



Victoria Government Gazette

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GENERAL

GENERAL GAZETTE

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INDEX TO PRIVATE ADVERTISERS

A		S	
A. E. Ellinghaus & S. L. Weill	2395	Sale by the Sheriff	2399, 2400
Akehurst, Friend & Allaway	2397		
Andrew G. J. Rowan	2394	T	
Arthur Phillips & Just	2396	The Equity Trustees Executors and	
		Agency Company Limited	2397, 2398
		Tomlinson Laidlaw & Co.	2396
B		Y	
B. M. Caulfield	2395	Young Hubbard & Co.	2399
Bailey Timms & Nicholson	2394	Yvonne Sweeney	2393
Baird & McGregor	2399		
Beck Sheahan Quinn & Kirkham	2394		
Borchard & Moore	2396		
C			
Carey Van Rompaey	2398		
Coulter Burke	2394		
D			
David Sonenberg & Associates	2394		
De Marco & Co	2398		
Dunhill Madden Butler	2397		
E			
Eales & Mackenzie	2393, 2398		
G			
Garden & Green	2393		
Gavan Duffy & King	2395		
Gordon P. Jacobs	2394		
Gregor Leslie Campbell	2393		
J			
John Keating & Associates	2393		
John Sampson LLB	2394		
L			
Littleton Hackford	2398		
M			
McCracken & McCracken	2397		
Middletons Moore & Bevins	2396		
Mischelle Elizabeth Laney	2393		
N			
N. D. Kelly & Associates	2395		
National Mutual Trustees Limited	2397		
P			
Pearce Webster Dugdales	2395, 2396		
Perpetual Trustees Victoria Limited	2395, 2398		
Picton Park Pty. Ltd.	2393		
R			
Richard K. Pitman, LL.B.	2396, 2399		
Russell Kennedy	2398		

PRIVATE ADVERTISEMENTS**NOTICE OF DISSOLUTION OF
PARTNERSHIP**

Notice is hereby given that the partnership previously subsisting between Yvonne Sweeney and Mischelle Elizabeth Laney, carrying on business as powder coaters and bead blasters at 19 Cowie Street, Geelong North under the firm names of Geelong Plastic Bead Blasting and Colour Tech Powder Coating has been dissolved as from 24 August 1995.

Take notice that Gregor Leslie Campbell has retired from the partnership known as Davies & Moller Pharmacy G. L. Campbell J. Bellerby & K. R. McIntyre and Davies & Moller Morwell Amcal Chemist, which carry on business at 239 Princes Highway, Morwell, 174 Commercial Road, Morwell and 2 Church Street, Morwell as from 2 September 1995. The partnership will now be carried on by John Bellerby, Kaye Robert McIntyre, Marilyn Norcen Wendt and Harry George Wendt as and from the same date.

LITTLETON HACKFORD, solicitors, Law Chambers, 94 Buckley Street, Morwell

Form 93
**NOTICE OF APPLICATION UNDER
SECTION 459P OF THE CORPORATIONS
LAW**

(Order 71, subrules 36 (8) and 37 (9))

In the Federal Court of Australia Victoria District Registry General Division VG 3476 of 1995.

Notice of application relating to Picton Park Pty. Ltd. Australian Company Number: ACN 054 584 388.

Robert Wood & Associates will apply to the Federal Court of Australia at 2.15 p.m. on Monday, 2 October 1995 at 450 Little Bourke Street, Melbourne in Proceedings No. VG 3476 of 1995 for an order that Picton Park Pty. Ltd. ACN 054 584 388 ("Company") be wound up.

The applicant's address for service is care of Robert Wood & Associates, 17 Chandler Road, Boronia 3155.

Any contributory, member or creditor of the Company may appear at the hearing in person or by counsel or by a solicitor to support or oppose the making of an order to wind up the Company.

Any person intending to appear at the directions hearing must file a notice of appearance in accordance with Form 79 and an affidavit verifying any grounds of opposition to the winding up application in accordance with Form 93A and must serve the notice of appearance and affidavit on the applicant at its address for service shown above, not later than 2 days before the day appointed for the hearing.

This notice is inserted by Messrs. Robert Wood & Associates, solicitors, 17 Chandler Road, Boronia. Solicitors for the applicant.

Creditors, next of kin or others having claims in respect of the estate of Debbie Joy Marchant, late of 6 Victoria Avenue, Macleod West, clerk, deceased, who died on 29 May 1994, are to send particulars of their claims to the executors care of the undermentioned solicitors by 1 November 1995, after which date the executors will distribute the assets having regard only to the claims of which the executors then have notice.

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

Creditors, next of kin or others having claims in respect of the estate of Carmel Aileen Stewart, late of Villa Maria Hostel, 1 Donald Street, Prahran, Victoria, widow, deceased, who died on 27 July 1995, are to send particulars of their claims to the executor care of the undermentioned solicitors by 13 November 1995, after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

JOHN KEATING & ASSOCIATES, solicitors, 191 Greville Street, Prahran

JANICE GREEN, deceased

Creditors, next of kin or others having claims in respect of the estate of Janice Green, late of 1 Wilson Street, Swan Hill, Victoria, home duties, deceased, who died on 7 February 1995, are to send particulars of their claims to the executors, William Bridson Green and Stuart Thomas Green, care of the undermentioned solicitors by 1 November 1995, after which date the executors will distribute the assets having regard only to the claims of which they then have notice.

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

JUDITH ANNE KIMBER, late of 81 Stevens Street, Portarlington, Victoria, home duties, deceased

Creditors, next of kin and all persons having claims against the estate of the abovenamed are required by Michael Keith Walmsley the executor of the deceased's estate to forward particulars on or before 30 November 1995, after which date the assets of the estate will be distributed having regard only to the claims of which notice has been so given.

COULTER BURKE, solicitors, 77 Yarra Street, Geelong

Creditors, next of kin or others having claims in respect of the estate of Charles Ernest Phillips, late of Gladswood Lodge, 15 Waxman Parade, West Brunswick in the State of Victoria, retired hire car proprietor, deceased, who died on 21 May 1995, to send particulars of their claims to the executor The Equity Trustees Executors and Agency Company Limited of 472 Bourke Street, Melbourne by 17 November 1995, after which date the executor will distribute the assets having regard only to the claims of which it then has notice.

ANDREW G. J. ROWAN, solicitor, 472 Bourke Street, Melbourne

WILLIAM JOHN STANLEY, late of 57 Mimosa Road, Carnegie, retired, deceased

Creditors, next of kin and others having claim against the estate of the deceased, who died on 7 May 1995, are required to send particulars thereof to the executor, Paul Edwin Hansen care of the undersigned prior to the expiration of sixty days from the date of publication of this notice after which date the assets of the estate will be distributed by him having regard only to those claims of which he shall then have notice.

BAILEY TIMMS & NICHOLSON, solicitors, 139 Carinish Road, Clayton

MYRTLE ELSIE McKERNAN, late of 119 Springfield Road, Blackburn, pensioner, deceased

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased, who died on 14 June 1995, are required by the executor Geoffrey Peter Scott of 6 Clarke Street, Yarram to send particulars thereof to him care of the office of Mr Gordon P. Jacobs of 109 Bedford Road, Ringwood East,

within sixty days from the date of publication of this notice after which the executor will distribute the estate having regard only to the claims of which he has knowledge.

GORDON P. JACOBS, solicitor, 109 Bedford Road, Ringwood East

Creditors, next of kin and others having claims in respect of the estate of Lindsay Thomas Dudley, late of 2/70 Albert Road, South Melbourne, but formerly of 2 Louise Street, East Brighton in the State of Victoria, retired, deceased, who died on 10 June 1995, are required to send particulars of claims to the executor Susan Janet Chester, care of the undermentioned solicitors, in the said State, on or before 20 November 1995, after which date the executor will distribute the estate having regard only to the claims of which she then has notice.

DAVID SONENBERG & ASSOCIATES, solicitors, 293 Bay Street, Brighton

MARGARET LAVINIA DILLON, late of Flat 4, 29 Sandham Street, Elsternwick, spinster, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 21 May 1995, are required by the executors, Martin Ross Clark of 96 Ruskin Street, Elwood and Francis Sans of 42 Riddell Parade, Elsternwick to send particulars to them by 13 November 1995, care of the solicitors mentioned below, after which date the executors may convey or distribute the assets having regard only to the claims of which they then have notice.

JOHN SAMPSON LLB, 6th Floor, 409 St Kilda Road, Melbourne

Creditors, next of kin and others having claims in respect of the estate of Thomas Warren Washington, late of 58 Lilac Street, Bendigo, Victoria, retired, deceased, who died on 23 July 1995, are required by the trustee to send particulars of their claims to the trustee care of the undermentioned solicitors by 1 November 1995, after which date the trustee may convey or distribute the assets having regard only to the claims of which the trustee then has notice.

BECK SHEAHAN QUINN & KIRKHAM, 110 Pall Mall, Bendigo

DENNY LIEBMANN, late of 9 Mooltan Avenue, East St. Kilda, Victoria, retired engineer, deceased

Creditors, next of kin, persons interested and others having claims in respect of the estate of the deceased, who died on 16 April 1986, are required by the trustees Robert James Grimm, Eve Esther Grimm and Leslie Zimmerman, care of A. E. Ellinghaus & S. L. Weill, solicitors, 129 Drummond Street, Carlton South, Victoria 3053 to send particulars of any claim in respect of the estate to them care of the aforementioned solicitors by 26 November 1995, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

Dated 5 September 1995

KATHLEEN FLORENCE ROBERTSON, late of 38 Bungower Road, Mornington, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 12 May 1995, are required by Perpetual Trustees Victoria Limited ACN 004 027 258 of 50 Queen Street, Melbourne to send particulars of their claims to the said Company by 15 November 1995, after which date it will convey or distribute the assets, having regard only to the claims of which the Company then has notice.

IVY ELIZABETH WATKINS, deceased

Creditors, next of kin or others having claims in respect of the estate of Ivy Elizabeth Watkins, late of Mowbray House, 87 Argyle Avenue, Chelsea, Victoria, widow, deceased, who died on 6 February 1995, are to send particulars of their claims to the executors care of the undermentioned solicitors by 8 November 1995, after which date the executors will distribute the assets having regard only to the claims of which the executors then have notice.

B. M. CAULFIELD, solicitors, 596A Main Street, Mordialloc

NORMAN LEONARD PETTITT, late of 3 Ferncroft Avenue, East Malvern, retired chartered accountant, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 25 April 1995, are required by Perpetual Trustees Victoria Limited A.C.N. 004 027 258 of 50 Queen Street, Melbourne and

Shirley Helen Pettitt of 3 Ferncroft Avenue, East Malvern, home duties, the executors of the estate to send particulars of their claims to the said executors in the care of the said company by 4 December 1995, after which date they will convey or distribute the assets having regard only to the claims of which they then have notice.

PEARCE WEBSTER DUGDALES, lawyers, 51 Queen Street, Melbourne

Creditors, next of kin and others having claims in respect of the estate of Johannes Roller, late of 189 Tucker Road, Bentleigh, retired, deceased, who died on 2 July 1995, are required to send particulars thereof to Patrick Francis Toohey and Peter George Weller, the executors of the will of the said deceased, care of the undersigned solicitors by 20 November 1995, 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, solicitors, 83 William Street, Melbourne

Creditors, next of kin and others having claims in respect of the estate of Daniel Reginald Joseph, late of 790 Centre Road, East Bentleigh, Victoria, gentleman, retired, deceased, who died on 25 June 1995, are required by Shalini Indira Reilly of Unit 4, No. 39 Robe Street, St Kilda, Victoria, project manager and Neville Denis Kelly of 437 Centre Road, Bentleigh, Victoria, solicitor, who are applying to the Supreme Court for a grant of probate of the deceased's last will and testament dated 12 December 1991, to send particulars of such claims to the solicitors acting for the said executors namely N. D. Kelly & Associates, 437 Centre Road, Bentleigh by 23 November 1995, after which date the said executor may convey or distribute the assets of the deceased, having regard only to claims of which they or their solicitors then have notice.

Dated 14 September 1995

N. D. KELLY & ASSOCIATES, solicitors, 437 Centre Road, Bentleigh

WILLIAM MURRAY ACHILLES, late of "Cambria", 245 Wurdale Road, Winchelsea, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 24 August 1994, are required by the personal representative, Russell McDonald

Brown of Level 29, 200 Queen Street, Melbourne to send particulars to him by 24 November 1995, after which date he may convey or distribute the assets having regard only to the claims of which he then has notice.

Dated 6 September 1995

MIDDLETONS MOORE & BEVINS,
Level 29, 200 Queen Street, Melbourne

PATRICIA JEAN ACHILLES, late of "Cambria", 245 Wurdale Road, Winchelsea, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 24 August 1994 are required by the personal representative, Russell McDonald Brown of Level 29, 200 Queen Street, Melbourne to send particulars to him by 24 November 1995, after which date he may convey or distribute the assets having regard only to the claims of which he then has notice.

Dated 6 September 1995

MIDDLETONS MOORE & BEVINS,
Level 29, 200 Queen Street, Melbourne

Creditors, next of kin and others having claims in respect of the estate of John Clarence Monk, late of 55 Rutherford Street, Swan Hill, retired, deceased, who died on 27 June 1995, are required by the executor David Ernest Monk to send particulars to him care of the undersigned by 22 November 1995, after which date the executor may convey or distribute the assets having regard only to the claims of which he then has notice.

TOMLINSON LAIDLAW & CO., solicitors,
51 McCallum Street, Swan Hill

Creditors, next of kin and others having claims in respect of the estate of Kathleen Muriel Gray, late of Maldon Hospital Nursing Home, Chapel Street, Maldon, widow, deceased, who died on 26 May 1995, are required by William Andrew Thwaites the executor of the will of deceased to send particulars of their claims to the said executor care of the undermentioned solicitors by 13 November 1995, after which date he will distribute the assets of the estate having regard only to the claims of which he then has notice.

ARTHUR PHILLIPS & JUST, Como Building, 3/620 Chapel Street, South Yarra

Creditors, next of kin and others having claims in respect of the estate of Jessie Isobel Winchester, named in the will as Jessie Isabel Winchester, late of 17 Victoria Street, Hastings, Victoria, home duties, deceased, who died on 22 May 1995, are required to send particulars of their claims to the executrices care of the undermentioned solicitors by 13 November 1995, after which date the executrices will distribute the assets having regard only to the claims for which notice has been received.

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

GLADYS EDNA BRYCE, deceased

Creditors, next of kin or others having claims in respect of the estate of Gladys Edna Bryce, late of Karana, 55 Walpole Road, Kew, widow, deceased, who died on 13 June 1995, are to send particulars of their claims to the executors care of the undermentioned solicitors by 6 November 1995, after which date the executors will distribute the assets having regard only to the claims of which the executors then have notice

PEARCE WEBSTER DUGDALES, 51 Queen Street, Melbourne

ELSIE McCORMACK, late of 181 Blackburn Road, Blackburn, Victoria, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 2 August 1995, are required by the executors Rodger Davis of 4 Purches Street, Mitcham and Geoffrey Lindsay Travers of 3 Avis Court, Forest Hill to send particulars of their claims to them in the care of the undermentioned solicitor by 16 November 1995, after which date they will distribute and/or convey the assets amongst the persons entitled thereto having regard only to the claims of which they then have notice.

RICHARD K. PITMAN, LL.B., solicitor, corner Kingsway and Railway Parade, Glen Waverley

KENNETH PATRICK McFARLANE, late of 5 Shaw Street, North Fawkner, storeman and packer, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 2 June 1995, are required by the personal representative Charles John Thomas McFarlane of 11 Ann Crescent, Pakenham, retired to send particulars to him care of the

undermentioned solicitors by 17 November 1995, after which date the personal representative may convey or distribute the assets having regard only to the claims of which he then has notice.

McCRACKEN & McCRACKEN, solicitors,
501 La Trobe Street, Melbourne

Creditors, next of kin and others having claim in respect of the estate of Henry Percy Harland, late of 100 Boundary Road, Dromana, deceased, who died on 6 May 1995, are required by John Charles Harland of 7 Hanover Court, Kilmore and Henry Leigh Harland of 37 Maroong Drive, Research, to send particulars of their claims to the said John Charles Harland and Henry Leigh Harland by 15 November 1995, 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 claim in respect of the estate of Clarice Mainstone Noble, late of Unit 2, 3 Louise Avenue, Mont Albert, deceased, who died on 18 July 1995, are required by Colin John Daniels of 10 Queen Street, Melbourne to send particulars of their claim to the said Colin John Daniels by 15 November 1995, after which date he will convey or distribute the assets having had regard only to the claims of which he then has notice.

AKEHURST, FRIEND & ALLAWAY,
solicitors, Suite 1102, 10 Queen Street,
Melbourne

Creditors, next of kin and others having claims in respect of the estate of Bernard Myles Quinn, late of Kew Cottages, Princess Street, Kew in the State of Victoria, workshop employee, deceased, who died on 8 April 1994, are required to send particulars of such claims to the administrator National Mutual Trustees Limited at its Registered Office at 65 Southbank Boulevard, South Melbourne by 15 November 1995, after which date the administrator will distribute the estate having regard only to the claims of which it then has notice.

ELIZABETH CURTIS REID, deceased

Creditors, next of kin or others having claims in respect of the estate of Elizabeth Curtis Reid, late of 7/11 Crotonhurst Avenue, Caulfield North, Victoria, retired, deceased, who died on

14 July 1995, are to send particulars of their claims to the executor Perpetual Trustees Victoria Limited of 50 Queen Street, Melbourne, Victoria by 21 November 1995, 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 claims in respect of the estate of Florence Muriel Murray, late of Sheraton Nursing Home, 374 Nepean Highway, Frankston, deceased, who died on 3 June 1995, are to send particulars of their claims to The Equity Trustees Executors and Agency Company Limited of 472 Bourke Street, Melbourne by 14 November 1995, after which date it will distribute the assets having regard only to the claims of which it then has notice.

Creditors, next of kin and others having claims in respect of the estate of Frederick Thomas Dobson, late of 17/300 Rouse Street, Port Melbourne, retired wharf labourer, deceased, who died on 2 April 1995, are to send particulars of their claims to The Equity Trustees Executors and Agency Company Limited A.C.N. 004 031 298 of 472 Bourke Street, Melbourne by 15 November 1995, after which date it will distribute the assets having regard to the claims of which it then has notice.

Creditors, next of kin and others having claims in respect of the estate of James Theodore Kristensen, late of 26 St Andrews Court, Black Rock, retired insurance consultant, deceased, who died on 20 May 1995, are to send particulars of their claims to The Equity Trustees Executors and Agency Company Limited A.C.N. 004 031 298 of 472 Bourke Street, Melbourne by 15 November 1995, after which date it will distribute the assets having regard to the claims of which it then has notice.

KARL EVERARD KOST, late of 52 Halifax Street, Brighton, Victoria, retired engineer, deceased

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased, who died on 29 June 1995, are required by Karl Fredrick Kost and Karean Frances Cherry, the executors of the will of the deceased to send particulars of their claims to

the executors in the care of the undermentioned solicitors by 21 November 1995, after which date the executors will convey or distribute the assets having regard only to the claims of which they then have notice.

RUSSELL KENNEDY, solicitors, 469 LaTrobe Street, Melbourne

Creditors, next of kin and others having claims in respect of the estate of Betty Ellie Gibbons, also known as Betty Ellie McMullen, late of Flat 1/2 Carrington Street, Hawthorn, home duties, deceased, who died on 31 May 1995, are to send particulars of their claims to The Equity Trustees Executors and Agency Company Limited A.C.N. 004 031 298 of 472 Bourke Street, Melbourne by 15 November 1995, after which date it will distribute the assets having regard to the claims of which it then has notice.

Creditors, next of kin and others having claims in respect of the estate of Constance Rose Hutchison, late of 96 Berry Avenue, Chelsea, home duties, deceased, who died on 23 July 1995, are to send particulars of their claims to The Equity Trustees Executors and Agency Company Limited A.C.N. 004 031 298 of 472 Bourke Street, Melbourne by 15 November 1995, after which date it will distribute the assets having regard to the claims of which it then has notice.

LAURA CLARE MAY, late of Hawthorn Grange, 7 Hunter Street, Hawthorn, Victoria, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 8 June 1995, are required by Perpetual Trustees Victoria Limited (ACN 004 027 258) of 50 Queen Street, Melbourne, Victoria, trustee company and Mark Robin Winfield Williams of 89 Howard Street, North Melbourne, Victoria, solicitor, the applicants for a grant of administration to send particulars of their claims to the said applicants in the care of the said Company by 15 November 1995, after which date the applicants for grant of administration may convey or distribute the assets, having regard only to the claims of which they then have notice.

Creditors, next of kin and others having claims in respect of the estate of Zvonko Grzunov, late of 34 Milton Street, Ascot Vale in the State of Victoria, pensioner, deceased, who died on 24

August 1995, are required by the administratrix Danica Grzunov, widow, of 34 Milton Street, Ascot Vale in the said State to send particulars of their claims to the said administratrix care of the undermentioned solicitors by 1 November 1995, after which date the said administratrix will convey or distribute the assets of the deceased having regard only to the claims of which the said Administratrix then has notice.

DE MARCO & CO, solicitors, of 209 Glenroy Road, Glenroy

VALMA LEATRICE UNDERWOOD, late of Flat 3, 8 Cole Street, Brighton, Victoria, book seller, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 27 May 1995, are required by Shellagh Raelene Jarvis of 72 Beauford Street, Huntingdale, Victoria, to send particulars of their claims to her by 12 November 1995, after which date she will convey or distribute the assets, having regard only to the claims of which she then has notice.

CAREY VAN ROMPAEY, solicitors, 486 Neerim Road, Murrumbena

Creditors, next of kin and others having claims in respect of the estate of Kevin John Presley, late of 99 Park Street, South Yarra, Victoria, pensioner, deceased, who died on 22 August 1995, are to send their claims to the executrix, Anne Maree Chapman of 10 Gunyah Grove, Traralgon, Victoria, home duties, care of the below mentioned solicitors by 17 November 1995, after which date she will distribute the assets of the deceased having regard only to the claims of which she then has notice.

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

Creditors, next of kin or others having claims in respect of the estate of Arthur John Williamson, late of 124 Maroondah Highway, Croydon, but formerly of 12-14 Croydon Way, Croydon, dairy farmer, deceased, who died on 9 June 1995, are to send particulars of their claims to the executor care of the undermentioned solicitors by 6 November 1995, after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

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

BEATRICE MAY HERROD, deceased

Creditors, next of kin and others having claims in respect of the estate of Beatrice Mary Herrod, late of Rosemount, Hepburn Springs, widow, deceased, who died on 22 July 1994, are required to send particulars of their claims to the executor Francis Kierce O'Loughlin care of the undermentioned solicitors by 14 November 1995, after which date the executor will distribute the assets of the deceased having regard only to the claims of which he then has notice.

BAIRD & MCGREGOR, solicitors, 56 Vincent Street, Daylesford

BETTY SALOME JOHNSON, late of 83 Mountainview Road, North Balwyn in the State of Victoria, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 19 May 1995, are required by the personal representatives Barrie John Young and Graeme Leslie Hubbard, both of 825 Burke Road, Camberwell, to send particulars of them care of the undermentioned solicitors by 20 November 1995, after which date the said personal representatives may convey or distribute the assets having regard only to the claims of which they then have notice.

Dated 31 August 1995

YOUNG HUBBARD & CO., solicitors, 825 Burke Road, Camberwell

PETER STANLEY FOLLEY, late of 160 Grieve Parade, Altona, Victoria, manager, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died between 17 and 18 May 1995, are required by the administrator Christine Susan Folley of 25 Lindwall Street, Glen Waverley, Victoria, widow, to send particulars of their claims to her in the care of the undermentioned solicitor by 16 November 1995, after which date she will distribute and/or convey the assets amongst the persons entitled thereto having regard only to the claims of which she then has notice.

RICHARD K. PITMAN, LL.B., solicitor, corner Kingsway and Railway Parade, Glen Waverley

**The Supreme Court of the State of Victoria
SALE BY THE SHERIFF**

To the Highest Bidder at the Best Price Offered

On 19 October 1995 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 John Cavnoudias and Vicki Cavnoudias of 95 Devon Road, Devon Meadows and Stavros Kafes and Penelope Kafes of 88 Marylyn Place, Cranbourne as shown on Certificate of Title as John Cavnoudias and Vicki Cavnoudias as joint proprietors of one equal undivided half part or share and Steven Kafes and Penelope Kafes as joint proprietors of the other one equal undivided half part or share being the registered proprietors as tenants in common of an estate in fee simple in the land described on Certificate of Title Volume 9222 Folio 390 upon which is erected a dwelling known as 9 Thomas Crescent, Cranbourne.

Terms—10 per cent deposit, balance 60 days thereafter.

No reserve set

R. MARTIN
Sheriff's Officer

**The Supreme Court of the State of Victoria
SALE BY THE SHERIFF**

On 19 October 1995 at 11.00 a.m. at the Sheriff's Office, 1 Feeley Lane, Traralgon, 3844 (unless process be stayed or satisfied).

All the estate and interest (if any) of Edgar Roy Nicholas of Omeo Valley Highway, Omeo, registered as proprietor of one equal half part or share of an estate in fee simple in all that piece of land in the Parish of Hinno-Munjie being Crown Allotment eleven Section J containing approx 54.23 hectares or thereabouts and being the whole of the land more particularly described on Certificate of Title Volume 10165 Folio 016 upon which is erected a house, shearing shed and the usual farm outbuildings and improvements.

The property can be located by travelling north from the Omeo township for approx 3.5 kms along the Omeo Highway, turning east into Benambra Road for approx 19 kms. Then turn north east into Limestone Road for approx 9 kms to Hollands Road. The property is situated approx 1.7 kms on the north side of Hollands Road and is known as Crown Allotment Eleven Section J, Hollands Road, Benambra.

2400 G 36 14 September 1995

Victoria Government Gazette

Registered Mortgage Nos N460481W and
N460482T affect the said estate and interest.

Terms—Cash only

R. MARTIN
Sheriff's Officer

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

On 19 October 1995 at 2.30 p.m. at the
Sheriff's Office, 8–20 King Street, Oakleigh
3166 (unless process be stayed or satisfied).

All the estate and interest (if any) of
Mohammed Helal of 15 Shelldone Court,
Gladstone Park as shown on Certificate of Title
as Mohamed Helal joint proprietor with Faten
Helal in 2266 equal undivided 10000th parts or
shares in the land described on Certificate of
Title Volume 10017 Folio 489 upon which is
erected a residential home known as 15
Shelldone Court, Gladstone Park.

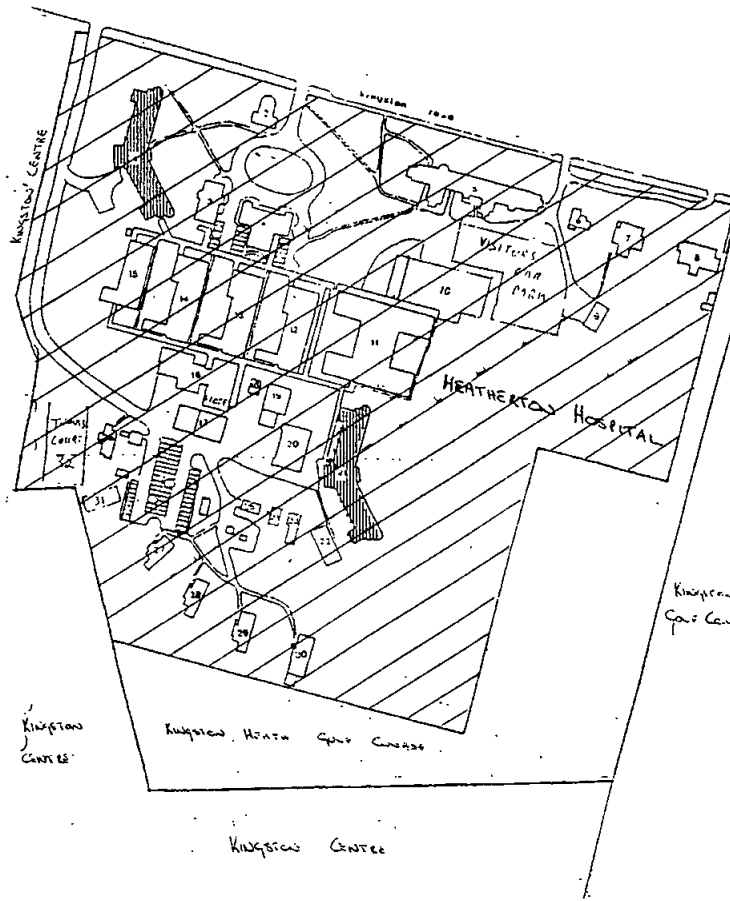
Registered Mortgage No. R156111Y and the
covenant contained in Transfer E624914 affect
the said estate and interest.

Terms—Cash only

R. MARTIN
Sheriff's Officer

Mental Health Act 1986

I, Richard E. McGarvie, Governor of Victoria, acting with the advice of the Executive Council and under section 94 (2) of the **Mental Health Act 1986** and with all other enabling powers vested in me proclaim the areas of the **Alfred Healthcare Group**—Heatherton Campus situated at Kingston Road, Heatherton, formerly known as “The Heatherton Hospital” and indicated by the cross-hatchure on the accompanying plan, to be an approved psychiatric unit known as the **Alfred Healthcare Group**—Heatherton Campus.



Given under my hand and the seal of Victoria on 12 September 1995

(L.S.) R. E. McGARVIE
By His Excellency's Command

MARIE TEHAN
Minister for Health

Mental Health Act 1986
REVOCATION OF PROCLAMATION OF
HEATHERTON HOSPITAL

I, Richard E. McGarvie, Governor of Victoria, acting with the advice of the Executive Council and under section 94 (4) (a) of the **Mental Health Act 1986** by this Proclamation revoke the Proclamation on 23 August 1988 proclaiming the place known as Ground Floor North Block on hospital reserve on Kingston Road, Parish of Mordialloc, County of Bourke to be an approved psychiatric hospital.

Given under my hand and the seal of
Victoria on 12 September 1995

(L.S.) R. E. McGARVIE
By His Excellency's Command

MARIE TEHAN
Minister for Health

Mental Health Act 1986
REVOCATION OF PROCLAMATION OF
HEATHERTON HOSPITAL

I, Richard E. McGarvie, Governor of Victoria, acting with the advice of the Executive Council and under section 94 (4) (a) of the **Mental Health Act 1986** by this Proclamation revoke the Proclamation on 13 August 1991 proclaiming the place known as first floor, North Block and East Wing on hospital reserve on Kingston Road, Parish of Mordialloc, County of Bourke to be an approved psychiatric hospital.

Given under my hand and the seal of
Victoria on 12 September 1995

(L.S.) R. E. McGARVIE
By His Excellency's Command

MARIE TEHAN
Minister for Health

Mental Health Act 1986
REVOCATION OF DEEMED
PROCLAMATION OF HEATHERTON
HOSPITAL

I, Richard E. McGarvie, Governor of Victoria, acting with the advice of the Executive Council and under section 94 (4) (b) of the **Mental Health Act 1986** declare that the deemed proclamation of the Heatherton Hospital as an approved psychiatric hospital

pursuant to section 94 (3) of the **Mental Health Act 1986** (on account of the proclamation of the Heatherton Hospital under the **Mental Health Act 1959** on 30 June 1987) is revoked.

Given under my hand and the seal of
Victoria on 12 September 1995

(L.S.) R. E. McGARVIE
By His Excellency's Command

MARIE TEHAN
Minister for Health

Mental Health Act 1986
REVOCATION OF PROCLAMATION OF
AMBERMERE HOSPITAL, SHEPPARTON

I, Richard E. McGarvie, Governor of Victoria, acting with the advice of the Executive Council and under section 94 (4) (a) of the **Mental Health Act 1986** by this Proclamation revoke the Proclamation on 7 October 1987 proclaiming the place known as Ambermere Hospital, Shepparton, situated at 80 Orr Street, Shepparton to be an approved psychiatric hospital.

Given under my hand and the seal of
Victoria on 12 September 1995

(L.S.) R. E. McGARVIE
By His Excellency's Command

MARIE TEHAN
Minister for Health

Mental Health Act 1986
PROCLAMATION OF AMBERMERE UNIT,
GOULBURN VALLEY BASE HOSPITAL

I, Richard E. McGarvie, Governor of Victoria, acting with the advice of the Executive Council and under section 94 (2) of the **Mental Health Act 1986** and with all other enabling powers vested in me proclaim the Ambermere Unit, Goulburn Valley Base Hospital situated at 80 Orr Street, Shepparton, formerly known as "The Ambermere Hospital, Shepparton", to be an approved psychiatric unit known as the Ambermere Unit, Goulburn Valley Base Hospital.

Given under my hand and the seal of
Victoria on 12 September 1995

(L.S.) R. E. McGARVIE
By His Excellency's Command

MARIE TEHAN
Minister for Health

**National Environment Protection Council
(Victoria) Act 1995**

ACT No. 10/1995

Proclamation of Commencement

I, Richard E. McGarvie, Governor of Victoria, acting on the advice of the Executive Council and under section 2 of the **National Environment Protection Council (Victoria) Act 1995**, fix 15 September 1995 as the day on which the remaining provisions of that Act which have not already come into operation, come into operation.

Given under my hand and the seal of
Victoria on 12 September 1995

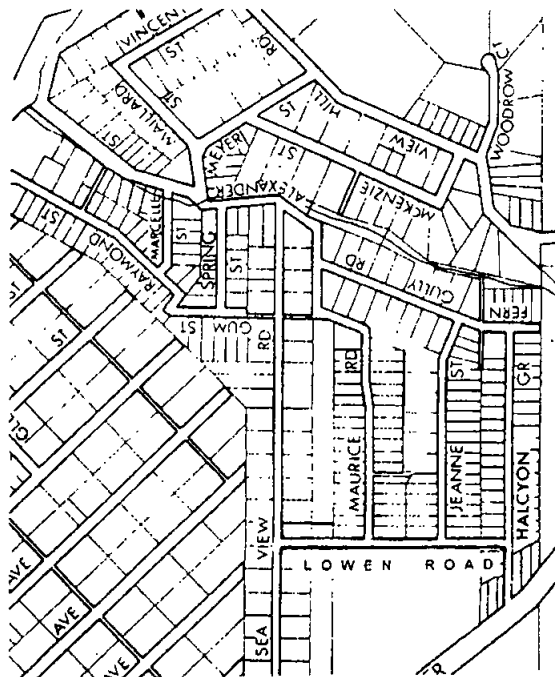
(L.S.) R. E. McGARVIE
By His Excellency's Command

MARK BIRRELL
Minister for Conservation and Environment

**GOVERNMENT AND OUTER BUDGET SECTOR
AGENCIES NOTICES****CARDINIA SHIRE COUNCIL****Declaration of Public Highway and naming of Lowen Road, Cockatoo**

The Cardinia Shire Council advertised its intention to declare the road within its municipal district shown on the Plan below as a Public Highway and to formally name that road Lowen Road. There being no objections or submissions the Cardinia Shire Council declares that the road shown on the Plan below, being the whole of the land contained in Certificates of Title Volume 9655 Folio 108, Volume 9153 Folio 196, Volume 9164 Folio 765, Volume 9153 Folio 111 and Volume 10249 Folio 102 (being that part marked R-1 Road on PS 343752L) and running between Halcyon Grove and Seaview Road, Cockatoo, to be a Public Highway, pursuant to the provisions of section 204 (1) of the **Local Government Act 1989**.

The Council also Ordered that, pursuant to the provisions of Clause 5 of Schedule 10 of the **Local Government Act 1989**, the said Road be named Lowen Road in memory of Eddie Lowen, a volunteer fire fighter and member of the staff of the former Shire of Pakenham who lost his life at Cockatoo fighting the Ash Wednesday bushfire in 1983.

**PLAN OF PUBLIC HIGHWAY
LOWEN ROAD, COCKATOO**

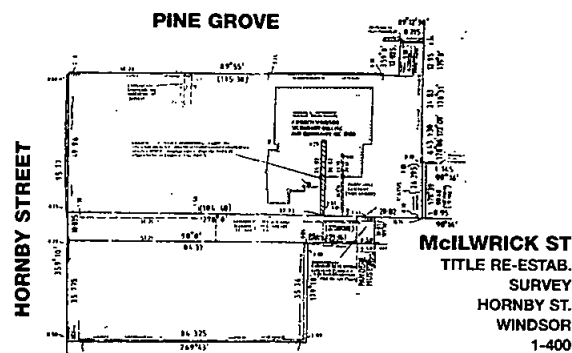
Published with the authority of the Cardinia Shire Council.

JIM STEVENSON
Chief Executive Officer

NOTICE OF ACQUISITION COMPULSORY ACQUISITION OF INTEREST OF LAND

Stonnington City Council declares that by this Notice it acquires the following interest in the land described as part of the land in Certificate of Title Volume 410 Folio 987 which is shown hatched on the plan shown below being land known as Hornby Street, Windsor, Victoria.

An interest in fee simple.



Published with the authority of the Stonnington City Council.

PLANNING & ENVIRONMENT ACT 1987 NOTICE OF AMENDMENT TO A PLANNING SCHEME PRAHRAN PLANNING SCHEME AMENDMENT L67

The City of Stonnington has prepared Amendment L67 to the Prahran Planning Scheme. The Amendment affects land within the Prahran District Centre Zone 4 - Commercial Mixed Business.

The amendment proposes to change the planning scheme by amending the zone's objectives and deleting the objective:

"To encourage the area around the Prahran Town Hall to develop as a community focal point."

No changes are proposed to the land use table (Clause 109-1) relevant to the zone.

The proposed rezoning will better reflect the changing development and land use patterns of the zone.

The Amendment can be inspected at:

CITY OF STONNINGTON
Town Planning Department
First Floor - Prahran Town Hall
Cnr Greville & Chapel Street
PRAHRAN, 3181

DEPARTMENT OF PLANNING & DEVELOPMENT
Ground Floor
477 Collins Street
MELBOURNE, 3000

Submissions about the Amendment must be sent to:

Strategic Planning Services
City Of Stonnington
PO Box 21
PRAHRAN, 3181
by October 15, 1995.

C. Fong, Development Manager



STONNINGTON City Council

CITY OF BOROONDARA

Proposed Local Law No. 1

Notice is given that at a meeting of the Council of the City of Boroondara held on 4 September 1995, the Council resolved to commence the statutory processes for the introduction of Local Law No. 1. A summary of the draft local law is set out as follows:

Proposed Local Law No. 1

The purpose of this Local Law is to:

- provide for the peace, order and good government of the municipal district of the City of Boroondara, and
- provide for those matters which require a local law under the Local Government Act 1989 and any other Act; and
- provide for the administration of Council powers and functions; and
- prohibit, regulate and control activities, events, practices or behaviour in places so that no detriment is caused to the amenity of the neighbourhood, nor nuisance to a person nor detrimental effect to Council's land.

The Local Law is divided into parts and the general purport of each part is summarised as follows -

Municipal Property

- prohibit persons from certain behaviour/entry with prohibited articles in Municipal places.
- provide for access to Municipal places.
- govern the behaviour of persons in Municipal buildings.
- regulate the operation of Council Recreation Centres.
- control public reserves and recreational land.
- prohibit persons from certain behaviour in reserves.
- regulate the operation of Council libraries.
- provide for hours of operation.
- provide for availability and hire.
- provide for conditions of entry.

Protection of Council Land

- prevent damage to sewers or drains.
- prevent interference with water courses.
- regulate installation, maintenance and removal of vehicle crossings/ temporary crossings.
- prevent destruction, damage or interference with Council land.

Municipal Amenity

- prevent unsightly or dangerous land.
- prevent without a permit the use of land for the storage of old second-hand motor vehicles or machinery or old, used or second-hand materials or breaking up of motor vehicles or machinery.
- prevent without a permit camping on any land.
- prevent without a permit the placement of more than one caravan on any land in a residential area.
- control trees and plants at intersections.
- control trees overhanging roads.
- require the destruction of vermin and noxious weeds.
- prevention of fire risks.

- provide for the numbering of properties.
- prevent objectionable noise.
- prohibit open air burning and the use of incinerators.
- regulate the hours of operation of building works on non-residential buildings.
- require buildings to be kept in a state of good repair.

Roads and Council Land - Obstructions and Behaviour

- prohibit dog excrement on any road, Council land or public place.
- prevent the leaving of shopping trolleys on any road or Council land.
- prohibit spitting on any road, public place or Council land.
- govern the placement of advertising signs, display of goods, tables and chairs and encroachments or obstructions on roads or Council land.
- prohibit the servicing and repairing of vehicles on roads or Council land.
- govern the consumption of liquor on roads or on Council land.

Sale of Goods, Street Collections and Distributions

- prohibit without a permit the sale of goods in streets and roads.
- prohibit without a permit the use of private land for temporary erection of tents and structures for the sale of goods.
- prohibit without a permit the soliciting or collection of money on any road or Council land within the municipality.
- prohibit without a permit the distribution of advertising materials, goods, gifts or samples, offer or expose for sale any services or materials on any road, Council land or public place within the municipality.
- prohibit without a permit busking on Council land or roads.

Keeping of Animals

- set conditions under which animals may be kept.
- set conditions of cleanliness for the keeping of animals and preventing of objectionable noise.

Waste Disposal

- regulate the disposal of disused refrigerators and other compartments.
- provide for the use of receptacles for the deposit and collection of refuse and rubbish.
 - provide for the collection of recyclable goods and hard garbage.
 - provide for the screening of bins and hoppers.
 - regulate the transportation of offensive waste.
 - provide for the storage of trade waste and suitable receptacles.



BOROONDARA
City of Harmony

...Contd. next page

CITY OF BOROONDARA

Proposed Local Law No. 1 (Contd.)

Administration and Enforcement

- provide for the impounding of items.
- provide for the method of obtaining permits and issuing notices.
- provide for enforcement, additional penalties and recovery of costs.

Copies of the proposed local law can be obtained during business hours from:

ASHBURTON LIBRARY

154 High Street, Ashburton
Phone: 9885 4421

BALWYN LIBRARY

336 Whitehorse Road, Balwyn
Phone: 9830 5833

CAMBERWELL LIBRARY

360 Camberwell Road, Camberwell
Phone: 9811 0250

HAWTHORN LIBRARY

584 Glenferrie Road, Hawthorn
Phone: 9810 2445

KEW LIBRARY

Cnr Cotham Road and Charles Street,
Kew
Phone: 9853 6745

CAMBERWELL OFFICE

8 Inglesby Road, Camberwell

HAWTHORN OFFICE

360 Burwood Road, Hawthorn

KEW OFFICE

Charles Street, Kew

Any person affected by the proposed Local Law may make a written submission relating to the proposed local laws in accordance with the provisions of Section 223 of the Local Government Act 1989, addressed to the Chief Executive Officer, City of Boroondara, Camberwell Office, 8 Inglesby Road, Camberwell 3124.

Submissions received by 26 September, 1995 shall be considered by Council.

Any person who has made a written submission to the Council and requested that he or she be heard in support of the written submission is entitled to appear in person or by a person acting on his or her behalf before a meeting of the Council.

Michael Kennedy
Chief Executive Officer



Water Act 1989 UPPER NORTH EAST RIVER MANAGEMENT AUTHORITY

Declaration of Designated Waterways in the
Upper North East River Management District

The Upper North East River Management Authority, under section 188 of the Water Act 1989, declares the following waterways within the Upper North East River Management District as designated waterways, whether or not they have been previously so declared.

Back Creek	1/1-53-14
Back Creek	2/1-7-36
Basin Creek	2/1-7-22
Bethanga Creek	1/1-2
Biggara/Teapot Creek	1/95
Bight Creek	2/1-13
Buckwong Creek	1/139
Burrowye Creek	1/39
Cascade Creek	1/1-19-17
Cherry Tree Creek	2/1-19
Cooper Creek	2/1-85-11-1
Corryong/Nariel/Wheeler Creek	1/81
Cottontree Creek	1/15
Cudgewa Creek	1/75
Doorway Creek	2/1-85-13
Dry Forest Creek	1/1-19-7
Fairyknowe Creek	1/1-34
Fell Timber Creek	2/5
Finns Creek	2/1-1
Fish Creek	2/1-7-32-25
Flaggy Creek	1/25
Flaggy Creek	2/1-7-32-20
Forest Creek	1/7
Gap Creek	2/1-15
Gap Flat Creek	2/1-7-18
Georges Creek	1/1-19-3
Gipsy Creek	2/1-73
Glen Creek	2/1-32
Glencoe Creek	1/1-41
Gol Creek	1/5
Guys Forest Creek	1/39-6
Hellhole Creek	2/1-17
Honeysuckle Creek	1/1-19-31
House Creek	2/1-8
House Creek	2/1-33
Huon Creek	2/8-1-3
Jarvis Creek	1/1-12
Johnston Creek	1/6
Junction Creek	2/1-60
Kangaroo Creek	1/1-19-7-2
Kiewa River West Branch	2/1-83
Kiewa River	2/1
Kinchington Creek	2/1-7-32
Koetong Creek	1/17
Limestone Creek	1/179-40
Little Bogong Creek	2/1-92
Little Scrubby Creek	1/1-46

Little Snowy Creek	1/1-53
Lockhart Creek	1/1-7-11
Log Bridge Creek	1/75-41
Marcus Creek	2/1-7-39
Middle Creek	2/1-4
Mitta Mitta River	1/1
Morgan Creek	2/1-41-24
Mountain Creek	2/1-85
Mullagong Creek	2/1-43
Nesbitt Creek	2/1-17-1
Nine Mile Creek	2/1-7-54
Omeo Creek	1/131
Omeo Creek	1/131
Pine Mountain Creek	1/68
Rawes Creek	1/81-33
Red Bank Creek	1/54
Running Creek	2/1-41
Sandy Creek	1/57
Sandy Creek	1/1-7
Scrubby Creek	1/1-68
Scrubby Creek	1/81-60
Simpson Creek	1/81-52
Snowy Creek	1/1-7
Sodawater Creek	2/1-85-12
Spring Creek	1/1-24
Spring Creek	1/1-5
Stockyard Creek	1/24
Stony Creek	1/50
Swampy Creek	2/1-7-29
Tallangatta Creek	1/1-19
Tallangatta Creek	1/8-1
Tallangatta Creek East Branch	1/1-19-26
Thowiga Creek	1/81-10
Twist Creek	2/1-7-44
Walwa Creek	1/56
Watchingorra Creek	1/1-79
Wises Creek	1/8
Wodonga Creek	2/8/ANA
Yackandandah Creek	2/1-7

Together with all named and unnamed tributaries draining directly or indirectly to the above waterways.

The numbers listed beside the above streams are those given in the stream numbering system (SACRED), published by the Department of Conservation and Natural Resources. A map showing the location of the above named waterways may be inspected at the offices of the Authority's Consulting Engineers, Ian Drummond and Associates, 68 Ovens Street, Wangaratta.

The Upper North East River Management Authority has the management and control of the designated waterways described above. Its waterway management district is the Upper North East River Management District as constituted by Order in Council on 19 May 1995 and published in the Government Gazette on 1 June 1995.

This declaration was made by the Upper North East River Management Authority and the Common Seal of the Authority was hereunto affixed on 3 August 1995 in the presence of

LINDSAY A. JARVIS, Chairman
D. F. KELLY, Member
N. S. GILL, Manager

Planning and Environment Act 1987
WERRIBEE PLANNING SCHEME
Notice of Amendment
Amendment L87

The Melton Shire Council has prepared this amendment to the Local Section of the Werribee Planning Scheme. This amendment affects all of the land currently zoned General Farming B in the Werribee Planning Scheme that is within the municipal boundary of the Melton Shire Council.

The declining productivity of broad scale agriculture has led to a strategic review of both the General Farming A and General Farming B zones by the Melton Shire Council. This review highlighted the need for a more flexible approach to be adopted to the management of rural land in order to stimulate economic development and to provide rural landowners with an opportunity to generate sufficient income to enable them to properly and adequately maintain their land.

The amendment proposes to introduce a new zone—the Rural (Agricultural) Zone—to replace the provisions contained in the current General Farming B Zone. This zone regulated the use and development of rural land in the former Shire of Werribee. The intention of this zone was to protect the operation of broad scale agricultural pursuits (mainly cropping and grazing) and to keep the land in large parcels and to discourage non-rural activities from being established in the rural areas.

The amendment also introduces a rural policy statement, particular use controls and three incorporated documents into the local section of the Werribee Planning Scheme. These will provide assistance in assessing applications for use and development in the Zone.

The new controls are designed to introduce a more flexible approach to rural land planning and management. The provisions of the new zone emphasise the need to foster developments which are sustainable and feature a high standard of environmental management by rural

landowners. The controls are also designed to encourage the aggregation of rural lots to create more productive rural enterprises. In return for this, the zone offers land owners increased subdivisional opportunities (subject to strict environmental management guidelines), a diverse array of uses that do not require planning permission (subject to compliance with performance criteria), and a considerably broader number of permissible uses than previously allowed in the General Farming B zone.

A copy of the amendment can be inspected free of charge during normal office hours at the Melton Shire Council, Civic Centre, 232 High Street, Melton or at the Department of Planning, Ground Floor, The Olderfleet Building, 477 Collins Street, Melbourne.

Submissions about the amendment are welcome and are to be sent to the Senior Town Planner, Melton Shire Council, Town Planning Office, P.O. Box 21, Melton, Victoria 3337 by 5.00 p.m. 14 November 1995.

ADRIAN PENNELL
Chief Executive Officer

Planning and Environment Act 1987
MELTON PLANNING SCHEME
Notice of Amendment
Amendment L56

The Melton Shire Council has prepared this amendment to the Local Section of Melton Planning Scheme. This amendment affects all of the land currently zoned General Farming A and General Farming B in the Melton Planning Scheme.

The declining productivity of broad scale agriculture has led to a strategic review of both the General Farming A and General Farming B zones by the Melton Shire Council. This review highlighted the need for a more flexible approach to be adopted to the management of rural land in order to stimulate economic development and to provide rural landowners with an opportunity to generate sufficient income to enable them to properly and adequately maintain their land.

The amendment proposes to introduce a new zone—the Rural (Agricultural) Zone—to replace the provisions contained in the current General Farming A Zone and General Farming B Zone. These zones regulate the use and development of rural land in the Melton Shire.

The intention of these zones was to protect the operation of broad scale agricultural pursuits (mainly cropping and grazing) and to keep the land in large parcels and to discourage non-rural activities from being established in the rural areas.

The amendment also introduces a rural policy statement, particular use controls and three incorporated documents into the local section of the Melton Planning Scheme. These will provide assistance in assessing applications for use and development in the Zone.

The new controls are designed to introduce a more flexible approach to rural land planning and management. The provisions of the new zone emphasise the need to foster developments which are sustainable and feature a high standard of environmental management by rural landowners. The controls are also designed to encourage the aggregation of rural lots to create more productive rural enterprises. In return for this, the zone offers land owners increased subdivisional opportunities (subject to strict environmental management guidelines), a diverse array of uses that do not require planning permission (subject to compliance with performance criteria), and a considerably broader number of permissible uses than previously allowed in both the General Farming A and B zones.

A copy of the amendment can be inspected free of charge during normal office hours at the Melton Shire Council, Civic Centre, 232 High Street, Melton or at the Department of Planning, Ground Floor, The Olderfleet Building, 477 Collins Street, Melbourne.

Submissions about the amendment are welcome and are to be sent to the Senior Town Planner, Melton Shire Council, Town Planning Office, P.O. Box 21, Melton, Victoria 3337 by 5.00 p.m. 14 November 1995.

ADRIAN PENNELL
Chief Executive Officer

MELTON SHIRE COUNCIL
Local Law No. 1

Notice is hereby given in accordance with the **Local Government Act 1989** (the Act) that Melton Shire Council at a meeting to be held in the Civic Centre at 7.00 p.m. on Monday, 16 October 1995 intends to make the following Local Law pursuant to the Act.

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

- * Provide for the peace, order and good government of the Municipal district of Melton Shire Council;
- * Provide for those matters which require a Local law under the Act or any other Act;
- * Provide for the administration of Council powers and functions;
- * Prohibit, regulate and control activities, events, practices or behaviour in places so that no detriment is caused to the amenity of the neighbourhood; nor nuisance to a person nor detrimental effect to a person's property.

The Local law is divided into parts dealing with different subject matter.

The purpose and general purport of each part is:

Streets and Roads—Traffic

- * To regulate the permanent and temporary closure of roads;
- * To control the erection and maintenance of obstructions and barriers on roads;
- * To control road use by heavy motor vehicles; and
- * To prevent injury to persons and damage to property.

Use of Council Land

- * To regulate the abandonment of vehicles;
- * To regulate parking of vehicles;
- * To preserve the amenity of roads;
- * To regulate the use of pavements;
- * To regulate shopping trolleys in streets, car parks and other public places;
- * To protect street furniture;
- * To provide for the identification of premises;
- * To prevent obstructions however caused;
- * To regulate vehicle crossings;
- * To regulate the opening and removal of soils from roads;
- * To regulate the consumption of alcohol in public places;
- * To regulate the use of Municipal buildings and reserves;

- * To regulate behaviour in Municipal buildings and reserves; and
- * To regulate the operation of Melton Waves Leisure Centre and Melton Library.

Sale of Goods, Street Selling, Collections and Distributions

- * To regulate the sale of goods from temporary locations;
- * To regulate provision of services on roads or Council land; and
- * To regulate collections and subscriptions.

Protection of Amenity

- * To regulate camping;
- * To regulate unsightly or dangerous land;
- * To regulate the spoil of roads; and
- * To prohibit open air burning and incinerators.

Animal Control

- * To control and regulate the keeping of animals.

Environmental Health

- * To regulate the use of receptacles for the deposit and collection of domestic refuse;
- * To regulate the use and placement of waste containers other than domestic waste receptacles.

Enforcement

- * To provide a mechanism for the grant of permits where one is required;
- * To provide a mechanism for the effective enforcement of the Local Law by means of infringement notices and rectification by an authorised officer.

A copy of the proposed Local Law is available for inspection at the Civic Centre during office hours. Any person affected by this proposal may make a written submission to Council under section 223 of the Act. Such submission should be submitted within 14 days of this notice.

Any person making a written submission may request to be heard in person or by a person acting on his/her behalf in support of their submission by appearing before the Council at a meeting to be scheduled.

ADRIAN PENNELL
Chief Executive Officer

STONNINGTON CITY COUNCIL
Notice under section 224A (2) of the **Local Government Act 1989** ("the Act")

Clause 568 ("clause 568") of the Stonnington City Council's ("the Council") General Local Law 1995 (No. 1) regulates the use, possession and consumption of alcohol.

The Council now gives notice under section 224A (2) of the Act that any police officer may enforce clause 568.

A copy of Council's General Local Law 1995 (No. 1) may be obtained from the Municipal Offices.

GREG MADDOCK
Chief Executive Officer

Planning and Environment Act 1987
NOTICE OF AMENDMENT TO A
PLANNING SCHEME

The Maroondah City Council at the request of Eastern Energy Ltd, care of S. Somers has prepared Amendment L43 to the Ringwood Planning Scheme.

The amendment affects part of land at 100 New Street, Ringwood being Lot 1 on Plan of Subdivision No. 330549F.

The amendment proposes to rezone the land from State Electricity Commission to Industrial 3 Zone which is essentially a buffer zone between industrial use and residential land.

A copy of the amendment can be inspected at Maroondah City Council, City Development, Ringwood Office, Braeside Avenue, Ringwood or the Croydon Office, Civic Square, Croydon and the Department of Planning and Development, Olderfleet Buildings, 477 Collins Street, Melbourne.

Submissions concerning the amendment must be sent to Maroondah City Council, City Development, PO Box 156, Ringwood 3134 by 16 October 1995.

MICHAEL MARASCO
Chief Executive Officer

EAST GIPPSLAND SHIRE COUNCIL
Proposed Local Law No. 2—The Common Seal

Notice is hereby given pursuant to section 119 (2) of the **Local Government Act 1989**, that the East Gippsland Shire Council has prepared a Local Law to regulate the use of the Common Seal.

A copy of the proposed Local Law can be obtained from the Council Corporate Centre, 55 Palmers Road, Lakes Entrance.

Any person affected by the proposed Local Law may make a submission relating to the proposed Local Law under section 223 of the Act.

These submissions must be in writing and be submitted to the Chief Executive, East Gippsland Shire Council, PO Box 80, Lakes Entrance 3909 within fourteen days of publication of this notice.

Any person requesting to be heard in support of the written submission is entitled to appear before a meeting of the Council (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 hearing.

GRAEME PEARCE
Chief Executive

Planning and Environment Act 1987
SURF COAST PLANNING SCHEME

Notice of Amendment
Amendment RL36

The Otway Region Water Authority has prepared Amendment RL36 to the Surf Coast Planning Scheme.

A. The amendment proposes to change Book 1 of the Regional Section of the Planning Scheme by:

1. Inserting a new paragraph at the end of Clause 70-1.3 which would allow land adjacent to Stony Creek North Lorne, to be used and developed for the purpose of an underground pumping station, without the need for a permit, subject to the submission and approval of development plans.

B. The Amendment proposes to change Chapter 2 of Book 2 of the Local Section of the Planning Scheme by:

1. Inserting a new Clause 111-7A which would allow the removal of native vegetation without a permit for the purpose of construction and operation of the Lorne wastewater treatment plant, booster pumping station, underground pumping station and associated mains, subject to the submission and approval of plans detailing the vegetation to be removed.

2. Rezoning land at Deans Marsh-Lorne Road, and Duncan Street Lorne, from Public Use 6—Open Space Conservation Zone, to a Public Use 14—Water Supply and Sewerage Authority Zone.

The responsible Authority for considering and approving plans required by these provisions will be the Surf Coast Shire Council.

The amendment can be inspected at the Otway Region Water Authority, 42–48 Hesse Street, Colac; Lorne Regional Office of Otway Region Water Authority, 90–94 Polwarth Street, Lorne; Department of Planning and Development, Planning Division, Olderfleet Building, 447 Collins Street, Melbourne or at the Surf Coast Shire Municipal Offices, 25 Grossmans Road, Torquay.

Submissions about the amendment must be sent to the Director, Engineering Services, Otway Region Water Authority, PO Box 201, Colac, Victoria 3250 by 21 September 1995.

Submitters to the previously advertised Amendment RL31 are advised that those submissions will be considered as if they are submissions to this Amendment RL36.

R. C. McLEAN
Director, Engineering Services

GRAMPIANS REGION WATER
AUTHORITY
By-Law No. 1

Water Supply and Sewerage Plumbing
Administrative By-Law

Notice is hereby given that the Grampians Region Water Authority has made By-Law No. 1 for the purpose of the administration of Water Supply and Sewerage Plumbing. The By-Law will come into effect on 1 October 1995.

The By-Law may be inspected free of charge at the Authority's District Offices located at:

- 11 McLachlan Street, Horsham
- 7 Victoria Street, Stawell
- 136 Barkly Street, Ararat
- 34 Lyle Street, Warracknabeal
- 22 Cumming Avenue, Birchip
- 92 Nelson Street, Nhill

during normal office hours.

N. R. ILLIG
Secretary

MONASH CITY COUNCIL

Local Law No. 2
Administrative Procedures
(Use of Common Seal)

Monash City Council hereby gives notice, pursuant to the provisions of the **Local Government Act 1989**, that it made Local Law No. 2. Administrative Procedures (Use of Common Seal) at its meeting on 12 September 1995.

The purpose of this Local Law is to:

- * provide how the common seal of Council may be used;
- * provide who may authorise the use of the common seal;
- * delegate the power to authorise the use of the common seal;
- * prescribe who may witness the affixing of the common seal;
- * provide for the more efficient transaction of Council business;
- * provide for the peace order and good government of the municipal district of Council; and
- * provide for the administration of Council powers and functions.

The Local Law is to become operative on 14 September 1995.

A copy of the Local Law is available for inspection at the Civic Centre, 293 Springvale Road, Glen Waverley.

DAVID CONRAN
Chief Executive Officer

Planning and Environment Act 1987
SHEPPARTON SHIRE PLANNING SCHEME
Notice of Amendment to Planning Scheme
Amendment L78

The Greater Shepparton City Council has prepared Amendment L78 to the Shepparton Shire Planning Scheme.

The amendment affects land in Verney Road Shepparton being Lot A and Lots 1–3, PS 309020Y, Crown Allotment 77H (part), Parish of Shepparton.

The amendment proposes to change the Planning Scheme by:

- (i) Rezoning the land from Rural Residential zone to Low Density Residential zone; and
- (ii) Exempting the land from the dwelling density limitations of Clause 171 (2) of the Land Adjacent to Radio Australia Special Control.

The amendment can be inspected at the offices of the City of Greater Shepparton, 90 Welsford Street, Shepparton; Department of Planning and Development, North Eastern Office, State Offices, 1 McKoy Street, West Wodonga or at the Department of Planning and Development, 477 Collins Street, Melbourne.

Submissions about the amendment must be sent to the City of Greater Shepparton, Locked Bag 1000, Shepparton 3632, by Monday, 16 October 1995.

Dated 14 September 1995

SIMON GUTTERIDGE
Town Planner

Planning and Environment Act 1987
SHIRE OF MILAWA PLANNING SCHEME
CHAPTER 2
Notice of Amendment of a Planning Scheme
Amendment L4

The Rural City of Wangaratta has prepared Amendment L4 to the Shire of Milawa Planning Scheme, Chapter 2. The amendment affects land at the north west corner of Greta Road and Mason Street.

The amendment proposes to change the planning scheme by rezoning the land 1-408 ha in area from B1—Neighbourhood Business zone to B2—Highway Business zone.

The amendment can be inspected at the Rural City of Wangaratta, 64-66 Ovens Street, Wangaratta; Department of Planning and Development, North East Region, 1 McKoy Street, Wodonga or at the Department of Planning and Development, Olderfleet Building, 477 Collins Street, Melbourne.

Submissions about the amendment must be sent to the Rural City of Wangaratta, PO Box 238, Wangaratta by 17 October 1995, and should indicate whether you wish to be heard in respect of submission.

Dated 14 September 1995

ELLEN EVANS
Town Planner

SUNRAYSIA RURAL WATER AUTHORITY
Irrigation Water
For Sale by Tender

Sunraysia Rural Water Authority declares that Low Impact Zone (LIZ) water and Used High Impact Zone (used HIZ) water, suitable for irrigation in Sunraysia, is available for purchase

by tender by any person holding the specified qualifications. The sales are for permanent transfer.

The tender application is required to provide details of the property, details of the proposed development and use of the water, and the tendered price per megalitre of the proposed volume.

Conditions are attached to the sale and are specified on the tender application form which is available from the Authority's office situated at Indi Avenue, Red Cliffs. Enquiries should be directed to Mr Peter Hartshorn on telephone (050) 24 1202.

Tenders will be accepted until 5.00 p.m. Friday, 29 September 1995, and must be sent or delivered to the Tender Box, Sunraysia Rural Water Authority, PO Box 243, Red Cliffs, Victoria 3496.

CHRIS STOLTZ
Chief Executive Officer

Co-operation Act 1981
DIAMOND CREEK PRIMARY SCHOOL
CO-OPERATIVE No. 2 LTD
ESSEX HEIGHTS TENNIS CLUB
(WAVERLEY) CO-OPERATIVE LTD
KILSYTH FOOTBALL CO-OPERATIVE
LIMITED
MIRBOO NORTH H. S. CO-OPERATIVE
LIMITED
MITCHAM HIGH SCHOOL CO-OPERATIVE
LIMITED
SUNSHINE Y. C. W. BUILDING CO-
OPERATIVE LIMITED
WELLINGTON HIGH SCHOOL CO-
OPERATIVE LIMITED
Co-operative Societies (General)
Regulations 1993
Form 61, Regulation 61 (2)
Dissolution of Societies

I hereby notify that I have this day registered the dissolution of the abovenamed societies and cancelled their registration under the abovenamed Act.

Dated at Melbourne on 8 September 1995

K. N. FLOWERS
Deputy Registrar of Co-operative Societies

Water Act 1989
BULK ENTITLEMENT (ALEXANDRA)
CONVERSION ORDER 1995

I, Charles Geoffrey Coleman, Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Alexandra) Conversion Order 1995.

2. Empowering Provisions

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

3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14 and 15) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14 and 15 come into operation on 1 July 1996.

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 Mid-Goulburn Regional Water Board;

“channel system” means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System;

“Distributor” means the person who operates and maintains the channel system;

“entitlement holder” means a person holding a bulk entitlement under the Act;

“exchange rate” means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

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

“Goulburn Entitlement Holder” means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

“Headworks System” means—

- (a) the water supply works of Lake Eildon, Goulburn Weir, the Stuart Murray and Cattapach Canals and Waranga Basin; and

- (b) the waterway below Lake Eildon;

“licence” means any licence granted under Part 4 of the Act;

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

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn 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 waterway; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn 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;

“security of supply” means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

“specified point” means the location on the waterway of the Authority’s raw water pumping station at Alexandra;

“Storage Operator” means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of the waterway, or to do all or any of them;

“system delivery costs” means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterway and its tributaries; and
- (c) measuring the flow of the waterway and its tributaries;

“system source costs” means the total annual cost of—

- (a) operating, maintaining and administering; and
- (b) making an appropriate allowance for renewing works; and

(c) protecting the quality of the resource—of the Headworks System, except system delivery costs;

“water right” has the same meaning as in section 230 (2) (c) of the Act;

“waterway” means the Goulburn 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 for the supply of water to the Alexandra Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

6.1 Subject to sub-clause 7.3 and clause 8, the Authority may take up to 916 ML of water from the waterway at the specified point in any year, at a rate not exceeding 7.4 ML/day, with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 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. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.4 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and

(c) must not grant an annual entitlement which has a security of supply less than 93%.

7.5 The Authority must advise the Goulburn Entitlement Holder in writing of any amendment made by the Minister under sub-clause 7.3.

8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever $V_e < V_i$, the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

V_e = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

V_i = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.3.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if $V_e \geq V_i$, revoke the restrictions for that year; or
- (b) if $V_e < V_i$, amend the restricted annual entitlement to an amount which is the greater of—
 - (i) $A \times (V_e + V_i)$ and
 - (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

9. Taking Water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Alexandra Water Supply System, at the site of any of the Authority's works on the waterway, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any waterway; and
- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

10. Supply of Water

10.1 The Authority and the Goulburn Entitlement Holder must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Goulburn Entitlement Holder have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 21.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clause 15, only water actually taken by the Authority must be counted.

11. Entitlement to Returned Water

11.1 On the application of the Authority, the Minister may grant the Authority credits to use or trade water taken under this entitlement and returned to the waterway.

11.2 The application must be made in the manner and form approved by the Minister.

11.3 The Minister may only grant a credit to use or trade water returned to the waterway where—

- (a) the returned water is only traded or taken downstream of the point of return, or upstream, by substitution in accordance with the requirements of the Goulburn Entitlement Holder; and
- (b) the Minister is satisfied that—
 - (i) the returned water has been treated to a high standard; and
 - (ii) there will be no significant adverse impact on the waterway or authorised uses of water; and
- (c) the Authority and the Goulburn Entitlement Holder have agreed to the accounting arrangements for the returned water and its use or trade.

12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 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) all water referred to in paragraph (a) which is returned to the waterway for the use or trade by the Authority under clause 11—

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

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.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Goulburn Entitlement Holder so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is found to be—

- (a) accurate, or inaccurate by no more than 5%, the Goulburn Entitlement Holder must pay the cost of testing it; or
- (b) inaccurate by more than 5%, the Authority must pay the cost of testing it.

13. Reporting Requirements

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

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;
- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Alexandra Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Alexandra Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;
- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (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.

13.3 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 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Authority may be required to report to—

- (a) either or both of the Goulburn Entitlement Holder and the Resource Manager, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1; and
- (b) the Distributor, from time to time, on matters set out in paragraphs (a) to (d) of sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and the person agree otherwise—
 - (i) within 24 hours of the Authority receiving a request for a report on the matter set out in paragraphs (a) to (d) of sub-clause 13.1; 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 13.1.

14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = \$(A \times E + Y) \times (S + R)$$

where—

C_s = the source charge.

A = the annual entitlement.

E = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

Y = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

S = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

R = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for water taken from the waterway, calculated as follows:

$$C_D = S_D \times M \div T$$

where—

C_D = the delivery charge for water taken from the waterway.

D = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

M = the amount of water taken and measured in accordance with sub-clause 12.3.

T = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

16. Water Accounting

16.1 For the purpose of—

- (a) determining how much water has been taken by the Authority under its annual entitlement; and
- (b) calculating the annual delivery charge under clause 15—

the amounts measured under sub-clause 12.3 (b) are conclusive.

16.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 16.1 are

deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

17. Water Accounts Costs

17.1 Subject to sub-clause 18.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

17.2 The proportion of the costs referred to in sub-clause 17.1 is to be determined by the Resource Manager under sub-clause 18.3.

18. Duty to keep accounts and fix proportions

18.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or
- (b) the Resource Manager, under clause 17—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

18.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15; and
- (b) by the Resource Manager, in respect to sub-clause 17.1.

18.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 17.1.

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

19. Duty to Make Payments

Any amount payable by the Authority—

- (a) under clause 14 or 15 must be paid quarterly; and
- (b) under clause 17 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.

20. Data

20.1 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, free of charge.

20.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 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.

21. Dispute Resolution

21.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, 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.

21.2 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.

21.3 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.

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

21.5 (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.

21.6 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.

21.7 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.

Dated 21 August 1995

GEOFF COLEMAN
Minister administering the **Water Act 1989**

Water Act 1989

**BULK ENTITLEMENT (BONNIE DOON)
CONVERSION ORDER 1995**

I, Charles Geoffrey Coleman, Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Bonnie Doon) Conversion Order 1995.

2. Empowering Provisions

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

3. Commencement

3.1 This Order (except for sub-clause 6.2 and clause 14) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clause 14 come into operation on 1 July 1996.

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 Lake Eildon in any year;

"Authority" means the Mid-Goulburn Regional Water Board;

"channel system" means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System;

"Distributor" means the person who operates and maintains the channel system;

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

"exchange rate" means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

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

"Goulburn Entitlement Holder" means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

"Headworks System" means—

- (a) the water supply works of Lake Eildon, Goulburn Weir, the Stuart Murray and Cattanach Canals and Waranga Basin; and

(b) the waterway below Lake Eildon;

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

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

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn 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 waterway; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn 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;

"security of supply" means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

"specified point" means the location on Lake Eildon of the Authority's raw water pumping station at the Maroondah Highway Bridge at Bonnie Doon;

"Storage Operator" means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of the waterway, or to do all or any of them;

"system delivery costs" means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterway and its tributaries; and
- (c) measuring the flow of the waterway and its tributaries;

"system source costs" means the total annual cost of—

- (a) operating, maintaining and administering; and
- (b) making an appropriate allowance for renewing works; and

(c) protecting the quality of the resource—of the Headworks System, except system delivery costs;

"water right" has the same meaning as in section 230 (2) (c) of the Act;

"waterway" means the Goulburn 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 Lake Eildon to supply water to the Bonnie Doon Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

6.1 Subject to sub-clause 7.3 and clause 8, the Authority may take up to 112 ML of water from Lake Eildon in any year, at a rate not exceeding 2.0 ML/day, with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 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. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.4 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and

- (c) must not grant an annual entitlement which has a security of supply less than 93%.

7.5 The Authority must advise the Goulburn Entitlement Holder in writing of any amendment made by the Minister under sub-clause 7.3.

8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever $V_e < V_i$, the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

V_e = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

V_i = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.3.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if $V_e \geq V_i$, revoke the restrictions for that year; or
- (b) if $V_e < V_i$, amend the restricted annual entitlement to an amount which is the greater of—
 - (i) $A \times (V_e + V_i)$ and
 - (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

9. Taking Water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Bonnie Doon Water Supply System, at the site of any of the Authority's works on Lake Eildon, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any waterway; and
- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

10. Supply of Water

10.1 The Authority and the Goulburn Entitlement Holder must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Goulburn Entitlement Holder have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 20.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement, only water actually taken by the Authority must be counted.

11. Entitlement to Returned Water

11.1 On the application of the Authority, the Minister may grant the Authority credits to use or trade water taken under this entitlement and returned to Lake Eildon.

11.2 The application must be made in the manner and form approved by the Minister.

11.3 The Minister may only grant a credit to use or trade water returned to Lake Eildon where—

- (a) the returned water is only traded or taken from Lake Eildon or from the waterway downstream of Lake Eildon; and

- (b) the Minister is satisfied that—
 - (i) the returned water has been treated to a high standard; and
 - (ii) there will be no significant adverse impact on Lake Eildon or authorised uses of water; and
- (c) the Authority and the Goulburn Entitlement Holder have agreed to the accounting arrangements for the returned water and its use or trade.

12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 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) all water referred to in paragraph (a) which is returned to Lake Eildon for the use or trade by the Authority under clause 11—

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

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.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Goulburn Entitlement Holder so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is found to be—

- (a) accurate, or inaccurate by no more than 5%, the Goulburn Entitlement Holder must pay the cost of testing it; or
- (b) inaccurate by more than 5%, the Authority must pay the cost of testing it.

13. Reporting Requirements

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

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;
- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Bonnie Doon Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Bonnie Doon Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;
- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (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.

13.3 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 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Authority may be required to report to—

- (a) either or both of the Goulburn Entitlement Holder and the Resource Manager, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1; and
- (b) the Distributor, from time to time, on matters set out in paragraphs (a) to (d) of sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and the person agree otherwise—
 - (i) within 24 hours of the Authority receiving a request for a report on the matter set out in paragraphs (a) to (d) of sub-clause 13.1; 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 13.1.

14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = \$ (A \times E + Y) \times (S + R)$$

where—

C_s = the source charge.

A = the annual entitlement.

E = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

Y = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

S = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

R = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

15. Water Accounting

15.1 For the purpose of determining how much water has been taken by the Authority under its annual entitlement, the amounts measured under sub-clause 12.3 (b) are conclusive.

15.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 15.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

16. Water Accounts Costs

16.1 Subject to sub-clause 17.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

16.2 The proportion of the costs referred to in sub-clause 16.1 is to be determined by the Resource Manager under sub-clause 17.3.

17. Duty to keep accounts and fix proportions

17.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14; or
- (b) the Resource Manager, under clause 16—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

17.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1; and
- (b) by the Resource Manager, in respect to sub-clause 16.1.

17.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 16.1.

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

18. Duty to Make Payments

Any amount payable by the Authority—

(a) under clause 14 must be paid quarterly; and

(b) under clause 16 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.

19. Data

19.1 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, free of charge.

19.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 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.

20. Dispute Resolution

20.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, 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.

20.2 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.

20.3 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.

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

20.5 (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.

20.6 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.

20.7 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.

Dated 21 August 1995

GEOFF COLEMAN

Minister administering the **Water Act 1989**

Water Act 1989

BULK ENTITLEMENT (BOORT) CONVERSION ORDER 1995

I, Charles Geoffrey Coleman, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Boort) Conversion Order 1995.

2. Empowering Provisions

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

3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14, 15 and 16) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14, 15 and 16 come into operation on 1 July 1996.

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 channel system in any year;

"Authority" means the Coliban Region Water Authority;

"channel system" means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System to the Authority and other customers supplied in the vicinity of the specified point;

"distribution cost" means the total annual cost of—

- (a) operating, maintaining and administering the Distributor's channel system; and
- (b) making an appropriate allowance for renewing channel system works; and
- (c) measuring the flow of channels and pipelines;

"Distributor" means the person who operates and maintains the channel system;

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

"exchange rate" means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

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

"Goulburn Entitlement Holder" means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

"Headworks System" means the storages, diversion works and main water supply channels, pipelines and waterways required to supply water to the channel system;

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

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

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn 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 Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn 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;

"security of supply" means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

"specified point" means the location on the channel system of the Authority's metered outlet number 2448 on the Boort Channel No. 3, at Boort;

"Storage Operator" means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of any of the waterways, or to do all or any of them;

"system delivery costs" means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterways and their tributaries; and
- (c) measuring the flow of the waterways and their tributaries;

"system source costs" means the total annual cost of—

- (a) operating, maintaining and administering; and
- (b) making an appropriate allowance for renewing works; and
- (c) protecting the quality of the resource—of the Headworks System, except system delivery costs;

"water right" has the same meaning as in section 230 (2) (c) of the Act;

"waterways" means the Goulburn River, the Campaspe River and the Loddon 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 channel system to supply water to the Boort Water Supply system is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

6.1 Subject to sub-clause 7.4 and clause 8, the Authority may take up to 425 ML of water from the channel system at the specified point, in any year, at a rate not exceeding 3.0 ML/day, with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 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. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 An application to the Minister under sub-clause 7.2 must give details of any requirements of the Distributor in respect to the supply of water at the amended security of supply.

7.4 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.5 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and
- (c) must not grant an annual entitlement which has a security of supply less than 93%.

7.6 The Authority must advise the Distributor in writing of any amendment made by the Minister under sub-clause 7.4.

8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever $V_e < V_i$, the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

V_e = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

V_i = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.4.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if $V_e \geq V_i$, revoke the restrictions for that year; or
- (b) if $V_e < V_i$, amend the restricted annual entitlement to an amount which is the greater of—
 - (i) $A \times (V_e + V_i)$ and
 - (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

9. Taking water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Boort Water Supply System, at the site of any of the Authority's works on the channel system, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any of the waterways; and
- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

10. Supply of Water

10.1 The Authority and the Distributor must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Distributor have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 22.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clauses 15 and 16, only water actually taken by the Authority must be counted.

11. Entitlement to Returned Water

11.1 The Authority may, with the agreement of the Distributor use or trade water available to it under this entitlement that it returns to the channel system.

11.2 If the Authority and the Distributor have not reached agreement within twelve months of the Authority requesting in writing the right to use or trade water returned to the channel then either party may give written notice requiring the matter to be determined by the Minister.

11.3 In making a determination in accordance with sub-clause 11.2 the Minister must be satisfied that—

- (a) the returned water has been treated to a high standard; and
- (b) there will be no significant adverse impact on the channel system or authorised uses of water.

12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 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) all water referred to in paragraph (a) which is returned to the channel system by the Authority for use or trade under clause 11—

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

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.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Distributor so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is—

- (a) found to be accurate, or inaccurate by no more than 5%, the Distributor must pay the cost of testing it; or
- (b) found to be accurate, or inaccurate by more than 5%, the Authority must pay the cost of testing it.

13. Reporting Requirements

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

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;

- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Boort Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Boort Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;
- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (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.

13.3 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 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Distributor, the Goulburn Entitlement Holder and the Resource Manager may together or separately require the Authority to report to either or all of them, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and that person 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 13.1; 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 13.1.

14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = \$ (A \times E + Y) \times (S + R)$$

where—

C_s = the source charge.

A = the annual entitlement.

E = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

Y = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

S = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

R = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for the supply of water from the Headworks System to the channel system, calculated as follows:

$$C_D = \$ D \times M \div T$$

where—

C_D = the delivery charge for water supplied from the Headworks System to the channel system.

D = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

T = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

16. Water Supply Distribution Cost

The Authority must pay the Distributor an annual distribution charge for water taken from the channel system, calculated as follows:

$$C_{Di} = \$N \times M + O$$

where—

C_{Di} = the distribution charge for water taken from the channel system.

N = the channel system distribution costs estimated by the Distributor to be incurred for the year for which the charge is calculated. The channel system is the same as that used to determine costs applying to other customers supplied in the vicinity of the specified point.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

O = the average annual amount of water actually supplied for the previous ten years to all users of water from the channel system, for which the distribution costs (N) are determined.

17. Water Accounting

17.1 For the purpose of—

- (a) determining how much water has been taken by the Authority under its annual entitlement;
- (b) calculating the annual delivery charge under clause 15; and
- (c) calculating the annual distribution charge under clause 16;

the amounts measured under sub-clause 12.3 (b) are conclusive.

17.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 17.1 are deemed to be the same as the average amount

taken by the Authority under its annual entitlement for the same period for the preceding three years.

18. Water Accounts Costs

18.1 Subject to sub-clause 19.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

18.2 The proportion of the costs referred to in sub-clause 18.1 is to be determined by the Resource Manager under sub-clause 19.3.

19. Duty to keep accounts and fix proportions

19.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or
- (b) the Distributor, under clause 16; or
- (c) the Resource Manager, under clause 18—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

19.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15;
- (b) by the Distributor, in respect to clause 16; and
- (c) by the Resource Manager, in respect to sub-clause 18.1.

19.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 18.1.

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

20. Duty to make payments

Any amount payable by the Authority—

- (a) under clause 14, 15 or 16 must be paid quarterly; and
- (b) under clause 18 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.

21. Data

21.1 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, free of charge.

21.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 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.

22. Dispute Resolution

22.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, 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.

22.2 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.

22.3 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.

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

22.5 (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.

22.6 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.

22.7 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.

Dated 21 August 1995

GEOFF COLEMAN
Minister administering the **Water Act 1989**

Water Act 1989 **BULK ENTITLEMENT (BUXTON)** **CONVERSION ORDER 1995**

I, Charles Geoffrey Coleman, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Buxton) Conversion Order 1995.

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 Mid-Goulburn Regional Water Board;

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

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

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

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

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn 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 Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn 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 Buxton Pump Station on the waterway;

"waterway" means the Steavenson 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 Buxton Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

6.1 The Authority may take the share of flow in the waterway specified in clause 7, up to a total of 110 ML in any year.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

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 $F \leq 0.9 \text{ ML/day}$,
 $E = F$, and
- (b) when $F > 0.9 \text{ ML/day}$,
 $E = 0.9 \text{ ML/day}$.

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 other than 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 location and amount of the extraction; and
- (b) ascertain and provide the Minister with 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 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 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.

10.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; 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) the daily amount of water taken by the Authority from the waterway;
- (b) the approval, amendment and implementation of programs under clauses 9 and 10;
- (c) the annual amount of water taken under this entitlement;
- (d) any temporary or permanent transfer of all or part of this bulk entitlement;
- (e) any bulk entitlement or licence in respect of the waterway temporarily or permanently transferred to the Authority with respect to the Buxton Water Supply System;
- (f) any amendment to this bulk entitlement;
- (g) any new bulk entitlement granted to the Authority with respect to the Buxton Water Supply System;
- (h) any failure by the Authority to comply with any provision of this bulk entitlement;
- (i) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

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) paragraph (a) of sub-clause 11.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (h) 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) 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 (b) to (i) 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 Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn 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 Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn 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 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. Data

15.1 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, free of charge.

15.2 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.

16. Dispute Resolution

16.1 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.

16.2 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.

16.3 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.

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

16.5 (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.

16.6 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.

16.7 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.

Dated 21 August 1995

GEOFF COLEMAN
Minister administering the **Water Act 1989**

Water Act 1989
BULK ENTITLEMENT (COLBINABBIN)
CONVERSION ORDER 1995

I, Charles Geoffrey Coleman, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Colbinabbin) Conversion Order 1995.

2. Empowering Provisions

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

3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14, 15 and 16) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14, 15 and 16 come into operation on 1 July 1996.

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 channel system in any year;

“Authority” means the Goulburn Valley Region Water Authority;

“channel system” means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System to the Authority and other customers supplied in the vicinity of the specified point;

“distribution cost” means the total annual cost of—

- (a) operating, maintaining and administering the Distributor’s channel system; and
- (b) making an appropriate allowance for renewing channel system works; and

(c) measuring the flow of channels and pipelines;

“Distributor” means the person who operates and maintains the channel system;

“entitlement holder” means a person holding a bulk entitlement under the Act;

“exchange rate” means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

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

“Goulburn Entitlement Holder” means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

“Headworks System” means the storages, diversion works and main water supply channels, pipelines and waterways required to supply water to the channel system;

“licence” means any licence granted under Part 4 of the Act;

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

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn 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 Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn 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;

“security of supply” means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

"specified point" means the location on the channel system of the Authority's metered outlet number 4185A on the Waranga Western Main Channel, at Colbinabbin;

"Storage Operator" means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of any of the waterways, or to do all or any of them;

"system delivery costs" means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterways and their tributaries; and
- (c) measuring the flow of the waterways and their tributaries;

"system source costs" means the total annual cost of—

- (a) operating, maintaining and administering; and
- (b) making an appropriate allowance for renewing works; and
- (c) protecting the quality of the resource—of the Headworks System, except system delivery costs;

"water right" has the same meaning as in section 230 (2) (c) of the Act;

"waterways" means the Goulburn River, the Campaspe River and the Loddon 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 channel system to supply water to the Colbinabbin Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

6.1 Subject to sub-clause 7.4 and clause 8, the Authority may take up to 89 ML of water from the channel system at the specified point, in any year, at a rate not exceeding 1.0 ML/day, with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 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. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 An application to the Minister under sub-clause 7.2 must give details of any requirements of the Distributor in respect to the supply of water at the amended security of supply.

7.4 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.5 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and
- (c) must not grant an annual entitlement which has a security of supply less than 93%.

7.6 The Authority must advise the Distributor in writing of any amendment made by the Minister under sub-clause 7.4.

8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever $V_e < V_i$, the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e \div V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

V_e = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn

Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

V_i = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.4.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if $V_e \geq V_i$, revoke the restrictions for that year; or
- (b) if $V_e < V_i$, amend the restricted annual entitlement to an amount which is the greater of—
 - (i) $A \times (V_e + V_i)$ and
 - (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

9. Taking water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Colbinabbin Water Supply System, at the site of any of the Authority's works on the channel system, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any of the waterways; and
- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

10. Supply of Water

10.1 The Authority and the Distributor must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Distributor have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 22.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clauses 15 and 16, only water actually taken by the Authority must be counted.

11. Entitlement to Returned Water

11.1 The Authority may, with the agreement of the Distributor use or trade water available to it under this entitlement that it returns to the channel system.

11.2 If the Authority and the Distributor have not reached agreement within twelve months of the Authority requesting in writing the right to use or trade water returned to the channel then either party may give written notice requiring the matter to be determined by the Minister.

11.3 In making a determination in accordance with sub-clause 11.2 the Minister must be satisfied that—

- (a) the returned water has been treated to a high standard; and
- (b) there will be no significant adverse impact on the channel system or authorised uses of water.

12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 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) all water referred to in paragraph (a) which is returned to the channel system by the Authority for use or trade under clause 11—

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

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.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Distributor so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is—

- (a) found to be accurate, or inaccurate by no more than 5%, the Distributor must pay the cost of testing it; or
- (b) found to be accurate, or inaccurate by more than 5%, the Authority must pay the cost of testing it.

13. Reporting Requirements

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

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;
- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;

- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Colbinabbin Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Colbinabbin Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;
- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (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.

13.3 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 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Distributor, the Goulburn Entitlement Holder and the Resource Manager may together or separately require the Authority to report to either or all of them, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and

(b) unless that Authority and that person 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 13.1; 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 13.1.

14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = \$ (A \times E + Y) \times (S + R)$$

where—

C_s = the source charge.

A = the annual entitlement.

E = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

Y = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

S = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

R = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for the supply of water from the Headworks System to the channel system, calculated as follows:

$$C_D = \$ D \times M + T$$

where—

C_D = the delivery charge for water supplied from the Headworks System to the channel system.

D = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

T = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

16. Water Supply Distribution Cost

The Authority must pay the Distributor an annual distribution charge for water taken from the channel system, calculated as follows:

$$C_{Di} = \$ N \times M + O$$

where—

C_{Di} = the distribution charge for water taken from the channel system.

N = the channel system distribution costs estimated by the Distributor to be incurred for the year for which the charge is calculated. The channel system is the same as that used to determine costs applying to other customers supplied in the vicinity of the specified point.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

O = the average annual amount of water actually supplied for the previous ten years to all users of water from the channel system, for which the distribution costs (N) are determined.

17. Water Accounting

17.1 For the purpose of—

(a) determining how much water has been taken by the Authority under its annual entitlement;

(b) calculating the annual delivery charge under clause 15; and

(c) calculating the annual distribution charge under clause 16;

the amounts measured under sub-clause 12.3 (b) are conclusive.

17.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 17.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

18. Water Accounts Costs

18.1 Subject to sub-clause 19.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

18.2 The proportion of the costs referred to in sub-clause 18.1 is to be determined by the Resource Manager under sub-clause 19.3.

19. Duty to keep accounts and fix proportions

19.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or
- (b) the Distributor, under clause 16; or
- (c) the Resource Manager, under clause 18—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

19.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15;
- (b) by the Distributor, in respect to clause 16; and
- (c) by the Resource Manager, in respect to sub-clause 18.1.

19.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 18.1.

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

20. Duty to make payments

Any amount payable by the Authority—

- (a) under clause 14, 15 or 16 must be paid quarterly; and
- (b) under clause 18 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.

21. Data

21.1 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, free of charge.

21.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 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.

22. Dispute Resolution

22.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, 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.

22.2 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.

22.3 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.

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

22.5 (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.

22.6 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.

22.7 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.

Dated 21 August 1995

GEOFF COLEMAN
Minister administering the **Water Act 1989**

**Water Act 1989
BULK ENTITLEMENT (COROP)
CONVERSION ORDER 1995**

I, Charles Geoffrey Coleman, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Corop) Conversion Order 1995.

2. Empowering Provisions

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

3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14, 15 and 16) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14, 15 and 16 come into operation on 1 July 1996.

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 channel system in any year;

“Authority” means the Goulburn Valley Region Water Authority;

“channel system” means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System to the Authority and other customers supplied in the vicinity of the specified point;

“distribution cost” means the total annual cost of—

- (a) operating, maintaining and administering the Distributor’s channel system; and
- (b) making an appropriate allowance for renewing channel system works; and
- (c) measuring the flow of channels and pipelines;

“Distributor” means the person who operates and maintains the channel system;

“entitlement holder” means a person holding a bulk entitlement under the Act;

“exchange rate” means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

“Goulburn Basin Water Accounts” means an annual report, required by the Minister, on compliance by entitlement holders and

licensees, respectively, in the Goulburn Basin, with the terms of their bulk entitlements or licences;

“Goulburn Entitlement Holder” means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

“Headworks System” means the storages, diversion works and main water supply channels, pipelines and waterways required to supply water to the channel system;

“licence” means any licence granted under Part 4 of the Act;

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

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn 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 Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn 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;

“security of supply” means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

“specified point” means the location on the channel system of the Authority’s metered outlet number 4224A on the Waranga Western Main Channel, at Corop;

“Storage Operator” means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of any of the waterways, or to do all or any of them;

“system delivery costs” means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and

- (b) regulating and managing the waterways and their tributaries; and
- (c) measuring the flow of the waterways and their tributaries;

"system source costs" means the total annual cost of—

- (a) operating, maintaining and administering; and
- (b) making an appropriate allowance for renewing works; and
- (c) protecting the quality of the resource—of the Headworks System, except system delivery costs;

"water right" has the same meaning as in section 230 (2) (c) of the Act;

"waterways" means the Goulburn River, the Campaspe River and the Loddon 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 channel system to supply water to the Corop Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

6.1 Subject to sub-clause 7.4 and clause 8, the Authority may take up to 44 ML of water from the channel system at the specified point, in any year, at a rate not exceeding 1.0 ML/day, with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 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. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 An application to the Minister under sub-clause 7.2 must give details of any requirements of the Distributor in respect to the supply of water at the amended security of supply.

7.4 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.5 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and
- (c) must not grant an annual entitlement which has a security of supply less than 93%.

7.6 The Authority must advise the Distributor in writing of any amendment made by the Minister under sub-clause 7.4.

8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever $V_e < V_i$, the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

V_e = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

V_i = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.4.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if $V_e \geq V_i$, revoke the restrictions for that year; or
- (b) if $V_e < V_i$, amend the restricted annual entitlement to an amount which is the greater of—
 - (i) $A \times (V_e + V_i)$ and
 - (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

9. Taking water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Corop Water Supply System, at the site of any of the Authority's works on the channel system, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any of the waterways; and
- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

10. Supply of Water

10.1 The Authority and the Distributor must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Distributor have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 22.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clauses 15 and 16, only water actually taken by the Authority must be counted.

11. Entitlement to Returned Water

11.1 The Authority may, with the agreement of the Distributor use or trade water available to it under this entitlement that it returns to the channel system.

11.2 If the Authority and the Distributor have not reached agreement within twelve months of the Authority requesting in writing the right to use or trade water returned to the channel then either party may give written notice requiring the matter to be determined by the Minister.

11.3 In making a determination in accordance with sub-clause 11.2 the Minister must be satisfied that—

- (a) the returned water has been treated to a high standard; and
- (b) there will be no significant adverse impact on the channel system or authorised uses of water.

12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 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) all water referred to in paragraph (a) which is returned to the channel system by the Authority for use or trade under clause 11—

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

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.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and

- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and

- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Distributor so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is—

- (a) found to be accurate, or inaccurate by no more than 5%, the Distributor must pay the cost of testing it; or
- (b) found to be accurate, or inaccurate by more than 5%, the Authority must pay the cost of testing it.

13. Reporting Requirements

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

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;
- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Corop Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Corop Water Supply System;

- (k) any failure by the Authority to comply with any provision of this bulk entitlement;

- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (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.

13.3 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 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Distributor, the Goulburn Entitlement Holder and the Resource Manager may together or separately require the Authority to report to either or all of them, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and that person 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 13.1; 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 13.1.

14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = \$(A \times E + Y) \times (S + R)$$

where—

C_s = the source charge.

A = the annual entitlement.

E = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

Y = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

S = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

R = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for the supply of water from the Headworks System to the channel system, calculated as follows:

$$C_D = SD \times M \div T$$

where—

C_D = the delivery charge for water supplied from the Headworks System to the channel system.

D = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

T = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

16. Water Supply Distribution Cost

The Authority must pay the Distributor an annual distribution charge for water taken from the channel system, calculated as follows:

$$C_{Di} = \$N \times M \div O$$

where—

C_{Di} = the distribution charge for water taken from the channel system.

N = the channel system distribution costs estimated by the Distributor to be incurred for the year for which the

charge is calculated. The channel system is the same as that used to determine costs applying to other customers supplied in the vicinity of the specified point.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

O = the average annual amount of water actually supplied for the previous ten years to all users of water from the channel system, for which the distribution costs (N) are determined.

17. Water Accounting

17.1 For the purpose of—

- (a) determining how much water has been taken by the Authority under its annual entitlement;
- (b) calculating the annual delivery charge under clause 15; and
- (c) calculating the annual distribution charge under clause 16;

the amounts measured under sub-clause 12.3 (b) are conclusive.

17.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 17.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

18. Water Accounts Costs

18.1 Subject to sub-clause 19.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

18.2 The proportion of the costs referred to in sub-clause 18.1 is to be determined by the Resource Manager under sub-clause 19.3.

19. Duty to keep accounts and fix proportions

19.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or
- (b) the Distributor, under clause 16; or
- (c) the Resource Manager, under clause 18—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

19.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15;
- (b) by the Distributor, in respect to clause 16; and
- (c) by the Resource Manager, in respect to sub-clause 18.1.

19.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 18.1.

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

20. Duty to Make Payments

Any amount payable by the Authority—

- (a) under clause 14, 15 or 16 must be paid quarterly; and
- (b) under clause 18 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.

21. Data

21.1 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, free of charge.

21.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 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.

22. Dispute Resolution

22.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, 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.

22.2 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.

22.3 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.

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

22.5 (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.

22.6 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.

22.7 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.

Dated 21 August 1995

GEOFF COLEMAN

Minister administering the **Water Act 1989**

Water Act 1989

BULK ENTITLEMENT (DINGEE)

CONVERSION ORDER 1995

I, Charles Geoffrey Coleman, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Dingee) Conversion Order 1995.

2. Empowering Provisions

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

3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14, 15 and 16) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14, 15 and 16 come into operation on 1 July 1996.

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 channel system in any year;

"Authority" means the Coliban Region Water Authority;

"channel system" means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System to the Authority and other customers supplied in the vicinity of the specified point;

"distribution cost" means the total annual cost of—

- (a) operating, maintaining and administering the Distributor's channel system; and
- (b) making an appropriate allowance for renewing channel system works; and
- (c) measuring the flow of channels and pipelines;

"Distributor" means the person who operates and maintains the channel system;

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

"exchange rate" means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

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

"Goulburn Entitlement Holder" means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

"Headworks System" means the storages, diversion works and main water supply channels, pipelines and waterways required to supply water to the channel system;

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

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

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn 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 Goulburn River; and

(d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and

(e) investigate and deal with significant unauthorised uses of water in the Goulburn 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;

"security of supply" means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

"specified point" means the location on the channel system of the Authority's metered outlet number 105 on the Pyramid Channel No. 5/5, at Dingee;

"Storage Operator" means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of any of the waterways, or to do all or any of them;

"system delivery costs" means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterways and their tributaries; and
- (c) measuring the flow of the waterways and their tributaries;

"system source costs" means the total annual cost of—

- (a) operating, maintaining and administering; and
- (b) making an appropriate allowance for renewing works; and
- (c) protecting the quality of the resource—of the Headworks System, except system delivery costs;

"water right" has the same meaning as in section 230 (2) (c) of the Act;

"waterways" means the Goulburn River, the Campaspe River and the Loddon 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 channel system to supply water to the Dingee Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

6.1 Subject to sub-clause 7.4 and clause 8, the Authority may take up to 50 ML of water from the channel system at the specified point, in any year, at a rate not exceeding 3.0 ML/day, with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 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. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 An application to the Minister under sub-clause 7.2 must give details of any requirements of the Distributor in respect to the supply of water at the amended security of supply.

7.4 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.5 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and
- (c) must not grant an annual entitlement which has a security of supply less than 93%.

7.6 The Authority must advise the Distributor in writing of any amendment made by the Minister under sub-clause 7.4.

8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever $V_e < V_i$, the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

V_e = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

V_i = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.4.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if $V_e \geq V_i$, revoke the restrictions for that year; or
- (b) if $V_e < V_i$, amend the restricted annual entitlement to an amount which is the greater of—
 - (i) $A \times (V_e + V_i)$ and
 - (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

9. Taking water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Dingee Water Supply System, at the site of any of the Authority's works on the channel system, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any of the waterways; and
- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

10. Supply of Water

10.1 The Authority and the Distributor must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Distributor have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 22.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clauses 15 and 16, only water actually taken by the Authority must be counted.

11. Entitlement to Returned Water

11.1 The Authority may, with the agreement of the Distributor use or trade water available to it under this entitlement that it returns to the channel system.

11.2 If the Authority and the Distributor have not reached agreement within twelve months of the Authority requesting in writing the right to use or trade water returned to the channel then either party may give written notice requiring the matter to be determined by the Minister.

11.3 In making a determination in accordance with sub-clause 11.2 the Minister must be satisfied that—

- (a) the returned water has been treated to a high standard; and
- (b) there will be no significant adverse impact on the channel system or authorised uses of water.

12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 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) all water referred to in paragraph (a) which is returned to the channel system by the Authority for use or trade under clause 11—

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

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.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Distributor so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is—

- (a) found to be accurate, or inaccurate by no more than 5%, the Distributor must pay the cost of testing it; or
- (b) found to be accurate, or inaccurate by more than 5%, the Authority must pay the cost of testing it.

13. Reporting Requirements

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

- (a) the daily amount of water taken under this entitlement;

- (b) the annual amount of water taken under this entitlement;
- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Dingee Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Dingee Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;
- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (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.

13.3 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 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Distributor, the Goulburn Entitlement Holder and the Resource Manager may together or separately require the Authority

to report to either or all of them, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and that person 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 13.1; 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 13.1.

14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = \$(A \times E \div Y) \times (S + R)$$

where—

C_s = the source charge.

A = the annual entitlement.

E = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

Y = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

S = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

R = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for the supply of water from the Headworks System to the channel system, calculated as follows:

$$C_D = \$D \times M \div T$$

where—

CD = the delivery charge for water supplied from the Headworks System to the channel system.

D = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

T = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

16. Water Supply Distribution Cost

The Authority must pay the Distributor an annual distribution charge for water taken from the channel system, calculated as follows:

$$C_{Di} = \$N \times M + O$$

where—

C_{Di} = the distribution charge for water taken from the channel system.

N = the channel system distribution costs estimated by the Distributor to be incurred for the year for which the charge is calculated. The channel system is the same as that used to determine costs applying to other customers supplied in the vicinity of the specified point.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

O = the average annual amount of water actually supplied for the previous ten years to all users of water from the channel system, for which the distribution costs (N) are determined.

17. Water Accounting

17.1 For the purpose of—

- (a) determining how much water has been taken by the Authority under its annual entitlement;
- (b) calculating the annual delivery charge under clause 15; and
- (c) calculating the annual distribution charge under clause 16;

the amounts measured under sub-clause 12.3 (b) are conclusive.

17.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 17.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

18. Water Accounts Costs

18.1 Subject to sub-clause 19.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

18.2 The proportion of the costs referred to in sub-clause 18.1 is to be determined by the Resource Manager under sub-clause 19.3.

19. Duty to keep accounts and fix proportions

19.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or
- (b) the Distributor, under clause 16; or
- (c) the Resource Manager, under clause 18—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

19.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15;
- (b) by the Distributor, in respect to clause 16; and
- (c) by the Resource Manager, in respect to sub-clause 18.1.

19.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 18.1.

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

20. Duty to Make Payments

Any amount payable by the Authority—

- (a) under clause 14, 15 or 16 must be paid quarterly; and
- (b) under clause 18 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.

21. Data

21.1 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, free of charge.

21.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 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.

22. Dispute Resolution

22.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, 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.

22.2 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.

22.3 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.

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

22.5 (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.

22.6 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.

22.7 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.

Dated 21 August 1995

GEOFF COLEMAN
Minister administering the **Water Act 1989**

Water Act 1989
BULK ENTITLEMENT (DOOKIE)
CONVERSION ORDER 1995

I, Charles Geoffrey Coleman, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Dookie) Conversion Order 1995.

2. Empowering Provisions

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

3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14, 15 and 16) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14, 15 and 16 come into operation on 1 July 1996.

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 channel system in any year;

"Authority" means the Goulburn Valley Region Water Authority;

"channel system" means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System to the Authority and other customers supplied in the vicinity of the specified point;

"distribution cost" means the total annual cost of—

- (a) operating, maintaining and administering the Distributor's channel system; and
- (b) making an appropriate allowance for renewing channel system works; and
- (c) measuring the flow of channels and pipelines;

"Distributor" means the person who operates and maintains the channel system;

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

"exchange rate" means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

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

"Goulburn Entitlement Holder" means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

"Headworks System" means the storages, diversion works and main water supply channels, pipelines and waterways required to supply water to the channel system;

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

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

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn 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 Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn 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;

"security of supply" means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

"specified point" means the location on the channel system of the Authority's metered outlet number 2148 on the East Goulburn Main Channel, at Dookie;

"Storage Operator" means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of any of the waterways, or to do all or any of them;

"system delivery costs" means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterways and their tributaries; and
- (c) measuring the flow of the waterways and their tributaries;

"system source costs" means the total annual cost of—

- (a) operating, maintaining and administering; and
- (b) making an appropriate allowance for renewing works; and
- (c) protecting the quality of the resource—of the Headworks System, except system delivery costs;

"water right" has the same meaning as in section 230 (2) (c) of the Act;

"waterways" means the Goulburn River, the Campaspe River and the Loddon 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 channel system to supply water to the Dookie Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

6.1 Subject to sub-clause 7.4 and clause 8, the Authority may take up to 180 ML of water from the channel system at the specified point, in any year, at a rate not exceeding 2.0 ML/day, with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 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. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 An application to the Minister under sub-clause 7.2 must give details of any requirements of the Distributor in respect to the supply of water at the amended security of supply.

7.4 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.5 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and
- (c) must not grant an annual entitlement which has a security of supply less than 93%.

7.6 The Authority must advise the Distributor in writing of any amendment made by the Minister under sub-clause 7.4.

8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever $V_e < V_i$, the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

V_e = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

V_i = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister

calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.4.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if $V_e \geq V_i$, revoke the restrictions for that year; or
- (b) if $V_e < V_i$, amend the restricted annual entitlement to an amount which is the greater of—
 - (i) $A \times (V_e + V_i)$ and
 - (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

9. Taking water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Dookie Water Supply System, at the site of any of the Authority's works on the channel system, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any of the waterways; and
- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

10. Supply of Water

10.1 The Authority and the Distributor must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Distributor have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 22.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clauses 15 and 16, only water actually taken by the Authority must be counted.

11. Entitlement to Returned Water

11.1 The Authority may, with the agreement of the Distributor use or trade water available to it under this entitlement that it returns to the channel system.

11.2 If the Authority and the Distributor have not reached agreement within twelve months of the Authority requesting in writing the right to use or trade water returned to the channel then either party may give written notice requiring the matter to be determined by the Minister.

11.3 In making a determination in accordance with sub-clause 11.2 the Minister must be satisfied that—

- (a) the returned water has been treated to a high standard; and
- (b) there will be no significant adverse impact on the channel system or authorised uses of water.

12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 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) all water referred to in paragraph (a) which is returned to the channel system by the Authority for use or trade under clause 11—

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

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.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Distributor so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is—

- (a) found to be accurate, or inaccurate by no more than 5%, the Distributor must pay the cost of testing it; or
- (b) found to be accurate, or inaccurate by more than 5%, the Authority must pay the cost of testing it.

13. Reporting Requirements

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

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;
- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Dookie Water Supply System;

- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Dookie Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;
- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (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.

13.3 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 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Distributor, the Goulburn Entitlement Holder and the Resource Manager may together or separately require the Authority to report to either or all of them, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and that person 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 13.1; 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 13.1.

14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = S(A \times E + Y) \times (S + R)$$

where—

C_s = the source charge.

A = the annual entitlement.

E = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

Y = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

S = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

R = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for the supply of water from the Headworks System to the channel system, calculated as follows:

$$C_D = \$D \times M + T$$

where—

C_D = the delivery charge for water supplied from the Headworks System to the channel system.

D = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

T = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

16. Water Supply Distribution Cost

The Authority must pay the Distributor an annual distribution charge for water taken from the channel system, calculated as follows:

$$C_{Di} = \$N \times M \div O$$

where—

C_{Di} = the distribution charge for water taken from the channel system.

N = the channel system distribution costs estimated by the Distributor to be incurred for the year for which the charge is calculated. The channel system is the same as that used to determine costs applying to other customers supplied in the vicinity of the specified point.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

O = the average annual amount of water actually supplied for the previous ten years to all users of water from the channel system, for which the distribution costs (N) are determined.

17. Water Accounting

17.1 For the purpose of—

- (a) determining how much water has been taken by the Authority under its annual entitlement;
- (b) calculating the annual delivery charge under clause 15; and
- (c) calculating the annual distribution charge under clause 16;

the amounts measured under sub-clause 12.3 (b) are conclusive.

17.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 17.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

18. Water Accounts Costs

18.1 Subject to sub-clause 19.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

18.2 The proportion of the costs referred to in sub-clause 18.1 is to be determined by the Resource Manager under sub-clause 19.3.

19. Duty to keep accounts and fix proportions

19.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or

- (b) the Distributor, under clause 16; or

- (c) the Resource Manager, under clause 18—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

19.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15;
- (b) by the Distributor, in respect to clause 16; and
- (c) by the Resource Manager, in respect to sub-clause 18.1.

19.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 18.1.

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

20. Duty to Make Payments

Any amount payable by the Authority—

- (a) under clause 14, 15 or 16 must be paid quarterly; and
- (b) under clause 18 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.

21. Data

21.1 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, free of charge.

21.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 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.

22. Dispute Resolution

22.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, 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.

22.2 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.

22.3 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.

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

22.5 (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.

22.6 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.

22.7 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.

Dated 21 August 1995

GEOFF COLEMAN
Minister administering the **Water Act 1989**

Water Act 1989
BULK ENTITLEMENT (EILDON)
CONVERSION ORDER 1995

I, Charles Geoffrey Coleman, Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Eildon) Conversion Order 1995.

2. Empowering Provisions

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

3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14 and 15) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14 and 15 come into operation on 1 July 1996.

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 Lake Eildon in any year;

“Authority” means the Mid-Goulburn Regional Water Board;

“channel system” means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System;

“Distributor” means the person who operates and maintains the channel system;

“entitlement holder” means a person holding a bulk entitlement under the Act;

“exchange rate” means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

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

“Goulburn Entitlement Holder” means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

“Headworks System” means—

- (a) the water supply works of Lake Eildon, Goulburn Weir, the Stuart Murray and Cattnach Canals and Waranga Basin; and
- (b) the waterway below Lake Eildon;

“licence” means any licence granted under Part 4 of the Act;

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

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn 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 waterway; and

- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn 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;

"security of supply" means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

"specified point" means the location on Lake Eildon of the Authority's raw water pumping station in the SEC hydroelectric power station at Eildon;

"Storage Operator" means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of the waterway, or to do all or any of them;

"system delivery costs" means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterway and its tributaries; and
- (c) measuring the flow of the waterway and its tributaries;

"system source costs" means the total annual cost of—

- (a) operating, maintaining and administering; and
 - (b) making an appropriate allowance for renewing works; and
 - (c) protecting the quality of the resource—
- of the Headworks System, except system delivery costs;

"water right" has the same meaning as in section 230 (2) (c) of the Act;

"waterway" means the Goulburn 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 Lake Eildon for the supply of water to the Eildon Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

6.1 Subject to sub-clause 7.3 and clause 8, the Authority may take up to 480 ML of water from Lake Eildon at the specified point in any year, at a rate not exceeding 5.3 ML/day, with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 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. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.4 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and
- (c) must not grant an annual entitlement which has a security of supply less than 93%.

7.5 The Authority must advise the Goulburn Entitlement Holder in writing of any amendment made by the Minister under sub-clause 7.3.

8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever $V_e < V_i$, the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

Ve = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

Vi = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.3.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if $Ve \geq Vi$, revoke the restrictions for that year; or
- (b) if $Ve < Vi$, amend the restricted annual entitlement to an amount which is the greater of—
 - (i) $A \times (Ve + Vi)$ and
 - (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

9. Taking water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Eildon Water Supply System, at the site of any of the Authority's works on Lake Eildon, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any waterway; and
- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

10. Supply of Water

10.1 The Authority and the Goulburn Entitlement Holder must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Goulburn Entitlement Holder have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 21.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clause 15, only water actually taken by the Authority must be counted.

11. Entitlement to Returned Water

11.1 On the application of the Authority, the Minister may grant the Authority credits to use or trade water taken under this entitlement and returned to Lake Eildon or the waterway.

11.2 The application must be made in the manner and form approved by the Minister.

11.3 The Minister may only grant a credit to use or trade water returned to Lake Eildon or the waterway where—

- (a) the returned water is only traded or taken downstream of the point of return, or upstream, by substitution in accordance with the requirements of the Goulburn Entitlement Holder; and
- (b) the Minister is satisfied that—
 - (i) the returned water has been treated to a high standard; and
 - (ii) there will be no significant adverse impact on Lake Eildon or the waterway or authorised uses of water; and
- (c) the Authority and the Goulburn Entitlement Holder have agreed to the accounting arrangements for the returned water and its use or trade.

12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 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) all water referred to in paragraph (a) which is returned to Lake Eildon or the waterway for the use or trade by the Authority under clause 11—

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

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.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Goulburn Entitlement Holder so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is found to be—

- (a) accurate, or inaccurate by no more than 5%, the Goulburn Entitlement Holder must pay the cost of testing it; or
- (b) inaccurate by more than 5%, the Authority must pay the cost of testing it.

13. Reporting Requirements

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

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;
- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Eildon Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Eildon Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;
- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (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.

13.3 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 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Authority may be required to report to—

- (a) either or both of the Goulburn Entitlement Holder and the Resource Manager, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1; and
- (b) the Distributor, from time to time, on matters set out in paragraphs (a) to (d) of sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and the person agree otherwise—
 - (i) within 24 hours of the Authority receiving a request for a report on the matter set out in paragraphs (a) to (d) of sub-clause 13.1; 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 13.1.

14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = \$(A \times E + Y) \times (S + R)$$

where—

C_s = the source charge.

A = the annual entitlement.

E = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

Y = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

S = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

R = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for water taken from Lake Eildon, calculated as follows:

$$C_D = \$D \times M + T$$

where—

C_D = the delivery charge for water taken from Lake Eildon.

D = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

M = the amount of water taken and measured in accordance with sub-clause 12.3.

T = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

16. Water Accounting

16.1 For the purpose of—

- (a) determining how much water has been taken by the Authority under its annual entitlement; and
- (b) calculating the annual delivery charge under clause 15—

the amounts measured under sub-clause 12.3 (b) are conclusive.

16.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 16.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

17. Water Accounts Costs

17.1 Subject to sub-clause 18.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

17.2 The proportion of the costs referred to in sub-clause 17.1 is to be determined by the Resource Manager under sub-clause 18.3.

18. Duty to keep accounts and fix proportions

18.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or

- (b) the Resource Manager, under clause 17—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

18.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15; and
(b) by the Resource Manager, in respect to sub-clause 17.1.

18.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 17.1.

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

19. Duty to Make Payments

Any amount payable by the Authority—

- (a) under clause 14 or 15 must be paid quarterly; and
(b) under clause 17 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.

20. Data

20.1 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, free of charge.

20.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 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.

21. Dispute Resolution

21.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, 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.

21.2 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.

21.3 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.

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

21.5 (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.

21.6 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.

21.7 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.

Dated 21 August 1995

GEOFF COLEMAN

Minister administering the **Water Act 1989**

Water Act 1989

BULK ENTITLEMENT (GIRGARRE) CONVERSION ORDER 1995

I, Charles Geoffrey Coleman, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Girgarre) Conversion Order 1995.

2. Empowering Provisions

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

3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14, 15 and 16) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14, 15 and 16 come into operation on 1 July 1996.

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 channel system in any year;

“Authority” means the Goulburn Valley Region Water Authority;

“channel system” means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System to the Authority and other customers supplied in the vicinity of the specified point;

“distribution cost” means the total annual cost of—

- (a) operating, maintaining and administering the Distributor’s channel system; and
- (b) making an appropriate allowance for renewing channel system works; and
- (c) measuring the flow of channels and pipelines;

“Distributor” means the person who operates and maintains the channel system;

“entitlement holder” means a person holding a bulk entitlement under the Act;

“exchange rate” means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

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

“Goulburn Entitlement Holder” means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

“Headworks System” means the storages, diversion works and main water supply channels, pipelines and waterways required to supply water to the channel system;

“licence” means any licence granted under Part 4 of the Act;

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

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

- (b) monitor whether entitlement holders in the Goulburn 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 Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn 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;

“security of supply” means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

“specified point” means the location on the channel system of the Authority’s metered outlet number 2110 on the Central Goulburn Channel No. 12/9, at Gargarre;

“Storage Operator” means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of any of the waterways, or to do all or any of them;

“system delivery costs” means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterways and their tributaries; and
- (c) measuring the flow of the waterways and their tributaries;

“system source costs” means the total annual cost of—

- (a) operating, maintaining and administering; and
- (b) making an appropriate allowance for renewing works; and
- (c) protecting the quality of the resource—of the Headworks System, except system delivery costs;

“water right” has the same meaning as in section 230 (2) (c) of the Act;

“waterways” means the Goulburn River, the Campaspe River and the Loddon 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 channel system to supply water to the Girgarre Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

6.1 Subject to sub-clause 7.4 and clause 8, the Authority may take up to 100 ML of water from the channel system at the specified point, in any year, at a rate not exceeding 2.0 ML/day, with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 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. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 An application to the Minister under sub-clause 7.2 must give details of any requirements of the Distributor in respect to the supply of water at the amended security of supply.

7.4 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.5 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and

- (c) must not grant an annual entitlement which has a security of supply less than 93%.

7.6 The Authority must advise the Distributor in writing of any amendment made by the Minister under sub-clause 7.4.

8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever $V_e < V_i$, the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

V_e = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

V_i = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.4.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if $V_e \geq V_i$, revoke the restrictions for that year; or
- (b) if $V_e < V_i$, amend the restricted annual entitlement to an amount which is the greater of—
 - (i) $A \times (V_e + V_i)$ and
 - (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

9. Taking water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Girgarre Water Supply System, at the site of any of the Authority's works on the channel system, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any of the waterways; and
- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

10. Supply of Water

10.1 The Authority and the Distributor must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Distributor have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 22.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clauses 15 and 16, only water actually taken by the Authority must be counted.

11. Entitlement to Returned Water

11.1 The Authority may, with the agreement of the Distributor use or trade water available to it under this entitlement that it returns to the channel system.

11.2 If the Authority and the Distributor have not reached agreement within twelve months of the Authority requesting in writing the right to use or trade water returned to the channel then either party may give written notice requiring the matter to be determined by the Minister.

11.3 In making a determination in accordance with sub-clause 11.2 the Minister must be satisfied that—

- (a) the returned water has been treated to a high standard; and
- (b) there will be no significant adverse impact on the channel system or authorised uses of water.

12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 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) all water referred to in paragraph (a) which is returned to the channel system by the Authority for use or trade under clause 11—

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

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.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Distributor so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is—

- (a) found to be accurate, or inaccurate by no more than 5%, the Distributor must pay the cost of testing it; or
- (b) found to be accurate, or inaccurate by more than 5%, the Authority must pay the cost of testing it.

13. Reporting Requirements

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

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;
- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Girgarre Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Girgarre Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;
- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (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.

13.3 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 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Distributor, the Goulburn Entitlement Holder and the Resource Manager may together or separately require the Authority to report to either or all of them, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and that person 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 13.1; 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 13.1.

14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = \$ (A \times E \div Y) \times (S + R)$$

where—

C_s = the source charge.

A = the annual entitlement.

E = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

Y = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

S = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

R = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for the supply of water from the Headworks System to the channel system, calculated as follows:

$$C_D = SD \times M \div T$$

where—

C_D = the delivery charge for water supplied from the Headworks System to the channel system.

D = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

T = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

16. Water Supply Distribution Cost

The Authority must pay the Distributor an annual distribution charge for water taken from the channel system, calculated as follows:

$$C_{Di} = \$N \times M \div O$$

where—

C_{Di} = the distribution charge for water taken from the channel system.

N = the channel system distribution costs estimated by the Distributor to be incurred for the year for which the charge is calculated. The channel system is the same as that used to determine costs, applying to other customers supplied in the vicinity of the specified point.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

O = the average annual amount of water actually supplied for the previous ten years to all users of water from the channel system, for which the distribution costs (N) are determined.

17 Water Accounting

17.1 For the purpose of—

- (a) determining how much water has been taken by the Authority under its annual entitlement;
- (b) calculating the annual delivery charge under clause 15; and
- (c) calculating the annual distribution charge under clause 16;

the amounts measured under sub-clause 12.3 (b) are conclusive.

17.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 17.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

18. Water Accounts Costs

18.1 Subject to sub-clause 19.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

18.2 The proportion of the costs referred to in sub-clause 18.1 is to be determined by the Resource Manager under sub-clause 19.3.

19. Duty to keep accounts and fix proportions

19.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or
- (b) the Distributor, under clause 16; or
- (c) the Resource Manager, under clause 18—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

19.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15;
- (b) by the Distributor, in respect to clause 16; and
- (c) by the Resource Manager, in respect to sub-clause 18.1.

19.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 18.1.

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

20. Duty to Make Payments

Any amount payable by the Authority—

(a) under clause 14, 15 or 16 must be paid quarterly; and

(b) under clause 18 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.

21. Data

21.1 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, free of charge.

21.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 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.

22. Dispute Resolution

22.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, 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.

22.2 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.

22.3 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.

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

22.5 (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.

22.6 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.

22.7 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.

Dated 21 August 1995

GEOFF COLEMAN

Minister administering the **Water Act 1989**

Water Act 1989

**BULK ENTITLEMENT (KATANDRA WEST)
CONVERSION ORDER 1995**

I, Charles Geoffrey Coleman, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Katandra West) Conversion Order 1995.

2. Empowering Provisions

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

3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14, 15 and 16) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14, 15 and 16 come into operation on 1 July 1996.

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 channel system in any year;

"Authority" means the Goulburn Valley Region Water Authority;

"channel system" means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System to the Authority and other customers supplied in the vicinity of the specified point;

"distribution cost" means the total annual cost of—

- (a) operating, maintaining and administering the Distributor's channel system; and
- (b) making an appropriate allowance for renewing channel system works; and
- (c) measuring the flow of channels and pipelines;

"Distributor" means the person who operates and maintains the channel system;

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

"exchange rate" means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

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

"Goulburn Entitlement Holder" means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

"Headworks System" means the storages, diversion works and main water supply channels, pipelines and waterways required to supply water to the channel system;

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

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

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn 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 Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn 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;

"security of supply" means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

"specified point" means the location on the channel system of the Authority's metered outlet number 2232 on the East Goulburn Channel No. 2/24, at Katandra West;

"Storage Operator" means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of any of the waterways, or to do all or any of them;

"system delivery costs" means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterways and their tributaries; and
- (c) measuring the flow of the waterways and their tributaries;

"system source costs" means the total annual cost of—

- (a) operating, maintaining and administering; and
- (b) making an appropriate allowance for renewing works; and
- (c) protecting the quality of the resource—

of the Headworks System, except system delivery costs;

"water right" has the same meaning as in section 230 (2) (c) of the Act;

"waterways" means the Goulburn River, the Campaspe River and the Loddon 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 channel system to supply water to the Katandra West Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

6.1 Subject to sub-clause 7.4 and clause 8, the Authority may take up to 44 ML of water from the channel system at the specified point, in any year, at a rate not exceeding 6.0 ML/day, with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 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. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 An application to the Minister under sub-clause 7.2 must give details of any requirements of the Distributor in respect to the supply of water at the amended security of supply.

7.4 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.5 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and
- (c) must not grant an annual entitlement which has a security of supply less than 93%.

7.6 The Authority must advise the Distributor in writing of any amendment made by the Minister under sub-clause 7.4.

8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever $V_e < V_i$, the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

V_e = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

V_i = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.4.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if $V_e \geq V_i$, revoke the restrictions for that year; or
- (b) if $V_e < V_i$, amend the restricted annual entitlement to an amount which is the greater of—
 - (i) $A \times (V_e + V_i)$ and
 - (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

9. Taking water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Katandra West Water Supply System, at the site of any of the Authority's works on the channel system, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any of the waterways; and
- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

10. Supply of Water

10.1 The Authority and the Distributor must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Distributor have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 22.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clauses 15 and 16, only water actually taken by the Authority must be counted.

11. Entitlement to Returned Water

11.1 The Authority may, with the agreement of the Distributor use or trade water available to it under this entitlement that it returns to the channel system.

11.2 If the Authority and the Distributor have not reached agreement within twelve months of the Authority requesting in writing the right to use or trade water returned to the channel then either party may give written notice requiring the matter to be determined by the Minister.

11.3 In making a determination in accordance with sub-clause 11.2 the Minister must be satisfied that—

- (a) the returned water has been treated to a high standard; and
- (b) there will be no significant adverse impact on the channel system or authorised uses of water.

12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 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) all water referred to in paragraph (a) which is returned to the channel system by the Authority for use or trade under clause 11—

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

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.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Distributor so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is—

- (a) found to be accurate, or inaccurate by no more than 5%, the Distributor must pay the cost of testing it; or
- (b) found to be accurate, or inaccurate by more than 5%, the Authority must pay the cost of testing it.

13. Reporting Requirements

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

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;

- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Katandra West Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Katandra West Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;
- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (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.

13.3 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 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Distributor, the Goulburn Entitlement Holder and the Resource Manager may together or separately require the Authority to report to either or all of them, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and that person 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 13.1; 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 13.1.

14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = \$(A \times E + Y) \times (S + R)$$

where—

C_s = the source charge.

A = the annual entitlement.

E = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

Y = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

S = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

R = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for the supply of water from the Headworks System to the channel system, calculated as follows:

$$C_D = \$D \times M + T$$

where—

C_D = the delivery charge for water supplied from the Headworks System to the channel system.

D = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

T = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

16. Water Supply Distribution Cost

The Authority must pay the Distributor an annual distribution charge for water taken from the channel system, calculated as follows:

$$C_{Di} = \$N \times M + O$$

where—

C_{Di} = the distribution charge for water taken from the channel system.

N = the channel system distribution costs estimated by the Distributor to be incurred for the year for which the charge is calculated. The channel system is the same as that used to determine costs applying to other customers supplied in the vicinity of the specified point.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

O = the average annual amount of water actually supplied for the previous ten years to all users of water from the channel system, for which the distribution costs (N) are determined.

17. Water Accounting

17.1 For the purpose of—

- (a) determining how much water has been taken by the Authority under its annual entitlement;
- (b) calculating the annual delivery charge under clause 15; and
- (c) calculating the annual distribution charge under clause 16;

the amounts measured under sub-clause 12.3 (b) are conclusive.

17.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 17.1 are deemed to be the same as the average amount

taken by the Authority under its annual entitlement for the same period for the preceding three years.

18. Water Accounts Costs

18.1 Subject to sub-clause 19.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

18.2 The proportion of the costs referred to in sub-clause 18.1 is to be determined by the Resource Manager under sub-clause 19.3.

19. Duty to keep accounts and fix proportions

19.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or
- (b) the Distributor, under clause 16; or
- (c) the Resource Manager, under clause 18—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

19.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15;
- (b) by the Distributor, in respect to clause 16; and
- (c) by the Resource Manager, in respect to sub-clause 18.1.

19.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 18.1.

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

20. Duty to Make Payments

Any amount payable by the Authority—

- (a) under clause 14, 15 or 16 must be paid quarterly; and
- (b) under clause 18 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.

21. Data

21.1 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, free of charge.

21.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 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.

22. Dispute Resolution

22.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, 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.

22.2 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.

22.3 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.

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

22.5 (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.

22.6 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.

22.7 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.

Dated 21 August 1995

GEOFF COLEMAN
Minister administering the **Water Act 1989**

Water Act 1989

BULK ENTITLEMENT (KYABRAM) CONVERSION ORDER 1995

I, Charles Geoffrey Coleman, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Kyabram) Conversion Order 1995.

2. Empowering Provisions

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

3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14, 15 and 16) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14, 15 and 16 come into operation on 1 July 1996.

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 channel system in any year;

"Authority" means the Goulburn Valley Region Water Authority;

"channel system" means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System to the Authority and other customers supplied in the vicinity of the specified point;

"distribution cost" means the total annual cost of—

- (a) operating, maintaining and administering the Distributor's channel system; and
- (b) making an appropriate allowance for renewing channel system works; and
- (c) measuring the flow of channels and pipelines;

"Distributor" means the person who operates and maintains the channel system;

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

"exchange rate" means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

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

"Goulburn Entitlement Holder" means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

"Headworks System" means the storages, diversion works and main water supply channels, pipelines and waterways required to supply water to the channel system;

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

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

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn 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 Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn 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;

"security of supply" means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

"specified point" means the location on the channel system of the Authority's metered outlet number 4512 on the Central Goulburn Channel No. 9, at Kyabram;

"Storage Operator" means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of any of the waterways, or to do all or any of them;

"system delivery costs" means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterways and their tributaries; and

- (c) measuring the flow of the waterways and their tributaries;

"system source costs" means the total annual cost of—

- (a) operating, maintaining and administering; and
- (b) making an appropriate allowance for renewing works; and
- (c) protecting the quality of the resource—of the Headworks System, except system delivery costs;

"water right" has the same meaning as in section 230 (2) (c) of the Act;

"waterways" means the Goulburn River, the Campaspe River and the Loddon 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 channel system to supply water to the Kyabram Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

6.1 Subject to sub-clause 7.4 and clause 8, the Authority may take up to 2000 ML of water from the channel system at the specified point, in any year, at a rate not exceeding 10.0 ML/day, with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 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. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 An application to the Minister under sub-clause 7.2 must give details of any requirements of the Distributor in respect to the supply of water at the amended security of supply.

7.4 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.5 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and
- (c) must not grant an annual entitlement which has a security of supply less than 93%.

7.6 The Authority must advise the Distributor in writing of any amendment made by the Minister under sub-clause 7.4.

8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever $V_e < V_i$, the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

V_e = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

V_i = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.4.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if $V_e \geq V_i$, revoke the restrictions for that year; or
- (b) if $V_e < V_i$, amend the restricted annual entitlement to an amount which is the greater of—
 - (i) $A \times (V_e + V_i)$ and
 - (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

9. Taking water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Kyabram Water Supply System, at the site of any of the Authority's works on the channel system, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any of the waterways; and
- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

10 Supply of Water

10.1 The Authority and the Distributor must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Distributor have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 22.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clauses 15 and 16, only water actually taken by the Authority must be counted.

11. Entitlement to Returned Water

11.1 The Authority may, with the agreement of the Distributor use or trade water available to it under this entitlement that it returns to the channel system.

11.2 If the Authority and the Distributor have not reached agreement within twelve months of the Authority requesting in writing the right to use or trade water returned to the channel then either party may give written notice requiring the matter to be determined by the Minister.

11.3 In making a determination in accordance with sub-clause 11.2 the Minister must be satisfied that—

- (a) the returned water has been treated to a high standard; and
- (b) there will be no significant adverse impact on the channel system or authorised uses of water.

12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 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) all water referred to in paragraph (a) which is returned to the channel system by the Authority for use or trade under clause 11—

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

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.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and

- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Distributor so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is—

- (a) found to be accurate, or inaccurate by no more than 5%, the Distributor must pay the cost of testing it; or
- (b) found to be accurate, or inaccurate by more than 5%, the Authority must pay the cost of testing it.

13. Reporting Requirements

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

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;
- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Kyabram Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Kyabram Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;

- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (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.

13.3 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 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
(b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Distributor, the Goulburn Entitlement Holder and the Resource Manager may together or separately require the Authority to report to either or all of them, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
(b) unless that Authority and that person 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 13.1; 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 13.1.

14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = \$ (A \times E + Y) \times (S + R)$$

where—

C_s = the source charge.

A = the annual entitlement.

E = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

Y = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

S = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

R = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for the supply of water from the Headworks System to the channel system, calculated as follows:

$$C_D = SD \times M \div T$$

where—

C_D = the delivery charge for water supplied from the Headworks System to the channel system.

D = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

T = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

16. Water Supply Distribution Cost

The Authority must pay the Distributor an annual distribution charge for water taken from the channel system, calculated as follows:

$$C_{Di} = \$ N \times M \div O$$

where—

C_{Di} = the distribution charge for water taken from the channel system.

N = the channel system distribution costs estimated by the Distributor to be incurred for the year for which the charge is calculated. The channel

system is the same as that used to determine costs applying to other customers supplied in the vicinity of the specified point.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

O = the average annual amount of water actually supplied for the previous ten years to all users of water from the channel system, for which the distribution costs (N) are determined.

17. Water Accounting

17.1 For the purpose of—

- (a) determining how much water has been taken by the Authority under its annual entitlement;
- (b) calculating the annual delivery charge under clause 15; and
- (c) calculating the annual distribution charge under clause 16; the amounts measured under sub-clause 12.3(b) are conclusive.

17.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 17.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

18. Water Accounts Costs

18.1 Subject to sub-clause 19.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

18.2 The proportion of the costs referred to in sub-clause 18.1 is to be determined by the Resource Manager under sub-clause 19.3.

19. Duty to keep accounts and fix proportions

19.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or
- (b) the Distributor, under clause 16; or
- (c) the Resource Manager, under clause 18—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

19.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15;
- (b) by the Distributor, in respect to clause 16; and
- (c) by the Resource Manager, in respect to sub-clause 18.1.

19.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 18.1.

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

20. Duty to Make Payments

Any amount payable by the Authority—

- (a) under clause 14, 15 or 16 must be paid quarterly; and
- (b) under clause 18 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.

21. Data

21.1 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, free of charge.

21.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 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.

22. Dispute Resolution

22.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, 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.

22.2 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.

22.3 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.

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

22.5 (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.

22.6 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.

22.7 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.

Dated 21 August 1995

GEOFF COLEMAN
Minister administering the **Water Act 1989**

Water Act 1989
BULK ENTITLEMENT (LOCKINGTON)
CONVERSION ORDER 1995

I, Charles Geoffrey Coleman, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Lockington) Conversion Order 1995.

2. Empowering Provisions

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

3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14, 15 and 16) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14, 15 and 16 come into operation on 1 July 1996.

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 channel system in any year;

“Authority” means the Coliban Region Water Authority;

“channel system” means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System to the Authority and other customers supplied in the vicinity of the specified point;

“distribution cost” means the total annual cost of—

- (a) operating, maintaining and administering the Distributor’s channel system; and
- (b) making an appropriate allowance for renewing channel system works; and
- (c) measuring the flow of channels and pipelines;

“Distributor” means the person who operates and maintains the channel system;

“entitlement holder” means a person holding a bulk entitlement under the Act;

“exchange rate” means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

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

“Goulburn Entitlement Holder” means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

“Headworks System” means the storages, diversion works and main water supply channels, pipelines and waterways required to supply water to the channel system;

“licence” means any licence granted under Part 4 of the Act;

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

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn 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 Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn 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;

"security of supply" means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

"specified point" means the location on the channel system of the Authority's metered outlet number 6616 on the Rochester Channel No. 24, at Lockington;

"Storage Operator" means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of any of the waterways, or to do all or any of them;

"system delivery costs" means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterways and their tributaries; and
- (c) measuring the flow of the waterways and their tributaries;

"system source costs" means the total annual cost of—

- (a) operating, maintaining and administering; and
- (b) making an appropriate allowance for renewing works; and
- (c) protecting the quality of the resource—of the Headworks System, except system delivery costs;

"water right" has the same meaning as in section 230 (2) (c) of the Act;

"waterways" means the Goulburn River, the Campaspe River and the Loddon 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 channel system to supply water to the Lockington Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

6.1 Subject to sub-clause 7.4 and clause 8, the Authority may take up to 130 ML of water from the channel system at the specified point, in any year, at a rate not exceeding 6.0 ML/day, with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 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. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 An application to the Minister under sub-clause 7.2 must give details of any requirements of the Distributor in respect to the supply of water at the amended security of supply.

7.4 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.5 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and
- (c) must not grant an annual entitlement which has a security of supply less than 93%.

7.6 The Authority must advise the Distributor in writing of any amendment made by the Minister under sub-clause 7.4.

8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever $V_e < V_i$, the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

V_e = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

V_i = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.4.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if $V_e \geq V_i$, revoke the restrictions for that year; or
- (b) if $V_e < V_i$, amend the restricted annual entitlement to an amount which is the greater of—
 - (i) $A \times (V_e + V_i)$ and
 - (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

9. Taking water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Lockington Water Supply System, at the site of any of the Authority's works on the channel system, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any of the waterways; and
- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

10. Supply of Water

10.1 The Authority and the Distributor must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Distributor have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 22.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clauses 15 and 16, only water actually taken by the Authority must be counted.

11. Entitlement to Returned Water

11.1 The Authority may, with the agreement of the Distributor use or trade water available to it under this entitlement that it returns to the channel system.

11.2 If the Authority and the Distributor have not reached agreement within twelve months of the Authority requesting in writing the right to use or trade water returned to the channel then either party may give written notice requiring the matter to be determined by the Minister.

11.3 In making a determination in accordance with sub-clause 11.2 the Minister must be satisfied that—

- (a) the returned water has been treated to a high standard; and

- (b) there will be no significant adverse impact on the channel system or authorised uses of water.

12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 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) all water referred to in paragraph (a) which is returned to the channel system by the Authority for use or trade under clause 11—

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

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.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Distributor so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is—

- (a) found to be accurate, or inaccurate by no more than 5%, the Distributor must pay the cost of testing it; or
- (b) found to be accurate, or inaccurate by more than 5%, the Authority must pay the cost of testing it.

13. Reporting Requirements

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

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;
- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Lockington Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Lockington Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;
- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (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.

13.3 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 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and

- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Distributor, the Goulburn Entitlement Holder and the Resource Manager may together or separately require the Authority to report to either or all of them, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and that person 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 13.1; 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 13.1.

14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = \$ (A \times E + Y) \times (S + R)$$

where—

C_s = the source charge.

A = the annual entitlement.

E = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

Y = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

S = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

R = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for the supply of water from the Headworks System to the channel system, calculated as follows:

$$C_D = \$D \times M + T$$

where—

C_D = the delivery charge for water supplied from the Headworks System to the channel system.

D = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

T = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

16. Water Supply Distribution Cost

The Authority must pay the Distributor an annual distribution charge for water taken from the channel system, calculated as follows:

$$C_{Di} = \$N \times M + O$$

where—

C_{Di} = the distribution charge for water taken from the channel system.

N = the channel system distribution costs estimated by the Distributor to be incurred for the year for which the charge is calculated. The channel system is the same as that used to determine costs applying to other customers supplied in the vicinity of the specified point.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

O = the average annual amount of water actually supplied for the previous ten years to all users of water from the channel system, for which the distribution costs (N) are determined.

17. Water Accounting

17.1 For the purpose of—

- (a) determining how much water has been taken by the Authority under its annual entitlement;

- (b) calculating the annual delivery charge under clause 15; and
- (c) calculating the annual distribution charge under clause 16;

the amounts measured under sub-clause 12.3 (b) are conclusive.

17.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 17.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

18. Water Accounts Costs

18.1 Subject to sub-clause 19.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

18.2 The proportion of the costs referred to in sub-clause 18.1 is to be determined by the Resource Manager under sub-clause 19.3.

19. Duty to keep accounts and fix proportions

19.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or
- (b) the Distributor, under clause 16; or
- (c) the Resource Manager, under clause 18—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

19.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15;
- (b) by the Distributor, in respect to clause 16; and
- (c) by the Resource Manager, in respect to sub-clause 18.1.

19.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 18.1.

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

20. Duty to Make Payments

Any amount payable by the Authority—

- (a) under clause 14, 15 or 16 must be paid quarterly; and

- (b) under clause 18 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.

21. Data

21.1 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, free of charge.

21.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 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.

22. Dispute Resolution

22.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, 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.

22.2 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.

22.3 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.

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

22.5 (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.

22.6 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.

22.7 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.

Dated 21 August 1995

GEOFF COLEMAN
Minister administering the **Water Act 1989**

Water Act 1989
BULK ENTITLEMENT (LONGWOOD)
CONVERSION ORDER 1995

I, Charles Geoffrey Coleman, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Longwood) Conversion Order 1995.

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 Nine Mile Creek Reservoir in any year;

“Authority” means the Goulburn Valley Region Water Authority;

“entitlement holder” means a person holding a bulk entitlement under the Act;

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

“licence” means any licence granted under Part 4 of the Act;

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

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

- (b) monitor whether entitlement holders in the Goulburn 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 Goulburn River; and

- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and

- (e) investigate and deal with significant unauthorised uses of water in the Goulburn 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 Nine Mile Creek;

“year” means the 12 months next following 1 July.

5. Conversion to a bulk entitlement

All of the Authority’s entitlement to water from the waterway at and upstream of the Nine Mile Creek Reservoir is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

6.1 The Authority may take up to 120 ML of water from the Nine Mile Creek Reservoir in any year, at a rate not exceeding 1.0 ML/day.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 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

7.1 The Authority may store all of the inflow to the Nine Mile Creek Reservoir when it is below full supply level.

7.2 The Authority must not store or take, as part of its bulk entitlement, any inflow 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. Share of Capacity

The Authority is entitled to—

- (a) all water at any time stored in the Nine Mile Creek Reservoir; and
- (b) the full capacity of the Nine Mile Creek Reservoir, up to 45 ML at full supply level of 372 metres Australian Height Datum—

but may not use or transfer any more than its annual entitlement in any year.

9. Making Allowances

9.1 In calculating water available to the Authority under this bulk entitlement at any point downstream of the Nine Mile Creek Reservoir, allowance must be made for—

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

9.2 If the Authority proposes to take water under this entitlement from a point downstream of the Nine Mile Creek Reservoir, it must first—

- (a) propose to the Minister—
 - (i) fair, reasonable and representative means for calculating the allowances required by sub-clause 9.1; and
 - (ii) details of the proposed location and amount of the extraction; and
- (b) ascertain and provide the Minister with 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.

9.3 The Minister may—

- (a) approve all or any means proposed under sub-clause 9.2; or
- (b) require the Authority to amend all or any means proposed; and
- (c) require the Authority—
 - (i) to review all or any of the means approved by the Minister if, in the Minister's opinion, they are, at any time, no longer fair, reasonable or representative; and
 - (ii) to propose amended means to the Minister.

9.4 The Authority must—

- (a) advise the Resource Manager in writing within 14 days of any proposal approved by the Minister under sub-clause 9.3; and
- (b) provide the Resource Manager with such other information concerning the proposed diversion as the Resource Manager may, from time to time, require.

10. Environmental Obligations

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

10.2 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.

10.3 The Authority, must at its cost—

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

11. Metering Obligations

11.1 The Authority, must propose to the Minister, within 12 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 Nine Mile Creek Reservoir—
for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

11.2 The Minister may—

- (a) approve the program proposed under sub-clause 11.1; 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.

11.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

12. Reporting Requirements

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

- (a) the daily amount of water taken from the Nine Mile Creek Reservoir;
- (b) the water level and amount of water stored in the Nine Mile Creek Reservoir;
- (c) the annual amount of water taken under this entitlement;
- (d) the approval, amendment and implementation of programs under clauses 10 and 11;
- (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 Longwood Water Supply System;
- (g) any amendment to this bulk entitlement;
- (h) any new bulk entitlement granted to the Authority with respect to the Longwood Water Supply System;

(i) any failure by the Authority to comply with any provision of this bulk entitlement;

(j) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

12.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 12.1—

- (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.

12.3 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 12.1, except—

- (a) paragraph (a) of sub-clause 12.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (i) of sub-clause 12.1.

12.4 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 12.1.

12.5 Any report under sub-clause 12.4 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 12.1; or
 - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (d) to (j) of sub-clause 12.1.

13. Water Resource Management Costs

13.1 Subject to sub-clause 14.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to—

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn 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 Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn 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.

13.2 The proportion of the costs referred to in sub-clause 13.1 is to be determined by the Resource Manager under sub-clause 14.3.

14. Duty to keep accounts and fix proportions

14.1 The Authority is not obliged to make any payment to the Resource Manager, under clause 13 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.

14.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to sub-clause 13.1.

14.3 The Resource Manager must, by 1 July in any year, determine, in respect of the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 13.1.

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

15. Duty to Make Payments

Any amount payable by the Authority under clause 13 must be paid in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the Resource Manager agree otherwise.

16. Data

16.1 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, free of charge.

16.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 11 and 12 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.

Dated 21 August 1995

GEOFF COLEMAN
Minister administering the **Water Act 1989**

Water Act 1989
BULK ENTITLEMENT (MACORNA)
CONVERSION ORDER 1995

I, Charles Geoffrey Coleman, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Macorna) Conversion Order 1995.

2. Empowering Provisions

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

3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14, 15 and 16) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14, 15 and 16 come into operation on 1 July 1996.

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 channel system in any year;

“Authority” means the Coliban Region Water Authority;

“channel system” means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System to the Authority and other customers supplied in the vicinity of the specified point;

“distribution cost” means the total annual cost of—

- (a) operating, maintaining and administering the Distributor's channel system; and
- (b) making an appropriate allowance for renewing channel system works; and
- (c) measuring the flow of channels and pipelines;

“Distributor” means the person who operates and maintains the channel system;

“entitlement holder” means a person holding a bulk entitlement under the Act;

“exchange rate” means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

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

“Goulburn Entitlement Holder” means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

“Headworks System” means the storages, diversion works and main water supply channels, pipelines and waterways required to supply water to the channel system;

“licence” means any licence granted under Part 4 of the Act;

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

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn 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 Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn 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;

“security of supply” means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

“specified point” means the location on the channel system of the Authority's metered outlet number 1587 on the Pyramid Channel No. 10/1, at Macorna;

“Storage Operator” means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of any of the waterways, or to do all or any of them;

“system delivery costs” means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterways and their tributaries; and
- (c) measuring the flow of the waterways and their tributaries;

“system source costs” means the total annual cost of—

- (a) operating, maintaining and administering; and
- (b) making an appropriate allowance for renewing works; and
- (c) protecting the quality of the resource—of the Headworks System, except system delivery costs;

"water right" has the same meaning as in section 230 (2) (c) of the Act;

"waterways" means the Goulburn River, the Campaspe River and the Loddon 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 channel system to supply water to the Macorna Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

6.1 Subject to sub-clause 7.4 and clause 8, the Authority may take up to 40 ML of water from the channel system at the specified point, in any year, at a rate not exceeding 2.0 ML/day, with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 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. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 An application to the Minister under sub-clause 7.2 must give details of any requirements of the Distributor in respect to the supply of water at the amended security of supply.

7.4 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.5 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and
- (c) must not grant an annual entitlement which has a security of supply less than 93%.

7.6 The Authority must advise the Distributor in writing of any amendment made by the Minister under sub-clause 7.4.

8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever $V_e < V_i$, the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

V_e = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

V_i = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.4.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if $V_e \geq V_i$, revoke the restrictions for that year; or
- (b) if $V_e < V_i$, amend the restricted annual entitlement to an amount which is the greater of—

- (i) $A \times (V_e + V_i)$ and
- (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

9. Taking water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Macoma Water Supply System, at the site of any of the Authority's works on the channel system, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any of the waterways; and
- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

10. Supply of Water

10.1 The Authority and the Distributor must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Distributor have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 22.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clauses 15 and 16, only water actually taken by the Authority must be counted.

11. Entitlement to Returned Water

11.1 The Authority may, with the agreement of the Distributor use or trade water available to it under this entitlement that it returns to the channel system.

11.2 If the Authority and the Distributor have not reached agreement within twelve months of the Authority requesting in writing the right to use or trade water returned to the channel then either party may give written notice requiring the matter to be determined by the Minister.

11.3 In making a determination in accordance with sub-clause 11.2 the Minister must be satisfied that—

- (a) the returned water has been treated to a high standard; and
- (b) there will be no significant adverse impact on the channel system or authorised uses of water.

12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 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) all water referred to in paragraph (a) which is returned to the channel system by the Authority for use or trade under clause 11—

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

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.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and

- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Distributor so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is—

- (a) found to be accurate, or inaccurate by no more than 5%, the Distributor must pay the cost of testing it; or
- (b) found to be accurate, or inaccurate by more than 5%, the Authority must pay the cost of testing it.

13. Reporting Requirements

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

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;
- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Macorna Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Macorna Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;

- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (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.

13.3 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 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Distributor, the Goulburn Entitlement Holder and the Resource Manager may together or separately require the Authority to report to either or all of them, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and that person 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 13.1; 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 13.1.

14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = \$(A \times E + Y) \times (S + R)$$

where—

C_s = the source charge.

A = the annual entitlement.

E = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

Y = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

S = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

R = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for the supply of water from the Headworks System to the channel system, calculated as follows:

$$C_D = SD \times M \div T$$

where—

C_D = the delivery charge for water supplied from the Headworks System to the channel system.

D = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

T = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

16. Water Supply Distribution Cost

The Authority must pay the Distributor an annual distribution charge for water taken from the channel system, calculated as follows:

$$C_{Di} = SN \times M \div O$$

where—

C_{Di} = the distribution charge for water taken from the channel system.

N = the channel system distribution costs estimated by the Distributor to be incurred for the year for which the charge is calculated. The channel

system is the same as that used to determine costs applying to other customers supplied in the vicinity of the specified point.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

O = the average annual amount of water actually supplied for the previous ten years to all users of water from the channel system, for which the distribution costs (N) are determined.

17. Water Accounting

17.1 For the purpose of—

- (a) determining how much water has been taken by the Authority under its annual entitlement;
- (b) calculating the annual delivery charge under clause 15; and
- (c) calculating the annual distribution charge under clause 16;

the amounts measured under sub-clause 12.3 (b) are conclusive.

17.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 17.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

18. Water Accounts Costs

18.1 Subject to sub-clause 19.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

18.2 The proportion of the costs referred to in sub-clause 18.1 is to be determined by the Resource Manager under sub-clause 19.3.

19. Duty to keep accounts and fix proportions

19.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or
- (b) the Distributor, under clause 16; or
- (c) the Resource Manager, under clause 18—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

19.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15;
- (b) by the Distributor, in respect to clause 16; and
- (c) by the Resource Manager, in respect to sub-clause 18.1.

19.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 18.1.

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

20. Duty to Make Payments

Any amount payable by the Authority—

- (a) under clause 14, 15 or 16 must be paid quarterly; and
- (b) under clause 18 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.

21. Data

21.1 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, free of charge.

21.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 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.

22. Dispute Resolution

22.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, 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.

22.2 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.

22.3 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.

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

22.5 (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.

22.6 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.

22.7 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.

Dated 21 August 1995

GEOFF COLEMAN

Minister administering the **Water Act 1989**

Water Act 1989

**BULK ENTITLEMENT (MANSFIELD)
CONVERSION ORDER 1995**

I, Charles Geoffrey Coleman, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Mansfield) Conversion Order 1995.

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**;

"Authority" means the Mid-Goulburn Regional Water Board;

"diversion point" means the Mansfield diversion weir located on the waterway approximately 10 kilometres upstream from the specified point;

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

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

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

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

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn 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 Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn 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 the point on the waterway immediately upstream of the Tonga Bridge Gauging Station;

"two year entitlement" means the total amount of water which the Authority may take from the waterway in any period of two consecutive years;

"waterway" means the Delatite 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 Mansfield Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

6.1 The Authority may take the share of flow in the waterway specified in clause 7, up to a total of 2600 ML in any two consecutive years.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

7. Share of Flow

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

- (a) when $F \leq 18.0$ ML/day,
 $E = 0$, and
- (b) when 18.0 ML/day $< F \leq 20.2$ ML/day,
 $E = F - 18.0$ ML/day, and
- (c) when 20.2 ML/day $< F \leq 30$ ML/day,
 $E = 2.2$ ML/day, and
- (d) when 30 ML/day $< F \leq 32.2$ ML/day,
 $E = 2.2$ ML/day + $(F - 30$ ML/day), and
- (e) when $F > 32.2$ ML/day,
 $E = 4.4$ ML/day

where—

"E" means the Authority's entitlement; and

"F" means the flow, calculated in accordance with clause 8.

8. Calculating the Flow

8.1 This clause establishes rules for calculating the flow in the waterway for the purpose of clause 7, in the light of the rights of other users, which are also calculated by reference to the specified point.

8.2 In this clause, unless the context requires otherwise—

- (a) "diversions" means diversions from the waterway or its tributaries;
- (b) "rights" means any rights to take water under a bulk entitlement granted, or licence issued, under Part 4 of the Act, which are also quantified at the specified point.
- (c) all mathematical variables are expressed in terms of a rate of ML/day.

8.3 For the purpose of clause 7, the flow of the waterway passing the specified point is calculated as follows:

$$F = fm + ve - vt - vc$$

where—

F = the notional flow past the specified point, assuming that no diversions have been made under rights upstream of the specified point.

fm = the actual measured and calculated flow past the specified point.

ve = the estimated total flow of all diversions under rights, upstream of the specified point, estimated at the point where each diversion occurs.

vt = the estimated total flow, at the specified point, of water representing rights quantified at some other point, upstream of the specified point, which have been transferred temporarily or permanently for use downstream of the specified point.

vc = the measured total flow of water returned to the waterway under this entitlement or any other rights for which an entitlement to returned water has not been granted.

9. Making Allowances

9.1 In calculating F under clause 8—

- (a) allowance must be made for the time taken by the flow to reach the specified point;
- (b) allowance must be made for the time which the amount taken, represented by "ve", would have taken to reach the specified point if it were not taken;
- (c) no allowance may be made for losses of water between points where water is taken upstream of the specified point.

9.2 Within twelve months of the date of this Order, the Authority must propose to the Minister fair, reasonable and representative means for calculating the allowances required by sub-clause 9.1.

9.3 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.

9.4 If the Authority proposes to take water under this entitlement from a point other than the specified point or the diversion point, it must first—

- (a) propose to the Minister—

- (i) fair, reasonable and representative means for calculating the allowances required by sub-clause 9.3; and
- (ii) details of the proposed location and amount of the extraction; and
- (b) ascertain and provide the Minister with 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.

9.5 The Minister may—

- (a) approve a proposal made under sub-clause 9.2 or 9.4; 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.

9.6 The Authority must—

- (a) advise the Resource Manager in writing within 14 days of any proposal approved by the Minister under sub-clause 9.5; and
- (b) provide the Resource Manager with such other information concerning the proposed diversion as the Resource Manager may, from time to time, require.

10. Entitlement to Returned Water

10.1 On the application of the Authority, the Minister may grant the Authority credits to use or trade water taken under this entitlement and returned to the waterway.

10.2 The application must be made in the manner and form approved by the Minister.

10.3 The Minister may only grant a credit to use or trade water returned to the waterway where—

- (a) the returned water is only traded or taken downstream of the point of return; and
- (b) the Minister is satisfied that—
 - (i) the returned water has been treated to a high standard; and

- (ii) there will be no significant adverse impact on the waterway or authorised uses of water; and
- (c) the Authority and the Resource Manager have agreed to the accounting arrangements for the returned water and its use or trade.

11. Environmental Obligations

11.1 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.

11.2 The Minister may—

- (a) approve the program proposed under sub-clause 11.1; 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.

11.3 The Authority, must at its cost—

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

12. Metering Program

12.1 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 17, the Authority's share of the flow past 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.

12.2 The metering program prepared under sub-clause 12.1 must include details of any agreement between the Authority and any other person for measuring and calculating of instream flows.

12.3 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.

12.4 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

13. Reporting Requirements

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

- (a) subject to clause 17 the flow past the specified point as calculated under clause 8;
- (b) the daily amount of water taken by the Authority from the waterway;
- (c) the approval, amendment and implementation of programs under clauses 11 and 12;
- (d) the annual and two year amount of water taken under this entitlement;
- (e) the amount of water returned under clause 10 and subsequently either taken or traded, or both of them;
- (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 Mansfield Water Supply System;

- (h) any amendment to this bulk entitlement;
- (i) any new bulk entitlement granted to the Authority with respect to the Mansfield Water Supply System;
- (j) any failure by the Authority to comply with any provision of this bulk entitlement;
- (k) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (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.

13.3 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 13.1, except—

- (a) paragraphs (a) and (b) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (j) of sub-clause 13.1.

13.4 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 13.1.

13.5 Any report under sub-clause 13.4 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) and (b) of sub-clause 13.1; or
 - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (c) to (k) of sub-clause 13.1.

14. Water Resource Management Costs

14.1 Subject to sub-clause 14.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to—

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn 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 Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn 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.

14.2 The proportion of the costs referred to in sub-clause 14.1 is to be determined by the Resource Manager under sub-clause 15.3.

15. Duty to keep accounts and fix proportions

15.1 The Authority is not obliged to make any payment to the Resource Manager, under clause 14 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.

15.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to sub-clause 14.1.

15.3 The Resource Manager must, by 1 July in any year, determine, in respect of the ensuing year, a fair and reasonable proportion of the costs referred to sub-clause 14.1.

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

16. Duty to Make Payments

Any amount payable by the Authority under clause 14 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.

17. 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 12.1 (a); and

- (b) the reporting requirements of sub-clause 13.1 (a).

18. Data

18.1 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, free of charge.

18.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 11 and 12 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 (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.

Dated 21 August 1995

GEOFF COLEMAN
Minister administering the **Water Act 1989**

County Court Act 1958
ADDITIONAL COUNTY COURT
SITTING 1995

Notice is given that additional sittings of the County Court of Victoria will be held at:

Sale: Monday, 9 October 1995

Warrnambool: Thursday, 19 October 1995

Wangaratta: Thursday, 9 November 1995,
and

Shepparton: Friday, 10 November 1995

G. R. D. WALDRON
Chief Judge of the County Court of Victoria

Water Act 1989

I, Charles Geoffrey Coleman, Minister for Natural Resources, make the following Order:

SHEPPARTON IRRIGATION REGION
GROUNDWATER SUPPLY PROTECTION
AREA DECLARATION ORDER 1995

1. This Order is called the Shepparton Irrigation Region Groundwater Supply Protection Area Declaration Order 1995.

2. This Order is made under the powers conferred by Division 3 of Part 3 of the **Water Act 1989** and all other available powers.

3. This Order takes effect on and from the date it is published in the Government Gazette.

4. On and from the date on which this order takes effect—

- (a) the area of land shown within the pink border on Plan No. 440451 is declared to be a Groundwater Supply Protection Area, and
(b) the area shall be known as the Shepparton Irrigation Region Groundwater Supply Protection Area.

5. Plan No. 440151 referred to in clause 4 may be inspected at the office of the Department of Conservation and Natural Resources, 232 Victoria Parade, East Melbourne during business hours.

Dated 8 September 1995

GEOFF COLEMAN
Minister administering the **Water Act 1989**

NOTICE OF AMENDMENT TO BUILDING
CODE OF AUSTRALIA

I, Robert Maclellan, Minister for Planning, pursuant to Schedule 1 Part 2 of the **Building Act 1993**, give notice that Amendment 8 to the Building Code of Australia 1990 has been made and consequently adopted by the Building Regulations 1994 on 17 July 1995.

A copy of the Building Regulations 1994, as amended, is available for inspection by the public at the offices of the Building Control Commission, First Floor, 477 Collins Street, Melbourne.

ROBERT MACLELLAN
Minister for Planning

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 18 October 1995.

Notice of any objection to the granting of an application should be forwarded to reach the Secretary of Transport, care of the Tow Truck Directorate of Victoria, 560 Lygon Street, Carlton (P.O. Box 160, Carlton South 3053) not later than 12 October 1995.

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

Abalbee Pty Ltd, Prahran. Application for variation of conditions of tow truck licence numbers TOW103, TOW753 and TOW756 which authorise the licensed vehicle to be controlled and operated from a depot situated at 718 Malvern Road, Prahran to change the depot address to 399 Tooronga Road, Hawthorn East.

Gardiner Towing Service Pty Ltd, Prahran. Application for variation of conditions of tow truck licence numbers TOW054, TOW755, TOW754, TOW759, TOW652, TOW749, TOW750, TOW751, TOW752, TOW053, TOW493, TOW504 and TOW052 which authorise the licensed vehicle to be controlled and operated from a depot situated at 718 Malvern Road, Prahran to change the depot address to 399 Tooronga Road, Hawthorn East.

Dated 14 September 1995

JOHN McMILLAN
Secretary of Transport

Transport Act 1983

DEPARTMENT OF TRANSPORT

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 Transport after 18 October 1995.

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 12 October 1995.

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

S. Beyzade, Deer Park. Application to licence one commercial passenger vehicle to be purchased in respect of a 1986 or later model Ford LTD stretched limousine with seating capacity for 6 passengers to operate as a metropolitan hire car from 65 Neale Road, Deer Park.

D & B Auto Pty Ltd, South Caulfield. Application to licence two commercial passenger vehicles in respect of 1993 or later model Ford Fairlane or LTD sedans each with seating capacity for 4 passengers to operate as metropolitan hire cars from 9 Heatherbrae Avenue, South Caulfield.

J. D. Dorning, Emerald. Application to licence one commercial passenger vehicle in respect of a 1985 Diahatsu Charade Hatch with seating capacity for 4 passengers to operate a service for the carriage of passengers on one day tours as follows:

Tour 1: Travel to Olinda rain forest, Belgrave, Emerald Lake Park, drive through to Cardinia Lake Park and return.

Tour 2: Travel to Sassafras, visit William Rickets Sanctuary, Emerald, Cardinia Reservoir and return.

Tour 3: Travel to Dandenong Ranges, Sassafras, visit Olinda Rhododendron Gardens, rain forest, Pirandra Gardens, William Rickets Sanctuary, and return.

Tour 4: Travel to rain forest, visit Tesselaars Tulip Farm, Silvan Reservoir, William Rickets Sanctuary, stop at Olinda Craft Shops and return.

Note: Passengers on various day tours will be picked up/set down at their place of accommodation.

Application to licence one commercial passenger vehicle to be purchased in respect of a 1984 or later model Ford LTD stretched limousine with seating capacity for 8 passengers to operate from 2 King Street, Yarra Glen for the carriage of passengers for wedding parties.

B. R. Gray, Metung. Application to licence one commercial passenger vehicle licence to be purchased in respect of a 1995 Ford Fairlane sedan with seating capacity for 5 passengers to operate as a metropolitan hire car from 86 Stirling Road, Metung.

G. Hatfield, Glen Waverley. Application for variation of conditions of licence number MH4311 which authorises the licensed vehicle to operate as a metropolitan hire car in respect of a 1989 or later model air-conditioned Ford LTD sedan with seating capacity for 4 passengers to replace the vehicle with any vehicle that meets the standards approved by the Victorian Taxi Directorate for licensing as a hire car.

N. Koromilas, Yarraville. Application to licence two commercial passenger vehicles in respect of one 1950 or later model and one 1956 or later model Jaguar sedans each with seating capacity for 4 passengers to operate as special purpose vehicles from 130 Gamon Street, Yarraville for the carriage of passengers for wedding parties.

G. Koulax and K. Pahis, Brunswick. Application to licence five commercial passenger vehicles in respect of the following:

<i>Make</i>	<i>Year of Manufacture</i>	<i>Seating Capacity</i>
1 Ford Fairlane sedan	1989	4
2 Ford Fairlane sedans	1992	4
2 Ford Fairlane sedans	1995	4

to operate as metropolitan hire cars from 56 Donald Street, Brunswick.

E. W. Townsing, Seaford. Application to licence one commercial passenger vehicle in respect of a 1975 or later model Mercedes Benz sedan with seating capacity for 4 passengers to operate from 13 Chicquita Avenue, Seaford for the carriage of passengers for wedding parties and debutante balls.

P. E. Whiston, Coburg. Application for variation of conditions of licences MH4484 and MH4485 which authorise the licensed vehicles to operate as metropolitan hire cars in respect of 1981 or later model Mercedes Benz sedans each

with seating capacity for 4 passengers to replace the vehicles with any vehicles that meet the standards approved by the Victorian Taxi Directorate for licensing as hire cars.

L. J. Wright, Reservoir. Application to licence three commercial passenger vehicles in respect of two 1946 or later model Buick sedans and one 1950 Buick Convertible each with seating capacity for 5 passengers to operate from 927 High Street, Reservoir for the carriage of passengers for wedding parties.

A. A. and A. Pegoraro, East Ivanhoe. Application to licence one commercial passenger vehicle in respect of a 1967 Ford Mustang Convertible with seating capacity for 4 passengers to operate from 216 The Boulevard, East Ivanhoe for the carriage of passengers for wedding parties, photographic shoots and debutante balls.

Dated 14 September 1995

GARY ELLIS

Manager, Licensing and Certification

Transport Act 1983 ROAD DECLARATIONS AND DEDICATIONS

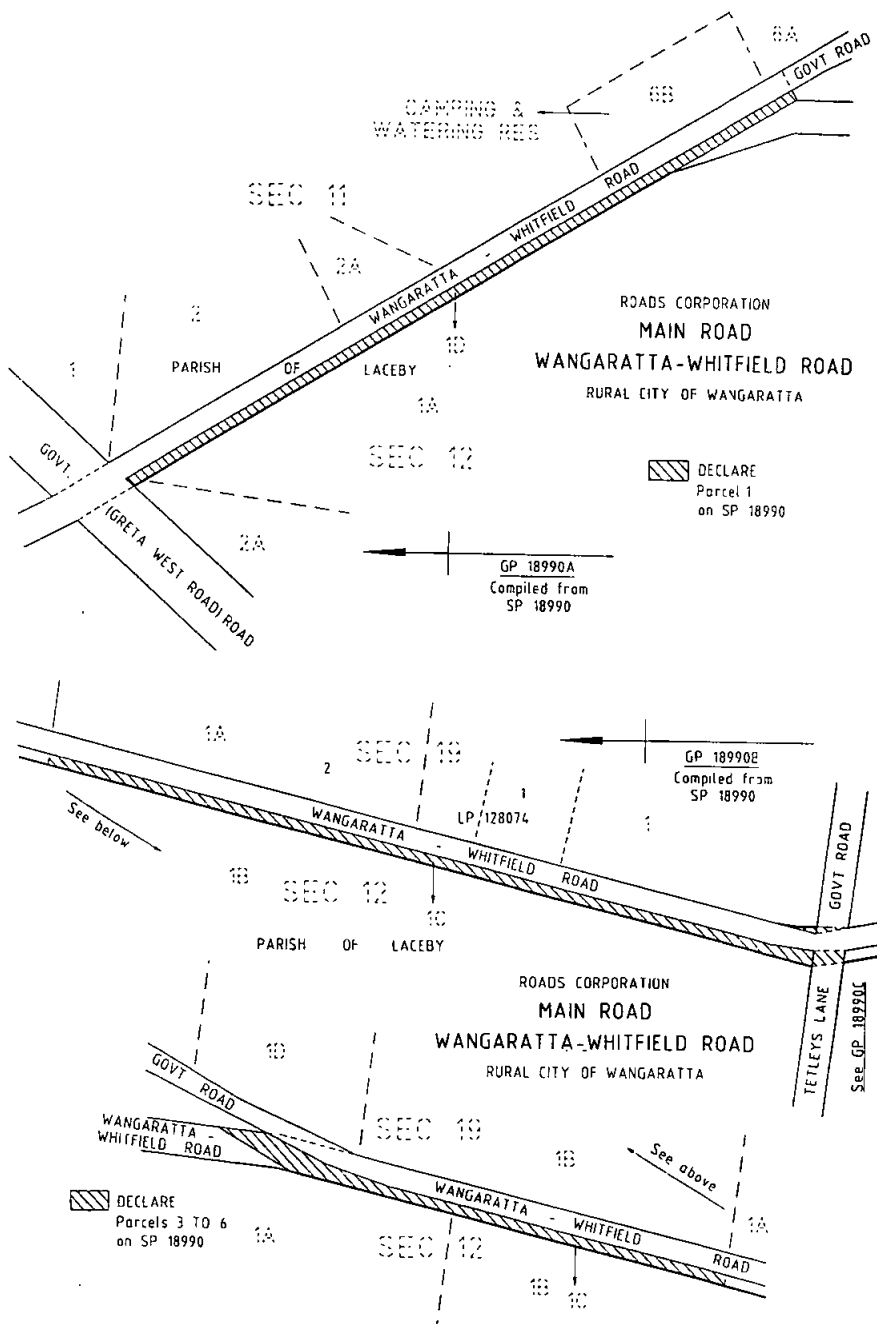
The Roads Corporation pursuant to the **Transport Act 1983**, upon publication of this notice declares, or varies the declaration of, the roads as described below and on the plans attached, and further declares that such roads are fit to be used as a public highway and are now absolutely dedicated to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

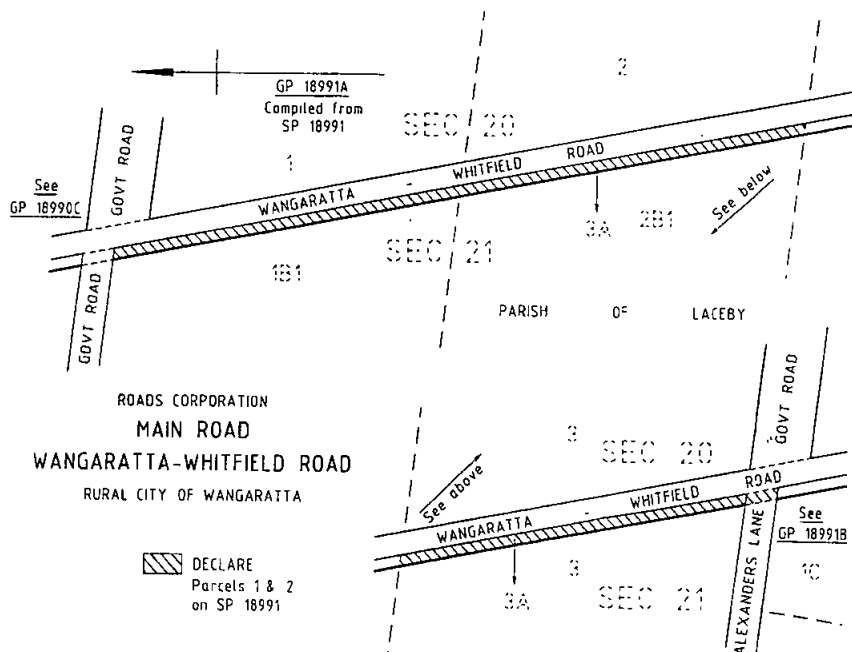
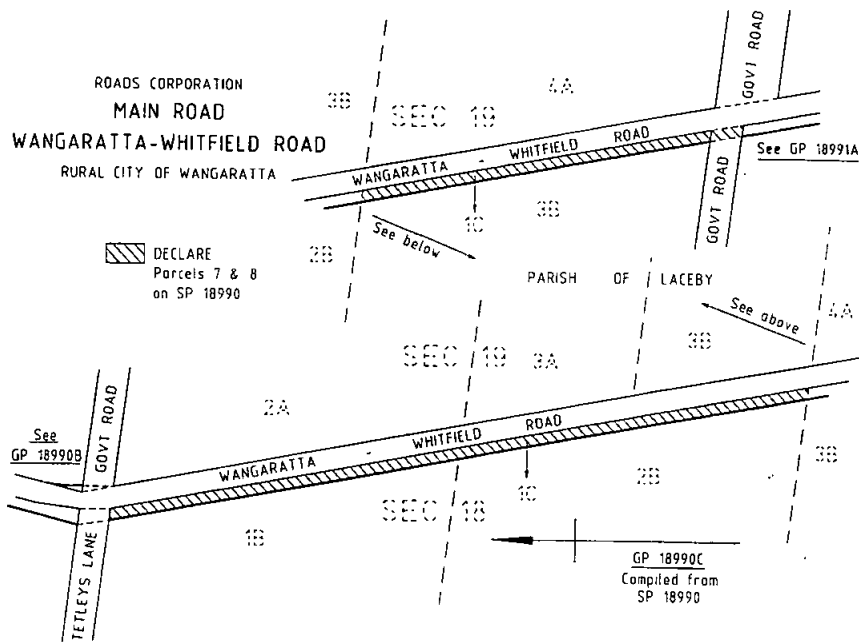
MAIN ROAD

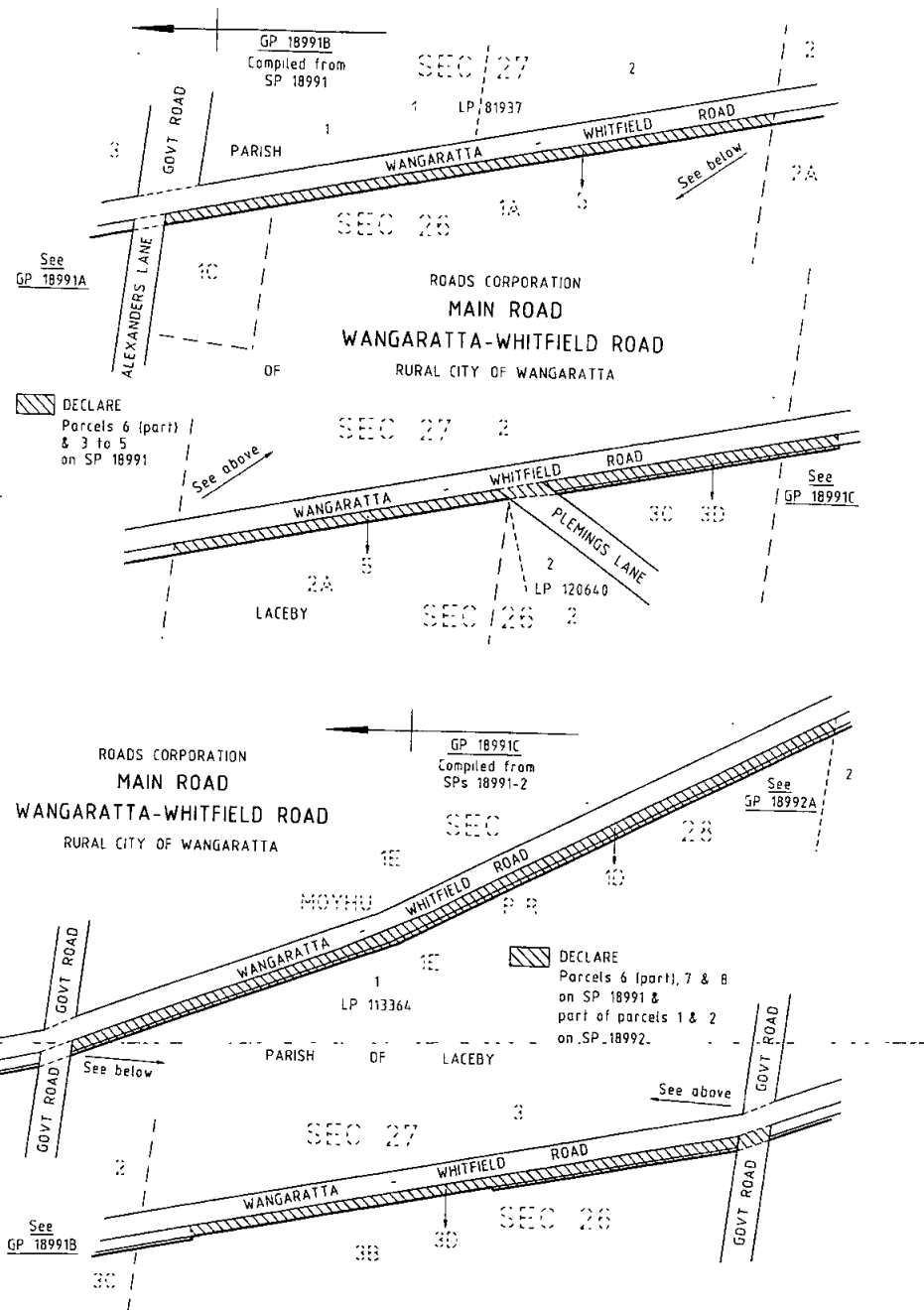
165/95 Wangaratta-Whitfield Road in the Rural City of Wangaratta shown hatched on plans numbered GP 18990A, B and C; GP 18991A, B and C; GP 18992A and B; GP 18993A, B and C; GP 18994A, B and C; GP 18995 and GP 18996.

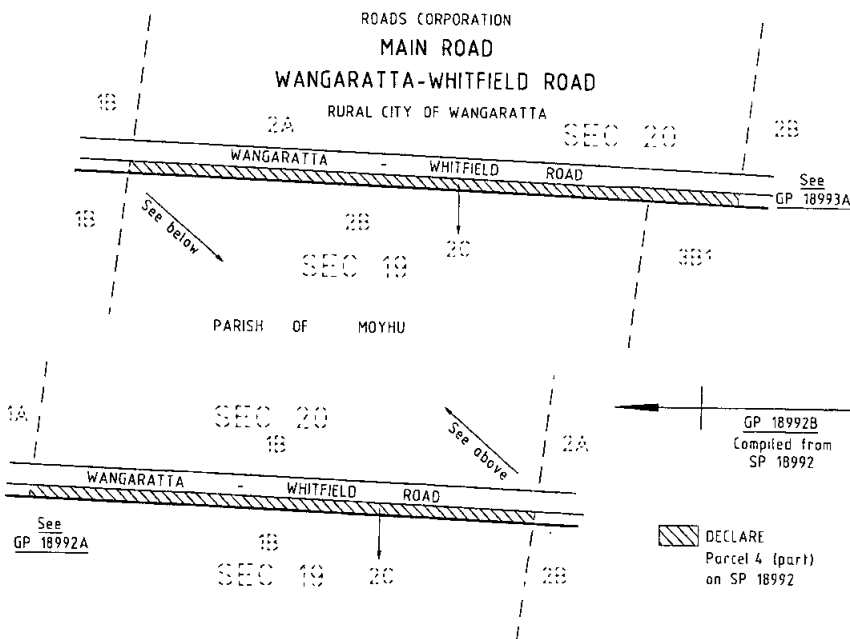
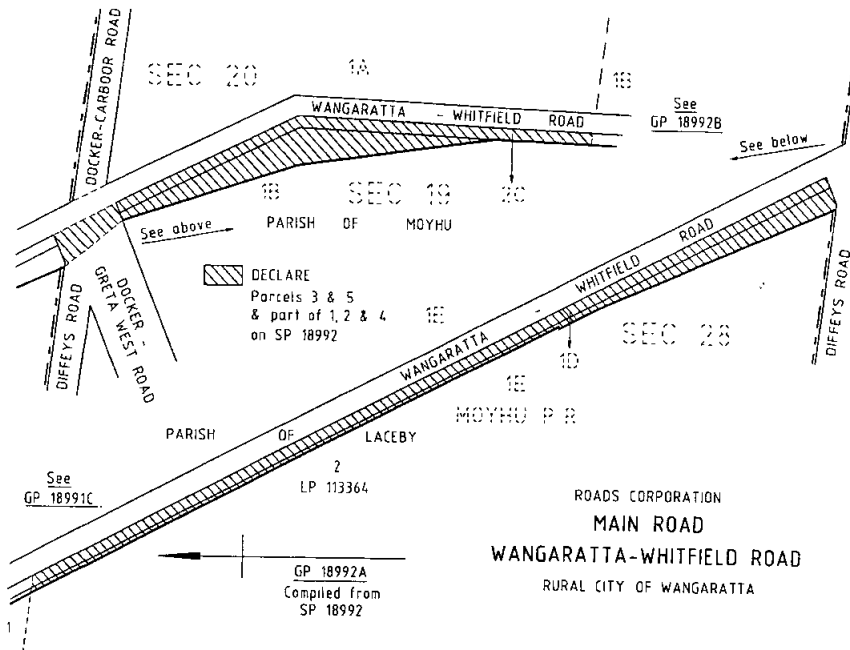
ROAD

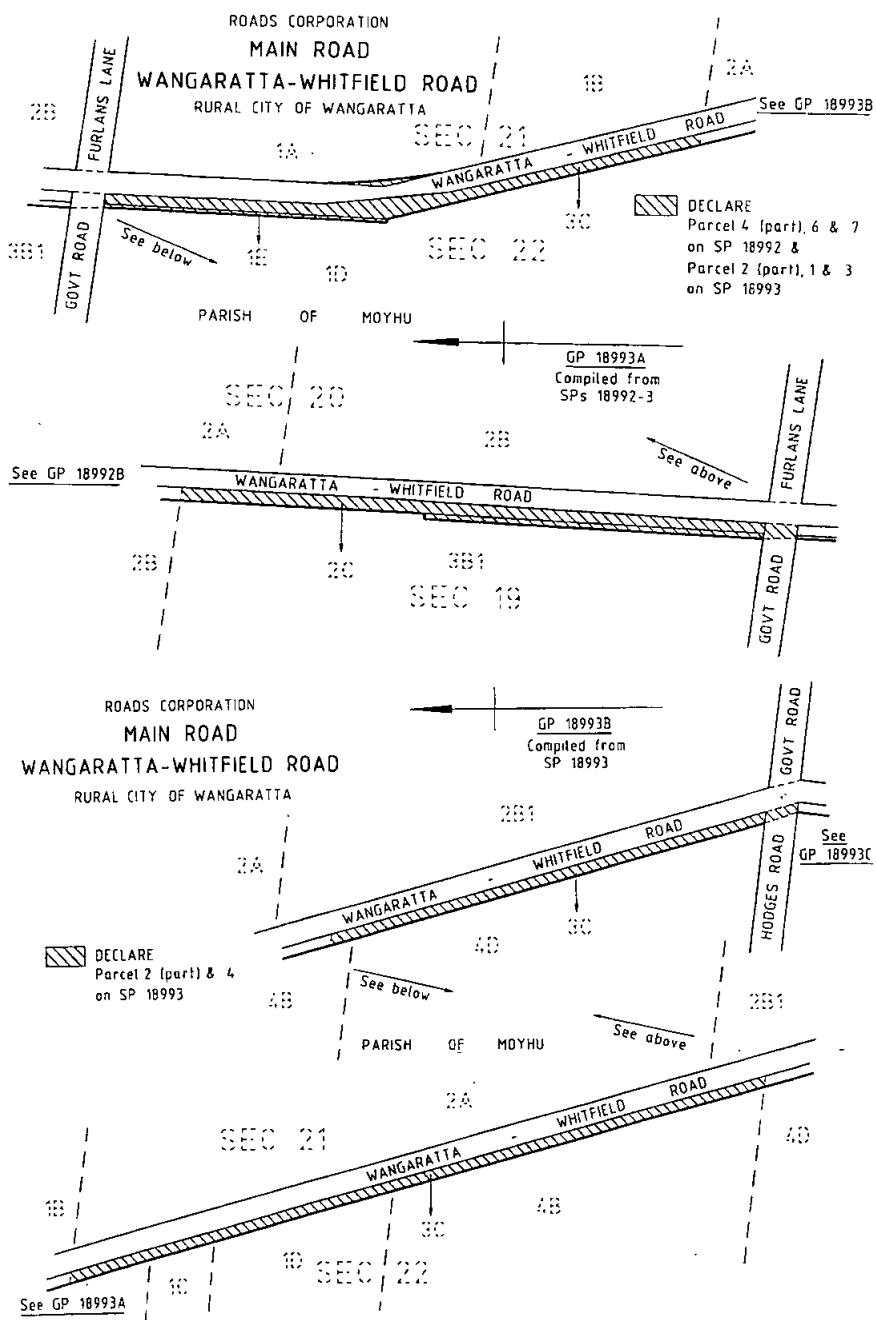
166/95 Samuel Street and Clegg Street in the City of Maroondah shown hatched on plan numbered GP 17980.

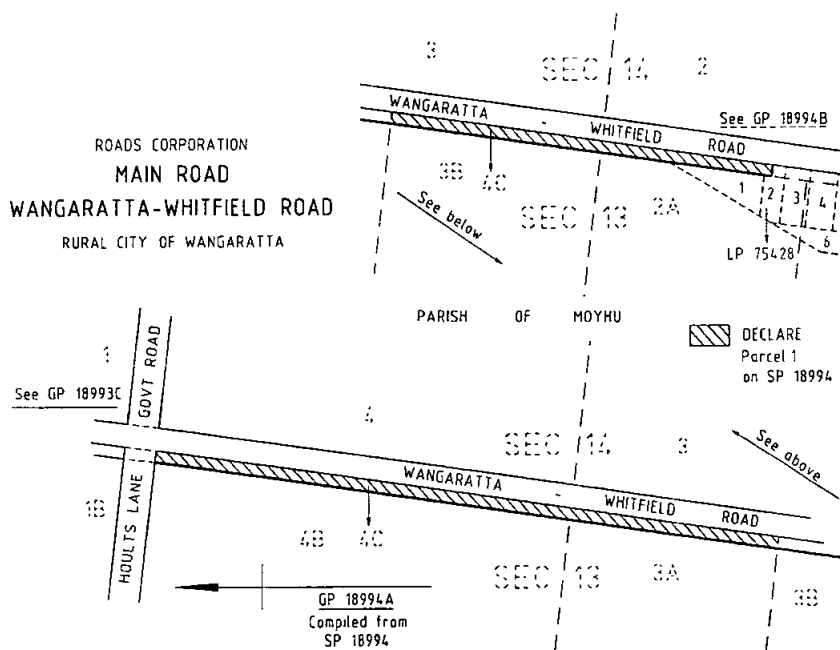
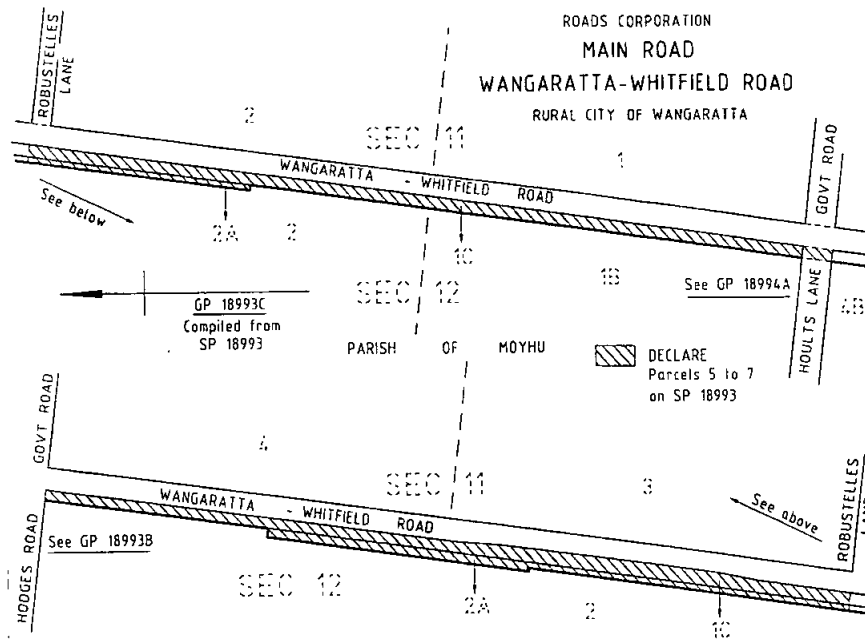


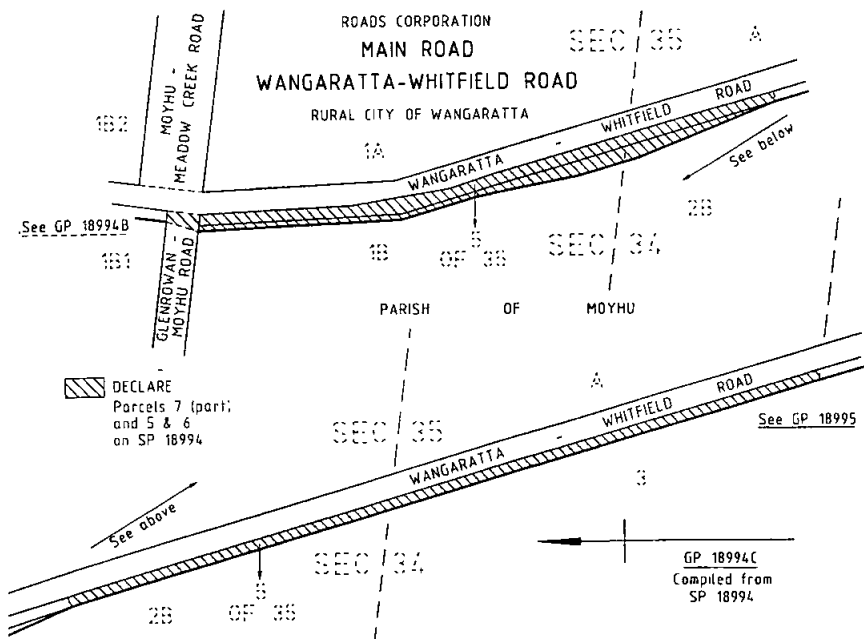
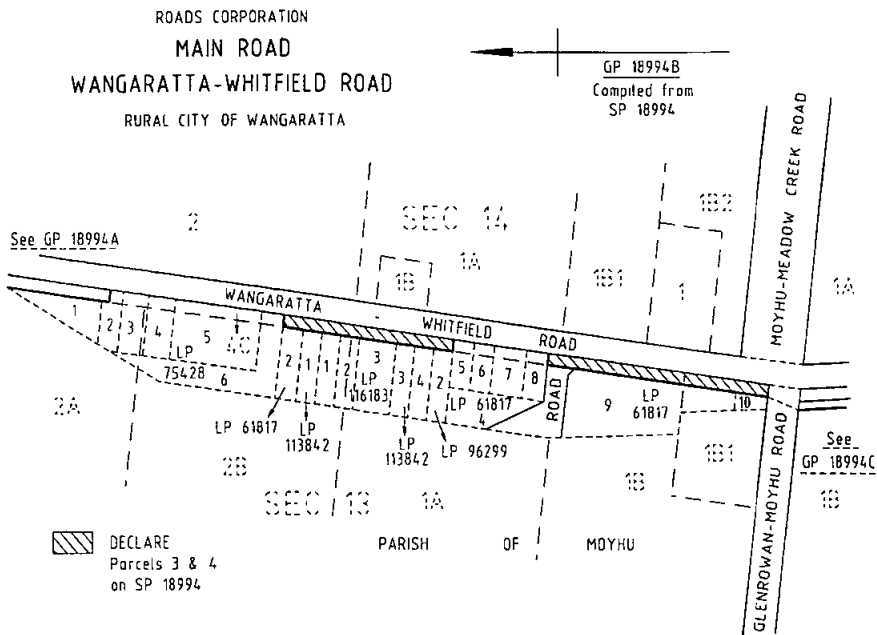


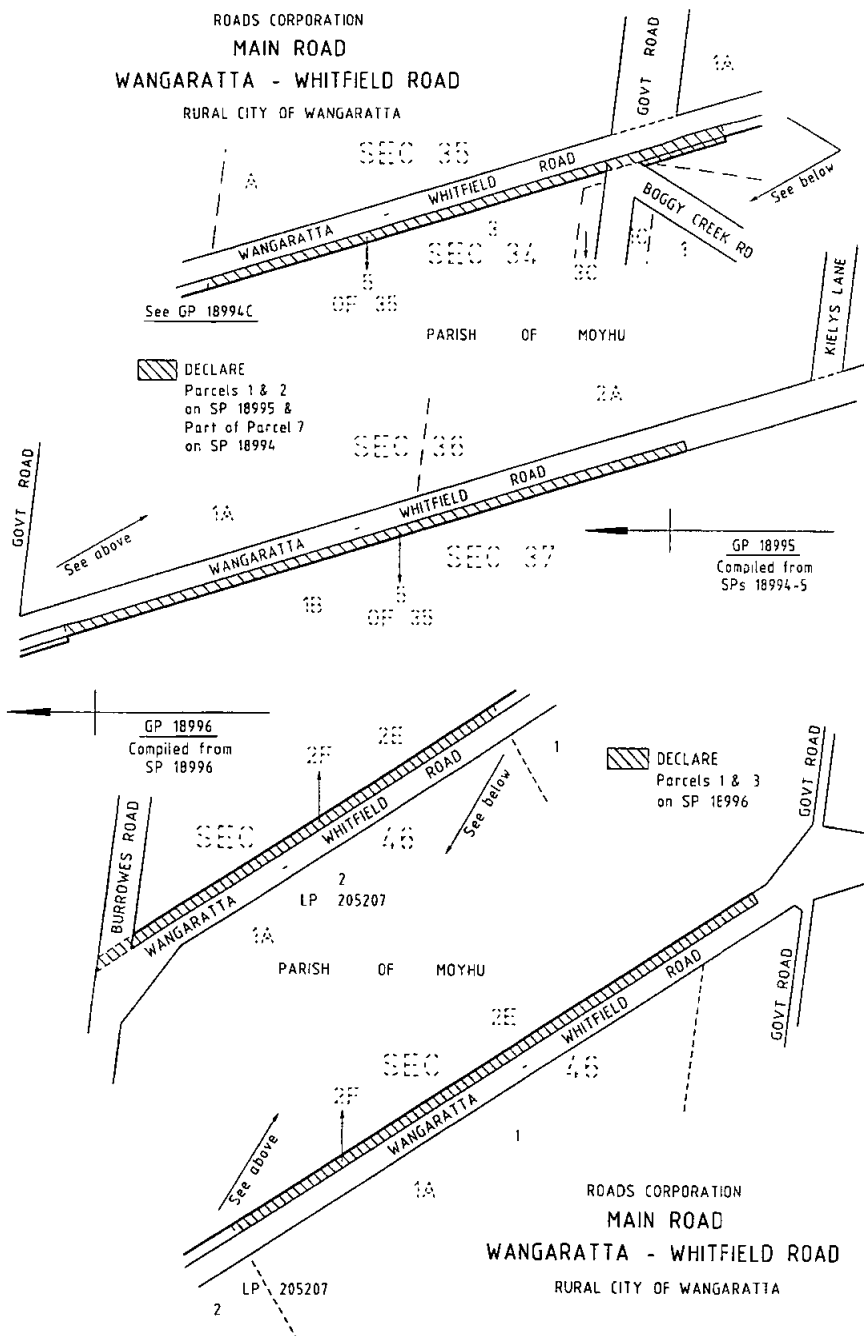














COLIN JORDAN
Chief Executive, Roads Corporation

Reference P206466

Selling Agent: Holland Reuss Real Estate
P/L, 12 Stanley Street, Wodonga. Telephone
(060) 24 1186.

ROGER M. HALLAM
Minister for Finance

Selling Agent: A. E. Gibson & Co P/L,
Greenvale Office, Shop 9, Shopping Centre,
Greenvale 3059.

ROGER MURRAY HALLAM
Minister for Finance

2512 G 36 14 September 1995

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

Reference P341489

Tenders close 2.00. p.m., Thursday, 19
October 1995.

Property Address: Waygara Road,
Waygara.

Crown Description: Allotment 2C Section A
Parish of Tildesley East.

Area: 43.87 hectares.

Term of Sale: 10% deposit, balance 60 days.

Tenders: addressed to—Crown Land Sales
Tender Box ref: P341489, Department of
Conservation and Natural Resources, 71
Hotham Street, Traralgon 3844.

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

Application Form: Available on request.

Co-ordinating Officer: Ninette Kattos, Land
Sales Officer, Department of Conservation and
Natural Resources, Traralgon. Telephone (051)
72 2150.

ROGER M. HALLAM
Minister for Finance

Position No. 63/45/0328/7, System Support
Officer, Class VPS-2, Office of Geographic Data
Co-ordination, Department of Treasury and
Finance.

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 candidate

The vacancy has duties and requirements
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.

Dr MIKE VERTIGAN
Secretary, Department of Treasury and Finance

Victoria Government Gazette

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

Position Numbers, titles, classifications and
Regions as per the attached schedule,
Department of Health and Community Services.

I have exempted the attached list of positions
from notification of vacancy pursuant to section
29 (2) of the **Public Sector Management Act
1992**.

ATTACHMENT

<i>Position Number</i>	<i>Region</i>	<i>Classification</i>
33/41/0008/5	Southern	FSO-2
33/74/0423/5	Southern	FSO-3
33/74/0421/3	Southern	FSO-2
70/03/5462/7	Eastern	FSO-2
70/03/5452/5	Eastern	FSO-2
70/03/5450/3	Eastern	FSO-2
70/03/5294/9	Eastern	FSO-3
70/03/5298/3	Eastern	FSO-3
70/03/5304/5	Eastern	FSO-2
34/05/1003/7	Eastern	TA-3
70/03/5449/0	Eastern	FSO-2
33/46/0065/6	Gippsland	FSO-2
33/46/0015/7	Gippsland	FSO-2
33/46/0023/7	Gippsland	FSO-2
33/46/0073/6	Gippsland	FSO-2
33/03/1004/2	Grampians	TA-4
33/03/0027/5	Grampians	FSO-3
33/03/1007/5	Grampians	TA-3
33/03/1006/4	Grampians	TA-3
70/03/5133/4	Grampians	FSO-2
70/03/5128/7	Grampians	TA-1
70/03/5127/6	Grampians	TA-1
70/03/5132/3	Grampians	FSO-2
70/03/5242/8	Grampians	FSO-2
70/03/5246/1	Grampians	FSO-2
33/04/0795/0	Hume	FSO-2
33/42/0025/0	Hume	FSO-2
33/04/0798/2	Hume	FSO-2
70/03/5192/4	Loddon Mallee	TA-3
70/03/5200/9	Loddon Mallee	FSO-3
70/03/5143/6	Northern	FSO-3
70/03/5141/4	Northern	TA-3
33/08/0359/3	Northern	TA-1
70/03/5140/3	Northern	TA-3
70/03/5135/6	Northern	FSO-5
70/03/5173/1	Northern	TA-3
33/26/0218/4	Northern	FSO-2

Dated 31 August 1995

P. R. SALWAY
Public Service Commissioner

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

Position No. DBE005616, Executive Officer,
Level-3, Director, Technology Division, Health
and Safety Organisation, Department of
Business and Employment.

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.

RIK HART
Secretary

Position No. DBE009708, Grants
Administration Officer, VPS-3, Small Business
and Youth Affairs, Department of Business and
Employment.

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.

RIK HART
Secretary

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

Regional Manager, North East and Goulburn,
Class VPS 5 35/01/5964/6, Planning and
Heritage.

Regional Manager, Barwon and South West,
Class VPS 5 35/01/5965/7, Planning and
Heritage.

These positions have been reclassified in a
specialised area of work and the officers 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.

BARRY NICHOLLS
Secretary, Department of Planning
and Development

STATE ELECTORAL OFFICE VICTORIA

Notice of application for registration of a
political party

The following application has been received
for registration of a political party under **The
Constitution Act Amendment Act 1958.**

Name of party: Shooters Party (Vic)

Initials of name of party: SP

*Name and address of proposed registered
officer:* Gordon C. Taylor, 54 Festival Crescent,
Keysborough, Victoria 3173.

The application is made, and signed by, ten
members of the party. The application states
their names and addresses as follows:

Robert A. Taylor, 19 George Street, West
Preston.

Gordon C. Taylor, 54 Festival Crescent,
Keysborough.

Richard Gentile, 21 Mayne Street, Sunshine.

Neville Sayers, 'Redcourt', Lang Lang.

Chris Earle, 14 Bruce Street, Diamond Creek.

Margaret Bontalik, 8 Kinta Close, Yallambie.

Dom Torre, 40 Campbell Street, East Kew.

Trevor Roper, 72 Roseman Road, Chirnside
Park.

Robert Reid, 5 Kennedy Street, Keilor.

David Gray, 74A Chapman Street, North
Melbourne.

In its application, the party states that it has or
operates under a constitution, a copy of which
accompanied the application.

Any persons who believe that this
application:

- (i) does not relate to an eligible political
party (as defined in section 148A (1) of
the Act);
- (ii) is not in accordance with section 148D
of the Act, including that it is not made
by ten members of the party;
- (iii) should be refused under section 148G
of the Act, in that the name of the
party, the abbreviation or initials of the
name that the party wishes to be able to
use for the purposes of the Act is too
long, is obscene, or is the name (or too
closely resembles the name) of another
political party—not being a political
party that is related to the party to
which the application relates—that is a
Parliamentary party or registered
political party;

are invited to submit written particulars of the
grounds for that belief to the Electoral
Commissioner by 14 October 1995.

Particulars submitted by a person in response to this notice must be signed by, and specify an address of, that person and must be sent to the Electoral Commissioner, State Electoral Office, 6th Floor, 22 William Street, Melbourne, Victoria 3000.

This notice is placed as required by section 148K of **The Constitution Act Amendment Act 1958**.

Dr G. P. LYONS
Electoral Commissioner

VICTORIAN GOVERNMENT
PURCHASING BOARD
CONTRACTS ACCEPTED
Amendments

<i>Schedule Number</i>	<i>Item Number</i>	<i>New Rate</i>	<i>Effective Date</i>
		\$	
<i>Industrial Gases</i>			
1/10			
Cylinder Rental			
	Size D	4.95	1.10.95
	Size E	5.85	
	Size G	6.70	
Delivery Charges			
	Size D	1.00	
	Size E	1.00	
	Size G	1.00	
Minimum Delivery Charge		22.00	
<i>Paper Products</i>			
1/17			1.10.95
	1.1	28.00	
	1.2	28.42	
	1.3	29.43	
	1.4	31.84	
	1.5	32.37	
	1.6	33.02	
	2.1	19.68	
	2.2	19.98	
	2.3	20.69	
	2.4	22.38	
	2.5	22.76	
	2.6	23.21	
	3.1	25.12	
	3.2	25.50	
	3.3	26.40	
	3.4	28.56	
	3.5	29.04	
	3.6	29.62	
	4.1	21.89	
	4.2	22.22	
	4.3	23.02	
	4.4	24.88	

<i>Schedule Number</i>	<i>Item Number</i>	<i>New Rate</i>	<i>Effective Date</i>
		\$	
	4.5	25.32	
	4.6	25.82	
<i>Motor Spirit, Fuel Oils, etc</i>			
1/53			7.9.95
	1.0	0.6403	
	2.0	0.6443	
	3.0	0.6613	
	4.0	0.6653	
	5.0	0.6608	
	6.0	0.6708	
	7.0	0.6818	
	8.0	0.6918	

Light Commercial Motor Vehicles
Toyota Motor Corporation Australia Limited
Departments please note the rate for the Airconditioning option for the following item was incorrectly gazetted on 7.9.95.

1/59 18.3 1 532.00

Mitsubishi Motors Australia Limited

2.1 Tow Pack	326.00	14.7.95
7.1 Tow Pack	326.00	
8.1 Tow Pack	326.00	
9.1 Tow Pack	326.00	
Tonneau Cover	228.00	
11.1 Tow Pack	326.00	

Light Trucks
Isuzu-General Motors Australia Limited

1/60	2.22	33 880.00	21.8.95
	3.14	23 790.00	
	3.15	24 003.00	
	4.19	25 426.00	
	4.26	26 916.00	
	4.29	27 896.00	
	4.34	30 188.00	
	4.35	30 188.00	
	4.37	32 119.00	
	4.38	32 119.00	
	4.39	33 275.00	
	4.40	34 160.00	
	4.41	33 880.00	

Toyota Motor Corporation Australia Limited

2.1 Airconditioning	1 600.00	14.8.95
2.2 Airconditioning	1 619.00	
3.1 Airconditioning	1 392.00	
3.2 Airconditioning	1 429.00	
4.1 Airconditioning	1 600.00	
4.2 Airconditioning	1 619.00	
4.3 Airconditioning	1 619.00	
5.1 Airconditioning	1 600.00	

Office Copying Equipment and Consumables
 Pitney-Bowes, Remington Pty Ltd
 1/76

Item No. 5	Purchase \$	Contract Rates \$ Rental		
		12 mths \$	24 mths \$	36 mths \$
PB9333	4 000.00	340.00	156.00	122.52
Duplex	1 740.00	144.54	67.86	53.30
RADF	1 470.00	122.81	57.33	45.03
Cabinet	320.00	26.59	12.48	9.80
Sorter 20 Bin	1 409.00	117.05	54.96	43.16
Sorter/Stapler 20 Bin	3 523.00	292.66	137.40	107.91
Staples (15,000 staples)	160.00	.	.	.
Large Paper Cassette (1000 sheets)	602.00	50.00	23.48	18.44
500 Sheet Cassette	365.00	30.33	14.24	11.09
System Stand	1 108.00	92.05	43.22	33.85
Copy Cost (include, toner, drum and maintenance)	0.96 cents per copy			

R. R. DUNCANSON

Secretary to the Victorian Government Purchasing Board

Subordinate Legislation Act 1994
LOCAL GOVERNMENT (ELECTIONS)
REGULATIONS 1995

Notice of Preparation of Regulatory Impact Statement

Notice is given under section 11 of the **Subordinate Legislation Act 1994** that a Regulatory Impact Statement (RIS) has been prepared in relation to the proposed Local Government (Elections) Regulations 1995.

The objective of the proposed regulations is to prescribe all matters which relate to the conduct of elections. The provisions of the Local Government Regulations 1990 which relate to the conduct of elections (including the prescribed forms) will be repealed. A new set of regulations has been prepared which where appropriate mirror the existing provisions.

Some changes to the existing requirements have been made to accommodate the option of running an election by postal voting which was introduced by the **Local Government (Amendment) Act 1994**. Other changes have been made because of the further amendments contained in the Local Government (Elections) Bill 1995 which is currently before Parliament.

The proposed regulations will provide a set of clear, easily understood and consistent electoral rules for the conduct of elections by attendance or postal voting; enhance efficiencies in local government elections by reorganising and rationalising existing procedures, increase voter

participation by facilitating the introduction of the option of postal voting, and reduce the costs of local government elections by streamlining the administrative and enforcement requirements.

The majority of the existing provisions will be remade without change. Unnecessary provisions have been removed, forms and procedures simplified, provisions reordered in logical sequence and obsolete terms amended. The proposed regulations also contain a number of the provisions in the schedules of the Act, which are being repealed by the Local Government (Elections) Bill 1995 and recast in the regulations.

Alternatives to the proposed regulations which were examined in the RIS included the preparation of non statutory guidelines and allowing councils to make local laws regarding the conduct of local elections.

The alternative of non-statutory guidelines was rejected on the grounds that they lack the legal force of legislative regulations, can be applied in a variety of ways, and cannot be enforced. These factors conflict with democratic principles which must ensure that elections are conducted consistently, impartially and reliably.

The option of allowing councils to make local laws regarding the conduct of elections was rejected. This is because the **Local Government Act 1989** provides for the running of postal elections and other matters relating to

attendance elections to be prescribed by regulation. Also the use of local laws would result in a non-uniform system. The number of disputed outcomes from local government elections across the State could be expected to increase steeply. In addition, the lack of regulation may compromise the standards of control, compliance and accountability that underpin the conduct of democratic elections.

The costs and benefits of the proposed regulations are outlined in the RIS. The RIS clearly demonstrates the net benefits associated with this proposal and that the proposed regulations are the most effective means of achieving the objectives.

Public comments are invited on the RIS and accompanying regulations. Copies may be obtained by contacting Carmel Coniglio, Legislation Branch, Office of Local Government, telephone (03) 9669 0792.

All submissions must be in writing and must be received by the Manager, Legislation Branch, Office of Local Government, 16th Floor, 250 Elizabeth Street, Melbourne, no later than 17 October 1995.

All submissions will be treated as public documents.

ROGER M. HALLAM
Minister for Local Government

DEPARTMENT OF AGRICULTURE,
ENERGY AND MINERALS

All titles are located on the 1:100,000 mapsheet listed with each title.

EXPLORATION LICENCE RENEWED

- No. 3001/10; Tallangalook P/L, Strategic Finance P/L and Golden Mount NL; 2 grats, Euroa.
- No. 3025/5; CRA Exploration P/L; 67 grats, Benambra and Bogong.
- No. 3103; Highlake Resources NL; 105 grats, Creswick and Dunolly.
- No. 3114/2; W. H. Knowles; 23 grats, Omeo.
- No. 3311/2; Intrepid Mining Corporation NL; 231 grats, Matlock and Moe.
- No. 3327/13; Bendigo Mining NL; 67 grats, Bendigo.
- No. 3352/1; Four Prospect P/L; 19 grats, Castlemaine.
- No. 3353/1; Four Prospect P/L; 8 grats, St Arnaud.

No. 3364/1; CRA Exploration P/L; 368 grats, St Arnaud.

No. 3462/3; Highlake Resources NL; 26 grats, Creswick and Dunolly.

No. 3513/1; Highlake Resources NL; 6 grats, Creswick.

No. 3626/1; Highlake Resources NL; 100 grats, Creswick.

EXPLORATION LICENCE VARIED

No. 3114; W. H. Knowles; 23 grats, Omeo.

EXPLORATION LICENCE
AMALGAMATED/CANCELLED

No. 3103, 3462, 3513 and 3626; Highlake Resources NL; 242 grats, Creswick and Dunolly. Upon amalgamation of these titles EL Nos 3103, 3462 and 3513 are to be cancelled, EL 3626 being the continuing title.

EXPLORATION LICENCE TRANSFERRED

No. 3114; W. H. Knowles to Victorian Gold Mines NL; 23 grats, Omeo.

MINING LICENCE GRANTED

No. 4868; Wanbanna P/L; 5 ha, Dunolly.

MINING LICENCE
AMALGAMATED/CANCELLED

Nos 4556, 4569, 4570, 4923 and 4924; Sedimentary Holdings Ltd; 665.69 ha, Glenlogie. Upon amalgamation MIN Nos 4569, 4570, 4923 and 4924 are to be cancelled, MIN 4556 will be the continuing title.

MINERS RIGHT CLAIM EXPIRED

No. 3335; Maureen Ellen Simms; 1 grat, Kerang.

EXTRACTIVE INDUSTRY LICENCE
GRANTED

No. 1247; Waterfall Quarries; 37.68 hectares, Carisbrook.

No. 1585; Northern Grampians Shire Council, 24.7 hectares, Moolerr.

EXTRACTIVE INDUSTRY LICENCE
VARIED

No. 433-1; A, K, L, S and B Heywood; 12.14 hectares, Glencoe.

**EXTRACTIVE INDUSTRY LICENCE
EXPIRED**

No. 1242; F. Laemmle; 178.4 hectares,
Sherwood.

**EXTRACTIVE INDUSTRY LICENCE
ASSIGNED**

No. 681; L. K. Earthmovers P/L to L. K.
Industrial Enterprises P/L; 36.4929 ha,
Purdeet.

No. 1365; Horshair Plain Pty Ltd, L. L.
Richards and S. Richards to Horshair Plain
Pty Ltd; 11.25 hectares, Theddora.

**Agricultural Industry Development Act 1990
NORTHERN VICTORIAN FRESH TOMATO
INDUSTRY DEVELOPMENT ORDER 1992**

Notice

In accordance with the requirements of
section 9 of the **Agricultural Industry
Development Act 1990**, I, Bill McGrath,
Minister for Agriculture for the time being in the
State of Victoria, hereby advise that:

- * the Northern Victorian Fresh Tomato
Industry Development Order made on
8 January 1992 is due to expire on
Sunday, 7 January 1996; and
- * I have nominated 22 September 1995
as the last date by which a petition
requesting a poll on the question of
continuing the Order must be
presented.

The petition should be forwarded to the
Honourable Bill McGrath, Minister for
Agriculture, PO Box 500, East Melbourne,
Victoria 3002.

BILL McGRATH
Minister for Agriculture

**Petroleum (Submerged Lands) Act 1967
COMMONWEALTH OF AUSTRALIA
Notice of Grant of a Retention Lease**

A Retention Lease numbered VIC/RL4 has
been granted to the BHP Petroleum (Bass Strait)
Pty Ltd, 120 Collins Street, Melbourne, Victoria
3000.

In respect of one (1) block described
hereunder, to have effect for a period of five (5)
years from and including the twenty-eighth day
of August 1995.

Description of Block

The graticular block numbered 1851 on the
Melbourne Offshore Graticular Sections Map.

Made under the Petroleum (Submerged Lands)
Act 1967 of the Commonwealth of Australia.

Dated 28 August 1995

SIDNEY JAMES PLOWMAN
Designated Authority

Adoption Act 1984

**APPOINTMENT OF COUNSELLORS FOR
RELINQUISHMENT COUNSELLING**

Under the functions and powers assigned to
me by the Director-General of Community
Services Victoria under section 10 (2) of the
Community Welfare Services Act 1970 in
relation to Section 5 of the **Adoption Act 1984**.

I, Mick Ellis, approve the following persons
under section 5 (1) and section 5 (2) (A) of the
Adoption Act 1984 as approved Counsellors for
the purpose of Section 35 of the **Adoption Act
1984**.

Northern Metropolitan Region: Kerry
Tinsley.

MICK ELLIS
Regional Director
Northern Metropolitan Region

Planning and Environment Act 1987

ALBERTON PLANNING SCHEME

**Notice of Approval of Amendment
Amendment L41**

The Minister for Planning has approved
Amendment L41 to the Alberton Planning
Scheme.

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

The amendment deletes 'Forest Plantation'
from Table to Clause 7, in the Agricultural Zone,
Column 4 in Chapter 1; inserts 'Forest Plantation'
in Column 3 with the condition "Must meet the
conditions of Clause 8-6.2 of the State Section";
and inserts a new Clause 7.2 (3) in Chapter 2.

A copy of the amendment can be inspected
free of charge during office hours at the offices of
the Department of Planning and Development,
477 Collins Street, Melbourne and the offices of
Wellington Shire, 70 Foster Street, Sale.

GEOFF CODE
Manager

Planning Co-ordination Branch
Department of Planning and Development

Planning and Environment Act 1987
AVON PLANNING SCHEME
Notice of Approval of Amendment
Amendment L11

The Minister for Planning has approved Amendment L11 to the Avon Planning Scheme.

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

The amendment inserts 'Plantation' in Sub-clause 108-1.1 and Sub-clause 109-1.1 with the condition "Must meet the conditions of Clause 8-6.2 of the State Section".

A copy of the amendment can be inspected, free of charge during office hours at the offices of the Department of Planning and Development, 477 Collins Street, Melbourne and the offices of Wellington Shire, 70 Foster Street, Sale.

GEOFF CODE
Manager
Planning Co-ordination Branch
Department of Planning and Development

Planning and Environment Act 1987
TRARALGON (SHIRE) PLANNING SCHEME

Notice of Approval of Amendment
Amendment L50

The Minister for Planning has approved Amendment L50 to the Traralgon (Shire) Planning Scheme.

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

The amendment inserts 'Forestry (other than specified in Column 2)' in the Table to Clause 7 Column 1; in Column 2 changes 'Forestry' to 'Forestry (as specified in Clause 7.6)'; rennumbers Clause 7.6 to 7.7; inserts a new Clause 7.6; in the Table to Clause 8 inserts 'Forestry' in Column 1; and deletes 'Forestry' from Column 2.

A copy of the amendment can be inspected free of charge during office hours at the offices of the Department of Planning and Development, 477 Collins Street, Melbourne and the offices of La Trobe Shire, Kay Street, Traralgon.

GEOFF CODE
Manager
Planning Co-ordination Branch
Department of Planning and Development

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

The Minister for Planning has approved Amendment L29 to the Maffra Planning Scheme.

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

The amendment inserts 'Forestry' in Sub-clause 111-1.1 with the condition 'Must meet the conditions of Clause 8-6.2 of the State Section', and in Sub-clause 111-1.2 deletes 'Forestry'.

A copy of the amendment can be inspected free of charge during office hours at the offices of the Department of Planning and Development, 477 Collins Street, Melbourne and the offices of Wellington Shire, 70 Foster Street, Sale.

GEOFF CODE
Manager
Planning Co-ordination Branch
Department of Planning and Development

Planning and Environment Act 1987
NARRACAN PLANNING SCHEME
Notice of Approval of Amendment
Amendment L43

The Minister for Planning has approved Amendment L43 to the Narracan Planning Scheme.

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

The amendment deletes the words "except as specified in Column 4" after 'Farming' in the Table to Clause 18, Column 2 and deletes 'Forestry' from Column 4.

A copy of the amendment can be inspected free of charge during office hours at the offices of the Department of Planning and Development, 477 Collins Street, Melbourne and the offices of Baw Baw Shire Council, Civic Place, Warragul.

GEOFF CODE
Manager
Planning Co-ordination Branch
Department of Planning and Development

Planning and Environment Act 1987
BULLA PLANNING SCHEME
Notice of Approval of Amendment
Amendment L108

The Minister for Planning has approved Amendment L108 to the Local Section of the Bulla Planning Scheme.

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

The amendment includes Motor Vehicle Repairs as a permit required use in the Sunbury Town Centre Fringe Zone subject to a condition that the gross leasable floor area must be at least 300 square metres and in a single occupancy.

A copy of the amendment can be inspected free of charge during office hours at the Department of Planning and Development, Ground Floor, 477 Collins Street, Melbourne and at the offices of the City of Hume, 1079 Pascoe Vale Road, Broadmeadows.

GEOFF CODE
Manager

Planning Co-ordination Branch
Department of Planning and Development

Planning and Environment Act 1987
HASTINGS PLANNING SCHEME
Notice of Approval of Amendment
Amendment L54

The Minister for Planning has approved Amendment L54 to the Hastings Planning Scheme.

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

The amendment rezones land located on the eastern side of Frankston-Flinders Road north of Bungower Road, Somerville from Rural Residential 2 Zone to Rural Residential 1 Zone.

A copy of the amendment can be inspected free of charge during the office hours at the offices of the Mornington Peninsula Shire Council, Hastings Office, Marine Parade, Hastings and at the Department of Planning and Development, 477 Collins Street, Melbourne.

GEOFF CODE
Manager

Planning Co-ordination Branch
Department of Planning and Development

Planning and Environment Act 1987
PRESTON PLANNING SCHEME
Notice of Approval of Amendment
Amendment L62

The Minister for Planning has approved Amendment L62 to the Local Section of the Preston Planning Scheme.

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

The amendment rezones land at 229 to 241 Broadway, Reservoir, from Light Industrial zone to Restricted Business zone.

A copy of the amendment can be inspected free of charge during office hours at the Department of Planning and Development, 477 Collins Street, Melbourne and at the offices of the City of Darebin—Preston Offices, 350 High Street, Preston.

GEOFF CODE
Manager

Planning Co-ordination Branch
Department of Planning and Development

Planning and Environment Act 1987
BALLAARAT (CITY) PLANNING SCHEME
Notice of Approval of Amendment
Amendment L60

The Minister for Planning has approved Amendment L60 to the Local Section of the Ballarat (City) Planning Scheme.

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

The amendment rezones land forming Crown Allotments 4, 4A and 11B Section 83 Township of Ballarat East generally situated on the north-east corner of Elsworth Street and Larter Street, Ballarat from Tourist Development to Light Industrial.

A copy of the amendment can be inspected free of charge during office hours at the offices of the City of Ballarat, Town Hall, Sturt Street, Ballarat; at the Department of Planning and Development, Ground Floor, 477 Collins Street, Melbourne and at the Department of Planning and Development, Regional Office, State Government Offices, Ballarat.

GEOFF CODE
Manager

Planning Co-ordination Branch
Department of Planning and Development

Planning and Environment Act 1987
PAKENHAM PLANNING SCHEME
Notice of Approval of Amendment
Amendment L91

The Minister for Planning has approved Amendment L91 to the Local Section of the Pakenham Planning Scheme.

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

The amendment extends the Commercial 1 Zone further along Main Street (towards the Highway). In the remaining Reserved Commercial zoned areas abutting Main Street it allows certain currently prohibited uses (bank, cafe, community building, consulting rooms, office, place of assembly, place of worship, restaurant, service industry and veterinary surgery), deletes the requirement that "Office" in an existing house must abut Main Street, allows an existing house anywhere in the Reserved Commercial Zone to be used for office, and prohibits the use house which is currently discretionary.

The changes allow for expanded commercial opportunities and more flexibility in reserved commercial areas, regarded to be of strategic importance to the local area, and implement the Pakenham Town Centre Structure Plan adopted by Council in July 1995.

A copy of the amendment can be inspected free of charge during office hours at the Department of Planning and Development, Ground Floor, 477 Collins Street, Melbourne and at the municipal offices of the Shire of Cardinia, Henty Way, Pakenham.

GEOFF CODE
Manager

Planning Co-ordination Branch
Department of Planning and Development

Planning and Environment Act 1987
CHILTERN PLANNING SCHEME
Notice of Approval of Amendment
Amendment L25

The Minister for Planning has approved Amendment L25 to the Local Section of the Chiltern Planning Scheme.

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

The amendment rezones land described as Allotment 9A, Section 5, Township of Chiltern, Parish of Chiltern, North Road from the existing Public Purposes Reservation (School) to a Residential A zone.

A copy of the amendment can be inspected free of charge during office hours at the Department of Planning and Development, Ground Floor, 477 Collins Street, Melbourne and the Chiltern office of the Shire of Indigo, Main Street, Chiltern.

GEOFF CODE
Manager

Planning Co-ordination Branch
Department of Planning and Development

Planning and Environment Act 1987
CHILTERN PLANNING SCHEME
Notice of Approval of Amendment
Amendment L24

The Minister for Planning has approved Amendment L24 to the Local Section of the Chiltern Planning Scheme.

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

The amendment rezones part of the school site having an area of 1022 m² and described as Lot 10A, Section 18 in the Township of Barnawartha, Parish of Barnawartha South from the existing Public Purposes Reservation (School) to a Residential A zone.

A copy of the amendment can be inspected free of charge during office hours at the Department of Planning and Development, Ground Floor, 477 Collins Street, Melbourne and the Chiltern office of the Shire of Indigo, Main Street, Chiltern.

GEOFF CODE
Manager

Planning Co-ordination Branch
Department of Planning and Development

Planning and Environment Act 1987
CRANBOURNE PLANNING SCHEME
Notice of Approval of Amendment
Amendment L100 Part 1

The Minister for Planning has approved Amendment L100 Part 1 to the Local Section of the Cranbourne Planning Scheme.

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

The amendment introduces a local policy section into the planning scheme to provide for comprehensive planning for the areas of Hampton Park, Lyndhurst and Cranbourne identified for future urban development in Minister's Direction No. 3—South Eastern Growth Area Plan and the preparation of Local Structure Plans and associated development guidelines before these areas are developed. The local policy section also provides for developer contributions to fund local community infrastructure.

The amendment introduces a new Residential (Urban Development) Zone which allows for the development in accordance with the Cranbourne, Hampton Park and Lyndhurst Planning Policy Series Strategy Plan and Local Structure Plans and "Residential (Urban Development) Zone—Guidelines for Discretionary Uses". The amendment applies the zone to land at Cranbourne and Cranbourne East.

A copy of the amendment can be inspected free of charge during office hours at the Department of Planning and Development, 477 Collins Street, Melbourne and at the offices of the City of Casey, Cranbourne Office, Sladen Street, Cranbourne and Berwick Office, Princes Highway, Narre Warren.

GEOFF CODE
Manager
Planning Co-ordination Branch
Department of Planning and Development

Planning and Environment Act 1987
RUTHERGLEN PLANNING SCHEME
Notice of Approval of Amendment
Amendment L9

The Minister for Planning has approved Amendment L9 to the Local Section of the Rutherglen Planning Scheme.

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

The amendment rezones land having an area of 777 m² and containing a dwelling at the north west corner of Sarah Street and Dennison Street, Wahgunyah from the existing Public Purposes Reservation to a Residential A zone.

A copy of the amendment can be inspected free of charge during office hours at the Department of Planning and Development, Ground Floor, 477 Collins Street, Melbourne and the Rutherglen office of the Shire of Indigo, Rutherglen.

GEOFF CODE
Manager
Planning Co-ordination Branch
Department of Planning and Development

Planning and Environment Act 1987
HEIDELBERG PLANNING SCHEME
Notice of Approval of Amendment
Amendment L73

The Minister for Planning has approved Amendment L73 to the Local Section of the Heidelberg Planning Scheme.

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

The amendment introduces a site specific provision to allow office use on 60 Sheehan Road, Heidelberg West, to exceed the current floor area limit of 500 square metres to a maximum floor area of 750 square metres.

A copy of the amendment can be inspected free of charge during office hours at the Department of Planning and Development, 477 Collins Street, Melbourne and at the offices of the City of Banyule, Upper Heidelberg Road, Ivanhoe.

GEOFF CODE
Manager
Planning Co-ordination Branch
Department of Planning and Development

Planning and Environment Act 1987
UPPER MURRAY PLANNING SCHEME
Notice of Approval of Amendment
Amendment L9

The Minister for Planning has approved Amendment L9 to the Local Section of the Upper Murray Planning Scheme.

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

The amendment rezones land at No. 6 Jardine Street, Corryong from the existing Public Purposes Reservation to a Residential zone.

2522 G 36 14 September 1995

A copy of the amendment can be inspected free of charge during office hours at the Department of Planning and Development, Ground Floor, 477 Collins Street, Melbourne and the office of the Shire of Towong, Hansen Street, Corryong.

GEOFF CODE
Manager
Planning Co-ordination Branch
Department of Planning and Development

Planning and Environment Act 1987
MOORABBIN PLANNING SCHEME
Notice of Approval of Amendment
Amendment L55

The Minister for Planning has approved Amendment L55 to the Local Section of the Moorabbin Planning Scheme.

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

The amendment rezones land described as No. 2 Collins Street, Ormond from the existing Public Purposes Reservation to a Residential C zone.

A copy of the amendment can be inspected free of charge during office hours at the Department of Planning and Development, Ground Floor, 477 Collins Street, Melbourne and the office of the City of Glen Eira, corner Glen Eira and Hawthorn Roads, Caulfield.

GEOFF CODE
Manager
Planning Co-ordination Branch
Department of Planning and Development

Planning and Environment Act 1987
SOUTH MELBOURNE PLANNING SCHEME
ST KILDA PLANNING SCHEME
Notice of Approval of Amendment
Amendment RL167

The Minister for Planning has approved Amendment RL167 to the Local Section of the South Melbourne and St. Kilda Planning Schemes.

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

The amendment allows the use and development of certain facilities at Albert Park.

Victoria Government Gazette

A copy of the amendment can be inspected free of charge during office hours at the Department of Planning and Development, Ground Floor, 477 Collins Street, Melbourne and at the offices of the City of Port Phillip, corner of Brighton and Carlisle Streets, St Kilda.

GEOFF CODE
Manager
Planning Co-ordination Branch
Department of Planning and Development

Planning and Environment Act 1987
TALLANGATTA PLANNING SCHEME
Notice of Lapsing of Amendment
Amendment L4

The Shire of Towong has abandoned Amendment L4 to the Tallangatta Planning Scheme.

The amendment comprised a comprehensive review and update of the Tallangatta Planning Scheme Local Section and its presentation in plain English. The amendment proposed to change the Planning Scheme by the replacement of the Local Section with a new Local Section and replacement of the existing maps with new maps.

The amendment lapsed on 23 August 1995.

GEOFF CODE
Manager
Planning Co-ordination Branch
Department of Planning and Development

APPOINTMENT

Stock Diseases Act 1968

SECTION 5

In accordance with the provisions of the **Public Sector Management Act 1992**, the following staff member is appointed as an Inspector of Stock whilst employed by the Department of Agriculture Energy and Minerals or until such time as the decision is revoked.

Name: Leo Thomas Coffey.

Position Number: 001310.

Dated 29 August 1995

MICHAEL NORMAN KINSELLA
Acting General Manager
Quality Assurance Policy

ORDERS IN COUNCIL

Land Act 1958

VESTING OF LAND UNDER SECTION 22A

Pursuant to section 22A of the **Land Act 1958** the Governor in Council hereby vests in the Grain Elevators Board all the land described in the attachment subject to and in accordance with the agreement dated 4 October 1994 between the Public Transport Corporation and the Grain Elevators Board a copy of which agreement is set out in Schedule 2 to the Order in Council dated 20 December 1994 and published in the Government Gazette on 22 December 1994 at pages 3444 to 3461 (both inclusive) and for the appropriate purposes of the Grain Elevators Board.

Attachment

Land Act 1958

VESTING OF LAND UNDER SECTION 22A

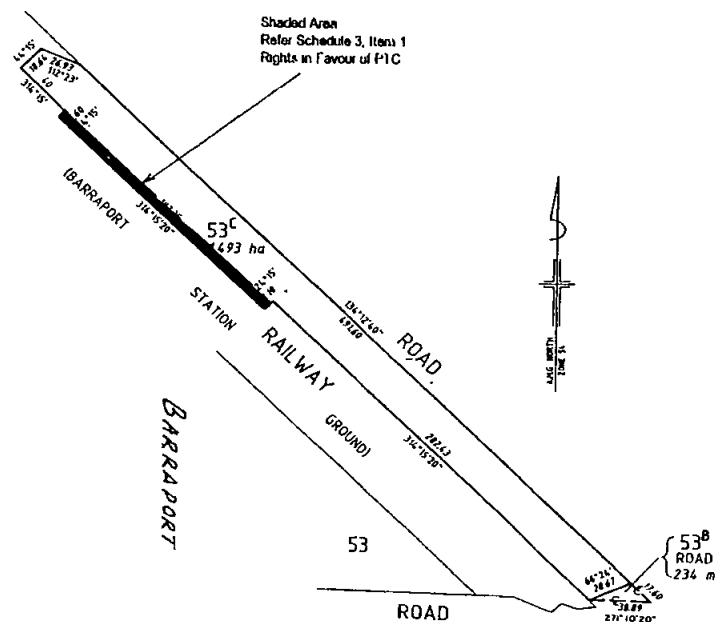
The estate in fee simple down to the depth of 15 metres below the surface in the following parcels of land—

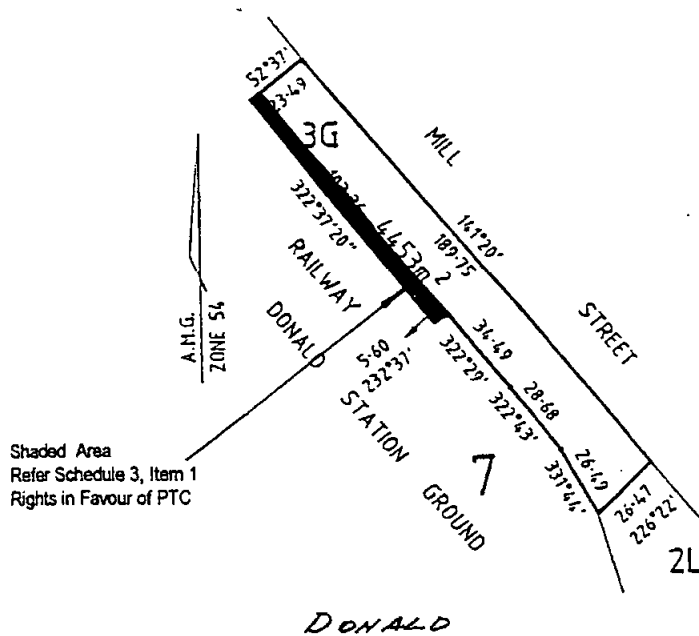
<i>Crown Description</i>	<i>Affected GEB Land and Relevant Plan (attached) (As per Schedule 1 to the Agreement)</i>	<i>Special Conditions (As per Schedule 2 to the Agreement) (Please also see Note 1 and 2 below)</i>
Crown Allotment 53C Parish of Gredgwin (CP 114759)	Barraport	(a) Easement to be provided for ATC cables.
Crown Allotment 98B Parish of Buckrabanyule (CP 114421)	Buckrabanyule	(a) GEB to note that the site is encumbered by lease known as Lot 8. (b) Easements to be provided for SECV services.
Crown Allotment 3G Section 7 Township of Donald (CP 114466) Crown Allotment 1A Section 12 Parish of Banyenong (CP 114688)	Donald	Mill Street site: (a) Easement to be provided for water service.
Crown Allotment 3 of Section 23A Township of Echuca (CP 114868)	Echuca	
Crown Allotments 4 and 5 of Section 3 Township of Galah (CP 116168)	Galah	(a) Easements to be provided for SECV services. (b) Easements to be provided for ATC services
Crown Allotment 13 of Section 22 Township of Minyip (CP 114676)	Minyip	(a) GEB to note that the site is encumbered by lease known as Lot 16 and 19. (b) GEB to notify water authority of its new owner liability.
Crown Allotment 6 of Section 1 Township of Tarranginnie (CP 113320)	Tarranginnie	
Crown Allotment 3E Parish of Tutye (CP 114919) Crown Allotment 3C Parish of Tutye (CP 114920-A)	Tutye	(a) GEB to note that the site is encumbered by lease known as Lot 8.

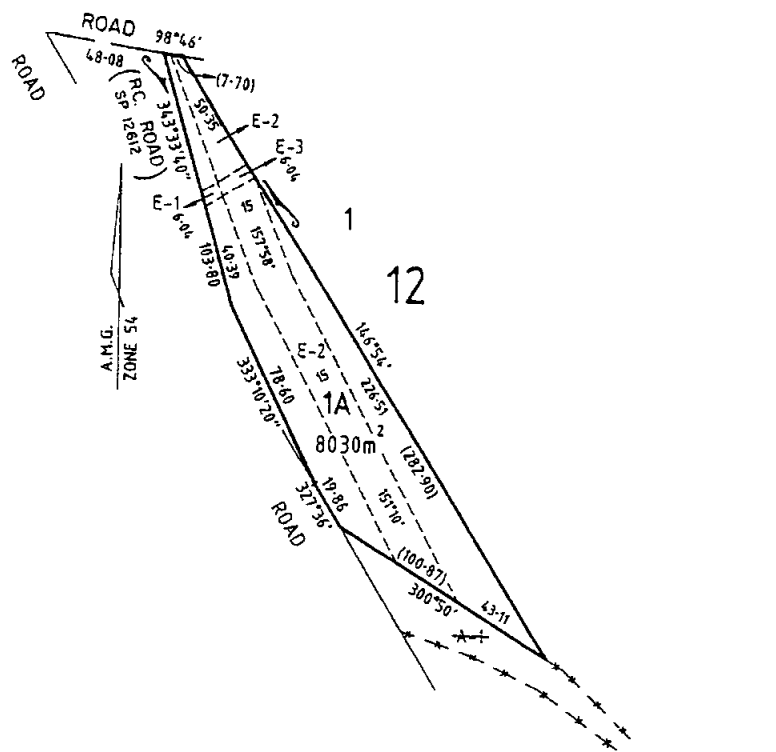
Crown Description	Affected GEB Land and Relevant Plan (attached) (As per Schedule 1 to the Agreement)	Special Conditions (As per Schedule 2 to the Agreement) (Please also see Note 1 and 2 below)
Crown Allotment 42Q Parish of Ultima (CP 115019) Crown Allotment 37E Parish of Ultima (CP 115020)	Ultima	(a) GEB to notify water authority of its new owner liability. (b) Easement to be provided for water service. (c) The rights in favour of the PTC specified in condition 7 of Schedule 3 to apply to the land vested in the GEB known as part of Crown Allotment 37 Parish of Ultima.
Crown Allotment 38 of 4 Township of Watchem (CP 115080)	Watchem	(a) Easement to be provided for SECV service. (b) Easement to be provided for water services (3). (c) GEB to note that the site is encumbered by lease known as Lot 10.

Note: 1. Conditions 1 to 8 of Schedule 3 shall apply to the lands listed above if applicable.

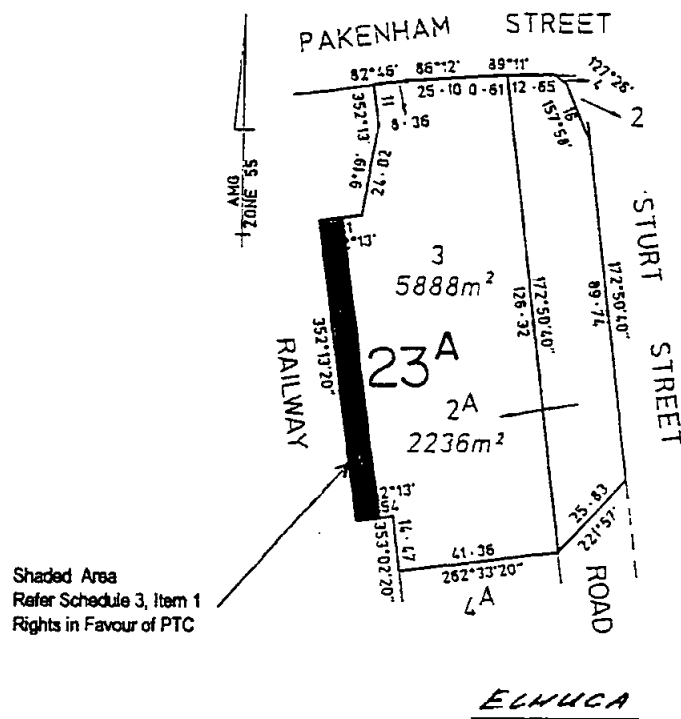
2. Line of sight conditions as set out in Clause 4 of the Agreement apply where indicated on the plans attached to Schedule 1 (Column 2 above).

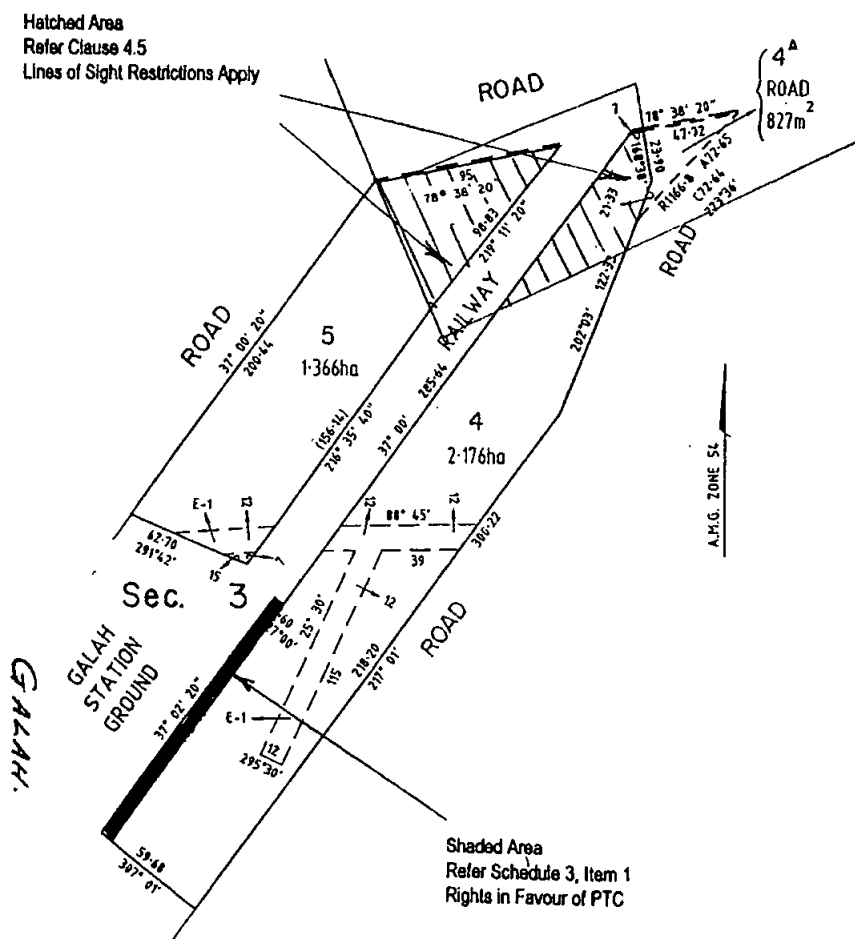


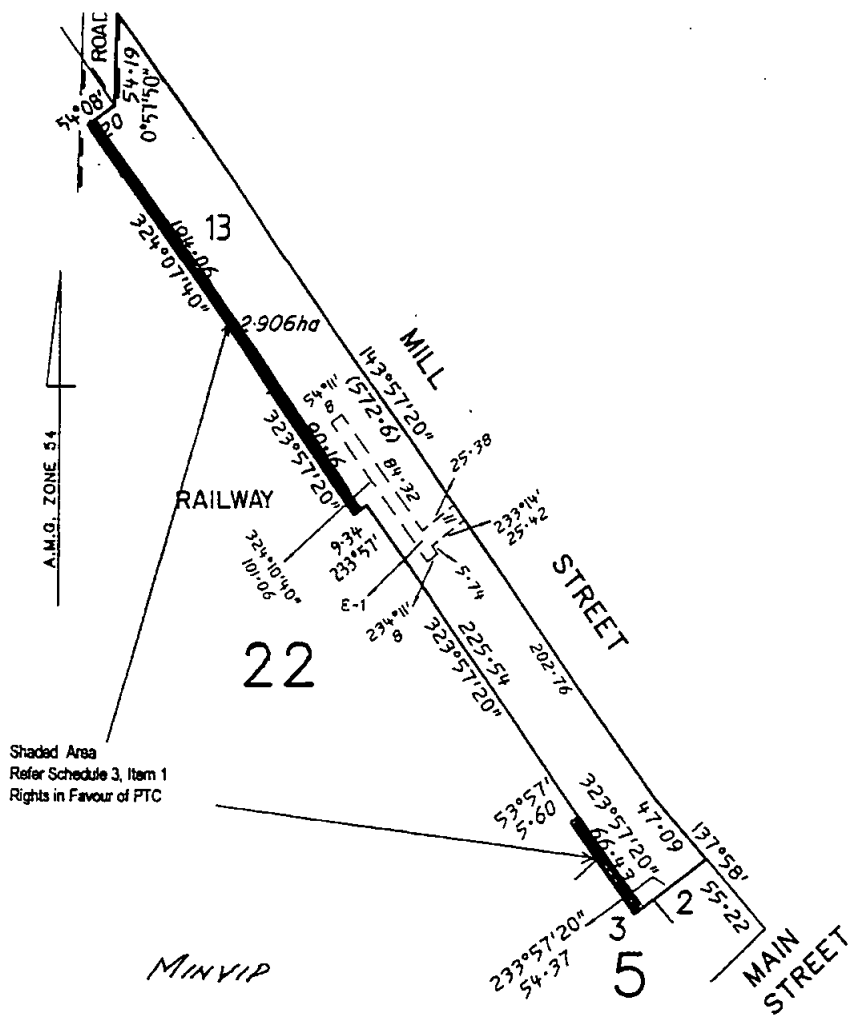


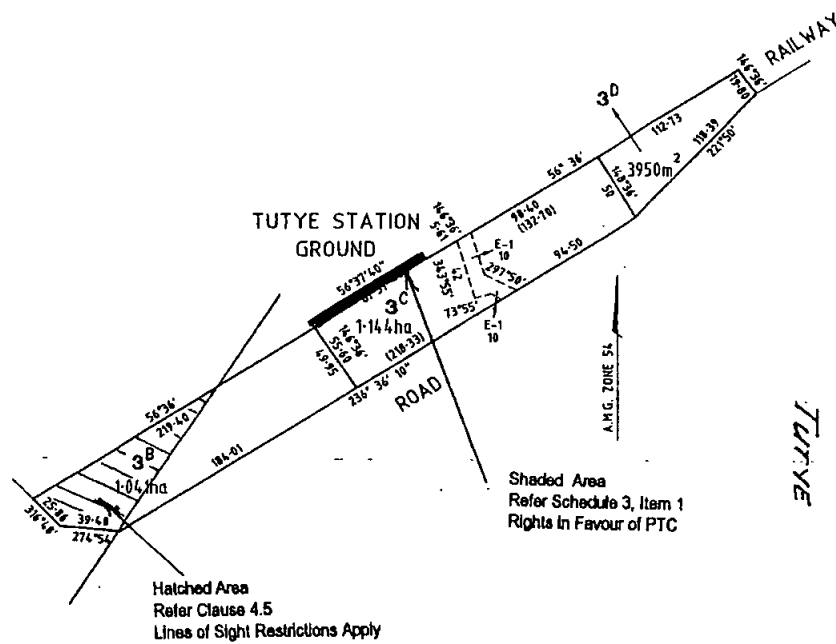
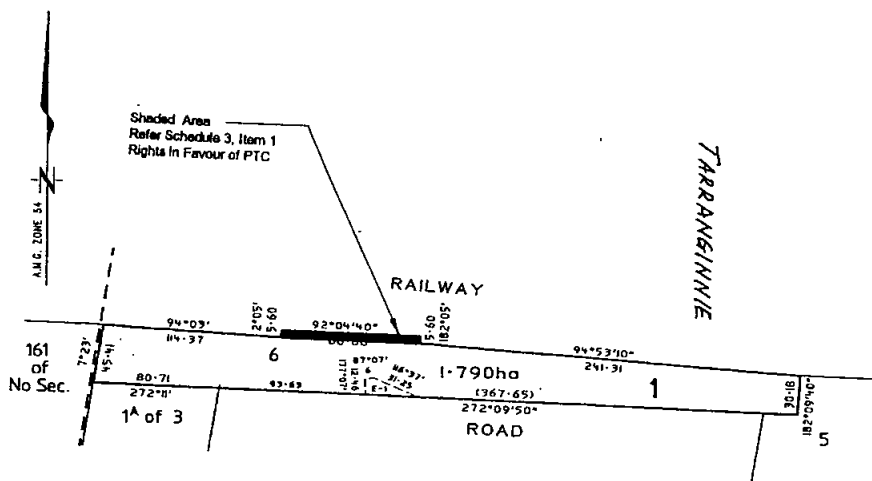


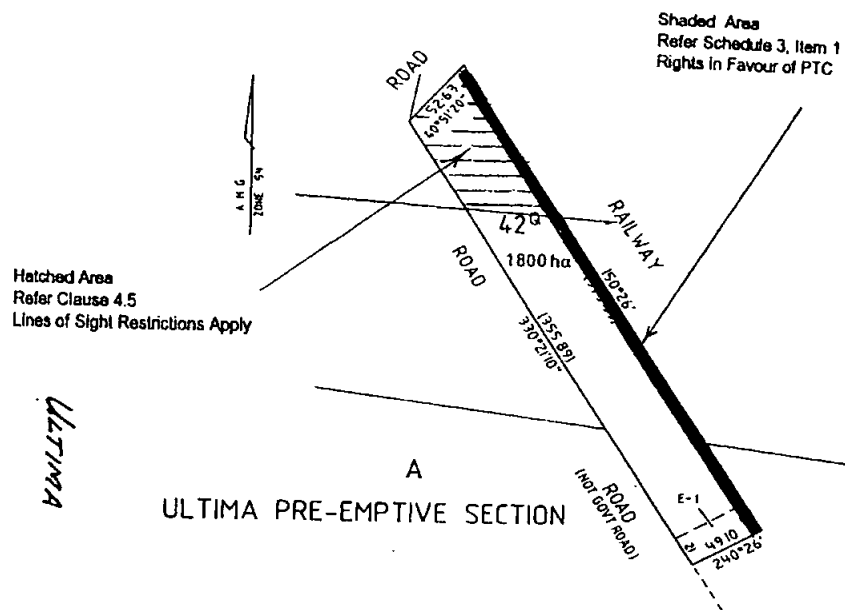
REMOVAL OF APPURTENANT QUALIFIED RIGHT OF CARRIAGEWAY CREATED BY TRANSFER A446S56 IS NECESSARY
A.R. 28-2-1995

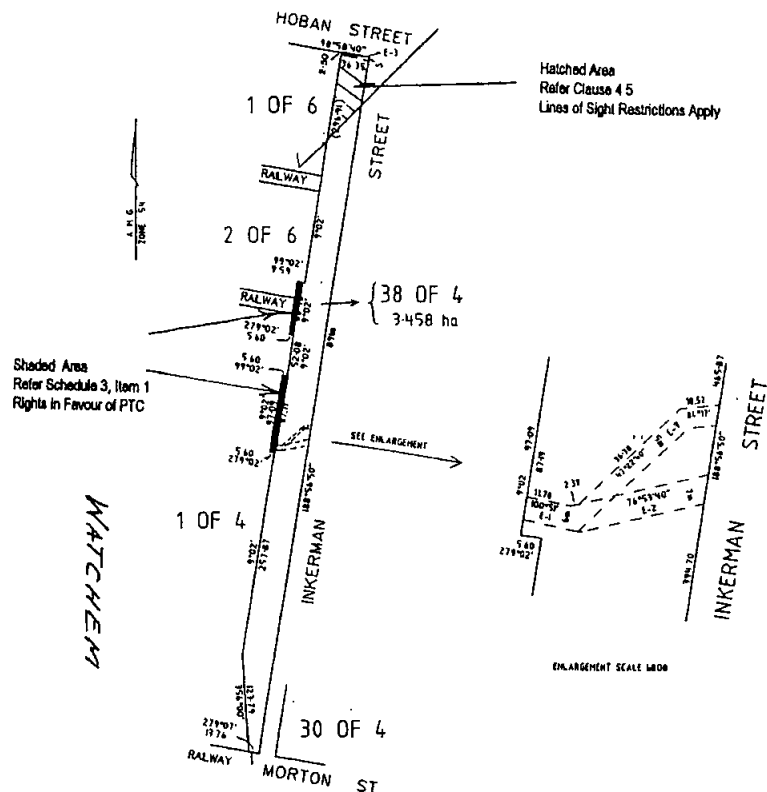












Dated 12 September 1995

Responsible Minister:
 ROGER M. HALLAM
 Minister for Finance

KATHY WILSON
 Clerk of the Executive Council

Local Government Act 1989
ORDER TO PROVIDE TRANSITIONAL
RATING ARRANGEMENTS FOR THE
CASEY CITY COUNCIL

The Governor in Council acting under section 220R of the **Local Government Act 1989** orders that—

Definitions

1. In this Order—
 “Council” means the Casey City Council.
 “rate” means any rate under Part 8 of the **Local Government Act 1989**, but does not include a special rate.

“rateable property” means any land or portion of any land which is rateable within the meaning of the **Local Government Act 1989** and for which there is a separate valuation.

“supplementary valuation” means a supplementary valuation under section 13DF of the **Valuation of Land Act 1960**.

Rebate in 1995–1996 Financial Year

2. If the sum of the rates which would but for this Order be levied in respect of a rateable property in the 1995–1996 financial year exceed the sum of the rates levied on that property in the 1994–1995 financial year, the

2534 G 36 14 September 1995

Council may grant a rebate in relation to those rates which is equal to the difference between the two sums.

Supplementary Valuations

3. This Order shall not apply to a rateable property—

- (a) which was not a rateable property or the same rateable property as at 1 October 1994; or
- (b) in respect of which a supplementary valuation was made or could have been made during the 1994–1995 financial year.

Commencement

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

Dated 12 September 1995

Responsible Minister:

ROGER M. HALLAM

Minister for Local Government

KATHY WILSON

Clerk of the Executive Council

Surveyors Act 1978

**APPOINTMENT OF MEMBERS OF THE
SURVEYORS BOARD**

The Governor in Council appoints as members of the Surveyors Board—

- * Dorothy Francis Prescott under section 4 (2) (c) of the **Surveyors Act 1978** for the period 16 September 1995 to 15 September 1997 inclusive;
- * Peter Francis Davies and Mark Oswald Stansfield from a panel of names submitted by the Institution of Surveyors Victoria under section 4 (2) (d) of the **Surveyors Act 1978** for the period 25 August 1995 to 24 August 1997 inclusive; and
- * Terence Aidan Roberts under section 4 (2) (e) of the **Surveyors Act 1978** for the period 25 August 1995 to 24 August 1997 inclusive.

Dated 8 August 1995

Responsible Minister:

ROGER M. HALLAM

Minister for Finance

KATHY WILSON

Clerk of the Executive Council

Victoria Government Gazette

Land Act 1958

**SALE OF CROWN LAND BY PRIVATE
TREATY**

The Governor in Council, pursuant to section 99A (1) (a) of the **Land Act 1958**, approves the sale by private treaty of Crown Allotment 60A3, Parish of Wormangal as described on Certified Plan No. 116134.

Dated 12 September 1995

Responsible Minister:

ROGER M. HALLAM

Minister for Finance

KATHY WILSON

Clerk of the Executive Council

Historic Buildings Act 1981 (No. 9667)

**AMENDMENT OF REGISTER OF
HISTORIC BUILDINGS**

Under section 14 of the **Historic Buildings Act 1981** the Governor in Council amends the Register by adding Historic Building No. 1011:

Former Wimmera Flour Mill and Silo Complex, Gibson Street, Rupanyup, Shire of Northern Grampians.

To the extent of:

1. All of the buildings known as the former Wimmera Flour Mill and Silo Complex, comprising the mill building, the three connected concrete grain storage silos and associated elevator shed, the single concrete grain storage silo and the railway weighbridge shed marked B-1, B-2, B-3 and B-4 respectively on Plan 603964R (A) signed by the Chairperson, Historic Buildings Council and held by the Director, Historic Buildings Council, but excluding the brick office building and corrugated iron road weighbridge shed fronting Gibson Street.
2. All of the land Marked L-1 on Plan 603964R (A) signed by the Chairperson, Historic Buildings Council and held by the Director, Historic Buildings Council, being part of the land described in Certificate of Title Volume 5689 Folio 1137764.

Dated 12 September 1995

Responsible Minister:

ROBERT MACLELLAN

Minister for Planning

KATHY WILSON

Clerk of the Executive Council

Historic Buildings Act 1981 (No. 9667)
AMENDMENT OF REGISTER OF
HISTORIC BUILDINGS

Under section 14 of the **Historic Buildings Act 1981** the Governor in Council amends the Register by adding Historic Building No. 1093:

Former Locomotive Depot, Ararat Railway Complex, Ararat, Rural City of Ararat.

Extent:

1. All of the building known as the former locomotive shed and all of the structures known as the turntable and the water towers marked B-1, B-2, B-3 and B-4 respectively on Plan 607105 endorsed by the Chairperson, Historic Buildings Council and held by the Director, Historic Buildings Council.
2. All of the land marked L-1 on Plan 607105 and all of the land to an area of 5 metres curtilage around the water towers marked L-2 on Plan 605933 being part of the land reserved for railway purposes in Book 317 Memorial 366 endorsed by the Chairperson, Historic Buildings Council and held by the Director, Historic Buildings Council.

Dated 12 September 1995

Responsible Minister:

ROBERT MACLELLAN
Minister for Planning

KATHY WILSON
Clerk of the Executive Council

Historic Buildings Act 1981 (No. 9667)
AMENDMENT OF REGISTER OF
HISTORIC BUILDINGS

Under section 14 of the **Historic Buildings Act 1981** the Governor in Council amends the Register by adding Historic Building No. 1094:

Signal Box A and Signal Posts, Ararat Railway Complex, Ararat, Rural City of Ararat.

Extent:

1. All of the building known as Signal Box A and the structures known as Signal Posts 1, 3, 7, 8, 14, 19, Derail Indicator and Signal Gantry 10, 11, 12 and 13 marked B-1 on Plan

605933 endorsed by the Chairperson, Historic Buildings Council and held by the Director, Historic Buildings Council.

Dated 12 September 1995

Responsible Minister:

ROBERT MACLELLAN
Minister for Planning

KATHY WILSON
Clerk of the Executive Council

Historic Buildings Act 1981 (No. 9667)
AMENDMENT OF REGISTER OF
HISTORIC BUILDINGS

Under section 14 of the **Historic Buildings Act 1981** the Governor in Council amends the Register by adding Historic Building No. 1101:

Osborne House, Swinburne Street, North Geelong, City of Greater Geelong.

Extent:

1. All of the buildings known as Osborne House, comprising Osborne House marked B-1 and the stables marked B-2 on Plan 605315A, endorsed by the Chair, Historic Buildings Council and held by the Director, Historic Buildings Council,
2. All the land described in Certificates of Title Volume 6400 Folio 850 and Volume 7327 Folio 230 marked L-1 on Plan 605315A endorsed by the Chair, Historic Buildings Council and held by the Director, Historic Buildings Council.

Dated 12 September 1995

Responsible Minister:

ROBERT MACLELLAN
Minister for Planning

KATHY WILSON
Clerk of the Executive Council

Historic Buildings Act 1981 (No. 9667)
AMENDMENT OF REGISTER OF
HISTORIC BUILDINGS

Under section 14 of the **Historic Buildings Act 1981** the Governor in Council amends the Register by adding Historic Building No. 1103:

Former Synagogue, 74 McKillop Street, Geelong, City of Greater Geelong.

Extent:

1. All of the building known as the Former Synagogue marked B-1 on Plan 603716 endorsed by the Chairperson, Historic Buildings Council and held by the Director, Historic Buildings Council.
2. All of the land described in Certificate of Title Volume 9371 Folio 319 marked L-1 on Plan 603716 endorsed by the Chairperson, Historic Buildings Council and held by the Director, Historic Buildings Council.

Dated 12 September 1995

Responsible Minister:

ROBERT MACLELLAN
Minister for Planning

KATHY WILSON
Clerk of the Executive Council

Historic Buildings Act 1981 (No. 9667)
AMENDMENT OF REGISTER OF
HISTORIC BUILDINGS

Under section 14 of the **Historic Buildings Act 1981** the Governor in Council amends the Register by adding Historic Building No. 1104:

Bridge over the Waurn Ponds Creek,
Former Princes Highway, Waurn Ponds,
City of Greater Geelong.

Extent:

1. All of the building known as Bridge over the Waurn Ponds Creek, Waurn Ponds marked B-1 on Plan 603502 endorsed by the Chairperson, Historic Buildings Council and held by the Director, Historic Buildings Council.
2. An area of land 3 metres surrounding the structure marked L-1 on Plan 603502 endorsed by the Chairperson, Historic Buildings Council and held by the Director, Historic Buildings Council.

Dated 12 September 1995

Responsible Minister:

ROBERT MACLELLAN
Minister for Planning

KATHY WILSON
Clerk of the Executive Council

Historic Buildings Act 1981 (No. 9667)
AMENDMENT OF REGISTER OF
HISTORIC BUILDINGS

Under section 14 of the **Historic Buildings Act 1981** the Governor in Council amends the Register by adding Historic Building No. 1108:

Bridge over Moorabool River, Fyansford,
City of Greater Geelong.

Extent:

1. All of the structure known as Bridge over Moorabool River, including all abutments and associated works, marked B-1 on Plan 602137 endorsed by the Chairperson, Historic Buildings Council and held by the Director, Historic Buildings Council.
2. An area of land 3 metres surrounding the structure marked L-1 on Plan 602137 endorsed by the Chairperson, Historic Buildings Council and held by the Director, Historic Buildings Council.

Dated 12 September 1995

Responsible Minister:

ROBERT MACLELLAN
Minister for Planning

KATHY WILSON
Clerk of the Executive Council

Historic Buildings Act 1981 (No. 9667)
AMENDMENT OF REGISTER OF
HISTORIC BUILDINGS

Under section 14 of the **Historic Buildings Act 1981** the Governor in Council amends the Register by adding Historic Building No. 1102:

Barwon Grange, Fernleigh Street,
Newtown, City of Greater Geelong.

Extent:

1. All of the buildings known as Barwon Grange, comprising the house marked B-1 and the 1871 brick outbuildings marked B-2 on Plan 603246A, endorsed by the Chair, Historic Buildings Council and held by the Director, Historic Buildings Council.
2. All the land described in Certificate of Title Volume 9005 Folio 066 and marked L-1 on Plan 603246A endorsed

by the Chair, Historic Buildings Council and held by the Director, Historic Buildings Council.

Dated 12 September 1995

Responsible Minister:

ROBERT MACLELLAN
Minister for Planning

KATHY WILSON
Clerk of the Executive Council

Historic Buildings Act 1981 (No. 9667)
AMENDMENT OF REGISTER OF
HISTORIC BUILDINGS

Under section 14 of the **Historic Buildings Act 1981** the Governor in Council amends the Register by adding Historic Building No. 1107:

Mount Rothwell Homestead, 985 Little River-Ripley Road, Little River, City of Greater Geelong.

Extent:

1. All of the building known as Mount Rothwell Homestead, Little River, including the main house (B-1), the two underground tanks (B-2 and B-3), and the external closet (B-4) all marked on Plan 601029 endorsed by the Chairperson, Historic Buildings Council and held by the Director, Historic Buildings Council.
2. Part of Crown Allotment 26, Parish of Wurdi Youang, County Grant (identified in Memorial No. 668 Book 653) marked L-1 on Plan 601029 endorsed by the Chairperson, Historic Buildings Council and held by the Director, Historic Buildings Council.

Dated 12 September 1995

Responsible Minister:

ROBERT MACLELLAN
Minister for Planning

KATHY WILSON
Clerk of the Executive Council

Historic Buildings Act 1981 (No. 9667)
AMENDMENT OF REGISTER OF
HISTORIC BUILDINGS

Under section 14 of the **Historic Buildings Act 1981** the Governor in Council amends the Register by adding Historic Building No. 1096:

Duke's and Orr's Dry Dock, Tyne Street, South Melbourne, City of Port Phillip.

Extent:

1. All of the buildings and structures contained within the Duke and Orr's Dry Dock precinct known as Duke's and Orr's Pump House (and associated pipework), Mitre Gates, and Number 2 South Wharf Cargo Shed and marked B1 to B4 on Plan 601708 endorsed by the Chair, Historic Buildings Council and held by the Director, Historic Buildings Council.
2. All of the land marked L1 on Plan 601708 endorsed by the Chair, Historic Buildings Council and held by the Director, Historic Buildings Council.

Dated 12 September 1995

Responsible Minister:

ROBERT MACLELLAN
Minister for Planning

KATHY WILSON
Clerk of the Executive Council

Historic Buildings Act 1981 (No. 9667)
AMENDMENT OF REGISTER OF
HISTORIC BUILDINGS

Under section 14 of the **Historic Buildings Act 1981** the Governor in Council amends the Register by adding Historic Building No. 1099:

Mildara Blass Distillery, Wentworth Road, Merbein, Rural City of Mildura.

Extent:

1. All of the buildings known as the Mildara Blass Distillery including the Distillery, Brandy Store, Boiler House, Cask Store and Water Tower marked B1 to B5 on Plan 605970 endorsed by the Chair, Historic Buildings Council and held by the Director, Historic Buildings Council.
2. All of the land marked L1 on Plan 605970 endorsed by the Chair, Historic Buildings Council and held by the Director, Historic Buildings Council being part of the land more particularly described in Volume 10148 Folio 656.

Dated 12 September 1995

Responsible Minister:

ROBERT MACLELLAN
Minister for Planning

KATHY WILSON
Clerk of the Executive Council

Retirement Villages Act 1986**SECTION 6****Declaration of Exemption**

Under the powers found in section 6 of the **Retirement Villages Act 1986** ("the Act") the Governor in Council on the recommendation of the Minister for Fair Trading declares:

St Arnaud Elderly Persons Hostel managed by St Arnaud Elderly Persons Hostel Inc ("the manager") and situated at corner James and Long Streets, St Arnaud to be an exempt village for the purposes of the following provisions of the **Retirement Villages Act 1986**.

1. Part 2, Section 25 and Part 5 upon condition that any monies paid by a resident as ingoing contributions are held in a separate trust account which can only be operated by the manager and the resident/or his/her representative) jointly and which are held upon trust for the benefit of the resident less any deductions allowed under the contract between the resident and the manager.

2. Section 13.

3. Section 14 sub-sections (1), (2), (3) and (4) upon condition that:

(1) A contract which is entered into between a resident and the manager and which creates or gives rise to a residence right binds the owner (as defined in the Act) and successors in title of the owner while the contract remains in force as if the owner and successors had also entered into the contract.

(2) In paragraph 3 (1) "successor in title" includes a person who acquires any interest in or right affecting land or has a mortgage, charge or other encumbrance over land.

4. Section 16 upon the following conditions:

(1) If a resident is in breach of a provision of a residence contract the manager may serve on the resident a notice specifying the breach and—

(a) requiring the breach to be remedied; or

(b) if the breach is not capable of being remedied, requiring the resident to cease committing the breach—

within 28 days after the date of service of the notice.

(2) If—

(a) the manager has served on a resident a notice under paragraph 4; and

(b) the resident has not complied with the notice at the end of 28 days after the date of service of the notice; and

(c) the breach specified in the notice is substantial—

the manager may serve on the resident a notice specifying the breach and requiring the resident to leave the retirement village on or before a date stated in the notice, which is not earlier than 60 days after the date of service of the notice.

(3) If a resident has a residence right by virtue of a contract which creates a periodic tenancy the manager may serve on the resident notice requiring the resident to leave the retirement village on a date which is not earlier than—

(a) six months after the date of service of the notice; or

(b) the end of the period of the tenancy—

whichever last happens.

(4) The manager may serve on a resident a notice requiring the resident to leave the retirement village within 14 days after the service of the notice if—

(a) the residence contract authorises the giving of the notice and, if the contract includes conditions which must be complied with before the notice can be given, those conditions have been complied with; and

(b) the notice includes a copy of a certificate signed by 2 legally qualified medical practitioners, one of whom is nominated or agreed to by the resident and stating to the effect that the resident needs care of a kind which is not available at the retirement village.

(5) A notice under these paragraphs may be served on a resident personally or by post addressed to the resident at the resident's address in the retirement village or at the resident's last known address.

4. Section 19 upon condition that, before a resident enters into any residence contract, the manager or the manager's agent gives to the resident all residence documents as defined in the Act relating to the village.

5. Section 24 sub-sections (2), (3), (4), (5), (6) and (7) upon condition that:

- (1) A resident who signs a residence contract may at any time before the end of the period of 21 business days after signing the contract give notice to the manager that the resident wishes to rescind the contract and, where the resident has signed the notice and given it in accordance with this paragraph, the contract is rescinded.
- (2) A notice under paragraph 5 (1) must be given to the manager or the manager's agent or left at the address for service of the manager specified in the residence contract or the address of the manager's agent within 21 clear business days after the resident signs the contract.
- (3) If a resident rescinds a contract under these paragraphs the resident is entitled to the return of all moneys paid by the resident under the contract, except for the sum of \$100 or 0.2 per centum of the in-going contribution paid by the resident (whichever is the greater), which may be retained by the Manager.
- (4) A contract to which these paragraphs apply must contain a conspicuous notice advising the resident that the resident may before the end of 21 clear business days after the resident signs the contract give notice that the resident wishes to terminate the contract.
- (5) If a contract to which these paragraphs apply does not contain the notice required by paragraph 5 (4) a resident may rescind the contract.
- (6) In these paragraphs "business day" means a day which is not a holiday within the meaning of section 44 (3) of the **Interpretation of Legislation Act 1984**.

7. Section 33 upon conditions that the information which would have been required to be prepared and presented at the annual meeting is prepared and delivered to residents of the

village (or their representatives) once a year and an annual meeting is held if a written request is received from more than 20% of the residents in the village (or their representatives).

8. Sub-section (1) of section 34 upon condition that the information which would have been required to be prepared and presented at the annual meeting is prepared and delivered to residents of the village (or their representatives) once a year.

9. Sub-section (3) of section 34 upon condition that the financial statement which would have been required to be presented at an annual meeting is prepared and delivered to the residents of the village in accordance with paragraph 7.

10. Sub-section (4) of section 34 upon condition that if a written request is received from 25% of the residents in the village (or their representatives) the financial statement referred to in paragraph 9 will be audited by a registered company auditor.

11. Section 38 upon condition that no resident in the village is required to pay a maintenance charge which exceeds an amount calculated pursuant to any current agreement between the Manager and the Commonwealth in accordance with the **Aged or Disabled Persons Care Act 1954** as amended from time to time.

12. And upon condition that:

- (a) the manager maintain an enforceable lease from the owner of the retirement village land;
- (b) a copy of this exemption is given to the owner of the retirement village land;
- (c) a copy of this exemption is given to each prospective resident at the same time such resident is given the residence documents relating to the village and to residents presently residing in the village.

Dated 5 September 1995

Responsible Minister:

JAN WADE

Minister for Fair Trading

KATHY WILSON

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:

113. *Statutory Rule:* Supreme Court (Chapter I Amendment No. 35) Rules 1995

Authorising Act: Supreme Court Act 1986

Date of Making: 31 August 1995

114. *Statutory Rule:* Fisheries (Recreational) (Bag Limits—Mallacoota) Regulations 1995

Authorising Act: Fisheries Act 1968

Date of Making: 12 September 1995

115. *Statutory Rule:* Road Safety (Procedures) (Licence Classifications) Regulations 1995

Authorising Act: Road Safety Act 1986

Date of Making: 12 September 1995

**SUBORDINATE LEGISLATION ACT 1994
NOTICE THAT STATUTORY RULES ARE
OBTAINABLE**

Notice is given under section 17 (3) of the **Subordinate Legislation Act 1994** that the following Statutory Rules were first obtainable from Information Victoria, 318 Little Bourke Street, Melbourne on the date specified:

109. *Statutory Rule:* Evidence (Affidavits and Statutory Declarations) (Amendment) Regulations 1995

Authorising Act: Evidence Act 1958

Date first obtainable: 11 September 1995

Code A

110. *Statutory Rule:* Health Services (Clinical Schools) (Amendment) Regulations 1995

Authorising Act: Health Services Act 1988

Date first obtainable: 11 September 1995

Code A

111. *Statutory Rule:* Fishing (Shark) (Revocation) Regulations 1995

Authorising Act: Fisheries Act 1968

Date first obtainable: 11 September 1995

Code A

112. *Statutory Rule:* Financial Institutions Duty (Exempt Receipts) Regulations 1995

Authorising Act: Financial Institutions Duty Act 1982

Date first obtainable: 11 September 1995

Code A

113. *Statutory Rule:* Supreme Court (Chapter I Amendment No. 35) Rules 1995

Authorising Act: Supreme Court Act 1986

Date first obtainable: 11 September 1995

Code A

The retail prices and price codes below will apply from 2 August 1993 to the following products: Acts (New, Reissue and Reprint), Statutory Rules (New, Reissue and Reprint), Parliamentary Papers, Bills and Reports, Special and Periodical Gazettes, and Industrial Awards.

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ADVERTISERS PLEASE NOTE

As from 14 September 1995

The last Special Gazette was No. 91
Dated 4 September 1995

The last Periodical Gazette was No. 5
Dated 21 August 1995

CONTENTS

	Page
Appointment	2523
Contracts Accepted—Amendments	2514
Courts	2500
Estates of Deceased Persons	2393
Government and Outer Budget Sector Agencies Notices	2404
Notice of Making of Statutory Rules	2540
Orders in Council—	
Acts—Land; Local Government; Surveyors; Historic Buildings; Retirement Villages	2524
Private Advertisements	2393
Proclamations	2401

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