority contained within Section 111 of the Act, resolved to make the following Local Law titled:

**LIVESTOCK LOCAL LAW NO. 5-97**

The Objectives of the Local Law are as follows:

**OBJECTIVES**

The principal objectives of this Local Law are:

- (a) to regulate the movement and droving of livestock through and within the municipal district and the grazing of livestock within the municipal district;
- (b) to minimise any damage to road pavements, formations, drainage, vegetation and surrounding areas arising from livestock;
- (c) to minimise the spread of livestock disease and noxious weeds in the municipal district;
- (d) to provide for the welfare of livestock when being driven, grazed or moved;
- (e) to alert other road users to the presence on roads of livestock in the municipal district in the interests of safe use of roads;
- (f) to regulate the adequacy of fencing of livestock;
- (g) to put in place mechanisms for rectifying inadequate fencing;

- (h) to fix fees or charges relating to the impounding of livestock and all other costs incidental thereto and for road use by livestock within the municipal district;
- (i) to enter arrangements with neighbouring councils relating to impounding, collecting trespassing livestock, housing and releasing those livestock;
- (j) to prescribe penalties for contravention of any provisions of this Local Law;
- (k) to provide generally for the peace, order and good government of the municipal district including in particular the administration of Council's powers and functions.

A copy of the Local Law is available for inspection at the Delatite Civic Centre, Fawckner Drive, Benalla and the Mansfield Service Centre, 33 Highett Street, Mansfield, during normal office hours.

**ROB HAUSER**  
Chief Executive Officer

**BARWON WATER**  
Water Supply and Sewerage Plumbing  
Administrative By-Law No. 174

Notice is hereby given that the above By-Law received Ministerial approval on 7 October 1997.

This By-Law is about Water Supply and Sewerage Plumbing Administration including procedures to be followed and the setting of fees and charges.

A copy of the Water Supply and Sewerage Plumbing By-Law is open for inspection free of charge at Barwon Water's office, 61-67 Ryrie Street, Geelong, during normal office hours 8.00 a.m. to 5.00 p.m. Monday to Friday.

By Order

**R. A. JORDAN**  
Secretary

**BALLARAT CITY COUNCIL**  
Community Local Law  
Authorisation of Police

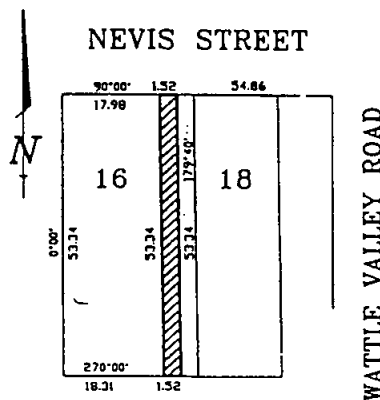
Clause 4.4 (a) of Ballarat City Council's Community Local Law allows the Council to set aside areas of Public Reserves as areas into which the bringing or consumption of alcohol is prohibited.

Pursuant to Section 224A of the **Local Government Act 1989** any police officer is hereby authorised to enforce Clause 4.4 (a) of the Community Local Law.

**JANET DORE**  
Chief Executive Officer

**CITY OF BOROONDARA**  
Road Discontinuance  
Camberwell

Under Section 206 and Schedule 10, Clause 3 of the **Local Government Act 1989**, the Boroondara City Council at its ordinary meeting held on 22 September 1997, formed the opinion that the road shown hatched on the plan below is not reasonably required as a road for public use and resolved to discontinue the road and to sell the land from the road to the abutting owner on the said plan.



**MICHAEL KENNEDY**  
Chief Executive Officer

**Planning and Environment Act 1987**  
**MOONEE VALLEY PLANNING SCHEME**  
Notice of Amendment to a Planning Scheme  
Amendment L30

The Moonee Valley City Council has prepared Amendment L30 to the Local Section of the Moonee Valley Planning Scheme.

The amendment affects land located at 155-163 Mt Alexander Road, Flemington. The amendment proposed to change the Planning Scheme by rezoning the land from Light Industrial (Melbourne) Zone to a Mixed Use Zone. The purpose of the amendment is to



enable the use of the land for the purpose of residential use at first floor level and the continued use for light industrial at ground level.

The amendment may be inspected at the Department of Infrastructure, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne 3000 or the Strategic Planning Office, City of Moonee Valley, Civic Centre, corner Pascoe Vale Road and Kellaway Avenue, Moonee Ponds.

Any submissions about the amendment should be in writing and must be sent to Attention: Executive Manager Corporate and Strategic Planning, City of Moonee Valley, G.P.O. Box 126, Moonee Ponds 3039, by 1 December 1997.

Dated 27 October 1997

GEOFF RUNDELL  
Executive Manager—Corporate and  
Strategic Planning  
City of Moonee Valley

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**Planning and Environment Act 1987**  
**STONNINGTON PLANNING SCHEME**  
Notice of Amendment  
Amendment L29

The City of Stonnington has prepared Amendment L29 to the Local Section of the Stonnington Planning Scheme. The Amendment proposes to include the Huntingfield Road Area as an Urban Conservation Area in the Stonnington Planning Scheme.

The amendment affects all properties in Huntingfield Road, 173, 171 and 169 Kooyong Road and 28 Irving Road, Toorak.

The purpose of the amendment is to protect and enhance the special character of the area which is considered to have architectural and historical significance and to ensure that any new development is in keeping with that character. The amendment proposes to change the Stonnington Planning Scheme by introducing a new urban Conservation Area to which the provisions of Clause 143 apply. Pursuant to this clause, a planning permit is required for demolition, subdivision, new buildings, works and alterations.

Amendment L29 can be inspected at the City of Stonnington, Development Unit, First Floor, Prahran Town Hall, corner Greville and Chapel Street, Prahran 3181; City of

Stonnington, Customer Service Centre, corner Glenferrie Road and High Street, Malvern 3144 and Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne 3000.

Submissions about the amendment must be sent to the Corporate Planning Unit, City of Stonnington, P.O. Box 21, Prahran 3181 or by fax: 9823 1105, by 27 November 1997.

B. B. BROWN  
Strategic Planning Co-ordinator

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**Planning and Environment Act 1987**  
**STONNINGTON PLANNING SCHEME**  
Notice of Amendment  
Amendment L30

The City of Stonnington has prepared Amendment L30 to the Local Section of the Stonnington Planning Scheme. The Amendment proposes to include the St Georges Court Area as an Urban Conservation Area in the Stonnington Planning Scheme.

The amendment affects all properties in St Georges Court and 6, 9, 11 and 11A St Georges Road, Toorak.

The purpose of the amendment is to protect and enhance the special character of the area which is considered to have architectural and historical significance and to ensure that any new development is in keeping with that character. The amendment proposes to change the Stonnington Planning Scheme by introducing a new urban Conservation Area to which the provisions of Clause 143 apply. Pursuant to this clause, a planning permit is required for demolition, subdivision, new buildings, works and alterations.

Amendment L30 can be inspected at the City of Stonnington, Development Unit, First Floor, Prahran Town Hall, corner Greville and Chapel Street, Prahran 3181; City of Stonnington, Customer Service Centre, corner Glenferrie Road and High Street, Malvern 3144 and Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne 3000.

Submissions about the amendment must be sent to the Corporate Planning Unit, City of Stonnington, P.O. Box 21, Prahran 3181 or by fax: 9823 1105, by 27 November 1997.

B. B. BROWN  
Strategic Planning Co-ordinator

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**Planning and Environment Act 1987**  
**WARRNAMBOOL PLANNING SCHEME**  
Chapter 2  
Notice of Amendment to a Planning Scheme  
Amendment L28  
(Re-exhibition)

The Warrnambool City Council has prepared Amendment L28 to the Warrnambool Planning Scheme.

The amendment affects land at No. 57 Mortlake Road (Lot 1, PS 344219A, Volume 10057, Folio 573), Warrnambool.

The amendment proposes to enable further development on the subject site by changing Clause 191-2 of the Warrnambool Planning Scheme from a general store and three shops to "a general store and four shops".

A copy of the amendment can be inspected free of charge during office hours at Warrnambool City Council, Municipal Offices, 25 Liebig Street, Warrnambool 3280; the Department of Infrastructure, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne 3000 and the Office of Planning and Heritage, Regional Office, corner Fenwick and Little Malop Streets, Geelong 3220.

Submissions about the amendment must be sent to Town Planning Department, Warrnambool City Council, P.O. Box 198, Warrnambool 3280, by 12.00 noon on Monday, 1 December 1997.

Any previous submission remains valid and will be considered by Council at the conclusion of this re-exhibition.

Dated 24 October 1997

RUSSELL GUEST  
Town Planner

**Planning and Environment Act 1987**  
**GREATER DANDENONG PLANNING SCHEME**  
Notice of Amendment  
Amendment L13

The City of Greater Dandenong has prepared Amendment L13 to the Local Section of the Greater Dandenong Planning Scheme.

The amendment affects land known as Part Lot 2, PS 336819U in Hennessy Way, Dandenong North (former Melbourne Water reservation).

The amendment proposes to change the local section of the Planning Scheme by rezoning the subject land from Existing Public Purposes 18—Melbourne and Metropolitan Board of Works to the Urban Residential 1 Zone. The amendment also inserts a site specific requirement for a development plan to establish an appropriate subdivision pattern incorporating a justified buffer between water tanks on the adjacent land and future dwellings on the subject land.

The amendment can be inspected at the City of Greater Dandenong: Springvale Office, 397-405 Springvale Road, Springvale; Dandenong Office, 39 Clow Street, Dandenong; Customer Centre, Shop A7, Parkmore Shopping Centre, Keysborough, and the Department of Infrastructure, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne.

Submissions about the amendment must be sent to the Manager Urban Planning, City of Greater Dandenong, P.O. Box 200, Springvale 3171, by Friday, 28 November 1997.

BRUCE McCONCHIE  
Acting Manager Urban Planning

**Planning and Environment Act 1987**  
**GREATER DANDENONG PLANNING SCHEME**  
Notice of Amendment  
Amendment L14

The City of Greater Dandenong has prepared Amendment L14 to the Local Section of the Greater Dandenong Planning Scheme.

The amendment affects land known as 22 Stephens Avenue, Springvale.

The amendment proposes to change the local section of the Planning Scheme by rezoning the subject land from Residential C Zone to the Business 1 Zone. Development guidelines applicable to adjoining land will also be applied to the subject land by extending the reference of the document, which is incorporated in the Planning Scheme.

It is intended to develop the subject land as part of a commercial development on the adjoining land fronting Princes Highway.

The amendment can be inspected at the City of Greater Dandenong: Springvale Office, 397-405 Springvale Road, Springvale; Dandenong Office, 39 Clow Street,

Dandenong; Customer Centre, Shop A7, Parkmore Shopping Centre, Keysborough, and the Department of Infrastructure, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne.

Submissions about the amendment must be sent to the Manager Urban Planning, City of Greater Dandenong, P.O. Box 200, Springvale 3171, by Friday, 28 November 1997.

BRUCE McCONCHIE  
Acting Manager Urban Planning

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

Notice of Amendment to a Planning Scheme  
Amendment L47

The City of Yarra has prepared Amendment L47 to the Yarra Planning Scheme.

The amendment will rezone land at 32-40 St David Street, Fitzroy, from a Reserved Light Industrial Zone to a Mixed Use Zone.

The amendment will also incorporate site specific controls to facilitate the conversion of buildings on the land to a three level building with 30 residential apartments, a ground level tenancy for industrial use and associated car parking, subject to compliance with a development plan.

The amendment can be inspected free of charge during office hours at the City of Yarra, Richmond Town Hall, 333 Bridge Road, Richmond and the Office of Planning and Local Government, Level 3 Plaza, 80 Collins Street, Melbourne.

The City of Yarra is the Planning Authority for the amendment. Submissions regarding the amendment must be in writing and sent to the City of Yarra, Municipal Offices, P.O. Box 168, Richmond, Victoria 3121, by 1 December 1997.

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

Notice of Amendment to a Planning Scheme  
Amendment L49

The City of Yarra has prepared Amendment L49 to the Yarra Planning Scheme.

The amendment affects land at 146-162 Burnley Street (corner of Murphy Street), Richmond.

The amendment proposes to rezone the land from Light Industrial to a Mixed Use Zone to permit the use and development of a mixed use development proposal comprising a fourteen (14) storey apartment building, courtyard apartments and townhouses and 322 square metres of commercial floor space with associated parking and landscaping at 146-162 Burnley Street, Richmond.

The amendment can be inspected at the City of Yarra, Richmond Town Hall, 333 Bridge Road, Richmond; City of Yarra, Collingwood Town Hall, 140 Hoddle Street, Collingwood and Department of Infrastructure, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne.

Submissions about the amendment must be sent to The Chief Executive Officer, City of Yarra, P.O. Box 168, Richmond, Victoria 3121, by 1 December 1997.

PRUE DIGBY  
Chief Executive Officer

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

Notice of Amendment to a Planning Scheme  
Amendment L51

The City of Yarra has prepared Amendment L51 to the Yarra Planning Scheme.

The amendment affects land at 88 Wellington Street, Collingwood (formerly Yorkshire Brewery).

The amendment proposes to rezone the land from General Industrial to a Mixed Use Zone to permit the use and development of a mixed development proposal comprising sixty-nine (69) residential units, 1100 square metres of commercial floor space and a 100 square metre delicatessen with associated parking and landscaping at the former Yorkshire Brewery site, 88 Wellington Street, Collingwood.

The amendment can be inspected at the City of Yarra, Richmond Town Hall, 333 Bridge Road, Richmond; City of Yarra, Collingwood Town Hall, 140 Hoddle Street, Collingwood and Department of Infrastructure, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne.

Submissions about the amendment must be sent to The Chief Executive Officer, City of Yarra, P.O. Box 168, Richmond, Victoria 3121, by 1 December 1997.

PRUE DIGBY  
Chief Executive Officer

**Planning and Environment Act 1987  
Planning and Environment (Planning  
Schemes) Act 1996**

**YARRA PLANNING SCHEME  
Notice of Preparation of a Planning Scheme**

The Yarra City Council has prepared a new Yarra Planning Scheme. The Planning Scheme affects all the municipal district of the Yarra City Council.

The Planning Scheme introduces a new Yarra Planning Scheme as required by the **Planning and Environment (Planning Schemes) Act 1996**, including a new format containing selected State standard provisions from the Victoria Planning Provisions, a Municipal Strategic Statement, state and local policy frameworks, standardised zones, overlays, particular provisions relating to use and development, and a number of administrative provisions and definitions.

The new Planning Scheme also incorporates a number of documents specified in the Planning Scheme, and contains new maps applying standardised zones and overlays to land within the area covered by the Scheme.

The Yarra Planning Scheme including incorporated documents and maps, can be inspected from 30 October 1997, until 30 January 1998, between 8.30 a.m. and 5.00 p.m. at Ground Floor, Richmond Town Hall, 333 Bridge Road, Richmond; Collingwood Town Hall, 140 Hoddle Street, Abbotsford; Department of Infrastructure Bookshop, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the Richmond, Fitzroy, North Fitzroy and North Carlton libraries during library hours.

Submissions about the Yarra Planning Scheme must be sent to Chief Executive Officer, Yarra City Council, P.O. Box 168, Richmond 3121, by 30 January 1998.

A submission may include a request that a State standard provision be included in or deleted from the Planning Scheme, but cannot request a change to the terms of any State standard provision.

PRUE DIGBY  
Chief Executive Officer

**Planning and Environment Act 1987  
Planning and Environment (Planning  
Schemes) Act 1996**

**HUME PLANNING SCHEME  
Notice of Preparation of Planning Scheme**

The Hume City Council has prepared a new Hume Planning Scheme.

The Planning Scheme affects all of the area of the municipal district of the City of Hume.

The Planning Scheme introduces a new Hume Planning Scheme as required by the **Planning and Environment (Planning Schemes) Act 1996**, including a new format containing selected State standard provisions from the Victoria Planning Provisions, a municipal strategic statement, state and local policy frameworks, standardised zones, overlays, particular provisions relating to use and development, and a number of administrative provisions and definitions.

The new Hume Planning Scheme also incorporates a number of documents specified in the Planning Scheme, and contains new maps applying the standardised zones and overlays to land within the area covered by the Scheme.

The new Hume Planning Scheme, including incorporated documents and maps, can be inspected during office hours at Hume City Council, Sunbury Office, 36 Macedon Street, Sunbury 3429; Hume City Council, Craigieburn Office, 59 Craigieburn Road West, Craigieburn 3064; Hume City Council, Broadmeadows Office, 1079 Pascoe Vale Road, Broadmeadows 3047; Department of Infrastructure, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne 3000 and at local libraries within Hume.

Submissions about the new Planning Scheme must be sent to Hume City Council, P.O. Box 119, Broadmeadows 3047, by close of business Friday, 23 January 1998. A submission may include a request that a State standard provision be included in or deleted from the Planning Scheme, but cannot request a change to the terms of any State standard provision.

WAYNE HARVEY  
Acting Chief Executive Officer

**Planning and Environment Act 1987  
Planning and Environment (Planning  
Schemes) Act 1996**

**FRENCH ISLAND AND SANDSTONE  
ISLAND PLANNING SCHEME  
Notice of Preparation of Planning Scheme**

The Minister for Planning and Local Government, the Hon. Robert Maclellan has prepared a new French Island and Sandstone Island Planning Scheme. The Planning

Scheme affects the whole of the unincorporated territories of French Island and Sandstone Island.

The Planning Scheme introduces a new French Island and Sandstone Island Planning Scheme as allowed under Section 21 (1) of the **Planning and Environment (Planning Schemes) Act 1996**. The new format Planning Scheme contains selected State standard provisions from the Victoria Planning Provisions, a local planning policy framework, standardised zones, overlays, particular provisions relating to use and development and a number of administrative provisions and definitions. The new Planning Scheme also contains new maps applying the standardised zones and overlays to land within the area covered by the Scheme.

The Planning Scheme, including the maps, can be inspected at the French Island General Store/Post Office, Tankerton Road, French Island, during its hours of operation and at the Department of Infrastructure during office hours at the Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne 3000.

Submissions about the Planning Scheme must be sent to Mr Wolfgang Haala, Department of Infrastructure, South East Metropolitan Region, Private Bag 4, Mount Waverley, Victoria 3149, by 31 December 1997. A submission may include a request that a State standard provision be included in or deleted from the Planning Scheme, but cannot request a change to the terms of any State standard provision.

ROBERT MACLELLAN  
Minister for Planning and Local Government

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 A.C.N. 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 5 January 1998, 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.

Evans, Freida Sally Marie, late of Rowena Private Nursing Home, 599 Upper Heidelberg Road, Heidelberg Heights, widow, who died 19 May 1997.

Frawley, Leanne Mary, late of 1 Robertson Street, Preston, unemployed, who died 9 August 1997.

Howe, Alan, late of Queen Elizabeth Geriatric Centre, 102 Ascot Street, Ballarat, pensioner, who died 8 September 1997.

Mann, Robert Keith, late of 7 Huon Grove, Ashburton, bookseller, who died 1 March 1997.

Matthews, Kathleen May, late of 7 James Street, Surrey Hills, home duties, who died 5 August 1997.

Parker, Beverley Frances, late of 13 Eastview Crescent, Bentleigh East, pensioner, who died 18 September 1997.

Phillips, Lillias Enid, late of Surrey Hills Private Nursing Home, 16 Florence Road, Surrey Hills, pensioner, who died 15 April 1997.

Philpot, Irene May, late of 214 Station Street, Edithvale, pensioner, who died 8 August 1997.

Scott, Vernon Wilmot, late of 13 Warwick Hill Drive, Point Lonsdale, retired, who died 31 August 1997.

Smith, Alice Patricia, late of 27 Churchill Avenue, Maidstone, retired, who died 7 February 1997.

Smith, Eileen Coleford, late of "Yarralumla", 22/144 Toorak Road West, South Yarra, home duties, who died 1 September 1997.

Telford, Gerald Henry, late of 2/35 Briggs Street, South Caulfield, retired, who died 21 August 1997.

Toth, Istvan, also known as Stephen Toth, late of 51 McIntyre Street, Burwood, retired, gentleman, who died 24 September 1995.

Wheeler, Lillian Alberta, late of 28 Marshall Street, Rye, pensioner, who died 28 August 1997.

Dated at Melbourne 27 October 1997.

CATHY VANDERFEEN  
Manager, Estate Management  
State Trustees Limited

Creditors, next of kin and others having claims against these following estates:

Efron, Denise, late of Caulfield Hospital, 294 Kooyong Road, Caulfield, pensioner, deceased intestate, who died 27 August 1997.

Elliot, Kingsley, late of Jenmar Private Nursing Home, 2 Chilcote Avenue, Malvern, gentleman, deceased, who died 11 September 1997.

Haddock, Maureen, late of Dawnville Private Nursing Home, 1 Amaroo Court, Diamond Creek, retired, deceased intestate, who died 1 September 1997.

Passingham, Victor, late of "Salisbury House", Salisbury Road, Upper Beaconsfield, pensioner, deceased intestate, who died 27 January 1997.

Sketcher, Reginald Matthew, late of Begonia Private Nursing Home, 215 Richards Street, Ballarat East, French polisher, pensioner, deceased intestate, who died 8 August 1997.

are required pursuant to Section 33 of the **Trustee Act 1958** to send particulars of their claims against the abovementioned estates to State Trustees Limited, 168 Exhibition Street, Melbourne, Victoria, on or before 5 January 1998, after which date State Trustees Limited A.C.N. 064 593 148 may convey or distribute the assets of the abovementioned estates having regard only to the claims of which it then has notice.

EXEMPTION  
Application No. 81 of 1997

The Anti-Discrimination Tribunal (constituted by the President pursuant to Section 83 (5) (a) (ii) of the **Equal Opportunity Act 1995**) has considered an application pursuant to Section 83 of that Act by Yarra Community Housing Group Ltd to enable the applicant to—

- (a) Provide accommodation for adults only at the properties listed in Schedule 1 of this exemption, being properties managed by the Group on behalf of the Victorian Office of Housing.
- (b) Provide women only accommodation at four of those properties listed in Schedule 2 of this exemption.
- (c) Provide accommodation for men aged 40 years and over at one of those properties listed in Schedule 3 of this exemption.

Upon reading the material tendered in support of this and on hearing Mr Skiotis for the Applicant the Tribunal is satisfied that it is

appropriate to grant an exemption from Sections 42, 49, 50, 100 and 195 of the Act to enable the applicant to—

- (a) Provide accommodation for adults only at the properties listed in Schedule 1 of this exemption, being properties managed by the Group on behalf of the Victorian Office of Housing.
- (b) Provide women only accommodation at four of those properties listed in Schedule 2 of this exemption.
- (c) Provide accommodation for men aged 40 years and over at one of those properties listed in Schedule 3 of this exemption.

In accordance with its reasons for decision dated 22 October 1997, the Tribunal grants an exemption from the operation of Sections 42, 49, 50, 100 and 195 of the **Equal Opportunity Act 1995** to enable the applicant to—

- (a) Provide accommodation for adults only at the properties listed in Schedule 1 of this exemption, being properties managed by the Group on behalf of the Victorian Office of Housing.
- (b) Provide women only accommodation at four of those properties listed in Schedule 2 of the exemption.
- (c) Provide accommodation for men aged 40 years and over at one of those properties listed in Schedule 3 of this exemption.

SCHEDULE 1

Properties providing accommodation for adults only:

7A Alfred Crescent, North Fitzroy;  
119 McKean Street, North Fitzroy;  
29-31 John Street, Clifton Hill;  
403 Johnston Street, Abbotsford;  
1 Derby Street, Collingwood;  
34 Nicholson Street, Fitzroy;  
38 Nicholson Street, Fitzroy;  
40 Nicholson Street, Fitzroy;  
42 Nicholson Street, Fitzroy;  
38 Gertrude Street, Fitzroy;

40 Gertrude Street, Fitzroy;  
44 Gertrude Street, Fitzroy;  
64 Gertrude Street, Fitzroy;  
8 Napier Street, Fitzroy;  
64 Napier Street, Fitzroy;  
68 Napier Street, Fitzroy;  
357 Church Street, Richmond;  
113 Hoddle Street, Richmond;  
171 Hoddle Street, Richmond;  
183 Hoddle Street, Richmond; and  
295 Punt Road, Richmond.

SCHEDULE 2

Properties providing accommodation for women only:

1 Derby Street, Collingwood;  
38 Nicholson Street, Fitzroy;  
64 Napier Street, Fitzroy; and  
68 Napier Street, Fitzroy.

SCHEDULE 3

Properties providing accommodation for men aged 40 years and over only:

40 Nicholson Street, Fitzroy.

This exemption is to remain in force until 29 October 2000.

CATE McKENZIE  
President

EXEMPTION  
Application No. 88 of 1997

The Anti-Discrimination Tribunal constituted by the President pursuant to Section 83 (5) (a) (ii) of the **Equal Opportunity Act 1995** ("the Act") has considered an application pursuant to Section 83 of the Act by Bretrow Pty Ltd trading as Value Over 40. The application for exemption is to enable the applicant to advertise for and provide a recruitment service and employ people over 40 years of age.

Upon reading the material tendered in support of this application the Tribunal is satisfied that it is appropriate to grant an exemption from Sections 13, 42, 100 and 195 of the Act to enable the applicant to advertise for and provide a recruitment service and employ people over 40 years of age.

In granting this exemption the Tribunal noted:

- The applicant is a licensed recruitment agency, set up for people in the over 40 years of age bracket as a result of this age group increasingly suffering in the job marketplace.
- In the last seven to nine years people in the over 40 years of age group are known to experience difficulties in:
  1. Holding employment at times of group redundancies. Many redundancy packages seem to be offered to the older workers.
  2. Regaining employment after becoming redundant.
  3. Changing employment (even within their individual or particular area of expertise).
  4. Changing work categories within their own employer company.
  5. Returning to the workforce after a period of voluntary non employment.
  6. Retaining a significant representation in the workforce.
- Population statistics indicate the workforce is getting older and there is already a great pool of unexpired older talent facing the prospect of forced unemployment or forced early retirement.
- The whole objective of "Value Over 40" is to redress the hidden discrimination which appears to exist toward people who are over 40 years of age, especially with regard to employment.
- The applicant has an exemption in New South Wales which allows it to refuse to provide its service to people under 40 years of age and to enable employers to recruit people over 40 years of age through "Value Over 40" Personnel Consultants.

The Tribunal grants an exemption from the operation of Sections 42, 100 and 195 of the **Equal Opportunity Act 1995**, to enable the applicant to advertise for and provide a recruitment service and employ people over 40 years of age, this exemption to remain in force until 29 October 2000.

CATE McKENZIE  
President

Department of Treasury and Finance  
LEASE OF CROWN LAND BY PUBLIC  
TENDER

Tenders close Wednesday, 19 November  
1997, at 2.00 p.m.

**Property Address:** Under Westgate  
Freeway, off Meaden Street.

**Crown Description:** Allotment 47B,  
Section 57C, Parish of Melbourne South, City  
of South Melbourne.

**Area:** 2929 square metres.

**Reference:** CP 117263A.

**Terms of Lease:** Commercial and  
Industrial Purposes for a lease term of 21  
years.

**Co-ordinating Officer:** Peter Hunt,  
Victorian Government Property Group,  
Department of Treasury and Finance,  
Melbourne.

**Leasing Agent:** Kathy Butler, Geo. M.  
Hume Commercial Pty Ltd, Collins Street,  
Melbourne 3000, telephone (03) 9654 3388.

ROGER M. HALLAM  
Minister for Finance

Department of Treasury and Finance  
SALE OF CROWN LAND BY PUBLIC  
AUCTION

**Auction Date:** Friday 12 December, 1997,  
from 1.00 p.m. on site.

**Lot 1:**

**Property Address:** Swanston Street,  
Terang.

**Crown Description:** Allotment 1C,  
Section 37, Township of Terang.

**Area:** 7114 m<sup>2</sup>.

**Reference:** 0510907.

**Lot 2:**

**Property Address:** Black Street, Terang.

**Crown Description:** Allotment 1A,  
Section 37, Township of Terang.

**Area:** 3228 m<sup>2</sup>.

**Reference:** 0512117.

**Lot 3:**

**Property Address:** Black Street, Terang.

**Crown Description:** Allotment 1B,  
Section 37, Township of Terang.

**Area:** 7119 m<sup>2</sup>.

**Reference:** 0513614.

**Terms of Sale:** 10% deposit—balance 60  
days.

**Co-ordinating Officer:** Graeme Barnes,  
Sales Officer, Department of Natural  
Resources and Environment, Ballarat.

**Selling Agent:** Daryl O'Donohue, James  
H. Monk Pty Ltd, 128 Manifold Street,  
Camperdown, telephone (03) 5593 1188.

ROGER M. HALLAM  
Minister for Finance

Department of Treasury and Finance  
SALE OF CROWN LAND BY PUBLIC  
AUCTION

**Auction Date:** Saturday, 13 December  
1997, at 11.00 a.m. on site.

**Property Address:** Back Cudgewa Road,  
Cudgewa.

**Crown Description:** Allotment 6J, Section  
11, Parish of Cudgewa.

**Area:** 1.497 hectares.

**Reference:** P202593.

**Terms of Sale:** 10% deposit—balance 60  
days.

**Co-ordinating Officer:** Geoff Allen, Land  
Sales Officer, Department of Natural  
Resources and Environment, Wodonga,  
telephone (02) 6055 6136.

**Selling Agent:** VP Town & Country Real  
Estate Pty Ltd, P.O. Box 799, Albury 2640,  
telephone (02) 6021 6788.

ROGER M. HALLAM  
Minister for Finance

Department of Treasury and Finance  
SALE OF CROWN LAND BY PUBLIC  
AUCTION

**Auction Date:** Saturday, 13 December  
1997 at 11.00 a.m. on site.

**Property Address:** Careys Road,  
Smythesdale.

**Crown Description:** Allotment 8A,  
Section 12, Parish of Scarsdale.

**Area:** 14.32 hectares.

**Reference:** 0509112.



**Terms of Sale:** 10% deposit, balance 60 days.

**Co-ordinating Officer:** Graeme Barnes, Sales Officer, Department of Natural Resources and Environment, Ballarat.

**Selling Agent:** Bruce Bartrop, Bartrop Real Estate, 50-54 Lydiard Street South, Ballarat, telephone (03) 5331 1011.

ROGER M. HALLAM  
Minister for Finance

**Subordinate Legislation Act 1994**  
**NOTICE OF PREPARATION OF**  
**REGULATORY IMPACT STATEMENT**  
**Prevention of Cruelty to Animals Regulations**  
**1997**

Notice is given under Section 11 of the **Subordinate Legislation Act 1994** that a Regulatory Impact Statement (R.I.S.) has been prepared in relation to the proposed Prevention of Cruelty to Animals Regulations 1997.

The objectives to be achieved by the proposed Regulations are—

- (a) to prescribe standards for the protection of animals in certain circumstances;
- (b) to prescribe conditions for permits to conduct rodeos and operate rodeo schools;
- (c) to prescribe conditions for licences and standards for scientific procedures and breeding carried out by scientific and breeding establishments;
- (d) to prescribe forms, fees and other matters authorised by the **Prevention of Cruelty to Animals Act 1986**.

The reason for the proposed Regulations is to replace the Prevention of Cruelty to Animals Regulations 1986 which are due to sunset on 23 December 1997 so as to implement the purposes of the **Prevention of Cruelty to Animals Act 1986** of ensuring that animals are not mistreated or misused by prescribing standards or conditions for the protection of animals in certain circumstances.

The R.I.S. examines one alternative to the proposed Prevention of Cruelty to Animals Regulations 1997 which is that of there being no prescribed standards or conditions.

The R.I.S. clearly demonstrates that the proposed Regulations are the most effective means of meeting the stated objectives.

Copies of the R.I.S. and the proposed Regulations may be obtained from the Information Centre, Department of Natural Resources and Environment, Ground Floor, 8 Nicholson Street, East Melbourne 3002, telephone 9637 8080, between 8.30 a.m. and 5.30 p.m. or at <http://www.nre.vic.gov.au/ris/>.

Public comments or submissions on the proposed Regulations and R.I.S. are invited. All comments or submissions must be in writing and must be received at the Bureau of Animal Welfare (Attention Mr Bob Maver), Department of Natural Resources and Environment, Level 5, 240 Victoria Parade, East Melbourne 3002, or at [ris.pctar1@nre.vic.gov.au](mailto:ris.pctar1@nre.vic.gov.au) by no later than 4.00 p.m. on Thursday, 27 November 1997.

All submissions will be treated as public documents.

PATRICK McNAMARA  
Minister for Agriculture and Resources

**Country Fire Authority Act 1958**  
**DECLARATION OF FIRE DANGER**  
**PERIOD**

In pursuance of the powers conferred by Section 4 of the **Country Fire Authority Act 1958**, I, Leonard Raymond Foster, Chairman of the Country Fire Authority, after consultation with the Secretary of Natural Resources and Environment, hereby declare the following periods to be the Fire Danger Period in the municipal districts of the municipalities or parts of municipalities specified, commencing on the dates shown and, unless varied by subsequent declaration, ending at 0100 hours on Friday, 1 May 1998.

To commence from 0100 hours on Monday, 3 November 1997:

Mitchell Shire Council;

Murrindindi Shire Council;

City of Greater Bendigo (Part) That part east of the Campaspe River.

L. FOSTER  
Chairman

**Marine Act 1988**

**NOTICE NO. 12 AMENDING NOTICE NO. 1 MADE UNDER SECTION 15 (2)**

Notice is hereby given of the following amendments to Notice No. 1 made under Section 15 (2) of the **Marine Act 1988** and published in the Government Gazette G19 on 20 May 1993.

These amendments were made by the Marine Board of Victoria on 27 October 1997, on the recommendation of Commander A. R. Johnson, a member of the police force, under Section 15 (2) of the **Marine Act 1988**, and any other enabling powers.

Amendments to Notice No.1

Amendments to Index of Schedules

1. In Notice No. 1, in the Index to Schedules after Clause 25 of Notice No. 1—  
After "Rubicon Hydro Electric Scheme Waters" insert "Sambell—Lake 149".

Amendments to Schedules

2. Amendments to Schedule 53 (Little Lake Boort)

For Schedule 53 to Notice No. 1 substitute—

"SCHEDULE 53  
WATERS—LITTLE LAKE BOORT  
Local Authority—Loddon Shire Council

1. Areas prohibited to vessels for the purposes of Clause 9.

The following waters of Little Lake Boort are prohibited to vessels:

Commencing at the waters edge approximately 30 metres east of the boat ramp adjacent to the water ski club, thence easterly for approximately 20 metres to a red buoy and then northerly to a the waters edge and as marked by signs on the foreshore."

3. Amendments to Schedule 90 (Lake Eildon and Lake Eildon Pondage)

In Schedule 90 after item 5 (b) insert item 5 (c)—

"(c) within 60 metres of the main embankment at the outlet tower, in a line from the outlet tower to Point Dethridge as marked by red and yellow buoys."

4. Amendment to Schedule 107 (the port of Snowy River)

For Schedule 107 substitute—

"SCHEDULE 107  
WATERS—THE PORT OF SNOWY RIVER

Local Authority—Gippsland Ports Committee of Management Inc.

1. Excluded speed limit for the purposes of Clause 4 (a).

Those waters within the Port of Snowy River that are not otherwise specified as a 5 knot speed restriction zone or a 10 knot speed restriction zone are not subject to the requirements of Clause 4 (a) of this Notice.

2. 10 Knot speed restriction zone for the purposes of Clause 7.

The waters of the Port of Snowy River upstream from a line extending from a speed limit notice on the southern shore just east of the entrance to The Slips, to a similar notice on the northern shore west of the Marlo Jetty and adjacent to the public toilet block are subject to a speed limit of 10 knots.

3. 5 Knot speed restriction zones for the purposes of Clause 7.

(a) The waters of the Port of Snowy River that are known as The Slips from a speed limit notice situated on the eastern point of the entrance to such waters are subject to a speed limit of 5 knots.

(b) All the waters of the Brodribb River that are upstream from an imaginary line joining two speed limit notices near the mouth of the river, to the Marlo Road Bridge.

4. Areas prohibited to vessels for the purposes of Clause 9.

(a) The waters bounded by a line commencing at a "No Boating" sign situated on the foreshore 25 metres west of the Foreshore Road roundabout to a red "No Boating" buoy 20 metres to seaward, thence by a line extending approximately 50 metres east to a red "No Boating" buoy, thence by a line extending in a northerly direction to a "No Boating" sign on the foreshore are prohibited to vessels.

(b) The waters bounded by a line commencing at a "No Boating" sign situated on the foreshore 25 metres west of the pedestrian pathway at Sampsons Lookout to a red "No Boating" buoy 20 metres to seaward, thence by a line extending approximately 50 metres east to a red "No Boating" buoy, thence by a line extending in a northerly direction to a "No Boating" sign on the foreshore are prohibited to vessels.

5. Revocation of amending Notice.

Unless the Gippsland Ports Committee of Management Inc. recommends the continuation of this rule the portion of this notice making Schedule 107 is revoked 12 months after the date of publication in the Government Gazette."

5. Amendments to Schedule 128 (Beaufort Park Lake)

In Schedule 128—

1. In Item 3 delete Sub-item (a) and substitute—

"(a) 1st December to 30th April on Saturdays, Sundays and public holidays between 10.00 a.m. and sunset;"

2. Delete Item 5.

6. Amendments to Schedule 147 (Nhill Lake)

For Schedule 147 substitute—

"SCHEDULE 147  
WATERS—NHILL LAKE

Local Authority—Nhill Lake Committee of Management Inc.

1. Access lane for the purposes of Clause 5.

The waters of Nhill Lake described below are an access lane—

An area between two lines extending off-shore 30, the eastern boundary being five metres west of the boat ramp extending westwards to the eastern boundary of the area prohibited to vessels under Item 2 of this Schedule.

2. Area prohibited to vessels for the purposes of Clause 9.

The waters of Nhill Lake adjacent to Clarence Street and Campbell Street and delineated by red posts on the shore and red buoys in the water are prohibited to vessels.

3. Direction of travel for the purposes of Clause 14.

Vessels must proceed in a clockwise direction in relation to the approximate centre of Nhill Lake."

7. Amendments to Schedule 148 (Bass Strait, Lady Bay, Warrnambool)

In Schedule 148 delete Item 2.

8. In Notice No. 1 insert new Schedule 149

"SCHEDULE 149  
WATERS—LAKE SAMBELL  
Local Authority—Indigo Shire Council

1. 5 knot speed restriction zone for the purposes of Clause 7.  
The whole of the waters of Lake Sambell are subject to a speed restriction of 5 knots.
2. Revocation of amending Notice.  
Unless the Indigo Shire Council recommends the continuation of this rule the portion of this notice making Schedule 149 is revoked 12 months after the date of publication in the Government Gazette."

Dated 27 October 1997

ALEX SHAW  
Director, Marine Services  
Marine Board of Victoria

**Transport Act 1983**  
**TOW TRUCK DIRECTORATE OF**  
**VICTORIA**  
Tow Truck Applications

Notice is hereby given that the following applications will be considered by the Licensing Authority after 3 December 1997.

Notice of any objection to the granting of an application should be forwarded to reach the Director, Tow Truck Directorate of Victoria, 560 Lygon Street, Carlton (P.O. Box 160, Carlton South 3053), not later than 27 November 1997.

It will not be necessary for interested parties to appear on the date specified, unless advised in writing.

All Smash Nominees Pty Ltd, Abbotsford. Application for variation of conditions of tow truck licence number TOW611 which authorise the licensed vehicle to be managed, controlled and operated from a depot situated at 341 Johnston Street, Abbotsford, to change the depot address to 2-4 St Georges Road, North Fitzroy.

This licence is under consideration for transfer to Varapodio Nominees Pty Ltd.

Dated 30 October 1997

JOHN R. CONNELL  
Director

**Transport Act 1983**  
**VICTORIAN TAXI DIRECTORATE**  
Department of Infrastructure  
Commercial Passenger Vehicle Applications

Notice is hereby given that the following applications will be considered by the Victorian Taxi Directorate, a division of the Department of Infrastructure after 3 December 1997.

Notice of any objection to the granting of an application should be forwarded to reach the Manager, Licensing and Certification, Victorian Taxi Directorate, 598 Lygon Street, Carlton (P.O. Box 666, Carlton South 3053), not later than 27 November 1997.

Copies of objections are forwarded to the applicants.

It will not be necessary for interested parties to appear on the date specified, unless advised in writing by the Department.

G. Cassar, Altona Meadows. Application for variation of conditions of licence SV1182 which authorises the licensed vehicle to operate in respect of a 1975 or later model Jaguar sedan with seating capacity for 4 passengers which operates for the carriage of passengers for wedding parties to change the above conditions and instead to operate as follows:

- (a) to include the ability to operate for the carriage of passengers for social events and;
- (b) to change the vehicle to a 1985 or later model Ford Ltd or Cadillac stretched limousine with seating capacity for 8 or fewer passengers; and
- (c) the licensed vehicle shall not operate for the carriage of passengers to or from Melbourne Airport, Tullamarine.

A. L. Fry. Application to license two commercial passenger vehicles in respect of a 1970 and 1971 Daimler sedan one vehicle to be purchased each with seating capacity for 5

passengers to operate a service from 17 Scott Street, Belmont, for the carriage of passengers for wedding parties and debutante balls.

S. Harrison. Application to license one commercial passenger vehicle in respect of a 1960 AEC Double Decker bus with seating capacity for 35 passengers to operate a service from Falks Lane, Lakes Entrance for the carriage of passengers.

B. F. Hickey and S. W. Olsen. Application for variation of conditions of licence number SV1400 which authorises the licensed vehicle to operate the following conditions:

- (i) a 1983 Austin London Taxi with seating capacity for 5 passengers;
- (ii) operate for weddings, promotions and on a day tour to places of interest within a 5 km radius of the Williamstown Post Office.

to amend and include the following:

- (i) a 1970 Austin London Taxi with seating capacity for 5 passengers;
- (ii) weddings, promotions, debutante balls, special occasions and on a day tour to places of interest throughout the State of Victoria.

G. R. Jacobson. Application to license two commercial passenger vehicles in respect of 1957 and 1958 Ford sedans each with seating capacity for 5 passengers to operate a service from 5 Beryl Court, Rye, for the carriage of passengers to wedding parties.

N. Kirk. Application to license one commercial passenger vehicle in respect of a 1957 Chevrolet sedan with seating capacity for 5 passengers to operate a service from 34A Garnet Street, Preston, for the carriage of passengers for wedding parties, debutante balls, school formals tours and joy rides throughout the State of Victoria.

A. G. Mayne, Bright. Application to license one commercial passenger in respect of a 1994 or later model Toyota coaster bus with seating capacity for 20 passengers or a 1990 Hino Rainbow with seating capacity for 17 passengers to operate a service from 60 Coronation Avenue, Bright, for the carriage of passengers on various day tours to recognised tourist places of interest within a 120 km radius of the Bright Post Office.

*Note:* Passengers on various day tours will be picked up/set down from within a 120 km radius of the Bright Post Office.

D. G. McKinall, Black Rock. Applications for variation of conditions of licences SV1497, SV1496, SV832, SV575, SV1283 and SV665 which authorises the licensed vehicles to operate for the carriage of Japanese tourists on day tours where an English/Japanese tour guide is an integral feature of the hiring.

to change the condition and instead to operate:

for the carriage of passengers for tourist activities throughout the State of Victoria.

St Mary of the Angels Secondary College, Nathalia. Application for variation of conditions of licences TSP2554, TSP2391, TSP2390, TSP2540 and TSP2438 which authorises the licensed vehicles to operate a school service for the carriage of school children attending St Mary of the Angels Secondary College excepting duly authorised teachers between Katamatite and Nathalia to delete the above conditions and to include the ability to operate as follows:

- (a) The vehicle so licensed may operate as a commercial passenger vehicle up to 61 seats for the carriage of school children attending St Mary of the Angels Secondary College to the exclusion of all other passengers excepting duly authorised teachers/supervisors inclusive in the area bounded by a line drawn east-west from Youanmite to the Murray Valley Highway, the Murray Valley Highway north of the Victoria/New South Wales border and Chapel road/Pye Road, (Katamatite) from Victoria/New South Wales border to Youanmite; and
- (b) operate for the carriage of school children attending St Mary of the Angels Secondary College on excursions or other school related functions, both within and outside regular school hours; and
- (c) Transport parents/friends/teachers/supervisors of school children attending St Mary of the Angels Secondary College, Nathalia, to support fund raising activities of the School's Parents and Friends Association.

Dated 30 October 1997

ROBERT STONEHAM  
Manager—Licensing and Certification  
Victorian Taxi Directorate

**Transport Act 1983**  
**ROAD DECLARATIONS AND DEDICATIONS**

The Roads Corporation pursuant to the **Transport Act 1983**, upon publication of this notice declares, or varies the declaration of, the roads as described below and on the plans attached, and further declares that such roads are fit to be used as a public highway and are now absolutely dedicated to the public for use as public highways within the meaning of any law now or hereafter in force.

**FREEWAY**

88/97 Western Ring Road in the City of Brimbank shown cross hatched on plan numbered GP 19098.

**STATE HIGHWAY**

89/97 Princes Highway in the City of Port Phillip shown hatched on plan numbered GP 49—SH.

90/97 Princes Highway and Nepean Highway in the City of Port Phillip shown hatched and cross hatched on plan numbered GP 50—SH.

**MAIN ROAD**

91/97 St Kilda Road in the City of Port Phillip shown hatched on plan numbered GP 170—MR.

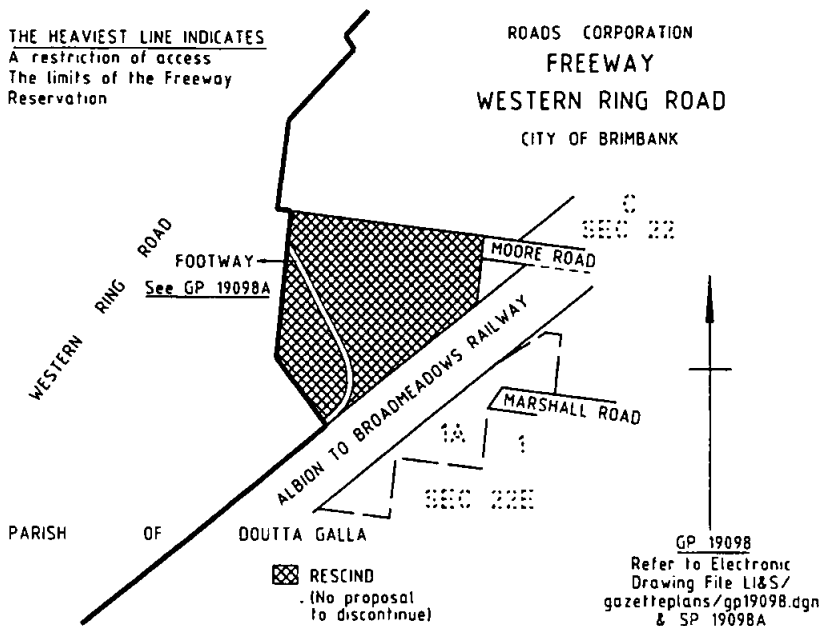
**ROAD**

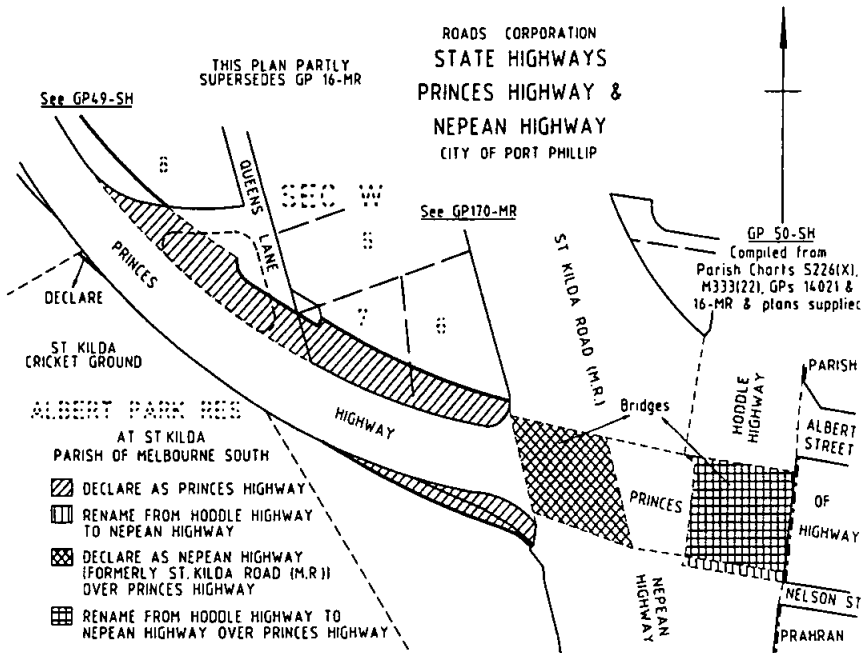
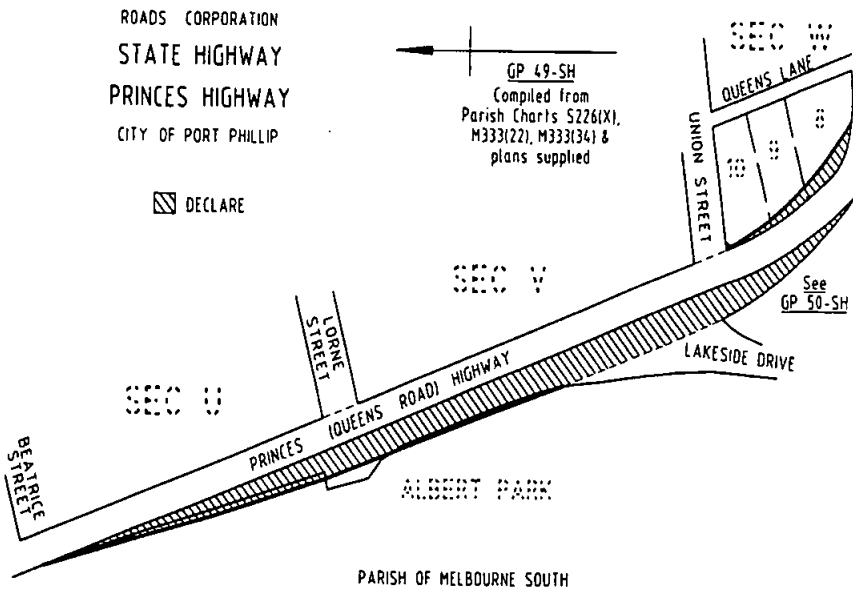
92/97 Rizzi Street in the Shire of Baw Baw shown hatched on plan numbered GP 18714.

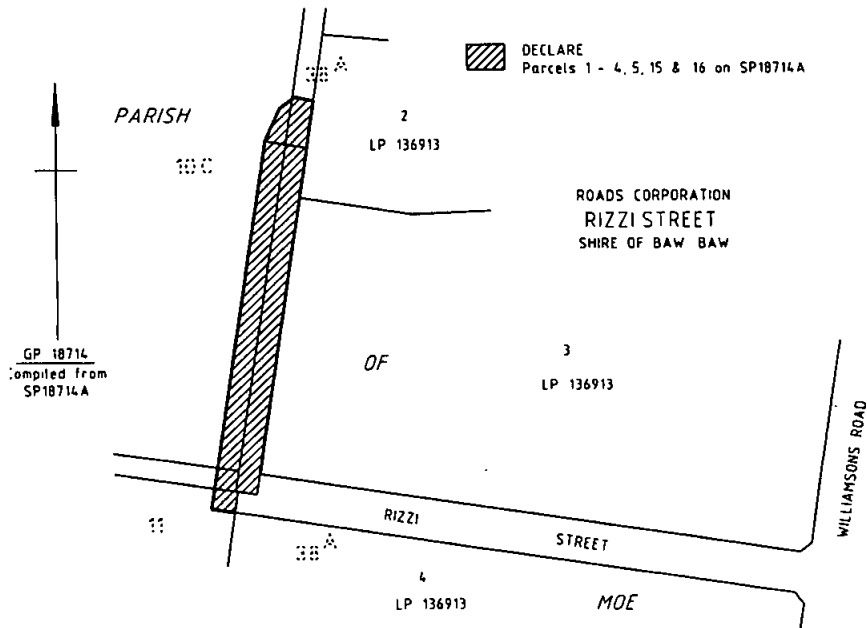
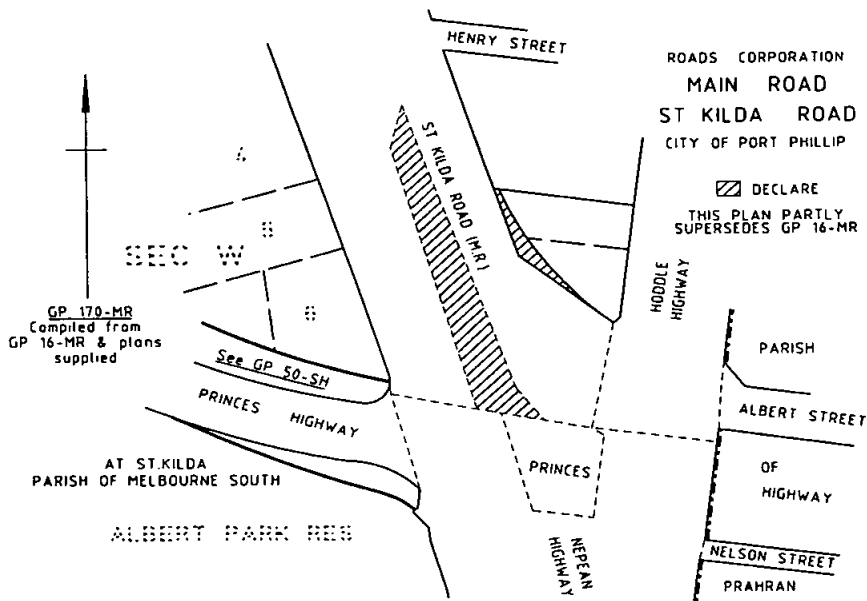
**FOOTWAY**

93/97 Footway in the City of Brimbank shown cross hatched on plan numbered GP 19098A.

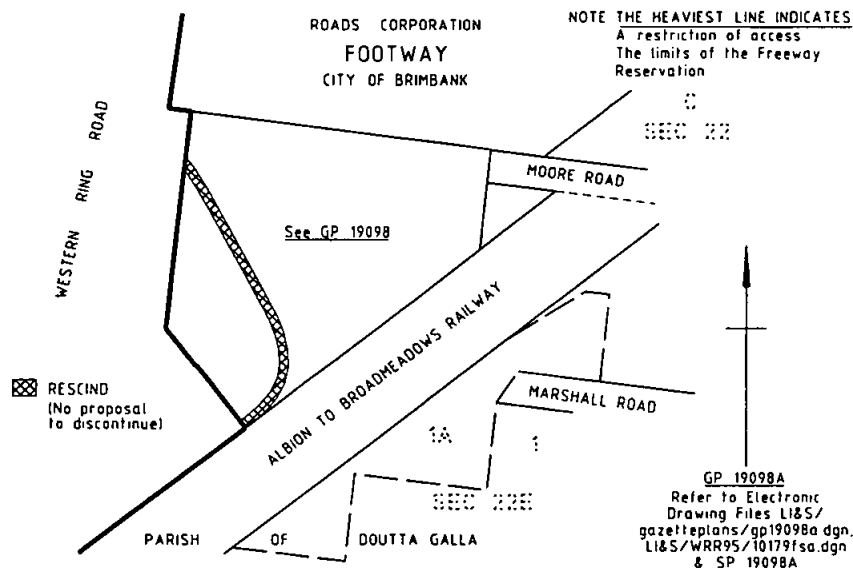
NOTE THE HEAVIEST LINE INDICATES  
 A restriction of access  
 The limits of the Freeway  
 Reservation











Dated 21 October 1997

COLIN JORDAN  
Chief Executive  
Roads Corporation

**Transport Act 1983**  
**ROAD DECLARATIONS AND DEDICATIONS**

The Roads Corporation pursuant to the **Transport Act 1983**, upon publication of this notice declares, or varies the declaration of, the roads as described below and on the plans attached, and further declares that such roads are fit to be used as a public highway and are now absolutely dedicated to the public for use as public highways within the meaning of any law now or hereafter in force.

**STATE HIGHWAY**

94/97 Bellarine Highway in the City of Greater Geelong depicted by a heavy solid line and a heavy broken line on plan numbered GP 53—SH.

**MAIN ROAD**

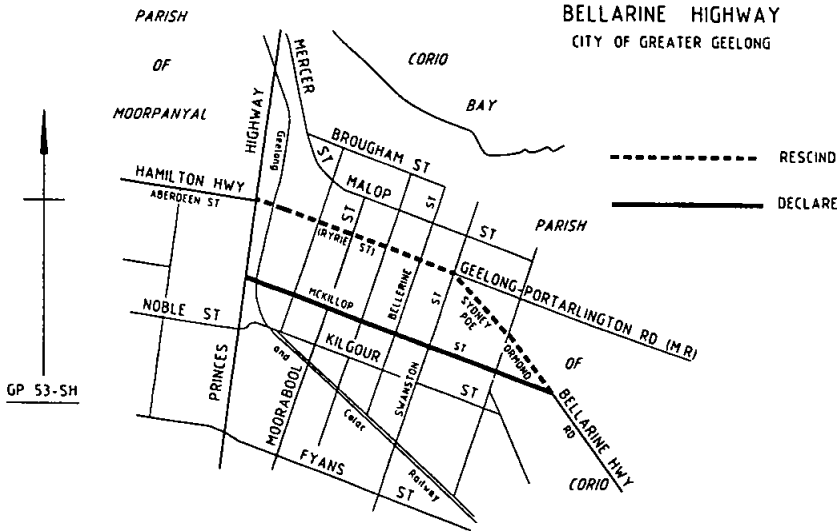
95/97 Barwon Heads Road in the City of Greater Geelong depicted by a heavy solid line on plan numbered GP 171—MR.

96/97 Corio Street, Roslyn Road, Moorabool Street, High Street and Roberts Road in the City of Greater Geelong depicted by heavy solid lines on plan numbered GP 172—MR.

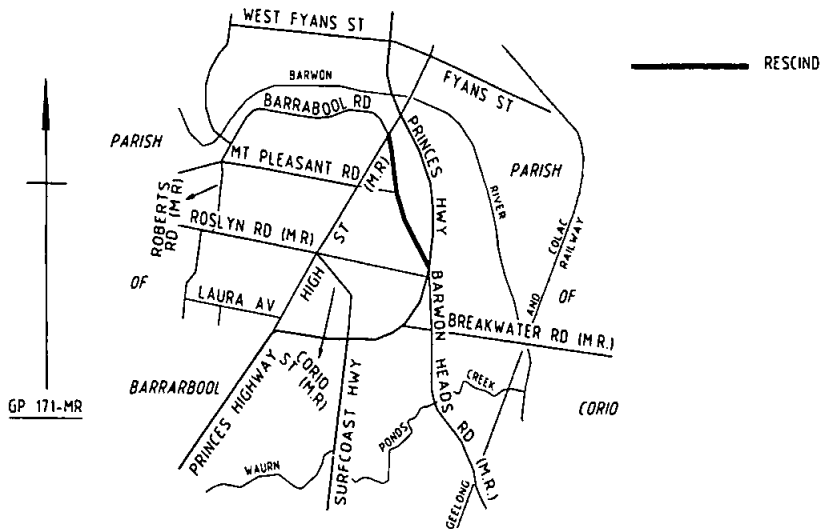
97/97 Newtown—Whittington Road and Geelong—Port Arlington Road in the City of Greater Geelong depicted by heavy solid lines on plan numbered GP 173—MR.

98/97 Station Street and St Georges Road in the City of Greater Geelong depicted by heavy solid lines on plan numbered GP 174—MR.

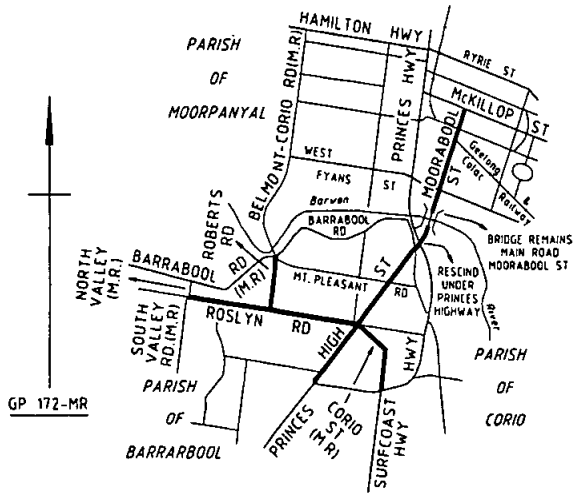
ROADS CORPORATION  
STATE HIGHWAY  
BELLARINE HIGHWAY  
CITY OF GREATER GEELONG



ROADS CORPORATION  
MAIN ROAD  
BARWON HEADS ROAD  
CITY OF GREATER GEELONG



ROADS CORPORATION  
 MAIN ROADS  
 CORIO STREET  
 ROSLYN ROAD  
 MOORABOOL STREET  
 HIGH STREET  
 ROBERTS ROAD  
 CITY OF GREATER GEELONG

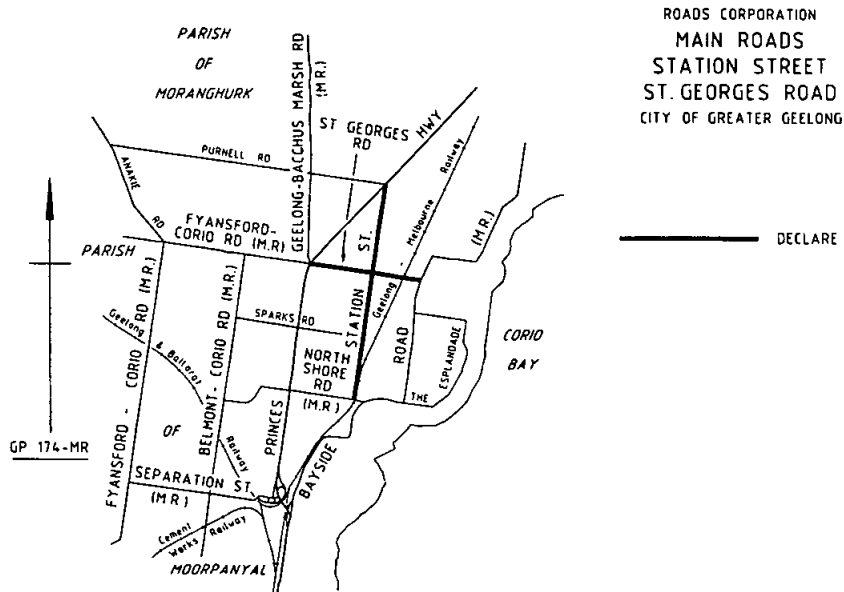


REScind

ROADS CORPORATION  
 MAIN ROADS  
 NEWTOWN - WHITTINGTON ROAD  
 GEELONG - PORTARLINGTON ROAD  
 CITY OF GREATER GEELONG



DECLARE



Dated 23 October 1997

COLIN JORDAN  
Chief Executive  
Roads Corporation

**Public Holidays Act 1993**  
**GLENELG SHIRE COUNCIL**  
Half-Day Public Holiday  
Friday, 15 May 1998

Pursuant to Section 7 (1) (b) of the **Public Holidays Act 1993** Glenelg Shire Council has declared Casterton Cup Day from 12 noon on Friday, 15 May 1998, as a half-day Public Holiday throughout the Casterton township area.

The Casterton township area is defined as the area bounded by Springbank Road, Glenelg Highway to Penola Road, due north to Corndale Road, easterly via that road to Casterton-Naracoorte Road, due east to Bartagunyah Road, southerly via that road to Glenelg Highway, Portland-Casterton Road, Saleyards Road to Enscoe Road, due south to the Glenelg River and due west to Bahgallah Road, northerly via that road to Springbank Road.

DANIEL J. HALSTEAD  
Chief Executive Officer

**Associations Incorporation Act 1981**

Notice is hereby given that in pursuance of Sub-section 10 (4) of the **Associations Incorporation Act 1981** a Certificate of Incorporation was granted to Crossways International on 22 October 1997.

O. PAUL  
Deputy Registrar of Incorporated Associations

**Co-operatives Act 1996**

- HIGHVALE PRIMARY SCHOOL  
CO-OPERATIVE LIMITED
- IRYMPLE COMMUNITY CO-OPERATIVE  
SOCIETY LIMITED
- KILMORE PRIMARY SCHOOL  
CO-OPERATIVE LTD
- WARRANTYTE HIGH SCHOOL  
CO-OPERATIVE LIMITED

Notice is hereby given in pursuance of Section 316 (1) of the **Co-operatives Act 1996** and Section 572 (2) of the **Corporations Act 1989** that, at the expiration of three

months from the date hereof, the names of the  
aforementioned societies will, unless cause is  
shown to the contrary, be struck off the  
register and the societies will be dissolved.

Dated at Melbourne 24 October 1997

PAUL HOPKINS  
Deputy Registrar of Co-operatives

**Forests Act 1958**  
No. 6254  
**DECLARATION OF PROHIBITED  
PERIODS**

In pursuance of the powers conferred by  
Section 3, Subsection (2) of the **Forests Act**  
**1958**, I, Gary Morgan, delegated officer for  
Her Majesty's Minister for Conservation and  
Land Management in the State of Victoria,  
hereby declare the Prohibited Period in respect  
to the fire protected areas (other than State  
Forest, National Park and Protected Public  
Land) within the municipalities nominated for  
the period specified in the schedules  
hereunder:

**SCHEDULE 1**

The Prohibited Period shall commence at  
0100 hours on Monday, 3 November 1997,  
and end at 0100 hours on Wednesday, 1 May  
1998 (unless varied) in the following  
municipalities:

Delatite Shire Council;  
Mitchell Shire Council;  
Whittlesea City Council;  
Murrindindi Shire Council; and  
Strathbogie Shire Council.

GARY MORGAN  
Chief Fire Officer  
Department of Natural Resources and  
Environment  
Delegated Officer, pursuant to Section 11  
**Conservation Forests and Lands Act 1987**

**Domestic (Feral and Nuisance) Animals Act**  
**1994**

**NOTICE OF PROPOSAL TO MAKE A  
CODE OF PRACTICE TO SPECIFY  
STANDARDS FOR THE CONDUCT OF A  
DOMESTIC ANIMAL BUSINESS**

I, Patrick McNamara, Minister for  
Agriculture and Resources, give notice under  
Section 60 of the **Domestic (Feral and**

**Nuisance) Animals Act 1994** of a proposal to  
make the following Code of Practice prepared  
under Section 59 of that Act.

\*Code of Practice for the Management of  
Dogs and Cats in Shelters and Pounds.

A copy of the draft Code of Practice may be  
obtained from the Information Centre,  
Department of Natural Resources and  
Environment, Ground Floor, 8 Nicholson  
Street, East Melbourne 3002, telephone 9637  
8080, between 8.30 a.m. and 5.30 p.m., or on  
the D.N.R.E. website at  
<http://www.nre.vic.gov.au/ris/>.

Submissions on the Code are invited to be  
made to the Minister for Agriculture and  
Resources and must be received within 28  
days (27 November 1997) of the date of  
publication of this notice at either of the  
following addresses: P.O. Box 500, East  
Melbourne, Victoria 3002, or on the D.N.R.E.  
website at [code.pndshl@nre.vic.gov.au](mailto:code.pndshl@nre.vic.gov.au).

All submissions will be treated as public  
documents.

PATRICK McNAMARA  
Minister for Agriculture and Resources

**Planning and Environment Act 1987**  
**GREATER BENDIGO PLANNING  
SCHEME**

**Notice of Approval of Amendment  
Amendment L63**

The Minister for Planning and Local  
Government has approved Amendment L63 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 CA 3A, Section 4B  
and CA 4C, No Section, Township and Parish  
of Heathcote, Pink Cliffs Road, Heathcote,  
from Residential 1 Zone to Business 4 Zone.

A copy of the amendment can be inspected  
free of charge during office hours at the  
Department of Infrastructure, Customer  
Service Centre, Level 3 Plaza, Nauru House,  
80 Collins Street, Melbourne and at the offices  
of the Greater Bendigo City Council, Lyttleton  
Terrace, Bendigo.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**KNOX PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L142

The Minister for Planning and Local Government has approved Amendment L142 to the Knox Planning Scheme.

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

The amendment rezones land at 724 Burwood Highway, Ferntree Gully, from Knox Light Industrial Zone to a Business 3 Zone. The amendment also inserts a control that specifies the minimum leasable floor area for restricted retail premises other than Equestrian Supplies, Lighting Shop and Party Supplies on the site, is 500 square metres.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Knox City Council, 511 Burwood Highway, Wantirna South.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**KINGSTON PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L29

The Minister for Planning and Local Government has approved Amendment L29 to the Kingston Planning Scheme.

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

The amendment inserts a site specific control into the Cheltenham Residential Zone to allow a permit to be granted for the development and use of land at 1231 Nepean Highway, Highett, for a Medical Centre.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House,

80 Collins Street, Melbourne and at the offices of the Kingston City Council, 999 Nepean Highway, Moorabbin.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**MELBOURNE PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L285

The Minister for Planning and Local Government has approved Amendment L285 to the Melbourne Planning Scheme.

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

The amendment corrects an error in the previously approved Amendment L238 to the Melbourne Planning Scheme by inserting the correct number of the incorporated document which sets out the specified development and use conditions for land at 224-234 The Avenue, Parkville.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Melbourne City Council, Council House, Level 6, 200 Little Collins Street, Melbourne 3000.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**MELTON PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L85

The Minister for Planning and Local Government has approved Amendment L85 to the Melton Planning Scheme.

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

The amendment rezones approximately 7.7 hectares of land at Lot 1, PS 300617K, Ferris Road, Melton, from Special Extractive A Zone to Industrial 1 Zone.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Melton Shire Council, 232 High Street, Melton.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

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**Planning and Environment Act 1987**  
ALL METROPOLITAN REGION  
PLANNING SCHEMES  
MELBOURNE PLANNING SCHEME  
YARRA PLANNING SCHEME  
Notice of Approval of Amendment  
Amendment RL180

The Minister for Planning and Local Government has approved Amendment RL180 to the Regional Section of all Metropolitan Planning Schemes and to the Local Section of the Melbourne and Yarra Planning Schemes.

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

The amendment applies to land to be developed under the Exhibition Street Extension Project which forms part of the Melbourne City Link area and will be shown on the relevant Planning Scheme maps as the Melbourne City Link Project area overlay (C.L.P.). The land affected by the amendment is controlled by the Melbourne City Link Authority.

The amendment inserts the definition and provisions for the Exhibition Street Extension Project into Clause 26 of the Regional Section of All Metropolitan Planning Schemes and inserts the C.L.P. overlay into the Local Section of the Melbourne and Yarra Planning Schemes where it is relevant to the Exhibition Street Extension Project area. Under the provisions of Clause 26-1, a permit will not be required to use or develop land if the use or development is part of the Exhibition Street Extension Project, and other provisions of the Planning Scheme will not apply to the Project.

The Exhibition Street Extension Project is governed by the **Melbourne City Link (Further Amendment) Act 1997**. The

Exhibition Street Extension Project Area mirrors the project area established under that Act.

The purpose of the amendment is to facilitate the efficient construction, operation and maintenance of the Exhibition Street Extension Project. Other uses or development not part of the Project are subject to the normal requirements of the affected Planning Schemes.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne, at the offices of the Melbourne City Council, City Development, 6th Floor, Council House, 200 Little Collins Street, Melbourne; the City of Yarra, 333 Bridge Road, Richmond and at the offices of all metropolitan Councils.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

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**Planning and Environment Act 1987**  
PORT PHILLIP PLANNING SCHEME  
Notice of Approval of Amendment  
Amendment L47

The Minister for Planning and Local Government has approved Amendment L47 to the Port Phillip Planning Scheme.

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

The amendment inserts site specific control 133A-7C and replaces Clause 144-5C to the Local Section of the Port Phillip Planning Scheme for land at 16-18 Albert Road, South Melbourne. The amendment enables the construction of one additional floor to the existing building and facilitates the use and development of the additional floor for residential purposes without the need for a planning permit, provided that the use and development is in accordance with the Incorporated Document entitled 16-18 Albert Road, South Melbourne, dated May 1997.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House,

80 Collins Street, Melbourne and at the South Melbourne Town Hall offices of the Port Phillip City Council, Bank Street, South Melbourne.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

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**Planning and Environment Act 1987**  
**WHITEHORSE PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L15

The Minister for Planning and Local Government has approved Amendment L15 to the Whitehorse Planning Scheme.

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

The amendment proposes to rezone land at 251-255 Burwood Highway, 257 Burwood Highway and 259-265 Burwood Highway, Burwood, from a Residential C Zone to a Restricted Business Zone.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Whitehorse City Council, 379-397 Whitehorse Road, Nunawading.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

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**Planning and Environment Act 1987**  
**COBURG PLANNING SCHEME**  
Notice of Lapsing of Amendment  
Amendment L40

Pursuant to Section 30 (1) (a) of the **Planning and Environment Act 1987**, Amendment L40 to the Coburg Planning Scheme has lapsed.

The amendment proposed to rezone 125-131 Sussex Street, Coburg, from General Industrial to a Residential C Zone.

The amendment lapsed on 20 January 1997.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

**Planning and Environment Act 1987**  
**FITZROY PLANNING SCHEME**  
Notice of Lapsing of Amendment  
Amendment L39

Pursuant to Section 30 (1) (a) of the **Planning and Environment Act 1987**, Amendment L39 to the Fitzroy Planning Scheme has lapsed.

The amendment proposed to rezone the land bounded by Johnston, Gore, Argyle and George Streets from General Industry to Service Business Zone.

The amendment lapsed on 19 May 1997.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure

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**CORRIGENDUM**  
**Planning and Environment Act 1987**  
**CORANGAMITE PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L9

In Government Gazette G38, dated 25 September 1997, Page 2702, in the third paragraph, the word "4A" shall be deleted and the words "and part of Crown Allotments 3A and 3B" shall be deleted.

ADRIAN SALMON  
Co-ordinator, Amendment Services  
Local Government, Planning and  
Market Information Services Division  
Department of Infrastructure



**ORDERS IN COUNCIL**

**Environment Protection Act 1970  
DECLARATION OF THE CREATION OF A  
REGIONAL WASTE MANAGEMENT  
GROUP**

The Governor in Council acting under Section 50F(2) of the **Environment Protection Act 1970** declares the creation of the following regional waste management group:

GRAMPIANS REGIONAL WASTE MANAGEMENT GROUP consisting of the following members:

- Northern Grampians Shire Council
- Ararat Rural City Council
- Yarriambiack Shire Council
- Horsham Rural City Council

The constitution of the Grampians Regional Waste Management Group will take effect on the date of publication of this order.

The group is to be governed in accordance with Division 2A of the **Environment Protection Act 1970** and the constitution of the Group.

Dated 28 October 1997

Responsible Minister:  
MARIE TEHAN  
Minister for Conservation and  
Land Management

SHARNE BRYAN  
Clerk of the Executive Council

**Land Act 1958  
APPROVAL BY THE GOVERNOR IN  
COUNCIL TO THE SALE OF CROWN  
LAND BY PRIVATE TREATY**

The Governor in Council, pursuant to Section 99A (1) (a) of the **Land Act 1958**, approves the sale by private treaty of Crown Allotment 12A, Section 8, Township of Bunyip, located on the corner of Anderson and A'Beckett Roads, Bunyip.

Dated 28 October 1997

Responsible Minister:  
ROGER M. HALLAM  
Minister for Finance

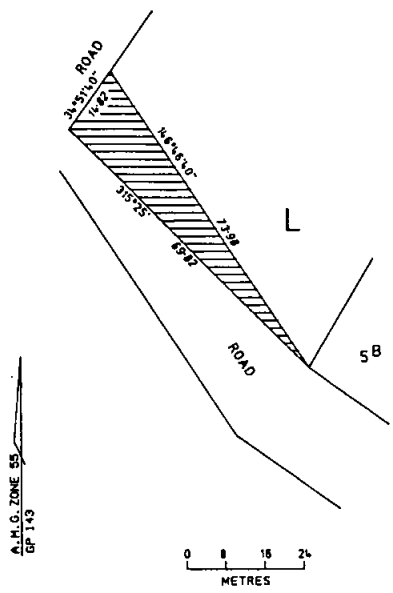
SHARNE BRYAN  
Clerk of the Executive Council

**Land Act 1958  
UNUSED ROAD CLOSED**

The Governor in Council under Section 349 of the **Land Act 1958** and with the consent in writing of the municipality concerned closes the following unused road:

MUNICIPAL DISTRICT OF THE ALPINE  
SHIRE COUNCIL

HARRIETVILLE—The road in the Township of Harrietville, Parish of Harrietville as indicated by hatching on plan hereunder—(H125[6]) (P200224).



This Order is effective from the date on which it is published in the Victoria Government Gazette.

Dated 28 October 1997

Responsible Minister:  
MARIE TEHAN  
Minister for Conservation and  
Land Management

SHARNE BRYAN  
Clerk of the Executive Council

**Land Act 1958  
UNUSED ROADS CLOSED**

The Governor in Council under Section 349 of the **Land Act 1958** and with the consents in writing of the municipalities concerned and the adjoining owners closes the following unused roads:

**MUNICIPAL DISTRICT OF THE  
DELATITE SHIRE COUNCIL**

**BORODOMANIN**—The road in the Parish of Borodomanin shown as Crown Allotment 13A1, Section C, on Certified Plan No. 118015 lodged in the Central Plan Office—(L7-5197).

**MUNICIPAL DISTRICT OF THE  
HEPBURN SHIRE COUNCIL**

**WOMBAT**—The road in the Parish of Wombat shown as Crown Allotment 7A, Section B on Certified Plan No. 118230 lodged in the Central Plan Office—(05/12340).

This Order is effective from the date on which it is published in the Victoria Government Gazette.

Dated 28 October 1997

Responsible Minister:

**MARIE TEHAN**  
Minister for Conservation and  
Land Management

**SHARNE BRYAN**  
Clerk of the Executive Council

**Crown Land (Reserves) Act 1978  
NOTICE OF INTENTION**

The Governor in Council under Section 10 of the **Crown Land (Reserves) Act 1978** gives notice of intention to revoke the following temporary reservations to the extent indicated hereunder:

**BROOMFIELD**—The whole of the site set aside for Primitive Methodist Church Purposes in the Township of Broomfield, Parish of Creswick (area 2023 square metres) and approved on 30 May 1856—(05/8507).

**BUNGAL**—The whole of the temporary reservation by Order in Council of 14 October 1980 of an area of 2.7 hectares, more or less, of land being Crown Allotment 32E, Section 5, Parish of Bungal as a site for the Supply of Stone—(Rs 11438).

**DAYLESFORD**—The whole of the temporary reservation by Order in Council of 16 September 1895 of an area of 488 square

metres of land in Section 28, Township of Daylesford, Parish of Wombat (formerly part of Section 28, municipal district of Daylesford) as a site for Drainage Purposes—(L1-4083).

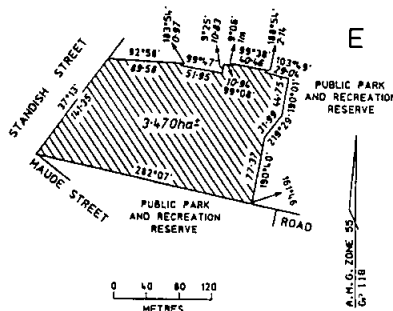
**DOWLING FOREST**—The temporary reservation by Order in Council of 13 October 1873 of an area of 123.267 hectares of land in the Parish of Dowling Forest as a site for a Police Paddock, revoked as to part by Order in Council of 8 November 1960, so far as the balance remaining containing 4047 square metres—(C 69969).

**DRIK DRIK**—The whole of the temporary reservation by Order in Council of 1 February 1869 of an area of 8094 square metres of land in Section 5, Parish of Drik Drik (formerly part of Allotment 2, Section 5) as a site for Common School Purposes—(Rs 6975).

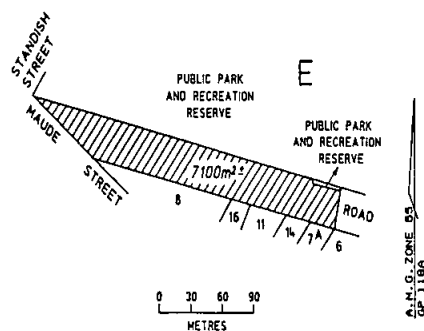
**HUNTLY**—The whole of the temporary reservation by Order in Council of 28 January 1896 of an area of 2.189 hectares of land being Crown Allotment 18A, Section 18, Parish of Huntly as a site for Watering Purposes—(06/17057).

**MORRL MORRL**—The temporary reservation by Order in Council of 3 December 1901 of an area of 6070 square metres of land in Section 1, Parish of Morrl Morrl (formerly part of Crown Allotment 65 of Section 1) as a site for a State School—(Rs 35193).

**MYRTLEFORD**—The temporary reservation by Order in Council of 10 July 1933 of an area of 5.059 hectares, more or less, of land in Section E, Township of Myrtleford, Parish of Myrtleford as a site for Public Park and Recreation, so far only as the portion containing 3.470 hectares, more or less, as indicated by hatching on plan hereunder—(M294[4]) (Rs 4305).



**MYRTLEFORD**—The temporary reservation by Order in Council of 4 July 1950 of an area of 8094 square metres, more or less, of land in Section E, Township of Myrtleford, Parish of Myrtleford as a site for Public Park and Recreation, in addition to and adjoining the site temporarily reserved therefor by Order in Council of 10 July 1933 so far only as the portion containing 7100 square metres, more or less, as indicated by hatching on plan hereunder—(M294[4]) (Rs 4305).



**PORT CAMPBELL**—The whole of the temporary reservation by Order in Council of 19 December 1967 of an area of 911 square metres of land in Section 6, Township of Port Campbell, Parish of Paaratte as a site for Public Purposes (National Parks Authority Purposes)—(Rs 8915).

**WANGARATTA**—The whole of the temporary reservation by Order in Council of 3 March 1915 of an area of 893 square metres of land in Section 31, Township of Wangaratta (formerly part of Allotment 3, Section 31, Borough of Wangaratta) as a site for Water Supply Purposes—(C62970).

**WIRMBIRCHIP**—The whole of the temporary reservation by Order in Council of 8 February 1886 of an area of 16.187 hectares of land in the Parish of Wirmbirchip as a site for Watering Purposes—(Rs 13164).

**WORMBETE**—The whole of the temporary reservation by Order in Council of 9 June 1965 of an area of 5.666 hectares, more or less of land in the Parish of Wormbete as a site for Public Purposes (Supply of Gravel)—(Rs 8454).

This Order is effective from the date on which it is published in the Victoria Government Gazette.

Dated 28 October 1997

Responsible Minister:  
MARIE TEHAN  
Minister for Conservation and  
Land Management

SHARNE BRYAN  
Clerk of the Executive Council

**Crown Land (Reserves) Act 1978**  
**NOTICE OF INTENTION**

The Governor in Council under Section 10 of the **Crown Land (Reserves) Act 1978** gives notice of intention to revoke the following temporary reservations:

**KIATA**—The temporary reservation by Order in Council of 29 May 1956 of an area of 1.214 hectares, more or less, of land in the Township of Kiata, Parish of Kiata as a site for a Rubbish Depot—(Rs 7436).

**WARMUR**—The temporary reservation by Order in Council of 31 March 1885 of an area of 80.94 hectares of land in the Parish of Warmur (formerly Allotment 78) as a site for Conservation of Water, revoked as to part by Order in Council of 16 October 1890, so far as the balance remaining containing 30.35 hectares—(Rs 6132).

This Order is effective from the date on which it is published in the Victoria Government Gazette.

Dated 28 October 1997

Responsible Minister:  
MARIE TEHAN  
Minister for Conservation and  
Land Management

SHARNE BRYAN  
Clerk of the Executive Council

**Crown Land (Reserves) Act 1978**  
**REVOCATION OF TEMPORARY**  
**RESERVATIONS**

The Governor in Council under Section 10 of the **Crown Land (Reserves) Act 1978** revokes the following temporary reservations:

**ARARAT**—The temporary reservations by Order in Council of 20 March 1888 of an area of 72 hectares of land in the Parish of Ararat as a site for an Asylum for the Insane, in

addition to the site temporarily reserved therefor by Order in Council of 18 July 1864, by Order in Council of 24 June 1930 of 2.35 hectares of land in the Parish of Ararat as a site for an Asylum for the Insane, in addition to and adjoining the site temporarily reserved therefor by Order in Council of 20 March 1888 and by Order in Council of 2 April 1936 of 52.6 hectares of land in the Parish of Ararat (in two separate parts), as a site for Mental Hospital Purposes, all revoked as to part by Order in Council of 3 May 1988, so far as the balances remaining—(Rs 4026).

BENDIGO—The temporary reservation by Order in Council of 14 September 1976 of an area of 576 square metres of land being Crown Allotment 469C, Section A, at Bendigo, Parish of Sandhurst as a site for Public (Soil Conservation Authority Purposes)—(Rs 10191).

This Order is effective from the date on which it is published in the Victoria Government Gazette.

Dated 28 October 1997

Responsible Minister:

MARIE TEHAN

Minister for Conservation and  
Land Management

SHARNE BRYAN  
Clerk of the Executive Council

**Crown Land (Reserves) Act 1978**  
**REVOCAION OF TEMPORARY**  
**RESERVATIONS**

The Governor in Council under Section 10 of the **Crown Land (Reserves) Act 1978** revokes the following temporary reservations to the extent indicated hereunder:

BALLARAT—The whole of the temporary reservation by Order in Council of 28 August 1979 of an area of 7.283 hectares of land being Crown Allotment 2, Section R, Parish of Ballarat as a site for Public Recreation—(Rs 10619).

BENDIGO—The whole of the temporary reservation by Order in Council of 3 June 1980 of an area of 2318 square metres of land being Crown Allotment 9L, Section P, at Bendigo, Parish of Sandhurst as a site for the Purposes of the Department of Crown Lands and Survey—(Rs 11196).

BENDIGO—The whole of the temporary reservation by Order in Council of 16 July 1985 of an area of 3999 square metres of land being Crown Allotments 9J and 9K, Section P, at Bendigo, Parish of Sandhurst as a site for the Purposes of the Department of Conservation, Forests and Lands—(Rs 11196).

CORIO—The whole of the temporary reservation by Order in Council of 15 June 1983 of an area of 722 square metres of land being Crown Allotment 24A, Parish of Corio as a site for Health Commission Purposes—(Rs 12195).

CUT PAW PAW—The temporary reservation by Order in Council of 18 July 1919 of an area of 21.08 hectares of land in Section 11, Parish of Cut Paw Paw (in two separate portions), as a site for Railway Purposes, revoked as to part by Order in Council of 17 October 1995, so far only as the portions containing 2.144 hectares shown as Crown Allotments P and Q, Section 11, Parish of Cut Paw Paw on Certified Plan No. 116654 lodged in the Central Plan Office—(Rs 6075).

DUNEED—The whole of the temporary reservation by Order in Council of 3 July 1866 of an area of 8094 square metres of land in Section 27, Parish of Duneed (formerly part of Crown Allotment 27A), as a site for Pound Purposes (in lieu of the site temporarily reserved for those purposes at Duneed by Order in Council of 12 February 1866, now cancelled)—(Rs 33004).

GISBORNE—The whole of the temporary reservation by Order in Council of 28 January 1892 of an area of 1.012 hectares of land in Section O, Parish of Gisborne as a site for a Quarry and for Camping Purposes—(P141810).

HADDON—The whole of the temporary reservation by Order in Council of 8 May 1893 of an area of 24.281 hectares of land in Section 5, Parish of Haddon (formerly part of Crown Allotment 6) as a site for Watering Purposes and Public Recreation—(Rs 195).

MARYBOROUGH—The temporary reservation by Order in Council of 9 May 1892 of an area of 3248 square metres of land in Section 19A, Township of Maryborough, Parish of Maryborough (formerly municipal district of Maryborough) as a site for Drainage Purposes, so far only as the portion containing

110 square metres shown as Crown Allotment 4A, Section 19A, Township of Maryborough, Parish of Maryborough, on Certified Plan No. 118186 lodged in the Central Plan Office—(06/15877).

the Parish of Paraparap shown as Crown Allotment 64C on Certified Plan No. 117751 and Crown Allotment 64D on Certified Plan No. 117752, both lodged in the Central Plan Office—(Rs 9082).

NEWMERELLA—The temporary reservation by Order in Council of 13 September 1921 of certain lands in the Parishes of Bete Bolong South, Orbost, Orbost East, Newmerella and Waygara as sites for Public Purposes, revoked as to part by Order in Council of 9 August 1927, so far only as the portions containing 1.2806 hectares shown as Crown Allotments 8A and 8B, Parish of Newmerella on Certified Plan No. 117205 lodged in the Central Plan Office—(Rs 2595).

WOODEND—The whole of the temporary reservation by Order in Council of 15 July 1895 of an area of 1.093 hectares of land adjoining Crown Allotment 29, Parish of Woodend as a site for a Quarry—(P142795).

This Order is effective from the date on which it is published in the Victoria Government Gazette.

Dated 28 October 1997

Responsible Minister:  
MARIE TEHAN  
Minister for Conservation and  
Land Management

SHARNE BRYAN  
Clerk of the Executive Council

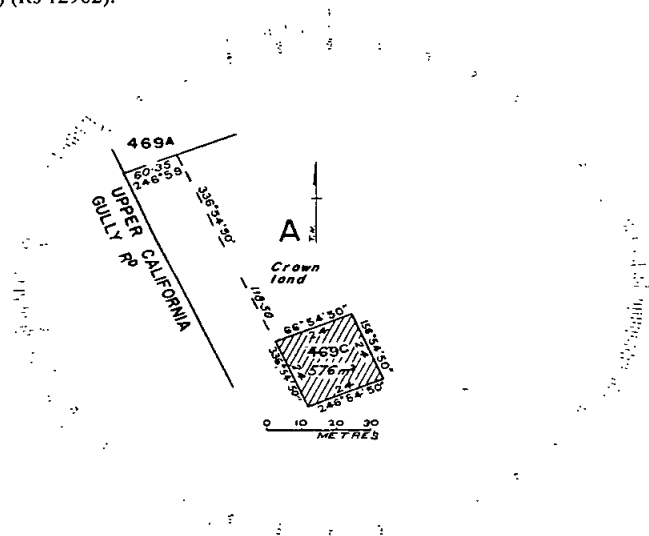
PARAPARAP—The temporary reservation by Order in Council of 4 February 1969 of an area of 16.625 hectares of land in the Parishes of Gherang Gherang, Jan Juc and Paraparap as a site for Water Supply Purposes, so far only as the portions containing 2.935 hectares in

**Crown Land (Reserves) Act 1978**  
**CROWN LAND TEMPORARILY RESERVED**

The Governor in Council under Section 4 of the **Crown Land (Reserves) Act 1978** temporarily reserves the following Crown land for the purpose mentioned:

**MUNICIPAL DISTRICT OF THE GREATER BENDIGO CITY COUNCIL**

BENDIGO—Trigonometrical Survey Station, 576 square metres, being Crown Allotment 469C, Section A, at Bendigo, Parish of Sandhurst as indicated by hatching on plan hereunder—(S372[104]) (Rs 12962).



This Order is effective from the date on which it is published in the Victoria Government Gazette.

Dated 28 October 1997

Responsible Minister:  
MARIE TEHAN  
Minister for Conservation and  
Land Management

SHARNE BRYAN  
Clerk of the Executive Council

**Electricity Industry Act 1993**  
**ORDER UNDER SECTION 163AA (1)**

The Governor in Council acting on the recommendation of the Treasurer under Section 163AA (1) of the **Electricity Industry Act 1993** declares that the amounts payable as an impost by Power Net Victoria, as the holder of a licence (the "Transmission Licence") to transmit electricity issued under Part 12 of the **Electricity Industry Act 1993**, to the Treasurer for payment into the Consolidated Fund under Section 163AA (2) of the **Electricity Industry Act 1993**, are as follows:

- (a) \$37,500,000 in respect of the financial year ending 30 June 1998, payable in arrears in two instalments, being \$25,000,000 on 31 March 1998 and \$12,500,000 payable on 30 June 1998;
- (b) \$50,000,000 in respect of each of the financial years ending 30 June 1999 and 30 June 2000, payable in arrears in four equal instalments on 30 September, 31 December, 31 March and 30 June in each relevant financial year; and
- (c) \$40,000,000 in respect of the 6 months ending on 31 December 2000, payable in arrears in two equal instalments on 30 September 2000 and 31 December 2000.

This Order applies to any person or persons (jointly and severally) to whom the Transmission Licence is transferred or any subsequent holder of the Transmission Licence or any person or persons (jointly and

severally) who acquire all or substantially all the business of Power Net Victoria and who is or are issued with a licence to transmit electricity under Part 12 of the **Electricity Industry Act 1993**.

Dated 28 October 1997

Responsible Minister:  
ALAN R. STOCKDALE  
Treasurer

SHARNE BRYAN  
Clerk of the Executive Council

**Electricity Industry Act 1993**  
**DECLARATION OF AUSTRALIAN**  
**TRANSMISSION CORPORATION PTY**  
**LTD TO BE A TRANSMISSION**  
**COMPANY**

1. The Governor in Council in the exercise of the powers contained in Section 3 (1) of the **Electricity Industry Act 1993** declares that Australian Transmission Corporation Pty Ltd A.C.N. 079 798 173 ("ATC") is a transmission company for the purposes of the **Electricity Industry Act 1993**.

2. This Order takes effect on the day on which ATC becomes the holder of a licence to transmit electricity issued under Part 12 of the **Electricity Industry Act 1993**.

Dated 28 October 1997

Responsible Minister:  
ALAN STOCKDALE  
Treasurer

SHARNE BRYAN  
Clerk of the Executive Council

**Electricity Industry Act 1993**  
**AMENDMENT OF TARIFF ORDER UNDER SECTION 158C (3)**

The Governor in Council under Section 158 C (3) of the **Electricity Industry Act 1993**, on the recommendation of the Treasurer, makes the following order:

1. Amendment of Tariff Order

The Order in Council made under Section 158A of the **Electricity Industry Act 1993** on 20 June 1995, as amended under Section 158A on 8 August 1995 and under Section 158C (2) on 24 June 1997, is amended as set out in the attachment to this Order.

2. Commencement

This Order comes into operation on the date it is published in the Government Gazette.

Dated 28 October 1997

Responsible Minister:  
ALAN R. STOCKDALE  
Treasurer

SHARNE BRYAN  
Clerk of the Executive Council

Substitute the following for the existing Chapter 3 of the Tariff Order.

3. NETWORK CHARGE AND CONNECTION FEES

Clause 3 regulates PowerNet's charges to:  
• VPX under the network agreement; and  
• DBs, Generators and other customers under their connection agreements with PowerNet.  
It also deals with the regulated pass through of certain costs to Franchise Customers.

3.1. Prescribed Services

The revenue cap only applies to Prescribed Services. The Network Services and the Connection Services describe PowerNet's core transmission business, at the levels required as of 3 October 1994.

The Prescribed Services are:

- (a) Network Services (as defined in Part A of Attachment 5) relating to the system existing as at 3 October 1994;
- (b) Connection Services (as defined in Part B of Attachment 5) relating to the connection facilities existing as at 3 October 1994; and
- (c) augmentation, between 3 October 1994 and 30 June 2000, to the system and the connection facilities existing as at 3 October 1994 as specified in Part C of Attachment 5.

but not including those services specified in Part D of Attachment 5.

3.2. Revenue control for Prescribed Services

3.2.1 PowerNet must use all reasonable endeavours to ensure that its revenue in respect of the provision of the Prescribed Services for a Financial Year is less than or equal to the Maximum Allowed Revenue in respect of those services for the Financial Year determined in accordance with clause 3.2.2.

3.2.2 Subject to clause 3.2.4, PowerNet's Maximum Allowed Revenue in respect of the provision of Prescribed Services:

- (a) for a Financial Year "t" after the Financial Year ending 30 June 1995 other than the Financial Years ending on 30 June 2001 or 30 June 2003 is determined at the start of Financial Year "t" in accordance with the following formula:

$$MAR_t = MAC_t \times SMD_t$$

where:

MAR<sub>t</sub> is Maximum Allowed Revenue which is PowerNet's prescribed revenue in respect of Prescribed Services for Financial Year "t";

MAC<sub>t</sub> is the Maximum Average Charge in respect of the Financial Year "t" which may be imposed by PowerNet for the capacity to transmit one kilowatt of electricity at the Summer Maximum Demand in that Financial Year "t" determined in accordance with clause 3.2.5; and

SMD<sub>t</sub> is the Summer Maximum Demand in respect of Financial Year "t", which represents a forecast of summer maximum demand for that Financial Year and must be determined in accordance with the following chart:

Actual summer maximum demand does not influence the calculation of SMD, or MAR.

Due to the fact that prescribed augmentations do not form part of the calculations of SMD beyond 2000, (ie see Part C Attachment 5) amounts for SMD in subsequent years are held constant. The rate of change per annum until 30 June 2000 is consistent with actual past and expected future values. After 31 December 2002, the values of SMD will be reassessed as part of the Regulator's price determination which takes effect from that date.

Financial Year Ending	Summer Maximum Demand (kW)
30 June 1995	6,230,000
30 June 1996	6,410,000
30 June 1997	6,630,000
30 June 1998	6,840,000
30 June 1999	7,040,000
30 June 2000	7,250,000
30 June 2001	7,250,000
30 June 2002	7,250,000
30 June 2003	7,250,000

(b) for the Financial Year "t" ending on 30 June 2001, is determined in accordance with the following formula:

$$MAR_{2001} = (MAC_{Dec/2000} \times SMD_{2001} \times A/C) + (MAC_{Jan/2001} \times SMD_{2001} \times B/C)$$

where:

$MAR_{2001}$  is the Maximum Allowed Revenue applicable for the Financial Year ending 30 June 2001;

$MAC_{Dec/2000}$  is the Maximum Average Charge for the six month period commencing on 1 July 2000 and ending 31 December 2000 and is determined by the following formula:

$$MAC_{Dec/2000} = (CPI_{2001} - 1.79\%) \times MAC_{2000}$$

where:

$CPI_{2001}$  is the CPI for the Financial Year ending on 30 June 2001;

$MAC_{2000}$  is the Maximum Average Charge applicable for the Financial Year ending 30 June 2000;

A is 184, being the number of days between 1 July 2000 and 31 December 2000;

B is 181, being the number of days between 1 January 2001 and 30 June 2001;

C is 365, being the number of days between 1 July 2000 and 30 June 2001;

$MAC_{Jan/2001}$  is the Maximum Average Charge for the six month period commencing on 1 January 2001 and ending on 30 June 2001 and is determined by the following formula:

$$MAC_{Jan/2001} = (CPI_{2001} - 11\%) \times MAC_{Dec/2000}$$



where:

$CPI_{2001}$  is the CPI for the Financial Year ending on 30 June 2001;

$MAC_{Dec2000}$  is the Maximum Average Charge for the six month period commencing on 1 July 2000 and ending on 31 December 2000; and

$SMD_{2001}$  is the value of Summer Maximum Demand for the Financial Year ending 30 June 2001, as specified in clause 3.2.2(a); and

- (c) for the Financial Year "t" ending on 30 June 2003, is determined in accordance with the following formula:

$$MAR_{2003} = (CPI_{2002} - 11\%) \times MAC_{June2001} \times SMD_{2003}$$

where:

$MAR_{2003}$  is the Maximum Allowed Revenue applicable for the Financial Year ending 30 June 2003;

$MAC_{June2001}$  is the Maximum Average Charge for the six month period ending on 30 June 2001 as defined in clause 3.2.2(b);

$CPI_{2002}$  is the CPI for the Financial Year ending 30 June 2002; and

$SMD_{2003}$  is the value of Summer Maximum Demand for the Financial Year ending 30 June 2003, as specified in clause 3.2.2(a).

- 3.2.3 For the Financial Year ending 30 June 1995 the Maximum Average Charge is \$40.30 per kilowatt.

- 3.2.4 If the Regulator makes a determination regulating PowerNet's charges for Prescribed Services that takes effect on a date after 31 December 2002 and other than on 1 July, then PowerNet's prescribed revenue for the Financial Year "t" which ends at the time the determination takes effect is  $MAR_t$  determined for Financial Year "t" in accordance with the formula in clause 3.2.2 multiplied by the following factor:

$$\frac{A_t}{B}$$

where:

$A_t$  is the number of days between the start of Financial Year "t" and the day on which the determination takes effect (both inclusive); and

$B$  is 365.

- 3.2.5 The maximum average charge per kilowatt of electricity for a Financial Year "t" after the Financial Year ending 30 June 1995 is determined prior to the start of Financial Year "t" in accordance with the following formula:

$$MAC_t = (CPI_t - X_{PN}) \times MAC_{t-1}$$

where:

$MAC_t$  is the Maximum Average Charge per kilowatt of electricity for Financial Year "t" which may be imposed by PowerNet for the capacity to transmit one kilowatt of

electricity at the forecast Summer Maximum Demand referred to in clause 3.2.2 in that Financial Year "t";

*CPI<sub>t</sub>* is the CPI for Financial Year "t"

*X<sub>PN</sub>* is the "X" applicable to PowerNet which is, subject to clause 3.2.2(b):

- (a) 0.0179 for each of the Financial Years until and including 31 December 2000; and
- (b) 0.11 for each of the periods:
  - (i) 1 January 2001 to 30 June 2001;
  - (ii) 1 July 2001 to 30 June 2002; and
  - (iii) 1 July 2002 to 31 December 2002.

where the figure of 0.11 reflects an underlying "X" applicable up to and including 31 December 2002 of 0.041; and

*MAC<sub>t</sub>*:

- (a) if Financial Year "t" is the Financial Year ending 30 June 1996, then *MAC<sub>t</sub>* is \$40.30 per kilowatt;
- (b) for any Financial Year subsequent to the Financial Year ending 30 June 1996, except for the Financial Year ending 30 June 2002, *MAC<sub>t</sub>* is the *MAC* for the immediately preceding Financial Year; and
- (c) for the Financial Year ending 30 June 2002, *MAC<sub>t</sub>* is the time-weighted average *MAC* for the Financial Year ending 30 June 2001, determined in accordance with the following formula:

$$MAC_{t} = MAR_{2001} / SMD_{2001}$$

where:

*MAR<sub>2001</sub>* is the Maximum Allowed Revenue applicable for the Financial Year ending 30 June 2001 as determined under clause 3.2.2(b); and

*SMD<sub>2001</sub>* is the value of Summer Maximum Demand for the Financial Year ending 30 June 2001, as specified in clause 3.2.2(a).

### 3.3. Charges for Prescribed Services

3.3.1 PowerNet's charge for Prescribed Services for a customer (who is also a customer as at the date of this Tariff Order) for:

- (a) the Financial Year ending 30 June 1995 is the amount set out opposite the customer's name in the column of the chart set out in Part A of Attachment 6 applicable to that Financial Year; and
- (b) a Financial Year "t" after the Financial Year ending 30 June 1995:
  - (i) must be approved by the Regulator under this clause 3; and

An explanation of the principles underlying the determination of the amounts used to calculate the charges for Prescribed Services as set out in Part A of Attachment 6 is set out in Part B of Attachment 6.

- (ii) must not exceed the amount calculated in accordance with the following formula:

$$ARC_t = BRC_t \times EF_t$$

where:

$ARC_t$  (in \$) is the Actual Revenue Cap which is the amount of the maximum charge for the relevant customer for Financial Year "t";

$BRC_t$  (in \$) is the Base Revenue Cap which is the amount set out opposite the customer's name in the column of the chart set out in Part A of Attachment 6 applicable to Financial Year "t" and where Part A of Attachment 6 does not apply, the Regulator must determine  $BRC_t$  in accordance with clause 3.3.2; and

$EF_t$  is an escalation factor and is determined in accordance with the following formula:

$$EF_t = \frac{PI_t}{CPI_{96}}$$

where:

$PI_t$  is the Consumer Price Index: All Groups Index Number Melbourne published by the Australian Bureau of Statistics for the March Quarter immediately preceding the start of the Financial Year "t"; and

$CPI_{96}$  is the Consumer Price Index: All Groups Index Number Melbourne published by the Australian Bureau of Statistics for the March 1995 Quarter.

- 3.3.2 Provided that there is no net change in the Maximum Allowed Revenue (as defined in clause 3.2.2), in exercising the Regulator's powers in accordance with clauses 3.3.1(b)(ii) or 3.3.4(a), the Regulator must have regard to, and must provide pricing signals which have the objective of, ensuring that there is:

- (a) efficient use of PowerNet's assets; and
- (b) efficient investment upstream and downstream of PowerNet's assets.

- 3.3.3 PowerNet must provide to:

- (a) the Regulator, a statement of all its charges for Prescribed Services; and
- (b) each of its customers, a statement of PowerNet's charges for Prescribed Services to be provided to that customer.

for

- (c) each of the six month periods commencing 1 July and 1 January in respect of each of the Financial Years ending on 30 June 2001 and 30 June 2003, respectively, (unless the Regulator otherwise determines); and

- (d) the twelve month periods in every other Financial Year after the Financial Year ending 30 June 1996,

within 10 Business Days of the publication of the Consumer Price Index: All Groups Index Number Melbourne for the March Quarter immediately preceding the start of the relevant Financial Year, except that for the periods which end on 31 December 2002 and 31 December 2003. PowerNet must provide the statements referred to in paragraphs (a) and (b) within 10 Business Days of the publication of the Consumer Price Index: All Groups Index Number Melbourne for the September quarter immediately preceding the start of the relevant period.

- 3.3.4 The Regulator must approve PowerNet's proposed charges for Prescribed Services for a customer for a Financial Year unless, in the Regulator's opinion, the charges:
- (a) are not consistent with the principles for calculation of PowerNet's charges for Prescribed Services as specified in Part B of Attachment 6 and where Part A of Attachment 6 does not apply, the Regulator must determine BRC, in accordance with clause 3.3.2; or
  - (b) would result in PowerNet not complying with the requirements of this clause 3.
- 3.3.5 If the Regulator does not approve PowerNet's proposed charges for Prescribed Services for a Financial Year by written notice to PowerNet within 10 Business Days of receiving a notice from PowerNet under clause 3.3.3(a), then the Regulator-General is deemed to have approved the charges for Prescribed Services set out in that notice.
- 3.3.6 If approval or deemed approval under clause 3.3.5 has not been given in respect of PowerNet's charges for Prescribed Services for a particular customer for a particular Financial Year (called "New Financial Year") prior to the commencement of the New Financial Year, then PowerNet's charges for Prescribed Services for that customer for the Financial Year immediately preceding the New Financial Year will continue to apply in the New Financial Year until approval or deemed approval under clause 3.3.5 is given in respect of PowerNet's charges for Prescribed Services for the customer for the New Financial Year.
- 3.3.7 The fees for the provision of connection services by PowerNet to a particular Generator, Distributor, person holding a Transmission Licence or registered as a Transmission Network Service Provider under the National Electricity Code or other customer whose equipment is connected to that part of the Transmission System which PowerNet is licensed to use under its Transmission Licence or, if PowerNet does not hold a Transmission Licence, in respect of which PowerNet is registered as a Transmission Network Service Provider under the National Electricity Code, (other than a person listed in the chart in Part A of Attachment 6) will be agreed between PowerNet and the person and must be consistent with the requirements of PowerNet's Transmission Licence or if PowerNet does not hold a Transmission Licence, those fees must be consistent with the National Electricity Code.
- 3.3.8 The setting of PowerNet's charges for Prescribed Services as determined in accordance with clause 3.3.1 has been based, in part, on assumptions as to the scope

and timing of the augmentation work between 3 October 1994 and 30 June 2000 set out in the table entitled "Connection Works" and the table entitled "Group 2 Projects" in Part C of Attachment 5 (called the "Augmentation Tables"). If, in response to the requirements of VPX, a Distributor, a Generator or SECV, the scope and timing of that augmentation work is varied with the result that PowerNet's agreed contract expenditure, (or in the absence of an agreed contract expenditure, actual expenditure) ("Expenditure") for that augmentation work is less than the estimated expenditure specified in the Augmentation Tables, then:

- (a) PowerNet must make an adjustment in a manner consistent with clause 3.3.8(b) so that the total of any charges payable by VPX, Distributors, Generators and SECV to PowerNet for each of the Financial Years from the Financial Year ending 30 June 1995 until the Financial Year ending 30 June 2000 (both inclusive) does not remunerate PowerNet in relation to the difference between Expenditure and the estimated expenditure as specified in the Augmentation Tables; and
- (b) for the purposes of clause 3.3.8(a) the adjustment required is calculated as follows:
  - (i) PowerNet's Maximum Allowed Revenue (as defined in clause 3.2.2) must be reduced for the relevant year "t" in accordance with the following formula:

$$\Delta MAR_t = (WACC_t \times \Delta WDV_t) + D_t + M_t$$

where:

$\Delta MAR_t$  is the reduction in PowerNet's Maximum Allowed Revenue in year "t"

$WACC_t$  is 10.55% and represents a real pre-tax rate of return

$\Delta WDV_t$  for year "t" is the sum of:

- (A) the amount by which the Expenditure in year "t - 1" is less than the Forecast WDV in year "t - 1; plus
- (B) the sum of the excess of Forecast WDV over Expenditure in each year prior to year "t - 1" but after the year ended 30 June 1995 where the amount of the excess in each year is adjusted as follows:
  - (1) the amount for each prior year is to be reduced by depreciation (on a straight-line basis) at a rate per annum consistent with that assumed in setting Maximum Allowed Revenues since the excess arose; and
  - (2) the amount of the excess and accumulated depreciation thereon are to be escalated by CPI since the year the excess arose.

Forecast WDV is the estimated expenditure for the relevant year as specified in the tables in Part C of Attachment 5, escalated by the following escalation factor:

$$F_t = PI_t / CPI Dec 1994$$

where:

$PI_t$  is the Consumer Price Index: All Groups Index Number Melbourne published by the Australian Bureau of Statistics for the March Quarter immediately preceding the start of the Financial Year  $t$ ; and

$CPI Dec 1994$  is the Consumer Price Index: All Groups Index Number Melbourne published by the Australian Bureau of Statistics for the December 1994 Quarter.

$D_t$  is the depreciation charge (calculated on a straight-line basis) relating to  $\Delta WDV_t$ , which is provided for in the Maximum Allowed Revenue (as defined in clause 3.2.2);

$M_t$  (in \$) is the maintenance and operations cost calculated as 2.1% of  $\Delta WDV_t$ ; and

- (ii) where a variation in specified augmentation work occurs in Financial Year  $t$ , the adjustment made to PowerNet's maximum charges for Prescribed Services in respect of that variation is to commence in the Financial Year  $t+1$ ; and
- (c) PowerNet must notify the Regulator in writing as soon as practicable, giving details of the variation and the effect of the variation on the total of the charges payable by VPX, Distributors, Generators and SECV under paragraph (a).

This clause 3.3.8 does not limit the ability of PowerNet and a customer of PowerNet to agree to variations to the levels of service and associated prices in respect of augmentation (between 3 October 1994 and 30 June 2000) to the system and the connection facilities existing as at 3 October 1994 as specified in Part C of Attachment 5.

### 3.4. Excluded services

- 3.4.1 PowerNet may levy additional charges for services other than Prescribed Services including charges for services provided by agreement between PowerNet and a Distributor, a Generator, VPX, a customer or any other person.
- 3.4.2 Terms and charges for transmission services which are not Prescribed Services must be set in accordance with the provisions of PowerNet's Transmission Licence or, if PowerNet does not hold a Transmission Licence, in accordance with the National Electricity Code.

3.4.3 PowerNet must, within 20 Business Days after the end of each Financial Year, provide to the Regulator a statement setting out:

- (a) all the Prescribed Services provided by PowerNet;
- (b) all services referred to in Part D of Attachment 5 (called an "Excluded Service") provided by PowerNet to customers to which PowerNet also provides Prescribed Services; and
- (c) the revenues derived by PowerNet in respect of each service referred to in paragraph (a) or (b),  
during that Financial Year.

3.4.4 If the statement provided by PowerNet under clause 3.4.3 treats a service as not being a Prescribed Service and the Regulator considers that that service is a Prescribed Service, then the Regulator may issue a written determination to that effect to PowerNet (giving the reasons for the determination), and PowerNet must treat the service or services specified in the determination as a Prescribed Service. If such a determination is made by the Regulator and PowerNet has already received payment for the service or services specified in the determination, the Regulator may require PowerNet to refund all or part of the payment to ensure PowerNet complies with this clause 3.

### 3.5. Regulated Pass through of PowerNet Change in Taxes

3.5.1 If a PowerNet Change in Taxes occurs, then PowerNet is entitled to pass through the financial effect of the PowerNet Change in Taxes to its customers in accordance with the procedures set out in this clause 3.5.

3.5.2 If PowerNet believes it is entitled to pass through the financial effect of a PowerNet Change in Taxes under this clause 3.5, then it may give a notice to the Regulator and each of the customers to which PowerNet provides Prescribed Services specifying:

- (a) details of the relevant PowerNet Change in Taxes;
- (b) the date on which the relevant PowerNet Change in Taxes took effect;
- (c) the amount of the total additional costs (called "Total Additional Costs") incurred by PowerNet which are associated with the provision of Prescribed Services and are directly attributable to the relevant PowerNet Change in Taxes; and
- (d) the amount which PowerNet is seeking to pass through to each of its customers in respect of the relevant PowerNet Change in Taxes which must be calculated by applying the Total Additional Costs arising from the imposition of the relevant PowerNet Change in Taxes to those of PowerNet's customers which receive Prescribed Services in proportion to the amounts paid for those Prescribed Services by those customers.

3.5.3 Subject to clause 3.5.14, the Regulator must within 30 Business Days of receipt of a notice from PowerNet under clause 3.5.2 determine:

- (a) whether the PowerNet Change in Taxes specified in the notice occurred; and

- (b) if the PowerNet Change in Taxes specified in the notice did occur, then:
- (i) the amount which PowerNet is entitled to pass through to each of its customers receiving Prescribed Services in respect of the relevant PowerNet Change in Taxes and the method of calculation to be used to determine that amount;
  - (ii) if one or more of the customers to which PowerNet is entitled to pass through an amount under clause 3.5.3(b)(i) is a Distributor, then the amount which that or each of those Distributors may pass through to its customers in respect of the relevant PowerNet Change in Taxes and the method of calculation to be used to determine that amount;
  - (iii) if PowerNet is entitled to pass through an amount under clause 3.5.3(b)(i) to VPX, then:
    - (A) the amount which VPX is entitled to pass through to its customers in respect of the relevant PowerNet Change in Taxes and the method of calculation to be used to determine that amount; and
    - (B) if one or more of the customers to which VPX is entitled to pass through an amount under clause 3.5.3(b)(iii)(A) is a Distributor, then the amount which that or each of those Distributors is entitled to pass through to its customers in respect of the relevant PowerNet Change in Taxes and the method of calculation to be used to determine that amount; and
  - (iv) if one of the customers to which a Distributor is entitled to pass through an amount under clause 3.5.3(b)(ii) or clause 3.5.3(b)(iii)(B) is a Franchised Retailer, then the amount which that Franchised Retailer's Retail Business may pass through to its Franchise Customers in respect of the relevant PowerNet Change in Taxes and the method of calculation to be used to determine that amount,

A Distributor's customers for the purposes of clause 3.5 are:

- (a) if the Distributor is also a Franchised Retailer, then the business of that Distributor which sells electricity to Franchise Customers under the Distributor's Retail Licence (called "Retail Business");
- (b) the Non-franchised Customers purchasing electricity from the Distributor who are connected to the Distributor's Distribution System;
- (c) other Retailers selling electricity to Non-franchise Customers connected to the Distributor's Distribution System; and
- (d) Non-franchise Customers connected to the Distributor's Distribution System who acquire their electricity through the Pool.

and provide written notice of its determination to PowerNet and those of PowerNet's customers to which PowerNet provides Prescribed Services.

3.5.4 In determining the method of calculation of the amount which is to be passed through to those customers of PowerNet which receive Prescribed Services in accordance with clause 3.5.3(b)(i), the Regulator must have regard to:

A customer on the Tariff H Safety Net is a Franchise Customer for the purpose of this clause 3.5.3 - see clause 2.6.6.

- (a) the relative amounts of Prescribed Services supplied to each customer;
  - (b) the time cost of money for the period over which the amount to be passed through is to be recovered; and
  - (c) any other relevant factors that the Regulator considers fair and reasonable,
- and must ensure that PowerNet remains economically neutral as a consequence of the pass through of the relevant PowerNet Change in Taxes taking into account:



- (d) the manner in which and period over which the pass through amount is to be recovered;
  - (e) the amount of the Total Additional Costs incurred by PowerNet which are associated with the provision of Prescribed Services and are directly attributable to the relevant PowerNet Change in Taxes and when those costs are incurred; and
  - (f) the amount of any reduction in another tax, charge, levy or imposition intended to offset in whole or in part the relevant PowerNet Change in Taxes and the manner in which and the period over which that reduction occurs.
- 3.5.5 In determining the method of calculation of the amount which is to be passed through to customers of VPX in accordance with clause 3.5.3(b)(iii)(A), the Regulator must have regard to:
- (a) the relative amounts of the relevant services supplied by VPX to each of its customers;
  - (b) the time cost of money for the period over which the pass through amount is to be recovered; and
  - (c) any other relevant factors which the Regulator considers fair and reasonable, and must ensure that VPX remains economically neutral as a consequence of the pass through of the relevant PowerNet Change in Taxes taking into account the period and the rate of recovery of the amount determined to be passed through to VPX under clause 3.5.3(b)(i) and the amounts determined to be passed through to VPX's customers under clause 3.5.3(b)(iii)(A) in respect of the PowerNet Change in Taxes.
- 3.5.6 In determining the method of calculation of the amount which is to be passed through to a Distributor's customers in accordance with clause 3.5.3(b)(ii) and 3.5.3(b)(iii)(B), the Regulator must have regard to:
- (a) the relative amounts of electricity supplied by the Distributor to each class of its customers;
  - (b) the time cost of money for the period over which the pass through amount is to be recovered; and
  - (c) any other relevant factors which the Regulator considers fair and reasonable, and must ensure that the Distributor remains economically neutral as a consequence of the pass through of the relevant PowerNet Change in Taxes taking into account:
    - (i) the period and rate of recovery of the amounts determined to be passed through to the Distributor under clauses 3.5.3(b)(i) and 3.5.3(b)(iii)(A); and
    - (ii) the amounts determined to be passed through by the Distributor under clause 3.5.3(b)(ii) and clause 3.5.3(b)(iii)(B) in respect of the PowerNet Change in Taxes.

- 3.5.7 In determining the method of calculation of the amount which is to be passed through to a Franchised Retailer's Franchise Customers in accordance with clause 3.5.3(b)(iv), the Regulator must have regard to:
- (a) the relative amounts of electricity sold by the Franchised Retailer to each class of its Franchise Customers;
  - (b) the time cost of money for the period over which the pass through amount is to be recovered; and
  - (c) any other relevant factors that the Regulator considers fair and reasonable.
- and must ensure that the Franchised Retailer remains economically neutral as a consequence of the pass through of the relevant PowerNet Change in Taxes taking into account:
- (i) the period and rate of recovery of the amounts determined to be passed through to the Franchised Retailer's Retail Business under clauses 3.5.3(b)(ii) and 3.5.3(b)(iii)(B); and
  - (ii) the amount determined to be passed through by the Franchised Retailer under clause 3.5.3(b)(iv) in respect of the PowerNet Change in Taxes.
- 3.5.8 In making a determination in accordance with clause 3.5.3, the Regulator must also take into account:
- (a) any PowerNet Change in Taxes resulting in a decrease in the amount payable by PowerNet in respect of PowerNet Relevant Taxes since the later of the dates of:
    - (i) this Tariff Order; and
    - (ii) the last determination under clause 3.5.3 that PowerNet is entitled to pass through an amount in respect of a PowerNet Change in Taxes;
  - (b) any previous pass through in respect of a PowerNet Change in Taxes which resulted in a benefit to:
    - (i) PowerNet greater than the Total Additional Costs actually incurred by PowerNet which are associated with the provision of Prescribed Services and are directly attributable to the PowerNet Change in Taxes concerned (adjusted for any reduction in another tax, charge, levy or imposition intended to offset in whole or in part the PowerNet Change in Taxes concerned);
    - (ii) VPX greater than the amount determined to be payable by VPX under clause 3.5.3(b)(i) in respect of the PowerNet Change in Taxes concerned;
    - (iii) a Distributor greater than the amounts determined to be payable by the Distributor under clause 3.5.3(b)(i) and clause 3.5.3(b)(iii)(A) in respect of the PowerNet Change in Taxes concerned; and/or

- (iv) a Franchised Retailer greater than the amounts determined to be payable by the Franchised Retailer under clause 3.5.3(b)(ii) and clause 3.5.3(b)(iii)(B) in respect of the PowerNet Change in Taxes concerned; and
  - (c) any previous pass through in respect of a PowerNet Change in Taxes which resulted in:
    - (i) PowerNet not recovering from its customers the Total Additional Costs actually incurred by PowerNet which are associated with the provision of Prescribed Services and are directly attributable to the PowerNet Change in Taxes concerned (adjusted for any reduction in another tax, charge, levy or imposition intended to offset in whole or in part the PowerNet Change in Taxes concerned);
    - (ii) VPX not recovering from its customers the full amount determined under clause 3.5.3(b)(i) to be payable by VPX in respect of the PowerNet Change in Taxes concerned;
    - (iii) a Distributor not recovering from its customers the full amounts determined under clause 3.5.3(b)(i) and clause 3.5.3(b)(iii)(A) to be payable by the Distributor in respect of the PowerNet Change in Taxes concerned; and/or
    - (iv) a Franchised Retailer not recovering from its Franchise Customers the full amounts determined under clauses 3.5.3(b)(ii) and 3.5.3(b)(iii)(B) to be payable by the Franchised Retailer's Retail Business in respect of the PowerNet Change in Taxes concerned.
- 3.5.9 PowerNet may, after receipt of notification from the Regulator in accordance with clause 3.5.3(b)(i) as to the amount (if any) PowerNet is entitled to pass through to its customers in relation to a PowerNet Change in Taxes, charge each of its customers the pass through amount determined by the Regulator in relation to that customer. The amount is to be shown on each customer's invoice as a separate line item or otherwise identified in a manner approved by the Regulator. An amount charged by PowerNet under this clause 3.5.9 is not to be considered revenue in respect of the provision of Prescribed Services for the purposes of clause 3.2.
- 3.5.10 VPX may, after receipt of notification from the Regulator in accordance with clause 3.5.3(b)(iii)(A) as to the amount (if any) VPX is entitled to pass through to its customers in relation to a PowerNet Change in Taxes, charge each of its customers the pass through amount determined by the Regulator in relation to that customer. The amount is to be shown on each customer's invoice as a separate line item or otherwise identified in a manner approved by the Regulator. An amount charged by VPX under this clause 3.5.10 is not to be considered revenue by way of use of system fees or pool fees for the purposes of clause 4.2.
- 3.5.11 A Distributor referred to in clause 3.5.3(b)(ii) and/or clause 3.5.3(b)(iii)(B) may, after receipt of notification from the Regulator in accordance with clause 3.5.3 as to the amount (if any) the Distributor is entitled to pass through to its customers in relation to a PowerNet Change in Taxes, charge each of its customers the pass

through amount determined by the Regulator in relation to that customer. The amount is to be shown on each customer's invoice as a separate line item or otherwise identified in a manner approved by the Regulator.

- 3.5.12 An amount paid by a Distributor under clause 3.5.9 or clause 3.5.10 is not to be taken into account in determining *TC*, for the purposes of clause 5.5.4.
- 3.5.13 A Franchised Retailer referred to in clause 3.5.3(b)(iv) may, after receipt of notification from the Regulator in accordance with clause 3.5.3 as to the amount (if any) the Franchised Retailer is entitled to pass through to its Franchise Customers in relation to a PowerNet Change in Taxes, charge each of its Franchise Customers the pass through amount determined by the Regulator in relation to that Franchise Customer. The amount is to be shown on each Franchise Customer's invoice as a separate line item or otherwise identified in a manner approved by the Regulator.
- 3.5.14 A person to which this Tariff Order applies must make available to the Regulator such information as the Regulator reasonably requests for the purposes of making a determination under this clause 3.5. If the Regulator makes a request under this clause 3.5.14, the 30 Business Day period referred to in clause 3.5.3 ceases running until the information requested by the Regulator is provided to the Regulator, at which time that period commences to run again.
- 3.5.15 Notwithstanding anything to the contrary in this Tariff Order, any fee imposed on PowerNet under section 163AA of the EIA is not and is not to be construed as a PowerNet Change in Taxes.

### 3.6. Review of revenue control arrangements

- 3.6.1 (a) The following clauses and parts of clauses cease to have effect in relation to a Prescribed Service on 31 December 2002:
- (i) clauses 3.1 to 3.4 (both inclusive);
  - (ii) clause 3.5.1;
  - (iii) clause 3.5.2;
  - (iv) clause 3.5.3(a);
  - (v) clause 3.5.3(b)(i) and the final paragraph of clause 3.5.3(b), which (for the avoidance of doubt) reads "and provide written notice of its determination to PowerNet and those of PowerNet's customers to which PowerNet provides Prescribed Services";
  - (vi) clause 3.5.4;
  - (vii) clause 3.5.8(a);
  - (viii) clause 3.5.8(b)(i);
  - (ix) clause 3.5.8(c)(i);
  - (x) clause 3.5.9;
  - (xi) clause 3.5.14; and
  - (xii) clause 3.5.15.

- (b) The following clauses and parts of clauses cease to have effect in relation to a Prescribed Service on 31 December 2000:

The clauses which cease to apply at the end of 2000 are those relating to pass through of increased costs to VPX, distributors and retailers. As the charges of those entities will no longer be regulated after 2000 under this Tariff Order, it is inappropriate to continue to regulate pass through of costs which affect those entities after that time. It remains appropriate to regulate PowerNet's pass through ability as its charges will continue to be regulated. To avoid bearing costs passed through from PowerNet, however, distributors and retailers should ensure that they have in place other arrangements (such as contracts) which protect them from such additional costs.

- (i) clauses 3.5.3(b)(ii), (iii) and (iv);
- (ii) clause 3.5.5;
- (iii) clause 3.5.6;
- (iv) clause 3.5.7;
- (v) clauses 3.5.8(b)(ii), (iii) and (iv);
- (vi) clauses 3.5.8(c)(ii), (iii) and (iv);
- (vii) clause 3.5.10;
- (viii) clause 3.5.11;
- (ix) clause 3.5.12; and
- (x) clause 3.5.13.

- 3.6.2 Except as otherwise contemplated in this Tariff Order, the Regulator may not make a determination regulating PowerNet's charges for a Prescribed Service regulated by this Tariff Order which takes effect prior to 1 January 2003.
- 3.6.3 Clause 3.6.2 does not limit the Regulator's powers in respect of charges for services which are not Prescribed Services.

## ATTACHMENT 5 - PRESCRIBED SERVICES

### (Clause 3.1)

The revenue cap for PowerNet only applies to Prescribed Services, that is those services undertaken by PowerNet as its core transmission business which PowerNet is licensed to carry out.

The Prescribed Services are:

- (a) Network Services (as defined below in Part A) relating to the system existing as at 3 October 1994;
- (b) Connection Services (as defined below in Part B) relating to the connection facilities existing as at 3 October 1994; and
- (c) augmentation between 3 October 1994 and 30 June 2000 to the system and the connection facilities existing as at 3 October 1994 as specified in Part C below.

In determining whether or not a particular service is a Network Service or a Connection Service, regard must be had to the services which PowerNet contracted to provide VPX and the Distributors as at 3 October 1994. Those agreements and contracts are intended to define the Network Services and the Connection Services, respectively, as more particularly described in the relevant agreements or contracts executed on or after that date. However, nothing in this paragraph is intended to limit or modify the ability of PowerNet to agree with VPX and the Distributors amendments to those agreements or contracts, provided that those amendments must be consistent with any applicable provisions of this Tariff Order.

Prescribed Services do not include those services specified in Part D below.

### Part A - Network Services

The Network Services are:

- (a) network transmission services including:
  - (1) power transfer capability between nodes;
  - (2) configuration switching capability at nodes;
  - (3) system security and stabilisation capability services; and
  - (4) voltage and reactive control capability services at nodes;
- (b) network operation services including:
  - (1) remote operation services (including provision of appropriate PowerNet personnel to perform operational tasks at the direction of VPX);
  - (2) voice and data communications services relating to the provision of transmission network services and connection services;
  - (3) real time operational information and control capability;
  - (4) system performance monitoring services; and
  - (5) operational information (including plant characteristics); and
- (c) technical support including:
  - (1) special incident investigations (including where relevant, a 24 hour service); and

- (2) network planning design investigations and cost estimates.

where the reasonable cost to PowerNet of providing that technical support in any Financial Year "t" is less than \$100,000 or such other amount as may be agreed from time to time by PowerNet and VPX, and any technical support which PowerNet provides to VPX on request which exceeds an amount of \$100,000 in a Financial Year "t" is an excluded service.

at the levels required as of 3 October 1994.

#### Part B - Connection Services

With respect to services supplied to Distributors and SECV (trading as Smelter Trader), the Connection Services are:

- (a) power transfer capability services to support delivery of electricity to Distributors; and
- (b) system security services including:
  - (1) provision and maintenance of bus ties and transfer bus capabilities; and
  - (2) services to ensure clearance of faults including provision and maintenance of protection and control systems (including auto reclose systems);
- (c) operations services including:
  - (1) supervisory control and data acquisition capability (either direct or via VPX); and
  - (2) emergency attendance response in accordance with operating procedures to be agreed between PNV, VPX and the relevant Distributor and associated technical advice and support; and
- (d) metering services in accordance with the Wholesale Metering Code.

at levels required as of 3 October 1994 and to the extent that provision of those services is not dependant on VPX fulfilling its functions.

With respect to services supplied to Generators (other than Energy Brix Australia), the Connection Services are:

- (e) power transfer capability services including:
  - (1) transfer of electricity or MVA both to and from generators;
  - (2) reliability of points of connection in terms of frequency of outages, the maximum duration of any outage and voltage balance; and
  - (3) delivery of the electricity or MVA referred to in paragraph (i) within specified quality limits;
- (f) system security services including:
  - (1) operation arrangements for bus ties and transfer buses, especially to maintain auxiliary power station supplies; and
  - (2) auto re-close performance;
- (g) operations services including:

- (1) supervisory control and data acquisition capability (either direct or via VPX); and
- (2) emergency attendance and advice response;
- (h) metering services in accordance with the Wholesale Metering Code; and
- (i) secure telecommunications network services being the OSU system between control centres and power stations.

at levels required as of 3 October 1994 and to the extent that provision of those services is not dependant on VPX fulfilling its functions.



**Part C - Specified Augmentation**

The following tables specify augmentation work that has been taken into account in setting PowerNet's prescribed revenue and which, accordingly, is included within the definition of Prescribed Services for the purposes of clause 3.1.

**Connection Works:** The figures in the table below are cost estimates (in December 1994 \$ million) for the projects indicated.

	1994/95	1995/96	1996/97	1997/98	1998/99	99/2000
Loy Yang B Unit 2	6.14	0.62	0	0	0	0
Non-specific protection for DBs	0.04	0	0	0	0	0
Completion of Altona TS	0.02	0	0	0	0	0
Bairnsdale TS Development	0	0	0	0	3.97	3.0
Malvern TS Neutral Reactor	0	0.02	0.006	0	0	0
Bendigo 2nd 220/66 kV Transf	0	0	0.07	0.57	2.87	1.6
Collingwood TS	0	0	0.15	0.38	1.21	8.1
Glenrowan 2nd 220/66kV Transf	0	0	0.4	0.28	3.39	3.0
Heatherton form 66kV loops	0	0	0	0	0	0.2
Northern TS Development	0	0	0	0	0	1.1
Optimise loading Springvale TS	0	0	0	0	0.03	0.2
Optimise Tyabb/Frankston loops	0	0	0	0	0	0.2
Mt Beauty TS 2nd Transf	0	0	0	0	0	0.15
Transfer Smorgon to Altona TS	0	0	0	0	1.22	3.2
Sth Geelong TS Development	0	0	0	0	0.17	2.15
Redcliffs TS Reparallel Transf	0	0	0.06	0.15	0.01	0
Ringwood TS 66kV Bustie	0	0	0.03	0.31	0.08	0
<b>Total</b>	<b>6.20</b>	<b>0.64</b>	<b>0.35</b>	<b>1.69</b>	<b>12.95</b>	<b>22.9</b>

**Group 2:** Minor works resulting in a small increase in network capability, relative to the size of annual increases expected in load growth.

Expenditure less than \$10 million.

The figures in the table below are cost estimates (in December 1994 \$ million) for the projects indicated.

Group 2 Projects	1994/95	1995/96	1996/97	1997/98	1998/99	99/2000
Protection Improvement for Stability	0	0.531	0.347	0.241	0	0.121
Upgrade EHV single trip coils	0	0	0	0	0	0.100
Control & Monitoring Eastern Subs	0	0.050	0	0	0	0
Control & Monitoring Morwell TS	0.444	0	0	0	0	0
Control & Monitoring Northern TS	1.926	0	0	0	0	0
Control & Monitoring Western TS	0.462	0	0	0	0	0
Control Centres	0.072	0.190	0.262	0.046	0	0
High Accuracy Voltages from Energy Metering	0	0	0	0.050	0	0
Metropolitan Reactive	2.993	2.062	1.380	3.106	1.621	2.000
System Dynamic Performance Monitoring	0.542	0.469	0	0	0	0
Energy Metering	0.485	0.700	0	0	0	0
Moorabool Transformer	0	0.468	2.846	0.024	0	0
Protection for Power Stations	0.282	1.148	0.657	0.452	0	0
Quality of Supply	0	0.396	0.400	0.400	0.400	0.400
Remote Synchronising and Auto Switching	0	0	0	0.030	0	0
SCC-Upgrade SOC improved monitoring	0	0.170	0.028	0	0	0
Separate switching DDTS-GNTS-SHTS	0	0	0	0.308	0.161	0.100
System Auto Voltage Control	0	0	0.730	0.430	0	0
<b>Total</b>	<b>7.21</b>	<b>6.18</b>	<b>6.65</b>	<b>5.09</b>	<b>2.18</b>	<b>2.72</b>

**Part D - Excluded Services**

Subject always to clause 3.4.4, the following services are excluded from the definition of Prescribed Services for the purposes of clause 3.1:

- (a) all augmentation otherwise than as specified in part C of this Attachment;
- (b) services provided to VPX, Generators and Distributors for maintenance of plant owned by those parties (note that these services may be provided under an agreement for the provision of the Network Services or Connection Services referred to in clause 3.1);
- (c) the following technical and other services provided by PowerNet to VPX, Generators or Distributors:
  - (1) information provided to VPX at its request relevant to a proposal to augment services or the development of such a proposal except where covered by paragraph (c)(ii) of the definition of Network Services in part A of this Attachment;
  - (2) operation services being maintenance of generator, transformer and power station protection provided to Generators; and
  - (3) installation, construction, commissioning, augmentation, removal, inspection, obtaining of information, testing, undertaking of repairs or undertaking of maintenance on the sites or facilities of a Distributor as requested by the Distributor or emergency assistance requested by a Distributor,
- (d) all consulting services (other than those necessary in the normal course of providing Prescribed Services);
- (e) all leasing and licensing of real estate holdings giving rise to rental income;
- (f) any services provided to VPX by PowerNet which result in payments by VPX to PowerNet for maintenance co-ordination adjustments being compensation for any costs imposed on PowerNet when network maintenance is re-scheduled by VPX with less than one week's notice;
- (g) any services provided to a Distributor by PowerNet which result in payments by the Distributor to PowerNet for maintenance co-ordination adjustments being compensation for any costs imposed on PowerNet when maintenance is re-scheduled by the Distributor with less than one week's notice;
- (h) provision of services by PowerNet equivalent to Network Services or Connection Services (as referred to in clause 3.1) which are in excess of levels of service or plant ratings required to be provided by PowerNet as of 3 October 1994 and where provision of the increased service may reasonably be deemed to lead to accelerated aging of PowerNet assets;

- (i) those components of protection, control and communications services (other than copper supervisory cable services supplied by PowerNet where the price charged by PowerNet for those components directly equates to the cost to PowerNet of obtaining services from one or more Distributors which are required by PowerNet to enable it to provide that component of the services;
  - (j) any new connection services or any other services provided at the customer's request and priced in accordance with the principles set out in PowerNet's transmission licence issued under Part 12 of the EIA and which are not identified in paragraphs (a)-(c) of clause 3.1 (that is, services which are not part of the core transmission business of PowerNet as of 3 October 1994);
  - (k) any availability incentive scheme or availability rebate scheme agreed between VPX (or its successor) and PowerNet pursuant to the Network Agreement dated 3 October 1994 as amended from time to time, or any scheme or arrangement which is agreed as a substitute or replacement for that availability incentive scheme or availability rebate scheme;
  - (l) any service which is agreed between VPX and PowerNet to be an excluded service,
- subject always to the exception that any service provided by PowerNet that the Regulator reasonably assesses:
- (m) not to be associated with, relevant to or dependent on the provision of transmission network services by PowerNet; or
  - (n) not to be included in the matters described in paragraphs (a) to (k) inclusive above; and
  - (o) not to be a Prescribed Service,

is not to be deemed or construed to be either a Prescribed Service or an excluded service for the purposes of this Tariff Order.

## ATTACHMENT 6 - ALLOCATION OF POWERNET'S CHARGES FOR PRESCRIBED SERVICES

### Part A: PowerNet's Maximum Charges for Prescribed Services

The table below lists PowerNet's maximum charges for Prescribed Services. The figures, other than the figures for the Financial Year ending 30 June 1995, are subject to escalation in accordance with clause 3.3.1.

Customer	FINANCIAL YEAR ENDING 30 JUNE						30 June 2000 - 31 December 2000
	1995 <sup>a</sup>	1996	1997	1998	1999	2000	
<b>Network</b>							
VPX	149,398,216	210,073,465	214,579,919	220,481,261	224,132,134	226,353,749	114,107,095
<b>Connection Charges</b>							
Loy Yang Power Station	1,752,219	2,445,457	2,426,945	2,400,761	2,341,723	1,740,210	877,257
Loy Yang B Power Station	542,000	1,987,697	1,979,491	1,991,631	1,961,551	1,876,265	945,843
Hazelwood Power Station	1,106,274	1,533,332	1,502,967	1,494,625	1,440,586	1,305,314	658,021
Yallourn W Power Station	705,342	1,004,875	1,002,422	1,016,145	996,303	936,645	472,172
Newport Power Station	1,472,427	2,064,432	2,044,448	2,051,709	2,002,434	2,159,610	942,805
Jeeralang Power Station	227,820	319,418	316,325	317,449	309,825	-	145,875
Eildon Power Station	178,192	255,657	257,933	266,632	262,004	244,816	123,414
CitiPower	5,048,767	6,972,838	6,956,647	6,587,972	6,398,314	7,090,812	3,574,546
Eastern	5,835,781	8,061,822	8,040,292	7,641,417	8,038,254	8,700,469	4,385,990
Powercor	9,429,315	13,014,181	12,982,380	12,328,026	12,256,183	13,578,717	6,845,161
United	6,466,877	8,933,957	8,904,439	8,415,727	8,103,555	8,521,853	4,295,948
Solaris	4,246,904	5,859,473	5,846,522	5,538,244	5,383,449	5,998,285	3,023,793
<b>TOTAL</b>	<b>186,410,134</b>	<b>262,526,603</b>	<b>266,840,731</b>	<b>270,531,599</b>	<b>273,626,315</b>	<b>278,506,745</b>	<b>140,397,921</b>

**Notes:**

- (1) These figures are calculated for the 9 months of the Financial Year commencing on 3 October 1994 and ending on 30 June 1995.

### Part B: Principles for Calculation of PowerNet Charges

#### Principles for calculation of PowerNet exit connection charges to loads

Subject always to the proviso that if there is an inconsistency between the amounts listed in Part A of Attachment 6 and the principles set out in this Part B of Attachment 6, the amounts listed in Part A are to

prevail, the amounts used to calculate the exit connection charges payable by each Distributor and Loy Yang Power Ltd as listed in Part A of Attachment 6 have been calculated in accordance with the following principles:

- (1) the aggregate annual revenue for all exit connection assets equals an estimated annual capital charge, plus an estimated annual operating and maintenance charge applicable to the provision of the exit connection service. The estimated annual capital charge equals a return on all exit connection assets (valued as at 1 July 1994 at optimised depreciated replacement cost and thereafter valued at depreciated current cost) plus an estimated current cost depreciation charge;
- (2) the aggregate annual revenue is allocated between terminal stations on the basis of gross replacement cost of connection assets installed at each station, and is recovered from the Distributor or Distributors connected at that terminal station; and
- (3) where a terminal station is shared between Distributors, the revenue allocated to that terminal station is apportioned between the Distributors on the basis of historical non-coincident maximum demand.

**Principles for calculation of PowerNet entry connection charges to generators**

The amounts used to calculate entry connection charges payable by each Generator as listed in Part A of Attachment 6 have been calculated in accordance with the following principles:

- (1) the annual revenue for entry connection assets at each power station switchyard equals an estimated annual capital charge, plus an estimated annual operating and maintenance charge applicable to the provision of the entry connection service. The estimated annual capital charge equals a return on assets (valued as at 1 July 1994 at optimised depreciated replacement cost and thereafter valued at depreciated current cost) plus an estimated current cost depreciation charge; and
- (2) the depreciation charge is set to provide amortisation of the sunk cost of the entry connection assets over the estimated remaining lives of the power station assets of the relevant Generator.

**Principles for calculation of PowerNet network charge payable by VPX**

The amounts used to calculate the network charges payable by VPX as listed in Part A of Attachment 6 have been calculated in accordance with the following principle:

- (1) The annual revenue for shared network assets equals an estimated annual capital charge, plus an estimated annual operating and maintenance charge applicable to the provision of the shared network service. The estimated annual capital charge equals a return on all shared network assets (valued as at 1 July 1994 at optimised depreciated replacement cost and thereafter valued at depreciated current cost) plus an estimated current cost depreciation charge.

**CONSEQUENTIAL AMENDMENTS REQUIRED TO OTHER PARTS OF THE TARIFF ORDER**

**Chapter 1 - Definitions**

1. Amend definition of PowerNet in clause 1.1 as follows:  
"PowerNet Victoria" a body corporate established under the EIA and any transmission company (as defined in the EIA) which acquires all or substantially all the business, assets and liabilities of PowerNet Victoria ("PowerNet").
2. Amend the last bullet point in clause 1.1 to read:
  - the Office of the Regulator-General established under section 6 of the ORG Act ("Regulator-General"); and
  - the Australian Competition and Consumer Commission established under section 6A of the Trade Practices Act 1974 (Comm) from such time that the Regulator-General's responsibilities in relation to chapter 3 of this Tariff Order are assumed by the ACCC.

**Attachment 1 - Definitions**

1. Insert definition of National Electricity Code as follows:  
"National Electricity Code has the meaning given to that term in section 154 of the EIA."
2. Insert definition of Regulator as follows:  
"Regulator" means, in relation to chapter 3 of this Tariff Order only:
  - (a) the Regulator-General; or
  - (b) the Australian Competition and Consumer Commission established under section 6A of the Trade Practices Act 1974 (Comm) ("the ACCC") from such time as the ACCC assumes the powers and functions of the Regulator under chapter 3.
3. Replace the existing definition of PowerNet Relevant Tax with the following:  
"PowerNet Relevant Tax" means any tax, rate, charge, levy or imposition (but not a fine or penalty) directly attributable to the supply of Prescribed Services to customers and, in the opinion of the Regulator, not normally absorbed in a fully competitive market but (without limitation) specifically excludes any:
  - (a) income tax, fringe benefits tax or capital gains tax;
  - (b) payroll tax;
  - (c) sales tax (or State equivalent wholesale sales tax) or value added tax or goods and services tax to the extent that, in the opinion of the Regulator, compensation for the effect of the tax has been or will be received by PowerNet;
  - (ca) fees and charges paid or payable to the Regulator, in respect of licences issued under Part 12 of the EIA;

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- (d) land tax; and
  - (e) financial accommodation levy,
- or any tax or levy that replaces any of those taxes or levies.



**Subordinate Legislation Act 1994**  
GUIDELINES UNDER SECTION 26  
Effective 1 December 1997

Responsible Minister:  
J. G. KENNETT  
Premier

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Competition Policy Requirements

**ATTACHMENT A**

Example Certificates

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Tests for restrictions on competition, and benefits and costs to the community

**Appendix 1**

Defining the market for purposes of assessing costs of a restriction on competition

**ATTACHMENT C**

Certificates of compliance (Competition Policy)

**INTRODUCTION:**

1. The **Subordinate Legislation Act 1994** ("the Act") governs the preparation and making of statutory rules in Victoria. Section 26 (1) of that Act provides that Guidelines may be made for or with respect to:

- A. the preparation, content, publication and availability of statutory rules; and
- B. the procedures to be implemented and the steps to be undertaken for the purpose of ensuring consultation, coordination and uniformity in the preparation of statutory rules.

2. Sub-section (2) of section 26 requires Guidelines to be made dealing with the matters set out in Schedule I to the Act.

3. The Guidelines are intended to advise and assist Ministers in exercising their responsibilities under the Act and officers responsible for the preparation of statutory rules and regulatory impact statements to comply with the Act. The Act imposes certain obligations on Ministers to comply with the Guidelines in matters such as consultation and in preparation of the regulatory impact statement. Thus, it is necessary for officers to familiarise themselves with both the Act and the Guidelines in order to properly inform their Minister of his or her responsibilities under the Act.

4. Failure to comply with the Act and the Guidelines may result in an adverse report from the Scrutiny of Acts and Regulations Committee (also referred to as "the Scrutiny Committee") or may result in a finding by the Courts that the statutory rule is invalid. Ultimate responsibility for all decisions concerning statutory rules and regulatory impact statements lies with the responsible Minister.

5. In exercising responsibilities and making judgements under the Act, officers should also draw on other relevant material such as reports of the former Legal and Constitutional Committee which deal with subordinate legislation, reports of the Scrutiny of Acts and Regulations Committee and the Notes for the Guidance of Legislation Officers issued by the Office of the Chief Parliamentary Counsel (as amended from time to time).

6. The first question an agency considering making subordinate legislation must ask is, why regulate? In many cases this will be a decision made for it by the Parliament in the structure of the authorising legislation. Agencies should give consideration to this in drafting instructions for primary legislation and discuss options with Parliamentary Counsel. Officers may also wish to refer to the various publications issued by the Office of Regulatory Reform in the Department of State Development.

7. Most primary legislation includes a power to make subordinate legislation. However, it is rare for an Act to actually require a statutory rule to be made or to dictate the precise details of the statutory rule that may be permitted by its terms.

8. Agencies must ask whether the primary legislation requires that the matter be dealt with by a statutory rule or whether it is necessary, to enable the effective operation of the primary legislation, that the matter be dealt with in this manner? If the answer is no, alternatives should be considered.

#### DEFINITIONS

9. The definitions set out in section 3 of the Act apply to terms used in these Guidelines. For example "statutory rule" is defined in section 3 of the Act. In particular, the distinction between "the Minister", meaning the Minister administering the Act, currently the Premier, and "the responsible Minister" being the Minister administering the authorising Act under which a statutory rule is proposed to be made, should be borne in mind when reading both the Act and these Guidelines to ensure that the appropriate Minister complies with both as required.

10. The term "agency" has been adopted in these Guidelines in preference to the term "department". Although in the majority of cases it will be officers within government departments who are concerned with making statutory rules, there are a number of statutory bodies responsible for the formulation of instruments which are statutory rules for the purposes of the Act. The term "agency" has, therefore, been chosen to cover all such bodies as well as government departments.

11. It should be noted that those instruments which had been included in the **Subordinate Legislation Act 1962** as statutory rules pursuant to section 2(1)(d) of that Act, have been deemed, by virtue of the consequential amendments made in Schedule 2 to the **Subordinate Legislation Act 1994**, to be statutory rules and are subject to the requirements imposed under that Act.

#### MANDATORY AND GOOD PRACTICE REQUIREMENTS

12. The Act imposes some mandatory requirements on Ministers, such as the requirement for consultation under section 6 and the requirement to prepare a regulatory impact statement under section 7 (unless one of the exception or exemption provisions apply). In such cases appropriate language to indicate the mandatory nature of the requirement has been used in the Guidelines. Other matters are included as matters of good practice which should be adopted by drafting officers.

**EXAMPLE CERTIFICATES**

13. Attachment A has been included to provide examples of some of the certificates required under the Act. These example formats are provided for assistance only and care should be taken by drafting officers to ensure that certificates are carefully drafted to take into account the specific circumstances of each individual matter.

**1. PART ONE: 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.**

- 1.1 Statutory rules can be an effective policy tool. They can be used by government to achieve a range of policy objectives. Some of the rationales for regulating activity include:
- to control the way in which government agencies exercise power;
  - to prevent or reduce activity which is harmful to business, the environment or to other people;
  - to control the activities of companies or individuals that are in a position to exercise market power (but not so as to protect groups from competition);
  - to ensure that people engaged in some occupations possess a requisite level of knowledge and competence;
  - to protect consumers against harmful products;
  - to define rights, entitlements or obligations.
- 1.2 The impetus for a statutory rule may come from the agency responsible for a particular area as a solution to a perceived problem. Suggestions may also come from business and community groups. Regulations may not be new initiatives but rather suggestions for alteration to existing regimes either on the basis of over regulation or remedying a deficiency in the regulatory regime.
- 1.3 However, it is essential that agencies realise that to merely establish that a problem exists is not sufficient to justify the introduction of a statutory rule to deal with it. An objective view must be taken of the ability of any proposal to solve the problem without generating costs which are of similar, or greater, magnitude than those caused by the "problem" itself. Further, following the agreement in April 1995 by the Commonwealth, States and Territories to the implementation of the National Competition Policy, agencies should be mindful of the requirements on governments both under that agreement and under legislation enacted pursuant to it, ie the Commonwealth **Competition Policy Reform Act 1995** and the Victorian **Competition Policy Reform (Victoria) Act 1995**. Part Fourteen of these guidelines sets out the administrative mechanisms which must be complied with to ensure proper consideration of competition policy requirements.

**METHODS OF REGULATION**

- 1.4 There are a number of different methods of regulating activities. These are:
- primary legislation (Acts)
  - subordinate legislation (eg statutory rules, Orders in Council, Proclamations and Notices)
  - voluntary codes of conduct or self regulation
  - administrative practices
- 1.5 There are a number of different levels within those methods of regulation, for example:
- a total prohibition may be imposed on an activity;
  - the carrying out of an activity may be restricted by regulating who may engage in the activity or by imposing conditions and limitations on the activity;
  - an obligation to do something may be created;

- organisations and individuals may be encouraged to consider the impact of their activities on the community and the environment and to modify their activity in that regard;
  - provision may be made for a code of practice for the conduct of an activity.
- 1.6 It is important to use the appropriate method and level so that only necessary regulation is imposed to deal with the particular problem to be remedied or the objective to be achieved. The level of intervention should always be the minimum necessary to achieve a given aim at the least cost.

#### LEGISLATIVE INSTRUMENTS

- 1.7 In considering the most appropriate vehicle for a particular regulatory objective, agencies should consider not only primary or secondary legislation but whether a legislative instrument is appropriate at all.
- 1.8 Legislative instruments differ from executive instruments in that they:
- determine the content of the law rather than simply apply the law;
  - make new law or change existing law rather than simply applying criteria to a set of facts;
  - contain binding rules rather than guidelines;
  - usually have general application rather than applying solely to a particular case.
- 1.9 The following criteria can be used to assist in determining whether an instrument is legislative in character:
- whether the instrument can be traced back to a delegation of legislative power;
  - whether the instrument is of general application rather than applying in a particular case;
  - whether the instrument creates legally enforceable rights and obligations;
  - whether the instrument contains a binding rule rather than being a guideline for decision making or conduct.
- 1.10 Primary legislation is obviously legislative in character. Statutory rules made under an Act are also legislative in character.

#### MATTERS FOR INCLUSION IN PRIMARY AND SUBORDINATE LEGISLATION

- 1.11 Primary legislation is usually drafted in general rather than specific terms with a view to avoiding the need to make frequent changes. Matters of detail liable to frequent change should, where possible, be dealt with by subordinate legislation rather than primary legislation. However, the general rule is that matters of policy, general principle and the like should be reserved to primary legislation.
- 1.12 Significant matters should not be included in subordinate legislation although that subordinate legislation may deal with the same issue in terms of enforcement or related matters of administration or implementation. Subordinate legislation must be consistent with the general objectives of the authorising Act. Statutory rules can complete the details of a legislative scheme but cannot add new aims or ideas unless expressly authorised so to do. Statutory rules cannot alter anything in the Act under which they are made unless the Act expressly authorises a statutory rule to do so but this is a power seldom conferred and not desirable.
- 1.13 The following are all matters which should be in primary rather than subordinate legislation:
- matters of substance or important procedural matters (particularly where they also affect individual rights and liberties, eg provisions that reverse the onus of proof, or certify evidentiary matters);
  - matters relating to a significant question of policy in that they introduce new policy or fundamentally change existing policy;

- matters which have a significant impact on individual rights and liberties (eg 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);
- provisions imposing taxes.

1.14 By contrast, the following are more appropriately dealt with by subordinate legislation:

- matters relating to detailed implementation of policy, general principles and standards (rather than the policy, principle or standard itself);
- prescribing fees to be paid for various services;
- prescribing forms (if it is necessary that they be prescribed) for use in connection with legislation;
- times within which certain steps should be taken.

1.15 In understanding the difference between matters properly the subject of primary or subordinate legislation, officers may find it useful to examine a number of instances that have been found to have crossed the line in the view of the former Legal and Constitutional Committee and its successor the Scrutiny of Acts and Statutory Rules Committee. These examples can be found in the Legal and Constitutional Committee's 24th Report on Subordinate Legislation (November 1991) pages 14-16 and the 3rd Report of the Scrutiny of Acts and Regulations Committee on Subordinate Legislation (October 1993).

## **2. PART TWO: GUIDELINES AS TO ALTERNATIVE MEANS OF ACHIEVING THE OBJECTIVES SOUGHT TO BE ACHIEVED BY A PROPOSED STATUTORY RULE SUCH AS SELF REGULATION OR VOLUNTARY CODES OF CONDUCT.**

- 2.1 As a means of regulation, statutory rules have a number of advantages and disadvantages. They are usually quicker to implement than primary legislation. On the other hand, they are more inflexible than codes of conduct or administrative controls. They may involve substantial administrative and compliance costs. These costs often have their greatest impact on business. At a time when Victorian business is striving to improve its overall performance and particularly its export performance, it cannot afford to be harmed by unnecessary regulation.
- 2.2 There are numerous methods of regulation, as outlined in Part One of these guidelines. There are numerous alternatives to subordinate legislation as a means of dealing with a particular problem. These include:
- providing better information to affected groups to make them more aware of their rights and obligations;
  - introducing voluntary codes of practice;
  - expanding the coverage of existing law;
  - encouraging organisations and individuals to consider the impact of their activities on the community and the environment;
  - establishing a code of practice for the conduct of an activity;
  - taking action to develop efficient markets where these would deal with the issue.
- 2.3 In considering alternative means of achieving a policy objective, self-regulation, voluntary codes of conduct or otherwise, must be considered and an evaluation made of the benefits and advantages expected to arise from each such alternative as compared with the costs and disadvantages both direct and indirect, tangible and intangible, in arriving at the most appropriate option.

- 2.4 It should always be noted that where the authorising Act dictates the **form** of subordinate legislation required, for example where the authorising legislation provides for fees to be prescribed by statutory rule, there is no discretion to set those fees by another method such as 'fixed by the Minister'.
  - 2.5 In all cases, the agency must be able to demonstrate that the option chosen is the one involving the least net cost or the greatest net benefit. In order to ensure that the most appropriate policy option is adopted, it is important that the policy objective sought to be achieved by the proposed rule is developed early. If an objective is poorly defined, it may lead to the wrong option being chosen. Where options are available that achieve the policy objective without restricting competition, one of those options should be chosen.
  - 2.6 For example, the objective of a proposal to regulate to forbid certain conduct, perhaps prompted by environmental or consumer concerns, could be stated in a number of ways. It may be 'to make those responsible for the conduct liable for the costs incurred by third parties'. Statutory rules may be the best tool to achieve an objective stated in this way. However, another description of the objective may be 'to protect consumers from the conduct in question' or 'to reduce their vulnerability'. It is less obvious in this case what action would best achieve this objective.
  - 2.7 Several alternatives could be considered in addition to regulation, including a public awareness advertising campaign, a voluntary code of practice that could be observed by companies or quality standards to be observed by particular business operations. An accurate statement of objectives ensures that all alternatives are properly considered. The statement of objectives has, therefore, an important bearing on the decision whether to proceed with, and the form of, that statutory rule.
  - 2.8 An agency should have clearly defined the objective sought to be achieved and whether a prescriptive statutory rule is the most cost effective method to achieve that objective in each case. In all cases, the option chosen should be, demonstrably, the alternative which involves the least net cost for the greatest benefit.
  - 2.9 A range of regulatory options have been discussed here and in Part One of these guidelines. The option chosen will vary with the nature of the policy objective and should be consistent with and appropriate to the achievement of that objective, being neither more nor less regulatory than is necessary.
  - 2.10 In order to ensure that the most appropriate policy option is adopted, it is important that the policy objective sought to be achieved by the proposed rule is developed early. If an objective is poorly defined, it may lead to the wrong option being chosen.
  - 2.11 The first three levels of statutory rule outlined in Part One of these Guidelines could be implemented by either primary or subordinate legislation. The fourth and fifth levels of statutory rule could be implemented by a voluntary code of practice or performance standards where appropriate.
  - 2.12 Each alternative should receive consideration by an agency before a final decision is made on how to deal with a particular problem. Agencies should carefully consider the advantages and disadvantages of each option before proceeding to the next stage in development of policy. Agencies should always bear in mind the Government's commitment to the development of fair trading in an efficient, competitive and informed market place. The Office of Regulation Reform has recently published two reports, *Regulatory Alternatives* and *Principles of "Good" Regulation* which may be of interest to agencies considering these issues. The Office of Regulation Reform is also able to provide a copy of the *Charter of Principles* endorsed by the National Small Business Summit in June 1996 which sets out the objectives and components of good regulation which all participating governments including the Victorian Government have agreed to achieve.
- CODES OF CONDUCT**
- 2.13 Codes of practice are usually employed to incorporate large bodies of technical specifications or to provide guidance in ensuring compliance with generally worded "performance based" regulation.



- 2.14 Codes may be voluntary or compulsory in nature. A Code of Conduct has been endorsed by the Office of Fair Trading in respect of the Furniture Removers' Associations. That code is an illustration of the substantial benefits that self regulation can have for both consumers and ethical traders. A code of this nature does not need to be included in any form of subordinate legislation.
- 2.15 Whilst the community can benefit from responsible consumer legislation, statutory rules can add to business costs which can also disadvantage the consumer. Effective self regulatory codes have the potential to educate and provide information to both consumers and traders about their rights and responsibilities while retaining service standards and consumer confidence.
- 2.16 In assessing the appropriateness of a voluntary code, agencies should consider the benefits or disadvantages to business and consumers, if not all industry members implement the code. The consequences of non-compliance should be one of the factors considered in designing a regulatory system which makes use of codes.

**3. PART THREE: GUIDELINES AS TO THE APPROPRIATE CASES IN WHICH A PROPOSED STATUTORY RULE SHOULD SET PERFORMANCE STANDARDS RATHER THAN PRESCRIBING DETAILED REQUIREMENTS.**

- 3.1 The need to define properly the regulatory objective sought to be achieved by an agency is discussed more than once in these guidelines. An accurate statement of objectives ensures that all alternatives are properly considered. The statement of objectives has, therefore, an important bearing on the decision whether to proceed with regulation and the form of that regulation.
- 3.2 An agency should have clearly defined the objective sought to be achieved and whether prescriptive regulation is the most cost effective method to achieve that objective in each case. If the authorising Act permits, a proposed statutory rule should aim to set performance standards rather than prescribe detailed rules in relation to technical matters.
- 3.3 Drafting officers must have regard to the terms of the enabling Act, to see whether the Act itself allows performance based standards or requires prescriptive standards. For example, section 7(3) of the **Building Act 1993** expressly mentions the establishment of performance standards in making building regulations.
- 3.4 Each proposed rule needs to be assessed to determine the most appropriate methods against the objectives sought to be achieved.
- 3.5 Performance Based Standards can have a number of advantages over statutory rules, for example:
  - they provide greater flexibility in dealing with technical matters as matters do not have to be particularised in great detail;
  - they provide flexibility in enabling agencies to deal with changes in the industry standard without the need to make new regulations. Agency practice can reflect industry standards;
  - they may be appropriate where the proposed statutory rule incorporates multiple references to other published standards;
  - they are outcome orientated rather than focused on particular individual matters;
  - performance based regulations may encourage continual improvement through innovations and reduce compliance costs.
- 3.6 However, performance based standards will necessarily assume familiarity with industry standards and may be less effective if those standards are developing or are poorly understood within a given industry. Performance based standards can have a number of other disadvantages. For example, they may:
  - increase the risk of non-compliance as the matters are not particularised and standards may not be uniform across the industry;

- lead to uncertainty in prosecutions as the circumstances which give rise to prosecutions may be determined subjectively rather than against objective criteria;
  - cause confusion for defendants as to the appropriate standards they need to meet;
  - require a high level of guidance from agencies as to what must be done in order to comply with the regulation.
- 3.7 On the other hand, prescriptive statutory rules can have a number of advantages, for example, they:
- give rise to certainty in industry as the requirements are set out in detail;
  - the decision to prosecute can be made on objective criteria and standards required to be met can be clearly identified;
- but they can also have a number of disadvantages, for example:
- less flexibility in meeting changes in industry as standards are particularised and time lags may occur as a result of the need for new statutory rules to address changed circumstances;
  - narrow base for prosecutions and technical legal loopholes in the law;
  - high administrative and compliance costs.
- 3.8 In considering the type or level of statutory rule which may be appropriate, a realistic consideration of the relationship between the cost of different regulatory structures and their effectiveness in achieving the identified objective should be paramount.
- 3.9 Agencies will generally be aware of the nature of the industry covered by their Minister or portfolio responsibilities and the risks involved in each of the options detailed above. Consultation with industry groups will generally identify the advantages and disadvantages flowing from each course of action.

#### 4. PART FOUR:

##### A. GUIDELINES AS TO PROCEDURES TO BE ADOPTED TO ENSURE THAT THE NEED FOR THE STATUTORY RULE CAN BE JUSTIFIED

###### DEFINING THE OBJECTIVE:

- 4.1 The need to properly define the policy objective is critical in ensuring that a decision to proceed with a statutory rule can be justified. The initial stages of policy development should identify the objectives to be achieved. At the end of the exercise there should not be any inconsistency between the broad objective initially identified and the objective achieved by the statutory rule if the process has been properly developed.
- 4.2 The initial stages of policy development are crucial in ensuring that resources are used efficiently. Resources should not be wasted in the detailed development of a policy which is later shown not to have been a realistic option. There is little benefit in attempting to justify a means of policy implementation if the policy itself is not the best alternative available. Judgment is required in the identification of the objective of the proposed statutory rule. It should be sufficiently broad to allow consideration of all the relevant alternative measures, while being sufficiently precise to produce a manageable range of options for consideration.
- 4.3 The initial question that policy officers should address is, does the authorising Act permit the matter to be dealt with by way of statutory rule. It must be remembered that a statutory rule can only cover matters which are permitted by its authorising Act and must be consistent with the purpose and objective of that Act. Such matters are those which are either:
- authorised by the authorising Act, for instance by use of the word "prescribed";
  - referred to in the regulation-making powers set out in the authorising Act; or

- within the scope of a general regulation-making or prescription power of the authorising Act and necessary to enable the effective operation of that Act.
- 4.4 In deciding whether to proceed with a statutory rule, the responsible Minister should have regard to the following principles:
- regulatory action should not normally be undertaken unless the potential benefits from the proposed statutory rule outweigh the potential costs to business and the wider community;
  - regulatory objectives should relate to outcomes which maximise benefit to the community; and
  - regulatory priorities should be set with the aim of maximising the aggregate net benefits, taking into account the prospective effects of each proposal upon the economy and upon every sector of industry or commerce, the environment, or of consumers or members of the public or of the State, which may be affected.

#### **CONSIDERATIONS TO TAKE INTO ACCOUNT WHEN PROCEEDING WITH A STATUTORY RULE**

- 4.5 There are several matters that should be considered in deciding whether to proceed with a particular rule. The first is the financial cost. This includes the costs of administration of the regulation, the burden of compliance on the regulated group and the flow-on costs to the consumer who may face higher prices for goods and services as a result of regulation. In some instances the financial costs may not be readily quantifiable as the flow on costs may come from other sources aside from the cost of complying with the statutory rule.
- 4.6 The social and environmental implications and cost must also be considered. Again there can be difficulties in measuring the social and environmental costs and benefits of a proposed rule and it is not always clear which alternatives impose the least cost. This is because it is difficult to accurately measure intangibles such as quality of life or other social benefits. However, agencies should consider all practicable alternatives and seek to ensure that the best possible attempt is made to measure costs and benefits so that an informed choice can be made based on the best possible information. When the costs of a proposed statutory rule are difficult to quantify, the importance of consultation increases. In addition to standard methods for generating monetary estimates, some of the techniques which might be used to assist in identifying costs and benefits are:
- considering the views of the potentially affected parties who have been consulted;
  - considering material relating to the nature and scope of the identified problem (eg expressions of community concern, scientific or technical evidence etc);
  - analysing the context within which the proposed statutory rule has been developed (eg description of the nature and scope of the policy problem, relationship to other regulatory instruments, etc); and
  - considering information on relevant trends (eg overseas developments, industry trends, approaches used in other jurisdictions, etc).
- 4.7 Where a proposed statutory rule is of a type which requires completion of a RIS, that process should ensure the economic, social and environmental costs and benefits are properly assessed. However, even for proposed rules which do not require a RIS, agencies should still be conscious of the need to ensure that the regulatory option can be justified.

#### **B. GUIDELINES AS TO PROCEDURES TO BE ADOPTED TO ENSURE THAT THE OBJECTIVES OF A PROPOSED STATUTORY RULE ARE FORMULATED AND INCLUDED IN ANY PROPOSED STATUTORY RULE.**

- 4.8 Before proceeding with a proposed statutory rule, the objectives sought to be achieved and the reasons justifying those objectives, should be defined and formulated clearly. Those objectives must be checked to ensure that:

- they are reasonable and appropriate to the level of regulation sought to be achieved;
  - they are capable of being clearly and succinctly set out;
  - they accord with the objectives, principles, spirit and intent of the authorising Act;
  - they are not inconsistent with the objectives of other legislation, statutory rules and stated government policies;
  - their achievement would not involve costs or disadvantages which are greater than the benefits or advantages sought to be achieved;
  - they accord with competition policy principles.
- 4.9 Proper identification of the objectives is of critical importance because this will assist in identifying the best alternative to deal with the problem to be addressed or the objective to be achieved. The objective should be a clear statement of what end is meant to be achieved. In addition, a clear statement of the objectives of the statutory rule is required so that Parliamentary Counsel can ensure that a certificate under section 13 of the Act can be given on what appears on the face of the statutory rule.
- 4.10 Section 10(1)(a) of the Act requires a statement of the objective of a proposed rule to be included in a RIS and all proposed rules which require a RIS must comply with this requirement. In addition, all proposed rules, whether these require a RIS or not, must contain in the text of that rule, a statement of its intent and objectives. A clear statement of the effect of a proposed statutory rule must also be included in the Explanatory Memorandum which must accompany any proposed rule which is to be submitted to the Governor in Council, the form of which is discussed in Part Eight of these Guidelines.

## 5. PART FIVE:

### A. GUIDELINES AS TO THE PROCEDURES TO BE ADOPTED TO ENSURE THAT AN AGENCY PREPARING OR CONSIDERING A PROPOSED STATUTORY RULE IDENTIFIES AND CONSULTS ANY OTHER AGENCY RELEVANT TO THE SUBJECT MATTER OF THE PROPOSED STATUTORY RULE.

- 5.1 Under section 6(a) of the Act, the responsible Minister must ensure that there is consultation in accordance with these guidelines with any other Minister whose area of responsibility may be affected by a proposed statutory rule. The aim of the consultation is to avoid any overlap or conflict with any other existing or proposed statutory rule or legislation.
- 5.2 Agencies considering a new regulatory initiative, a change to an existing regulatory regime or the re-enactment of that regime should seek the views of any other agency that may be affected by the proposal or the policy position it represents.
- 5.3 If a proposed statutory rule may impinge upon or affect the area of responsibility of another agency or statutory body, consultation should take place with a view to ensuring that any differences are reconciled and that there is no overlapping or duplication of, or conflict with, legislation, statutory rules or stated government policies administered by that agency or statutory body.
- 5.4 In the early stages of policy development, agencies should identify areas of possible conflict or overlap. Consultation on any areas so identified should occur early in the development of policy options and, in any event, must take place before external consultation is undertaken and before notice of a RIS is given under section 11 of the Act.
- 5.5 Any areas of significant disagreement between agencies should be referred to Ministers for resolution or brought to Cabinet, or the appropriate committee of the Cabinet, for consideration.
- 5.6 In all cases where the regulatory proposal has the potential to impact on business or any significant sector of economic activity, the proposing agency should seek the views of the Office of Regulation Reform within the Department of State Development.

**B. GUIDELINES AS TO THE PROCEDURES TO BE ADOPTED TO ENSURE THAT WHERE APPROPRIATE, INDEPENDENT ADVICE IS OBTAINED AS TO THE NATURE AND CONTENT OF THE PROPOSED STATUTORY RULE.**

- 5.7 The Act and these guidelines set out certain requirements in relation to consultation on the nature and content of a proposed statutory rule.
- 5.8 Where the proposed rule is of the type which requires a RIS, section 10(3) of the Act requires the responsible Minister to ensure that independent advice on the adequacy of the RIS is obtained and considered.
- 5.9 The RIS should not be released for public comment until the Minister has received independent advice that the statement adequately addresses the matters required to be included in the Statement by reason of section 10 of the Act.
- 5.10 The critical factor in complying with section 10(3) is for agencies to ensure that the advice is provided by and is seen to have been provided by an independent person. Independent in this sense does not necessarily mean independent of government but does mean independent of those developing the policy and the proposed statutory rule. If a unit within the agency developing the policy is used to provide independent advice as to the adequacy of a RIS, care must be taken to ensure that the advice provided is, and can be seen to be, independent.
- 5.11 The Office of Regulation Reform in the Department of State Development is available to provide an assessment service to other agencies. It is also open to the responsible Minister to engage the services of qualified individuals or firms external to government.
- 5.12 Ministers and agencies must take care to ensure that those engaged to provide the requisite advice under section 10(3) have the skills to provide advice as to the scope of the issues to be considered in the RIS and have the cost assessment techniques required for the evaluation of the costs and benefits being economic, environmental and social as well as the various means of achieving the stated policy objectives and the costs and benefits of those alternatives. In choosing a person to provide advice as to the adequacy of the RIS, care must be taken to ensure that the advice is not open to the criticism that it is not truly independent.
- 5.13 It is for the Minister to determine at what stage he or she seeks expert advice on the development of a regulatory proposal. In some circumstances, where there is a major regulatory initiative it may be appropriate that the services of a suitably qualified consultant be engaged early in the policy development process. However, if this consultant is also chosen to provide advice under section 10(3) the issue of independence will arise.
- 5.14 In all cases it needs to be remembered that it is the responsible Minister proposing the making of the proposed rule who must certify to the Governor in Council and to the Parliament under section 10(4) of the Act that the RIS complies with the requirements of the Act.
- 5.15 If engaging consultants external to government, agencies should also consult the *Guidelines for the Engagement and Management of Consultants* issued in the Victorian Government Purchasing Board's Supply Policies and Guidelines.

**C. GUIDELINES AS TO THE PROCEDURES TO BE ADOPTED TO ENSURE THAT PROPER CONSULTATION TAKES PLACE WITH ANY SECTOR OF BUSINESS OR OF THE PUBLIC WHICH MAY BE AFFECTED BY THE PROPOSED STATUTORY RULE.**

- 5.16 This Part sets out consultation requirements in relation to a number of types of statutory rule. However, in considering in any case the appropriate level of consultation, agencies should remember that the emphasis of the Act is on the responsibility of Ministers to the Parliament in exercising the legislative powers delegated to them by Parliament.
- 5.17 The Government recognises that appropriate consultation is important in deciding whether a statutory rule should be made and, if so, in formulating that rule. That consultation may be within government, as between different agencies, and with sectors of the business and the

wider community potentially affected by the rule or in whose interests the proposed rule is directed. The nature and degree of consultation that is appropriate for any particular rule will vary with the nature of that rule.

- 5.18 The RIS, as required by the Act, is designed to be the principal or final, rather than the initial, consultation document. This is because it is designed to address a range of policy options which may not be identified or developed until there has been at least initial consultation with persons and bodies potentially affected by the proposed rule.

#### SECTION 6(b)

- 5.19 Under section 6(b) of the Act, the responsible Minister must ensure that there is consultation in accordance with these guidelines with any sector of the public on which an appreciable economic or social burden may be imposed by a proposed statutory rule. The aim of the consultation is to ensure that the need for and the scope of the proposed statutory rule is considered.
- 5.20 If the proposed statutory rule is likely to impose any appreciable burden, cost or disadvantage on any sector of the public, consultation should take place with that sector, eg business groups, community groups, special interest groups. The consultation should include discussion of the need for and method of the proposed regulation.
- 5.21 In formulating a proposed statutory rule it is important that all relevant costs and benefits are identified. This is particularly the case with indirect costs and benefits which may not be readily apparent. To assist in ensuring that all effects are identified it is helpful to consider in turn the impact of the proposed statutory rule on:
- individuals directly affected by the regulation;
  - particular industries directly affected;
  - the economy and the community at large;
  - competition policy principles.
- 5.22 It is only possible to state that the proposed rule will yield the maximum net benefit if all the relevant effects have been identified and assessed.

#### SECTION 6(c)

- 5.23 Section 6(c) requires that the responsible Minister must ensure that where the Guidelines require consultation a certificate of consultation in accordance with the Guidelines is given to the Scrutiny Committee as soon as practicable after the statutory rule is made. Where the guidelines indicate in the following paragraphs that consultation is not necessary due to the nature of the exception or exemption from the RIS process that is relied upon, there is clearly no need for a consultation certificate to be prepared. However it is good practice in such cases for the Explanatory Memorandum prepared for the statutory rule to clearly state that consultation was not required in the circumstances. This makes it clear that the absence of a consultation certificate is not an oversight.

#### RULES EXCEPTED FROM THE RIS PROCESS UNDER SECTION 8

- 5.24 Section 8(1)(a) excepts proposed statutory rules which increase fees in respect of a financial year by an annual rate that does not exceed the annual rate approved by the Treasurer in relation to the State Budget for the purposes of that section.
- 5.25 Where a proposed rule does no more than effect an increase in accordance with that annual rate, then the level of consultation required under section 6(b) may only be that which may be undertaken by the Treasurer and the Department of Treasury and Finance in the normal process of overall budget development. The Budget strategy sets out the financial plan for the State for a twelve month period. The integrated nature of that strategy should not be disturbed except by subsequent government decision. Any specific consultation about an individual statutory rule which implements part of that strategy would be of little benefit. However, increases in fees outside the percentage allowed for in the Budget are subject to the RIS and consultation processes.

- 5.26 **Section 8(1)(b)** excepts a proposed statutory rule which relates only to a court or tribunal or the procedure, practice or costs of a court or tribunal. Where such rules are made by a court, consultation is not required unless the Judges or Magistrates of that Court determine that there should be consultation. In other cases falling under this sub-section, sufficient consultation should take place with the courts, representative bodies of the legal profession and other relevant interest groups to ensure that the rule is the most effective option available.
- 5.27 **Section 8(1)(c)** excepts a proposed statutory rule which only prescribes an equalisation factor for the purposes of the **Land Tax Act 1958**. If a proposed rule does no more than set such a factor, no consultation is required under section 6(b).
- 5.28 **Section 8(1)(d)(i) and (ii)** except proposed rules to be made under section 4(1)(a) or (b) which relate to the declaration of instruments as falling within or without the definition of statutory rule. In the case of such rules, no consultation is required save for consultation with the relevant responsible Minister or the body responsible for the rule and that required under section 4 with the Scrutiny Committee.
- 5.29 **Section 8(1)(d)(iii)** excepts a proposed statutory rule which extends the life of a sunseting statutory rule under section 5(4) of the Act. In such a case the proposed rule can only continue an existing regulatory regime. Given that the purpose of the extension is to allow time for the RIS process to be completed, no consultation is required under section 6(b).

#### **RULES EXEMPTED FROM THE RIS PROCESS UNDER SECTION 9**

- 5.30 **Section 9(1)(a)** allows the relevant responsible Minister to exempt a particular statutory rule from the RIS process if in his or her opinion the rule would not impose an appreciable economic or social burden on a sector of the public. In the case of such a rule, consultation is only required under section 6(b) if it is necessary to determine whether an appreciable burden would be imposed by the rule and the sector of the public on which that burden would fall. The level and nature of the consultation required in each case is a matter for the relevant responsible Minister.
- 5.31 In this context it is important to remember that the Minister not only has to provide the Scrutiny Committee with a certificate of consultation under section 6(c), but is required to give reasons as to why he or she is of the opinion that the proposed rule does not impose an appreciable economic or social burden on a sector of the public under section 9(2).
- 5.32 **Section 9(1)(b)** allows the relevant responsible Minister to exempt a proposed statutory rule from the RIS process if he or she is of the opinion that the proposed rule is required under a national uniform legislation scheme and an assessment of costs and benefits has been undertaken under that scheme.
- 5.33 In the case of such a rule, the Minister should take care to ensure that the impact of the scheme, particularly on Victorian business, has been properly assessed and should be satisfied that there has been adequate consultation with the business community. This consultation may take place during the development of the national scheme and the decision as to Victoria's entry into that scheme. Under the Act the responsible Minister should still satisfy him or herself that the level of scrutiny and consultation required by the Act has been met. If this is the case, then the requirement for consultation under section 6(b) is satisfied. However, the responsible Minister is still required to provide a certificate of consultation to the Scrutiny Committee under section 6(c).
- 5.34 **Section 9(1)(c)** allows the relevant responsible Minister to exempt a proposed statutory rule from the RIS process if he or she is of the opinion that the proposed rule is fundamentally machinery or declaratory in nature. In the case of such a rule no consultation is required under section 6(b) as consultation on instruments of a minor machinery nature would be of little benefit or value in light of the limited nature of the matters allowed under this exemption.

- 5.35 Sections 9(1)(d) and (da) allow the relevant responsible Minister to exempt a proposed statutory rule from the RIS process if he or she is of the opinion that the proposed rule deals with the administration or procedures within or as between departments or declared authorities within the meaning of the **Public Sector Management Act 1992** or within or as between departments within the meaning of the **Parliamentary Officers Act 1968**. In the case of such a rule, consultation is required under section 6(b) with the Public Service Commissioner (and, in the case of a statutory rule proposed under the **Parliamentary Officers Act 1968**, with relevant Parliamentary Officers), but otherwise the level and nature of the consultation required is a matter for the responsible Minister.
- 5.36 Section 9(1)(e) allows the relevant responsible Minister to exempt a proposed statutory rule from the RIS process if he or she is of the opinion that notice of the proposed rule would render the rule ineffective or would unfairly advantage or disadvantage any person likely to be affected by the proposed rule. This exemption relates to situations such as the requirement for urgent environmental or species protection statutory rule where notice would allow a scarce resource to be exploited pending operation of the proposed statutory rule. In such cases there is no requirement for consultation under section 6(b) if the Minister does not believe that it is appropriate.

#### CONSULTATION WITH BUSINESS

- 5.37 Agencies should take particular care to ensure that regulatory proposals do not impact unduly on business and that the net benefit justifies any impact on business.
- 5.38 Those affected by a proposed statutory rule, particularly the business community, have an important role in identifying and considering alternative methods of achieving the stated objectives. For example the people involved in a particular industry build up a wealth of knowledge about its historical development, current operation and future direction and the interrelationships with other industries and economic activities. These people can greatly assist in the identification of innovative techniques for dealing with the particular community concerns about the industry. Submissions that provide further relevant information on alternatives to a regulatory proposal should always be considered carefully.
- 5.39 Business has extensive knowledge about the costs of regulatory proposals. For example a firm may be able to estimate the impact of a new statutory rule on the cost of its operations. This kind of information greatly assists in evaluating the alternatives.
- 5.40 The RIS process gives the business and wider community an opportunity to communicate to government any concerns it may have about regulations affecting its activities. One of the aims of the RIS and the consultation process is to provide a mechanism whereby it is possible to draw on information and comment from the widest possible sources thereby exposing any subjectivity or faulty reasoning in the regulatory proposal and ensuring that competing interests are recognised and considered.
- 5.41 If the RIS and the consultation process is properly undertaken any resulting statutory rule should represent the most balanced, cost effective and least intrusive solution to an actual problem.

#### CONSIDERATION OF SUBMISSIONS

- 5.42 It should be remembered that Ministers have a duty to consult in appropriate cases at the initial stages and at the RIS stage. Under section 11(3) of the Act the responsible Minister is required to consider all submissions and comments received on a draft statutory rule where a RIS has been prepared. If the agency does not adequately address valid criticisms and suggestions made, this omission may be highlighted later by the Scrutiny Committee which, under section 11(3)(b) of the Act must be provided with a copy of all comments and submissions received in relation to the RIS.



**D. GUIDELINES AS TO THE PROCEDURES TO BE ADOPTED TO ENSURE THAT PROPER CONSULTATION TAKES PLACE IN CIRCUMSTANCES WHERE CONSULTATION IS REQUIRED UNDER SECTION 6.**

5.43 As previously stated, the level of consultation required under section 6 is dependant on the proposed statutory rule. Agencies must consider all the circumstances surrounding the proposed rule. Factors to look at include:

- is the rule being introduced into a previously unregulated area?
- what is the nature of the industry the rule will affect - does it have peak bodies that can or should be consulted?
- is the proposed rule replacing an existing regime eg voluntary code of conduct?
- will the proposed rule impose criminal or civil penalties?

5.44 The procedures to be adopted will vary with the nature of the proposed rule. Where the area was previously unregulated, consultation may take the form of the issue of a discussion paper calling for a response from interested groups, or where the proposed rule is only fine tuning, minimal consultation may be required.

**6. PART SIX: GUIDELINES AS TO CIRCUMSTANCES IN WHICH A STATUTORY RULE IMPOSES AN APPRECIABLE COST OR BURDEN ON A SECTOR OF THE PUBLIC**

6.1 An understanding of when a statutory rule imposes an appreciable economic or social burden on a sector of the public is important for consultation processes under section 6(b) and exemption from the RIS process under section 9(1)(a).

6.2 In considering whether a proposed rule imposes an appreciable cost or burden on a sector of the public, an agency must consider two aspects:

- whether the proposed rule has the requisite impact on a "sector of the public"; and
- whether the proposed rule imposes "an appreciable cost or burden" on that sector of the public.

6.3 In considering the first aspect, whether a sector of the public is involved, the rule must have an impact on a sector. A "sector of the public" includes proposed regulations that impact on the whole community as well as impacting on groups of people. The question of how many people constitute a sector of the public is a matter of judgement and degree in each case depending on the nature of the proposed regulations.

6.4 Burden is variously defined as:

- a load, weight; that which is grievous, oppressive, or difficult to bear; an obligation: any restriction, limitation or encumbrance affecting person or property (Chambers 20th Century Dictionary - New Edition, 1983)
- that which is carried; a load; that which is borne with difficulty; the duty to discharge an obligation or responsibility; that part of the cost of manufacture which is not directly productive oncost; to load heavily; to load oppressively; oppress (Macquarie Dictionary, 1981)
- that which is borne, a load; an obligatory expense; a load as a measure of quantity (The New Shorter Oxford English Dictionary, 1993)

6.5 "Appreciable" is variously defined as:

- capable of being estimated; perceptible; considerable (The Australian Concise Oxford Dictionary - 7th edition)
- capable of being appreciated, valued, or recognised by the mind; perceptible, sensible (The Shorter Oxford English Dictionary - 2nd edition)

- capable of being perceived or estimated, noticeable (Macquarie Dictionary, 1981)
  - worth esteeming; able to be estimated or judged; perceptible, considerable (The New Shorter Oxford English Dictionary, 1993)
  - capable of being estimated, perceptible (Chambers 20th Century Dictionary - New Edition, 1983)
- 6.6 Although the definitions suggest that a relatively small burden would be sufficient to be termed "appreciable", it is also clear from those definitions that the burden needs to be something real and more than just theoretical. There must be an actual impact.
- 6.7 In considering whether a particular proposed statutory rule imposes an appreciable burden, agencies should consider factors such as:
- does it impose significant penalties for non-compliance?
  - does it impact on individual rights and liberties?
  - will it impact on business?
- 6.8 Generally, statutory rules which impose fees or charges will impose an appreciable burden within the meaning of the Act. However, there may be cases where a very minor fee, such as a photocopying charge is imposed, or only a small group is involved. In assessing whether a proposed rule does in fact impose an appreciable burden, agencies should consider the level of the fee, the impact it may have on an individual and the overall size of the particular revenue base involved in relation to the particular fee imposed.
- 6.9 Statutory rules which reduce existing fees or charges payable do not impose an appreciable burden so as to require the preparation of a RIS if they do nothing else which would warrant the preparation of a RIS. Rules being remade, but re-imposing an existing fee or charge at level, do impose a burden and require a RIS to ensure review of the continuing appropriateness of the fee and the level of that fee.
- 6.10 The decision as to whether an appreciable burden is imposed should not be one made in isolation from the policy objectives and consultation that has taken place. It is an integral part of the policy development process. If the conclusion is reached that there is no appreciable burden imposed, there is no need to prepare an RIS but under section 9 of the Act the Minister must certify with reasons that this is the case.

#### **7. PART SEVEN: GUIDELINES AS TO THE APPLICATION, ADOPTION OR INCORPORATION OF MATTER IN A STATUTORY RULE**

- 7.1 Regulations often refer to and apply documents which are widely used but are not themselves of a legislative character, such as Australian Standards published by the Standards Association of Australia. This is a drafting practice known as "incorporation by reference".
- 7.2 Without it the substance of the documents to be adopted would have to be repeated in full in subordinate legislation. This would often be cumbersome as the documents referred to may be thousands of pages in length. Properly used, incorporation by reference can be a sound drafting technique which is consistent with plain English drafting. It can be particularly important as a means of ensuring national uniformity of regulations where that is an important and desirable consideration.
- 7.3 Section 32 of the **Interpretation of Legislation Act 1984** prescribes the procedural requirements which must be fulfilled whenever a statutory rule applies, adopts or incorporates material by reference. Section 32(5) of the **Interpretation of Legislation Act 1984** provides that a failure to comply with the tabling requirements does not affect the validity, operation or effect of a statutory rule but agencies should nevertheless ensure compliance with the requirements of section 32 as amended by the **Subordinate Legislation Act 1994**.

- 7.4 When considering whether to incorporate a particular document in a statutory rule it should be remembered:
- that the provisions of the rule will only refer to the incorporated material and members of the public affected by the rule must see the incorporated document before they can understand the contents and effect of the rule;
  - that the incorporated material may not be readily available at a reasonable cost;
  - that the procedures set out in section 32 are designed to facilitate Parliamentary oversight of incorporation of material and to ensure that such material is publicly available so that members of the public affected by the rule can have access to the rules with which they must comply.
- 7.5 It needs to be remembered that the incorporated material may not be a single document. The problem is exacerbated by the drafting style adopted by the Standards Association of Australia as these standards are frequently not self contained but adopt the provisions of other standards. This can create a chain of material incorporated by reference leading to the possibility that the need to table a particular document will be overlooked.
- 7.6 Consideration should also be given in drafting statutory rules as to whether the reference to an Australian Standard should be to a specific standard (eg AS 1234) or to a specific version of a standard by reference to its date (eg AS 1234, 1997). The latter approach means that if a later amended version of a standard is to be adopted it will require the amendment of the statutory rule and the undertaking of the RIS process. The former approach may result in significant changes to the effect of the statutory rule with no automatic mechanism to review the changes to the costs and benefits of the statutory rule
- 7.7 The aim of the procedures set out in section 32 of the **Interpretation of Legislation Act 1984** is to guarantee the availability of any material which is incorporated into a statutory rule by reference, to ensure that citizens may have access to the laws with which they must comply.
- 7.8 In deciding whether to incorporate material by reference, agencies need to take care to balance the drafting convenience with ease of access to the incorporated material and understanding of it by those affected by it or required to comply with it. Agencies should reserve the use of incorporated detailed and extensive technical material to regulations concerning industries familiar with and using the material. The use of the material then has the benefit of removing duplication. In such cases agencies should also consider whether performance standards are the more appropriate means of regulation.
- 7.9 Agencies need to remember that section 32 requires that the material must be kept available for inspection during normal office hours by members of the public without charge at the department of the Minister administering the Act under which the rule is made, or some other appropriate public office specified by the Minister in a notice published in the Government Gazette.
- 7.10 In order to ensure that both the Parliament and the public are informed as to the obligations imposed by regulations when incorporated material is amended, the material as amended must be tabled and kept available for public inspection.
- 7.11 Where it is proposed that a statutory rule incorporates material, all material necessary to ensure compliance should be tabled. This includes not only primary references but references to documents at a secondary or tertiary level unless such references are irrelevant to the substance of the regulation, are unnecessary or merely comprise a reference back to the primary reference material. Unless all relevant material is tabled, the regulation does not apply, adopt or incorporate the material effectively.
- 8.1 PART EIGHT: GUIDELINES AS TO THE STYLE AND LANGUAGE TO BE USED IN DRAFTING STATUTORY RULES**
- 8.1 Agencies must consult the Office of Chief Parliamentary Counsel in drafting statutory rules.

- 8.2 The Office of Chief Parliamentary Counsel plays two roles in the statutory rule making process. First, it provides general assistance to agencies in setting the form and content of statutory rules. Settling of the proposed rule is an essential element in the process. Chief Parliamentary Counsel's assistance must be sought before a draft copy of a proposed rule is included in a RIS under section 10(1)(g) of the Act.
- 8.3 In addition, under Section 13 of the Act, a proposed statutory rule that is to be made by, or with the consent or approval of the Governor in Council must be submitted to the Chief Parliamentary Counsel for the issue of a certificate by Chief Parliamentary Counsel concerning the criteria set out in that section.
- 8.4 In drafting a statutory rule, agencies must consult and comply with the *Notes for the Guidance of Legislation Officers* issued by the Office of the Chief Parliamentary Counsel. The Scrutiny Committee has also issued a *Guideline on Grounds for Disciplinary Proceedings of Members of Professional Bodies* (20.3.95) and a *Drafting Memorandum on Open-ended, Catch-all Prohibitions* (24.5.95) which may be of further assistance to agencies.
- 8.5 Agencies have an interest in ensuring statutory rules are accurately and clearly drafted as, apart from making the rules more accessible to the public, this will reduce their vulnerability to adverse review in a court of law as being in excess of the power set out in the authorising Act.
- 8.6 If the statutory rule refers to any other statutory rule, the rule must contain a foot note or end note identifying the rule referred to and all other rules which amend the rule referred to. If a statutory rule identified in a footnote or end note has been reprinted in accordance with section 18 of the Act, the footnote or end note may refer to that reprint, the last statutory rule incorporated in the reprint and any statutory rule which has amended the reprinted statutory rule after it was reprinted.
- 8.7 All statutory rules 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.
- 8.8 A statutory rule should:
- not duplicate, overlap or conflict with other statutory rules or legislation;
  - always reflect the intention and promote the purpose of the authorising statute.
- 8.9 A statutory rule must-
- not conflict with the letter and intent of the authorising Act;
  - clearly set out as part of its text -
  - the objectives of the rule; and
  - the precise provision authorising the rule;
  - not deal with matters outside the scope of its objectives.
- 8.10 An Explanatory Memorandum must be prepared to accompany any statutory rule it is proposed to put to the Governor in Council. This Memorandum should set out the nature and extent of any changes effected by the new statutory rule and the reason for the changes particularly in cases where no RIS has been prepared. The Explanatory Memorandum is particularly important where the proposed rule contains complex or detailed technical information. The Scrutiny Committee has issued a *Drafting Memorandum on Explanatory Memorandums* (24.5.95) which emphasises the need for an adequate standard of Explanatory Memorandum.

8.11 The Explanatory Memorandum should take the following form:

- a brief outline of each provision;
- an explanation of the changes effected by each provision;
- a statement of the reasons for making the rule;
- where applicable, the reasons why no regulatory impact statement 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: see paragraph 5.23 above.

**9. PART NINE: GUIDELINES AS TO THE PRINTING AND SUBMISSION OF STATUTORY RULES TO THE GOVERNOR IN COUNCIL AND THE PROVISION OF STATUTORY RULES TO THE SCRUTINY OF ACTS AND REGULATION COMMITTEE.**

9.1 The *Notes for the Guidance of Legislation Officers* prepared by the Office of the Chief Parliamentary Counsel provide the most authoritative and up to date information on these matters and must be complied with.

**10. PART TEN: EXEMPTION FROM THE RIS PROCESS**

10.1 Section 9 of the Act allows the relevant responsible Minister to exempt a particular proposed statutory rule from the RIS process if he or she is of the opinion that the proposed rule falls within one of the five grounds of exemption set out in section 9(1).

10.2 If the Minister is of the opinion that the particular rule is exempt, then in making the written certification of his or her opinion, the Minister must also specify the reasons for that opinion.

10.3 The Act does not set out any form for the certificate that is to be provided to the Scrutiny Committee under section 9 but an example form of certificate is included in Attachment A to these guidelines. Ministers and agencies should take care to ensure in each case that the certificate covers the following:

- **One** the name of the proposed statutory rule;
- **Two** the subsection of 9(1) under which the exemption is made;
- **Three** an outline of the nature and effect of the proposed rule including the proposed operative date and, if relevant, the reason for that date;
- **Four** the reason why the proposed rule falls within the relevant exemption, ie. what is it about the nature and effect of the rule, including the operative date of the rule, which corresponds with the matters covered by the exemption.

10.4 Agencies should note the requirement under section 9(5) and 9(6) that a copy of the certificate be given to the Scrutiny Committee as soon as practicable after the rule is made and that a copy of the certificate must be laid before each House of the Parliament **at the same time** as the statutory rule is so laid under section 15 of the Act.

10.5 Agencies should remember that section 9 does not require a Minister to exempt any given proposed statutory rule from the RIS process but only enables a Minister to do so. The RIS process must still be undertaken if the Minister believes that it is appropriate or desirable.

**11. PART ELEVEN: PREMIER'S CERTIFICATES**

11.1 Section 9(3) of the Act gives the Premier the power to exempt a proposed statutory rule from the RIS process where the Premier is of the opinion that, in the special circumstances of the particular case, the public interest requires that the proposed statutory rule be made without complying with the RIS process under section 7 of the Act. This power is for use in cases of emergency or overriding public interest. Moreover such an exemption can only be given if the proposed rule is to sunset within 12 months.

11.2 Agencies should not seek the Premier's views as to the granting of an exemption certificate rules unless there are overwhelming grounds on which the Premier could reach the opinion that in the special circumstances of the particular case the public interest requires that the proposed rule be made **without** complying with the RIS process.

- 11.3 A request for a Premier's certificate will not be considered unless the request is made in writing by the responsible Minister at least 14 days before the date on which it is sought to have the proposed rule made.
- 11.4 The Premier is required to form an opinion that **at the time** the statutory rule is proposed to be made, the special circumstances of the particular case require that the rule be made without completing the RIS process. Certificates can only be granted for statutory rules that have been finalised and not for draft or potential rules. A copy of the settled rule should be provided with the request for the certificate together with a copy of the advice provided by Chief Parliamentary Counsel under section 13 of the Act. The application for a certificate must set out evidence of the public interest so as to enable the Premier to form the requisite opinion. There are no set criteria for determining the public interest and each case must be argued on its merits.
- 11.5 Agencies should not make requests for Premier's certificates lightly. It must be remembered that the Premier's power to grant exemptions is not intended to operate as an alternative means of making statutory rules. The purpose of the exemption is to ensure that matters of genuine public interest can be made without delay. There is a need in each case to balance the public interest in the consultation and cost assessment involved in the RIS process and the need to make regulations without delay in emergency situations.
- 11.6 Agencies should also note that section 9(4) of the Act provides that the Premier cannot grant a certificate unless the proposed statutory rule is to expire on or before 12 months after its commencement date. In considering whether to make a request for a Premier's certificate in any case, agencies should not expect that the twelve month period will automatically be the period allowed. In all cases the aim will be to allow only the shortest possible period necessary to enable the RIS process to be undertaken unless exceptional circumstances are involved.
- 11.7 Agencies should be aware that, subject to section 5(2) of the Act, statutory rules will sunset on the tenth anniversary of their making. Agencies should therefore maintain accurate records of the sunset dates for all statutory rules administered by the Ministers to whom the agency reports and allow sufficient time for the review of the continuing appropriateness of the regulations and for the completion of the RIS process if they are to be made in whole, part or in modified form.

## 12. PART TWELVE: SUNSETTING AND EXTENSION OF STATUTORY RULES

- 12.1 Agencies should be mindful that one of the aims of the Act is to ensure that outdated and unnecessary regulation is automatically repealed. This aim is embodied in section 5 which provides that, subject to section 5(2) and (4) of the Act, statutory rules will sunset on the tenth anniversary of their making. It is the responsibility of the agency to maintain accurate records of the sunset dates for all statutory rules administered by the Ministers to whom the agency reports. It is essential that an agency allow sufficient time for the review of the continuing appropriateness of the regulations and for the completion of the RIS process if they are to be made in whole, part or in a modified form.
- 12.2 The Office of Chief Parliamentary Counsel notifies agencies of statutory rules that are due to sunset and works together with agencies for the orderly sunset of rules. Ministers should nominate an officer to be responsible for notifying the Office of the Minister's intentions about remaking any statutory rule that is due to sunset and should notify the Office at least 6 months before the sunset date so that the Office is in a position to provide timely advice in settling the proposed new rule.
- 12.3 Should a situation arise where insufficient time has been allowed for the completion of the RIS process in relation to a sunset regulation, section 5(4) of the Act allows the responsible Minister, if he or she is satisfied that there are special circumstances, to extend the life of a sunset statutory rule for a further period of up to twelve months during which time the regulatory impact statement will be completed. This will avoid the need to make interim regulations. Agencies should note that only one such extension can be made and that a request for a Premier's certificate will not be considered in such cases as the Minister has the power to extend the regulations.

- 12.4 However, agencies should note that Ministers are required to certify under section 5(3) of the Act that there are special circumstances and that the Governor in Council relies on the certificate and recommendation of the responsible Minister. Therefore, it is the responsibility of each agency to ensure that the Minister is properly advised as to why special circumstances exist which justify the extension of regulations which would otherwise sunset. The Governor in Council will need to be advised as to what the special circumstances are. This will involve setting out the circumstances in the Explanatory Memorandum.
- 12.5 What are "special circumstances" which justify the extension of regulations which would otherwise sunset? The Act itself does not provide any definition of "special circumstances", however the type of circumstances envisaged would be cases where a review of the operation of the whole area of the regulations is proposed or being undertaken or where a national scheme is being negotiated. Administrative oversight should not be considered to be a "special circumstance". The scheme of the Act is to ensure that the regulatory process is undertaken and in cases where it is not, to make the reasons for not undertaking the process clear. The responsible Minister elaborates in the certificate required under section 8(1)(d)(iii).
- 12.6 Agencies should note the requirement under section 8(3) and 8(4) that a copy of the section 8(1)(d)(iii) certificate be given to the Scrutiny Committee as soon as practicable after the rule is made and that a copy of the certificate must be laid before each House of the Parliament **at the same time** as the statutory rule is so laid under section 15 of the Act. Agencies should also note that the Act requires both a section 5 certificate and a section 8 certificate when a statutory rule is made under section 5(4).

### 13. PART THIRTEEN: GENERAL NOTES ON REGULATORY IMPACT STATEMENTS

- 13.1 The RIS must properly assess the cost and benefits of the proposed statutory rule but it need not be an elaborate economic thesis. What agencies should seek to produce is a commonsense document which provides an honest assessment of the foreseeable impact of the proposed regulation. This assessment should be supported by the available facts, including costs estimates.
- 13.2 The RIS should allow a reader to understand the costs and benefits of the proposed rule and of the practicable alternatives identified. The aim of the RIS is not to "sell" the particular proposal, rather it should be a real attempt to recognise and consider the views of affected persons where competing interests are involved. The RIS should contain sufficient information to allow a reader to formulate an opinion as to whether the making of the proposed statutory rule is justified and should adequately explain the reasons for the regulatory change. The RIS must consider alternatives and contain information as to the options that have been considered. However, if a non regulatory option is in fact the best solution, this should have been identified in early stages of the development of the regulatory objective.
- 13.3 Agencies should remember that the purpose of a RIS is to explain the need for the statutory rule and to set out the costs and benefits which would follow from its adoption. It must also explain the practicable alternatives which have been considered and the reasons for their rejection. The RIS should be intelligible to the general public and should allow those with an interest in the proposed rule to comment on that rule.
- 13.4 In preparing any RIS, agencies should remember that it is the relevant responsible Minister who is required to certify to the adequacy of that RIS and that a poorly prepared RIS will be the subject of adverse comment by the Scrutiny Committee.
- 13.5 Agencies should endeavour to ensure that notice of a RIS published in accordance with s.11 of the **Subordinate Legislation Act 1994** is placed in a part of a daily newspaper that will allow the notice to be seen by all interested persons who may wish to comment on the RIS.

**14. PART FOURTEEN: COMPETITION POLICY REQUIREMENTS**

- 14.1 To ensure compliance with National Competition Policy, the Government requires all new legislative proposals to be analysed against the Guiding Legislative Principle set out in the Competition Principles Agreement. That principle is as follows:-
- 14.1.1 Legislation (including Acts, enactments, Ordinances or regulations) should not restrict competition unless it can be demonstrated that:
- the benefits of the restriction to the community as a whole outweigh the costs; and
  - the objectives of the legislation can only be achieved by restricting competition.
- 14.2 In order to ensure compliance, Guidelines for the Application of the Competition Test to New Legislative Proposals have been issued by the Premier (and can be obtained by contacting the First Assistant Secretary, Economic Development Branch, Department of Premier and Cabinet). To complement the operation of those guidelines, all proposed statutory rules for which a RIS is required must have accompanying the RIS an assessment of whether or not the proposed statutory rule contains a restriction on competition and if so, a description of the nature of the proposed restriction. This assessment should follow step 1 set out in Attachment B to these guidelines.
- 14.3 Where a restriction on competition is involved, the RIS must also be accompanied by an assessment showing that the proposed restriction satisfies the Guiding Legislative Principle. This assessment should follow steps 2 to 5 set out in Attachment B to these guidelines.
- 14.4 Before a proposed statutory rule will be considered by the Governor in Council, the Minister must issue a certificate in the form of Attachment C to these guidelines stating that an assessment consistent with the requirements of these guidelines and the Premier's Guidelines for the Application of the Competition Test to New Legislative Proposals has been made of the provisions of the proposed statutory rule and that:-
- the proposed statutory rule does not contain a restriction on competition; or
  - the proposed statutory rule does contain a restriction(s) on competition but satisfies the Guiding Legislative Principle.
- 14.5 The certificate, with the documentation of the assessment attached, must be provided to the Clerk of the Executive Council.
- 14.6 Proposed statutory rules which are either excepted by section 8 of the Act or exempted by section 9 of the Act from the RIS process are not required to comply with the competition policy assessment requirements.
- 14.7 The Premier may exempt proposed statutory rules from the competition policy assessment requirements. Such an exemption may be made where the form of the proposed statutory rule is strictly prescribed by the authorising Act in a way which excludes the possibility of a restriction on competition.
- 14.8 Applications for an exemption should be forwarded to the First Assistant Secretary, Economic Development Branch, Department of Premier and Cabinet.

**ATTACHMENT A  
EXAMPLE - CONSULTATION CERTIFICATE  
SUBORDINATE LEGISLATION ACT 1994  
CERTIFICATE OF CONSULTATION UNDER SECTION 8  
XXXXXXXXXXXX REGULATIONS 199X**

I, \_\_\_\_\_, Minister for \_\_\_\_\_, and Minister responsible for the administration of the \_\_\_\_\_ Act 19XX, certify under section 6 of the Subordinate Legislation Act 1994 that -

- a) there has been consultation in accordance with the Subordinate Legislation Guidelines and the matters to be dealt with under the proposed XXXXXXXXXXXX Regulations 199X do not impinge upon or unduly affect the area of responsibility of any other Minister and there is no overlapping or duplication of or conflict with, the legislation, statutory rules or stated government policies administered by other agencies; and



- b) the need for, and scope of, the proposed XXXXXXXXXXXX Regulations 199X have been considered and, in accordance with the Subordinate Legislation Guidelines, there has been consultation with the [ industry] which is the sector of the public on which an appreciable burden will be imposed by the regulation.

DATED:

Signature of the Minister

TITLE

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**EXAMPLE - EXCEPTION CERTIFICATE  
SUBORDINATE LEGISLATION ACT 1994  
CERTIFICATE OF EXCEPTION UNDER SECTION 8  
XXXXXXXXXXXX REGULATIONS 199X**

I, , Minister for , certify under section 8( ) of the **Subordinate Legislation Act 1994** that, in my opinion, the proposed XXXXXXXXXXXX Regulations 199X (*insert reasons for relevant exception*) and are therefore exempted from the requirement to prepare a Regulatory Impact Statement under section 7 of that Act.

DATED:

Signature of the Minister

TITLE

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**EXAMPLE - EXEMPTION CERTIFICATE  
SUBORDINATE LEGISLATION ACT 1994  
CERTIFICATE OF EXEMPTION UNDER SECTION 9  
XXXXXXXXXXXX REGULATIONS 199X**

I, , Minister for , certify under section 9( ) of the **Subordinate Legislation Act 1994** that, in my opinion, the proposed XXXXXXXXXXXX Regulations 199X (*state relevant reason eg impose no appreciable economic or social burden on a sector of the public*) and are therefore exempted from the requirement to prepare a Regulatory Impact Statement under section 7 of that Act.

The proposed XXXXXXXXXXXX Regulations (*explain why the proposed statutory rule falls within the exemption and outline the nature and effect of the proposed statutory rule including the proposed operative date and, if relevant, the reason for that date.*)

DATED:

Signature of the Minister

TITLE

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**EXAMPLE - COMPLIANCE CERTIFICATE  
Subordinate Legislation Act 1994  
CERTIFICATE OF COMPLIANCE UNDER SECTION 10(4)  
XXXXXXXXXXXX Regulations 199x**

I, , Minister for , and Minister responsible for administering the Act 199X, certify under section 10(4) of the **Subordinate Legislation Act 1994** that, in respect of the proposed XXXXXXXXXXXX Regulations 19XX:

- (a) the requirements relating to Regulatory Impact Statements in the **Subordinate Legislation Act 1994** and the guidelines issued under the Act have been complied with; and

(b) in my opinion the Regulatory Impact Statement prepared under the **Subordinate Legislation Act 1994** adequately assesses the likely impact of the proposed Regulations.

DATED:

Signature of the Minister

TITLE

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#### ATTACHMENT B

##### **Tests for restrictions on competition, and benefits and costs to the community**

The requirement to state whether or not proposed legislation contains a restriction on competition can be fulfilled by completing and documenting the first step that appears below. The requirement to assess whether proposed legislation that contains a restriction on competition satisfies elements (a) and (b) of the Guiding Legislative Principle can be performed by completing and documenting steps 2 to 5.

Each of these steps involve the application of economic concepts. It would therefore be advisable when assessing compliance with this guideline to obtain suitable economic advice. Such advice may be obtained from internal departmental resources, specialist bodies such as the Office of Regulation Reform or economic consultants with expertise in microeconomic reform.

##### ***Step 1 - Identify the restriction on competition***

All proposals for statutory rules must be examined to identify any restrictions on competition contained within any of their provisions.

There are a number of legislative schemes that are deemed to contain restrictions on competition unless proven otherwise. These include legislation that:

- allow only one company or person to supply a good or service (monopoly);
- require producers to sell to a single company or person (monopsony);
- limit the number of producers of goods and services to less than four (duopoly or oligopoly);
- limits the output of an industry or individual producers;
- limit the number of persons engaged in an occupation.

These restrictions may be imposed through a statutory prohibition or a licensing or accreditation scheme that create a barrier to market entry by potential competitors.

Other legislative restrictions on competition can be identified through the following procedure. First, identify any market that is affected by the legislation. Refer to Appendix 1 for guidance on market definition. If there is not an affected market or potential market then no further consideration is required.

Second, having identified the relevant markets, consider how the proposed legislation will impact on the market in contrast with how the market would function in the absence of the legislation. If entry to the market would be limited, made more costly or the number of firms would be reduced, then the proposed legislation contains a restriction on competition.

Other indicators of a restriction on competition include: a reduction in product innovation, decrease in product differentiation and increased vertical integration.

##### ***Step 2 - Show that the restriction is necessary to the objective***

The legislative principle adopted by all governments under the National Competition Policy Agreements requires not only that a net public benefit case be established before any legislative restriction on competition is made, but also that the *only* way of achieving the objective of the legislation is by restricting competition.

It should be proved that the objective of the proposed legislation can only be achieved by restricting competition.

Having identified in Step 1 the specific restriction, Step 2 requires a demonstration of why it is necessary to restrict competition to achieve a particular objective. Thus in Step 2 it will be necessary to:

- articulate the objective that is to be achieved by the restriction on competition in the context of the proposed legislation; and
- assess all practicable alternative means of achieving the objective, including non-legislative means, rather than by the restriction on competition.

The objective is the end point or purpose of the legislation involving the restriction. The objective should be stated in a way that clearly relates to the policy issue that is to be addressed.

Government generally has a range of objectives which it desires to meet, and a number of tools at its disposal that it can use to meet those objectives, ranging from specific actions to alter business conditions for particular market participants, to general actions designed to set the framework for all players in a market.

This step is important because it requires demonstration of a specific and unique link between a desired objective and the restriction. A vaguely asserted link, or an objective which could be achieved by means other than restricting competition - for example by introducing more competition, amending other legislation to remove the need to restrict competition or altering market structures - will not be sufficient.

It is important to distinguish between this Step and Step 4. Step 4, which calls for the assessment of the community benefit flowing from restriction on competition, examines how the restriction gives rise to broader community benefits. Step 2 merely demonstrates that the only way to achieve the Government's objective is by a restriction on competition and no other means.

#### ***Step 3 - Assess the costs to the community caused by the restriction***

The community means the Australian community generally. Whereas Victorian State legislation will apply only to that segment of the Australian community which falls within the jurisdictional limits of Victoria, the anti-competitive effect of state legislation on the broader Australian community needs to be considered.

In most cases, the principal costs likely to be caused to the community would be the costs associated with a lessening of competition relative to what would occur in the absence of the restriction.

Assessing the costs resulting from the proposed restriction involves assessing the level of competition in the relevant market(s) both with and without the proposed restriction.

In assessing the condition of the market both with and without the proposed restriction, it is important to consider potential competition from prospective entrants into the market, in addition to competition from existing market participants.

The following changes *may* be indicative of an overall lessening of competition in a market:

- increase in the height of barriers to entry facing new competitors;
- greater variation between the size of competitors in a market;
- decrease in product differentiation and sales promotion in the market;
- increase in the degree of vertical integration in the industry; or
- increase in arrangements between market participants which restrict their ability to function independently.

The costs of such changes may be analysed in terms of loss of economic efficiency. Such costs will be borne not only by the consumers (and potential producers) of the good or service directly affected but by the community as a whole. This will reflect the extent to which resulting allocative inefficiencies cause less resources to be available for the production and consumption of all other goods and services.

A lessening of competition in a market is likely to result in costs to both productive and allocative efficiency.

Productive efficiency is achieved when the cost per unit of output is minimised for any given amount of a product or service to be produced. Productive efficiency is therefore influenced by such factors as economies of scale, the mix of inputs employed in the production process, and their relative prices. Unless each enterprise is minimising its costs per unit of output, resources are wasted which could have been used for other purposes. Conversely, any increase in productive efficiency resulting from a more competitive market environment will free resources for other purposes, thereby increasing overall community welfare.

Allocative efficiency is achieved when resources are allocated to the production of those goods and services for which consumers are most prepared to pay. If a firm produces more of a good or service than consumers are prepared to purchase at a price that at least covers the cost of production, then the resources used in the production of the unwanted output are wasted. Allocative inefficiencies will also result if, due to input or output controls or restrictions on the number of producers, a lesser volume of output is produced than consumers desire and/or at a higher price than they are prepared to pay. In addition to the costs borne by consumers having to pay higher prices, consumers will incur losses in terms of the extra goods and for which they would have been willing to pay at prices set in a competitive market.

Legislation which results in a lessening of competition in a market is likely to result in a loss of both productive and allocative efficiency. For example, a licensing scheme that limits the number of suppliers in a market would allow incumbent suppliers to set prices higher than would be possible in the face of price competition from new entrants to the market seeking to establish market share.

As a consequence there will be little pressure on producers to minimise unit costs of output, leading to a loss of productive efficiency. At the same time, because consumers will have to pay more for the good than they would have to pay in the absence of this restriction on competition, they will have less resources to allocate to other goods and services, resulting in overall reduction in community welfare.

***Step 4 - Assess the community benefit***

Community benefit includes all private and public benefit which would flow from the restriction on competition. That is, it is much broader than just the effects on competition. Public benefit has been attributed a broad meaning in existing trade practices case law as:

.....anything of value to the community generally, any contribution to the aims pursued by the society including as one of its principal elements... the achievement of the economic goals of efficiency and progress.

Again, the community means the Australian community as a whole. Benefits to the community as a whole represent the sum of all public and private benefits flowing from the restriction on competition.

Factual evidence will need to be supplied that the purported community benefits are achievable and likely to occur. Unsubstantiated assertions, anecdotal evidence or statements that a theoretical benefit should occur will not constitute such evidence.

The benefits must be attributable directly to restriction on competition. As an example, restrictions that relate to manufacturing processes that use hazardous chemicals that if improperly handled could harm public health may be justified when directly linked to a reduced risk of accidents.

***Step 5 - Assess whether benefits outweigh costs***

It needs to be demonstrated to the satisfaction of the Premier (and the Cabinet in the case of bills) that the benefits outweigh the costs. Even where direct benefits are expected to flow only to a sector of the community, the community as a whole may benefit provided the benefits to that sector are not fully offset by costs to other sectors of the community.

An appropriate method should be used to value benefits and costs. Guidelines for the assessment of costs and benefits are contained in the Regulatory Impact Statement Handbook Better Regulation issued by the Department of Business and Employment in July 1995.

The assessment of the costs and benefits must include an assessment of the economic, environmental and social impacts and the likely administrative and compliance costs, including resource allocation costs.

As far as practicable, the costs and benefits should be measured or approximated in dollar terms. Impacts which are indirect in their effect should also be included.

Costs or benefits which cannot be estimated in dollar terms should be demonstrated as far as possible by reference to empirical facts.

In accordance with the Competition Principles Agreement, the following matters shall, where relevant, be taken into account when balancing the benefits against the costs:

- government legislation and policies relating to ecologically sustainable development;
- social welfare and equity considerations, including community service obligations;
- government legislation and policies relating to matters such as occupational health and safety, industrial relations and access and equity;
- economic and regional development, including employment and investment growth;
- the interests of consumers generally or of a class of consumers;
- the competitiveness of Australian businesses; and
- the efficient allocation of resources.

It should be noted that the above list of matters is not an exhaustive list. There may also be some overlap between these matters. Other matters should be taken into account where relevant.

#### **APPENDIX 1 DEFINING THE MARKET FOR PURPOSES OF ASSESSING COSTS OF A RESTRICTION ON COMPETITION**

##### **Market definition**

As a first step in assessing the costs to the community of a restriction on competition, it is necessary to define the market on which the restriction applies or will apply.

Two alternative approaches to market definition are outlined below.

##### **Mason perspective**

One approach to defining the market which has been recognised in Australian Trade Practices cases is the Mason perspective. This approach involves considering a seller in the market and ascertaining whom that seller, as a market participant, views as potential customers and competitors.

For example, a vendor in a food court situated in a regional shopping centre will view his/her potential customers as all patrons of the shopping centre and his/her competitors as all other vendors in the food court, regardless of the type of food they sell.

This approach to market definition will ensure that the market is not drawn so widely as to include firms that offer little real competition. At the same time, it ensures true sources of competition, including potential competition, are identified.

##### **Trade Practice Tribunal approach**

The Trade Practices Tribunal has defined the nature of the market in the following terms:

A market is the area of close competition between firms or...the field of rivalry between them. (If there is no close competition there is of course a monopolistic market.) Within the bounds of the market there is substitution - substitution between one product and another, and between one source of supply and another - in response to changes in prices. So a market is the field of actual and potential transactions between buyers and sellers amongst whom there can be strong substitution, at least in the long run, if given sufficient price incentive. [*Re QCMA and Defiance Holdings* (1976) ATPR 40-012 in Butterworths (ed) (1995) **Annotated Trade Practices Act 1974**]

Under this approach, the boundaries of a market are defined by the opportunities for substitution of similar goods or services. Substitution can be either substitution on the supply side, where producers will switch to the production of different products in response to changing prices, or on the demand side, where consumers will switch to consumption of different products as a result of a change in price.

In determining the boundaries of a market by reference to the degree of actual or potential substitution, and hence competition, between goods within that market, it is necessary to consider four separate dimensions - the product dimension, the geographic dimension, the functional dimension and the temporal dimension.

*Product dimension*

The product dimension refers to the use or characteristics of a product. For illustration, given a 5 per cent rise in the price of product A, could consumers switch to product B in order to satisfy their requirements. Alternatively, given a 5 per cent rise in the price of product A, could producers switch to the production of product B to satisfy their market.

*Geographic dimension*

The geographic dimension of a market is the geographic areas within which a market operates. Factors affecting the geographic location of the market include the value of the good, the perishability of the good and the cost of transportation of the good.

For illustration, given a 5 per cent rise in the price of product A in locality Y, could the consumer source the product or a substitute product from elsewhere, or would the cost of transportation or the perishability of the product rule out this option.

*Functional dimension*

The functional dimension refers to the location of the market within the overall chain of production. For example, is the market a wholesale or a retail market.

*Temporal dimension*

The temporal, or time, dimension concerns the potential for the market to evolve over time. At a particular moment in time, the product, spatial and functional dimensions of a market may be clearly defined. However, given time, any or all of these dimensions could change - for example, in response to the introduction of new technology.

**ATTACHMENT C**  
**Certificate of compliance**  
**(Subsection 3.3)**

**Subordinate Legislation that does not restrict competition**

I [ministers name], Minister for [portfolio], and Minister responsible for administering the [title of authorising Act for the subordinate legislation] certify that the proposed [title of regulation] -

has been assessed in accordance with the guidelines and the results documented in the attachment to this certificate, and

the assessment shows that the proposed subordinate legislation does not restrict competition.

**DATED:**

[Minister]  
[Title]

**Certificate of compliance**  
**(subsection 3.3)**

**Subordinate Legislation that restricts competition**

I [ministers name], Minister for [portfolio], and Minister responsible for administering the [title of authorising Act for the subordinate legislation] certify that the proposed [title of regulation] -

has been assessed in accordance with the guidelines the results of the assessment are documented in the attachment to this certificate, and

restricts competition; and

each restriction on competition has been assessed in accordance with the guidelines with the result that -

the objectives of the legislation can only be achieved by restricting competition, and

the benefits of the restriction to the community as a whole outweigh the costs.

**DATED:**

[Minister]

[Title]

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**Certificate of Exemption  
(section 4)**

I Jeffrey Gibb Kennett, Premier, and Minister responsible for the Guidelines on the Application of the Competition Tests to New Legislative Proposals -

have received adequate evidence that the proposed [title of subordinate legislation] will not restrict competition; and

under section 4 of the Guidelines hereby exempt the proposal from the requirement to perform an assessment against the Guiding Legislative Principle contained in the Guidelines.

Dated 28 October 1997

Responsible Minister:

JEFFREY GIBB KENNETT  
Premier

SHARNE BRYAN  
Clerk of the Executive Council

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**Cemeteries Act 1958  
SCALE OF FEES**

Under Section 17 (1) of the **Cemeteries Act 1958**, and on the recommendation of the Minister for Health, the Governor in Council consents to the making of the attached Scales of Fees in respect of the following Public Cemeteries:

Arthurs Creek

Bendigo Cemeteries Trust

Birchip

Bonnie Doon

Colbinabbin

Granite Flat

Jamieson

Mansfield

Merton

**Cemeteries Act 1958**  
SCALE OF FEES

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Arthurs Creek Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the Arthurs Creek Public Cemetery are rescinded to the extent to which they conflict with this scale.

	\$
Niche wall and surrounding boulders (per site)	350.00
plus cost of plaque	plus 20%

IAN MACMILLAN, trustee  
S. C. WINK, trustee  
DALE MURPHY, trustee

**Cemeteries Act 1958**  
SCALE OF FEES

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Bendigo Cemeteries Trust Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the Bendigo Cemeteries Trust Public Cemetery are rescinded to the extent to which they conflict with this scale.

	\$	\$
Cost of plaque not included in fees as listed		
<b>MONUMENTAL SECTION</b>		
<b>GRAVE SITES:</b>		
Private Ground	725.00	1,210.00
Private Ground in special section - single only (when available)	670.00	1,020.00
<b>SINKING AND RE-OPENING</b>		
Adult grave	670.00	700.00
<b>LAWN MONUMENTAL</b>		
First interment (including right to second interment)		1,210.00
Second interment		700.00
<b>LAWN SECTION</b>		
First interment—adult		1,210.00
First interment—stillborn or child under 5 years (2.1 metre grave)		460.00



Second interment—adult		700.00
Single only (when available)		1,020.00
<b>CHILDREN'S SECTION</b>		
Child grave (up to 5 years)	270.00	375.00
Second interment—child grave (up to 5 years)		160.00
Interment of stillborn babies (pre-20 weeks) Eaglehawk only (inclusive of cost of plaque)		105.00
<b>RIGHT OF BURIAL</b>		
Convert Open grave to Private grave		400.00
Certificate of Right of Burial	20.00	20.00
<b>MEMORIALISATION</b>		
Strewing of cremated remains		60.00
Niche walls (1 position)		375.00
Ornamental Lake (up to 2 positions)		400.00
Weeping rose (2 positions)	800.00	800.00
Additional positions (up to a maximum of 6 interments)	190.00	190.00
Rose Garden (individual bush - 2 positions)		590.00
Rose Garden (2 positions)		375.00
Family Garden (2 positions)		2,150.00
Additional positions		375.00
Memorial Garden (2 positions)		375.00
Native shrubs (up to 2 positions)	270.00	270.00
Memorial tree (on application, any tree over 3 m—up to 6 positions)	850.00	850.00
<b>MEMORIAL ROCKS</b>		
Small rock—2 positions	270.00	270.00
Medium rock—4 positions	400.00	400.00
Large rock—6 positions	535.00	535.00
Shrubs and roses have tenure periods of 25 years; trees, wall niches and ground niches have tenure periods of 40 years, with the exception of:		
(i) memorials for ex-service personnel who have perpetual tenure, and		
(ii) in the case of more than one interment, the tenure period applies from the date of purchase of the most recent placement of remains.		
<b>ADDITIONAL CHARGES (MISCELLANEOUS)</b>		
Pre-purchase of any service—gazetted fee plus \$100 administration charge		
Interments and cremations on Saturdays and Public Holidays (if necessary staff resources are available)	100.00	235.00

Interment where order is given after 3:45 p.m. on day prior to funeral	115.00	235.00
Explosives for graves/rock breaking	350.00	350.00
Extra sinking charge per 0.348 m (1 ft)	55.00	55.00
Interment of cremated remains in grave	190.00	190.00
Exhumation (subject to issue of licence)	1,345.00	1,345.00
Exhumation—child under 5 years	295.00	295.00
Internal vault—lined grave		3,600.00
Use of reception area		55.00
Search of records \$15 for each location		
Flower containers—supply and installation of flower container in concrete beam	40.00	40.00
Grave testing—to check grave for additional interments is gazetted fee plus additional costs incurred for removal of ledgers or other associated works.	55.00	55.00
<b>NEANGAR MEMORIAL PARK CREMATORIUM</b>		\$
Cremation delivery only pre 10.00 a.m.		490.00
Cremation delivery only after 10.00 a.m.		510.00
Cremation—use of Chapel		560.00
Cremation—Child under 5 years		200.00
Cremation—child stillborn		90.00
Prepaid cremation fee		610.00
Postage of ashes within Australia		60.00
Postage of ashes overseas		110.00
<b>BOOK OF REMEMBRANCE</b>		
Entry of 2 lines		110.00
Each additional line		10.00
Emblem, flower or motif (only with 5 lines or more)		20.00
Personal copy of book entry in a protective folder		55.00

J. TAYLOR, trustee  
 K. PATA, trustee  
 ROD FYFFE, trustee  
 B. MACUMBER, manager/chief executive officer

**Cemeteries Act 1958**  
**SCALE OF FEES**

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Birchip Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the Birchip Public Cemetery are rescinded to the extent to which they conflict with this scale.

LAWN SECTION	\$
Gravesite	224.00
Sinking grave to required depth	299.00
Maintenance	80.00
Interment fee	64.00
Second interment	438.00
Second interment fee	32.00
Plaques	At Quoted Price
Vases	At Quoted Price
Concrete Bases	At Quoted Price
Postage	At Quoted Price
ASHES NICHE	
Interment fee	192.00
Plaque	At Quoted Price
MONUMENTAL SECTION	
Site	171.00
Sinking grave to required depth	246.00
Maintenance	80.00
Interment fee	64.00
Second interment	438.00
Second fee	32.00

GEO. CARTWRIGHT, trustee  
 GAIL SHARP, trustee  
 DAVID KELLY, trustee

**Cemeteries Act 1958**  
 SCALE OF FEES

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Bonnie Doon Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the Bonnie Doon Public Cemetery are rescinded to the extent to which they conflict with this scale.

MONUMENTAL SECTION	\$
Land 2.4 x 1.2 selected by trustees	235.00
Land 2.4 x 1.2 selected by applicant	255.00
Land 1.2 x 1.2 (child up to 12 years)	140.00

Sinking to 2.1 metres	465.00
Sinking to 1.2 metres (children's section)	140.00
Re-open for second burial	405.00
Interment fee	60.00
LAWN SECTION	
Land 2.4 x 1.2 (includes mounting base and flower container)	459.00
Re-open for second burial	405.00
Sinking to 2.1 metres	465.00
Plaque to suit mounting base	Contract Price plus 20%
Interment fee	60.00
MISCELLANEOUS CHARGES	
Ashes in niche wall	120.00
Plaque for niche wall	95.00
Additional fee for weekends or public holidays	95.00
Exhumation (when authorised)	635.00
Memorial trees	120.00
Memorial shrubs	60.00
Plaque for trees and shrubs	120.00
Fee to erect monument etc. 5% of value of work with a minimum of	60.00
Fee for search of records	15.00

R. HAUSER, trustee  
W. H. HILL, trustee  
E. W. BREWER, trustee

**Cemeteries Act 1958**  
**SCALE OF FEES**

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Colbinabbin Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the Colbinabbin Public Cemetery are rescinded to the extent to which they conflict with this scale.

LAWN SECTION	
	\$
Land 2.44 m x 1.22 m	250.00
Digging	200.00
Administration fees (per interment)	120.00
Plaque including additional inscription	Cost Price plus 10%
Re-opening	175.00
NICHE WALL	
Purchase and/or reserve niche	100.00

Interment of ashes in wall and/or cost of plaque	Cost Price plus 20%
<b>MONUMENTAL SECTION</b>	
Land 2.44 m x 1.22 m	100.00
Sinking new grave 2 m	200.00
Each additional .300 m	30.00
Sinking oversize grave extra	40.00
Re-open grave without cover	160.00
Re-open grave with cover	175.00
Administration fees (per interment)	60.00
(outside prescribed hours - extra)	25.00
Interment of ashes in a grave	80.00
Outside prescribed hours - extra	21.00
Permission to erect headstone or monument	7.5% of total cost
Exhumation fee when authorised	450.00

T. M MORGAN, trustee  
NEIL BROWN, trustee  
R. R. WEST, trustee  
G. E. WEPPNER, trustee

**Cemeteries Act 1958**  
**SCALE OF FEES**

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Granite Flat Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the Granite Flat Public Cemetery are rescinded to the extent to which they conflict with this scale.

	\$
Land	100.00
Interment fee	40.00
Sinking	Contract Price
Exhumation charge	860.00
Headstone permit	20.00
Re-opening grave (no cover)	194.00
Re-opening grave (with cover)	215.00

COLIN SCALES, trustee  
THOMAS WALSH, trustee  
CHERYL WALSH, trustee

**Cemeteries Act 1958**  
SCALE OF FEES

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Jamieson Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the Jamieson Public Cemetery are rescinded to the extent to which they conflict with this scale.

MONUMENTAL SECTION	\$
Land 2.4 x 1.2 selected by trustees	235.00
Land 2.4 x 1.2 selected by applicant	255.00
Land 1.2 x 1.2 (child up to 12 years)	140.00
Sinking to 2.1 metres	465.00
Sinking to 1.2 metres (children's section)	140.00
Re-open for second burial	405.00
Interment fee	60.00
LAWN SECTION	
Land 2.4 x 1.2 (includes mounting base and flower container)	459.00
Re-open for second burial	405.00
Sinking to 2.1 metres	465.00
Plaque to suit mounting base	Contract Price plus 20%
Interment fee	60.00
MISCELLANEOUS CHARGES	
Ashes in niche wall	120.00
Plaque for niche wall	95.00
Additional fee for weekends or public holidays	95.00
Exhumation (when authorised)	635.00
Memorial trees	120.00
Memorial shrubs	60.00
Plaque for trees and shrubs	120.00
Fee to erect monument etc. 5% of value of work with a minimum of	60.00
Fee for search of records	15.00

R. HAUSER, trustee  
W. H. HILL, trustee  
E. W. BREWER, trustee

**Cemeteries Act 1958**  
SCALE OF FEES

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Mansfield Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the Mansfield Public Cemetery are rescinded to the extent to which they conflict with this scale.

<b>MONUMENTAL SECTION</b>	<b>\$</b>
Land 2.4 x 1.2 selected by trustees	235.00
Land 2.4 x 1.2 selected by applicant	255.00
Land 1.2 x 1.2 (child up to 12 years)	140.00
Sinking to 2.1 metres	465.00
Sinking to 1.2 metres (children's section)	140.00
Re-open for second burial	405.00
Interment fee	60.00
<b>LAWN SECTION</b>	
Land 2.4 x 1.2 (includes mounting base and flower container)	459.00
Re-open for second burial	405.00
Sinking to 2.1 metres	465.00
Plaque to suit mounting base	Contract Price plus 20%
Interment fee	60.00
<b>MISCELLANEOUS CHARGES</b>	
Ashes in niche wall	120.00
Plaque for niche wall	95.00
Additional fee for weekends or public holidays	95.00
Exhumation (when authorised)	635.00
Memorial trees	120.00
Memorial shrubs	60.00
Plaque for trees and shrubs	120.00
Fee to erect monument etc. 5% of value of work with a minimum of	60.00
Fee for search of records	15.00

R. HAUSER, trustee  
W. H. HILL, trustee  
E. W. BREWER, trustee

**Cemeteries Act 1958**  
**SCALE OF FEES**

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Merton Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the Merton Public Cemetery are rescinded to the extent to which they conflict with this scale.

<b>MONUMENTAL SECTION</b>	<b>\$</b>
Land 2.4 x 1.2 selected by trustees	235.00
Land 2.4 x 1.2 selected by applicant	255.00

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Land 1.2 x 1.2 (child up to 12 years)	140.00
Sinking to 2.1 metres	465.00
Sinking to 1.2 metres (children's section)	140.00
Re-open for second burial	405.00
Interment fee	60.00
LAWN SECTION	
Land 2.4 x 1.2 (includes mounting base and flower container)	459.00
Re-open for second burial	405.00
Sinking to 2.1 metres	465.00
Plaque to suit mounting base	Contract Price plus 20%
Interment fee	60.00
MISCELLANEOUS CHARGES	
Ashes in niche wall	120.00
Plaque for niche wall	95.00
Additional fee for weekends or public holidays	95.00
Exhumation (when authorised)	635.00
Memorial trees	120.00
Memorial shrubs	60.00
Plaque for trees and shrubs	120.00
Fee to erect monument etc. 5% of value of work with a minimum of	60.00
Fee for search of records	15.00

R. HAUSER, trustee  
W. H. HILL, trustee  
E. W. BREWER, trustee

Dated 28 October 1997

Responsible Minister:  
ROB KNOWLES  
Minister for Health

SHARNE BRYAN  
Clerk of the Executive Council

**Cemeteries Act 1958**  
**SCALE OF FEES**

Under Section 17 (1) of the **Cemeteries Act 1958**, and on the recommendation of the Minister for Health, the Governor in Council consents to the making of the attached Scales of Fees in respect of the following Public Cemeteries:

Creswick

Maddingley  
Panmure

**Cemeteries Act 1958**  
**SCALE OF FEES**

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Creswick Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.



As of the date of gazettal of the fees listed below all other previously gazetted fees for the Creswick Public Cemetery are rescinded to the extent to which they conflict with this scale.

LAWN AREA	\$
Lawn section grave (land)	408.00
Headstone (no lettering)	Contract Price plus 10%
Digging	Contract Price plus 10%
Administration	80.00
PRIVATE GRAVE— DENOMINATIONAL AREAS	
Land 2.44 m x 1.22 m	300.00
Sinking or re-opening private grave	380.00
Administration	80.00
MEMORIAL WALL	
Wall niche or reservation	75.00
Plaque	Contract Price plus 10%
Fitting ashes and plaque	40.00
MONUMENTAL FEES	
Headstone for lawn graves includes first and additional inscriptions	30.00
All other monumental work includes improvements	10% of cost
Research fee	15.00
LAWN AREA	
Re-opening lawn grave	Contract Price plus 10%
Digging or re-opening oversize grave	Contract Price plus 10%
Digging weekend or gazetted Public Holiday	Contract Price plus 10%
Exhumation (when authorised)	860.00
GORDON JAMES SPITTLE, trustee STANLEY H. JOHNS, trustee JOHN ROY CADDY, trustee	

### Cemeteries Act 1958 SCALE OF FEES

In pursuance of the powers conferred upon them by the Cemeteries Act 1958 the trustees of the Maddingley Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the Maddingley Public Cemetery are rescinded to the extent to which they conflict with this scale.

LAWN CEMETERY (Non-denominational)	\$
Lawn grave (2.74 m x 1.22 m) purchase	850.00
Sinking of grave—up to 2.12 m depth and interment	600.00
Sinking of oversize grave (extra)	100.00
Lawn cemetery standardised headstone	Plus 10% of fee
Lawn cemetery plaque (not permitted without headstone)	Quotation plus 10% of fee
Re-open reinstatement fee	100.00
PRIVATE GRAVES (Denominational)	
Land (2.74 m x 1.22 m) purchase	850.00
Interment and sinking of grave—up to 2.12 m depth	600.00
Sinking of oversize grave (extra)	100.00
RE-OPENING CHARGES (for both lawn and private)	
Interment—Re-opening grave	600.00
Removal of slab or concrete (extra)	150.00
Sinking of oversize grave (extra)	100.00
PUBLIC GRAVES	
Interment in grave, without exclusive right—stillborn child	200.00
Interment in grave, without exclusive right—other	500.00

PLACEMENT OF ASHES		Exhumation of any remains or a body when authorised	1,000.00
Purchase of niche in wall	375.00		
Purchase of additional adjacent niche for family member	275.00	CHILDREN'S LAWN CEMETERY (Non denominational)	
Interment of ashes—in niche	75.00	LAND	
Interment of ashes—in any grave	200.00	(0.91 m x 0.61) child to 4 months of age—one interment only	500.00
Wall plaque	Quotation plus 10% of fee	(2.74 m x 1.22 m) child from 4 months to 5 years—one interment only	650.00
Supply and install reserve plaque	75.00	Plaque on concrete slab	Quotation plus 10% of fee
Purchase of lawn or garden ashes site—not permitted without approved headblock and plaque	425.00	"SUNSET" LAWN CEMETERY (non-denominational)	
Interment of ashes—garden and lawn	200.00	Lawn Grave (3.66 m x 1.22 m) purchase	1,500.00
Approved headstone and plaque	Quotation plus 10% of fee	Interment and sinking of grave—up to 2.12 m depth	400.00
EXTRA CHARGES		Sinking of oversize grave (extra)	100.00
Sinking of grave on weekend or public holidays	100.00	Sunset Lawn Cemetery approved headstone and or plaque (not without headstone)	Quotation plus 10% of fee
Interment not in prescribed hours of 8.00 a.m. — 5.00 p.m. or on weekends or public holidays	150.00	A. HUTCHINSON, trustee M. BLACKIE, trustee G. STEWART, trustee W. R. SCOTT, trustee K. T. WERNER, trustee A. COMRIE, trustee G. LYLE, trustee	
Interment in private or lawn grave without due notice (24 hours)	150.00		
Interment after 4.00 p.m. Monday to Friday inclusive	150.00		
Sinking of grave by hand—all areas	350.00		
MISCELLANEOUS CHARGES		<b>Cemeteries Act 1958 SCALE OF FEES</b>	
Search of cemetery records	25.00	In pursuance of the powers conferred upon them by the Cemeteries Act 1958 the trustees of the Panmure Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.	
Permit to erect headstone or monument—private graves—on submission of plans and specifications—10% of cost with a minimum fee of	50.00	As of the date of gazettal of the fees listed below all other previously gazetted fees for the Panmure Public Cemetery are rescinded to the extent to which they conflict with this scale.	
Grave renovations or additional inscription—10% of cost with a minimum fee of	50.00		

PRIVATE GRAVES	\$
Land 2.44 m x 1.22 m	215.00
Own selection of land (extra)	55.00

## SINKING CHARGES FOR PRIVATE GRAVES

Re-opening grave (with cover)*	Contract Price plus 10%
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\*Trust will not be held responsible where breakage occurs. Family of deceased to make arrangements with either grave digger or monumental mason.

## MISCELLANEOUS CHARGES

Administrative fee per interment	50.00
Certificate of Right of Burial	20.00
Permission to erect a headstone or monument—10% of the cost with a minimum of	80.00
Exhuming the remains of a body (when authorised)	860.00
Interment of ashes in a private grave	108.00
Search fee per request	16.00

JOHN RAYMOND COUCH, trustee  
THOMAS IAN CLARKE, trustee  
HARRY HASTINGS, trustee

Dated 28 October 1997

Responsible Minister:  
ROB KNOWLES  
Minister for Health

SHARNE BRYAN  
Clerk of the Executive Council

Cemeteries Act 1958  
SCALE OF FEES

Under Section 17 (1) of the Cemeteries Act 1958, and on the recommendation of the Minister for Health, the Governor in Council consents to the making of the attached Scales of Fees in respect of the following Public Cemeteries:

Colac  
Dimboola

Gobur  
Healesville  
Maffra  
Memorial Park  
San Remo  
Torrumbarry and Patho  
Wodonga  
Yarram

Cemeteries Act 1958  
SCALE OF FEES

In pursuance of the powers conferred upon them by the Cemeteries Act 1958 the trustees of the Colac Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the Colac Public Cemetery are rescinded to the extent to which they conflict with this scale.

MONUMENTAL AREA	\$
Land 2.44 m x 1.22 m	280.00
Re-opening grave	400.00
Ashes in grave	120.00
LAWN AREA	
Land 2.44 m x 1.22 m	520.00
Re-opening grave	350.00
BOTH AREAS	
Sinking grave 1.69 m deep	350.00
Sinking for crypt or for oversized or American type casket—extra	150.00
Right of Burial Certificate	30.00
Interment administration fee	100.00
MEMORIAL WALL	
Wall niche	230.00
Placing ashes and affixing plaque	100.00
Standard 3-line plaque	70.00
Each additional line	20.00

P. R. DEVINE, trustee  
S. J. OBORNE, trustee  
J. N. MITCHELL, trustee

**Cemeteries Act 1958**  
SCALE OF FEES

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Dimboola Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the Dimboola Public Cemetery are rescinded to the extent to which they conflict with this scale.

SCALE OF FEES FOR THE TWO NEW NICHE WALLS	\$	
INTERMENT OF ASHES		
Niche in the wall	150.00	
Plaque (5 lines)	Contract Price plus 15%	
Extra lines on plaque	Contract Price	
Fixing of plaque fee	20.00	
Administration fee	50.00	
RESERVATION OF A NICHE IN THE WALL		
Niche in the wall	150.00	
Reservation plaque	Contract Price plus 15%	
Fixing of plaque fee	20.00	
Administration fee	50.00	
Plus the price of a plaque when ashes placed in the wall, with a refund of the cost of the reservation plaque. All plaques to meet with the Trusts' approval.		

C. M. LANG, trustee  
R. J. SCHNEIDER, trustee  
P. C. GOODING, trustee  
JANICE E. BARRY, secretary

**Cemeteries Act 1958**  
SCALE OF FEES

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Gobur Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the Gobur Public Cemetery are rescinded to the extent to which they conflict with this scale.

	\$	
Land	120.00	
Sinking grave	Contract Price	
Administrative fee per interment	40.00	
Re-opening grave (no cover)	194.00	
Re-opening grave (with cover)	215.00	
Gobur Cemetery Trust accepts no responsibility for damage to the cover while this work is being undertaken		
Permission to erect a headstone or monument—10% of cost with a minimum of	60.00	
Exhumation charge (when authorised)	860.00	
Search fee per request	16.00	
Memorial wall niche—plus cost of plaque if requested	130.00	

ROBERT M. CUMMING, trustee  
IAN G. CUMMING, trustee  
ENID WINIFRED SHAW, trustee  
ASHLEY JOHN SHAW, trustee  
COLIN MACDONALD, trustee  
MERVYN SHAW, trustee  
ROBERT CHARLES CUMMING, trustee

**Cemeteries Act 1958**  
SCALE OF FEES

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Healesville Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the Healesville Public Cemetery are rescinded to the extent to which they conflict with this scale.

	\$	
Land 2.44 m x 1.22 m	470.00	
Sinking grave to 2.1 m	275.00	
Sinking additional 0.3 m	100.00	
Infants lawn maximum coffin length 1 m (plaque extra)	275.00	
Re-open grave with cover	420.00	
Re-open grave without cover	300.00	
Pre-purchase of grave (extra)	120.00	
Purchase of plot in Memorial Lawn for interment of ashes	210.00	
Purchase of plot under native shrub for interment of ashes	300.00	
Administrative fee per interment	115.00	
Permission to erect a monument or headstone—10% of cost with a minimum of	100.00	
Search fee	20.00	
Exhumation fee when authorised	860.00	

MATTHEW SCHULTZ, trustee  
 FAYE BATES, trustee  
 ALICE HARRIS, trustee

**Cemeteries Act 1958  
 SCALE OF FEES**

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Maffra Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the Maffra Public Cemetery are rescinded to the extent to which they conflict with this scale.

<b>MAFFRA LAWN CEMETERY</b>	<b>\$</b>
Land 2.44 m x 1.22 m	500.00
Plaque and flower container	Contract Price plus 30%
Digging	Contract Price

Re-opening	375.00
Plaque	Contract Price plus 30%
Digging	Contract Price

D. M. NYE, trustee  
 A. REYNOLDS, trustee  
 COLIN SEMMENS, trustee

**Cemeteries Act 1958  
 SCALE OF FEES**

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Memorial Park Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the Memorial Park Public Cemetery are rescinded to the extent to which they conflict with this scale.

<b>ALTONA</b>	<b>\$</b>
<b>DISPATCH OF CREMATED REMAINS</b>	
Registered mail within Australia	50.00

<b>WILLIAMSTOWN</b>	
<b>HEADSTONE LAWN SECTION</b>	
At need	
Right of burial only	1,150.00
Pre-need or as selected	
Right of burial only	1,350.00

<b>ALTONA and WILLIAMSTOWN</b>	
<b>PLAQUE PLACEMENT FEE</b>	
Plaque supplied by client—Lawn Cemetery	235.00
Plaque supplied by client—Memorial Section	115.00

J. E. PATTERSON, trustee  
 J. YACONO, trustee  
 D. HANLON, trustee  
 G. J. MACGILL, manager and secretary

**Cemeteries Act 1958**  
SCALE OF FEES

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the San Remo Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the San Remo Public Cemetery are rescinded to the extent to which they conflict with this scale.

	\$
Lawn plaque and installation	240.00
Installation of plaque only	120.00
Niche plaque installation	100.00
Memorial Wall plaque installation	100.00

J. HULLEY, trustee  
K. JONES, trustee  
N. MAUD, trustee

**Cemeteries Act 1958**  
SCALE OF FEES

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Torrumbarry and Patho Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the Torrumbarry and Patho Public Cemetery are rescinded to the extent to which they conflict with this scale.

	\$
Standard allotment for private grave	100.00

Note: 1. Present charge \$60.00

2. All other fees to remain as at present.

D. C. ASHWELL, trustee  
P. W. DICKINSON, trustee  
CHARLES HALL, trustee  
D. H. McNAUGHT, trustee  
ANDREW K. ADAM, secretary

**Cemeteries Act 1958**  
SCALE OF FEES

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Wodonga Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the Wodonga Public Cemetery are rescinded to the extent to which they conflict with this scale.

	\$
<b>LAWN AREA</b>	
Land 2.44 m x 1.22 m	
(two interments)	780.00
(three interments)	850.00
Re-opening a grave (2.13 m) including interment fee	820.00
Re-opening a grave (2.75 m) including interment fee	905.00
Re-opening a grave (2.75 m) including interment fee (second time)	725.00
Interment on Saturday, Sunday or Public Holiday (extra)	150.00
<b>CHILDREN'S SECTION—LAWN</b>	
Land for stillborn child	185.00
Land 2.44 m x 1.22 m (1.37 m)	260.00
Land 2.44 m x 1.22 m (1.06 m)	185.00
<b>BABY AND STILLBORN COMMUNITY</b>	
Land for baby or stillborn child	45.00
Sinking	85.00
<b>MONUMENTAL SECTION</b>	
Land 2.44 m x 1.22 m	
(two interments)	465.00
(three interments)	650.00
Land for stillborn child	120.00
Re-opening a grave (without a headstone) including interment fee	525.00
Re-opening a grave (with headstone) at owners risk all inclusive	660.00

Interment of ashes in Memorial Garden (\$550.00)

with headstone supplied 660.00  
(\$110.00)

Casket (unusual size—extra) 60.00

Vases 23.00

Interment of ashes in private grave 130.00

Exhumation 1,300.00

Searching records and providing written information 25.00

Interment of ashes under selected rock (Lower Section) with headstone supplied (\$690.00 + \$110.00) 800.00

Selected rock (Top Section) with headstone supplied (\$1,590.00 + \$110.00) 1,700.00

Interment of ashes in Flagpole Garden with headstone supplied (\$670.00 + \$110.00) 780.00

Attachment of plaque purchased from other source 50.00

Sinking a grave to 2.13 m 210.00

Sinking a grave to 1.37 m 150.00

Sinking a grave to 2.75 m (9') 295.00

Desk and single plaque including vase 325.00

Desk and double plaque including vase 480.00

Interment fee (adult) 105.00

Interment fee (children) 65.00

GRAHAM CHARLES GEHRIG, trustee  
LESLIE CHARLES BOYES, trustee  
CLARENCE WALTER GEBERT, trustee  
BRUCE WILFRED POOLEY, trustee  
MARGARET RUTH ANDREWS, trustee

**Cemeteries Act 1958**  
**SCALE OF FEES**

In pursuance of the powers conferred upon them by the Cemeteries Act 1958 the trustees of the Yarram Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.

As of the date of gazettal of the fees listed below all other previously gazetted fees for the Yarram Public Cemetery are rescinded to the extent to which they conflict with this scale.

**MONUMENTAL LAWN CEMETERY**

Land 2.44 m x 1.22 m—first interment 400.00

Re-opening 150.00

Plus sinking Contract Price plus 25%

**LAWN SECTION**

Land 2.44 m x 1.22 m—first interment 300.00

Re-opening 150.00

Interment of ashes in lawn 50.00

Ground niche 100.00

Plus sinking, plaque and flower container Contract Price plus 25%

**BABY LAWN SECTION**

Land 1.22 m x 0.61 m 150.00

Plus sinking, plaque and flower container Contract Price plus 25%

**GENERAL CEMETERY**

Land 2.44 m x 1.22 m 200.00

Plus sinking Contract Price plus 25%

**ADDITIONAL FEES**

**EXTRA FOR ALL GRAVES**

Reservation—full fees

Sinking of oversize grave—or for casket Contract Price plus 25%

Interment on Saturday, Sunday or Public Holiday Contract Price plus 25%

Permission for exhumation (when authorised) 850.00

Interment of ashes in a grave 50.00

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Permission to erect a headstone or memorial—5% cost of monument with a minimum of

20.00

NICHE WALL

Single niche plus plaque—at Contract Price plus 25%

100.00

Double niche plus plaque—at Contract Price plus 25%

150.00

Please note that the new larger containers for ashes do not fit into our niche wall. Ashes will be decanted to a smaller container, remainder of ashes will be spread on the Rose Garden.

All plaques and fitting of plaques must comply with size and standards as set by trustees.

R. L. NICOLL, trustee  
J. W. BRENNAN, trustee  
R. S. WIGHT, trustee

Dated 28 October 1997

Responsible Minister:  
ROB KNOWLES  
Minister for Health

SHARNE BRYAN  
Clerk of the Executive Council

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**SUBORDINATE LEGISLATION ACT 1994  
NOTICE OF MAKING OF STATUTORY  
RULES**

Notice is given under Section 17 (2) of the Subordinate Legislation Act 1994 of the making of the following Statutory Rules:

113. *Statutory Rule:* County Court (Court Fees) (Amendment) Order 1997  
*Authorising Act:* County Court Act 1958  
*Date of Making:* 28 October 1997
114. *Statutory Rule:* County Court (Bailiffs Fees) (Amendment) Order 1997  
*Authorising Act:* County Court Act 1958  
*Date of Making:* 28 October 1997
115. *Statutory Rule:* Subordinate Legislation (Land Acquisition and Compensation Regulations 1987—Extension of Operation) Regulations 1997  
*Authorising Act:* Subordinate Legislation Act 1994  
*Date of Making:* 28 October 1997
116. *Statutory Rule:* Supreme Court (Fees) (Amendment) Regulations 1997  
*Authorising Act:* Supreme Court Act 1986  
*Date of Making:* 28 October 1997
117. *Statutory Rule:* Administration and Probate (Deposit of Wills) (Fees) (Amendment) Regulations 1997  
*Authorising Act:* Administration and Probate Act 1958  
*Date of Making:* 28 October 1997
118. *Statutory Rule:* Supreme Court (Sheriff's Fees) (Amendment) Regulations 1997  
*Authorising Act:* Supreme Court Act 1986  
*Date of Making:* 28 October 1997
119. *Statutory Rule:* Health (Pest Control Operators) (Amendment) Regulations 1997  
*Authorising Act:* Health Act 1958  
*Date of Making:* 28 October 1997
120. *Statutory Rule:* Environment Protection (Residential Noise) Regulations 1997  
*Authorising Act:* Environment Protection Act 1970  
*Date of Making:* 28 October 1997
121. *Statutory Rule:* Gaming Machine Control (Fees) (Amendment) Regulations 1997  
*Authorising Act:* Gaming Machine Control Act 1991  
*Date of Making:* 28 October 1997

Retail price will vary according to the number of pages in each special or periodical gazette. The table below sets out the prices that apply.

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G	193-240	\$15.00
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**ADVERTISERS PLEASE NOTE**

As from 30 October 1997

The last Special Gazette was No. 134  
Dated 29 October 1997

The last Periodical Gazette was No. 1  
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