



Victoria Government Gazette

No. G 37 Thursday 18 September 1997

GENERAL

GENERAL AND PERIODICAL GAZETTE

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

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Private Notices

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

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INDEX TO PRIVATE ADVERTISERS

A

A. B. Natoli Pty 2560
 Akehurst, Friend & Allaway 2561
 Aughtersons 2560

B

Basile Pino & Co. 2560

D

Dunhill Madden Butler 2561
 Dwyer Mahon & Robertson 2558

E

Eales & Mackenzie 2560

F

Featherby's 2558

G

G. R. Herbert & Co. 2559
 Garden & Green 2559-2560
 Gavan Duffy & King 2561
 Gray Friend & Long 2558

I

Ingpen & Bent 2561

K

Kenneth Frank 2555

L

Lombard & Associates 2559

M

M. K. Steele & Giammario 2557
 MCF Lawyers 2558
 Malcolm Standish 2555
 Maxwell John Howes 2555
 McDowell & Co. 2561
 Mills Oakley 2560

N

National Mutual Trustees Limited .. 2555-2556

O

O'Brien & Galante 2557

P

Pearce Webster Dugdales 2560
 Pearsons 2559
 Perpetual Trustees Victoria Limited 2556
 Purves Clarke Richards 2555

S

Sale by the Sheriff 2561
 Secombs 2555
 Septimus Jones & Lee 2558-2559
 Sewells 2557-2558
 Sharon Murrell 2555
 Shirley Joan Howes 2555

W

White Cleland 2555

PRIVATE ADVERTISEMENTS

CORPORATIONS LAW

Section 509 (2)

OCEAN GROVE & DISTRICT (NO. 5)
CO-OPERATIVE HOUSING SOCIETY
LIMITED (IN LIQUIDATION)

Take notice that the affairs of the abovenamed Society are now fully wound up that in pursuance of the Corporations Law and of the **Co-Operative Housing Societies Act 1958**, a general meeting will be held at 25 Fenwick Street, Geelong, on Monday, 20 October at 6.00 p.m. for the purpose of:

- (i) laying before it an account showing how the winding up has been conducted and the property of the Society disposed of and giving any explanation thereof; and
- (ii) passing resolution that the books and papers of the Society and of the liquidator relevant to the affairs of the Society be destroyed after a period of twelve months from the date of the meeting.

Dated 11 September 1997

SHARON MURRELL, liquidator

Notice is hereby given that the partnership previously subsisting between Kenneth Frank of 1079 Heidelberg Road, Ivanhoe 3079, and Malcolm Standish of 23 Parry Road, Eltham North, Victoria 3095, carrying on business as distributors of bicycle components at 1085 Heidelberg Road, Ivanhoe, Victoria 3079, under the style or firm of OEM Imports has been dissolved by mutual consent as from 30 April 1997, so far as concerns the said Kenneth Frank who retires from the said firm. All debts due and owing by the said firm will be received and paid respectively by Malcolm Standish who will continue to carry on the business under the name OEM Imports.

Notice is hereby given that the partnership between Maxwell John Howes and Shirley Joan Howes trading as M. J. & S. J. Howes has been dissolved by mutual consent with effect from 30 September 1997. The business will be continued by Maxwell John Howes trading as Country Craft Homes.

MAXWELL JOHN HOWES
SHIRLEY JOAN HOWES

WILLIAMS/QUINLIVAN PARTNERSHIP

Pursuant to Section 40 of the **Partnership Act 1958** notice is given that the partnership between Suzanne Williams and Ian Quinlivan at Males Road, Moorooduc, Victoria, has been dissolved. Ian Quinlivan is carrying on the business formerly operated in partnership.

WHITE CLELAND, solicitors, 3rd Floor, "Landmark Building", 454 Nepean Highway, Frankston

PARTNERSHIP NOTICE

Andrew Brown and Frank O'Donnell retired as partners in the firm Purves Clarke Richards, solicitors on 5 September 1997.

PURVES CLARKE RICHARDS

Creditors, next of kin and others having claims in respect of the estate of Irene Cahir deceased late of 111 Hamilton Street, Yarraville, widow who died on 17 July 1997 are requested to send particulars of their claims to the executor Colin Henry Hoffman of 115 Hotham Street, East Melbourne, care of the undersigned solicitors by 28 November 1997, after which date they will convey or distribute the assets having regard only to the claims of which they then have notice.

SECOMBS, solicitors, 100 Paisley Street, Footscray

Creditors, next of kin and others having claims in respect of the estate of Ronald Bruce Antonio deceased late of 9 Rennie Street, Seddon, gentleman who died on 30 June 1997 are required by Perpetual Trustees Victoria Limited A.C.N. 004 027 258 of 50 Queen Street, Melbourne, to send particulars of their claims to the said company by 28 November 1997, after which date it will convey or distribute the assets having regard only to the claims of which they then have notice.

SECOMBS, solicitors, 100 Paisley Street, Footscray

Creditors, next of kin and others having claims in respect of the estate John Home Hay late of Kamarooka, retired farmer, deceased who died on 28 May 1997 are required to send particulars of their claims to the executors National Mutual Trustees Limited of 46 Queen Street, Bendigo, by 30 November

1997, 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 Phyllis Jean Wickham late of 18 Herriot Street, Heathcote, home duties, deceased who died on 24 May 1997 are required to send particulars of their claims to the executors National Mutual Trustees Limited of 46 Queen Street, Bendigo, by 30 November 1997, 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 to the estate of Wesley Neale Wright late of 21 De Burgh Road, Drysdale in the State of Victoria, foreman, deceased who died on 9 June 1997 are required to send particulars of such claims to the executors National Mutual Trustees Limited and Lynn Maree Wright care of 65 Southbank Boulevard, Southbank, by 19 November 1997, after which date the executors will distribute the estate having regard only to the claims of which they then have notice.

Creditors, next of kin and others having claims in respect to the estate of Herbert Stanley James Usher late of 94 Vines Road, Hamlyn Heights in the State of Victoria, retired, deceased who died on 28 June 1997 are required to send particulars of such claims to the executor National Mutual Trustees Limited of 65 Southbank Boulevard, Southbank, by 19 November 1997, after which date the executor will distribute the estate having regard only to the claims of which they then have notice.

NOTICE TO CLAIMANTS

MRS DOROTHY NELLIE WARBY, late of St Benedicts Private Nursing Home, 5 Heath Street, Sandringham, Victoria 3191, but formerly of "Girrawheen", 55/80 Outer Crescent, Brighton, Victoria 3186

Creditors, next of kin and others having claims in respect of the estate of the deceased (who died on 25 June 1997) are required by Perpetual Trustees Victoria Limited A.C.N. 004 027 258 of 50 Queen Street, Melbourne,

to send particulars of their claims to the said company by 19 November 1997, after which date it will convey or distribute the assets having regard only to the claims of which the company then has notice.

NOTICE TO CLAIMANTS

MRS MYRTLE IRENE FRAZER, late of Bethany Nursing Home, 440 Camberwell Road

Creditors, next of kin and others having claims in respect of the estate of the deceased (who died on 16 July 1997) are required by Perpetual Trustees Victoria Limited A.C.N. 004 027 258 of 50 Queen Street, Melbourne, to send particulars of their claims to the said company by 19 November 1997, after which date it will convey or distribute the assets having regard only to the claims of which the company then has notice.

NOTICE TO CLAIMANTS

JACK FITZHENRY BORRELL, late of Moruya Private Nursing Home of 13 Lewis Road, Wantirna South, but formerly of 19 Alderford Drive, Wantirna

Creditors, next of kin and others having claims in respect to the estate of the deceased who died on 8 July 1997 are required by Perpetual Trustees Victoria Limited A.C.N. 004 027 258 of 50 Queen Street, Melbourne, and Mary McCandless-Borrell of 14 Parkhaven Way, Knoxfield, Victoria, and Roger Fitzhenry Borrell of 13/3 Tennyson Street, Elwood, Victoria, the applicant/s for a grant of administration to send particulars of their claims to the said applicants in the care of the said company by 19 November 1997, after which date they will convey or distribute the assets having regard only to the claims of which they then have notice.

NOTICE TO CLAIMANTS

KENNETH BARLOW, late of 58 South Circular Road, Gladstone Park

Creditors, next of kin and others having claims in respect of the estate of the deceased (who died on 14 September 1996) are required by Perpetual Trustees Victoria Limited A.C.N. 004 027 258 of 50 Queen Street, Melbourne, to send particulars of their claims to the said company by 19 November 1997, after which date it will convey or distribute the assets having regard only to the claims of which the company then has notice.

Estate of FRANK O'BRIEN, deceased, (in the Will called Frank Lionel O'Brien)

Creditors, next of kin and others having claims in respect of the estate of Francis Lionel O'Brien (in the Will called Frank Lionel O'Brien) late of Western Suburbs Private Nursing Home, 44 Stephen Street, Yarraville, Victoria, retired, deceased who died on 16 January 1997 are required by the executrix, Lorna Margaret George of 7 Stublely Court, Greensborough, married woman to send the particulars of their claims to the undermentioned firm of solicitors by 20 November 1997, after which date the executrix will distribute the assets having regard only to the claims of which she then has notice.

M. K. STEELE & GIAMMARIO, Suite 1, Level 1, corner Church and Grimshaw Streets, Greensborough

JOHN WILLIAM DUGAN, deceased

Creditors, next of kin and others having claims in respect of the estate of John William Dugan late of LaTrobe Nursing Home, 14 Como Street, Alphington, Victoria, retired, deceased who died on 20 February 1997 are required by the executrix Jeannette Nounme Powell of Lot 10 Bega Road, Barraga Bay, New South Wales, pensioner to send the particulars of their claims to the undermentioned firm of solicitors by 20 November 1997, after which date the executrix will distribute the assets having regard only to the claims of which she then has notice.

M. K. STEELE & GIAMMARIO, Suite 1, Level 1, corner Church and Grimshaw Streets, Greensborough

NEIL McMAHON LAWREY, late of 3/37 Flemington Street, Flemington, postal technician, deceased

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased who died on 25 May 1997 are to send particulars of their claims to the executor Suzanne Elizabeth Azzopardi care of the undermentioned solicitors by 28 November 1997, after which date the said executor will distribute the assets having regard only to the claims of which she then has notice.

O'BRIEN & GALANTE, solicitors, 27 Norwood Crescent, Moonee Ponds

ANNA HIRST, late of 1/74 Maud Street, North Balwyn, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased who died on 1 December 1996 are to send particulars of their claims to the executor Nicholas James Galante care of the undermentioned solicitors by 28 November 1997, after which date the said executor will distribute the assets having regard only to the claims of which he then has notice.

O'BRIEN & GALANTE, solicitors, 27 Norwood Crescent, Moonee Ponds

ALYCE EMMA DRYBURGH, late of Unit 100, 1 Moreland Road, Essendon, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased who died on 18 June 1997 are to send particulars of their claims to the executor David Thomas Webb care of the undermentioned solicitors by 28 November 1997, after which date the said executor will distribute the assets having regard only to the claims of which he then has notice.

O'BRIEN & GALANTE, solicitors, 27 Norwood Crescent, Moonee Ponds

VERA MAY NOSEDA, late of Costin Street, Apollo Bay, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 11 August 1997 are required by the deceased's personal representatives Leslie Edward Nosedo, Arthur Victor Nosedo and Stuart Lester Holbery to send particulars to them care of the undermentioned solicitors by 19 November 1997, after which date the personal representatives may convey or distribute the assets having regard only to the claims of which they then have notice.

SEWELLS, solicitors, 119 Murray Street, Colac

JEAN HILTON HARRIS, late of 2/412 Murray Street, Colac

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 25 July 1997 are required by the deceased's personal representatives Terrence John Harris, Phillip Samuel Harris and Jennifer May Anderson to send particulars to

them care of the undermentioned solicitors by 12 November 1997, after which date the personal representatives may convey or distribute the assets having regard only to the claims of which they then have notice.

SEWELLS solicitors, 119 Murray Street, Colac

ISOBEL MYRTLE CRAWFORD, late of Unit 1, 7-9 Princes Way, Drouin, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 29 June 1997 are required by the trustees John Andrew Hedley, Robert Wilson Hedley and Shirley Joan White to send particulars of their claims to them care of the undersigned solicitors by 18 November 1997, after which date the trustees may convey or distribute the assets having regard only to the claims of which they then have notice.

GRAY FRIEND & LONG, solicitors, 70 Queen Street, Warragul

PEARL ELIZABETH WEIR, deceased

Creditors, next of kin or others having claims in respect of the estate of Pearl Elizabeth Weir late of 12 Brown Street, Swan Hill, Victoria, domestic duties, deceased who died on 11 August 1997 are to send particulars of their claims to the executors care of the undermentioned solicitors by 14 November 1997, after which date the executors will distribute the assets having regard only to the claims of which the executors then have notice.

DWYER MAHON & ROBERTSON, lawyers and consultants, 194-208 Beveridge Street, Swan Hill

Creditors, next of kin or others having claims in respect of the estate of the late Nancy May Durance, late of Burwood Lodge, 336 Blackburn Road, Burwood in the State of Victoria, deceased who died on 17 December 1996 are to send particulars of their claims to the administrator care of the undermentioned solicitors by 60 days, after which date the administrator will distribute the assets having regard only to the claims of which he then has notice.

FEATHERBY'S, solicitors, 1043a Point Nepean Road, Rosebud

Creditors, next of kin and others having claims in respect of the estate of Yvonne Audrey Tinkler late of Flat 1, 15 Oak Grove, Ripponlea, deceased who died on 3 August 1996 are requested to send particulars of their claims to the executrix Myriam Cesar Fiumani care of the undermentioned solicitors on or before 19 November 1997, after which date they will distribute the assets having regard only to the claims of which they then have notice.

MCF LAWYERS, 70 Bulla Road, North Essendon

Creditors, next of kin and others having claims in respect of the estate of Lydia Garcia late of Royal Freemasons' Homes of Victoria, 36-91 Newmarket Street, Flemington, deceased who died on 24 July 1997 are requested to send particulars of their claims to the executrix Myriam Cesar Fiumani care of the undermentioned solicitors on or before 19 November 1997, after which date they will distribute the assets having regard only to the claims of which they then have notice.

MCF LAWYERS, 70 Bulla Road, North Essendon

ELLEN JOSEPHINE BRUNKER, deceased

Creditors, next of kin or others having claims in respect of the estate of Ellen Josephine Brunker late of North West Hospital, Parkville, Victoria, but formerly of 397 Brunswick Road, widow, deceased who died on 13 March 1997 are to send particulars of their claims to the executor care of the undermentioned solicitors within two clear months of the publication of this notice, after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

SEPTIMUS JONES & LEE, solicitors, 257 Collins Street, Melbourne

WALTER TEITLER, deceased

Creditors, next of kin or others having claims in respect of the estate of Walter Teitler late of North West Hospital, Parkville, but formerly of 44 Eskdale Road, Caulfield, manager, deceased who died on 4 May 1996 are to send particulars of their claims to the executor care of the undermentioned solicitors within two clear months of the publication of

this notice, after this date the executors will distribute the assets having regard only to the claims of which the executor then has notice.

SEPTIMUS JONES & LEE, solicitors, 257 Collins Street, Melbourne

GLADYS AGNESS HARPER, deceased

Creditors, next of kin or others having claims in respect of the estate of Gladys Agness Harper late of 8 Kerr Crescent, Camberwell, Victoria, retired school teacher, deceased who died on 17 November 1996 are to send particulars of their claims to the executors care of the undermentioned solicitors within two clear months of the date of publication hereof, after which date the executors will distribute the assets having regard only to the claims of which the executors then have notice.

SEPTIMUS JONES & LEE, solicitors, 257 Collins Street, Melbourne

Creditors, next of kin and others having claims in respect of the estate of Nicholas Dimtsas (also known as Nicholas Dimstas) late of 73 Chapman Avenue, Glenroy, Victoria, deceased who died on 31 January 1997 are to send particulars of their claims to the executor care of the undermentioned solicitors by 18 November 1997, after which date the executor will distribute the assets having regard only to the claims of which they then have notice.

PEARSONS, barristers and solicitors, 794 Pascoe Vale Road, Glenroy

Creditors, next of kin and others having claims in respect of the estate of Frederick Lawrence Goggin late of 3 Dobies Court, Westmeadows, Victoria, deceased who died on 29 May 1993 are to send particulars of their claims to the executor care of the undermentioned solicitors by 18 November 1997, after which date the executor will distribute the assets having regard only to the claims of which they then have notice.

PEARSONS, barristers and solicitors, 794 Pascoe Vale Road, Glenroy

Creditors, next of kin and others having claims in respect of the estate of Thomas Francis McNiff late of 38 Cochrane Street, Brighton, Victoria, deceased who died on 30 November 1996 are to send particulars of their

claims to the executor care of the undermentioned solicitors by 18 November 1997, after which date the executor will distribute the assets having regard only to the claims of which they then have notice.

PEARSONS, barristers and solicitors, 794 Pascoe Vale Road, Glenroy

Creditors, next of kin and others having claims in respect of the estate of Stanley John Murrhly deceased who died on 26 June 1997 are required by the executrix to send particulars of their claim to the undermentioned firm by 31 October 1997, after which date the trustee will convey or distribute assets having regard only to the claims of which the trustee then has notice.

LOMBARD & ASSOCIATES, solicitors, 27 Station Road, Cheltenham

Creditors, next of kin and others having claims in respect of the estate of Ellen Cyprian Hannan deceased who died on 8 December 1996 are required by the executors to send particulars of their claim to the undermentioned firm by 21 November 1997, after which date the trustee will convey or distribute assets having regard only to the claims of which the trustee then has notice.

LOMBARD & ASSOCIATES, solicitors, 27 Station Road, Cheltenham

Creditors, next of kin or others having claims in respect of the estate of Neil McDonald Dickson also known as Neil MacDonald Dickson late of 557 Neerim Road, Hughesdale, gentleman deceased who died on 24 March 1997 are to send particulars of their claims to the executors care of the undermentioned solicitors by 22 November 1997, after which date the executors will distribute the assets having regard only to the claims of which they then have notice.

G. R. HERBERT & CO., legal practitioners, 8 Bluff Road, Black Rock

LEONARD PETER PAKOT, deceased

Creditors, next of kin or others having claims in respect of the estate of Leonard Peter Pakot late of "Wattlebrae", Speewa Road, Speewa, New South Wales, Flight Sergeant, Australian Air Force, deceased who died on 27 January 1997 are to send particulars of their claims to the executor Susanna Anna

Pakot care of the undermentioned solicitors by 12 November 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

Creditors, next of kin and others having claims in respect of the estate of Fiona Lucy O'Connor late of Mathoura House, 51 Mathoura Road, Toorak, Victoria, retired, deceased (who died on 24 July 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 18 November 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

MARIE JEAN HURLEY, deceased

Creditors, next of kin or others having claims in respect of the estate of Marie Jean Hurley late of "Providence Hostel", Griffiths Street, Bacchus Marsh, Victoria, widow, deceased, who died on 17 May 1997 are required to send particulars of their claims to the administrators of the Will and estate, Ian Jeffrey Hurley of Bucklers Road, Parwan, Victoria, and Elizabeth Ann Kearney of 9 Blamey Drive, Melton South, Victoria, care of the undermentioned solicitors by 6 December 1997, after which date the administrators will distribute the assets having regard only to the claims of which it then has notice.

PEARCE WEBSTER DUGDALES, solicitors, 391 High Street, Melton

FRANCIS ALBERT PEPPLER, late of Macleod Nursing Home, 118 Sommers Avenue, Macleod, retired, deceased

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased who died on 14 June 1997 are required by the executrix Sylvia Doris Frame of Unit 1, 8 The Ridgeway, Ivanhoe, to send particulars thereof to her care of the office of Messrs Aughtersons, 267 Maroondah Highway, Ringwood, within sixty days from the date of publication of this

notice, after which the executrix will distribute the estate having regard only to the claims of which she has notice.

AUGHTERSONS, solicitors, 267 Maroondah Highway, Ringwood

GIUSEPPE PIAZZA, late of 89/1 Holmes Street, Northcote, Victoria, retired, deceased

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased who died on 30 June 1997 are required by Neale Andrew Wilson, Roman Catholic Priest of 45 Railway Place, Alphington, Victoria, the executor of the deceased's Will to send particulars of their claim to the said executor care of the undermentioned solicitors by 27 November 1997, after which date they will convey or distribute the assets having regard only to the claims which they then have notice.

A. B. NATOLI PTY, solicitors, 24 Cotham Road, Kew

Creditors, next of kin or others having claims in respect of the estate of Antoine Topalian late of 25 Tyquin Street, Laverton, Victoria, clerk, deceased who died on 16 May 1997 are to send particulars of their claims to the administrator care of the undermentioned solicitors by 10 December 1997, after which date the administrator will distribute the assets having regard only to the claims of which the administrator then has notice.

EALES & MACKENZIE, solicitors, 114-116 Main Street, Lilydale

In the estate of ELVIE MARGARET FISHER of 2 Standen Street, Swan Hill in the State of Victoria, widow

Creditors and next of kin and all other persons having claims against the estate of the said deceased are required by Andrew Clive Fisher of Beverford in the State of Victoria, the executor of the estate of the said deceased to send particulars of such claims to him in care of the undermentioned solicitors on or before 20 November 1997, after which date he will distribute the assets having regard only to claims to which he then has notice.

BASILE PINO & CO., barristers and solicitors, 213 Campbell Street, Swan Hill

JEAN PHYLLIS DALTON, deceased

Creditors, next of kin or others having claims in respect of the estate of Jean Phyllis Dalton late of North West Hospital, Poplar Road, Parkville, Victoria, but formerly of 274 Bellair Street, Kensington, home duties, deceased who died on 30 May 1997 are to send particulars of their claims to the executor Peter Raymond Dalton of 136 Buckley Street, Noble Park, Victoria, by 25 November 1997, after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

DUNHILL MADDEN BUTLER, solicitors,
575 Bourke Street, Melbourne

Creditors, next of kin and others having claim in respect of the estate of Audrey Fay Page late of 71 Lloyd Street, Strathmore, widow, deceased who died on 6 June 1997 are required by Phillip Michael Page of 13 Harcourt Square, Werribee, to send particulars of their claim to the said Phillip Michael Page by 18 November 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,
solicitors, Suite 1102, 10 Queen Street,
Melbourne

Creditors, next of kin and others having any claims in respect of the estate of Mary Alice Sweeney late of 97 Elgin Street, Hawthorn, Victoria, retired school teacher, deceased who died on 30 July 1997 are requested by Margaret Grace Bailey of 60 Wellington Street, Flemington, and Christine Mary Allan of 27 Jane Street, Berwick, the executrices of the Will of the deceased to send to them care of the undersigned solicitors particulars thereof by 1 December 1997, after which date they will distribute the assets of the deceased having regard only to the claims of which they shall then have notice.

GAVAN DUFFY & KING, 83 William
Street, Melbourne

PATRICIA ELIZABETH PINKERTON, late
of Unit 2, 35 Clifton Springs Road,
Drysdale, home duties, deceased

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased who died on 24 July 1997 are required by the trustees Gary

Lindsey Bent and Peter Charles Gillham both of 95 Yarra Street, Geelong, legal practitioners, to send particulars of their claims to the trustees care of the undermentioned legal practitioners by 1 December 1997, after which date the trustees may convey or distribute the assets having regard only to the claims of which they then have notice.

INGPEN & BENT, legal practitioners for
the trustees, 95 Yarra Street, Geelong

Creditors, next of kin and others having claims in respect of the estate of William Joseph Payne deceased late of West Creek Road, Archies Creek, Victoria, grazier and investor who died on 11 June 1997 and Probate of whose Will was granted by the Supreme Court of Victoria on 8 September 1997 to ANZ Executors & Trustee Company Limited (A.C.N. 006 132 332) of 530 Collins Street, Victoria, and Denis Francis O'Rourke of 3 Auriol Court, Ferntree Gully, Victoria, retired railwayman, are to send their claims to the said executors care of the belowmentioned solicitors by 30 November 1997, after which date they will distribute the assets of the deceased having regard only to the claims of which they then have notice.

McDOWELL & CO., solicitors, 39
McBride Avenue, Wonthaggi

In the Supreme Court of the State of Victoria
SALE BY THE SHERIFF
To the Highest Bidder at the Best Price
Offered

On 23 October 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
Antonio Bevilacqua and Incoronata
Bevilacqua of 74 Council Street, Doncaster,
proprietors as tenants in common in equal
shares of an estate in fee simple in the land
described on Certificate of Title Volume 8846,
Folio 214 which is a vacant block of land
known as 7 Seaspray Avenue, Phillip Island.

Registered Caveat Nos. P108476K,
S508308A, T75874F affect the said estate and
interest.

Terms—Cash only

No reserve set

S. BLOXIDGE
Sheriff's Officer

2562 G 37 18 September 1997

Victoria Government Gazette

Unclaimed Moneys Act 1962

Register of Unclaimed Moneys held by the—

<i>Name of Owner on Books and Last Known Address</i>	<i>Total</i>	<i>Description of</i>	<i>Date</i>
	<i>Amount</i>		<i>when</i>
	<i>Due to</i>	<i>Unclaimed</i>	<i>first</i>
	<i>Owner</i>	<i>Money</i>	<i>became</i>
			<i>Payable</i>

\$

HOUSING GUARANTEE FUND LTD.

QBE Insurance Ltd, c/- Insurance Synergy P/L, 230 Collins St	1,018.20	Cheque	3.4.96
Martin Durkin Solicitor, Level 1/111 High St, Armadale	400.00	"	11.6.96
A G & Z Casey, Shop 8, 54 Kilby Rd, East Kew	200.00	"	17.7.97
Keilon Constructions, 62 Park St, St Kilda	200.00	"	11.9.95
G J & Z Keizer, Lot 18 Hampshire Rd, Rowville	200.00	"	1.4.96
Stevens, Judy and Gross, Jan, Bar/Sol. PO Box 820 Mount Eliza	200.00	"	14.5.96
Scrimmark Constructions, PO Box 317, Williamstown	200.00	"	11.6.96
Glenty Properties P/L, PO Box 14157 Melbourne Mail Centre	193.00	"	27.11.95

97178

CONTACT: GERALD SULLIVAN, PHONE: (03) 9660 6257

PROCLAMATION**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
BULOKE SHIRE COUNCIL**

BOIGBEAT—Crown Allotments 45B1 and 45C1, Parish of Boigbeat as shown on Certified Plan No. 114757A lodged in the Central Plan Office—(GB-65).

**MUNICIPAL DISTRICT OF THE
MILDURA RURAL CITY COUNCIL**

CARINA—Crown Allotment 37C1, Parish of Carina as shown on Certified Plan No. 114968 lodged in the Central Plan Office—(GB-82).

**MUNICIPAL DISTRICT OF THE
WYNDHAM CITY COUNCIL**

DEUTGAM—Crown Allotment 1A1, Section E, Parish of Deutgam as shown on Certified Plan No. 117557 lodged in the Central Plan Office—(L1-4587P).

**MUNICIPAL DISTRICT OF THE
MILDURA RURAL CITY COUNCIL**

GALAH—Crown Allotment 4A, Section 3, Township of Galah, Parish of Teiga as shown on Certified Plan No. 116168 lodged in the Central Plan Office—(GB-74).

**MUNICIPAL DISTRICT OF THE
LODDON SHIRE COUNCIL**

GREDEWIN—Crown Allotment 53B, Parish of Gredgwin as shown on Certified Plan No. 114759 lodged in the Central Plan Office—(GB-163).

**MUNICIPAL DISTRICT OF THE
MILDURA RURAL CITY COUNCIL**

NYANG—Crown Allotment 25F, Parish of Nyang as shown on Certified Plan No. 114990 lodged in the Central Plan Office—(GB-76).

**MUNICIPAL DISTRICT OF THE
HINDMARSH SHIRE COUNCIL**

TARRANYURK—Crown Allotment 54B1, Parish of Tarranyurk as shown on Certified Plan No. 114541 lodged in the Central Plan Office—(GB-183).

**MUNICIPAL DISTRICT OF THE
SWAN HILL RURAL CITY COUNCIL**

TYNTYNDER WEST—Crown Allotment 1D, Parish of Tyntynder West as shown on Certified Plan No. 116157 lodged in the Central Plan Office—(GB-149).

**MUNICIPAL DISTRICT OF THE
SOUTH GIPPSLAND SHIRE COUNCIL**

WARATAH NORTH—Crown Allotment 39E, Parish of Waratah North as shown on Certified Plan No. 117157 lodged in the Central Plan Office—(P282392).

**MUNICIPAL DISTRICT OF THE
YARRIAMBIACK SHIRE COUNCIL**

WOOMELANG—Crown Allotment 40A1, Section 7, Township of Woomelang, Parish of Cronomby as shown on Certified Plan No. 114839-A lodged in the Central Plan Office—(GB-159).

This Order 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 16 September 1997.

(L.S.) JAMES GOBBO
Governor

By His Excellency's Command

MARIE TEHAN
Minister for Conservation and
Land Management

**Land Act 1958
PROCLAMATION OF ROAD**

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 road the following land:

**MUNICIPAL DISTRICT OF THE
MOORABOOL SHIRE COUNCIL**

BALLARAT—Crown Allotment Z7A, No Sec, Parish of Ballarat as shown on Certified Plan No. 116815 lodged in the Central Plan Office—(93-1133).

2564 G 37 18 September 1997

Victoria Government Gazette

This Order 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 16 September 1997.

(L.S.) JAMES GOBBO

Governor

By His Excellency's Command

MARIE TEHAN

Minister for Conservation and
Land Management



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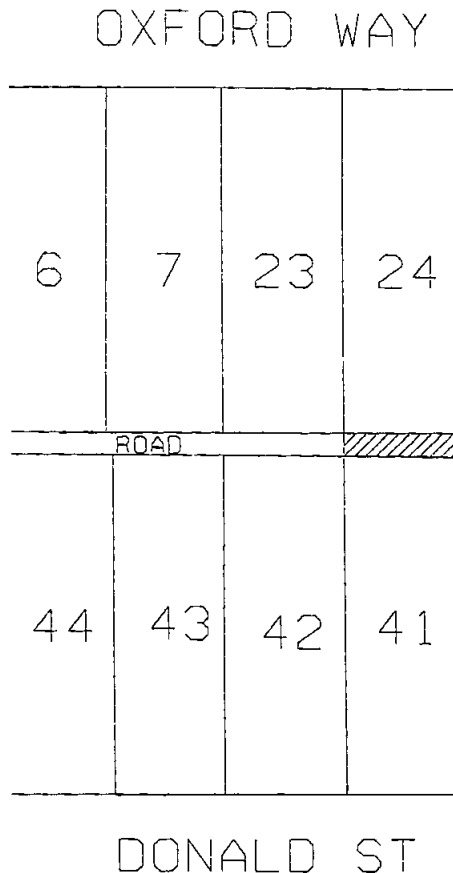
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**GOVERNMENT AND OUTER BUDGET SECTOR
AGENCIES NOTICES****BASS COAST SHIRE COUNCIL**
Council Roads Discontinuance
Laneway (Part of) Between Donald Street/Oxford Way, Wonthaggi

In accordance with Section 206 and Schedule 10, Clause 3 of the **Local Government Act 1989**, the Bass Coast Shire Council at its ordinary meeting held on 20 August 1997 formed the opinion that the road shown hatched on the plan below is not reasonably required as road for public use and resolved to discontinue the road and to sell the land from the road to the abutting owner subject to any right, power or interest held by South Gippsland Water Authority, Council or Telstra in the road in connection with any sewers, drains, pipes, wires or cables under the control of those authorities in or near the road.



ALLAN BAWDEN
Chief Executive Officer

SOUTH GIPPSLAND SHIRE COUNCIL

Pursuant to the Powers contained in Schedule 10 of the **Local Government Act 1989**, South Gippsland Shire Council at its ordinary meeting held on 9 September 1997, resolved that privately owned roads created in LP3769 and LP3794, and being wholly enclosed within PS406703C, be discontinued and sold by private treaty.

CENTRAL HIGHLANDS REGIONAL LIBRARY CORPORATION (Local Government Act 1989 Part 5) Notice of Proposed Local Laws

The Central Highlands Regional Library Corporation proposes to make two Local Laws as follows:

1. Meeting Procedures Local Law

The purpose and general purport of the proposed Meeting Procedures Local Law is to:

- (a) regulate proceedings at meetings of the Board and Special Committees;
- (b) regulate the use of the common seal and prohibit unauthorised use of the common seal in accordance with Section 5 (3) of the **Local Government Act 1989**.

2. Library and Community Information Local Law

The purpose and general purport of the proposed Library and Community Information Local Law is to:

- (a) regulate access to and conduct within the Library;
- (b) provide for membership and use of the Library;
- (c) define the rights and obligations of members of the Library.

Copies of both proposed Local Laws are available for inspection at the municipal offices of the Ararat Rural City Council, Ballarat City Council, Central Goldfields Shire Council, Hepburn Shire Council, Moorabool Shire Council and Pyrenees Shire Council.

Any person may make a submission to the Corporation in relation to the proposed Local Laws.

Written submissions received by the Corporation within 14 days of the publication of this notice will be considered by the

Corporation (or a committee of the Corporation appointed for that purpose) in accordance with Section 223 of the **Local Government Act 1989**.

Any person who wishes to be heard in support of a submission should indicate in the written submission that he or she wishes to be heard. Any person requesting that he or she be heard in support of a submission is entitled to appear before a meeting of the Corporation (or committee) either personally or by a person acting on his or her behalf and will be notified of the time and date of the meeting.

PETER MANSFIELD
Chief Executive Officer

GANNAWARRA SHIRE COUNCIL Making of Local Law No. 7

Processes of Municipal Government (Meetings and Common Seal) (Amendment)

Notice is hereby given that the Gannawarra Shire Council at its meeting held on 10 September 1997 resolved to make a Local Law entitled "Processes of Municipal Government (Meetings and Common Seal) (Amendment)".

The proposed Local Law is amending the principal Local Law, Local Law No. 1—Processes of Municipal Government (Meetings and Common Seal), to provide a more comprehensive Local Law which provides considerably more guidance in relation to meeting procedures than the current Local Law.

The purpose of this Local Law is to:

- provide a mechanism to facilitate the good government of the Council through its formal meeting procedure to ensure effective and efficient Council decisions are made in a manner which acknowledges the role of local government within the Australian system of Government;
- to promote and encourage community participation in the system of local government by providing mechanisms for the Council to ascertain the community's views and expectations;
- to regulate and control the election of Mayor, any Deputy Mayor and the Chairperson of any Special Committees;

- to regulate and control the procedures governing the conduct of meetings including:
 - (a) the notice required for meetings;
 - (b) the keeping of minutes;
- to regulate and control the use of the Council's seal;
- to provide for the administration of the Council's powers and functions;
- to provide generally for the peace, order and good government of the municipal district; and
- to repeal any redundant Local Laws.

A copy of the proposed Local Law is available for inspection or can be obtained from the Cohuna Office, 23-25 King Edward Street, Cohuna or the Kerang Office, 49 Victoria Street, Kerang, between the hours of 8.30 a.m. and 5.00 p.m. Monday to Friday.

Any person affected by the proposed Local Law may make a submission pursuant to the provisions of Section 223 of the **Local Government Act 1989**.

Written submissions addressed to Chief Executive Officer, P.O. Box 252, Cohuna 3568, will be received until 4.00 p.m. Wednesday, 1 October 1997.

Any person who has made a written submission and requested that he/she be heard in support of the written submission is entitled to appear in person or be represented by a person acting on his/her behalf before Council. Council will consider any submissions at its meeting on Wednesday, 8 October 1997 in the Council Chambers.

P. J. BOLLEN
Chief Executive Officer

CASEY CITY COUNCIL

Notice is given that the Casey City Council proposes to make Local Law No. 13—Meeting Procedures and use of the Common Seal Local Law (Amendment No. 1) Local Law pursuant to the **Local Government Act 1989** (the Act).

The purpose of the Local Law is set out as follows:

- (a) Amending Local Law No. 1—Meeting Procedures and Use of the Common Seal Local Law;

- (b) Regulating the conduct of meetings of Council, as required by Section 91 (1) of the Act;
- (c) Regulating and controlling the procedures regarding the conduct of meetings of Council; and
- (d) Providing for the administration of Council powers and functions.

The general purport of the Local Law is that it:

- Provides for order of business at ordinary Council meetings.
- Provides for public question time.

A copy of the proposed Local Law may be inspected at the Municipal Offices, 340-350 Princes Highway, Narre Warren or at the Customer Service Centre, 156-160 Sladen Street, Cranbourne.

Submissions to Council on the proposed Local Law will be considered in accordance with Section 223 of the Act and are to be lodged by 3 October 1997.

Submissions should be addressed to Chief Executive Officer, City of Casey, P.O. Box 1000, Narre Warren 3805.

If you wish to be heard in support of your submission, you must state that in your submission. The matter will be dealt with by Council at 5.30 p.m. on Tuesday, 7 October 1997 at the Municipal Offices, 340-350 Princes Highway, Narre Warren.

GEOFF COCKRAM
Acting Chief Executive Officer

EUROA COMMUNITY CONSULTATIVE COMMITTEE

Notice of Preparation of a Water Management Scheme for Euroa

Pursuant to Section 215 of the **Water Act 1989** the Euroa Community Consultative Committee, a community based committee established by the Minister for Agriculture and Resources under Section 214 of the **Water Act 1989**, hereby give notice that it has prepared a Water Management Scheme to improve flood protection for Euroa.

The Water Management Scheme is available for inspection at the Municipal Office, Shire of Strathbogie, Binney Street, Euroa; the Euroa Library; the Nagambie Community Complex and at the Violet Town Library.

Supporting the Water Management Scheme is The Euroa Floodplain Management Study, Final Report, which is also available at these locations.

The Scheme, on Seven Creeks and Castle Creek, involves upgrading and new construction of approximately 8.4 kilometres of creek levees combined with waterway management works and separate flood protection measures to individual occupied buildings outside the area protected by levees.

Levees along both sides of Seven Creeks are to commence on the south-west side of the creek, upstream of Boundary Road South, continuing downstream of the railway to Lydiard Road, and on the north side, commencing near the timber yard on Strathbogie Road, down to the railway. Castle Creek levee, on the township side, is to commence 200 metres downstream of the Freeway, and extend to the railway.

The Euroa Community Consultative Committee has also arranged an Open Day at the Shire of Strathbogie Municipal Office between 9.00 a.m. to 5.00 p.m. on Wednesday, 8 October, to allow members of the community the opportunity to discuss the Study with the Consultant, Sinclair, Knight Merz. Individual consultation with the consultant will be by appointment on that day. For consultation purposes, phone 1800 065 993. Each person is requested to nominate the specific element of the study for discussion.

In accordance with the provisions of Section 215 (2) of the **Water Act 1989**, persons affected by the proposed works who wish to make a submission may do so by forwarding their submission in writing, to the Euroa Community Consultative Committee, care of Strathbogie Shire Council Offices, Binney Street, Euroa, marked "Water Management Scheme, Euroa", by Friday, 24 October 1997.

The Consultative Committee will then consider the submissions and may modify the Scheme as a result of the submissions. The Scheme will then be submitted to the Minister for Agriculture and Resources for consideration whereby the Minister may accept/reject or modify the Scheme. The Minister will then advertise in the Government Gazette and newspaper the decision allowing a person up to 6 weeks to apply to the Administrative Appeals Tribunal (A.A.T.) to review the Minister's decision.

M. TEHAN
Chairperson

Euroa Community Consultative Committee

Planning and Environment Act 1987
BRIGHT PLANNING SCHEME
Notice of Amendment
Amendment L45

The Alpine Shire Council has prepared Amendment L45 to the Bright Planning Scheme—Local Section—Chapter 2.

The amendment affects CA 8A and CA 8C, Section H, Parish of Porepunkah, Great Alpine Road (Ovens Highway), Porepunkah.

The amendment proposes to introduce a site-specific control in the Low Density Residential Zone to enable the development and use of the land as camping area.

A copy of the amendment can be inspected during office hours at the Alpine Shire, Shire Offices, Churchill Avenue, Bright; the Department of Infrastructure, VicRoads Office, Clark Street, Benalla and the Department of Infrastructure, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne.

Submissions about the amendment must be sent to the Alpine Shire, P.O. Box 139, Bright 3741, by 17 October 1997.

Alpine Shire, Churchill Avenue, Bright 3741, telephone 03 5755 0555, facsimile 03 5755 1811.

Planning and Environment Act 1987
HOBSONS BAY PLANNING SCHEME
Notice of Amendment
Amendment L6

Hobsons Bay City Council has prepared Amendment L6 to the Hobsons Bay Planning Scheme.

The amendment affects land at Lot N, Kororoit Creek Road.

The amendment proposes to rezone land from Proposed Public Open Space to Williamstown Comprehensive Development Zone.

The amendment can be inspected at City of Hobsons Bay, Municipal Offices, 115 Civic Parade, Altona, Victoria 3018 and the Department of Infrastructure, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne, Victoria 3000.

The amendment can be inspected free of charge and during office hours.

Submissions about the amendment must be sent to Attention: Peter Conroy, Planning and Building Services Manager, City of Hobsons Bay, Altona, Victoria 3018, by 20 October 1997.

Planning and Environment Act 1987
SURF COAST PLANNING SCHEME
Notice of Amendment
Amendment RL51

The Surf Coast Shire has prepared Amendment RL51 to the Surf Coast Planning Scheme. The amendment proposes to change the Local and Regional Sections of Book 1 of the Planning Scheme by:

- (a) Introducing a new Comprehensive Development (Torquay Town Centre) Zone to facilitate and guide the use and development of the main commercial centre of Torquay Jan Juc.
- (b) Incorporating the document "Torquay Town Centre Comprehensive Development Plan, July 1997" in accordance with Section 6 (2) (j) of the Planning and Environment Act.

The land affected by the amendment is all that land generally bounded by Zeally Bay Road, Fisher Street, Boston Road and The Esplanade, including the foreshore, in Torquay.

The amendment, explanatory statement and related documentation can be inspected at Surf Coast Shire Municipal Offices, 25 Grossmans Road, Torquay 3228; Department of Infrastructure, Office of Planning, Barwon/South West Regional Office, 5th Floor, State Offices, corner Little Malop and Fenwick Streets, Geelong 3220 and the Department of Infrastructure, Office of Planning, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne 3000.

Owners and occupiers of land that may be materially affected by the amendment are entitled to make a submission. Submissions should clearly state all of the grounds on which the amendment is supported or opposed and indicate whether the submitter wishes to be heard in respect of the submission at any subsequent panel hearing.

Submissions about the amendment must be sent to the Manager Planning and Development, Surf Coast Shire, P.O. Box 350, Torquay 3228, by 20 October 1997.

RAEWYN HANSEN
Manager Planning and Development

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 19 November 1997, 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.

Chandler, Marie Francesca Da Roza, also known as Maria Francesca Chandler, late of Hamilton Nursing Home, Foster Street, Hamilton, pensioner, who died 17 June 1997.

Reardon, Charles Arthur, also known as Charles Arthur Richards, late of 32 Station Street, Hawthorn, chef, who died 16 August 1995.

Russell, George Charles, late of 20 Lyons Street, Williamstown, clerk, who died 15 June 1997.

Thompson, Norman Charles, late of Beechworth Hospital, Beechworth, pensioner, who died 9 September 1997.

Whitting, Elizabeth Nancy, late of 8 Pyalong Crescent, Dallas, pensioner, who died 23 July 1997.

Dated at Melbourne 10 September 1997

CATHY VANDERFEEN
Manager, Estate Management
State Trustees Limited

EXEMPTION

Application No. 70 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 that Act by Ross Fisher Nominees Pty Ltd trading as Fisher McDonald to advertise for Scientific and Technical placements to fill positions in respect of which employers who are clients of the Applicant have authorised the Applicant to organise recruitment and have certified to the Applicant that the employer genuinely believes that the nature of the position reasonably requires the person who fills it to have a specified minimum level of experience in the field and to include in those advertisements reference to the minimum levels of experience in the field mentioned in those certifications.

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, 100 and 195 of

the Act to advertise for Scientific and Technical placements to fill positions in respect of which employers who are clients of the Applicant have authorised the Applicant to organise recruitment and have certified to the Applicant that the employer genuinely believes that the nature of the position reasonably requires the person who fills it to have a specified minimum level of experience in the field and to include in those advertisements reference to the minimum levels of experience in the field mentioned in those certifications.

In granting this exemption the Tribunal noted:

- The applicant is a personnel recruitment agency specialising in Scientific and Technical placements.
- The applicant regularly receives requests from its clients to provide contract and short term Scientific staff such as Chemists, Microbiologists, Food Technologists, etc. to work in environments which require the handling of toxic substances, carcinogens, nuclear chemicals, blood bi-products, micro organisms; and staff to work in pharmaceutical and food purity environments.
- A feature of these positions is that there is no training or close supervision provided, and that candidates must have a number of years experience in the field in order to understand the hazards and practices and minimum safety requirements necessary for these tasks.

The Tribunal grants an exemption from the operation of Section 13, 100 and 195 of the **Equal Opportunity Act 1995**, to enable the applicant to advertise for Scientific and Technical placements to fill positions in respect of which employers who are clients of the Applicant have authorised the Applicant to organise recruitment and have certified to the Applicant that the employer genuinely believes that the nature of the position reasonably requires the person who fills it to have a specified minimum level of experience in the field and to include in those advertisements reference to the minimum levels of experience in the field mentioned in those certifications, this exemption to remain in force until 17 September 2000.

CATE McKENZIE
President

EXEMPTION
Application No. 71 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 Royal Melbourne Institute of Technology (R.M.I.T.). The application for exemption is to enable the applicant to advertise, select for employment and employ in Victoria, people to work in Malaysia, in positions at the R.M.I.T. campus in Penang in Teaching and Head of Department/Academic Director positions.

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, 14, 15, 100 and 195 of the Act to enable the applicant to advertise, select for employment and employ in Victoria, people to work in Malaysia, in positions at the R.M.I.T. campus in Penang in Teaching and Head of Department/Academic Director positions.

In granting this exemption the Tribunal noted:

- R.M.I.T. operates a campus in Penang. There are 3 departments employing approximately 6 Australian staff, including Heads of Departments.
- In a directive to all private educational institutions dated 15 October 1996, the Deputy Registrar General of Schools and Teachers, Department of Private Education, Malaysian Ministry of Education stipulated the conditions for getting work permits for expatriate staff in private higher educational institutions with effect from 1 January 1997:
 - Teaching staff must possess at least a Master's degree with specialisation in the field/subject the candidate is required to teach and must have at least 3 years of teaching experience in an educational institution.
 - Academic Director/Head of Department must possess a Master's degree in the area of specialisation related to the field the candidate is employed for;

must have evidence of research activities and publications and must have at least 5 years of teaching/administrative experience in an educational institution. Preference will be given to a candidate with professional qualification in education.

- Must be between 25 and 65 years of age.
- The exemption sought would be limited to those situations concerning R.M.I.T.'s Malaysian operations.

The Tribunal grants an exemption from the operation of Sections 13, 14, 15, 100 and 195 of the **Equal Opportunity Act 1995**, to enable the applicant to advertise, select for employment and employ in Victoria, people to work in Malaysia, in positions at the R.M.I.T. campus in Penang in Teaching and Head of Department/Academic Director positions, this exemption to remain in force until 17 September 2000.

CATE McKENZIE
President

EXEMPTION FROM NOTIFICATION OF
VACANCY UNDER SECTION 29 (2) OF
THE PUBLIC SECTOR MANAGEMENT
ACT 1992

Position Nos EXECSUPP 36, VPS-5, Executive Support Unit, Chief Commissioner's Office and OFFSUPP 2115, VPS-1, Major Fraud Group, Crime Department, both in the Office of the Chief Commissioner of Police.

Reason for exemption

Identical vacancies have been advertised within the last six months and the proposed appointees were applicants for the other vacancies and were assessed as clearly meeting all the requirements of the positions.

NEIL O'LOUGHLIN
Acting Chief Commissioner of Police

EXEMPTION FROM NOTIFICATION OF
VACANCY UNDER SECTION 29 (2) OF
THE PUBLIC SECTOR MANAGEMENT
ACT 1992

Position Nos FNGPRNTX 109, FO-2/1, Fingerprint Branch and FORENOFF 92 and 93, FO-2/1, Vehicle Examination Unit, all

within the Victoria Forensic Science Centre, Crime Department, Office of the Chief Commissioner of Police.

Reason for exemption

The vacancies have duties and qualification requirements that are of a specialised nature peculiar to the department and the proposed appointees are staff members considered to be the only staff members possessing the specialised qualifications.

NEIL O'LOUGHLIN
Acting Chief Commissioner of Police

EXEMPTION FROM NOTIFICATION OF
VACANCY UNDER SECTION 29 (2) OF
THE PUBLIC SECTOR MANAGEMENT
ACT 1992

Position No. TRADE 75 and 76, VPS-2,
Road Safety Task Force, TOPS Department,
Office of the Chief Commissioner of Police.

Reason for exemption

The positions have been reclassified to recognise a demonstrated and significant shift in work value in specialised areas of work and the incumbents are officers who are recognised as satisfactorily discharging all the requirements of the positions and the Department Head considers that it is unlikely that advertising the positions would attract more suitable candidates.

NEIL O'LOUGHLIN
Acting Chief Commissioner of Police

EXEMPTION FROM NOTIFICATION OF
VACANCY UNDER SECTION 29 (2) OF
THE PUBLIC SECTOR MANAGEMENT
ACT 1992

Position No. DSD005999, Manager,
Legislation and Executive Services, Class
VPS-5, Department of State Development.

Reasons for exemption

The position has been reclassified to recognise a demonstrated and significant shift in work value in a specialised area of work, the incumbent is an officer who is recognised as satisfactorily discharging all of the requirements of the position and the Department Head considers that it is unlikely that advertising the vacancy will attract a more suitable candidate.

RIK HART
Secretary
Department of State Development

EXEMPTION FROM NOTIFICATION OF
VACANCY UNDER SECTION 29 (2) OF
THE PUBLIC SECTOR MANAGEMENT
ACT 1992

Position No. DSD000033 HR Strategies
Support Officer, Business Services and
Marketing, Class VPS-2, Department of State
Development.

Reasons for exemption

The position has been reclassified, the officer is recognised as satisfactorily discharging all of the requirements of the position and it is unlikely that advertising the vacancy would attract a more suitable candidate.

RIK HART
Secretary
Department of State Development

EXEMPTION FROM NOTIFICATION OF
VACANCY UNDER SECTION 29 (2) OF
THE PUBLIC SECTOR MANAGEMENT
ACT 1992

Position No. DSD001943 HR Services and
Employee Relations Support Officer, Business
Services and Marketing, Class VPS-2,
Department of State Development.

Reasons for exemption

The position has been reclassified, the officer is recognised as satisfactorily discharging all of the requirements of the position and it is unlikely that advertising the vacancy would attract a more suitable candidate.

RIK HART
Secretary
Department of State Development

EXEMPTION FROM NOTIFICATION OF
VACANCY UNDER SECTION 29 (2) OF
THE PUBLIC SECTOR MANAGEMENT
ACT 1992

Position Nos 70/02/5767/5, 70/64/3719/2
and 70/64/3723/9, Senior Case Worker,
CAFW-3, Southern Metropolitan Region,
Department of Human Services.

Reason for exemption

These positions have identical duties and qualifications to a position that has been recently advertised and the person was an applicant for the other vacancy and was assessed as meeting the requirements of the position.

W. J. McCANN
Secretary
Department of Human Services

EXEMPTION FROM NOTIFICATION OF
VACANCY UNDER SECTION 29 (2) OF
THE PUBLIC SECTOR MANAGEMENT
ACT 1992

Position Nos 70/03/4733/7 and
70/64/1810/0, Senior Case Worker, CAFW-4,
Southern Metropolitan Region, Department of
Human Services.

Reason for exemption

These positions have identical duties and
qualifications to a position that has been
recently advertised and the person was an
applicant for the other vacancy and was
assessed as meeting the requirements of the
position.

W. J. McCANN
Secretary

Department of Human Services

EXEMPTION FROM NOTIFICATION OF
VACANCY UNDER SECTION 29 (2) OF
THE PUBLIC SECTOR MANAGEMENT
ACT 1992

The Secretary to the Department of Justice
exempts the following position from the
requirement to notify a vacancy:

Position No. 48/05/8287/9, Assistant
Manager, Work Environment, VPS-4, Human
Resource Management Branch.

Reasons for exemption

The position has been reclassified to
recognise a demonstrated and significant shift
in work value in a specialised area of work,
the incumbent is an officer who is recognised
as satisfactorily discharging all of the
requirements of the position and the
Department Head considers that it is unlikely
that advertising the vacancy would attract a
more suitable applicant.

ALAN THOMPSON
Secretary to the Department of Justice

EXEMPTION FROM NOTIFICATION OF
VACANCY UNDER SECTION 29 (2) OF
THE PUBLIC SECTOR MANAGEMENT
ACT 1992

The Secretary to the Department of Justice
exempts the following position from the
requirement to notify a vacancy:

Position No. 48/05/0260/0, Director,
Attorney-General's Policy Division, EO-3,
Department of Justice.

Reasons for exemption

The vacancy has duties and qualifications
that are of a specialised nature peculiar to the
Department and the proposed appointee is a
staff member considered to be the only staff
member possessing the specialised
qualifications.

ALAN THOMPSON
Secretary to the Department of Justice

EXEMPTION FROM NOTIFICATION OF
VACANCY UNDER SECTION 29 (2) OF
THE PUBLIC SECTOR MANAGEMENT
ACT 1992

The Secretary to the Department of Justice
exempts the following position from the
requirement to notify a vacancy:

Position No. 48/20/0009/6, Reporter "Real-
Time", VPS-4, Victorian Government
Reporting Service, Department of Justice.

Reasons for exemption

The vacancy has duties and qualifications
that are of a specialised nature peculiar to the
Department and the proposed appointee is a
staff member considered to be the only staff
member possessing the specialised
qualifications.

ALAN THOMPSON
Secretary to the Department of Justice

EXEMPTION FROM NOTIFICATION OF
VACANCY UNDER SECTION 29 (2) OF
THE PUBLIC SECTOR MANAGEMENT
ACT 1992

The Secretary to the Department of Justice
exempts the following position from the
requirement to notify a vacancy:

Position No. 48/20/0022/7, Reporter "Real-
Time", VPS-4, Victorian Government
Reporting Service, Department of Justice.

Reasons for exemption

The vacancy has duties and qualifications
that are of a specialised nature peculiar to the
Department and the proposed appointee is a
staff member considered to be the only staff
member possessing the specialised
qualifications.

ALAN THOMPSON
Secretary to the Department of Justice

**EXEMPTION FROM NOTIFICATION OF
VACANCY UNDER SECTION 29 (2) OF
THE PUBLIC SECTOR MANAGEMENT
ACT 1992**

The Secretary to the Department of Justice exempts the following position from the requirement to notify a vacancy:

Position No. 48/20/0005/6, Reporter "Real-Time", VPS-4, Victorian Government Reporting Service, Department of Justice.

Reasons for exemption

The vacancy has duties and qualifications that are of a specialised nature peculiar to the Department and the proposed appointee is a staff member considered to be the only staff member possessing the specialised qualifications.

ALAN THOMPSON
Secretary to the Department of Justice

**EXEMPTION FROM NOTIFICATION OF
VACANCY UNDER SECTION 29 (2) OF
THE PUBLIC SECTOR MANAGEMENT
ACT 1992**

The Secretary to the Department of Justice exempts the following position from the requirement to notify a vacancy:

Position No. 48/83/0075/5, Complaints Resolution Officer (Investigation), VPS-3, Equal Opportunity Commission, Department of Justice.

Reasons for exemption

The position has duties and qualifications identical to another vacancy that has been recently advertised and the person was an applicant for the other vacancy and was assessed as clearly meeting all the requirements of the position. The position should generally have been advertised in the last 3 months or in exceptional cases up to 6 months ago.

ALAN THOMPSON
Secretary to the Department of Justice

**EXEMPTION FROM NOTIFICATION OF
VACANCY UNDER SECTION 29 (2) OF
THE PUBLIC SECTOR MANAGEMENT
ACT 1992**

Position Nos 48/90/0078/0 and 48/90/0092/8, Victorian Public Service Officer, VPS-1, Administrative Officer, Corporate Services Section, Office of Public Prosecutions.

Reasons for exemption

The positions have duties and qualifications identical to another position that was recently advertised and the persons applied for the vacancy and were assessed as clearly meeting all of the requirements of the position.

PETER WOOD
Solicitor for Public Prosecutions

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

Reference: No. 0105525.

Auction Date: Saturday, 1 November 1997 at 11.00 a.m. on site.

Address of Property: 6 Lakeside Court, Cullulleraine.

Crown Description: Crown Allotment 22T, Parish of Mullaroo.

Area: 3055 m².

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

Officer Co-ordinating Sale: Les Trollope, Sales Officer, Department of Natural Resources and Environment, 253 Eleventh Street, Mildura, telephone (03) 5022 3023.

Selling Agent: L. J. Hooker Real Estate, 45 Pine Avenue, Mildura 3500, telephone (03) 5022 2833.

ROGER M. HALLAM
Minister for Finance

Department of Treasury and Finance
**SALE OF CROWN LAND BY PUBLIC
TENDER**

Tenders close Thursday, 16 October 1997 at 2.00 p.m.

Lot 1:

Property Address: Off Gowar/Logan Road, Gowar.

Crown Description: Allotments 9H and 9J, Section E, Parish of Gowar.

Area: 9H—5.597 hectares, 9J—5671 m².

Reference: 06/P122289.

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

Tenders addressed to: Crown Land Sales, Tender Box, Department of Natural Resources and Environment, P.O. Box 401, Bendigo, Victoria 3552.

Tender Deposit: 10% of tendered amount to be lodged with tender.

Application Form: Available on request.

Co-ordinating Officer: Rhonda Ansett, Property Officer (Sales), Department of Natural Resources and Environment, North West Region—Bendigo Office.

ROGER M. HALLAM
Minister for Finance

Subordinate Legislation Act 1994
PROPOSED INTELLECTUALLY
DISABLED PERSONS' SERVICES
REGULATIONS 1997
Notice of Decision

I, Denis Napthine, Minister for Youth and Community Services, give notice under Section 12 of the **Subordinate Legislation Act 1994** that the proposed Intellectually Disabled Persons' Services Regulations 1997 have been the subject of a regulatory impact statement.

Public comments and submissions were invited as required by Section 11 (1) of that Act and the submissions which were received have been considered as required by Section 11 (3) of the Act.

I have decided that the proposed regulations should be made.

DENIS NAPTHINE
Minister for Youth and Community Services

Domestic (Feral and Nuisance) Animals Act 1994

FRANKSTON CITY COUNCIL
Order No. 2 to Amend Order No. 1
Section 26 (2)

Notice is hereby given of an Order made by Frankston City Council resolution at its meeting on 25 August 1997 in accordance with the provisions of Section 26 (2) of the **Domestic (Feral and Nuisance) Animals Act 1994**.

The order is to amend the "Designated Reserve" list, as follows:

Delete "Beauty Park, bounded by High, Yuille and Baxter Streets eastern end, Frankston".

Insert "Ballam Park, section bounded by Karingal Drive and Naranga Crescent, Frankston".

JON EDWARDS
Chief Executive Officer

Road Safety Act 1986
MOTOR CYCLE RELIABILITY TRIAL

Under Section 68 (3) of the **Road Safety Act 1986**, I declare that Sub-sections (1) and (2) of Section 68 of the Act, the Road Safety (Traffic) Regulations 1988 and Parts 9 and 10 of the Road Safety (Vehicles) Regulations 1988 shall not apply with respect to the event to be known as Round 7 of the 1997 Yamaha Victorian Enduro Series to be conducted by the Bairnsdale & District Motorcycle Club Inc. on sections of road within the Bulumwaal State Forest on Sunday, 21 September 1997 between the hours of 8.30 a.m. and 3.00 p.m.

Dated 12 September 1997

N. R. BUTLER
Regional Manager
VicRoads—Eastern Victoria
Delegate of the Minister for Roads and Ports

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 22 October 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 16 October 1997.

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

Nationwide Transport Industries Pty Ltd, Blackburn. Application for variation of conditions of tow truck licence numbers TOW526, TOW527, TOW599 and TOW600 which authorise the licensed vehicles to be managed, controlled and operated from a depot situated at 1192 Burwood Highway, Upper Ferntree Gully, to change the depot address to 10 Ashburn Place, Blackburn.

J. Major, Belmont. Application for variation of conditions of tow truck licence numbers TOW311 and TOW312 which authorise the licensed vehicles to be managed, controlled and operated from a depot situated at 178 Station Street, Norlane, to change the depot address to 26-30 Gordon Avenue, Geelong West.

These licences are under consideration for transfer to Geelong Accident Repair Centre Pty Ltd.

J. Major, Belmont. Application for variation of conditions of tow truck licence numbers TOW316 and TOW319 which authorise the licensed vehicles to be managed, controlled and operated from a depot situated at 14-16 Cavendish Street, Geelong, to change the depot address to 26-30 Gordon Avenue, Geelong West.

These licences are under consideration for transfer to Geelong Accident Repair Centre Pty Ltd.

Dated 18 September 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 22 October 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 16 October 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.

C. E. Baxter, Moe. Application to license one commercial passenger vehicle in respect of a 1959 Jaguar sedan with seating capacity for 4 passengers to operate a service from 31 Fowler Street, Moe, for the carriage of passengers for wedding parties, debutante balls and various tours to tourist places of interest within a 160 km radius of the Moe Post Office.

Note: Passengers will be picked up/set down from within a 160 km radius of the Moe Post Office.

B. L. Schneider, Macedon. Application to license one commercial passenger vehicle in respect of any vehicle that meets the standards approved by the Victorian Taxi Directorate to operate as a hire car from 76 Bent Street, Macedon.

D. J. Shalders, North Sunshine. Application to license one commercial passenger vehicle in respect of a 1970 Leyland double decker bus with seating capacity for 64 passengers to operate as a metropolitan special service omnibus from within a 55 km pick-up radius of the Melbourne G.P.O.

Dated 18 September 1997

IRENE KAMBOURIS
Manager—Licensing and Certification
Victorian Taxi Directorate

Transport Act 1983
VICTORIAN TAXI DIRECTORATE
Department of Infrastructure
Commercial Passenger Vehicle Applications
AMENDMENT TO PREVIOUS NOTICE

This notice corrects a previous notice which appeared in the Victoria Government Gazette G35 dated 4 September 1997. Closing date for objections and the consideration date specified in that notice shall remain the same.

Murrell Enterprises Pty Ltd, North Geelong. Application to license two commercial passenger vehicles to be purchased in respect of any vehicle that meets the standards approved by the Victorian Taxi Directorate to operate as hire cars from 11-15 Douro Street, North Geelong.

Dated 18 September 1997

IRENE KAMBOURIS
Manager—Licensing and Certification
Victorian Taxi Directorate

Public Holidays Act 1993
SOUTHERN GRAMPIANS SHIRE
COUNCIL
Public Half Holiday

Notice is given that Southern Grampians Shire Council has pursuant to Section 7 (1) (b) of the **Public Holidays Act 1993** determined that Wednesday, 1 April 1998 shall be a half holiday throughout the Hamilton urban area of the Shire of Southern Grampians on the occasion of the Hamilton Racing Club's Hamilton Cup Carnival.

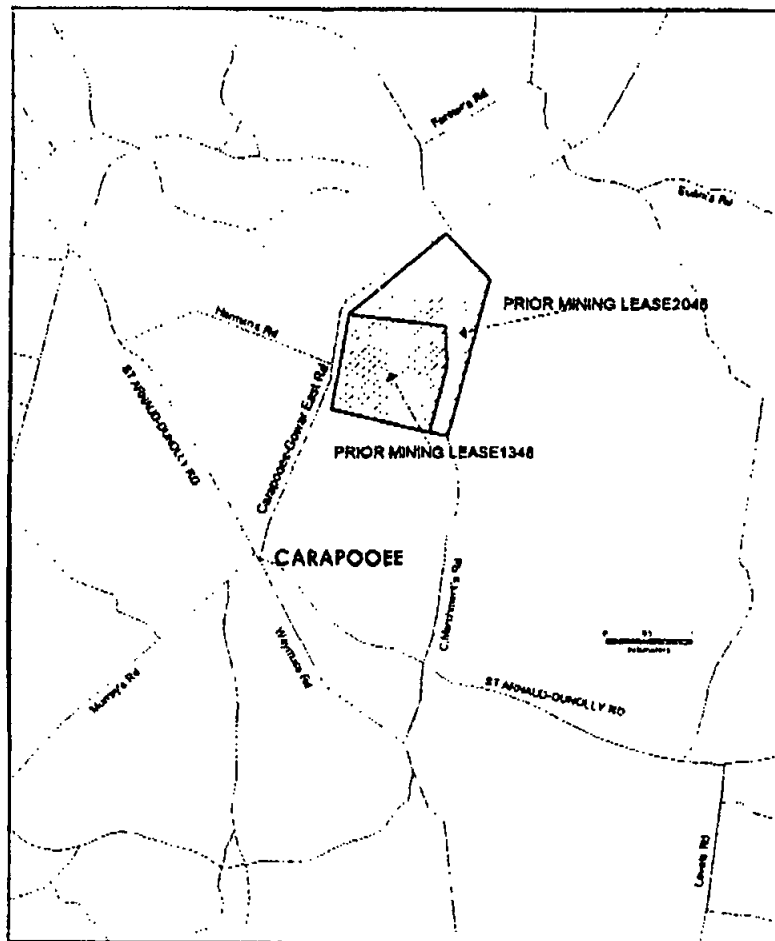
The Hamilton urban area is defined as the area bounded by Depot Lane, Murrays Road, Bullocks Road, Glenelg Highway, Fairburn Road, Dartmoor-Hamilton Road, Elijah Street, Henderson Street, Beath Street, South Boundary Road, Mount Napier Road, Petschels Lane, Hamilton Highway, Kurtzes Road, Chatsworth Road and Robsons Road.

BRONWYN J. HERBERT
Acting Chief Executive Officer

Mineral Resources Development Act 1990
EXEMPTION FROM MINING OR EXPLORATION LICENCE (SECTION 7)

I, Patrick McNamara, Deputy Premier, Minister for Agriculture and Resources, pursuant to Section 7 of the **Mineral Resources Development Act 1990**, hereby give notice that the area of land formerly covered by Mining Leases 1348 and 2046 on the St Arnaud South 1:25,000 map sheet, as shown cross hatched on the accompanying map, is exempt from being subject to mining or exploration licence.

SCHEDULE A



Dated 12 September 1997

K. A. GARDNER
Executive Director, Minerals and Petroleum
pursuant to instrument of delegation by the Minister dated 1 July 1996

Private Agents Act 1966

Form "E"

NOTICE OF RECEIPT OF APPLICATIONS FOR LICENCES UNDER THE PROVISIONS OF THE PRIVATE AGENTS ACT 1966

I, the undersigned, being the Registrar of the Magistrates' Court at Broadmeadows hereby give notice that applications, as under, have been lodged for hearing by the said Court on the date specified.

Any person desiring to object to any of such applications must—

- (a) lodge with me a notice in the prescribed form of his objection and of the grounds thereof;
- (b) cause a copy of such notice to be served personally or by post upon the applicant at least three days before the hearing of the application; and
- (c) send or deliver—
 - (i) where the objection is not made by the officer in charge of the police district in which the Court is situated—a copy of the notice to such officer; and
 - (ii) where the objection is not made by the Registrar or Deputy Registrar—a copy to the Registrar.

<i>Full Name of Applicant or in the case of a Firm or Corporation, of the Nominee</i>	<i>Place of Abode of Applicant or Nominee</i>	<i>Name of Firm or Corporation</i>	<i>Address for Registration</i>	<i>Type of Licence</i>	<i>Date of Hearing of Application</i>
Marilyn Patricia Pilling	62 South Circular Drive, Gladstone Park	McCanns Investigations and Financial Services	62 South Circular Drive, Gladstone Park	Commercial Agent (Individual)	26/9/97

Dated at Broadmeadows 8 September 1997

M. H. McINTYRE
Registrar of the Magistrates' Court of Victoria
Broadmeadows

Public Records Act 1973**DECLARATION OF RECORDS NOT AVAILABLE FOR PUBLIC INSPECTION**

Whereas Section 10 of the **Public Records Act 1973** provides, inter alia, that:

the Minister by notice published in the Government Gazette may declare that any specified records or records of a specified class transferred or to be transferred from a public office to the Public Record Office shall not be available for public inspection for a period specified in the declaration, being a period of not more than 30 years, after the date of their transfer to the Public Record Office.

I, Jeff Kennett, Minister for the Arts, do now by this notice declare that the records listed on the schedule below shall not be available for public inspection for a period of five (5) years from the date of their transfer to the Public Record Office.

SCHEDULE

<i>VPRS No.</i>	<i>VPRS Title</i>
11243/P1	Property Files : Property Division (Alpha-Numeric Sequence)
11243/P2	Property Files : Property Division (Alpha-Numeric Sequence)

Dated 27 August 1997

JEFF KENNETT
Minister for the Arts

Public Records Act 1973**DECLARATION OF RECORDS NOT AVAILABLE FOR PUBLIC INSPECTION**

Whereas Section 10 of the **Public Records Act 1973** provides, inter alia, that:

the Minister by notice published in the Government Gazette may declare that any specified records or records of a specified class transferred or to be transferred from a public office to the Public Record Office shall not be available for public inspection for a period specified in the declaration, being a period of not more than 30 years, after the date of their transfer to the Public Record Office.

I, Jeff Kennett, Minister for the Arts, do now by this notice declare that the records listed on the schedule below shall not be available for public inspection for a period of thirty (30) years from the date of their transfer to the Public Record Office.

SCHEDULE

<i>VPRS No.</i>	<i>VPRS Title</i>
9458/P1	General Correspondence Files, Annual Single Number Sequence
9458/P2	General Correspondence Files, Annual Single Number Sequence
9458/P3	General Correspondence Files, Annual Single Number Sequence

Dated 15 August 1997

JEFF KENNETT
Minister for the Arts

Water Act 1989**BULK ENTITLEMENT (BOOLARRA) CONVERSION ORDER 1997**

I, Patrick John McNamara, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Boolarra) Conversion Order 1997.

2. Empowering Provisions

This Order is made under Sections 43 and 47 of the **Water Act 1989**.

3. Commencement

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

4. Definitions

In this Order—

"Act" means the **Water Act 1989**;

"annual entitlement" means the total amount of water which the Authority may take from the waterway in any year;

"Authority" means the Central Gippsland Region Water Authority;

"entitlement holder" means a person holding a bulk entitlement under the Act;

"Latrobe Basin Water Accounts" means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Latrobe Basin, with the terms of their bulk entitlements or licences;

"licence" means any licence granted under Part 4 of the Act;

"Minister" in relation to any provision, includes any person authorised by the Minister to act on the Minister's behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under Section 306 of the Act;

"*passing flow*" means the flow in the waterway immediately downstream of a specified point;

"*Resource Manager*" means any person appointed by the Minister to do all or any of the following—

- (a) prepare the Latrobe Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Latrobe Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Latrobe Basin; and
- (d) investigate and mediate disputes between entitlement holders in the Latrobe Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Latrobe Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act;

"*specified point A*" means immediately upstream of the Boolarra diversion weir on the waterway;

"*specified point B*" means immediately upstream of the Boolarra pump station on the waterway;

"*waterway*" means the Walkley Creek and the O'Grady Creek below the confluence with the Walkley Creek;

"*year*" means the 12 months next following 1 July.

5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the waterway to supply water to the Boolarra Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

The Authority may take 145 ML of water from the waterway in any year subject to the flow sharing arrangements specified in Clause 7.

7. Share of Flow

7.1 The Authority may take a share of the flow in the waterway passing the specified point A, calculated as follows:

- (a) when $F_a \leq 0.52$ ML/day,

$$E_a = F_a,$$

- (b) when $F > 0.52$ ML/day,

$$E = 0.52 \text{ ML/day},$$

where—

"*E_a*" means the Authority's entitlement; and

"*F_a*" means the flow past the specified point A less any amount of water under transfer pursuant to Sub-clause 7.3.

7.2 The Authority may take a share of the flow in the waterway passing the specified point B, calculated as follows:

- (a) when $F_b \leq 6.2$ ML/day,

$$E_b = 0,$$

- (b) when $6.2 < F_b \leq 6.33$ ML/day,

$$E_b = F_b - 6.2, \text{ and}$$

- (c) when $F_b > 6.33$ ML/day,
 $E_b = 0.13$ ML/day,
where—
"Eb" means the Authority's entitlement; and
"Fb" means the measured flow past the specified point B plus flow diverted upstream less flow at specified point B referred to in Sub-clauses 7.3 or 7.4.
- 7.3 The Authority is entitled to any flow past the specified point B that it was entitled to take, but did not take, at specified point A under this entitlement.
- 7.4 The Authority is not entitled to any flow past the specified point A or the specified point B, as part of its bulk entitlement, which is being transferred by the holder of—
(a) any other bulk entitlement or licence held by another person; or
(b) any licence—
to a transferee pursuant to the Act.
8. Making Allowances
- 8.1 In calculating water available to the Authority under this bulk entitlement at any point downstream of the specified point A, allowance must be made for—
(a) any losses of water incurred between that point and the specified point A; and
(b) the time taken by the flow to reach that point from the specified point A.
- 8.2 If the Authority proposes to take water under this entitlement from a point downstream of the specified point A, other than the specified point B, it must first—
(a) propose to the Minister—
(i) fair, reasonable and representative means for calculating the allowances required by Sub-clause 8.1; and
(ii) details of the proposed point and amount of the extraction; and
(b) ascertain and provide to the Minister any operational requirements of the Resource Manager; and
(c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.
- 8.3 The Minister may—
(a) approve a proposal made under Sub-clause 8.2; or
(b) require the Authority to amend the proposal; and
(c) require the Authority—
(i) to review all or part of any proposal approved by the Minister if, in the Minister's opinion, it is, at any time, no longer fair, reasonable or representative; and
(ii) to make an amended proposal to the Minister.
- 8.4 The Authority must—
(a) advise the Resource Manager in writing within 14 days of any proposal approved by the Minister under Sub-clause 8.3; and
(b) provide the Resource Manager with such other information concerning the proposed diversion as the Resource Manager may, from time to time, require.
9. Environmental Obligations
- 9.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a program to manage the environmental effects of the Authority's works to take water under this bulk entitlement which includes—
(a) impacts on the bed and banks of the waterway in the vicinity of the Authority's works; and

- (b) operational practices to remove silt from works; and
- (c) operational practices to manage the water quality in works on the waterway.

9.2 The Minister may—

- (a) approve the program proposed under Sub-clause 9.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.

9.3 The Authority, must at its cost—

- (a) implement the approved program; and
- (b) keep a record of all work undertaken under Paragraph (a).

10. Metering Program

10.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a metering program to determine—

- (a) subject to Clause 15, the flow in the waterway at specified point A and specified point B, or at any other point from which water is taken under this entitlement; and
- (b) the amount of water taken by the Authority under this bulk entitlement—
for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

10.2 The metering program prepared under Sub-clause 10.1 must include details of any agreement between the Authority and any other person for measuring and calculating instream flows.

10.3 The Minister may—

- (a) approve the program proposed under Sub-clause 10.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.

10.4 The Authority must, at its cost, and in accordance with any guidelines issued from time to time by the Minister—

- (a) implement and maintain the approved metering program; and
- (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, where rating curves are used to calculate flows, ensure that these curves are regularly checked and, if necessary, revised; and
- (c) keep a record of all work undertaken under Paragraph (b).

11. Reporting Requirements

11.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:

- (a) subject to Clause 15, the flow past the specified point A and the specified point B;

- (b) subject to Clause 15, the passing flow at specified point A and at specified point B;
 - (c) the daily amount of water taken by the Authority under this bulk entitlement from the waterway at specified point A and specified point B;
 - (d) the approval, amendment and implementation of programs under Clauses 9 and 10;
 - (e) the annual amount of water taken under this entitlement;
 - (f) any temporary or permanent transfer of all or part of this bulk entitlement;
 - (g) any bulk entitlement or licence in respect of the waterway temporarily or permanently transferred to the Authority with respect to the Boolarra Water Supply System;
 - (h) any amendment to this bulk entitlement;
 - (i) any new bulk entitlement granted to the Authority with respect to the Boolarra Water Supply System;
 - (j) any failure by the Authority to comply with any provision of this bulk entitlement;
 - (k) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 11.2 The Minister may require the Authority to report on all or any of the matters set out in Sub-clause 11.1—
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister's written request.
- 11.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in Sub-clause 11.1, except—
- (a) Paragraphs (a), (b) and (c) of Sub-clause 11.1; and
 - (b) with the approval of the Minister, any particular failure referred to in Paragraph (j) of Sub-clause 11.1.
- 11.4 The Resource Manager may require the Authority to report to it, from time to time, on all or any of the matters set out in Sub-clause 11.1.
- 11.5 Any report under Sub-clause 11.4 must be made—
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
 - (b) unless the Authority and the Resource Manager agree otherwise—
 - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in Paragraphs (a) to (c) of Sub-clause 11.1; or
 - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in Paragraphs (d) to (k) of Sub-clause 11.1.
12. Water Resource Management Costs
- 12.1 Subject to Sub-clause 13.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to—
- (a) prepare the Latrobe Basin Water Accounts; and
 - (b) monitor whether entitlement holders in the Latrobe Basin comply with the conditions of their bulk entitlements; and
 - (c) direct the release of any water set aside for maintaining water quality in the Latrobe Basin; and
 - (d) investigate and mediate disputes between entitlement holders in the Latrobe Basin; and

- (e) investigate and deal with significant unauthorised uses of water in the Latrobe Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.

12.2 The proportion of the costs referred to in Sub-clause 12.1 is to be determined by the Resource Manager under Sub-clause 13.3.

13. Duty to Keep Accounts and Fix Proportions

13.1 The Authority is not obliged to make any payment to the Resource Manager, under Clause 12 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.

13.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to Sub-clause 12.1.

13.3 The Resource Manager must, by 1 July in any year, determine for the Authority, in respect of the ensuing year, a fair and reasonable proportion of the costs referred to in Sub-clause 12.1.

13.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

14. Duty to Make Payments

Any amount payable by the Authority under Sub-clause 12.1 must be paid in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and Resource Manager agree otherwise.

15. Exemption from Metering and Reporting

If the Authority installs works at or near a point at which it takes water from the waterway under this bulk entitlement which, in the opinion of the Resource Manager, automatically ensure that only water to which the Authority is entitled is taken by it, the Authority is exempted from—

- (a) the metering requirements of Sub-clause 10.1 (a); and
- (b) the reporting requirements of Sub-clause 11.1 (a) and (b).

16. Data

16.1 Subject to Clause 10.4, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.

16.2 The Authority must make available data collected for the purpose of the metering program and reporting under Clauses 10 and 11 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority, to cover the costs of making the data available.

17. Dispute Resolution

17.1 If any difference or dispute arises between the Authority, the Minister and, with its consent, the Resource Manager, or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.

17.2 The independent expert will be either—

- (a) a person agreed on by the parties to the difference or dispute; or
- (b) if those parties cannot agree, a person nominated by the Minister.

- 17.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
- 17.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 17.5 (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.
- (b) the Minister must consider any recommendation made under Paragraph (a) before deciding to give a direction under Section 307 or to take any other action under the Act in relation to the difference or dispute.
- 17.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 17.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Note: An explanatory note that accompanies this Order is available from the Water Allocations and Markets Section, Department of Natural Resources and Environment.

Dated 11 September 1997

PATRICK McNAMARA
Minister administering the **Water Act 1989**

Water Act 1989
BULK ENTITLEMENT (ERICA) CONVERSION ORDER 1997

I, Patrick John McNamara, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Erica) Conversion Order 1997.

2. Empowering Provisions

This Order is made under Sections 43 and 47 of the **Water Act 1989**.

3. Commencement

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

4. Definitions

In this Order—

"Act" means the **Water Act 1989**;

"annual entitlement" means the total amount of water which the Authority may take from the waterway in any year;

"Authority" means the Central Gippsland Region Water Authority;

"entitlement holder" means a person holding a bulk entitlement under the Act;

"Latrobe Basin Water Accounts" means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Latrobe Basin, with the terms of their bulk entitlements or licences;

"licence" means any licence granted under Part 4 of the Act;

"Minister" in relation to any provision, includes any person authorised by the Minister to act on the Minister's behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under Section 306 of the Act;

"Resource Manager" means any person appointed by the Minister to do all or any of the following—

- (a) prepare the Latrobe Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Latrobe Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Latrobe Basin; and
- (d) investigate and mediate disputes between entitlement holders in the Latrobe Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Latrobe Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act;

"specified point" means immediately upstream of the Erica diversion weir on the waterway;

"waterway" means Trigger creek;

"year" means the 12 months next following 1 July.

5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the waterway to supply water to the Erica Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

The Authority may take 340 ML of water from the waterway in any year subject to the flow sharing arrangements specified in Clause 7.

7. Share of Flow

7.1 The Authority may take a share of the flow in the waterway passing the specified point, calculated as follows:

- (a) when $F \leq 1.04$ ML/day,

$E = F$, and

- (b) when $F > 1.04$ ML/day,

$E = 1.04$ ML/day,

where—

"E" means the Authority's entitlement; and

"F" means the flow past the specified point less any amount of water under transfer pursuant to Sub-clause 7.2.

7.2 The Authority is not entitled to any flow past the specified point, as part of its bulk entitlement, which is being transferred by the holder of—

- (a) any other bulk entitlement or licence held by another person; or

- (b) any licence—

to a transferee pursuant to the Act.

8. Making Allowances

8.1 In calculating water available to the Authority under this bulk entitlement at any point downstream of the specified point, allowance must be made for—

- (a) any losses of water incurred between that point and the specified point; and

- (b) the time taken by the flow to reach that point from the specified point.

8.2 If the Authority proposes to take water under this entitlement from a point downstream of the specified point, it must first—

- (a) propose to the Minister—
 - (i) fair, reasonable and representative means for calculating the allowances required by Sub-clause 8.1; and
 - (ii) details of the proposed point and amount of the extraction; and
- (b) ascertain and provide to Minister any operational requirements of the Resource Manager; and
- (c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.

8.3 The Minister may—

- (a) approve a proposal made under Sub-clause 8.2; or
- (b) require the Authority to amend the proposal; and
- (c) require the Authority—
 - (i) to review all or part of any proposal approved by the Minister if, in the Minister's opinion, it is, at any time, no longer fair, reasonable or representative; and
 - (ii) to make an amended proposal to the Minister.

8.4 The Authority must—

- (a) advise the Resource Manager in writing within 14 days of any proposal approved by the Minister under Sub-clause 8.3; and
- (b) provide the Resource Manager with such other information concerning the proposed diversion as the Resource Manager may, from time to time, require.

9. Environmental Obligations

9.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a program to manage the environmental effects of the Authority's works to take water under this bulk entitlement which includes—

- (a) impacts on the bed and banks of the waterway in the vicinity of the Authority's works; and
- (b) operational practices to remove silt from works; and
- (c) operational practices to manage the water quality in works on the waterway.

9.2 The Minister may—

- (a) approve the program proposed under Sub-clause 9.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.

9.3 The Authority, must at its cost—

- (a) implement the approved program; and
- (b) keep a record of all work undertaken under Paragraph (a).

10. Metering Program

10.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a metering program to determine—

- (a) subject to Clause 15, the flow of the waterway at the specified point, or at any other point from which water is taken under this entitlement; and

- (b) the amount of water taken by the Authority under this bulk entitlement—
for the purpose of assessing whether or not the Authority complies with this bulk entitlement.
- 10.2 The metering program prepared under Sub-clause 10.1 must include details of any agreement between the Authority and any other person for measuring and calculating instream flows.
- 10.3 The Minister may—
 - (a) approve the program proposed under Sub-clause 10.1; or
 - (b) require the Authority to amend the proposed program; and
 - (c) require the Authority—
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.
- 10.4 The Authority must, at its cost, and in accordance with any guidelines issued from time to time by the Minister—
 - (a) implement and maintain the approved metering program; and
 - (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, if rating curves are used to calculate flows, ensure that these curves are regularly checked and, if necessary, revised; and
 - (c) keep a record of all work undertaken under Paragraph (b).
- 11. Reporting Requirements
- 11.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:
 - (a) subject to Clause 15, the flow past the specified point;
 - (b) the daily amount of water taken by the Authority from the waterway;
 - (c) the approval, amendment and implementation of programs under Clauses 9 and 10;
 - (d) the annual amount of water taken under this entitlement;
 - (e) any temporary or permanent transfer of all or part of this bulk entitlement;
 - (f) any bulk entitlement or licence in respect of the waterway temporarily or permanently transferred to the Authority with respect to the Erica Water Supply System;
 - (g) any amendment to this bulk entitlement;
 - (h) any new bulk entitlement granted to the Authority with respect to the Erica Water Supply System;
 - (i) any failure by the Authority to comply with any provision of this bulk entitlement;
 - (j) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 11.2 The Minister may require the Authority to report on all or any of the matters set out in Sub-clause 11.1—
 - (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister's written request.

11.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in Sub-clause 11.1, except—

- (a) Paragraphs (a) and (b) of Sub-clause 11.1; and
- (b) with the approval of the Minister, any particular failure referred to in Paragraph (i) of Sub-clause 11.1.

11.4 The Resource Manager may require the Authority to report to it, from time to time, on all or any of the matters set out in Sub-clause 11.1.

11.5 Any report under Sub-clause 11.4 must be made—

- (a) in such form as may be agreed between the Authority and the Resource Manager; and
- (b) unless the Authority and the Resource Manager agree otherwise—
 - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in Paragraphs (a) to (b) of Sub-clause 11.1; or
 - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in Paragraphs (c) to (j) of Sub-clause 11.1.

12. Water Resource Management Costs

12.1 Subject to Sub-clause 13.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to—

- (a) prepare the Latrobe Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Latrobe Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Latrobe Basin; and
- (d) investigate and mediate disputes between entitlement holders in the Latrobe Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Latrobe Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.

12.2 The proportion of the costs referred to in Sub-clause 12.1 is to be determined by the Resource Manager under Sub-clause 13.3.

13. Duty to Keep Accounts and Fix Proportions

13.1 The Authority is not obliged to make any payment to the Resource Manager, under Clause 12 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.

13.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to Sub-clause 12.1.

13.3 The Resource Manager must, by 1 July in any year, determine for the Authority, in respect of the ensuing year, a fair and reasonable proportion of the costs referred to in Sub-clause 12.1.

13.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

14. Duty to Make Payments

Any amount payable by the Authority under Sub-clause 12.1 must be paid in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and Resource Manager agree otherwise.

15. Exemption from Metering and Reporting

If the Authority installs work at or near each point at which it takes water from the waterway under this bulk entitlement which, in the opinion of the Resource Manager, automatically ensure that only water to which the Authority is entitled is taken by it, the Authority is exempted from—

- (a) the metering requirements of Sub-clause 10.1 (a); and
- (b) the reporting requirements of Sub-clause 11.1 (a).

16. Data

16.1 Subject to Clause 10.4, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.

16.2 The Authority must make available data collected for the purpose of the metering program and reporting under Clauses 10 and 11 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority, to cover the costs of making the data available.

17. Dispute Resolution

17.1 If any difference or dispute arises between the Authority, the Minister and, with its consent, the Resource Manager, or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.

17.2 The independent expert will be either—

- (a) a person agreed on by the parties to the difference or dispute; or
- (b) if those parties cannot agree, a person nominated by the Minister.

17.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.

17.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.

17.5 (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.

- (b) The Minister must consider any recommendation made under Paragraph (a) before deciding to give a direction under Section 307 or to take any other action under the Act in relation to the difference or dispute.

17.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.

17.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Note: An explanatory note that accompanies this Order is available from the Water Allocations and Markets Section, Department of Natural Resources and Environment.

Dated 10 September 1997

PATRICK McNAMARA
Minister administering the **Water Act 1989**

Water Act 1989**BULK ENTITLEMENT (MIRBOO NORTH) CONVERSION ORDER 1997**

I, Patrick John McNamara, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Mirboo North) Conversion Order 1997.

2. Empowering Provisions

This Order is made under Sections 43 and 47 of the **Water Act 1989**.

3. Commencement

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

4. Definitions

In this Order—

"Act" means the **Water Act 1989**;

"annual entitlement" means the total amount of water which the Authority may take from the waterway in any year;

"Authority" means the Central Gippsland Region Water Authority;

"entitlement holder" means a person holding a bulk entitlement under the Act;

"Latrobe Basin Water Accounts" means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Latrobe Basin, with the terms of their bulk entitlements or licences;

"licence" means any licence granted under Part 4 of the Act;

"Minister" in relation to any provision, includes any person authorised by the Minister to act on the Minister's behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under Section 306 of the Act;

"Resource Manager" means any person appointed by the Minister to do all or any of the following—

- (a) prepare the Latrobe Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Latrobe Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Latrobe Basin; and
- (d) investigate and mediate disputes between entitlement holders in the Latrobe Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Latrobe Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act;

"specified point" means immediately upstream of the Mirboo North pump station on the waterway;

"waterway" means North Arm of the Little Morwell River;

"year" means the 12 months next following 1 July.

5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the waterway to supply water to the Mirboo North Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

The Authority may take 270 ML of water from the waterway in any year subject to the flow sharing arrangements specified in Clause 7.

7. Share of Flow

7.1 The Authority may take a share of the flow in the waterway passing the specified point, calculated as follows:

(a) when $F \leq 2.4$ ML/day,

$E = F$, and

(b) when $F > 2.4$ ML/day,

$E = 2.4$ ML/day,

where—

"E" means the Authority's entitlement; and

"F" means the flow past the specified point less any amount of water under transfer pursuant to Sub-clause 7.2.

7.2 The Authority is not entitled to any flow past the specified point, as part of its bulk entitlement, which is being transferred by the holder of—

(a) any other bulk entitlement or licence held by another person; or

(b) any licence—

to a transferee pursuant to the Act.

8. Making Allowances

8.1 In calculating water available to the Authority under this bulk entitlement at any point downstream of the specified point, allowance must be made for—

(a) any losses of water incurred between that point and the specified point; and

(b) the time taken by the flow to reach that point from the specified point.

8.2 If the Authority proposes to take water under this entitlement from a point downstream of the specified point, it must first—

(a) propose to the Minister—

(i) fair, reasonable and representative means for calculating the allowances required by Sub-clause 8.1; and

(ii) details of the proposed point and amount of the extraction; and

(b) ascertain and provide to Minister any operational requirements of the Resource Manager; and

(c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.

8.3 The Minister may—

(a) approve a proposal made under Sub-clause 8.2; or

(b) require the Authority to amend the proposal; and

(c) require the Authority—

(i) to review all or part of any proposal approved by the Minister if, in the Minister's opinion, it is, at any time, no longer fair, reasonable or representative; and

(ii) to make an amended proposal to the Minister.

8.4 The Authority must—

(a) advise the Resource Manager in writing within 14 days of any proposal approved by the Minister under Sub-clause 8.3; and

(b) provide the Resource Manager with such other information concerning the proposed diversion as the Resource Manager may, from time to time, require.

9. Environmental Obligations

9.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a program to manage the environmental effects of the Authority's works to take water under this bulk entitlement which includes—

- (a) impacts on the bed and banks of the waterway in the vicinity of the Authority's works; and
- (b) operational practices to remove silt from works; and
- (c) operational practices to manage the water quality in works on the waterway.

9.2 The Minister may—

- (a) approve the program proposed under Sub-clause 9.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.

9.3 The Authority, must at its cost—

- (a) implement the approved program; and
- (b) keep a record of all work undertaken under Paragraph (a).

10. Metering Program

10.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a metering program to determine—

- (a) subject to Clause 15, the flow of the waterway at the specified point, or at any other point from which water is taken under this entitlement; and
- (b) the amount of water taken by the Authority under this bulk entitlement—
for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

10.2 The metering program prepared under Sub-clause 10.1 must include details of any agreement between the Authority and any other person for measuring and calculating instream flows.

10.3 The Minister may—

- (a) approve the program proposed under Sub-clause 10.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.

10.4 The Authority must, at its cost, and in accordance with any guidelines issued from time to time by the Minister—

- (a) implement and maintain the approved metering program; and
- (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, if rating curves are used to calculate flows, ensure that these curves are regularly checked and, if necessary, revised; and
- (c) keep a record of all work undertaken under Paragraph (b).

11. Reporting Requirements

11.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:

- (a) subject to Clause 15, the flow past the specified point;
 - (b) the daily amount of water taken by the Authority from the waterway;
 - (c) the approval, amendment and implementation of programs under Clauses 9 and 10;
 - (d) the annual amount of water taken under this entitlement;
 - (e) any temporary or permanent transfer of all or part of this bulk entitlement;
 - (f) any bulk entitlement or licence in respect of the waterway temporarily or permanently transferred to the Authority with respect to the Mirboo North Water Supply System;
 - (g) any amendment to this bulk entitlement;
 - (h) any new bulk entitlement granted to the Authority with respect to the Mirboo North Water Supply System;
 - (i) any failure by the Authority to comply with any provision of this bulk entitlement;
 - (j) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 11.2 The Minister may require the Authority to report on all or any of the matters set out in Sub-clause 11.1—
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister's written request.
- 11.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in Sub-clause 11.1, except—
- (a) Paragraphs (a) and (b) of Sub-clause 11.1; and
 - (b) with the approval of the Minister, any particular failure referred to in Paragraph (i) of Sub-clause 11.1.
- 11.4 The Resource Manager may require the Authority to report to it, from time to time, on all or any of the matters set out in Sub-clause 11.1.
- 11.5 Any report under Sub-clause 11.4 must be made—
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
 - (b) unless the Authority and the Resource Manager agree otherwise—
 - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in Paragraphs (a) to (b) of Sub-clause 11.1; or
 - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in Paragraphs (c) to (j) of Sub-clause 11.1.
12. Water Resource Management Costs
- 12.1 Subject to Sub-clause 13.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to—
- (a) prepare the Latrobe Basin Water Accounts; and
 - (b) monitor whether entitlement holders in the Latrobe Basin comply with the conditions of their bulk entitlements; and
 - (c) direct the release of any water set aside for maintaining water quality in the Latrobe Basin; and
 - (d) investigate and mediate disputes between entitlement holders in the Latrobe Basin; and

- (e) investigate and deal with significant unauthorised uses of water in the Latrobe Basin; and
 - (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.
- 12.2 The proportion of the costs referred to in Sub-clause 12.1 is to be determined by the Resource Manager under Sub-clause 13.3.
- 13. Duty to Keep Accounts and Fix Proportions
- 13.1 The Authority is not obliged to make any payment to the Resource Manager, under Clause 12 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.
- 13.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to Sub-clause 12.1.
- 13.3 The Resource Manager must, by 1 July in any year, determine for the Authority, in respect of the ensuing year, a fair and reasonable proportion of the costs referred to in Sub-clause 12.1.
- 13.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.
- 14. Duty to Make Payments

Any amount payable by the Authority under Sub-clause 12.1 must be paid in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and Resource Manager agree otherwise.

15. Exemption from Metering and Reporting

If the Authority installs works at or near each point at which it takes water from the waterway under this bulk entitlement which, in the opinion of the Resource Manager, automatically ensure that only water to which the Authority is entitled is taken by it, the Authority is exempted from—

- (a) the metering requirements of Sub-clause 10.1 (a); and
- (b) the reporting requirements of Sub-clause 11.1 (a).

16. Data

- 16.1 Subject to Clause 10.4, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.
- 16.2 The Authority must make available data collected for the purpose of the metering program and reporting under Clauses 10 and 11 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority, to cover the costs of making the data available.

17. Dispute Resolution

- 17.1 If any difference or dispute arises between the Authority, the Minister and, with its consent, the Resource Manager, or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.
- 17.2 The independent expert will be either—
 - (a) a person agreed on by the parties to the difference or dispute; or
 - (b) if those parties cannot agree, a person nominated by the Minister.

- 17.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
- 17.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 17.5 (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.
- (b) The Minister must consider any recommendation made under Paragraph (a) before deciding to give a direction under Section 307 or to take any other action under the Act in relation to the difference or dispute.
- 17.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 17.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Note: An explanatory note that accompanies this Order is available from the Water Allocations and Markets Section, Department of Natural Resources and Environment.

Dated 10 September 1997

PATRICK McNAMARA
Minister administering the **Water Act 1989**

Water Act 1989

BULK ENTITLEMENT (MOONDARRA RESERVOIR) CONVERSION ORDER 1997

I, Patrick John McNamara, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Moondarra Reservoir) Conversion Order 1997.

2. Empowering Provisions

This Order is made under Sections 43 and 47 of the **Water Act 1989**.

3. Commencement

This Order comes into operation on the day it, or a summary of it, is published in the Government Gazette.

4. Definitions

In this Order—

"*Act*" means the **Water Act 1989**;

"*AHD*" means the Australian Height Datum;

"*Authority*" means the Central Gippsland Region Water Authority;

"*entitlement holder*" means a person holding a bulk entitlement under the Act;

"*full supply level*" means the AHD level of the spillway crest of the storage;

"*Latrobe Basin Water Accounts*" means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Latrobe Basin, with the terms of their bulk entitlements or licences;

"*Latrobe water supply system*" means all the water supply systems within the Latrobe basin;

"*licence*" means any licence granted under Part 4 of the Act;

"Minister", in relation to any provision, includes any person authorised by the Minister to act on the Minister's behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under Section 306 of the Act;

"passing flow" means the flow in the waterway immediately downstream of the Moondarra Reservoir;

"Resource Manager" means any person appointed by the Minister to do all or any of the following—

- (a) prepare the Latrobe Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Latrobe Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Latrobe Basin; and
- (d) investigate and mediate disputes between entitlement holders in the Latrobe Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Latrobe Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act;

"waterway" means the Tyers River between Moondarra Reservoir and the Latrobe River including the pool formed by, and immediately upstream of, Moondarra Dam;

"year" means the 12 months next following 1 July.

5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the waterway at Moondarra Reservoir is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

6.1 The Authority may take from Moondarra Reservoir—

- (a) an average volume of water of up to 62 000 ML per year calculated over the two year period up to and including the current year; and
- (b) any water in Moondarra Reservoir that the Authority is entitled to in that year under another Order—

at a rate not exceeding 270 ML/day.

6.2 The Minister may vary the maximum rate of extraction specified under Sub-clause 6.1 for the purpose of making any transfer of this bulk entitlement authorised under Division 1, Part 4 of the Act.

7. Share of Flow

The Authority may store all of the inflow to the Moondarra Reservoir when it is below full supply level, including water pumped from Blue Rock Reservoir, except for—

- (a) passing flows in accordance with Clause 8; and
- (b) any flow being transferred by the holder of—
 - (i) any other bulk entitlement or licence held by another person; or
 - (ii) any licence—

to a transferee pursuant to the Act.

8. Passing Flow

8.1 The Authority must provide a minimum passing flow in the Tyers River below Moondarra Reservoir equal to the lesser of 30 ML/day and the natural flow at this location, except that—

- (a) the minimum passing flow may be reduced to 8 ML/day, if the inflow to Moondarra Reservoir from the Tyers River and its tributaries accumulated over the previous six months is less than, or equal to, 25 000 ML; and
- (b) if the minimum passing flow has been reduced under Paragraph (a), it must be restored to 30 ML/day, if the measured inflow to Moondarra Reservoir from the Tyers River and its tributaries accumulated over the previous six months is greater than, or equal to, 45 000 ML.

8.2 The accumulated inflow to Moondarra Reservoir over the previous six months is to be calculated in accordance with Schedule 1.

8.3 If the Authority experiences operational problems with its outlet works as a direct result of the passing flow rules specified in Sub-clause 8.1, the Authority may apply to the Minister, in accordance with Section 44 of the Act, for an amendment to these rules and demonstrate to the Minister that—

- (a) the rate and quality of releases from Moondarra Reservoir to the Latrobe Region water supply system has fallen or will fall below those that could be expected if the minimum passing flow had always been 8 ML/day; and
- (b) all other provisions of this Order have been met.

9. Releases

Subject to the passing flow rules in Clause 8, the Authority may operate and make releases from Moondarra Reservoir as it sees fit, in order to satisfy its entitlement under this Order.

10. Share of Capacity

The Authority is entitled to—

- (a) all water at any time stored in the Moondarra Reservoir; and
- (b) the full capacity of the Moondarra Reservoir, up to 30 400 ML at full supply level of 166.16 metres AHD—

but may not use or transfer any more than its entitlement under this Order in any year.

11. Making Allowances

11.1 In calculating water available to the Authority under this entitlement at any point downstream of the Moondarra Reservoir, allowance must be made for—

- (a) any losses from the waterway, or any point downstream of the Moondarra Reservoir; and
- (b) the time taken by the flow to reach that point from the Moondarra Reservoir.

11.2 If the Authority proposes to take water under this entitlement from a point other than the Moondarra Reservoir, it must first—

- (a) propose to the Minister—
 - (i) fair, reasonable and representative means for calculating the allowances required by Sub-clause 11.1; and
 - (ii) details of the proposed point and amount of extraction; and
- (b) ascertain and provide to the Minister, any operational requirements of the Resource Manager; and
- (c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.

11.3 The Minister may—

- (a) approve all or any proposals under Sub-clause 11.2; or

- (b) require the Authority to amend all or any proposals; and
- (c) require the Authority—
 - (i) to review all or any of the proposals approved by the Minister if, in the Minister's opinion, they are, at any time, no longer fair, reasonable or representative; and
 - (ii) to forward amended proposals to the Minister.

11.4 The Authority must—

- (a) advise the Resource Manager in writing within 14 days of any proposals approved by the Minister under Sub-clause 11.3; and
- (b) provide the Resource Manager with such other information concerning the proposed diversion as the Resource Manager may, from time to time, require.

12. Environmental Obligations

12.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a program to manage the environmental effects of the Authority's works to take water under this bulk entitlement which includes—

- (a) impacts on the bed and banks of the waterway in the vicinity of works;
- (b) operational practices to remove silt from works;
- (c) operational practices to manage the water quality in works on the waterway;
- (d) operational rules for the controlled releases from works to the waterway; and
- (e) operational rules for management of flood flows through works on the waterway.

12.2 The Minister may—

- (a) approve the program proposed under Sub-clause 12.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister; or
 - (iii) not approve the program.

12.3 The Authority, must at its cost—

- (a) implement the approved program; and
- (b) keep a record of all work undertaken under Paragraph (a).

13. Metering Obligations

13.1 The Authority, must propose to the Minister, within 6 months of the date of this Order, a metering program to determine—

- (a) the amount of water taken by the Authority under this bulk entitlement; and
- (b) the amount of water in the Moondarra Reservoir; and
- (c) the flow into Moondarra Reservoir from the Tyers River and its tributaries; and
- (d) the flow into Moondarra Reservoir under any of the Authority's other entitlements;
- (e) the passing flows; and
- (f) the accumulated six month inflow to Moondarra Reservoir in accordance with Schedule 1—

for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

13.2 The Minister may—

- (a) approve the program proposed under Sub-clause 13.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
- (d) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
- (e) to propose an amended program to the Minister.

13.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) maintain metering equipment and associated measuring structures in good condition, ensure that metering equipment is periodically re-calibrated, and if rating curves are used to calculate flows, ensure that the curves are regularly checked, and if necessary, revised; and
- (c) keep a record of all work undertaken under Paragraph (b).

14. Reporting Requirements

14.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:

- (a) the daily passing flow;
- (b) the daily amount of water taken under this bulk entitlement;
- (c) the daily water level and amount of water stored in the Moondarra Reservoir;
- (d) the daily inflow to Moondarra Reservoir from the Tyers River and its tributaries;
- (e) the daily inflow to Moondarra Reservoir via the pipeline from Blue Rock Reservoir;
- (f) the six month accumulated inflow to Moondarra Reservoir from the Tyers River and its tributaries at any time of the year;
- (g) the annual amount of water taken under this bulk entitlement;
- (h) the approval, amendment and implementation of programs under Clauses 12 and 13;
- (i) any temporary or permanent transfer of all or part of this bulk entitlement;
- (j) any bulk entitlement or licence in respect of the waterway temporarily or permanently transferred to the Authority with respect to the Latrobe water supply system;
- (k) any amendment to this bulk entitlement;
- (l) any new bulk entitlement granted to the Authority with respect to the Latrobe water supply system;
- (m) any failure by the Authority to comply with any provision of this bulk entitlement;
- (n) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.

14.2 The Minister may require the Authority to report on all or any of the matters set out in Sub-clause 14.1—

- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
- (b) within 14 days of receiving the Minister's written request.

14.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in Sub-clause 14.1, except—

- (a) Paragraphs (a), (b), (c), (d), (e) and (f) of Sub-clause 14.1; and
- (b) with the approval of the Minister, any particular failure referred to in Paragraph (m) of Sub-clause 14.1.

14.4 The Resource Manager may require the Authority to report to it, from time to time, on all or any of the matters set out in Sub-clause 14.1.

14.5 Any report under Sub-clause 14.4 must be made—

- (a) in such form as may be agreed between the Authority and the Resource Manager; and
- (b) unless the Authority and the Resource Manager agree otherwise—
 - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in Paragraphs (a) to (f) of Sub-clause 14.1; or
 - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in Paragraphs (g) to (n) of Sub-clause 14.1.

15. Water Resource Management Costs

15.1 Subject to Sub-clause 16.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to—

- (a) prepare the Latrobe Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Latrobe Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Latrobe Basin; and
- (d) investigate and mediate disputes between entitlement holders in the Latrobe Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Latrobe Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.

15.2 The proportion of the costs referred to in Sub-clause 15.1 is to be determined by the Resource Manager under Sub-clause 16.3.

16. Duty to Keep Accounts and Fix Proportions

16.1 The Authority is not obliged to make any payment to the Resource Manager, under Clause 15 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.

16.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to Sub-clause 15.1.

16.3 The Resource Manager must, by 1 July in any year, determine for the Authority in respect of the ensuing year, a fair and reasonable proportion of the costs referred to in Sub-clause 15.1.

16.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

17. Duty To Make Payments

Any amount payable by the Authority under Clause 15 must be paid in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.

18. Data

18.1 Subject to Clause 13.3, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.

18.2 The Authority must make available data collected for the purpose of the metering program and reporting under Clauses 13 and 14 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

19. Dispute Resolution

19.1 If any difference or dispute arises between the Authority, the Minister and, with its consent, the Resource Manager, or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.

19.2 The independent expert will be either—

- (a) a person agreed on by the parties to the difference or dispute; or
- (b) if those parties cannot agree, a person nominated by the Minister.

19.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.

19.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.

19.5 Other procedures to be followed in a dispute include:

- (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.
- (b) The Minister must consider any recommendation made under Paragraph (a) before deciding to give a direction under Section 307 or to take any other action under the Act in relation to the difference or dispute.

19.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.

19.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Note: An explanatory note that accompanies this Order is available from the Water Allocations and Markets Section, Department of Natural Resources and Environment.

SCHEDULE 1

CALCULATING THE ACCUMULATED SIX MONTH INFLOW TO MOONDARRA RESERVOIR

The accumulated inflow to Moondarra Reservoir over the previous six months is to be calculated as follows:

INF = the larger of—

$(\text{STOR}_{\text{end}} - \text{STOR}_{\text{start}} - \text{PUMP} + \text{PASS} + \text{DIV} + \text{EVAP} - \text{RAIN});$

and

0;

where—

INF = the accumulated inflow to Moondarra Reservoir over the previous six months, in ML;

- STOR_{end} = the volume held in Moondarra Reservoir at the start of the week in which the calculation is made, in ML;
- STOR_{start} = the volume held in Moondarra Reservoir at the start of the previous 26 week period, in ML;
- PASS = the total volume of passing flows for the previous 26 week period in ML;
- DIV = the volume diverted from the waterway under this Order for the previous 26 week period, in ML; and
- PUMP = the total volume pumped to Moondarra Reservoir from Blue Rock Reservoir under any other Order for the previous 26 week period, in ML.
- EVAP = the total volume of water lost from Moondarra Reservoir by evaporation from the water surface for the previous 26 week period, in ML;
- RAIN = the total volume of water gained in Moondarra Reservoir by rainfall on the water surface for the previous 26 week period, in ML.

Dated 10 September 1997

PATRICK McNAMARA
Minister administering the **Water Act 1989**

Water Act 1989
BULK ENTITLEMENT (NOOJEE) CONVERSION ORDER 1997

I, Patrick John McNamara, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Noojee) Conversion Order 1997.

2. Empowering Provisions

This Order is made under Sections 43 and 47 of the **Water Act 1989**.

3. Commencement

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

4. Definitions

In this Order—

"Act" means the **Water Act 1989**;

"annual entitlement" means the total amount of water which the Authority may take from the waterway and the Loch River in any year;

"Authority" means the Central Gippsland Region Water Authority;

"entitlement holder" means a person holding a bulk entitlement under the Act;

"Latrobe Basin Water Accounts" means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Latrobe Basin, with the terms of their bulk entitlements or licences;

"licence" means any licence granted under Part 4 of the Act;

"Minister" in relation to any provision, includes any person authorised by the Minister to act on the Minister's behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under Section 306 of the Act;

"Resource Manager" means any person appointed by the Minister to do all or any of the following—

- (a) prepare the Latrobe Basin Water Accounts; and

- (b) monitor whether entitlement holders in the Latrobe Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Latrobe Basin; and
- (d) investigate and mediate disputes between entitlement holders in the Latrobe Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Latrobe Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act;

"specified point A" means immediately upstream of the Noojee diversion weir on the waterway;

"specified point B" means immediately upstream of the Noojee pump station on the Loch River;

"waterway" means Deep Creek;

"year" means the 12 months next following 1 July.

5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the waterway and the Loch River to supply water to the Noojee Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

The Authority may take 73 ML of water from the waterway and the Loch River in any year subject to the flow sharing arrangements specified in Clause 7.

7. Share of Flow

7.1 The Authority may take a share of the flow in the waterway passing the specified point A, calculated as follows:

- (a) when $FA \leq 0.5$ ML/day,

EA = FA, and

- (b) when $FA > 0.5$ ML/day,

EA = 0.5 ML/day,

where—

"EA" means the Authority's entitlement; and

"FA" means the flow past the specified point A less any amount of water under transfer pursuant to Sub-clause 7.3.

7.2 The Authority may take a share of the flow in the Loch River passing the specified point B, calculated as follows:

- (a) when $FB \leq 0.5$ ML/day,

EB = FB, and

- (b) when $FB > 0.5$ ML/day,

EB = (0.5 - EA) ML/day,

where—

"EA" has the same meaning as in Clause 7.1; and

"EB" means the Authority's entitlement; and

"FB" means the flow past the specified point B less any water being transferred under Sub-clause 7.3.

7.3 The Authority is not entitled to any flow past the specified point A or past the specified point B, as part of its bulk entitlement, which is being transferred by the holder of—

- (a) any other bulk entitlement or licence held by another person; or
- (b) any licence—

to a transferee pursuant to the Act.

8. Making Allowances

8.1 In calculating water available to the Authority under this bulk entitlement at any point downstream of either specified point, allowance must be made for—

- (a) any losses of water incurred between that point and the relevant specified point; and
- (b) the time taken by the flow to reach that point from the relevant specified point.

8.2 If the Authority proposes to take water under this entitlement from a point downstream of a specified point, it must first—

- (a) propose to the Minister—
 - (i) fair, reasonable and representative means for calculating the allowances required by Sub-clause 8.1; and
 - (ii) details of the proposed point and amount of the extraction; and
- (b) ascertain and provide to the Minister any operational requirements of the Resource Manager; and
- (c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.

8.3 The Minister may—

- (a) approve a proposal made under Sub-clause 8.2; or
- (b) require the Authority to amend the proposal; and
- (c) require the Authority—
 - (i) to review all or part of any proposal approved by the Minister if, in the Minister's opinion, it is, at any time, no longer fair, reasonable or representative; and
 - (ii) to make an amended proposal to the Minister.

8.4 The Authority must—

- (a) advise the Resource Manager in writing within 14 days of any proposal approved by the Minister under Sub-clause 8.3; and
- (b) provide the Resource Manager with such other information concerning the proposed diversion as the Resource Manager may, from time to time, require.

9. Environmental Obligations

9.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a program to manage the environmental effects of the Authority's works to take water under this bulk entitlement which includes—

- (a) impacts on the bed and banks of the waterway and the Loch River in the vicinity of the Authority's works; and
- (b) operational practices to remove silt from works; and
- (c) operational practices to manage the water quality in works on the waterway and the Loch River.

9.2 The Minister may—

- (a) approve the program proposed under Sub-clause 9.1; or
- (b) require the Authority to amend the proposed program; and

(c) require the Authority—

- (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
- (ii) to propose an amended program to the Minister.

9.3 The Authority, must at its cost—

- (a) implement the approved program; and
- (b) keep a record of all work undertaken under Paragraph (a).

10. Metering Program

10.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a metering program to determine—

- (a) subject to Clause 15, the flow in the waterway at the specified point, or at any other point from which water is taken under this entitlement; and
- (b) the amount of water taken by the Authority under this bulk entitlement—
for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

10.2 The metering program prepared under Sub-clause 10.1 must include details of any agreement between the Authority and any other person for measuring and calculating instream flows.

10.3 The Minister may—

- (a) approve the program proposed under Sub-clause 10.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.

10.4 The Authority must, at its cost, and in accordance with any guidelines issued from time to time by the Minister—

- (a) implement and maintain the approved metering program; and
- (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, if rating curves are used to calculate flows, ensure that these curves are regularly checked and, if necessary, revised; and
- (c) keep a record of all work undertaken under Paragraph (b).

11. Reporting Requirements

11.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:

- (a) subject to Clause 15, the flow past the specified point A;
- (b) subject to Clause 15, the flow past the specified point B;
- (c) the daily amount of water taken by the Authority under this bulk entitlement from the waterway;
- (d) the daily amount of water taken by the Authority under this bulk entitlement from the Loch River;
- (e) the approval, amendment and implementation of programs under Clauses 9 and 10;

- (f) the annual amounts of water taken under this entitlement from the waterway and from the Loch River;
 - (g) any temporary or permanent transfer of all or part of this bulk entitlement;
 - (h) any bulk entitlement or licence in respect of the waterway or the Loch River temporarily or permanently transferred to the Authority with respect to the Noojee Water Supply System;
 - (i) any amendment to this bulk entitlement;
 - (j) any new bulk entitlement granted to the Authority with respect to the Noojee Water Supply System;
 - (k) any failure by the Authority to comply with any provision of this bulk entitlement;
 - (l) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 11.2 The Minister may require the Authority to report on all or any of the matters set out in Sub-clause 11.1—
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister's written request.
- 11.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in Sub-clause 11.1, except—
- (a) Paragraphs (a), (b), (c) and (d) of Sub-clause 11.1; and
 - (b) with the approval of the Minister, any particular failure referred to in Paragraph (k) of Sub-clause 11.1.
- 11.4 The Resource Manager may require the Authority to report to it, from time to time, on all or any of the matters set out in Sub-clause 11.1.
- 11.5 Any report under Sub-clause 11.4 must be made—
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
 - (b) unless the Authority and the Resource Manager agree otherwise—
 - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in Paragraphs (a) to (d) of Sub-clause 11.1; or
 - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in Paragraphs (e) to (l) of Sub-clause 11.1.
12. Water Resource Management Costs
- 12.1 Subject to Sub-clause 13.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to—
- (a) prepare the Latrobe Basin Water Accounts; and
 - (b) monitor whether entitlement holders in the Latrobe Basin comply with the conditions of their bulk entitlements; and
 - (c) direct the release of any water set aside for maintaining water quality in the Latrobe Basin; and
 - (d) investigate and mediate disputes between entitlement holders in the Latrobe Basin; and
 - (e) investigate and deal with significant unauthorised uses of water in the Latrobe Basin; and

(f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.

12.2 The proportion of the costs referred to in Sub-clause 12.1 is to be determined by the Resource Manager under Sub-clause 13.3.

13. Duty to Keep Accounts and Fix Proportions

13.1 The Authority is not obliged to make any payment to the Resource Manager, under Clause 12 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.

13.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to Sub-clause 12.1.

13.3 The Resource Manager must, by 1 July in any year, determine for the Authority, in respect of the ensuing year, a fair and reasonable proportion of the costs referred to in Sub-clause 12.1.

13.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

14. Duty to Make Payments

Any amount payable by the Authority under Sub-clause 12.1 must be paid in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and Resource Manager agree otherwise.

15. Exemption from Metering and Reporting

If the Authority installs works at or near a point at which it takes water from a waterway under this bulk entitlement which, in the opinion of the Resource Manager, automatically ensure that only water to which the Authority is entitled is taken by it, the Authority is exempted from—

- (a) the metering requirements of Sub-clause 10.1 (a); and
- (b) the reporting requirements of Sub-clause 11.1 (a) and (b).

16. Data

16.1 Subject to Clause 10.4, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.

16.2 The Authority must make available data collected for the purpose of the metering program and reporting under Clauses 10 and 11 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority, to cover the costs of making the data available.

17. Dispute Resolution

17.1 If any difference or dispute arises between the Authority, the Minister and, with its consent, the Resource Manager, or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.

17.2 The independent expert will be either—

- (a) a person agreed on by the parties to the difference or dispute; or
- (b) if those parties cannot agree, a person nominated by the Minister.

17.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.

17.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.

17.5 (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.

(b) The Minister must consider any recommendation made under Paragraph (a) before deciding to give a direction under Section 307 or to take any other action under the Act in relation to the difference or dispute.

17.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.

17.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Note: An explanatory note that accompanies this Order is available from the Water Allocations and Markets Section, Department of Natural Resources and Environment.

Dated 10 September 1997

PATRICK McNAMARA
Minister administering the **Water Act 1989**

Water Act 1989

BULK ENTITLEMENT (SEASPRAY) CONVERSION ORDER 1997

I, Patrick John McNamara, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Seaspray) Conversion Order 1997.

2. Empowering Provisions

3. This Order is made under Sections 43 and 47 of the **Water Act 1989**.

4. Commencement

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

5. Definitions

In this Order—

"*Act*" means the **Water Act 1989**;

"*annual entitlement*" means the total amount of water which the Authority may take from the waterway in any year;

"*Authority*" means the Central Gippsland Region Water Authority;

"*entitlement holder*" means a person holding a bulk entitlement under the Act;

"*Latrobe Basin Water Accounts*" means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Latrobe Basin, with the terms of their bulk entitlements or licences;

"*licence*" means any licence granted under Part 4 of the Act;

"*Minister*" in relation to any provision, includes any person authorised by the Minister to act on the Minister's behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under Section 306 of the Act;

"*Resource Manager*" means any person appointed by the Minister to do all or any of the following—

(a) prepare the Latrobe Basin Water Accounts; and

- (b) monitor whether entitlement holders in the Latrobe Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Latrobe Basin; and
- (d) investigate and mediate disputes between entitlement holders in the Latrobe Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Latrobe Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act;

"specified point" means immediately upstream of the Seaspray pump station on the waterway;

"waterway" means Merrimans Creek;

"year" means the 12 months next following 1 July.

5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the waterway to supply water to the Seaspray Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

The Authority may take 61 ML of water from the waterway in any year subject to the flow sharing arrangements specified in Clause 7.

7. Share of Flow

7.1 The Authority may take a share of the flow in the waterway passing the specified point, calculated as follows:

- (a) when $F \leq 0.78 \text{ ML/day}$,
 $E = F$, and
- (b) when $F > 0.78 \text{ ML/day}$,
 $E = 0.78 \text{ ML/day}$,

where—

"E" means the Authority's entitlement; and

"F" means the flow past the specified point less any amount of water under transfer pursuant to Sub-clause 7.2.

7.2 The Authority is not entitled to any flow past the specified point, as part of its bulk entitlement, which is being transferred by the holder of—

- (a) any other bulk entitlement or licence held by another person; or
- (b) any licence—

to a transferee pursuant to the Act.

8. Making Allowances

8.1 In calculating water available to the Authority under this bulk entitlement at any point downstream of the specified point, allowance must be made for—

- (a) any losses of water incurred between that point and the specified point; and
- (b) the time taken by the flow to reach that point from the specified point.

8.2 If the Authority proposes to take water under this entitlement from a point downstream of the specified point, it must first—

- (a) propose to the Minister—

- (i) fair, reasonable and representative means for calculating the allowances required by Sub-clause 8.1; and
 - (ii) details of the proposed point and amount of the extraction; and
 - (b) ascertain and provide to Minister any operational requirements of the Resource Manager; and
 - (c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.
- 8.3 The Minister may—
- (a) approve a proposal made under Sub-clause 8.2; or
 - (b) require the Authority to amend the proposal; and
 - (c) require the Authority—
 - (i) to review all or part of any proposal approved by the Minister if, in the Minister's opinion, it is, at any time, no longer fair, reasonable or representative; and
 - (ii) to make an amended proposal to the Minister.
- 8.4 The Authority must—
- (a) advise the Resource Manager in writing within 14 days of any proposal approved by the Minister under Sub-clause 8.3; and
 - (b) provide the Resource Manager with such other information concerning the proposed diversion as the Resource Manager may, from time to time, require.
9. Environmental Obligations
- 9.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a program to manage the environmental effects of the Authority's works to take water under this bulk entitlement which includes—
- (a) impacts on the bed and banks of the waterway in the vicinity of the Authority's works; and
 - (b) operational practices to remove silt from works; and
 - (c) operational practices to manage the water quality in works on the waterway.
- 9.2 The Minister may—
- (a) approve the program proposed under Sub-clause 9.1; or
 - (b) require the Authority to amend the proposed program; and
 - (c) require the Authority—
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.
- 9.3 The Authority, must at its cost—
- (a) implement the approved program; and
 - (b) keep a record of all work undertaken under Paragraph (a).
10. Metering Program
- 10.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a metering program to determine—
- (a) subject to Clause 15, the flow of the waterway at the specified point, or at any other point from which water is taken under this entitlement; and

- (b) the amount of water taken by the Authority under this bulk entitlement—
for the purpose of assessing whether or not the Authority complies with this bulk entitlement.
- 10.2 The metering program prepared under Sub-clause 10.1 must include details of any agreement between the Authority and any other person for measuring and calculating instream flows.
- 10.3 The Minister may—
 - (a) approve the program proposed under Sub-clause 10.1; or
 - (b) require the Authority to amend the proposed program; and
 - (c) require the Authority—
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.
- 10.4 The Authority must, at its cost, and in accordance with any guidelines issued from time to time by the Minister—
 - (a) implement and maintain the approved metering program; and
 - (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, if rating curves are used to calculate flows, ensure that these curves are regularly checked and, if necessary, revised; and
 - (c) keep a record of all work undertaken under Paragraph (b).
- 11. Reporting Requirements
- 11.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:
 - (a) subject to Clause 15, the flow past the specified point;
 - (b) the daily amount of water taken by the Authority from the waterway;
 - (c) the approval, amendment and implementation of programs under Clauses 9 and 10;
 - (d) the annual amount of water taken under this entitlement;
 - (e) any temporary or permanent transfer of all or part of this bulk entitlement;
 - (f) any bulk entitlement or licence in respect of the waterway temporarily or permanently transferred to the Authority with respect to the Seaspray Water Supply System;
 - (g) any amendment to this bulk entitlement;
 - (h) any new bulk entitlement granted to the Authority with respect to the Seaspray Water Supply System;
 - (i) any failure by the Authority to comply with any provision of this bulk entitlement;
 - (j) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 11.2 The Minister may require the Authority to report on all or any of the matters set out in Sub-clause 11.1—
 - (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister's written request.

11.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in Sub-clause 11.1, except—

- (a) Paragraphs (a) and (b) of Sub-clause 11.1; and
- (b) with the approval of the Minister, any particular failure referred to in Paragraph (i) of Sub-clause 11.1.

11.4 The Resource Manager may require the Authority to report to it, from time to time, on all or any of the matters set out in Sub-clause 11.1.

11.5 Any report under Sub-clause 11.4 must be made—

- (a) in such form as may be agreed between the Authority and the Resource Manager; and
- (b) unless the Authority and the Resource Manager agree otherwise—
 - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in Paragraphs (a) to (b) of Sub-clause 11.1; or
 - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in Paragraphs (c) to (j) of Sub-clause 11.1.

12. Water Resource Management Costs

12.1 Subject to Sub-clause 13.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to—

- (a) prepare the Latrobe Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Latrobe Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Latrobe Basin; and
- (d) investigate and mediate disputes between entitlement holders in the Latrobe Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Latrobe Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.

12.2 The proportion of the costs referred to in Sub-clause 12.1 is to be determined by the Resource Manager under Sub-clause 13.3.

13. Duty to Keep Accounts and Fix Proportions

13.1 The Authority is not obliged to make any payment to the Resource Manager, under Clause 12 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.

13.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to Sub-clause 12.1.

13.3 The Resource Manager must, by 1 July in any year, determine for the Authority, in respect of the ensuing year, a fair and reasonable proportion of the costs referred to in Sub-clause 12.1.

13.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

14. Duty to Make Payments

Any amount payable by the Authority under Sub-clause 12.1 must be paid in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and Resource Manager agree otherwise.

15. Exemption from Metering and Reporting

If the Authority installs works at or near each point at which it takes water from the waterway under this bulk entitlement which, in the opinion of the Resource Manager, automatically ensure that only water to which the Authority is entitled is taken by it, the Authority is exempted from—

- (a) the metering requirements of Sub-clause 10.1 (a); and
- (b) the reporting requirements of Sub-clause 11.1 (a).

16. Data

16.1 Subject to Clause 10.4, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.

16.2 The Authority must make available data collected for the purpose of the metering program and reporting under Clauses 10 and 11 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority, to cover the costs of making the data available.

17. Dispute Resolution

17.1 If any difference or dispute arises between the Authority, the Minister and, with its consent, the Resource Manager, or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.

17.2 The independent expert will be either—

- (a) a person agreed on by the parties to the difference or dispute; or
- (b) if those parties cannot agree, a person nominated by the Minister.

17.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.

17.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.

17.5 (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.

- (b) The Minister must consider any recommendation made under Paragraph (a) before deciding to give a direction under Section 307 or to take any other action under the Act in relation to the difference or dispute.

17.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.

17.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Note: An explanatory note that accompanies this Order is available from the Water Allocations and Markets Section, Department of Natural Resources and Environment.

Dated 10 September 1997

PATRICK McNAMARA
Minister administering the **Water Act 1989**

Water Act 1989

BULK ENTITLEMENT (THORPDALE) CONVERSION ORDER 1997

I, Patrick John McNamara, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Thorpdale) Conversion Order 1997.

2. Empowering Provisions

This Order is made under Sections 43 and 47 of the **Water Act 1989**.

3. Commencement

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

4. Definitions

In this Order—

"**Act**" means the **Water Act 1989**;

"**annual entitlement**" means the total amount of water which the Authority may take from the waterway in any year;

"**Authority**" means the Central Gippsland Region Water Authority;

"**entitlement holder**" means a person holding a bulk entitlement under the Act;

"**Latrobe Basin Water Accounts**" means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Latrobe Basin, with the terms of their bulk entitlements or licences;

"**licence**" means any licence granted under Part 4 of the Act;

"**Minister**" in relation to any provision, includes any person authorised by the Minister to act on the Minister's behalf in relation to that provision, or to whom the Minister has delegated the relevant power, discretion, function, authority or duty under Section 306 of the Act;

"**passing flow**" means an amount of the flow past the specified point which must pass to the waterway immediately downstream of the Thorpdale pump station;

"**Resource Manager**" means any person appointed by the Minister to do all or any of the following—

- (a) prepare the Latrobe Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Latrobe Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Latrobe Basin; and
- (d) investigate and mediate disputes between entitlement holders in the Latrobe Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Latrobe Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act;

"**specified point**" means immediately upstream of the Thorpdale pump station on the waterway;

"**waterway**" means Easterbrook Creek;

"**year**" means the 12 months next following 1 July.

5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the waterway to supply water to the Thorpdale Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

The Authority may take 80 ML of water from the waterway in any year subject to the flow sharing arrangements specified in Clause 7.

7. Share of Flow

7.1 The Authority may take a share of the flow in the waterway passing the specified point, calculated as follows:

- (a) when $F \leq 1.0$ ML/day,
 $E = 0$,
- (b) when $1.0 < F \leq 2.73$ ML/day,
 $E = F - 1.0$, and
- (c) when $F > 2.73$ ML/day,
 $E = 1.73$ ML/day,

where—

"E" means the Authority's entitlement; and

"F" means the flow past the specified point less any amount of water under transfer pursuant to Sub-clause 7.2.

7.2 The Authority is not entitled to any flow past the specified point, as part of its bulk entitlement, which is being transferred by the holder of—

- (a) any other bulk entitlement or licence held by another person; or
- (b) any licence—

to a transferee pursuant to the Act.

8. Making Allowances

8.1 In calculating water available to the Authority under this bulk entitlement at any point downstream of the specified point, allowance must be made for—

- (a) any losses of water incurred between that point and the specified point; and
- (b) the time taken by the flow to reach that point from the specified point.

8.2 If the Authority proposes to take water under this entitlement from a point downstream of the specified point, it must first—

- (a) propose to the Minister—
 - (i) fair, reasonable and representative means for calculating the allowances required by Sub-clause 8.1; and
 - (ii) details of the proposed point and amount of the extraction; and
- (b) ascertain and provide to Minister any operational requirements of the Resource Manager; and
- (c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.

8.3 The Minister may—

- (a) approve a proposal made under Sub-clause 8.2; or
- (b) require the Authority to amend the proposal; and
- (c) require the Authority—
 - (i) to review all or part of any proposal approved by the Minister if, in the Minister's opinion, it is, at any time, no longer fair, reasonable or representative; and
 - (ii) to make an amended proposal to the Minister.

8.4 The Authority must—

- (a) advise the Resource Manager in writing within 14 days of any proposal approved by the Minister under Sub-clause 8.3; and
- (b) provide the Resource Manager with such other information concerning the proposed diversion as the Resource Manager may, from time to time, require.

9. Environmental Obligations

9.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a program to manage the environmental effects of the Authority's works to take water under this bulk entitlement which includes—

- (a) impacts on the bed and banks of the waterway in the vicinity of the Authority's works; and
- (b) operational practices to remove silt from works; and
- (c) operational practices to manage the water quality in works on the waterway.

9.2 The Minister may—

- (a) approve the program proposed under Sub-clause 9.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.

9.3 The Authority, must at its cost—

- (a) implement the approved program; and
- (b) keep a record of all work undertaken under Paragraph (a).

10. Metering Program

10.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a metering program to determine—

- (a) subject to Clause 15, the flow of the waterway at the specified point, or at any other point from which water is taken under this entitlement; and
- (b) the amount of water taken by the Authority under this bulk entitlement—
for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

10.2 The metering program prepared under Sub-clause 10.1 must include details of any agreement between the Authority and any other person for measuring and calculating instream flows.

10.3 The Minister may—

- (a) approve the program proposed under Sub-clause 10.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.

10.4 The Authority must, at its cost, and in accordance with any guidelines issued from time to time by the Minister—

- (a) implement and maintain the approved metering program; and
- (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, if rating curves are used to calculate flows, ensure that these curves are regularly checked and, if necessary, revised; and
- (c) keep a record of all work undertaken under Paragraph (b).

11. Reporting Requirements

11.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:

- (a) subject to Clause 15, the flow past the specified point;
- (b) subject to Clause 15, the passing flow;
- (c) the daily amount of water taken by the Authority from the waterway;
- (d) the approval, amendment and implementation of programs under Clauses 9 and 10;
- (e) the annual amount of water taken under this entitlement;
- (f) any temporary or permanent transfer of all or part of this bulk entitlement;
- (g) any bulk entitlement or licence in respect of the waterway temporarily or permanently transferred to the Authority with respect to the Thorpdale Water Supply System;
- (h) any amendment to this bulk entitlement;
- (i) any new bulk entitlement granted to the Authority with respect to the Thorpdale Water Supply System;
- (j) any failure by the Authority to comply with any provision of this bulk entitlement;
- (k) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.

11.2 The Minister may require the Authority to report on all or any of the matters set out in Sub-clause 11.1—

- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
- (b) within 14 days of receiving the Minister's written request.

11.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in Sub-clause 11.1, except—

- (a) Paragraphs (a), (b) and (c) of Sub-clause 11.1; and
- (b) with the approval of the Minister, any particular failure referred to in Paragraph (j) of Sub-clause 11.1.

11.4 The Resource Manager may require the Authority to report to it, from time to time, on all or any of the matters set out in Sub-clause 11.1.

11.5 Any report under Sub-clause 11.4 must be made—

- (a) in such form as may be agreed between the Authority and the Resource Manager; and
- (b) unless the Authority and the Resource Manager agree otherwise—
 - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in Paragraphs (a) to (c) of Sub-clause 11.1; or

- (ii) within 14 days of the Authority receiving a request for a report on any matter set out in Paragraphs (d) to (k) of Sub-clause 11.1.

12. Water Resource Management Costs

12.1 Subject to Sub-clause 13.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to—

- (a) prepare the Latrobe Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Latrobe Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Latrobe Basin; and
- (d) investigate and mediate disputes between entitlement holders in the Latrobe Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Latrobe Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.

12.2 The proportion of the costs referred to in Sub-clause 12.1 is to be determined by the Resource Manager under Sub-clause 13.3.

13. Duty to Keep Accounts and Fix Proportions

13.1 The Authority is not obliged to make any payment to the Resource Manager, under Clause 12 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.

13.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to Sub-clause 12.1.

13.3 The Resource Manager must, by 1 July in any year, determine for the Authority, in respect of the ensuing year, a fair and reasonable proportion of the costs referred to in Sub-clause 12.1.

13.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

14. Duty to Make Payments

Any amount payable by the Authority under Sub-clause 12.1 must be paid in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and Resource Manager agree otherwise.

15. Exemption from Metering and Reporting

If the Authority installs works at or near each point at which it takes water from the waterway under this bulk entitlement which, in the opinion of the Resource Manager, automatically ensure that only water to which the Authority is entitled is taken by it, the Authority is exempted from—

- (a) the metering requirements of Sub-clause 10.1 (a); and
- (b) the reporting requirements of Sub-clause 11.1 (a) and (b).

16. Data

16.1 Subject to Clause 10.4, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.

16.2 The Authority must make available data collected for the purpose of the metering program and reporting under Clauses 10 and 11 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority, to cover the costs of making the data available.

17. Dispute Resolution

17.1 If any difference or dispute arises between the Authority, the Minister and, with its consent, the Resource Manager, or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.

17.2 The independent expert will be either—

- (a) a person agreed on by the parties to the difference or dispute; or
- (b) if those parties cannot agree, a person nominated by the Minister.

17.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.

17.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.

17.5 (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.

(b) The Minister must consider any recommendation made under Paragraph (a) before deciding to give a direction under Section 307 or to take any other action under the Act in relation to the difference or dispute.

17.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.

17.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Note: An explanatory note that accompanies this Order is available from the Water Allocations and Markets Section, Department of Natural Resources and Environment.

Dated 10 September 1997

PATRICK McNAMARA
Minister administering the **Water Act 1989**

Livestock Disease Control Act 1994
NOTICE UNDER SECTION 94

Notice is hereby given that on 29 August 1997 the Commissioner of State Revenue declared, pursuant to Section 94 of the **Livestock Disease Control Act 1994**, the undermentioned persons, being persons carrying on business as stock and station agents, abattoir operators, feedlot operators, cattle scale operators, calf dealers or any other prescribed business dealing with the buying or selling of livestock or the carcasses of livestock, as approved agents for the purposes of Part 6 of the **Livestock Disease Control Act 1994** and of the **Stamps Act 1958**.

Graham G. Young and Nancy E. Young trading as G. G. and N. E. Young;

Raymond Charles Perryman trading as Riverdale;

Neil Robert Giffin trading as Cobram & Barooga Murray Real Estate;

D. V. & P. J. Evenden Pty Ltd trading as Morwell Abattoirs;

Peter J. Shellie, Robert W. Shellie and William B. Shellie trading as Non Liqueur Pty Ltd;

John C. Atkins and Anna K. Atkins trading as Atkins Marketing Livestock Pty Ltd;

Q. A. Prime Traders Pty Ltd;

Cadopen Pty Ltd trading as Tallangatta Abattoir;

The Wagstaff Trust trading as Wagstaff Cranbourne Pty Ltd;

J. and P. and R. and F. Marks trading as Barnawartha Abattoirs Pty Ltd;

Southern Australian Livestock Pty Ltd;
Stuart Francis Kyle and Gladys May Kyle
trading as Kyle Livestock;
G. F. M. Meats Pty Ltd;
Tawai Livestock Pty Ltd and R. J. Hyland
trading as Tawai Livestock Pty Ltd.

PETER BLIGHT
Commissioner of State Revenue



Heritage Act 1995
NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1344 in the category described as a Heritage Place:

Bundoora Primary School No. 1915, Plenty Road, Bundoora, Whittlesea City Council.

EXTENT

1. All of the building marked B1 and the two trees (*Schinus molle*) marked T1 and T2 on Diagram 607990 held by the Executive Director.
2. All of the land marked L1 on Diagram 607990 held by the Executive Director, being part of the land described as Crown Allotment 28, Parish of Keelbundora, County of Bourke.

Dated 4 September 1997

RAY TONKIN
Executive Director



Heritage Act 1995
NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is

amended by including the Heritage Register Number 1346 in the category described as a Heritage Place:

South Melbourne Primary School No. 1253, Dorcas Street, South Melbourne, Port Phillip City Council.

EXTENT

1. All of the building marked B1 on Diagram 603601 held by the Executive Director.
2. All of the land marked L1 on Diagram 603601 held by the Executive Director, being the land extending to the title boundaries on the north-east, south-east and south-west sides of the building and 10 metres north-west from the rear of the building.

Dated 4 September 1997

RAY TONKIN
Executive Director



Heritage Act 1995
NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1347 in the category described as a Heritage Place:

Castlemaine Post Office, 202 Barker Street, Castlemaine, Mount Alexander Shire Council.

EXTENT

1. All of the building known as the Castlemaine Post Office and marked B1 on Diagram 607878.
2. All of the land marked L1 on Diagram 607878 held by the Executive Director, being all of the land described in Certificate of Title 10286, Folio 597, being Lot 1 on Plan of Subdivision 317843F.

Dated 4 September 1997

RAY TONKIN
Executive Director



Heritage
VICTORIA

Heritage Act 1995
NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1348 in the category described as a Heritage Place:

Former Mount Alexander Silk Worm Farm, Dog Rocks Saddle Road, Mount Alexander State Forest, Harcourt, Mount Alexander Shire Council.

EXTENT

1. All of the archaeological features marked as follows on Diagram 501835 held by the Executive Director:

- F-1 ruined rectangular granite building;
- F-2 ruined two roomed granite structure;
- F-3 chimney remains;
- F-4 three briar roses;
- F-5 dam;
- F-6 quarry site;
- F-7 granite paving;
- F-8 remains of drain or well.

2. All of the land contained within a 250 metre radius of a point with Australian Map Grid co-ordinates 260650 5900100.

Dated 4 September 1997

RAY TONKIN
Executive Director



Heritage
VICTORIA

Heritage Act 1995
NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is

amended by including the Heritage Register Number 1349 in the category described as a Heritage Place:

Bendigo Tram Sheds, Offices and Power Station, Lansell Street, Bendigo, Greater Bendigo City Council.

EXTENT

1. All of the building known as the tramshed marked B-1, tramshed offices marked B-2, the tramways general office marked B-3, and the former powerstation marked B-4 on Diagram Number 603537 held by the Executive Director.

2. All of the land marked L-1 on Plan 603537 held by the Executive Director and being part of the land shown in Certificate of Title Volume 9793, Folio 158.

Dated 4 September 1997

RAY TONKIN
Executive Director



Heritage
VICTORIA

Heritage Act 1995
NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1350 in the category described as a Heritage Place:

Holy Trinity Anglican Church and Sunday School Hall, Davy Street, Taradale, Mount Alexander Shire Council.

EXTENT

1. All of the buildings known as the Holy Trinity Anglican Church and Sunday School Hall and marked B1 and B2 on Diagram 607945.

2. All of the land marked L1 on diagram held by the Executive Director, Heritage Council, being all of the land described in Certificate of Title, Volume 9704, Folio 987 and Volume 9704, Folio 988.

Dated 4 September 1997

RAY TONKIN
Executive Director



Heritage Act 1995

NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1351 in the category described as a Heritage Place:

Archbold (Chewton) Gold Treatment Works, Vineyard Road, Chewton, Mount Alexander Shire Council.

EXTENT

1. All of the buildings known as the Archbold (Chewton) Gold Treatment Works marked as follows on Diagram 605884 held by the Executive Director (but excluding all other buildings):

- B-1 Treatment Works (Battery, Furnaces, Laboratory, Store and Engine Shed);
- B-2 Cyanide Shed;
- B-3 Ball Mill driven by Bus Engine;
- B-4 Tank;
- B-5 Brick Floor;
- B-6 Cyanide Pit;
- B-7 Cyanide Pits;
- F-1 Open Cut.

2. All of the land within the dashed lines and marked L-1 on Diagram 605884 held by the Executive Director being part of the land described in Certificate of Title Volume 10328, Folio 419.

Dated 4 September 1997

RAY TONKIN
Executive Director



Heritage Act 1995

NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is

amended by including the Heritage Register Number 1352 in the category described as a Heritage Place:

Pink Cliffs Hydraulic Gold Sluicing Site, Pink Cliffs Geological Reserve, Pink Cliffs Road, Heathcote, Greater Bendigo City Council.

EXTENT

1. All of the land known as the Pink Cliffs Geological Reserve marked L-1 on Diagram Number 608050 held by the Executive Director and including the sluicing faces, tailings dumps and tailraces, and any other gold mining relics.

Dated 4 September 1997

RAY TONKIN
Executive Director



Heritage Act 1995

NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1354 in the category described as a Heritage Place:

Lisles and Mantons Gullies Quartz Gold Mines, Junction of Mantons and Lisles Tracks, Maldon Historic Area, Maldon, Mount Alexander Shire Council.

EXTENT

1. All the Crown land marked L-1 on Diagram Number 608046 held by the Executive Director and including all the remnants of above-ground structures (including quartz-loading bays, stone buildings, circular stone-retained whim platforms, blacksmiths' forges, loading ramps, battery footings, and a set of three largely-intact roasting kilns), and all archaeological deposits and artefacts.

Dated 4 September 1997

RAY TONKIN
Executive Director



Heritage
VICTORIA

Heritage Act 1995
NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1355 in the category described as a Heritage Place:

Victoria Hill Quartz Gold Mines, Happy Valley Road, Victoria Hill Historic Interest Reserve, Bendigo, Bendigo City Council.

EXTENT

1. All of the land known as the Victoria Hill Historic Interest Reserve marked L-1 on Diagram Number 608053 held by the Executive and including all above-ground structures (granite and brick mining machinery foundations, concrete battery foundations and stamping machinery), mullock heaps, open cut and surface workings, and all archaeological deposits and artefacts.

Dated 4 September 1997

RAY TONKIN
Executive Director



Heritage
VICTORIA

Heritage Act 1995
NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1356 in the category described as a Heritage Place:

Garfield Waterwheel Quartz Gold Mining Site, Quartz Hill Track, Castlemaine Historic Reserve, Chewton, Mount Alexander Shire Council.

EXTENT

1. All the Crown land, including above ground features (large stone waterwheel abutments, battery loading ramp, take-off point for flume), and all archaeological deposits and artefacts within a 200 metre radius of the waterwheel abutments and/or with Australian Map Grid co-ordinates E563 N934 on 1:100,000 map sheet number 7723 Castlemaine.

Dated 4 September 1997

RAY TONKIN
Executive Director



Heritage
VICTORIA

Heritage Act 1995
NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1357 in the category described as a Heritage Place:

South German Quartz Gold Mine, Boundary Road, Maldon, Mount Alexander Shire Council.

EXTENT

1. All the Crown land marked L-1, including above-ground structures (mining machinery foundations, concrete slab, brick pits and furnace flue), large mining dam, and all archaeological deposits and artefacts on Diagram Number 608051 held by the Executive Director.

Dated 4 September 1997

RAY TONKIN
Executive Director



Heritage
VICTORIA

Heritage Act 1995
NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is

2626 G 37 18 September 1997

amended by including the Heritage Register Number 1358 in the category described as a Heritage Place:

Mount Tarrangower Tunnelling Company Gold Mine, Anzac Hill Track, Maldon Historic Area, Maldon, Mount Alexander Shire Council.

EXTENT

1. All the Crown land including an adit, tramway cutting, whim platform, and all archaeological deposits and artefacts within a 75 metre radius (from adit) or with Australian Map Grid co-ordinates E386 N008 on 1:100,000 map sheet number 7724 Bendigo.

Dated 4 September 1997

RAY TONKIN
Executive Director



Heritage Act 1995 NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1359 in the category described as a Heritage Place:

Galconda-Glasgow Reef Gold Mines, Wedge Street, Golden Gully, Greater Bendigo City Council.

EXTENT

1. All the land marked L-1 on Diagram Number 608045 held by the Executive Director and including all above-ground structures (granite and brick mining machinery foundations), tramway embankment, mullock heaps, and surface workings, and all archaeological deposits and artefacts.

Dated 4 September 1997

RAY TONKIN
Executive Director

Victoria Government Gazette



Heritage Act 1995 NOTICE OF REGISTRATION

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1360 in the category described as a Heritage Place:

Spargo's Pyrites Gold Works, Sparrowhawk Road, Bendigo, Greater Bendigo City Council.

EXTENT

1. All of the Crown land including the remnants of grinding pans, other foundations, archaeological deposits and artefacts within a 75 metre radius (of middle grinding pan) and with Australian Map Grid co-ordinates E534 N286 on 1:100,000 map sheet number 7724 Bendigo.

Dated 4 September 1997

RAY TONKIN
Executive Director

Marine Act 1988 NOTICE NO. 11 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.

AMENDMENTS TO NOTICE NO. 1 AMENDMENTS TO SCHEDULE 54 (GREEN HILL LAKE)

For Schedule 54 to Notice No. 1 substitute—

"SCHEDULE 54 WATERS-GREEN HILL LAKE

Local Authority—Ararat Rural City Council

1. Access lane for the purpose of Clause 5.

The waters of Green Hill Lake extending 30 metres from the edge of the water for the time being in an area approximately 180 metres wide and situated between two points approximately 200 metres and 380 metres east of the spillway on the high water line of the southern bank are an access lane.

2. 5 Knot speed restriction zones for the purpose of Clause 7.

All the waters of Green Hill Lake which are not prohibited to vessels or set aside as an exclusive area are subject to a speed restriction of 5 knots for vessels with an engine used for propulsion.

3. Areas prohibited to vessels for the purpose of Clause 9.

The waters of Green Hill Lake—

- (a) adjacent to the spillway near the south-west corner of the lake commencing at a point approximately 150 metres north of the spillway at the high water line of the western bank to a point marked by a red buoy being approximately 80 metres directly east of the middle of the spillway to a point approximately 230 metres east of the spillway on the high water line of the southern bank;
- (b) in the swimming area located in the area bounded by the southern point of the island which is due west of the eastern swimming beach thence south-easterly to a point on the high water line on the lake shore thence northerly along the shore line to a point due north of the island which is west of the eastern swimming beach thence to a point on the northern tip of the island which is due west of the eastern swimming beach and thence along the high water line of the eastern shore line of the island which is west of the eastern swimming beach to the commencement point—are prohibited to vessels.

4. Exclusive use and Special Purpose area for the purposes of Clause 13.

- (1) The following waters of Green Hill Lake (known as the exclusive area) are set aside for the purpose set out below and are subject to controls prescribed:

An area bounded by a sign (No. 1) on the southern shore 380 metres east of the spillway to a yellow buoy (No. 2) 50 metres south-west of the island situated in the south-east corner of the Lake thence north-westerly to a yellow buoy (No. 3) 50 metres west of the north-west corner of Lake Island thence due west to a yellow buoy (No. 4) 150 metres from the north-west corner of

Lake Island and thence south-westerly to a yellow buoy (No. 5) 360 metres north of the spillway on the high water line of the western bank of the lake and thence following the boundary of the 5 knot zone within 30 metres of the shore and the boundary of the prohibited zone Clause 3 (a) of this schedule.

- (2) (a) The exclusive area is set aside solely for power boating, water skiing and personal water craft on the days of the week specified as follows:
 - (i) During Eastern Summer Time, each Sunday, Monday, Wednesday and Friday;
 - (ii) During Eastern Standard Time, each Saturday, Tuesday and Thursday.
- (b) The exclusive area is set aside solely for non-power boating or power boating at less than 5 knots on the days of the week specified as follows:
 - (i) During Eastern Summer Time, each Saturday, Tuesday and Thursday;
 - (ii) During Eastern Standard Time, each Sunday, Monday, Wednesday and Friday;
- (c) The following conditions apply to power boating, water skiing and personal water craft within the exclusive area:
 - (i) There must be no more than 5 vessels in the area at any one time;
 - (ii) No more than 5 circuits or 20 minutes continuous operation is permitted whilst another vessel is waiting in the access lane for a turn to operate;
 - (iii) Vessels must complete an entire circuit before re-entering the access lane and must not stop except for the purpose of assisting a water skier or another person in the water, or where for emergency reasons it is not practicable to complete a circuit.

- (3) No vessel may be operated at a speed exceeding 5 knots after sunset and before sunrise."

This notice was made by the Marine Board of Victoria on 9 September 1997 on the recommendation of Commander A. R. Johnson a member of the Victoria Police Force, under Section 15 (2) of the **Marine Act 1988**.

Dated 9 September 1997

MALCOLM P. RUSSELL
Chief Executive
Marine Board of Victoria

**Public Sector Superannuation
(Administration) Act 1993**
ELECTION OF DEPUTY DIRECTOR OF
THE VICTORIAN SUPERANNUATION
BOARD

Notice is given of a by-election for a deputy director under Section 8 (2) (d) of the **Public Sector Superannuation (Administration) Act 1993**. The elected member will hold office until Tuesday, 30 June 1998. The by-election will be conducted in accordance with the Victorian Superannuation Board Election Procedures and take place on Friday, 14 November 1997 at 4 o'clock in the afternoon.

Nominations from members of the Victorian Superannuation Fund and the State Superannuation Fund employed under the **Public Sector Management Act 1992**, will be received by the Returning Officer no later than twelve o'clock noon on Friday, 3 October 1997.

Nomination forms may be obtained from Mr B. Sobey, Returning Officer, Victorian Electoral Commission, Level 8, 505 Little Collins Street, Melbourne, Victoria 3000.

B. SOBEY
Returning Officer

Building Act 1993
BUILDING REGULATIONS 1994
Notice of Accreditation

Pursuant to Part 14 of the Building Regulations 1994 a Certificate of Accreditation (Number V97/02) has been issued to Bayswater Concrete Finished Products of 862 Mountain Highway, Bayswater, Victoria 3153, by the Building Control Commission for "Hi-Stump Reinforced Concrete Stump".

The Building Regulations Advisory Committee appointed under Division 4 of Part 12 of the **Building Act 1993** after examination of an application for the accreditation of Hi-Stump Reinforced Concrete Stump determined that Hi-Stump Reinforced Concrete Stump complies with the requirements of Clause P2.1 of Volume Two of the Building Code of Australia 1996, as adopted by the Building Regulations 1994.

Conditions for use and identification are provided on the Certificate and in the one (1) data sheet attached to the Certificate.

COLIN McBURNEY
Secretary
Building Regulations Advisory Committee

Building Act 1993
BUILDING REGULATIONS 1994
Notice of Accreditation

Pursuant to Part 14 of the Building Regulations 1994 a Certificate of Accreditation (Number V97/04) has been issued to Enzie Stairs Pty Ltd of 287 Arthur Street, Fairfield, Victoria 3078, by the Building Control Commission for "Enzie Spiral Stair".

The Building Regulations Advisory Committee appointed under Division 4 of Part 12 of the **Building Act 1993** after examination of an application for the accreditation of Enzie Spiral Stair determined that Enzie Spiral Stair complies with the requirements (where applicable to stairways) of:

Clause DP 2 (c) and DP 3 of Volume One; and

Clause P2.5.1 (b) and P2.5.2 of Volume Two;

of the Building Code of Australia 1996, as adopted by the Building Regulations 1994.

Conditions for use and identification are provided on the Certificate and in the four (4) data sheets attached to the Certificate.

COLIN McBURNEY
Secretary
Building Regulations Advisory Committee

Building Act 1993
BUILDING REGULATIONS 1994
Notice of Accreditation

Pursuant to Part 14 of the Building Regulations 1994 a Certificate of Accreditation (Number V97/03) has been issued to CSR Building Materials of 159

Wellington Road, Clayton, Victoria 3168, by the Building Control Commission for "Fibretek Hydrophobic Rockwool Insulation".

The Building Regulations Advisory Committee appointed under Division 4 of Part 12 of the **Building Act 1993** after examination of an application for the accreditation of Fibretek Hydrophobic Rockwool Insulation determined that Fibretek Hydrophobic Rockwool Insulation complies with the requirements of:

Clause Vic FP 1.4 of Volume One; and

Clause P2.2.2 of Volume Two;

of the Building Code of Australia 1996, as adopted by the Building Regulations 1994.

Conditions for use and identification are provided on the Certificate and in the one (1) data sheet attached to the Certificate.

COLIN McBURNEY
Secretary

Building Regulations Advisory Committee

**Land Acquisition and Compensation Act
1986**

Transport Act 1983

NOTICE OF ACQUISITION

Compulsory Acquisition of Interest in Land

The Roads Corporation declares that by this notice it acquires the following interests in the land described hereunder:

Interests Acquired: Victor Francis Malney and all other interested parties.

Description of Land: Being Lots 4, 5, 6, 35 and 37 on Plan of Subdivision No. 12996, Parish of Cut Paw Paw.

Area: 2903 square metres (whole of property).

Title Details: Being the land contained in Certificate of Title Volume 8824, Folio 609.

Survey Plan No.: 18475A (Parcel 7).

The survey plan referred to in this notice may be viewed at Property Services Department, VicRoads, 4th Floor, North Building, 60 Denmark Street, Kew.

Published with the authority of the Roads Corporation and the Minister for Roads and Ports.

T. H. HOLDEN
Manager Property Services
Roads Corporation

**Land Acquisition and Compensation Act
1986**

Transport Act 1983

NOTICE OF ACQUISITION

Compulsory Acquisition of Interest in Land

The Roads Corporation declares that by this notice it acquires the following interest in the land described hereunder:

Interests Acquired: Swanbridge Proprietary Limited.

Description of Interest in Land: Being part of Lot 17 on Plan of Subdivision No. 5226 and being part of Crown Allotment F1, Crown Portion A and Crown Section 35.

Area: 13.4726 hectares.

Title Details: Being the land contained in Certificate of Title Volume 9793, Folio 305.

Survey Plan: 19341A (Parcels 137, 138 and 142).

The plan referred to in this notice may be viewed at Property Services, Roads Corporation, 60 Denmark Street, Kew, Victoria 3101.

Published with the authority of the Roads Corporation and the Minister for Roads and Ports.

T. H. HOLDEN
Manager Property Services
Roads Corporation

**Land Acquisition and Compensation Act
1986**

Transport Act 1983

NOTICE OF ACQUISITION

Compulsory Acquisition of Interest in Land

The Roads Corporation declares that by this notice it acquires the following interest in the land described hereunder:

Interests Acquired: Barro Group Pty Ltd.

Description of Interest in Land: Being part of Lot 26 on Plan of Subdivision No. 5226 and being part of Crown Allotment F1, Crown Portion A and Crown Section 35.

Area: 8.971 hectares.

Title Details: Being the land contained in Certificate of Title Volume 9793, Folio 304.

Survey Plan: 19340A (Parcels 152 and 153).

The plan referred to in this notice may be viewed at Property Services, Roads Corporation, 60 Denmark Street, Kew, Victoria 3101.

Published with the authority of the Roads Corporation and the Minister for Roads and Ports.

T. H. HOLDEN
Manager Property Services
Roads Corporation

Planning and Environment Act 1987
STONNINGTON PLANNING SCHEME
Notice of Lapsing of Amendment
Amendment L22

The Stonnington City Council has resolved to abandon Amendment L22 to the Stonnington Planning Scheme.

The amendment proposed to include land at 13 Denbigh Road, Armadale, within the Table at Clause 128-4 of the Scheme.

The amendment lapsed on 7 July 1997.

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

Planning and Environment Act 1987
YARRA RANGES PLANNING SCHEME
Notice of Lapsing of Amendment
Amendment L55

The Yarra Ranges City Council has resolved to abandon Amendment L55 to the Yarra Ranges Planning Scheme.

The amendment proposed to amend the Restructure Overlay and Restructure Plan No. RS20 to the Yarra Ranges Planning Scheme, to create a separate restructure lot for land described as Lot 37, LP 15085, 12 Grantulla Road, Kallista, to provide discretion to permit a house to be constructed and Lots 38, 39 and 40, LP 15085 to become one restructure lot.

The amendment lapsed on 18 August 1997.

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

Planning and Environment Act 1987
ALL PLANNING SCHEMES IN VICTORIA
Notice of Approval of Amendment
Amendment S66

The Minister for Planning and Local Government has approved the above amendment.

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

The amendment introduces a time limit for a sign with an advertisement area 18 square metres or greater.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the office of each municipal council in Victoria.

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

Planning and Environment Act 1987
BAYSIDE PLANNING SCHEME
Notice of Approval of Amendment
Amendment L3

The Minister for Planning and Local Government has approved Amendment L3 to the Bayside 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 to the Table to Clause 103 — Easements and Restrictions of the Local Section of the Bayside Planning Scheme for land described as Lot 87 on PS 7916, being the whole of the land at 5 Chislehurst Road, Hampton.

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 Bayside City Council, Municipal Offices, Royal Avenue, Sandringham.

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

Planning and Environment Act 1987
CRANBOURNE PLANNING SCHEME
Notice of Approval of Amendment
Amendment L208

The Minister for Planning and Local Government has approved Amendment L208 to the Cranbourne Planning Scheme.

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

The amendment rezones land known as Lot 2, PS 221728E, Tooradin Station Road, Tooradin, from a Public Use—Road Construction Authority Reservation to a Mixed Industrial 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 Casey City Council, Council Offices, Princes Highway, Narre Warren.

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

Planning and Environment Act 1987
DAREBIN PLANNING SCHEME
Notice of Approval of Amendment
Amendment L55

The Minister for Planning and Local Government has approved Amendment L55 to the Darebin Planning Scheme.

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

The amendment rezones Lots 24, 26, and 26A Clarke Street, Northcote, from Light Industrial (Northcote) Zone to a Residential C Zone (Residential Density Area No. 3).

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 Darebin City Council, 350 High Street, Preston.

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

Planning and Environment Act 1987
GREATER GEELONG PLANNING
SCHEME
Notice of Approval of Amendment
Amendment R181

The Minister for Planning and Local Government has approved Amendment R181 to the Greater Geelong Planning Scheme.

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

The amendment rezones approximately 1.2 hectares of land on the north west corner of Flinders Avenue and Caddy Road, Lara, being Lots 1 and 2 of LP 987862 from Rural Residential Zone to Reserved Residential Zone to facilitate fully serviced residential development.

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 City of Greater Geelong Council, Level 2, 103 Corio Street, Geelong.

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

Planning and Environment Act 1987
GREATER GEELONG PLANNING
SCHEME
Notice of Approval of Amendment
Amendment R191

The Minister for Planning and Local Government has approved Amendment R191 to the Greater Geelong Planning Scheme.

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

The amendment rezones 3000 square metres of land within the St Albans Stud Estate, being Lot 58 at the corner of Homestead Drive and Paramount Crescent, Whittington, from Local Business to Reserved Residential Zone and deletes gross leaseable retail floor area restrictions associated with the site.

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 City of Greater Geelong Council, Level 2, 103 Corio Street, Geelong.

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

Planning and Environment Act 1987
KORUMBURRA PLANNING SCHEME
Notice of Approval of Amendment
Amendment L52 (Part 2)

The Minister for Planning and Local Government has approved Amendment L52 (Part 2) to the Korumburra Planning Scheme.

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

The amendment rezones part Crown Allotment 14, Parish of Jeetho West, Henrys Road, Nyora from "Rural" to "Residential C" Zone, and to include a site specific schedule which will provide guidelines and controls for subdivision of the subject land into low density residential lots.

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 South Gippsland Shire Council, 9 Smith Street, Leongatha.

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

Planning and Environment Act 1987
MAROONDAH PLANNING SCHEME
Notice of Approval of Amendment
Amendment L8 Part 2

The Minister for Planning and Local Government has approved Amendment L8 Part 2 to the Maroondah Planning Scheme.

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

The amendment rezones:

- 7 Mulduri Crescent from Public Open Space Reservation to Croydon Neighbourhood Residential Zone.

- 418 Mt Dandenong Road from Public Open Space Reservation to Croydon Neighbourhood Residential Zone.
- 13-15 Paul Street from Public Open Space Reservation to Croydon Neighbourhood Business Zone.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Maroondah City Council, Braeside Avenue, Ringwood.

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

Planning and Environment Act 1987
MAROONDAH PLANNING SCHEME
Notice of Approval of Amendment
Amendment L17

The Minister for Planning and Local Government has approved Amendment L17 to the Maroondah Planning Scheme.

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

The amendment inserts a site specific clause to the Local Section of the Scheme to allow a Petrol station and Convenience shop to be a discretionary use on land at 319 and 319B Maroondah Highway, 2, 4 and 6 Georges Road and 5 Oliver Street, Ringwood.

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 Maroondah City Council, Braeside Avenue, Ringwood.

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 L280

The Minister for Planning and Local Government has approved Amendment L280 to the Melbourne 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 as a new Clause 314-5A of the Melbourne Planning Scheme to allow the land at 296-298 Drummond Street, Carlton, to be used as a restaurant, subject to the issue of a permit.

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
MELBOURNE PLANNING SCHEME
Notice of Approval of Amendment
Amendment L281

The Minister for Planning and Local Government has approved Amendment L281 to the Melbourne Planning Scheme.

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

The amendment inserts a site specific exempt proposal provision in the Scheme that will enable land at 11-17 Cohen Place, Melbourne, to be used and developed for residential accommodation (serviced apartments), restaurant, associated facilities and carparking.

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
MORELAND PLANNING SCHEME
Notice of Approval of Amendment
Amendment L41

The Minister for Planning and Local Government has approved Amendment L41 to the Moreland Planning Scheme.

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

The amendment rezones land at 2 to 14 Manallack Street and 2 to 32 Union Street, Brunswick, from General Industrial and a Commercial and Industrial Zone to a Mixed Use 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 Moreland City Council, Bell Street Coburg.

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

Planning and Environment Act 1987
PORTLAND CITY PLANNING SCHEME
Notice of Approval of Amendment
Amendment L41

The Minister for Planning and Local Government has approved Amendment L41 to the Portland City Planning Scheme.

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

The amendment redesignates approximately 5000 square metres of land adjacent to the South Portland Hall and located between Church Street in the north and Thornton Court in the west from Proposed Public Open Space—Recreation Reserve to Residential A 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 Glenelg Shire Council, Cliff Street, Portland.

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

Planning and Environment Act 1987
SOUTHERN GRAMPPIANS
PLANNING SCHEME
Notice of Approval of Amendment
Amendment L2

The Minister for Planning and Local Government has approved Amendment L2 to the Southern Grampians Planning Scheme.

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

The amendment allows the former Dundas Shire Depot in Hensley Park Road, Hamilton, being part Crown Allotment 2A, Section 21, Parish of Kanawalla, County of Dundas, Volume 8898, Folio 214, to be used for the purposes of Materials Recycling, subject to the issue of a Permit.

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 Southern Grampians Shire Council, 111 Brown Street, Hamilton.

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

Planning and Environment Act 1987
FRANKSTON PLANNING SCHEME
Notice of Approval of Amendment
Amendment L101

The Minister for Planning and Local Government has approved Amendment L101 to the Frankston Planning Scheme.

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

The amendment rezones part Lots 3, 4 and 5 LP 218485, being the rear portions of Nos. 79, 81 and 83 Brunel Road, Seaford, from a Reserved Living Zone to a Reserved Light Industrial 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 Frankston City Council, Davey Street, Frankston.

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

Planning and Environment Act 1987
FRANKSTON PLANNING SCHEME
Notice of Amendment
Amendment L102

The Minister for Planning and Local Government has prepared Amendment L102 to the Frankston Planning Scheme.

The amendment proposes to rezone the site of the former Carrum Downs Primary School situated at the north west corner of Frankston-Dandenong Road and Bawden Street, Carrum Downs, to a Restricted Business Zone. The amendment also proposes to introduce site specific controls to allow the use and development of the land for shop purposes in accordance with a Concept Plan and subject to the approval of a development plan.

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 Frankston City Council, Davey Street, Frankston.

Submissions about the amendment must be sent to Minister for Planning and Local Government, Attention: Adrian Williams, Panels Branch, Department of Infrastructure, P.O. Box 2797Y, Melbourne 3001, by 20 October 1997.

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

ORDERS IN 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:

Carlsruhe
Cheltenham Cemeteries Trust
Dromana and Flinders
Morrington
Templestowe
Tyabb

**LAWN AND MONUMENTAL
LAWN GRAVES***

At need	995.00
Pre - need	1095.00
Special non-standard positions (available on request)	1530.00
* Size of graves at Cheltenham is 2.44 m x 1.22 m	
* Size of graves at Bunurong is 2.5 m x 1.2 m	
Memorials for lawn graves	Contract Price plus 100%

**Cemeteries Act 1958
SCALE OF FEES**

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Carlsruhe 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 Carlsruhe Public Cemetery are rescinded to the extent to which they conflict with this scale.

PRIVATE GRAVES	\$
Land 2.44 m x 1.22 m	200.00

J. LEAR, trustee
G. BIRRELL, trustee
J. LEAR, trustee
R. SUNDERLAND, trustee

**Cemeteries Act 1958
SCALE OF FEES**

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Cheltenham Public Cemeteries 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 Cheltenham Public Cemeteries are rescinded to the extent to which they conflict with this scale.

MONUMENTAL GRAVES*

Monumental grave	1170.00
Monumental grave - pre need	1270.00
In-ground concrete vault (2 interments)	5850.00
In-ground concrete vault (3 interments)	7560.00
* Size of graves at Cheltenham is 2.44 m x 1.22 m	
* Size of graves at Bunurong is 2.7 m x 1.2 m	
Monuments and memorials for monumental graves	Contract Price plus 55%

MONUMENT PERMIT FEES

New monument	620.00
Placement of headstone only	320.00
Renovation of monument	90.00
Additional inscription only	35.00

OTHER CEMETERY FEES

Burial interment fee - at need	635.00
Burial interment fee - third depth	735.00
Interment fee - mausoleum	430.00
Oversize grave—extra	110.00
Interment for child under 5 years	50.00
Interment for child 6 - 12 years	150.00

Interment fee Saturday burial—extra	355.00	Plaques, memorials and embellishments	Contract Price plus 100%
Interment fee Sunday or Public Holiday	570.00	Memorial seat position	2500.00
Exhumation fee	1350.00	Memorial tree position	3700.00
Upkeep of monumental grave—per annum	95.00	J. CAMPBELL, trustee W. M. SODING, trustee B. CARRUTHERS, trustee JOHN R. GILBERTSON, general manager	
Sealing of vaults	185.00		

CREMATION FEES

Adults (pre need)	610.00	Cemeteries Act 1958	
Adults (at need)	570.00	SCALE OF FEES	
Children under 12 years	380.00	In pursuance of the powers conferred upon them by the Cemeteries Act 1958 the trustees of the Dromana and Flinders Public Cemetery hereby make the following scale of fees which shall come into operation on publication in the Government Gazette.	
Children under 5 years	150.00	As of the date of gazettal of the fees listed below all other previously gazetted fees for the Dromana and Flinders Public Cemetery are rescinded to the extent to which they conflict with this scale.	
Stillborn to one year	50.00		
Saturday—extra	230.00		
Public holidays—extra	490.00		
Chapel only	165.00		
Catering	Contract Price plus 100%		

PROPOSED FEES

DISPOSAL OF REMAINS

		FEES FOR RIGHT OF BURIAL	\$
Collection from office	N/C	Lawn areas (plaque) (fees exclude all plaque costs)	
Mail within Australia	80.00	Flinders Cemetery only	580.00
Mail overseas-air	125.00	All others, 2.51 m x 1.22 m	880.00
Scattering of remains	95.00	INTERMENT FEES	
Interment in a grave	170.00	Weekdays	580.00
MEMORIALS		Saturday morning or public holidays	1065.00
Basic memorial wall—(non recoverable cremated remains)	225.00	Child under 5 years of age including stillborn	120.00
Basic memorial wall—(recoverable cremated remains)	330.00	Interment without 10 hours notice	690.00
Memorial shrub position	635.00	Cancellation of order to interment (if commenced)	155.00
Memorial dedicated rose position	810.00	Oversized interment—extra charge	115.00
Memorial boulder position	810.00	Additional depth—each additional 0.30 m —extra charge	85.00
Placement of additional interment	175.00		
Lakeside garden position	1500.00		
Lakeside family garden position	2500.00		

Interment of ashes in grave 145.00

EXHUMATION FEE (when authorised) 1100.00

RE-OPENING FEES

Graves monumental and lawn sections (no cover) 580.00

Graves monumental (with cover) 645.00

MISCELLANEOUS CHARGES

Copy of Certificate of Right of Burial 30.00

Own selection (extra) Flinders Cemetery only 100.00

Permission to erect headstone 10% cost of headstone with minimum charge 55.00

CREMATED REMAINS MEMORIALS

Memorial walls (can be pre-sold)

Tenure 50 years from date of purchase (one interment only) initial purchase 230.00

With memorial supplied 295.00

Extract of title 30.00

LAWN MEMORIALS FOR PURCHASE

Standard plaque 380 x 280 8 lines 215.00

Detachable plate plaque 275.00

Additional plate 70.00

Flower holder 30.00

Installation and administration fee 230.00

D. JARMAN, trustee
J. COUACAUD-GRALEY, trustee
D. RENOUF, trusteeCemeteries Act 1958
SCALE OF FEES

In pursuance of the powers conferred upon them by the Cemeteries Act 1958 the trustees of the Mornington 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 Mornington Public Cemetery are rescinded to the extent to which they conflict with this scale.

PROPOSED
FEESFEES FOR RIGHT OF
BURIAL

Lawn areas (plaque and monumental) (fees exclude all plaques and monumental costs)

Children's area 1.22 m x 0.61 m 140.00

All others 2.51 m x 1.22 m 880.00

INTERMENT FEES

Weekdays 580.00

Saturday morning or public holidays 1065.00

Child under 5 years of age including stillborn (children's section only) 120.00

Interment without 10 hours notice 690.00

Cancellation of order to interment (if commenced) 155.00

Oversized interment—extra charge 115.00

Additional depth—each additional 0.30 m—extra charge 85.00

Interment of ashes in grave 145.00

EXHUMATION FEE (when authorised) 1100.00

RE-OPENING FEES

Graves monumental and lawn section (no cover) 580.00

Graves monumental (with cover) 645.00

CREMATED REMAINS
MEMORIALS

Memorial walls (can be pre-sold)

Tenure 50 years from date of purchase (one interment only) initial purchase 230.00

With memorial supplied	295.00	Cypress Walk through to Conifer Walk (double)	750.00
MEMORIAL WALL GARDEN (can be pre-sold)		Chivers Court —Wall (double)	750.00
Tenure 50 years from date of purchase (one interment only)		Chivers Court Arch (double)	850.00
Initial purchase	280.00	Memorial Drive Wall (single)	400.00
With memorial supplied	200.00	Memorial Drive Children's Wall	350.00
MEMORIAL GARDEN		Rose Garden wall (double)	850.00
Tenure 50 years from date of purchase (two interments)		MEMORIAL GARDENS FOR CREMATED REMAINS	
Initial purchase	320.00	Chivers and Lutheran rose gardens (single)	300.00
With memorial supplied	295.00	Rose gardens 2 (single)	400.00
Bronze vase for plaque (optional)	55.00	Rose gardens 3 and 4 (double)	1200.00 (increase)
LAWN MEMORIALS FOR PURCHASE		Granite top garden niches— holds up to four	5000.00
Standard plaque 380 x 280 8 lines	215.00	Rose gardens 3 and 4 (singles)	500.00
Detachable plate plaque	275.00	Memorial Drive (double)	1200.00
Additional plate	70.00	Garden boxes (various locations) double	3000.00 (increase)
Flower holder	30.00	Lawn niches	300
Installation and administration fee	230.00	Rose and camelia gardens (double niches)	1000.00 (new fee)
		GRAVES	
		Land 2.44 m x 1.22 m (if available) at or pre need	
		2.13 m depth for two	1000.00
		1.52 m depth for one	850.00
		Concrete lined graves (vaults)	6000.00
		Child's grave (all inclusive land, sinking, plaque, etc.)	750.00 (new fee)
		SINKING AND OTHER FEES	
		Sinking new grave (regardless of depth)	850.00 (increase)
		Open or reopen a grave or vault	850.00 (increase)
	\$	Remove and replace ledger	150.00
		Additional fee for delayed funeral requiring staff after usual hours	100.00
		Exhumation, when authorised (plus reopen fee)	1500.00

**Cemeteries Act 1958
SCALE OF FEES**

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Templestowe 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 Templestowe Public Cemetery are rescinded to the extent to which they conflict with this scale.

**MEMORIAL WALLS FOR
CREMATED REMAINS**

Memorial courts 1 and 2— single	300.00
Memorial courts 1 and 2— double	600.00

Open/reopen grave for interment of cremated remains	150.00	Additional depth—each 0.30 m—extra charge	85.00
Monument building permit fees	10% of Contract Price	Interment of ashes in grave	145.00
Bronze memorial plaques	Cost plus 40%	EXHUMATION FEE (when authorised)	1100.00
Fixing/placement fee, to be added to the plaque price	Up to 75.00	RE-OPENING FEES	
Granite backing plates for bronze plaques	Cost plus 40%	Graves monumental sections (no cover)	580.00
Fixing/placement fee, to be added to granite price	up to 75.00	Graves monumental (with cover)	645.00
		MISCELLANEOUS CHARGES	
		Copy of Certificate of Right of Burial	30.00
		Permission to erect headstone 10% cost of headstone with minimum charge	55.00

J. McKELLAR, trustee
J. GOOLD, trustee
P. MAHONY, trustee

Cemeteries Act 1958 SCALE OF FEES

In pursuance of the powers conferred upon them by the **Cemeteries Act 1958** the trustees of the Tyabb 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 Tyabb Public Cemetery are rescinded to the extent to which they conflict with this scale.

FEES FOR RIGHT OF BURIAL	\$
Monumental areas 2.51 m x 1.22 m	580.00
INTERMENT FEES	
Weekdays	580.00
Saturday morning or public holidays	1065.00
Child under 5 years of age including stillborn (children's section only)	120.00
Interment without 10 hours notice	690.00
Cancellation of order to interment (if commenced)	155.00
Oversized interment—extra charge	115.00

D. JARMAN, trustee
J. COUACAUD-GRALEY, trustee
D. RENOUF, trustee

Dated 16 September 1997

Responsible Minister:
ROB KNOWLES
Minister for Health

SHARNE BRYAN
Clerk of the Executive Council

Crown Land (Reserves) Act 1978 INCORPORATION OF COMMITTEE OF MANAGEMENT OF THE WARRAK RECREATION RESERVE

The Governor in Council under Section 14A (1) of the **Crown Land (Reserves) Act 1978**, being satisfied that it is in the public interests to declare to be a corporation the Committee of Management appointed under Section 14A (2) of the Act of the land described in the schedule hereunder:

- declares that the Committee of Management shall be a corporation;
- assigns the name "Warrak Recreation Reserve Committee of Management Incorporated" to the corporation; and

under Section 14B (3) of the Act, appoints Malcolm James McGuinness to be Chairperson of the corporation.

SCHEDULE

The lands in the Township of Warrak, Parish of Warrak temporarily reserved as sites for Public Recreation by Orders in Council of 5 June 1906 and 2 November 1966—Rs 2139.

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

Dated 16 September 1997

Responsible Minister:

MARIE TEHAN

Minister for Conservation and
Land Management

SHARNE BRYAN
Clerk of the Executive Council

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
HORSHAM RURAL CITY COUNCIL

DOOEN—Public Hall, 4533 square metres, being Crown Allotment 65J, Parish of Dooen as shown on Certified Plan No. 116695 lodged in the Central Plan Office—(Rs 6095).

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

Dated 16 September 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:

at BENDIGO—The temporary reservation by Order in Council of 14 February 1967 of an area of 304 square metres, more or less, of land in Section 127C, At Bendigo, Parish of Sandhurst as a site for Public Purposes (Car Park)—(Rs 8762).

HUNTLY—The temporary reservation by Order in Council of 29 April 1867 of an area of 8094 square metres of land in the Township of Huntly, Parish of Huntly, (formerly Parish of Huntly) as a site for Pound Purposes—(Rs 10525).

MARONG—The temporary reservation by Order in Council of 6 March 1876 of an area of 5.309 hectares of land in the Township of Marong, Parish of Marong, (formerly Town of Marong) as a site for a Pound—(06/17303).

NHILL—The temporary reservation by Order in Council of 5 September 1887 of an area of 2023 square metres of land in Section 11, Township of Nhill, Parish of Balrootan, (formerly part of Crown Allotment 3G, Town of Nhill) as a site for a Shire Hall and Offices, revoked as to part by Order in Council of 4 July 1961 so far as the balance remaining containing 1618 square metres—(Rs 2052).

NHILL—The temporary reservation by Order in Council of 24 September 1888 of an area of 417 square metres of land in Section 11, Township of Nhill, Parish of Balrootan, (formerly part of Crown Allotment 3G, Town of Nhill) as a site for Shire Hall and Offices, in addition to and adjoining the site temporarily reserved therefor by Order in Council of 5 September 1887, revoked as to part by Order in Council of 4 July 1961 so far as the balance remaining containing 341 square metres—(Rs 2052).

WARRACKNABEAL—The temporary reservation by Order in Council of 9 December 1969 of an area of 2782 square metres, more or less, of land in Section 12, Township of Warracknabeal, Parish of Werrigar as a site for Public Purposes (Police Purposes), revoked as to part by Order in Council of 1 February 1994 so far as the balance remaining containing 1836 square metres—(Rs 9243).

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

Dated 16 September 1997

Responsible Minister:

MARIE TEHAN

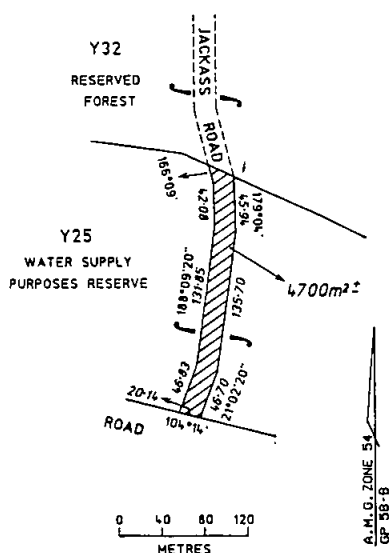
Minister for Conservation and
Land Management

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:

CRESWICK—The temporary reservation by Order in Council of 19 March 1974 of an area of 40 hectares, more or less, of land being Crown Allotment 4A, Section 50A, Township of Creswick, Crown Allotment 3H, Section 3, and Crown Allotment Y25, Parish of Creswick and Crown Allotment 7 Section 4, Parish of Dean, as a site for Water Supply Purposes, revoked as to part by Order in Council of 9 January 1979, so far only as the portion containing 4700 square metres, more or less, in the Parish of Creswick as indicated by hatching on plan hereunder—(C400[A10]) (Rs 9302).



DEUTGAM—The temporary reservation by Orders in Council of 16 August 1960, 23 August 1988 and 25 October 1988 of various lands in Section D, Parish of Deutgam, as sites for Public Purposes, so far only as the portion containing 2168 square metres shown as Crown Allotment 93N, Section D, Parish of Deutgam, on Certified Plan No. 118016 lodged in the Central Plan Office—(Rs 500 and Rs 7964).

GREAT WESTERN—The temporary reservation by Order in Council of 6 February 1865 of an area of 8094 square metres of land being Crown Allotments 4 and 5, Section 7, Township of Great Western, Parish of Concongella as a site for a Common school—(Rs 21130).

GREAT WESTERN—The temporary reservation by Order in Council of 17 August 1874 of an area of 1.214 hectares of land being Crown Allotments 1, 2 and 3, Section 7, Township of Great Western, Parish of Concongella as a site for State School Purposes, adjoining the site temporarily reserved for a Common school by Order in Council of 6 February 1865—(Rs 21130).

KIALLA—The temporary reservation by Order in Council of 10 September 1889 of an area of 10.1171 hectares, more or less, of land in the Parish of Kialla as a site for Water Supply Purposes—(Rs 08/04619).

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

Dated 16 September 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 TOWONG SHIRE COUNCIL

DORCHAP—The road in the Parish of Dorchap shown as Crown Allotment 3B, Section 2, on Certified Plan No. 117993 lodged in the Central Plan Office—(L8-5845).

MUNICIPAL DISTRICT OF THE WANGARATTA RURAL CITY COUNCIL

EDI—The road in the Parish of Edi shown as Crown Allotment 3C, Section 19 on Certified Plan No. 118164 lodged in the Central Plan Office—(L8-4951).

2642 G 37 18 September 1997

Victoria Government Gazette

MUNICIPAL DISTRICT OF THE
YARRA RANGES SHIRE COUNCIL

WANDIN YALLOCK—The road in the Parish of Wandin Yallock shown as Crown Allotment 44H, on Certified Plan No. 118169 lodged in the Central Plan Office—(12/0070).

MUNICIPAL DISTRICT OF THE
SOUTH GIPPSLAND SHIRE COUNCIL

WARATAH NORTH—The road in the Parish of Waratah North as indicated by hatching on plan hereunder—(W365[7]) (P282392).

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

Dated 16 September 1997

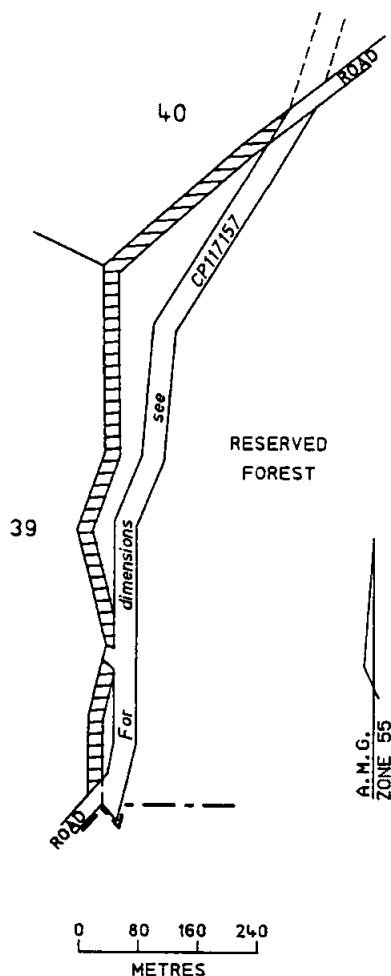
Responsible Minister:

MARIE TEHAN

Minister for Conservation and
Land Management

SHARNE BRYAN

Clerk of the Executive Council



**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:

91. *Statutory Rule:* Subordinate Legislation (Mental Health Regulations 1987—Extension of Operation) Regulations 1997

Authorising Act: Subordinate Legislation Act 1994

Date of Making: 16 September 1997

92. *Statutory Rule:* Subordinate Legislation (Adoption Regulations 1987—Extension of Operation) Regulations 1997

Authorising Act: Subordinate Legislation Act 1994

Date of Making: 16 September 1997

93. *Statutory Rule:* Chattel Securities Regulations 1997

Authorising Act: Chattel Securities Act 1987

Date of Making: 16 September 1997

94. *Statutory Rule:* Cemeteries (Incorporation of Trusts) (Amendment No. 2) Regulations 1997

Authorising Act: Cemeteries Act 1958

Date of Making: 16 September 1997

95. *Statutory Rule:* Physiotherapists (Qualifications) (Amendment) Regulations 1997

Authorising Act: Physiotherapists Act 1978

Date of Making: 16 September 1997

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ADVERTISERS PLEASE NOTE

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Dated 16 September 1997

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Dated 4 June 1997

2644 G 37 18 September 1997

Victoria Government Gazette



2646 G 37 18 September 1997

Victoria Government Gazette





CONTENTS

	Page
Estates of Deceased Persons	2555
Government and Outer Budget Sector Agencies Notices	2566
Notice of Making of Statutory Rules	2643
Orders in Council— Acts—Cemeteries; Crown Land (Reserves); Land	2635
Private Advertisements	2555
Proclamation	2563

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