

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
IN THE COURT OF APPEAL  
CIVIL DIVISION

S APCI 2012 0081

BETWEEN:

RAYMOND HOSER

Applicant

- and -

DEPARTMENT OF SUSTAINABILITY AND  
ENVIRONMENT

Respondent

**ORDER OF THE COURT OF APPEAL**

JUDGES: The Honourable Justice Redlich  
The Honourable Justice Tate  
The Honourable Justice Santamaria

DATE MADE: 5 September 2014

ORIGINATING PROCESS: Application for leave to appeal

HOW OBTAINED: At the hearing of the Appeal.

ATTENDANCE: The Applicant in person.  
Mr. C. J. Horan of Counsel for the Respondent.

OTHER MATTERS: This matter coming on to be heard before the Court on 17 March 2014 and the Court having directed that this matter should stand for judgment and this matter standing for judgment this day accordingly.

THE COURT OF APPEAL ORDERS THAT:

1. Leave to appeal is granted and the appeal is allowed.
2. The orders of the Victorian Civil and Administrative Tribunal made 9 March 2012 are set aside.
3. The order of the Victorian Civil and Administrative Tribunal made 26 April 2012 is set aside.
4. The respondent pay the applicant's costs of this appeal.

DATE AUTHENTICATED: **8 September 2014**

**PROTHONOTARY**