



Victoria Government Gazette

No. S 23 Friday 6 May 1994
By Authority L. V. North, Government Printer Melbourne

SPECIAL

**ORDER CONSTITUTING THE CITY OF
BALLARAT, THE SOUTHERN RURAL
SHIRE AND THE SHIRE OF MOORABOOL;
ABOLISHING THE MUNICIPAL
DISTRICTS OF THE CITY OF BALLAARAT,
THE BOROUGH OF SEBASTOPOL, THE
SHIRES OF BALLARAT, LEIGH, BALLAN,
GRENVILLE, BUNGAREE, BUNINYONG
AND BANNOCKBURN; AND ALTERING
THE MUNICIPAL DISTRICT OF THE SHIRE
OF RIPON**

Whereas—

A. On 17 August 1993 the Minister for Local Government, the Hon. Roger Murray Hallam, MLC (the Minister), required the Local Government Board to conduct a review under Part 10B of the **Local Government Act 1989** (the Act), on the most appropriate local government structure for the area comprising the municipal district of the Shire of Bannockburn and the northern portion of the municipal district of the City of Greater Geelong (the first review).

B. On 3 September 1993 the Minister required the Local Government Board to conduct a review under Part 10B of the Act, on the most appropriate local government structure for the area comprising the municipal districts of the City of Ballaarat, the Borough of Sebastopol, and the Shires of Ballarat, Bungaree, Buninyong and Grenville (the second review).

C. On 21 September 1993, the Minister required the Local Government Board to add the Shire of Leigh to the second review.

D. As required by section 220M of the Act, the Local Government Board has submitted final reports on the first and second review to the Minister.

E. As required by sections 220M and 220P of the Act, the Minister has considered the reports and has recommended to the Governor in Council that an Order in Council be made in the following terms.

Now therefore, The Governor in Council acting under Part 10C of the Act orders that:

PART 1—PRELIMINARY

1. *Definitions*

In this Order—

“Act” means the **Local Government Act 1989**.

“appointed day” means the day on which the Order comes into operation.

“annexed area” means the area severed from the Shire of Ripon and included in the municipal district of the Ballarat City Council.

“Commissioner” means a person appointed under clauses 5 (1) (a), 11 (1) and 18 (1) of this Order to administer a newly constituted Council during the period of administration.

“former Council” means in relation to—

- (a) the Ballarat City Council, the former City of Ballaarat, the former Borough of Sebastopol, the former Shire of Ballarat or the former Shire of Buninyong;
- (b) the Moorabool Shire Council, the former Shires of Ballan or Bungaree;
- (c) the Southern Rural Shire Council, the former Shires of Leigh, Bannockburn or Grenville.

“newly constituted Council” means the Ballarat City Council, the Moorabool Shire Council or the Southern Rural Shire Council constituted under clause 3 (a) of this Order.

“period of administration” means the period commencing on the appointed day and ending at 9 a.m. on the day on which the first meeting of elected Councillors of a newly constituted Council is held under clause 26 (1).

2. *Commencement*

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

3. *Constitution of New Councils*

On the appointed day—

- (a) there is constituted—

- (i) a body corporate constituted as a City Council by the name of the Ballarat City Council;
- (ii) a body corporate constituted as a Shire Council by the name of Moorabool Shire Council; and
- (iii) a body corporate constituted as a Shire Council by the name of Southern Rural Shire Council;
- (b) the following councils cease to exist—
 - (i) City of Ballaarat;
 - (ii) Shire of Ballarat;
 - (iii) Borough of Sebastopol;
 - (iv) Shire of Bungaree;
 - (v) Shire of Buninyong;
 - (vi) Shire of Ballan;
 - (vii) Shire of Leigh;
 - (viii) Shire of Grenville; and
 - (ix) Shire of Bannockburn;
- (c) the persons holding office as Councillors of a Council referred to in clause 3 (b) cease to hold such office.

PART 2—BALLARAT CITY COUNCIL

4. *Boundaries*

On the appointed day the boundaries of the municipal district of the Ballarat City Council shall be fixed as described in Schedule 1.

5. *Commissioners of Ballarat City Council*

- (1) On the appointed day—
 - (a) Prof. John Sharpham, Mr Bruce Clarke and Mr Malcolm Lee are appointed to administer the Ballarat City Council during the period of administration.
 - (b) Prof. John Sharpham is appointed the Chairperson of the Commissioners.
- (2) A quorum for a meeting of the Commissioners is 2 Commissioners.
- (3) The provisions of Schedule 2 apply to the Commissioners and meetings of the Commissioners.

6. *Ballarat City Council is Successor in Law*

From the appointed day—

- (a) all property, rights and assets of the former Councils are vested in the Ballarat City Council;
- (b) all liabilities of the former Councils are liabilities of the Ballarat City Council;
- (c) the Ballarat City Council is the successor in law of the former Councils.

7. *Staff of the Ballarat City Council*

(1) On the appointed day all the members of staff of the former Councils become members of staff of the Ballarat City Council with the same terms and conditions as those with the former Councils and with the benefit of all accrued rights.

(2) With effect from the appointed day, until revoked by the Ballarat City Council—

- (a) Mr Peter Johnstone, is the person authorised to exercise the powers and perform the duties and functions conferred or imposed on a Chief Executive Officer by this Order, the Act and any other Act, and any other authorisation given by a former Council or deemed to have been given by virtue of section 5 (2) of the **Local Government (Miscellaneous Amendments) Act 1993** has no effect;
- (b) all delegations made by a former Council or by the Chief Executive Officer of a former Council under section 98 of the Act remain in force.

8. *Rates and Services—Transitional Provisions—1993–1994*

(1) A ratepayer is in respect of rateable land in the annexed area, liable to pay to the Shire of Ripon, the general rates, service rates and charges, municipal charge and state deficit levy in respect of the 1993–1994 financial year that the ratepayer would have been liable to pay to the Shire of Ripon had this Order not been made.

(2) For the period commencing on the appointed day and ending on 30 September 1994 the Shire of Ripon must continue to provide the same services to and perform the same functions in the annexed area in the same manner as if the annexed area had not been severed and for that purpose any powers, duties or functions imposed or conferred by any Act on the Ballarat City Council are deemed to be imposed or conferred by that Act on the Shire of Ripon except as otherwise provided in this Order.

(3) A ratepayer is in respect of rateable land in the former Shire of Buninyong liable to pay to the Ballarat City Council the general rates, service rates and charges, municipal charge and state deficit levy in respect of the 1993–1994 financial year that the ratepayer would have

been liable to pay to the former Shire of Buninyong had this Order not been made.

(4) For the period commencing on the appointed day and ending on 30 September 1994 the Ballarat City Council must continue to provide the same services to and perform the same functions in the municipal district of the former Shire of Buninyong and in the same manner as if the whole of the Shire of Buninyong was in its municipal district and for that purpose any powers, duties or functions imposed or conferred by any Act on the Southern Rural Shire Council or the Moorabool Shire Council as the case may be are deemed to be imposed or conferred by that Act on the Ballarat City Council except as otherwise provided by this Order.

9. Rates—Transitional Provisions—1994–1995

(1) Any rate or charge declared by a former Council or the Shires of Grenville, Bungaree or Ripon under sections 158 (1), 159 (1) and 162 of the Act for the 1993–1994 financial year is deemed to be the rate or charge declared by the Ballarat City Council for the 1994–1995 financial year in relation to that part of the municipal district of the Ballarat City Council that was in the municipal district of those Councils immediately before the appointed day.

(2) The minimum rates fixed by the former Ballarat City Council and the Shire of Ripon under section 3 (2) of the **Local Government (Consequential Provisions) Act 1989** for the 1993–1994 financial year are deemed to be the minimum rate fixed by the Ballarat City Council for the 1994–1995 financial year in relation to that part of the municipal district which was in the municipal district of the former City of Ballarat or in the annexed area as the case may be.

PART 3—SOUTHERN RURAL SHIRE

10. Boundaries of the Southern Rural Shire

The boundaries of the municipal district of the Southern Rural Shire shall be fixed as described in Schedule 3.

11. Commissioner of the Southern Rural Shire

(1) On the appointed day Ms Claire Barber is appointed to administer the Southern Rural Shire Council.

(2) The provisions of Schedule 2 apply to the Commissioner and meetings of the Commissioner.

12. Southern Rural Shire is Successor in Law

On the appointed day—

- (a) all property, rights and assets of the former Councils are vested in the Southern Rural Shire Council;
- (b) all liabilities of the former Councils are liabilities of the Southern Rural Shire Council;
- (c) the Southern Rural Shire Council is the successor in law of the former Councils.

13. Staff of the Southern Rural Shire

(1) On the appointed day all the members of staff of the former Councils become members of staff of the Southern Rural Shire with the same terms and conditions as those with the former Councils and with the benefit of all accrued rights.

(2) On the appointed day, until revoked by the Southern Rural Shire—

- (a) Mr Rod Nicholls, is the person authorised to exercise the powers and perform the duties and functions conferred or imposed on a Chief Executive Officer by this Order, the Act and any other Act, and any other authorisation given by a former Council or deemed to have been given by virtue of section 5 (2) of the **Local Government (Miscellaneous Amendments) Act 1993** has no effect;
- (b) all delegations made by a former Council or by the Chief Executive Officer of a former Council under section 98 of the Act remain in force.

14. Rates and Services—Transitional Provisions—1993–1994

(1) A ratepayer in the former Shire of Grenville, is liable to pay to the Southern Rural Shire the general rates, service rates and charges, municipal charge and state deficit levy in respect of the 1993–1994 financial year that the ratepayer would have been liable to pay to the former Shire of Grenville had this Order not been made.

(2) For the period commencing on the appointed day and ending on 30 September 1994 the Southern Rural Shire must provide the same services and perform the same functions in the municipal district of the former Shire of Grenville and in the same manner as if the whole of the Shire of Grenville was in its

municipal district and for that purpose any power, duties or functions imposed or conferred by any Act on the Ballarat City Council are deemed to be imposed or conferred by that Act on the Southern Rural Shire except as otherwise provided in this Order.

15. System of Valuations—Transitional Provisions—1994–1995

In respect of the 1994–1995 financial year the Southern Rural Shire must continue to use in that part of its municipal district that was, or was part of, the municipal district of a former council or the Shire of Buninyong, the system of valuation used by those councils immediately before the appointed day.

16. Rates—Transitional Provisions—1994–1995

(1) Any rate or charge declared by a former Council or the former Shire of Buninyong under sections 158 (1), 159 (1) and 162 of the Act for the 1993–1994 financial year is deemed to be the rate or charge declared by the Southern Rural Shire for the 1994–1995 financial year in relation to that part of the municipal district of the Southern Rural Shire that was in the municipal district of those Councils immediately before the appointed day.

(2) The minimum rate fixed by the former Shire of Bannockburn under section 3 (2) of the **Local Government (Consequential Provisions) Act 1989** for the 1993–1994 financial year is deemed to be the minimum rate fixed by the Southern Rural Shire for the 1994–1995 financial year in relation to that part of the municipal district of the Southern Rural Shire which was in the municipal district of the former Shire of Bannockburn.

PART 4—MOORABOOL SHIRE COUNCIL

17. Boundaries of the Moorabool Shire Council

The boundaries of the municipal district of the Moorabool Shire Council shall be fixed as described in Schedule 4.

18. Commissioner of the Moorabool Shire Council

(1) On the appointed day—

- (a) Mr Stuart Bond and Mr Frank Frawley are appointed to administer the Moorabool Shire Council during the period of administration; and
- (b) Mr Stuart Bond is appointed Chairperson of the Commissioners.

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(2) A quorum for a meeting of the Commissioners is 1 Commissioner.

(3) The provisions of Schedule 2 apply to the Commissioners and meetings of the Commissioners.

19. Moorabool Shire Council is Successor in Law

On the appointed day—

- (a) all property, rights and assets of the former Councils are vested in the Moorabool Shire Council;
- (b) all liabilities of the former Councils are liabilities of the Moorabool Shire Council;
- (c) the Moorabool Shire Council is the successor in law of the former Councils.

20. Staff of the Moorabool Shire Council

(1) On the appointed day all the members of staff of the former Councils become members of staff of the Moorabool Shire Council with the same terms and conditions as those with the former Councils and with the benefit of all accrued rights.

(2) On the appointed day, until revoked by the Moorabool Shire Council—

- (a) Mr Jim Elvey, is the person authorised to exercise the powers and perform the duties and functions conferred or imposed on a Chief Executive Officer by this Order, the Act and any other Act, and any other authorisation given by a former Council or deemed to have been given by virtue of section 5 (2) of the **Local Government (Miscellaneous Amendments) Act 1993** has no effect;
- (b) all delegations made by a former Council or by the Chief Executive Officer of a former Council under section 98 of the Act remain in force.

21. Rates and Services—Transitional Provisions—1993–1994

(1) A ratepayer in the former Shire of Bungaree, is liable to pay to the Moorabool Shire Council the general rates, service rates and charges, municipal charge and state deficit levy in respect of the 1993–1994 financial year that the ratepayer would have been liable to pay to the former Shire of Bungaree had this Order not been made.

(2) For the period commencing on the appointed day and ending on 30 September 1994 the Moorabool Shire Council must provide the same services and perform the same functions in the municipal district of the former Shire of Bungaree and in the same manner as if the whole of the Shire of Bungaree was in its municipal district and for that purpose any power, duties or functions imposed or conferred by any Act on the Ballarat City Council are deemed to be imposed or conferred by that Act on the Moorabool Shire Council except as otherwise provided in this Order.

22. Rates—Transitional Provisions—1994–1995

(1) Any rate or charge declared by a former Council or the former Shire of Buninyong under sections 158 (1), 159 (1) and 162 of the Act for the 1993–1994 financial year is deemed to be the rate or charge declared by the Moorabool Shire Council for the 1994–1995 financial year in relation to that part of the municipal district of the Moorabool Shire Council that was in the municipal district of those Councils immediately before the appointed day.

(2) The minimum rate fixed by the former Shire of Ballan under section 3 (2) of the **Local Government (Consequential Provisions) Act 1989** for the 1993–1994 financial year is deemed to be the minimum rate fixed by the Moorabool Shire Council for the 1994–1995 financial year in relation to that part of the municipal district of the Moorabool Shire Council which was in the municipal district of the former Shire of Ballan.

PART 5—SHIRE OF RIPON

23. Changes to Boundaries of the Shire of Ripon

(1) On the appointed day the boundaries of the municipal district of the Shire of Ripon shall be fixed as described in Schedule 5.

(2) Notwithstanding any reconstitution of the Shire of Ripon effected by this clause, the Shire of Ripon is deemed to be the same body on and after as before the appointed day and no act, matter or thing is in any way abated or affected by reason of any such reconstitution and any such act matter or thing may be continued and concluded in all respects as if this Order had not been made.

24. Planning Matters—Transitional Provisions

The Shire of Ripon must give to the Ballarat City Council any document that it holds that is

relevant to anything done by it as a responsible authority, referral or planning authority in relation to the annexed area.

PART 6—GENERAL

25. Holding of the First Elections

(1) The date for the first general election of Councillors for a newly constituted Council is to be fixed by the Minister by a notice published in the Government Gazette.

(2) For the purposes of holding the first election of Councillors, a newly constituted council is deemed to have decided under section 35 of the Act to hold triennial elections and sub-sections (2) and (3) of that section do not apply in respect of that decision.

(3) Except as provided by this clause, the provisions of Part 3 of the Act apply to and in respect of the first and subsequent elections.

26. First Meeting of the Councillors of a Newly Constituted Council

(1) After the first election of Councillors for a newly constituted Council has been held, the Chief Executive Officer of the Council must call the first meeting of the Council which must be held within 10 days of the day on which the returning officer declares the result of the first election.

(2) At 9 a.m. on the day on which the first meeting of the Council is held under sub-clause (1)—

- (a) the Commissioners go out of office; and
- (b) the Councillors elected at the first election of the Council assume office as Councillors of the Council.

27. Valuations—Transitional Provisions

(1) Until 30 September 1995 a newly constituted Council must use in relation to rateable land in its municipal district the valuation which applied at the time rates and charges were levied in respect of the 1993–1994 financial year unless a supplementary valuation has been made under section 13DF of the **Valuation of Land Act 1960** in respect of that land.

(2) For the purposes of sub-clause (1), if a supplementary valuation has been or is made the newly constituted Council can use that supplementary valuation.

(3) If it has not already done so for the 1994–1995 financial year, a newly constituted Council must determine to use a system of valuation for

the 1995–1996 financial year that applies to the whole of its municipal district and section 157 of the Act does not apply to that determination or any earlier determination.

28. Agreements in relation to Services—Transitional Provisions

(1) A newly constituted Council, required by this Order to provide services in an area outside its municipal district, may enter into an agreement with a Council for that Council to provide the services and perform the functions specified in the agreement.

(2) A newly constituted Council may, with the agreement of a Council, delegate under section 98 of the Act a power, duty or function to a member of staff of that Council in respect of the period commencing on the appointed day and ending on 30 September 1994.

29. Rates—Transitional Provisions 1994–1995

(1) The date on which a newly constituted Council adopts its budget for the 1994–95 financial year is deemed to be the date on which any rates or charges are declared or fixed by virtue of clauses 9, 16 and 22.

(2) A newly constituted council must not levy any rate or charge in the 1994–95 financial year in relation to any rateable land in its municipal district which is additional to the rates and charges levied in respect of that land for the 1993–94 financial year.

(3) Sub-section (2) does not apply to the declaration of a special rate or special charge pursuant to section 163 of the Act.

30. Rates—Transitional Provisions 1995–1996

In the 1995–96 financial year a newly constituted council may levy a minimum rate in accordance with sub-section 3 (2) of the **Local Government (Consequential Provisions) Act 1989**.

31. Rates—Transitional Provisions 1995–1996 and 1996–1997

In the 1995–96 and 1996–97 financial years a newly constituted council may—

- (a) raise any general rate by the application of a differential rate pursuant to section 161 of the Act regardless of the system of valuation it has determined to use pursuant to clause 27 (3);
- (b) apply a differential rate for a type or class of land according to its geographic location;

- (c) declare a service rate or annual service charge pursuant to section 162 of the Act on the basis on any criteria according to its geographic location.

32. Local Laws—Transitional Provisions

(1) On the appointed day a local law, or part of a local law, which deals with the meeting procedures or the common seal of a council, which has ceased to exist by virtue of clause 3 (b), is revoked.

(2) Sections 5 (3) and 91 (1) of the Act do not apply in respect of the common seal and meetings of a newly constituted Council during the period of administration.

(3) Unless amended or revoked by an Order in Council or by a newly constituted Council the local laws in force in the municipal district of the newly constituted Council immediately before the appointed day continue to apply in the relevant part of its municipal district for a period of 12 months from the appointed day as if the local laws were made by the newly constituted Council.

(4) A newly constituted council shall be responsible for the enforcement of local laws within its municipal district and for continuing any proceedings for the enforcement of those local laws.

33. Proceedings—Transitional Provisions

Where, immediately before the appointed day, proceedings to which a former Council was a party were pending or existing in any court of tribunal, then, except as otherwise provided in this Order, the Ballarat City Council, the Moorabool Shire Council and the Southern Rural Shire Council as the case may be, is substituted for the former Council as a party to the proceedings and has the same rights in the proceedings as the former Council had.

34. References—Transitional Provisions

From the appointed day, any reference in any Act, regulation, subordinate instrument or any other document whatsoever to a former council is, except as otherwise provided in this Order, to be construed as a reference to the Ballarat City Council, Moorabool Shire Council or the Southern Rural Shire Council, as the case may be, unless the contrary intention appears.

35. Planning Matters—Transitional Provisions

(1) Except where a planning scheme specifies the Minister administering the **Planning and Environment Act 1987** or other person to be the

responsible authority, the newly constituted Council is the responsible authority for the purposes of the **Planning and Environment Act 1987** in relation to the planning schemes in force in its municipal district.

(2) Any reference in a planning scheme in force in the municipal district of a newly constituted Council to another council as a responsible authority for a particular purpose, is to be taken as a reference to the newly constituted Council in relation to the relevant part of its municipal district.

(3) For the purposes of the **Planning and Environment Act 1987** and the administration, amendment or enforcement of each of the planning schemes referred to in sub-clause (1)—

- (a) anything of a continuing nature (including a contract, agreement or proceeding) done, commenced or made by or in relation to a council which has ceased to exist by virtue of clause 3 (b) or the Shire of Ripon in relation to the annexed area may be done, enforced or completed by the newly constituted council of the municipal district to which the matters relates;
- (b) anything done by or in relation to a council which has ceased to exist by virtue of clause 3 (b) that concerns a matter of a continuing nature has effect as if done by the newly constituted council of the municipal district to which the matter relates.

36. Borrowings—Transitional Provisions

For the purpose of Part 7 of the Act until a new budget is made by a newly constituted Council any proposed borrowings included in a budget or revised budget of former council are deemed to have been included in a budget or revised budget made by the newly constituted Council.

37. Corporate Plan—Transitional Provisions

For the purpose of section 153A of the Act a newly constituted Council must prepare a corporate plan for the three year period commencing 1 October 1994 by 30 November 1994.

38. Registrar of Titles

The Registrar of Titles, on being requested to do so and on delivery of any relevant certificates of title or instrument, must make

any amendments in the Register that are necessary because of the operation of this Part.

39. Agreement on Division of Assets, Liabilities and Staff of Former Councils

The newly constituted Councils must come to an agreement on the apportionment, settlement, transfer, adjustment or determination of any property, income, assets, liabilities, expenses, staff or other matters in relation to the former Shires of Buninyong, Bungaree and Grenville by 31 August 1994.

**SCHEDULE 1
BOUNDARIES OF THE MUNICIPAL
DISTRICT OF THE BALLARAT CITY
COUNCIL (clause 4)**

Commencing on the Ballarat—Carngham Road at the Ross Creek—Haddon Road; thence southerly by the Ross Creek—Haddon Road to Kopke Road; thence south-easterly by that road to Bells Road; thence south-easterly by that road to Winter Creek near the Sebastopol—Smythesdale Road; thence south-easterly by that creek to the Yarrowee River; thence south-easterly by that river to the Buninyong—Mount Mercer Road; thence northerly by that road to Sand Road; thence easterly by that road to Pryors Road; thence easterly and northerly by that road to the Midland Highway; thence north-westerly by that highway to Yendon Number 2 Road; thence north-easterly by that road to Hogarths Road; thence westerly by that road to Mount Buninyong Road; thence north-westerly by that road to the road forming the western boundary of allotment 40A, section 21, Parish of Buninyong; thence northerly by that road and Yankee Flat Road to Greenhill Road; thence north-westerly by that road and Boundary Road to the south-western angle of allotment Z3, Parish of Ballarat; thence northerly by the western boundaries of that allotment and allotments Z4, Z6 and Z7 to the road forming the northern boundary of the latter allotment; thence easterly by that road to the western boundary of the Parish of Warrenheip; thence northerly by that boundary to the north-western angle of allotment 1N, section 18, Parish of Warrenheip; thence easterly by the northern boundaries of that allotment and allotments 1E, 1D and 1C, section 18 to Navigators Road; thence northerly by that road to Warrenheip Road; thence easterly and north-easterly by that road to the road forming the

south-western boundary of allotment 6, section 9, Township of Warrenheip; thence south-easterly by that road to the road forming the southern boundary of allotment 14, section 9; thence easterly by that road to the western boundary of allotment 2, section 2B, Parish of Warrenheip; thence northerly by that boundary to the road forming its northern boundary; thence easterly by that road to Inglis Road; thence northerly by that road to the south-western angle of allotment 8, section 1; thence easterly by the southern boundaries of that allotment and allotment 9, section 1 to the road forming the eastern boundary of the latter allotment; thence northerly by that road to the Old Melbourne Road; thence south-easterly by that road to the road forming the eastern boundary of allotment 31, section 1; thence northerly by that road to the Western Freeway; thence easterly by that freeway to Richards Road; thence northerly and north-westerly by that road and further north-westerly by Seven Oaks Road to Hillview Road; thence northerly by that road to Longs Hill Road; thence northerly by that road to Clarks Road; thence northerly by that road to the south-western angle of allotment 5H, section 27, Parish of Bungaree, being a point on the western boundary of the Parish of Bungaree; thence northerly by that parish boundary to the southern boundary of allotment 3A, section 4, Parish of Creswick; thence westerly by that boundary, the southern boundary of allotment 3B and further westerly by a line in continuation thereof to Slaty Creek; thence south-westerly by that creek to a point thereon due north of the most western boundary of allotment 11; thence westerly by a line to the most southern angle of allotment 6, section Y, Parish of Ballarat; thence north-westerly by the south-western boundary of that allotment to the southern boundary of allotment 7C; thence westerly by that boundary and the southern boundaries of allotments 7B and 7A to the Midland Highway; thence northerly by that highway to the eastern angle of allotment 63E, no section; thence north-westerly by the north-eastern boundary of that allotment to its northern angle; thence northerly by the road forming the eastern boundary of allotment 96B to the north-western angle of allotment 43, section R, Parish of Creswick; thence further northerly 200 metres, more or less, to a point in line with the southern boundary of the

Township of Creswick; thence west by a line to the road forming the western boundary of allotment 5, section P; thence northerly by a road to the north-western angle of allotment 13, section O; thence easterly by a road to the south-western angle of allotment 9, section N; thence northerly by a road to the Clunes-Creswick Road; thence further northerly by a road to the north-western angle of allotment 103, Parish of Springhill; thence westerly by a road to the Clunes-Creswick Road; thence north-westerly by that road to the north-eastern angle of the Glendonald pre-emptive section, Parish of Tourello; thence westerly by the northern boundary of that section to the north-western angle thereof; thence northerly by a road to the southern boundary of allotment 10A, section 1; thence south-westerly by the southern boundary of that allotment, a line in continuation and the southern boundary of allotment 8B to the western boundary of the parish; thence northerly by that boundary to Coghills Creek; thence south-westerly by that creek to the Ballarat-Maryborough Road being a point on the northern boundary of the Parish of Glendaruel; thence westerly by that parish boundary and the northern boundary of the Parish of Addington and southerly by the western boundary of the latter parish and further southerly by the eastern boundaries of sections 32, 31, 2, 3 and 6, Parish of Ercildown to the Beaufort-Learmonth Road; thence westerly by that road to the eastern boundary of allotment 3, section 8; thence southerly by that boundary to the western boundary of allotment 1, section 10; thence southerly by that boundary to the Ballarat-Ararat Railway; thence westerly by that railway to the eastern boundary of allotment 4, section 8A; thence southerly by that boundary to the Western Highway; thence easterly by that highway to Dobsons Lane; thence generally southerly by that lane to the most western angle of allotment 38, section A, Parish of Brewster; thence south-easterly and north-easterly by the southern boundary of that allotment and further north-easterly by the south-eastern boundary of allotment 38A, section A to the northern angle of allotment 11A, section 3, Parish of Haddon; thence south-easterly by the northern boundary of that allotment and easterly by the northern boundaries of allotment 13, section 3 and allotments 8 and 9, section 2 to the Burrumbeet-Hillcrest Road; thence southerly

by that road to Cuthbert's Lane; thence easterly by that lane to the road forming the eastern boundary of allotment 11, section B; thence southerly by a road to the Ballarat-Carngham Road, and thence north-easterly by that road to the point of commencement.

SCHEDULE 2

COMMISSIONERS Clause 5 (3)

1. A Commissioner is entitled to receive—

- (a) an annual remuneration;
- (b) any travelling or subsistence allowances; and
- (c) any other allowances in relation to expenses incurred in the discharge of his or her duties—

that the Minister may from time to time determine in respect of the Commissioner.

2. Such allowances and expenses are to be paid by the newly constituted Councils.

3. A Commissioner must during the period of administration—

- (a) ensure that the operations of a newly constituted Council are carried out in the most efficient and economic manner possible;
- (b) report to the Minister on such matters and at such intervals as the Minister may specify.

4. A Commissioner must exercise his or her powers and perform his or her functions subject to any written directions given by the Minister.

5. A Commissioner—

- (a) must not, without the consent of the Minister, while in office directly or indirectly engage in any paid employment outside the duties of his or her office;
- (b) may resign the office in writing signed by him or her and delivered to the Governor in Council;
- (c) may at any time be removed from office by the Governor in Council.

6. If a Commissioner—

- (a) becomes bankrupt or his or her property becomes in any manner subject to control under the law relating to bankruptcy;
- (b) is convicted of an indictable offence or of an offence which, if committed in Victoria, would be an indictable offence;

(c) becomes incapable of performing the duties of office;

(d) is removed from office or resigns the office; or

(e) dies—

the office as a Commissioner becomes vacant.

7. During the absence from office or illness of a Commissioner, a person nominated by the Minister shall act in the place of the Commissioner and while so acting shall have, exercise and discharge all the responsibilities, liabilities, rights, powers authorities, duties and functions conferred or imposed on the Commissioner by or under this Order.

8. An act or decision of a Commissioner is not invalid by reason only of a defect or irregularity in or in connection with the appointment of a Commissioner or that Commissioner, as the case may be.

9. No person shall be concerned to inquire whether any occasion had arisen requiring or authorising a person to act in the place of a Commissioner and all acts or things done or omitted to be done by the person, while so acting, shall be as valid and effectual and shall have the same consequence as is the acts or things had been done or omitted to be done by the Commissioner.

10. Where provision is made in any Act, regulation, rule, by-law, local law, instrument or document for the Mayor, a councillor or the Chairperson or a member of a committee of a newly constituted Council or a former Council, to be a member of or to be represented on a board, council, committee, commission or other body, or to be a trustee, or to be a member or director of a company, that provision has effect during the period of administration as if it provided for a Commissioner or some other person appointed by a Commissioner to be that member, representative, trustee or director.

11. Sections 71, 74 and 75 of the Act do not apply to a Commissioner.

12. Except as provided in this Order, the procedure for meetings of newly constituted Councils may be determined by the Commissioner or Commissioners as the case may be.

SCHEDULE 3
BOUNDARIES OF THE MUNICIPAL
DISTRICT OF THE SOUTHERN RURAL
SHIRE (clause 10)

Commencing on the Ballarat-Carngham Road at the Ross Creek-Haddon Road; thence southerly by the Ross Creek-Haddon Road to Kopke Road; thence south-easterly by that road to Bellis Road; thence south-easterly by that road to Winter Creek at the Sebastopol-Smythesdale Road; thence south-easterly by that creek to the Yarrowee River; thence south-easterly by that river and the Leigh River to the Meredith-Mount Mercer Road; thence generally easterly and southerly by that road to the southern boundary of allotment 34B, Parish of Cargerie; thence easterly by that boundary and the southern boundary of allotment 33B to the road forming the north-western boundary of allotment 32A; thence north-easterly by that road to the northern angle of the said allotment, being a point on the western boundary of allotment 58C; thence southerly by that boundary and easterly by the southern boundary of the said allotment and the southern boundary of allotment 59C to Camerons Road; thence north-easterly by that road to Boundary Road; thence easterly by that road to the western side of the Geelong and Ballarat Railway; thence south-easterly by that side of the railway to a point in line with the road forming the eastern boundary of allotment 119, Parish of Meredith; thence northerly by a line, the said road and the western boundaries of allotments 128, 129, 132 and 133 to the road forming the northern boundary of the latter allotment; thence easterly by that road, the southern boundary of the Borhoneyghurk pre-emptive section, a line, the southern boundary of allotment 46, a line and the southern boundary of allotment 47 to the Moorabool River; thence northerly by that river to the southern boundary of the Parish of Ballark; thence easterly by that boundary and the southern boundary of the Parish of Beremboke to Stony Creek Road; thence south-westerly by that road to the Geelong-Ballan Road; thence south-easterly by that road to Clarkes Road; thence south-westerly by that road to Loves Lane; thence southerly by that lane to the southern boundary of the Parish of Durdidwarrah; thence easterly by that boundary to the Sutherland Creek East Branch; thence southerly by that branch of the creek and further southerly by the Sutherland Creek to the

Moorabool River; thence south-easterly by that river to the Midland Highway; thence westerly by that highway to Dog Rocks Road; thence southerly, westerly and again southerly by that road to the Fyansford-Gheringhap Road; thence southerly by Friend in Hand Road to the Hamilton Highway; thence easterly by that highway to Merrawarp Road; thence southerly by that road to the Barwon River; thence westerly by that river to the road forming the northern boundary of allotment 129, section A, Parish of Dorok; thence westerly by that road to the road forming the western boundary of allotment 127, section A; thence southerly by that road to the Warrambine Creek; thence further westerly by that creek to the western boundary of the Parish of Murdeduke; thence southerly by that boundary to the road forming the southern boundary of allotment 8, Parish of Hesse; thence westerly by that road to the south-western angle of allotment 26A; thence northerly by the western boundaries of that allotment and allotment 60A to the southern boundary of allotment 66A; thence easterly, northerly and westerly by the southern, eastern and northern boundaries of that allotment to a point in line with the western boundary of allotment 78; thence northerly by a line, the western boundaries of allotments 78 and 79 and a road to the Cressy-Shelford Road; thence westerly by that road to the Hamilton Highway; thence westerly by that highway to the Woady Yaloak River; thence northerly by that river to the northern boundary of the Parish of Wilgul North; thence westerly by that boundary and the northern boundary of the Parish of Poliah North to the western boundary of the County of Grenville; thence northerly by that boundary to the Mount Emu Creek; thence north-easterly by that creek to the Mount Emu Settlement Road; thence easterly by that road to Chepstowe-Pittong Road; thence southerly by that road to the southern boundary of the Parish of Mortchup; thence easterly, south-westerly and easterly by that boundary and north-westerly and northerly by the eastern boundary of that parish to a point on the latter boundary due east of the south-western angle of allotment 2C, section B, Parish of Argyle; thence easterly by a line and the southern boundary of allotment 2C to the south-eastern angle thereof; thence northerly by the eastern boundary of allotment 2C to the southern boundary of allotment 2B; thence easterly by that boundary and northerly

by the road forming the eastern boundary of that allotment to the southern boundary of allotment 2A; thence easterly and northerly by the southern and eastern boundaries of that allotment to the southern boundary of allotment 1A; thence north-easterly and north-westerly by the southern and eastern boundaries of that allotment to the northern boundary of the Parish of Scarsdale; thence easterly by that boundary to the western boundary of allotment 1, section 32B, Parish of Camrgham; thence northerly and easterly by the western and northern boundaries of that allotment to Tannery Road; thence south-easterly by that road to the western boundary of allotment 8, section 15A, Parish of Smythesdale; thence northerly and easterly by the western and northern boundaries of that allotment to the road forming the eastern boundary of allotment 6, section 15A; thence northerly by that road to the north-eastern angle of allotment 2, section 15A; thence northerly by a line to the south-eastern angle of allotment 17C, section 14A, Parish of Camrgham; thence northerly by the road forming the eastern boundary of that allotment to the Ballarat-Camrgham Road, and thence north-easterly by that road to the point of commencement.

SCHEDULE 4 BOUNDARIES OF THE MOORABOOL SHIRE COUNCIL (clause 17)

Commencing at the junction of Priors Road with the Midland Highway; thence north-westerly by the Midland Highway to Yendon Number 2 Road; thence north-easterly by that road to Hogarths Road; thence westerly by that road to Mount Buninyong Road; thence north-westerly by that road to the road forming the western boundary of allotment 40A, section 21, Parish of Buninyong; thence northerly by that road and Yankee Flat Road to Greenhill Road; thence north-westerly by that road and Boundary Road to the south-western angle of allotment Z3, Parish of Ballarat; thence northerly by the western boundaries of that allotment and allotments Z4, Z6 and Z7 to the road forming the northern boundary of the latter allotment; thence easterly by that road to the western boundary of the Parish of Warrenheip; thence northerly by that boundary to the north-western angle of allotment 1N, section 18, Parish of Warrenheip; thence easterly by the northern boundaries of that allotment and allotments 1E, 1D and 1C, section 18 to

Navigators Road; thence northerly by that road to Warrenheip Road; thence easterly and north-easterly by that road to the road forming the south-western boundary of allotment 6, section 9, Township of Warrenheip; thence south-easterly by that road to the road forming the southern boundary of allotment 14, section 9; thence easterly by that road to the western boundary of allotment 2, section 2B, Parish of Warrenheip; thence northerly by that boundary to the road forming its northern boundary; thence easterly by that road to Inglis Road; thence northerly by that road to the south-western angle of allotment 8, section 1; thence easterly by the southern boundaries of that allotment and allotment 9, section 1 to the road forming the eastern boundary of the latter allotment; thence northerly by that road to the Old Melbourne Road; thence south-easterly by that road to the road forming the eastern boundary of allotment 31, section 1; thence northerly by that road to the Western Freeway; thence easterly by that freeway to Richards Road; thence northerly and north-westerly by that road and further north-westerly by Seven Oaks Road to Hillview Road; thence northerly by that road to Longs Hill Road; thence northerly by that road to Clarks Road; thence northerly by that road to the south-western angle of allotment 5H, section 27, Parish of Bungaree, being a point on the western boundary of the Parish of Bungaree; thence northerly by that parish boundary to the southern boundary of allotment 2D, section 23; thence easterly by the southern boundaries of that allotment and allotment 2B, section 23, a line, the southern boundaries of allotments 1A, 1B, a line, 2A, 2B, 3, section 22, a line and the southern boundary of allotment 3, section 21 to the Adekate Creek; thence north-westerly by that creek to the northern boundary of allotment 1C, section 5, Parish of Dean; thence easterly and southerly by the northern and eastern boundaries of that allotment to the northern boundary of allotment 1B, section 5; thence easterly by the northern boundary and southerly by the road forming the eastern boundary of that allotment to the southern boundary of allotment 2H, section 5; thence easterly by the southern boundary of that allotment and allotments 2F and 2E, section 5, and further easterly by a line to the road forming the western boundary of allotment 2, section 6; thence southerly by that road to the road forming its southern boundary;

thence easterly by that road to the road forming the western boundary of allotment 1, section 9; thence northerly by that road to the road forming the north-eastern boundary of allotment 1, section 16; thence south-easterly by that road to the road forming the western boundary of allotment 1A, section 16; thence northerly by that road to the northern boundary of that allotment; thence easterly by that boundary to the south-western angle of allotment 1B, section 16; thence northerly, easterly and southerly by the western, northern and eastern boundaries of that allotment to the summit of the Great Dividing Range; thence north-easterly by that range to the south-western boundary of allotment 17, Parish of Korweinguboorra; thence north-westerly by that boundary to the road forming the northern boundary of that allotment; thence easterly by that road to the road forming the eastern boundary of allotment B4, section Y, Parish of Wombat; thence northerly by that road to the south-western angle of allotment 13, section 3B; thence easterly and northerly by the southern and eastern boundaries of that allotment to the summit of the Great Dividing Range; thence north-easterly by that range to a point thereon in line with the western boundary of allotment Z, Parish of Bullarto; thence southerly by a line and the western boundary of that allotment to the road forming its southern boundary; thence easterly by that road to the road forming the eastern boundary of allotment G; thence northerly by that road to the summit of the Great Dividing Range; thence easterly by that range to the western boundary of allotment F, Parish of Trentham, being a point on the boundary of that parish; thence generally south-easterly by the parish boundary to the south-eastern angle of allotment 11, section M; thence northerly by the eastern boundaries of that allotment and allotment C to the southern boundary of allotment B; thence easterly by that boundary to the summit of the Great Dividing Range; thence north-easterly and south-easterly by that range to the western boundary of allotment 103F; thence southerly by that boundary and the western boundary of allotment 103D to the northern boundary of allotment P, Parish of Blackwood; thence westerly, southerly and easterly by the northern, western and southern boundaries of that allotment to the western boundary of allotment N; thence southerly and easterly by the western

and southern boundaries of that allotment to the south-eastern angle thereof; thence southerly by a road to a point in line with the southern boundary of former allotment 21, section 11; thence easterly by a line and the southern boundary of that allotment to the south-eastern angle thereof; thence easterly by a line and the southern boundary of former allotment 8, section 11, to the south-eastern angle thereof; thence southerly by a line to the most northern angle of allotment 54, section 7 being a point on the Mount Blackwood Road; thence south-easterly by that road to the northern boundary of allotment 53; thence westerly by that boundary and southerly by the western boundaries of that allotment and allotment 50 and easterly by the southern boundary of the latter allotment to the western boundary of allotment 49; thence southerly by that boundary and the western boundaries of allotments 46, 45, 42, 41, 38 and 34 to the road forming the southern boundary of the latter allotment; thence westerly by that road to the Myrmiong Creek; thence generally southerly by that creek to the Werribee River; thence north-westerly by that river to the western boundary of the Parish of Gorrockburkhap; thence southerly by that boundary to the north-eastern angle of the Glenmore pre-emptive section; thence southerly by the eastern boundary of that section, a line and again southerly by the eastern boundary of that section to the south-eastern angle thereof, being a point on the western boundary of the Parish of Gorrockburkhap; thence southerly by that boundary and the western boundary of the Parish of Balliang to the road forming the southern boundary of allotment 4, section B, Parish of Beremboke; thence westerly by that road and southerly by the road forming the eastern boundary of allotment 3, section B to the north-eastern angle of allotment 5, section B; thence westerly by the northern boundaries of that allotment and allotment 8, section B and further westerly by a line in continuation to the south-eastern angle of allotment 24E, being a point on the southern boundary of the parish; thence westerly by that boundary and the southern boundary of the Parish of Ballark to the Moorabool River; thence southerly by that river to the southern boundary of allotment 47, Parish of Meredith; thence westerly by that boundary and the southern boundaries of allotment 46 and the Borhoneyghurk pre-emptive section to the road forming the

northern boundary of allotment 133; thence westerly by that road to the western boundary of that allotment; thence southerly by that boundary and the western boundaries of allotments 132, 129 and 128 to the road forming the eastern boundary of allotment 125; thence southerly by that road and further southerly by a line in continuation to the western side of the Geelong and Ballarat Railway; thence north-westerly by that side of that railway to Boundary Road; thence westerly by that road to Camerons Road; thence south-westerly by that road to the southern boundary of allotment 59C, Parish of Cargerie; thence westerly by that boundary and the southern boundary of allotment 58C to the eastern boundary of allotment 17A; thence northerly by that boundary and the eastern boundary of allotment 32A to the road forming the eastern boundary of allotment 33B; thence south-westerly by that road to the southern boundary of that allotment; thence westerly by that boundary and the southern boundary of allotment 34B to the Meredith-Mount Mercer Road; thence northerly and westerly by that road to the Leigh River; thence northerly by that river and the Yarrowee River to the Buninyong-Mount Mercer Road; thence northerly by that road to Sand Road; thence easterly by that road to Pryors Road, and thence easterly and northerly by that road to the point of commencement.

SCHEDULE 5

BOUNDARIES OF THE MUNICIPAL DISTRICT OF THE SHIRE OF RIPON

Commencing on the Western Highway at Dobsons Lane; thence generally southerly by Dobsons Lane to the most western angle of allotment 38, section A, Parish of Brewster; thence south-easterly and north-easterly by the southern boundary of that allotment and further north-easterly by the south-eastern boundary of allotment 38A, section A to the northern angle of allotment 11A, section 3, Parish of Haddon; thence south-easterly by the northern boundary of that allotment and easterly by the northern boundaries of allotment 13, section 3 and allotments 8 and 9, section 2 to the Burrumbeet-Hillcrest Road; thence southerly by that road to Cuthbert's Lane; thence easterly by that lane to the road forming the eastern boundary of allotment 11, section B; thence southerly by a road to the south-eastern angle of allotment 17C, section 14A, Parish of

Carngham; thence southerly by a line to the north-eastern angle of allotment 2, section 15A, Parish of Smythesdale; thence southerly by the road forming the eastern boundary of that allotment to Hillcrest Road; thence southerly by that road to the northern boundary of allotment 8; thence westerly and southerly by the northern and western boundaries of that allotment to Tannery Road; thence north-westerly and westerly by the northern boundary of allotment 1, section 32B, Parish of Carngham and southerly by the western boundary of that allotment to the northern boundary of the Parish of Scarsdale; thence westerly by that boundary to the north-eastern boundary of allotment 1A, section B, Parish of Argyle; thence south-easterly by that boundary and south-westerly by the south-eastern boundary of that allotment to the eastern boundary of allotment 2A; thence southerly and westerly by the eastern and southern boundaries of that allotment to the road forming the eastern boundary of allotment 2B; thence southerly by that road and westerly by the southern boundary of that allotment to the eastern boundary of allotment 2C; thence southerly and westerly by the eastern and southern boundaries of that allotment to its south-western angle; thence due west by a line to the eastern boundary of the Parish of Mortchup; thence southerly and south-easterly by that boundary and westerly, north-easterly and westerly by the southern boundary of that parish to the Chepstowe-Pittong Road; thence northerly by that road to the Mount Emu Settlement Road; thence westerly by that road to Mount Emu Creek; thence south-westerly by that creek to the northern boundary of the Township of Skipton; thence westerly and southerly by the northern and western boundaries of that township to the Mount Emu Creek; thence generally south-westerly and westerly by that creek to the southern boundary of the Parish of Caramballuc North; thence further westerly by that boundary to Nerrin Nerrin Road; thence northerly by that road and north-easterly by the Eurambeen-Streatham Road to the northern boundary of allotment 9A, section 12, Parish of Moallaack; thence westerly by that boundary to the western boundary of allotment 5B; thence northerly by that boundary and the western boundary of allotment 5A to the road forming the southern boundary of allotment 8AA, section 13; thence westerly by that road to the western boundary of

that allotment; thence northerly by that boundary and further northerly by a road to the north-eastern angle of allotment 85A, Parish of Woodnaggerak; thence northerly by a line to the south-western angle of allotment 76, Parish of Shirley; thence further northerly by a road to the Fiery Creek; thence easterly by that creek to Middle Creek; thence north-easterly by that creek to the Western Highway; thence north-westerly by that highway to the road forming the eastern boundary of allotment 15, section 6, Parish of Buangor; thence north-easterly by that road to the road forming the northern boundary of allotment 20; thence north-westerly by that road to the road forming the eastern boundary of allotment 46; thence north-easterly by that road to the road forming its northern boundary; thence westerly by that road to Andersons Road; thence northerly by that road to the south-western boundary of the Mount Buangor Park; thence north-westerly by that boundary to the northern boundary of the County of Ripon; thence north-easterly by that boundary to the western boundary of allotment 48B; thence northerly, easterly and southerly by the western, northern and eastern boundaries of that allotment and easterly by the northern boundary of allotment 48C to the northern boundary of the County of Ripon; thence generally north-easterly and easterly by that boundary to the western boundary of allotment 8A, section D, Parish of Langi-kal-kal; thence southerly by that boundary, the western boundaries of former allotments 8B and 9, a line and further southerly, westerly and southerly by the western boundary of former allotment 9, section 63A, Parish of Raglan to the road forming the southern boundary of that allotment; thence easterly, northerly and easterly by that road and further easterly by the northern boundary of allotment 4 to its north-eastern angle; thence south-easterly by the eastern boundaries of allotments 4, 4A and 4B to the road forming the southern boundary of the latter allotment; thence easterly by that road to the Trawalla Creek; thence south-easterly and north-easterly by that creek to the southern boundary of allotment 1, section D, Parish of Langi-kal-kal; thence easterly by that boundary to the western boundary of allotment 2D; thence southerly, easterly and northerly by the western, southern and eastern boundaries of that allotment to the southern boundary of allotment 2C; thence

easterly by that boundary to the Lexton-Chute Road; thence southerly by that road to the Chute-Waterloo Road; thence southerly by that road to the Trawalla Creek near the southern boundary of allotment 5C; thence south-easterly by that creek and the Mount Emu Creek to the Western Highway, and thence south-easterly by that highway to the point of commencement.

Dated 3 May 1994

Responsible Minister:

ROGER M. HALLAM

Minister for Local Government

KATHY WILSON

Acting Clerk of the Executive Council

Subordinate Legislation Act 1962
NOTICE OF REGULATORY IMPACT
STATEMENT

Weights and Measures Act 1958
WEIGHTS AND MEASURES
REGULATIONS 1994

The Minister for Small Business proposes to make the above Regulations relating to weights and measures.

The objectives of the Regulations are to:

- make provisions for inspectors of weights and measures;
- fix terms and conditions for the inspection, testing, verification and stamping of weights and measures;
- prescribe the method of use and limit the use in trade of weights, measures and instruments;
- prescribe conditions relating to displays or written statements of the price of goods;
- provide for the registration of public weighing and measuring instruments;
- specify the duties of weighman and owners of public weighbridges;
- make provisions for the registration, supervision and control of repairers and adjusters of weights and measures;
- prescribe the method by which certain classes of goods must be sold;
- prescribe markings and the display of markings on goods for sale including pre-packed articles; and

prescribe fees, forms and other procedures for the purposes of the **Weight and Measures Act 1958**.

The regulatory impact statement concludes that the proposed Regulations provide the most cost effective means of achieving the objectives.

The draft Regulations and the regulatory impact statement setting out the anticipated impact of the proposed rule may be inspected at the Office of Trade Measurement, Birdwood Avenue, Melbourne 3004.

A copy of each may be obtained at the above location or by telephoning (03) 650 9121.

Public comments and submissions are invited and should be sent no later than 21 days from the date of publication of this notice to Mr Peter Burr, Legislation Manager, Legal Services, Department of Business and Employment, PO Box 173, East Melbourne 3002 (telephone: (03) 412 8113).

GEORGE E. BROUWER
Secretary

Department of Business and Employment

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The *Victoria Government Gazette* (VGG) is published by THE LAW PRINTER (PPSV) for the State of Victoria and is produced in three editions.

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A Victorian Government Publication

Published by

THE LAW PRINTER

a business unit of

Printing and Publishing Services Victoria (PPSV)

Melbourne Victoria Australia

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PO Box 292 South Melbourne 3205 Victoria Australia

ISSN 0819-548X

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