



# Victoria Government Gazette

No. G 35 Thursday 4 September 1997

**GENERAL**

## GENERAL AND PERIODICAL GAZETTE

All copy to be sent to:

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

### Advertising Rates and Payment

#### Private Notices

Payment must be received in advance with advertisement details.

30 cents per word - Full page \$180.00.

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

#### Government and Outer Budget Sector Notices

Not required to pre-pay.

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

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

#### Copy Deadline for General Gazette:

9.30 a.m. Monday - (Private)

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

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

(All prices include Postage)

#### Advertisers should note:

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

#### Font Style

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

#### Graphics

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

#### Avoid

Italics, underlining, and full justification.

Ensure document is square when sending

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

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

## SPECIAL GAZETTES

Copy to: Julia Saad

AGPS Victorian Operations  
60 Fallon Street,  
Brunswick 3056  
Telephone inquiries (03) 9387 8135  
Fax No. (03) 9387 3404.

### Advertising Rates and Payment

#### Private Notices

Full page \$360.00

Payment must be received in advance with notice details.

#### Government and Outer Budget Sector

	Camera Ready	Typeset
Full page	\$27.00	\$85.05

#### Note:

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

## SUBSCRIPTIONS AND RETAIL SALES

Copies of the Victoria Government Gazette can be purchased from AGPS Victorian Operations by subscription.

#### The Victoria Government Gazette

General and Special - \$165.00 each year

General, Special and Periodical - \$220.00 each year

Periodical - \$110.00 each year

Subscriptions are payable in advance and accepted for a period of one year. All subscriptions are on a firm basis and refunds for cancellations will not be given.

All payments should be made payable to AGPS Victorian Operations.

#### Subscription inquiries

AGPS Victorian Operations  
PO Box 263  
Brunswick Vic 3056  
Telephone 13 2447  
Fax (06) 295 4888

**INDEX TO PRIVATE ADVERTISERS****A**

Akehurst, Friend & Allaway ..... 2310  
Alice Eileen Sage ..... 2307  
Arthur Robinson & Hedderwicks..... 2310

**B**

Basile & Co. .... 2307  
Birch Ross & Barlow ..... 2307  
Borchard & Moore ..... 2311  
Brendan H. Hardiman &  
Associates ..... 2307

**C**

Coadys ..... 2308

**D**

Dunhill Madden Butler ..... 2309  
Dwyer Mahon & Robertson ... 2310-2311

**E**

Eales & Mackenzie ..... 2308  
Elaine Phyllis Sage ..... 2307  
E. P. Johnson & Davies ..... 2310

**F**

Findlay Arthur Phillips ..... 2309  
Fraser, Nevett & Frawley ..... 2310  
Frito-Lay Australia ..... 2307

**I**

IOOF Australia Trustees  
Limited ..... 2309-2310

**J**

James Hopper ..... 2308-2309  
Jeff Lempriere-Hogg and  
Associates ..... 2311

**M**

Macpherson & Kelley ..... 2308  
McKean & Park ..... 2310  
Mills Oakley Lawyers ..... 2309

**N**

Nicholas O'Donohue & Co..... 2310

**P**

Peter Gardiner ..... 2309  
Purves Clarke Richards ..... 2309

**R**

R. H. Ballard & Co. .... 2311  
Rigby Cooke ..... 2311  
Rush & Failla ..... 2307-2308

**S**

Sale by the Sheriff..... 2311-2312

**T**

Theo Percy Sage ..... 2307

**W**

William Robert Sage ..... 2307

## PRIVATE ADVERTISEMENTS

<p><b>P i C S</b></p> <p>PERFORMANCE IMPROVEMENT CONFERENCES &amp; SEMINARS</p> <p>For a brochure contact Jill Moor PICS Pty. Ltd. Ph: 03 9853 0699 Fax 03 9853 8155 P.O. Box 696 Kew 3101</p>	<h1 style="margin: 0;">Management Skills <i>for</i></h1> <div style="border: 1px solid black; padding: 2px; display: inline-block;">EXECUTIVE PERSONAL ASSISTANTS</div> <p>Melbourne: 18 &amp; 19 Sept. 1997</p> <p>PRESENTER: MARION FOX</p> <p>An intensive two day workshop for executive assistants and motivated professionals who are seeking increased responsibility, decision-making power and influence within their roles.</p> <p><b>STRICTLY LIMITED NUMBERS</b></p> <p><i>All participants will receive a certificate of completion</i></p>
--	--

## NOTICE OF CHANGE IN PARTNERSHIP

As from 7 September 1997 there will be a change in the partnership between Pepsico Australia Pty Limited (A.C.N. 000 674 993) (P.C.A.) and P.F.I. Australia Pty Limited (A.C.N. 054 045 662) (P.F.I.), carrying on business as Frito-Lay Australia at 20 Bridge Street, Pymble, New South Wales, whereby P.C.A. will cease to be a partner. The reconstituted partnership, which will continue to carry on business as Frito-Lay Australia from 7 September 1997, will be between P.F.I. and Pepsico Foods Australia Pty Limited (A.C.N. 079 719 716) (P.F.A.). Accordingly, P.C.A. will not be responsible for any debts or other liabilities of the Frito-Lay Australia partnership incurred or arising on or after 7 September 1997.

Take notice that the partnership formerly conducted by Theo Percy Sage and Alice Eileen Sage both of Inverloch Road, Outtrim, and William Robert Sage and Elaine Phyllis Sage both of Old Korumburra Road, Leongatha, has now been dissolved effected from 30 June 1997. Theo Percy Sage and Alice Eileen Sage remain the continuing partners. William Robert Sage and Elaine Phyllis Sage are the retiring partners.

## DISSOLUTION OF PARTNERSHIP

Take notice that as from 28 August 1997 the partnership known as "BJ & JF Watt" will cease to operate.

BIRCH ROSS & BARLOW, solicitors, 15 Commercial Street, Korumburra

In the estate of FREDERICK WISHART of 111 Boundary Street, Kerang in the State of Victoria, retired truck driver, deceased

Creditors, next of kin and all other persons having claims against the estate of the said deceased are required by Vernon Gordon Wishart of 2 Muir Avenue, Kerang, aforesaid pensioner and John David Wishart of R.S.D. 1359, Kerang, aforesaid farmer, the executors of the estate of the said deceased to send particulars of such claims to them in care of the undermentioned solicitors on or before 27 October 1997, after which date they will distribute the assets having regard only of the claims to which they then have notice.

BASILE & CO., barristers and solicitors, 46 Wellington Street, Kerang

Creditors, next of kin and others having claims in respect of the estate of Hugh Paul William Rasmussen late of 8 Angle Road, Balwyn, Victoria, retired storeman, deceased who died on 5 May 1997 are to send particulars of their claims to the executrix Margaret Anne Klages care of the undermentioned solicitors by 26 November 1997, after which date the executrix will distribute the assets having regard only to the claims of which she then has notice.

BRENDAN H. HARDIMAN & ASSOCIATES, solicitors, 108 Railway Avenue, Ringwood East

JOHN HARLEY WHITE, deceased

Creditors, next of kin or others having claims in respect of the estate of John Harley White late of 37 Bamfield Road, Heidelberg

Heights, Victoria, gentleman, deceased who died on 10 April 1997 are to send particulars of their claims to the executor, Roger Howell Rush, solicitor to whom probate was granted by the Supreme Court of Victoria on 26 June 1997, care of the undermentioned solicitors by 10 November 1997, after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

RUSH & FAILLA, solicitors, 149 Upper Heidelberg Road, Ivanhoe

EDWARD JOSEPH HALL, deceased

Creditors, next of kin or others having claims in respect of the estate of Edward Joseph Hall late of Unit 10, 9 Austin Terrace, Brunswick, Victoria, tradesman, deceased who died on 23 April 1996 are to send particulars of their claims to the administrator care of the undermentioned solicitors by 5 November 1997, after which date the administrator will distribute the assets having regard only to the claims of which the administrator then has notice.

RUSH & FAILLA, solicitors, 149 Upper Heidelberg Road, Ivanhoe

Creditors, next of kin or others having claims in respect of the estate of Reginald James Alexander Simmons late of 104-106 Hereford Road, Mount Evelyn, Victoria, farm manager, deceased who died on 9 February 1961 are to send particulars of their claims to the administrator care of the undermentioned solicitors by 26 November 1997, after which date the administrator will distribute the assets having regard only to the claims of which the administrator then has notice.

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

Creditors, next of kin and others having claims in respect of the estate of Beverley Anne Connolly (also known as Beverly Ann Connolly) late of 36 Perth Street, Prahran in the State of Victoria, home duties, deceased who died on 8 May 1997 are to send particulars of their claims to the executor Peter Julian Window care of the undersigned solicitors by 11 November 1997, after which date the executor will distribute the assets of the estate having regard only to the claims of which it then has notice.

COADYS, solicitors, 299 Bridge Road, Richmond

MICHAEL BARBOUTIS of Unit 1, 197 Lower Dandenong Road, Mentone, retired, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 6 June 1997 are required by John Tsingos of 26 Culver Street, Monterey, New South Wales, self-employed, the executor of the Will of the said deceased to send particulars to him in the care of the undermentioned solicitors by 4 November 1997, after which date the said executor may convey or distribute the assets having regard only to the claims of which he then has notice.

MACPHERSON & KELLEY, solicitors, 229 Thomas Street, Dandenong

AMELIA MAY DAVIDSON, late of Chatham Lea Hostel, 13 Chatham Road, Canterbury, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased who died on 10 May 1997 are required to send particulars of their claims to the executors Jean Caroline Richardson and James Hopper care of the undernoted solicitor by 20 November 1997, after which date they will convey or distribute the assets having regard only to the claims of which they then have notice.

JAMES HOPPER, solicitor, 409 Whitehorse Road, Balwyn

JESSIE EVELYN VIETZ, late of 39 Love Street, Black Rock, retired, deceased

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased who died on 22 May 1997 are required to send particulars of their claims to the executrix Elizabeth Merle Meeking care of the undernoted solicitor by 20 November 1997, after which date she will convey or distribute the assets having regard only to the claims of which she then has notice.

JAMES HOPPER, solicitor, 409 Whitehorse Road, Balwyn

ROBERT LYCESTER STEVENS, late of 41 Maud Street, North Balwyn, gentleman, deceased

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased who died on 11 May

1997 are required to send particulars of their claims to the executors Geoffrey Robert Stevens and Margaret Anne Tye care of the undernoted solicitor by 20 November 1997, after which date they will convey or distribute the assets having regard only to the claims of which they then have notice.

JAMES HOPPER, solicitor, 409 Whitehorse Road, Balwyn

Creditors, next of kin and others having claims against the estate of Bridgit Ann Gardner late of 139 Research Road, North Warrandyte in the State of Victoria, library technician, deceased who died on 27 February 1997 are required to send particulars of the claims to the executor Christopher Peter John Gardner care of the undermentioned solicitor by 13 November 1997, after which date he will distribute the estate of the deceased having regard only to the claims of which he then has notice.

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

Creditors, next of kin and others having claims in respect of the estate of Velma Marjory Partridge (also known as Velma Margaret Partridge) late of 26 Victoria Avenue, Pottsville, New South Wales, retired, deceased (who died on 28 June 1997), are required by the executor Frank Bernard Roy Partridge care of ANZ Executors & Trustee Company Limited, 530 Collins Street, Melbourne, Victoria, to send particulars to him by 4 November 1997, after which date he may convey or distribute the estate having regard only to the claims of which he then has notice.

MILLS OAKLEY LAWYERS, 131 Queen Street, Melbourne

Creditors, next of kin and others having claims in respect of the estate of Elizabeth Frances McInnes, late of 13 Clarendon Street, Armadale, home duties, deceased who died on 20 June 1997 are required by William Andrew Thwaites, the executor of the Will of the deceased to send particulars of their claims to the said executor care of the undermentioned solicitors by 11 November 1997, after which date he will distribute the assets of the estate having regard only to the claims of which he then has notice.

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

Creditors, next of kin and others having claims in respect of the estate of Elizabeth Mary Gaunson, late of 41 Carpenter Street, Middle Brighton, musician, deceased who died on 8 July 1997 are required by Valerie Eileen Awburn the executor of the Will of the deceased to send particulars of their claims to the said executor care of the undermentioned solicitors by 11 November 1997, after which date she will distribute the assets of the estate having regard only to the claims of which she then has notice.

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

ETHEL MARY SHANKLAND, deceased

Creditors, next of kin or others having claims in respect of the estate of Ethel Mary Shankland late of Rosden Private Nursing Home, 1 Royton Street, Burwood East, Victoria, but formerly of "Rodleen" 40 Stud Road, Wantirna, Victoria, widow, deceased who died on 4 June 1997 are to send particulars of their claims to the executor ANZ Executors & Trustee Company Limited of 530 Collins Street, Melbourne, Victoria, by 14 November 1997, after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

DUNHILL MADDEN BUTLER, solicitors, 575 Bourke Street, Melbourne

STEFANIA LASIC, deceased

Creditors, next of kin or others having claims in respect of the estate of Stefania Lasic late of Mother Romana Home for the Aged, 11-15 A'Beckett Street, Kew, Victoria, gentlewoman, deceased who died on 19 May 1997 are to send particulars of their claims to the executor care of the undermentioned solicitors by 7 November 1997, after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

PURVES CLARKE RICHARDS, solicitors, 121 William Street, Melbourne

JOSEPH RALPH CHARLES TARNAY, deceased

Creditors, next of kin or beneficiaries having claims in respect of the estate of Joseph Ralph Charles Tarnay late of 20 Devon Street, Heidelberg, Victoria, retired clerk, deceased who died on 22 May 1997 are to

send particulars of their claim to the undersigned by 4 November 1997, after which date we will distribute the assets having regard only to the claims of which we then have notice.

IOOF AUSTRALIA TRUSTEES  
LIMITED, 380 Bourke Street, Melbourne

SYDNEY FORSTER, deceased

Creditors, next of kin or others having claims in respect of the estate of Sydney Forster late of 220 Middleborough Road, Blackburn South, Victoria, retired, deceased who died on 5 December 1996 are to send particulars of their claims to the executors John Maurice Davies and Garry Mark Philpott both of 30 Collins Street, Melbourne, Victoria, solicitors by 15 November 1997, after which date the executors will distribute the assets having regard only to the claims of which the executors then have notice.

E. P. JOHNSON & DAVIES, solicitors, 30 Collins Street, Melbourne

BRIAN GEORGE MCELHENNY, late of 6 Nyah Court, Dallas, Victoria, retired, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 7 July 1997 are required by the administrator Christine Baxter care of 180 Queen Street, Melbourne, Victoria, to send particulars to her by 5 November 1997, after which date she may convey or distribute the assets having regard only to the claims of which it then has notice.

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

Creditors, next of kin and others having claim in respect of the estate of Dietrich Hans Borchardt late of 1/57 Aylmer Street, North Balwyn, deceased who died on 6 June 1997 are required by Pamela Rosemary Borchardt of 1/57 Aylmer Street, North Balwyn, and John O'Sullivan of 1/2 Martin Court, Toorak, to send particulars of their claim to the said Pamela Rosemary Borchardt and John O'Sullivan by 4 November 1997, after which date they will convey or distribute the assets having had regard only to the claims of which they then have notice.

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

JAMES LAWRENCE BROOKES, late of 806 Armstrong Street North, Ballarat, deceased, who died on 19 May 1997

Creditors, next of kin and all other persons having claims against the estate of the said deceased are required by Trevor John Wilson of 9 Landale Avenue, Mt Clear, conveyancer and John Raymond Verley of 84 Banyon Street, Warrnambool, milk bar proprietor the executors to send detailed particulars of their claims to them care of the undersigned on or before 23 October 1997, after which date they will proceed to distribute the estate having regard only to the claims of which they then have notice.

FRASER, NEVETT & FRAWLEY,  
solicitors, 41 Lydiard Street South, Ballarat

LESLIE ALBERT TAYLOR, deceased

Creditors, next of kin or others having claims in respect of the estate of Leslie Albert Taylor late of 91 Eramosa Road West, Somerville, Victoria, retired, deceased who died on 27 June 1997 are to send particulars of their claims to the executor Geoffrey Arthur Park care of the undermentioned solicitors by 5 November 1997, after which date the executors will distribute the assets having regard only to the claims of which the executors then have notice.

McKEAN & PARK, solicitors, 405 Little Bourke Street, Melbourne

RODNEY TELFORD MORELL, late of 231 Domain Road, South Yarra, Victoria, retired, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 25 March 1997 are required by the trustees Sylvia Naomi Isabel Morell, Timothy James Morell and James Adrian Court all care of Level 11, 485 Latrobe Street, Melbourne, to send particulars to them by 6 November 1997, after which date the trustees may convey or distribute the assets having regard only to the claims of which they then have notice.

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

MARY MARGARET RYAN, deceased

Creditors, next of kin or others having claims in respect of the estate of Mary Margaret Ryan late of 12 Bart Street,

Nullawil, Victoria, pensioner, deceased who died on 29 March 1997 are to send particulars of their claims to the executors care of the undermentioned solicitors by 5 November 1997, after which date the executors will distribute the assets having regard only to the claims of which the executors then have notice.

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

GIUSEPPE FILIPPO VIOLA, late of 6 Briartys Road, Gruyere, Victoria, motor engineer, deceased intestate

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 12 December 1996 are required by Alfonsina Viola of 336A Maroondah Highway, Croydon, Victoria, administration officer, the applicant for a grant of administration to send particulars of their claims to the said applicant care of her solicitors R. H. Ballard & Co. of 544 Whitehorse Road, Mitcham, by 29 October 1997, after which date she will convey or distribute the assets having regard only to the claims of which she then has notice.

R. H. BALLARD & CO., solicitors, 544 Whitehorse Road, Mitcham

Creditors, next of kin and others having claims in respect of the estate of George William Francis Coulson late of 3 Acacia Court, Pakenham, retired S.E.C. employer, deceased who died on 17 June 1997 are to send particulars of their claims to the administrator care of the undermentioned solicitors by 5 December 1997, after which date the administrator will distribute the assets having regard only to the claims of which the administrator then has notice.

JEFF LEMPRIERE-HOGG AND ASSOCIATES, solicitors, 114 Main Street, Pakenham

Creditors, next of kin and others having claims in respect of the estate of Paul Pott, deceased late of Unit 2, Meadowvale Retirement Village, Eagle Drive, Pakenham, engineer, deceased who died on 15 June 1997 are to send particulars of their claim to the executor care of the undermentioned solicitors by 5 December 1997, after which date the

executor will distribute the assets in regard only to the claims of which the executor then has notice.

JEFF LEMPRIERE-HOGG AND ASSOCIATES, solicitors, 114 Main Street, Pakenham

Creditors, next of kin and others having claims in respect of the estate of John Hector Colman late of Unit 16, 276 Dorset Road, Croydon in the State of Victoria, retired, deceased who died on 1 June 1997 are required by the executors and trustees Roderick Thomas Paterson of 4 Francis Street, Mount Waverley, Victoria, retired medical technician and Eric Cameron Keys of 129 Albany Drive, Mulgrave, Victoria, carpet retailer to send particulars to them by 31 October 1997, after which date the executors and trustees may convey or distribute the assets having regard only to the claims of which they have notice.

RIGBY COOKE, solicitors, Level 36, 101 Collins Street, Melbourne

Creditors, next of kin and others having claims in respect of the estate of Elsie May Yardley formerly of Hallam Road, Hampton Park, Victoria, but late of 7 Armstrong Road, Upper Beaconsfield, Victoria, home duties, deceased who died on 23 April 1997 are required to send particulars of their claims to the executrix care of the undermentioned solicitors by 6 November 1997, after which date the executrix will distribute the assets having regard only to the claims for which notice has been received.

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

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

On 9 October 1997 at 11.00 a.m. at the Sheriff's Office, 107 Baxter Street, Bendigo (unless process be stayed or satisfied).

All the estate and interest (if any) of Peter Charles Reddin of 122 Sturt Street, Echuca, joint proprietor with Eileen Joyce Castledine of an estate in fee simple in the land described on Certificate of Title Volume 3518, Folio 542 upon which is erected a dwelling known as 122 Sturt Street, Echuca.

Registered Mortgage No. T935309Y affects the said estate and interest.

Terms—Cash Only.

S. BLOXIDGE  
Sheriff's Officer

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

On 9 October 1997 at 11.00 a.m. at the Sheriff's Office, Moe Court, Lloyd Street, Moe (unless process be stayed or satisfied).

All the estate and interest (if any) of Peter Charles Reddin of 122 Sturt Street, Echuca, proprietor of an estate in fee simple in the land described on Certificate of Title Volume 7457, Folio 140 which is a vacant block of land known as 5 Duke Street, Port Albert.

Registered Mortgage No. T935310Y and Caveat Nos. R730892A and J486081 affect the said estate and interest.

Terms—Cash Only.

S. BLOXIDGE  
Sheriff's Officer

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

On 9 October 1997 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 Glen Vickers of 2 Mera Close, Deer Park, as shown on Certificate of Title as Glenn Vickers proprietor of an estate in fee simple in the land

described on Certificate of Title Volume 8798, Folio 915 upon which is erected a house known as 2 Mera Close, Deer Park.

Registered Mortgage No. T509516A and the covenant contained in transfer E333249 affect the said estate and interest.

Terms—Cash Only.

S. BLOXIDGE  
Sheriff's Officer

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

On 9 October 1997 at 2.30 p.m. at the Sheriff's Office, 8-20 King Street, Oakleigh (unless process be stayed or satisfied).

All the estate and interest (if any) of Sydney George Zammit of 21 McComb Boulevard, Frankston, as shown on Certificate of Title as Sydney Zammit proprietor of an estate in fee simple in the land described on Certificate of Title Volume 8330, Folio 737 upon which is erected a house known as 21 McComb Boulevard, Frankston.

Registered Caveat Nos. T596058E and T961968W affect the said estate and interest.

Terms—Cash Only.

S. BLOXIDGE  
Sheriff's Officer

Unclaimed Money Act 1962

Register of Unclaimed Moneys held by the-

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

COLES MYER LTD

Mrs Pacita Mary Inglis Alexander, "Ellensville", Burragarang Road, Mount Hunter, N.S.W.	414.90	Cheque	09.11.95
Louis Sydney Allen, Decd. C/- P. M. Palmer, 32a Middle Harbour Road, Lindfield, N.S.W.	689.16	Cheque	09.06.95
AMP Perpetual Trustee Company NZ Limited <A/C 1>, PO Box 897, Dunedin, N.Z.	585.80	Cheque	09.11.95
Anthony Ryan Administration Pty Ltd, <Prasad Super Fund Account> 721 Albany Creek Rd, Albany Creek Qld	150.45	Cheque	08.12.95
Dr Francis Leo Archer, 301 Lennox Street, Richmond	120.00	Cheque	09.06.95
	451.08	Cheque	09.06.95
	383.50	Cheque	09.11.95



Mrs Jean Ashton, 22 Ngaere Avenue, Hamilton, N.Z.	361.80	Cheque	09.06.95
	307.60	Cheque	09.11.95
Mr Robert David Atkinson, G.P.O. Box 11011, Hobart, Tas	579.96	Cheque	09.06.95
	493.00	Cheque	09.11.95
Australian Glass Tools Pty Ltd <Superannuation Fund A/C> C/- Mr R Bremner, 5 Burbnak Court, Wheelers Hill	120.00	Cheque	09.11.95
Ruby Myrtle Barnet, Deceased, C/- Floreani Coates & Co PO Box 495, Unley, S.A.	224.20	Cheque	09.11.95
Mr Colin Barrie & Mrs Lynette Barrie, 218 Village Baxter, 8 Robinsons Road, Baxter	180.00	Cheque	09.06.95
	153.00	Cheque	09.11.95
Ms Katharine Christine Batten, 33 Abbotsford Terrace, Devonport Auckland, N.Z.	723.84	Cheque	09.06.95
	615.30	Cheque	09.11.95
Mrs Geraldine Mary Binning, Barclays Bank Plc, 47 Church Street, Hove East, BN3 2BQ, Sussex, U.K.	388.80	Cheque	09.06.95
Mrs Elizabeth Grace Bird, 147 Lynnegrove Avenue, Corinda, Qld	100.00	Cheque	09.11.95
Mrs Suzanne Elizabeth Blair, 62 Fernhill Road, Sandringham	121.20	Cheque	09.06.95
Mr Anthony James Francis Blazey, <No 2 A/C>, 303 Walsh Street, South Yarra	120.00	Cheque	09.06.95
Estate Cicely Jane Bloomfield C/- Michael J Parry, Council Offices, High Street, Criccieth, Gwynedd LL52 ORN U.K.	145.80	Cheque	09.06.95
Mr Alan Norman Bouchier, 'Kyrunda' R.M.B 143, Deniliquin, N.S.W.	112.32	Cheque	09.06.95
Mrs Mary Menzies Bowman, "Girrahween", Muswellbrook, N.S.W.	161.40	Cheque	09.11.95
Mr John Richard Britton, C/- Byron Moore Journeaux Ltd, 257 Collins Street, Melbourne	194.40	Cheque	09.06.95
	165.30	Cheque	09.11.95
Mr Todd Bryant, 296 Rocket Street, Bathurst, N.S.W.	142.80	Cheque	09.11.95
Hannah Myrtle Buckingham Deed C/- Mr W A Buckingham, 5a Fiona Road, Beecroft, N.S.W.	136.32	Cheque	09.06.95
Mr Michael Adam Butler, PO Box 1320, Hastings, N.Z.	122.40	Cheque	09.11.95
Estate John Gordon Buxton, Brookside, Shatton, Bamford, Sheffield S30 2BG U.K.	482.76	Cheque	09.06.95
	410.40	Cheque	09.11.95
Mrs Ying Hong Cai, 61/460-480 Jones Street, Ultimo, N.S.W.	100.00	Cheque	09.11.95
Mrs Florence Mary Calvert, Korobeit, Peterborough	218.40	Cheque	09.06.95
Mrs Drosmitte Carlisle, R.M.B. 2880, Numurkah	200.40	Cheque	09.11.95
Ms Jean Joyce Carter, 8 Scott Street, Maroubra, N.S.W.	127.44	Cheque	09.06.95
Mr Frederick George Castles, 1 Wallace Street, Erindale, S.A.	215.16	Cheque	09.06.95
	182.90	Cheque	09.11.95
Ms Renee Chew, 2 St Martins Drive, Singapore 1025	861.96	Cheque	09.06.95
Miss Helen Christopher, 15 Park Road, Montrose	150.00	Cheque	09.11.95
Estate Of Chang Chieh Chu % Share Department Coles Myer Ltd 800 Toorak Road, Tooronga	297.24	Cheque	09.06.95
	252.70	Cheque	09.11.95
Mr Grant Robert Clark, 8 Hawthorn Place, Cherrybrook, N.S.W.	165.30	Cheque	09.11.95
Mrs Janese Elaine Clark, 61 Kensington Road, South Yarra	490.70	Cheque	09.06.95
Mr Trevor Roy Clarke, 13 Wedgebill Court, Elimbah, Qld	122.40	Cheque	09.11.95
Mr Barry Ernest Coad, Harding Road, Freshwater Creek	1,377.00	Cheque	09.11.95
Est Ellen Meeson Craig C/- John Matthies & Co, 416 Collins Street, Melbourne	7,603.20	Cheque	09.11.95
Robert W Crane Deceased & Mrs Martha H Crane, 3333 Stone Street, Port Huron, Michigan 48060 USA	200.04	Cheque	09.06.95
	170.10	Cheque	09.11.95
Mrs Helen Cropper, 39 Cairo Street, Cammeray, N.S.W.	112.20	Cheque	09.11.95
Mr George Edmund Davie, R.M.B. 2038, Seymour	121.20	Cheque	09/06/95
	103.10	Cheque	09.11.95
Estate Of Howard Davis, C/- Mrs N F Davis, 14725 Ellen Drive, Livonia, Michigan, 48154 U.S.A.	166.56	Cheque	09.06.95
	141.60	Cheque	09.11.95
Mr Dirk De Bevere Rue De L'aronde 40 Brussels 1170, Belgium	102.00	Cheque	09.11.95

Ms Peggy Ann Desker, 357c Holland Road, Singapore 1027	600.00	Cheque	09.06.95
Mr John Fredrick Doughty & Mrs Christine Mart Doughty Highclere, Mount Avenue, Shenfield, Essex CM 132 NY U.K.	112.20	Cheque	09.11.95
Miss Jane Isabel Dunlop, C/O Mrs J I Walker, Brigalow Park, North Star, N.S.W.	112.32	Cheque	09.06.95
Kevin Geoffrey Early Deceased C/- Snedden Anderson & Co.,	142.56	Cheque	09.06.95
G.P.O. Box 958, Auckland 1 NZ	121.20	Cheque	09.11.95
Mr Ronald Elliott, 25 Chaucer Crescent, Bundoora	120.00	Cheque	09.06.95
	102.00	Cheque	09.11.95
Mr Ronald Elliott, 25 Chaucer Crescent Bundoora	250.00	Cheque	09.11.95
Robert Herman Elsbach, Deceased, 1075 California Street, San Francisco, California 94108 USA	303.60	Cheque	09.06.95
Engorra Holdings Pty Ltd <Superannuation Fund A/C> C/- Mr J Love			
PO Box 1155, Osborne Park WA	132.00	Cheque	09.06.95
Erceg Holdings Pty Ltd, <The Erceg Super Fund A/C>, Lot 22 Olive Road, Millendon WA	132.60	Cheque	09.11.95
Estate Dorothy Eileen Farmer, 20 Drummond Street, Toowoomba, Qld	194.40	Cheque	09.06.95
Mr Richard Welby Fisher, Belgrave House, Newbury Street, Whitchurch Hants RG28 7DW UK	345.60	Cheque	09.06.95
	293.80	Cheque	09.11.95
Mrs Judith Fletcher, 12 Hither Meadow Lower Road, Chalfant St Peter, Gerrards Cross Bucks UK	250.92	Cheque	09.06.95
	213.30	Cheque	09.11.95
Mr John Bruce Flood & Mrs Anne Flood, 11 Mather Street, Inverell, N.S.W.	112.20	Cheque	09.11.95
Mr David Russell Fogden, 285 Swann Road, St Lucia, Qld	120.00	Cheque	09.06.95
Miss Edna Dorothy Isabel Ford, 87 Gladstone Street, West Wyalong, N.S.W. 2671	262.90	Cheque	09.11.95
Mr Alan Forsyth, St Johns Rectory, 23 Alice Street, Maitland, S.A.	641.64	Cheque	09.06.95
Mr Roderick Peter Foskett & Mrs Maureen Elizabeth Foskett, 218 Midway Road, Elizabeth Downs, S.A.	120.00	Cheque	09.11.95
Mrs Florence Fowler, 22 Edgar Street, Cairns, Qld	144.00	Cheque	09.06.95
Miss Lindsay Trestrail Freeman, 6 Boyle Street, Echuca	109.20	Cheque	09.06.95
Sir William Gordon Fry, 16 Mariemont Avenue, Beaumaris	180.00	Cheque	09.06.95
Gary Austin Investments Pty Ltd <Superannuation A/C>, 5 Como Street, Malvern	459.00	Cheque	09.11.95
Mr John Michael Gavin, 10 Cypress Drive, Lugarno, N.S.W.	227.70	Cheque	09.11.95
Miss Meredith Anne Gill, 162 Morphett Road, Glengowrie, S.A.	121.20	Cheque	09.06.95
	103.10	Cheque	09.11.95
Ms Patricia Lesley Godkin, 75 Williams Road, Nedlands, W.A.	425.00	Cheque	09.06.95
	425.00	Cheque	08.12.95
Mrs Lindsay Marion Goodacre, PO Box 838, Kenmore, Qld	102.00	Cheque	09.11.95
Ms Mabel P. Gordon, C/- Central Share Registry, G.P.O. Box 505h Melbourne	130.92	Cheque	09.06.95
	111.30	Cheque	09.11.95
Mrs Joan Mary Gorman, 339 Glenferrie Road, Malvern	910.80	Cheque	09.06.95
Miss Gertrude Miller Gray, 2/1 Sylvan Court, Newtown	145.80	Cheque	09.06.95
	124.00	Cheque	09.11.95
Estate Brigid G Green C/- Mr P Grafton Green Theodore Goddard 150 Aldersgate Street, London EC1A 4EJ UK	152.64	Cheque	09.06.95
	129.80	Cheque	09.11.95
Estate Freda Mary Gale Grounds St Helena, 19 Bell Road, Haslemere, Surrey GU27 3DQ UK	570.30	Cheque	09.11.95
Mrs Margaret J Hamilton, P.O. Box 966, Warragul	237.00	Cheque	09.11.95
Mrs Margaret June Hamilton, P.O. Box 433, Devonport, Tas.	121.20	Cheque	09.06.95
	103.10	Cheque	09.11.95
Mr Robert Hugh Harden C/- Zoology Department University Of New England, Armidale, N.S.W.	461.54	Cheque	09.06.95

Mr Grevis Holmes Harding, 1/7 Goldsmith Road, Epsom Auckland NZ	270.00	Cheque	09.06.95
Mr Michael Forster Harris, 76 Denison Road, Lewisham, N.S.W.	229.50	Cheque	09.11.95
Geoffrey Clark Hartnell, Decd. G.P.O. Box 50, Sydney, N.S.W.	820.70	Cheque	09.11.95
Mr John William Hartwell, C/- Mr B Hartwell, 1/13 Todman Avenue, Kensington, N.S.W.	201.20	Cheque	09.11.95
Ms Virginia Louise Hasker, 104 Kersley Road, Kenmore, Qld	144.00	Cheque	09.06.95
Doris Hatton, Deceased, C/- Mrs L D Jennings, 64 Bundock Street, Randwick, N.S.W.	120.00	Cheque	09.06.95
Mrs Grace Hayes, C/- Mrs M Webb, "Cheveley Park", Lot 4 Beenak Road, Yellingbo	112.32	Cheque	09.06.95
Mr Wayne Henderson, 595 Bourke Street, Surry Hills, N.S.W.	164.90	Cheque	08.12.95
Mrs Belinda Heyward, 2 Elmie Street, Hawthorn	153.00	Cheque	09.11.95
Mr William Paris Hiatt, 34/297 Victoria Gardens Edgecliff Road, Woollahra, N.S.W.	645.45	Cheque	09.06.95
Miss Jennifer Joy Hickinbotham, 2 Ferguson Street, Williamstown	221.60	Cheque	09.11.95
Mr Francis F Higgins, Rambridge Farm, Gracious Pond Road Chobham, Woking, Surrey UK	100.00	Cheque	09.11.95
Miss Sandy Ho, <No 2 A/C>, 2 Blue Crane Close, West Pennant Hills, N.S.W.	114.60	Cheque	09.06.95
Mrs Joan Christina Stanley Holderness, 14 Rectory Close, Windsor, Berks UK	102.00	Cheque	09.11.95
Mr Richard Grant Hope & Mrs Susan Carol Hope, <Hope Family Super Fund A/C>, PO Box 217, Gladesville, N.S.W.	120.96	Cheque	09.06.95
Mr Bernard John Inkson "Omihi" No 3 R D Amberley, Canterbury, N.Z.	482.76	Cheque	09.06.95
Mr John Graham Isbister, 29 Delmonte Avenue, Medlow Bath, N.S.W.	265.44	Cheque	09.06.95
Mr Donald George Jameson, G.P.O. Box 3957, Darwin, N.T.	225.70	Cheque	09.11.95
Mr Brian Clive Charles Jenkins & Mr Douglas William Benefield P.O. Box 12293, Penrose, Auckland, N.Z.	103.10	Cheque	09.11.95
Mr Ronald Edmund Johnson, 23 Matheson Road, Reynella, S.A.	198.50	Cheque	09.06.95
Mr Douglas P Jones & Mrs Dee G Jones, C/- Coles Myer Ltd. Share Registry, P.O. Box 2000, Tooronga	132.60	Cheque	09.11.95
Dr John B Jones C/- ANZ Bank University Of Adelaide Hughes Building, Adelaide, S.A.	321.84	Cheque	09.06.95
Mr Earl Joyner, 18721 Via Del Rancho Higley, Arizona 85236 USA	273.60	Cheque	09.11.95
Juss Investments Limited C/- Charter Interlink Accounting Pty Ltd, 28 Woodlands Road, Taren Point, N.S.W.	121.20	Cheque	09.06.95
Mr David Antony Kehoe, 6/15 Bunderra Road, Caulfield South	103.10	Cheque	09.11.95
Miss Sally Keys, P.O. Box 81, Berwick	367.56	Cheque	09.06.95
Annette King, Deceased, C/- Walker Gibbs & King, 7 Dawson Street, Cooma, N.S.W.	312.50	Cheque	09.11.95
Edith Joan King, Deceased, 6b Hill Terrace, Mosman Park, W.A.	400.80	Cheque	09.06.95
Mrs Jocelyn Nadine Livingstone King, C/- Deloitte Ross, Tohmatu PO Box 1990, Wellington, N.Z.	340.70	Cheque	09.11.95
Mrs Olive Jessie King, 98 Bayview Street, Runaway Bay, Qld	240.00	Cheque	09.06.95
Miss Penelope Helen King, C/- Mrs P. H. Ure 2/32 Judge Street, Randwick, N.S.W.	120.00	Cheque	09.06.95
Mrs Angela Rae Kissling & Mr Simon Hugh Withers, <G B Kissling Family A/C>, Takatu Road Rd 6 Warkworth, N.Z.	154.80	Cheque	09.06.95
	561.72	Cheque	09.06.95
	477.50	Cheque	09.11.95
	1,668.92	Cheque	09.06.95
	1,334.80	Cheque	09.11.95
	461.40	Cheque	09.06.95
	172.20	Cheque	09.06.95
	157.80	Cheque	09.06.95
	134.20	Cheque	09.11.95
	192.24	Cheque	09.06.95

Mr George Bruce Kissling & Mr Simon Hugh Withers, <A R Kissling Family A/C>, Takatu Road Rd 6, Warkworth, N.Z.	192.36	Cheque	09.06.95
Mrs Gael Lawrence, Waiou Road Rd 1, Kati Kati, N.Z.	102.84	Cheque	09.06.95
Mrs Kerry Lee, 52 Gloucester Crescent, Shoalwater, W.A.	120.00	Cheque	09.06.95
Mr Ralph Brian Lee & Mr Victor Leslie Gole & Mr Allan John Emmett	1,603.80	Cheque	09.06.95
52 Latrobe Street, Melbourne	1,363.30	Cheque	09.11.95
Messrs John Andrew Levay & William Cargill Levay, 13 Clifford Road, New Barnet, Herts UK	206.40	Cheque	09.06.95
	175.50	Cheque	09.11.95
Lloyds Bank (Jersey) Nominees Limited, P.O. Box 770, 35 Don Street, St Helier Jersey JE4 8ZZ, Channel Islands	510.00	Cheque	09.11.95
Mrs Helen E Lukezich, 1211 North Maple Road, Royal Oak Michigan 48067 USA	200.04	Cheque	09.06.95
	170.10	Cheque	09.11.95
M Kutner Investments Pty Ltd, 6 Victoria Gardens, 206 Victoria Road Bellevue Hill, N.S.W.	133.20	Cheque	09.06.95
	113.30	Cheque	09.11.95
Dr Dennis James Maddern & Mrs Jan Lawrence Maddern <Consulting Superfund A/C>, 806 Riversdale Road, Camberwell	102.00	Cheque	09.11.95
Mrs Eva Malberg, 1223 Thurnridge Drive, Reading, Ohio 45216 USA	166.56	Cheque	09.06.95
	141.60	Cheque	09.11.95
Hermine Mandl & Sylvia A Bell, 25 Lynwood Avenue, Mount Albert, Auckland 3 New Zealand	130.92	Cheque	09.06.95
Mr Mark Joseph Mannix, 41 Edinburgh Crescent, St Andrews, N.S.W.	109.20	Cheque	09.06.95
Mr Stanley Leonard Mansfield, 17 Carmichael Street, East Ivanhoe	146.04	Cheque	09.06.95
	124.20	Cheque	09.11.95
Mr Robert D Marshall & Mrs Helen M Seamark, 12 Collins Street, Collinswood, S.A.	105.12	Cheque	09.06.95
Mrs Beryl Osborne Martin & Mrs Joan Patricia Moss, P.O. Box 2, Croydon Park, N.S.W.	655.60	Cheque	09.11.95
Ms Cynthia Matthews, 18 Giro Close, Middle Swan, W.A.	483.09	Cheque	09.06.95
	386.80	Cheque	09.11.95
Miss Louise Ann Maxwell, C/- Hon A V Maxwell, 100 Balfour Road, Rose Bay, N.S.W.	134.30	Cheque	09.11.95
Mrs Yvonne McArdle, 47 Margaret Street, Cottesloe, W.A.	102.00	Cheque	09.11.95
Mr Bernie McCarthy, 36 Eastgate Drive, Greensborough	109.20	Cheque	09.06.95
Mr Philip Thomas McEvoy, 40/114 Dodds Street, South Melbourne	112.20	Cheque	09.11.95
Mr Angus Donald McGeachy, P.O. Box 498, Geelong	219.74	Cheque	09.06.95
Mr Michael Tarawhiti McGifford, 37 West 12th Street, Apt 10h, New York 10011 USA	145.80	Cheque	09.06.95
	124.00	Cheque	09.11.95
Mrs Margaret McGilvray, 4 Cherry Avenue, Carlingford, N.S.W.	170.00	Cheque	09.06.95
Mrs Joanne Lisa McInnery, 35 Vardell Street, Bald Hills, Qld	120.00	Cheque	09.06.95
Mr Graham Herbert McIntosh & Miss Marjorie Portal McIntosh, 7 Marne Street, Vaucluse, N.S.W.	1,043.28	Cheque	09.06.95
	886.80	Cheque	09.11.95
Mrs Joan Winifred McLaughlan, 3/351 Glenferrie Road, Malvern	214.69	Cheque	09.06.95
Mr Hector Edward McLenaghin, 28 Awarua Street, Ngaio, Wellington N 4 NZ	297.50	Cheque	09.06.95
Mrs Joan Lee McNicoll, 19 Gordon Grove, South Yarra	304.30	Cheque	08.12.95
Merlan Investments Pty Ltd, C/- Mr J Allen 7 Kirk Avenue, Ascot Vale	154.56	Cheque	09.06.95
	131.40	Cheque	09.11.95
Dennis John Millin, Deceased, C/- Hellmrich & Hickey, 149 Castlereagh Street, Sydney, N.S.W.	268.20	Cheque	09.06.95
	228.00	Cheque	09.11.95
Mrs Thelma Marjorie Morgan, C/- H C Morgan, P.O. Box 63, Berowra Heights, N.S.W.	1,965.77	Cheque	09.06.95
Mr Graeme Hamish Morton, P.O. Box 7291, Toowoomba Mail Centre, Qld	102.00	Cheque	09.11.95
Mr William J Muir & Mr Cyrille A Worpigian, 24 Fox Valley Road Wahroonga, N.S.W.	131.13	Cheque	09.06.95
	105.00	Cheque	09.11.95

Mrs Janie Ng, 2/246-256 High Street, Lower Templestowe	102.00	Cheque	09.11.95
Mrs Kathleen Mary O'Byrne, 14 Harold Street, Matraville, N.S.W.	154.56	Cheque	09.06.95
	131.40	Cheque	09.11.95
Mr Fergus George O'Connor, 126 Brougham Place, North Adelaide, S.A.	132.00	Cheque	09.06.95
Estate Mary Katherine O'Meara, C/- Kelly McNeil, P.O. Box 1148, Hastings, N.Z.	245.20	Cheque	09.11.95
Lady Dorothy Macarthur-Onslow, Mount Gilead, Campbelltown, N.S.W.	232.50	Cheque	09.11.95
Lady Dorothy Wolseley Macarthur-Onslow, Mount Gilead, Campbelltown, N.S.W.	541.90	Cheque	09.11.95
Mrs Penelope Lovelock Oppenheimer, 8743 East Solano Drive, Scottsdale, Arizona 85253 USA	243.00	Cheque	09.06.95
	206.60	Cheque	09.11.95
Mrs Joyce Clyde Orchard, 1 Jenkins Street, Chatswood, N.S.W.	166.56	Cheque	09.06.95
Mrs Beatrice O'Sullivan, 16 Montague Road, Cremorne, N.S.W.	273.60	Cheque	09.11.95
Mr Patrick Gabriel O'Sullivan, 5 Bayswater Road, Lindfield, N.S.W.	1,961.30	Cheque	09.06.95
Mr John C Owen, 11 Clive Road, Eastwood, N.S.W.	262.44	Cheque	09.06.95
	223.10	Cheque	09.11.95
Christine M. Page 9-100 Box Hill Scarboroug Yorkshire, UK	120.00	Cheque	09.06.95
	102.00	Cheque	09.11.95
Mr Frederick Albert Partridge, 6/55-57 Invermay Road, Rosanna	121.56	Cheque	09.06.95
	103.40	Cheque	09.11.95
Dr Andrew Pascoe, 58 Wellington Street, St Kilda	102.00	Cheque	09.11.95
Mr Andrew Bruce Pascoe, 58 Wellington Street, St Kilda	102.00	Cheque	09.11.95
Mrs Lisa Pascoe, 58 Wellington Street, St Kilda	102.00	Cheque	09.11.95
Dr Christine Paton, 4 Pleasant Road, Hawthorn East	102.00	Cheque	09.11.95
Mrs Janet Menzies Pennefather, 3 Gladys Avenue, Frenchs Forest, N.S.W.	144.20	Cheque	09.11.95
Mrs Essie Gwendoline Piper, P.O. Box 606, Epping, N.S.W.	213.40	Cheque	09.11.95
Estate Sylvia Niree Plaister, C/- Clerk Walker & Stops, G.P.O. Box 255C, Hobart, Tas.	126.10	Cheque	09.11.95
Mr Glen Peter Mark Polley, P.O. Box 431, Norwood, S.A.	154.60	Cheque	09.11.95
Estate Heather Janet Potts, C/- Mr A B Potts, 10 Callington Avenue, City Beach, W.A.	795.10	Cheque	09.11.95
Est Florence Geraldine Powell, C/- Bilbie Whitford & Dan, P.O. Box 701k, Newcastle	188.04	Cheque	09.06.95
Dr Jeofry S Courtney Pratt Wigwam Road, Locust New Jersey 07760 USA	688.50	Cheque	09.11.95
Mr Robert John Preston, 2 Hearn Court, Hillarys, W.A.	629.90	Cheque	09.11.95
Mr Kenneth Ronald Ian Prowse, "Ardoyne", Deniliquin, N.S.W.	112.32	Cheque	09.06.95
Mr Graham Louis Quint, 26 West Street, Preston	139.44	Cheque	09.06.95
	118.60	Cheque	09.11.95
Rabsch Superannuation Pty Ltd <Rabsch Super Fund Account> C/- Mrs Dawn Rabsch, 4 York Street, Oatlands	306.00	Cheque	09.11.95
Dr Angela Clare Read, 32 Liardet Street, Port Melbourne	122.40	Cheque	09.11.95
Miss Onah Redpath, 41 Maungakiekie Avenue, Green Lane, Auckland 5 NZ	345.30	Cheque	09.11.95
Miss Patricia Reed, 15 Bellevue Drive, Port Macquarie, N.S.W.	255.00	Cheque	09.06.95
Mr Brian Joseph Richardson, 62 Moverly Road, Kingsford, N.S.W.	216.00	Cheque	09.06.95
Mr John Alan Robertson, 26/220 Longueville Road, Lane Cove, N.S.W.	149.78	Cheque	09.06.95
Mrs Angela Rolt, C/- National Westminster Bank Ltd, 101 High Street, Crawley, Sussex RH10 1BB UK	2,952.00	Cheque	09.06.95
Mr Marcus Rose, 64a Lovell Road, Eastwood, N.S.W.	120.00	Cheque	09.06.95
	102.00	Cheque	09.11.95
Estate Norma May Ryan C/- Mr C B Ryan, 34 Northland Road, Double Bay, N.S.W.	302.10	Cheque	09.11.95
Mr Thomas Christopher Ryan & Mrs Rita Virginia Ryan, Flat 6, 25 Cedric Street, East Ivanhoe	273.60	Cheque	09.11.95

Ryssel-Six Pty Limited, PO Box 1600P, Melbourne	165.95	Cheque	09.06.95
Mr Michael Myer Saffer C/- Montefiore Home, 619 St Kilda Road, Melbourne	986.84	Cheque	09.06.95
Miss Jean E Scholz, "Cooee Lodge" Dudley Street, Gilgandra, N.S.W.	448.20	Cheque	09.06.95
Mr Ben Schottenstein, 7103 E Aracoma Drive, Cincinnati OH 45237-2319 USA	381.00	Cheque	09.11.95
Mrs Denise Schreiber, 35 Harvard Court, Pleasant Hill California 94523 USA	258.10	Cheque	09.11.95
Mr Gordon Scott & Ms Noela Scott, 33 Coreen Street, Jerilderie, N.S.W.	1,414.30	Cheque	09.11.95
Mr John Robert Sellars, Upper Rosemount Road, Nambour, Qld	255.00	Cheque	09.06.95
Selse Pty Ltd, P.O. Box 100, Griffith, N.S.W.	118.60	Cheque	09.11.95
	480.00	Cheque	09.06.95
	408.00	Cheque	09.11.95
Mrs Denise Elizabeth Sheridan, 62 Homebush Road, Strathfield, N.S.W.	637.44	Cheque	09.06.95
Mr Harry Ernest Sherman, 162 Wentworth Street, Glen Innes, N.S.W.	303.14	Cheque	09.06.95
Shield Life Assurance Ltd & Mr Evan David Murray-Prior, 83 Mount Street, North Sydney, N.S.W.	124.32	Cheque	09.06.95
Mr Larry Andrew Silver, 2 Queenstown Avenue, Boondall, Qld	105.70	Cheque	09.11.95
Mr Brian John Singleton, <E C Pixley A/C>, Post Office Box 3157, Broadway, Nedlands, W.A.	156.00	Cheque	09.06.95
Mr John Keith Skehan, Unit 6, 151 Victoria Road, Bellevue Hill, N.S.W.	480.00	Cheque	09.06.95
Mrs Phillis Evelyn A Smith, Box 38, Meadows, S.A.	408.00	Cheque	09.11.95
Mrs Yvonne June Soundy, C/- Mr A Buckley PO Box 263, Sandy Bay, Tas	132.72	Cheque	09.06.95
Mr Maciek Staniewicz & Dr Teresa Staniewicz, 4/201 Brighton Road, Elwood	112.90	Cheque	09.11.95
Miss Elizabeth Anne Stanton, C/- Mr R L Stanton, 18 Ozone Avenue, Beaumaris	110.52	Cheque	09.06.95
Dr Theodor Stiassny, P.O. Box 3105, Auckland, C1 N.Z.	102.00	Cheque	09.11.95
George Strausz, Deceased, C/- Uther Webster & Slezak, 5th Floor, 44 Bridge Street, Sydney, N.S.W.	300.00	Cheque	09.11.95
Mr Roger Anthony Stringer, 19 Marriage Road, East Brighton	276.02	Cheque	09.06.95
Mary Harriet Elizabeth Strong, Deceased, C/- Bruce & Stewart, Level 21, 50 Bridge Street, Sydney, N.S.W.	198.50	Cheque	09.11.95
Mr Graham N Surtees, 43 Richmond Hill Court, Richmond Hill	111.60	Cheque	09.06.95
Richmond, Surrey, UK			
Mrs Nancy Ena Sweeny, 21 Sunnyside Place, Bayview, N.S.W.	112.32	Cheque	09.06.95
	255.00	Cheque	09.06.95
	100.30	Cheque	09.11.95
Miss Mary Hillson Tamblin, 35 Leonard Street, Victoria Park, W.A.	218.40	Cheque	09.06.95
T B & M F Cooper Pty Ltd, 'Tarwoona', Texas, Qld	185.70	Cheque	09.11.95
	501.12	Cheque	09.06.95
	426.00	Cheque	09.11.95
Mr Gordon John Teward, P.O. Box 178, Waikanae, N.Z.	579.96	Cheque	09.06.95
	397.80	Cheque	09.06.95
	338.20	Cheque	09.11.95
Mr Nicholas Gavin Thiessen, 6 Clare Street, Newtown, Tas.	121.20	Cheque	09.06.95
	103.10	Cheque	09.11.95
Mr Kenneth Hugh Thomas, 37 York Street, Glen Waverley	133.20	Cheque	09.06.95
Mr Christopher John Galton Thompson, C/- National Westminster Bank	113.30	Cheque	09.11.95
62 Victoria Street, London SW1 UK	124.00	Cheque	09.11.95
Mr Alfred Andrew Thomson, Kairanga R.D. 5	166.56	Cheque	09.06.95
Palmerson North, N.Z.			
Threeville Pty Ltd C/- Mr J Rothfield, Slater Gordon Financial	473.54	Cheque	09.06.95
Planning Pty Ltd, 562 Little Bourke Street, Melbourne	1,938.00	Cheque	09.11.95
Mrs Susanna Louisa Todd, 54 Queens Road, Beckenham, Kent BR3 4JL UK	143.76	Cheque	09.06.95
	122.20	Cheque	09.11.95

Toronto Court Pty Limited, 10 South Avenue, Altona Meadows	137.70	Cheque	09.11.95
Mr Richard Trezise & Mr Terry Nixon & Mr Robert Korff, <A/C Byron Block Pty Ltd S/F> C/- Mr L Mott - F W Holst & Co, Level 8 - 459 Collins Street, Melbourne	595.00	Cheque	09.06.95
Mr David Marcus Trotter & Mr Patrick John Hanna, Walters Road, Karaka Rd1, Papakura NZ	286.50	Cheque	09.11.95
Mr Tibor Varga & Mrs Eva Varga, 3 Dorset Street, Coffs Harbour, N.S.W.	102.00	Cheque	09.11.95
Mrs Lindsay Gail Verdin, P.O. Box 75, Indooroopilly, Qld	810.90	Cheque	09.11.95
Miss Marie Therese Vicq, P.O. Box 151, Brighton-Le-Sands, N.S.W.	120.00	Cheque	09.06.95
Miss Maria B Virgona, 13 Dunlop Avenue, Kew	130.92	Cheque	09.06.95
	111.30	Cheque	09.11.95
Wager Pty Ltd <H S Sekhon Superfund A/C> 106 Gammon Street, Yarraville	100.00	Cheque	09.11.95
Ms Janet Leigh Walk & Ms Christine Ruth Gibb, 5 Tasha Close, Byron Bay, N.S.W.	222.72	Cheque	09.06.95
Mrs Kathleen Walker & Mr Philip H Conyers Whitbeck Manor Askwith, Otley, Yorkshire, UK	117.00	Cheque	09.06.95
Ms Ann Ellen Walton, P.O. Box 868, Mona Vale, N.S.W.	128.80	Cheque	09.11.95
Mrs Ethel Emily Elizabeth Warry, 4 Parkdale Avenue, Balwyn	178.56	Cheque	09.06.95
	151.80	Cheque	09.11.95
Mrs Patricia Holt Wass, C/- Mrs H M Ramsay, 87 Balmoral Street, Waitara, N.S.W.	540.12	Cheque	09.06.95
Mr Kenneth Frederick Watts, 7 Gannet Street, Boronia Park, N.S.W.	117.96	Cheque	09.06.95
	100.30	Cheque	09.11.95
Mr Robin Greville Weaving, C/- G. G. Weaving & Sons Astwood Grange, Nr Newport Bagnell, Bucks UK	141.60	Cheque	09.11.95
Mr Hans Weber, 115 North Surrey Road, South Yarra	130.92	Cheque	09.06.95
Estate Ellen M Webster C/- Mahony Galvin Rylah 400 Collins Street, Melbourne	111.30	Cheque	09.11.95
Mrs Valmai Winifred Weil, 26 Midlothian Street, Chadstone	102.00	Cheque	09.11.95
Mr Norman Weiss, 557 Orrong Road, Armadale	124.76	Cheque	09.06.95
Mr Gerald Westheimer C/- Merrill Lynch Pierce Fenner & Smith 3840 South Wadsworth Boulevard Lakewood Colorado 80235 USA	1,002.24	Cheque	09.06.95
Anne Kathleen Wettenhall Dec'd C/- Page Seager, G.P.O. Box 11061 Hobart, Tas.	352.20	Cheque	09.06.95
	299.40	Cheque	09.11.95
Miss Elizabeth Judith White, 6 Edward Street, Kew	672.96	Cheque	09.06.95
	572.10	Cheque	09.11.95
Mr George S J White C/- Messrs George White Evans Tribe & Co, Stock Exchange Bldgs, Bristol, BS1 1TW UK	696.60	Cheque	09.06.95
Mr Robert Graeme Willersdorf, 9 Berkeley Street, Hawthorn	108.50	Cheque	09.11.95
Mr Terrance Williams & Ms Janice Williams, 1015 Sturt Street, Ballarat	153.00	Cheque	09.11.95
Mr Ian Wilson, 73 Dallington Crescent, Balga, W.A.	133.20	Cheque	09.06.95
	113.30	Cheque	09.11.95
Mrs Ruth Audrey Wilson Charnock Green Wigan Lane, Heath Charnock, Chorley, Lancashire UK	410.40	Cheque	09.11.95
Mrs Winifred Wilson, 134 Arney Road, Remuera, Auckland NZ	170.10	Cheque	09.11.95
Mr Shue Wong C/- G W S Fruit Supply Main Road, Balclutha NZ	227.00	Cheque	09.11.95
Eileen Elizabeth Wood Deceased C/- Foster & Braithwaite 22 Austin Friars, London EC2N 2BU UK	221.52	Cheque	09.06.95
	188.30	Cheque	09.11.95
Ms Sally Kay Woods "Limebon", Boggabilla, N.S.W.	376.20	Cheque	09.06.95
Mr Gilbert Yezbak 5718 Fitch Road North Olmsted Ohio USA	166.56	Cheque	09.06.95
	141.60	Cheque	09.11.95
Mr Yoke Kheong Yik, Block 235, Tampines St 21 #07 -517 Singapore 1852	109.20	Cheque	09.06.95

2320 G 35 4 September 1997

Victoria Government Gazette

Cmdr Thomas Conrad Young C/- Loch Leven Hotel Onich By Fort William, Inverness-Shire UK	199.80	Cheque	09.06.95
Dr Robert Zimin 4 Ha'alan Street Ramat-Efal 52960 Israel	114.80	Cheque	09.11.95

97023

CONTACT: C. REID, PHONE: (03) 9654 1933

*Unclaimed Moneys Act 1962*

Register of Unclaimed Moneys held by the—

<i>Name of Owner on Books and Last Known Address</i>	<i>Total Amount Due to Owner</i>	<i>Description of Unclaimed Money</i>	<i>Date when Amount first became Payable</i>
	\$		
<b>CITY OF CASEY</b>			
Westernport Family Violence Network, c/- M. Smith, PO Box 35, Doveton	100.00	Grant	24.3.95
Local Government Students Assoc., c/- Institute of Municipal Mngt, Ausdoc DX 30545, Sth Melbourne	100.00	" Refund temp.	7.4.95
MJL Constructions, 2/27 Laser Dve, Rowville	400.00	crossing deposit	7.4.95
MJL Constructions, 2/27 Laser Dve, Rowville	200.00	" Jobskills	3.5.95
Casey College of T.A.F.E.	219.00	training course Overpayment	24.5.95
Third Blazon P/L, 1/46-58 Abbott Rd, Hallam	180.00	of rates	31.5.95
Registrar of Titles	149.00	TP 920012 Refund temp.	7.6.95
Vella, Shane	350.00	crossing deposit P/ment panel	7.6.95
Department of Planning & Development	947.43	fees amendment	12.7.95
Registrar of Titles, 283 Queen St, Melbourne	672.00	Legal fees	14.7.95
NSD Developments, 2/42 Valley Fair Dve, Narre Warren	400.00	Refund temp. crossing deposit	2.8.95
Farview Homes, 789 Springvale Rd, Mulgrave	400.00	" Construction of Myuna Farm	26.9.95
Duff, W. and J., Poultry Auctions, Cheltenham Rd, Dandenong	122.00	nest boxes	23.10.95

97174

CONTACT: ROSS WILLIAMS, PHONE: (03) 9705 5200





## VICTORIAN ACTS AND REGULATIONS ON CD-ROM

Anstat is proud to announce the availability of its new CD-ROM service covering all Victorian Acts and Regulations.

### ANSTAT'S SERVICE IS GENUINELY DIFFERENT

#### Key Features

- Same appearance as the paper version
- Monthly or quarterly updates
- Powerful search facility across the entire database or within each item
- Ability to copy and paste text to other applications and print extracts
- Unlimited use of Legislation Hotline and Electronic Help Desk
- Service will be Internet linked

#### Price

- \$250 p.a. for quarterly updates
- \$500 p.a. for monthly updates

#### Act Now

To find out more about our service, please contact Customer Services on telephone (03) 9645 1111 or facsimile (03) 9645 1926

**Anstat Pty Ltd ACN 005 446 748**  
**224-226 Normanby Road Southbank Vic 3006**

**GOVERNMENT AND OUTER BUDGET SECTOR  
AGENCIES NOTICES**

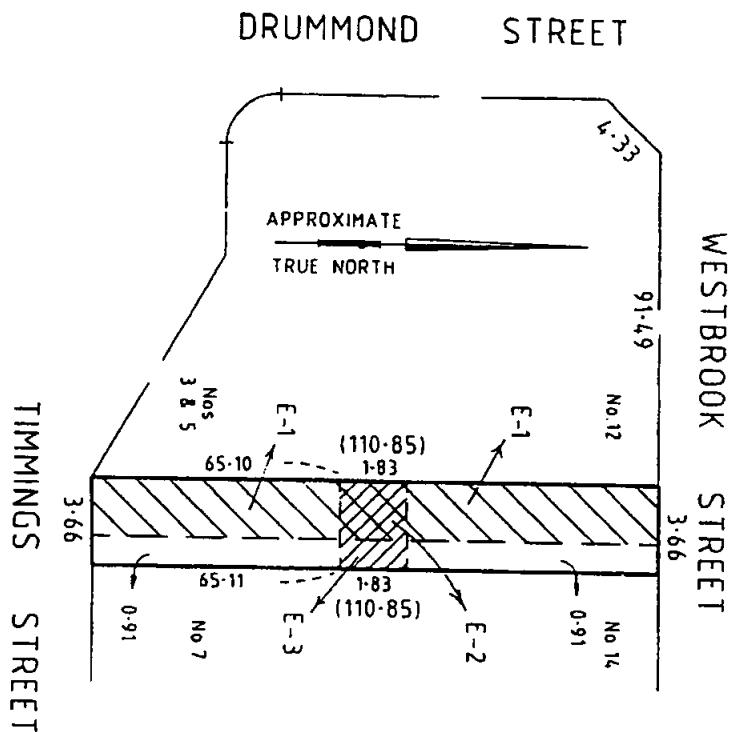
**MONASH CITY COUNCIL  
Road Discontinuance**

Pursuant to Section 206 and Clause 3 of Schedule 10 to the **Local Government Act 1989**, Monash City Council at its meeting on 17 June 1997 formed the opinion that the part of the road between Nos 12 and 14 Westbrook Street and Nos 3-5 and 7 Timmings Street, Chadstone, shown on the plan below is not reasonably required as a road for public use and resolved to discontinue the road.

The section of road shown E-1 is to be sold subject to the right, power or interest held by the Monash City Council in the road in connection with any drains or pipes under the control of that authority in or near the road.

The section of road shown E-2 is to be sold subject to the right, power or interest held by both Monash City Council and Yarra Valley Water Limited in the road in connection with any sewers, drains or pipes under the control of those authorities in or near the road.

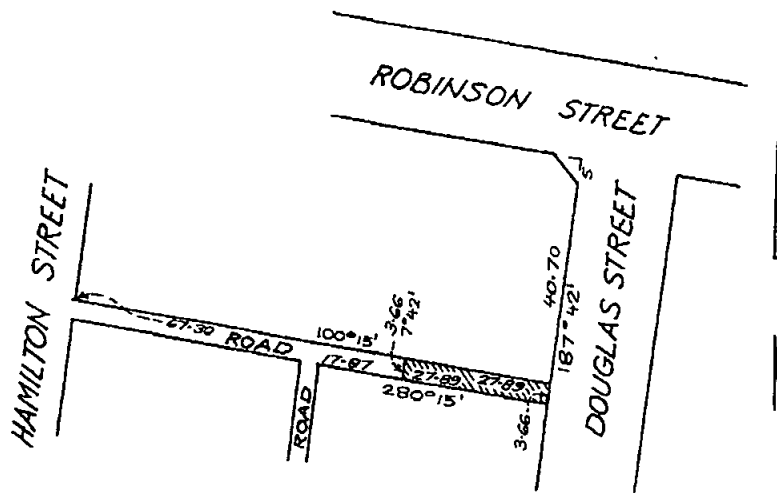
The section of road shown E-3 is to be sold subject to the right, power or interest held by the Yarra Valley Water Limited in the road in connection with any sewers, drains or pipes under the control of that authority in or near the road.



DAVID CONRAN  
Chief Executive Officer

**BAW BAW SHIRE COUNCIL**  
Road Discontinuance

Pursuant to Section 206 and Schedule 10 of the **Local Government Act 1989** the Council of the Baw Baw Shire Council at its meeting of 13 August 1997 formed the opinion that the road shown on the plan below was not reasonably required for public use and resolved to close the road and sell it by private treaty to the abutting landowner.



JOHN F. DYER  
Chief Executive Officer

**NORTHERN GRAMPIANS SHIRE COUNCIL**

Local Law No. 5

Meeting Procedure (Amendment) 1997

Notice is hereby given that the Northern Grampians Shire Council at its meeting held on 26 August 1997 resolved to make Local Law No. 5—Meeting Procedure (Amendment) 1997.

The purpose of the Local Law is to amend the Principal Local Law (Local Law No. 4—Meeting Procedure) by clarifying the number of members constituting a quorum at Council or Special Committee meetings. The purport of the Local Law is to establish that a quorum is a majority of the whole number of members of Council or Special Committee.

Copies of the Local Law are available from the Customer Service Centre in Stawell and St Arnaud during normal business hours.

ROB MARSHALL  
Chief Executive Officer

**GREATER GEELONG CITY COUNCIL**

Notice of Proposed Local Law  
Council Meeting Procedures

The Greater Geelong City Council at a meeting held on 13 August 1997, resolved to make Local Law No. 9—Council Meeting Procedures, the objectives of which are to:

- Provide for the peace, order and good government of the Municipal District of the City.
- To provide for the administration of the Council's powers and functions.
- To regulate and control the use of the Common Seal of the Council.
- Regulate and control the election of Mayor and Acting Mayor.
- Regulate and control the procedures of meetings of:
  - (i) Greater Geelong City Council.
  - (ii) Special Committees.

- Facilitate the good government of the City of Greater Geelong and ensure that the Council's decisions are made in the best interests of the people.
- Promote and encourage community participation in the government of the City.

Copies of the Local Law can be obtained from City of Greater Geelong, Customer Assistance Centres.

Any person may make a submission relating to the proposed Local Law in accordance with Section 223 of the **Local Government Act 1989**. Any person requesting, in writing, to be heard in support of their submission is entitled to appear before a meeting of Council or a Committee appointed by Council, either personally or by a person acting on his or her behalf and will be notified of the time and date of the hearing.

Submissions, which close on 19 September 1997, should be addressed to the Chief Executive Officer, City of Greater Geelong, P.O. Box 104, Geelong 3220.

MICHAEL MALOUF  
Chief Executive Officer

**FRANKSTON CITY COUNCIL**  
Proposed Infrastructure and Amenity  
Local Law No. 14

Notice is hereby given that at a meeting of the Frankston City Council held on 25 August 1997 the Council agreed to commence the statutory process for the introduction of Local Law No. 14.

The proposed Local Law No. 14 replaces the existing Infrastructure and Amenity Local Law No. 1 and has been amended to include enforcement of regulations in regard to Load Limits and display of permit registration adhesive labels.

The purpose of this Local Law is to:

- Provide for the peace, order and good government of the municipal district of the Frankston City Council.
- Provide for those matters which require a Local Law under the Local Government Act and 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 Council's land.

This proposed Local Law is intended to regulate/prohibit the following:

- Obstructions to the free passage of people, vehicles and goods.
- Obstructions at intersections by signs, posts, fences, trees and plants.
- Require vehicle crossings, temporary vehicle crossings and removal of redundant vehicle crossings.
- Require fences to contain animals.
- Load limits for motor vehicles.
- Leaving and abandoning shopping trolleys.
- Use and conduct of toy vehicles.
- Horse riding on road reservations.
- Parking stationary heavy vehicles on private property in residential areas.
- Placing or erecting advertising signs.
- Trading from a road or to a person on a road.



**ASSET INSPECTION SYSTEM**  
**AMENDING LOCAL LAW NO. 4**

Notice is hereby given that Council at its meeting on 25 August 1997 made Local Law No. 4 Asset Inspection System, Amending Local Law No. 1, pursuant to part 5 and Schedule 1 of the Local Government Act 1989.

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

- require an owner of Land to deliver to Council a guarantee or bond against damage to Council roads, land and assets in the vicinity of Land on which construction work is proposed to be commenced;
- extend the circumstances under which an infringement notice can be issued for an offence; and
- make other miscellaneous amendments.

A copy of the draft Local Law can be obtained from the Council Service Centres at:

- Greensborough, 9-13 Flintoff Street
- Ivanhoe, 275 Upper Heidelberg Road
- Rosanna, 44 Turnham Avenue

during office hours or by telephoning 9490 4222.

20173

12. Display and location of goods for sale.
13. Provision of outdoor eating facilities on roads.
14. Leaving of bulk rubbish containers on roads.
15. Occupation of the road for works.
16. Repair of vehicles and dropping and removal of substances from vehicles, animals and livestock.
17. Holding of street parties, street festivals and processions.
18. Collections on roads.
19. Buskers on roads.
20. Promotions on roads.
21. Playing games and noise on roads.
22. Drainage tappings/interference with Council drains and watercourses.
23. Fire hazards.
24. Unsightly/dangerous land, storage of machinery or secondhand goods on property.
25. Advertising, bill posting and unsolicited material.
26. Clothing Bins.

The above Local Law is proposed to be operative from the date of adoption.

Copies of the proposed Local Law can be obtained during business hours from the Civic Centre, Davey Street, Frankston.

Any person affected by the proposed Local Law may make a written submission in accordance with the provisions of Section 223 of the **Local Government Act 1989**, addressed to the Chief Executive Officer, Frankston City Council, Civic Centre, Davey Street, Frankston.

Submissions received within 14 days of the date of this notice will be considered by Council. Any person who has made a written submission may request to be heard in support of the written submission and is entitled to appear in person or by a person acting on his or her behalf before a meeting of the Council. Notice of the meeting date and time will be given to all persons requesting to be heard.

JON EDWARDS  
Chief Executive Officer

CITY OF GREATER BENDIGO  
Declaration of a Road  
Section 204 (2) **Local Government Act 1989**  
Bradshaw Street, Bendigo

Under Section 204 (2) of the **Local Government Act 1989**, Council by resolution dated 17 February 1997, declared the portion of Crown Land between Crown Allotments 134 and 134A, Section A, Parish of Sandhurst, known as Bradshaw Street, Bendigo, to be a road, which is reasonably required for public use and to be open to public traffic.

CITY OF GREATER BENDIGO  
Declaration of a Road  
Section 204 (1) **Local Government Act 1989**  
Averys Road Extension, Eaglehawk

Under Section 204 (1) of the **Local Government Act 1989**, Council by resolution dated 7 July 1997, declared the following lands to be a road and open as a public highway for the purposes of the Act:

Volume	Folio
10023	203
9999	033
9999	032

MAROONDAH CITY COUNCIL  
Municipal Places (Amendment No. 1)  
Local Law 1995

Notice is hereby given that at a meeting of Council held on 18 August 1997 Council resolved to give notice of intention to make Municipal Places (Amendment No. 1) Local Law pursuant to the provisions of the **Local Government Act 1989**.

The purpose of the Local Law is to amend the principal Local Law (Municipal Places 1995).

The general purport of the Local Law is to prohibit, regulate and control activities and circumstances in Municipal Places. The amendment will increase the penalty unit from 0.25 to 0.35 for parking in an area beyond the expired time.

A copy of the Local Law can be inspected at or obtained from the Civic Centre, Braeside Avenue, Ringwood or at Customer Service outlets in Ringwood and Croydon between the hours of 8.30 a.m. and 5.00 p.m., Monday to Friday.

Any person affected by the proposed Local Law may make a written submission pursuant to Section 223 of the Act. Submissions received by Council within 14 days of the publication of this notice will be considered in accordance with Section 223 of the Act. Submissions received by Council prior to the close of business on 18 September 1997 may be considered by Council.

Any person who has made a written submission to Council and requested that he or she be heard in support of the written submission is entitled to appear in person, or be represented by a person acting on his or her behalf, before a meeting of the Council or a committee appointed for this purpose. Persons requesting to be heard will be notified of a day, time and place at which the meeting will be held.

Submissions should be addressed to the Chief Executive Officer, Maroondah City Council, P.O. Box 156, Ringwood 3134.

MICHAEL MARASCO  
Chief Executive Officer

DELATITE SHIRE  
Public Notice  
Proposed Local Law

Notice is hereby given that the Delatite Shire Council proposes to make the following Local Law:

LIVESTOCK LOCAL LAW NO. 5-97

The objectives of the proposed Local Law is as follows:

OBJECTIVES

The principal objectives of this Local Law are:

- (a) to regulate the movement and droving of livestock through and within the municipal district and the grazing of livestock within the municipal district;
- (b) to minimise any damage to road pavements, formations, drainage, vegetation and surrounding areas arising from livestock;
- (c) to minimise the spread of livestock disease and noxious weeds in the municipal district;
- (d) to provide for the welfare of livestock when being driven, grazed or moved;

- (e) to alert other road users to the presence on roads of livestock in the municipal district in the interests of safe use of roads;
- (f) to regulate the adequacy of fencing of livestock;
- (g) to put in place mechanisms for rectifying inadequate fencing;
- (h) to fix fees or charges relating to the impounding of livestock and all other costs incidental thereto and for road use by livestock within the municipal district;
- (i) to enter arrangements with neighbouring councils relating to impounding, collecting trespassing livestock, housing and releasing those livestock;
- (j) to prescribe penalties for contravention of any provisions of this Local Law;
- (k) to provide generally for the peace, order and good government of the municipal district including in particular the administration of Council's powers and functions.

A copy of the proposed Local Law may be inspected at the Delatite Civic Centre, Fawckner Drive, Benalla and the Mansfield Service Centre, Highett Street, Mansfield, between the hours of 8.15 a.m. and 5.00 p.m., Monday to Friday.

Any person affected by the proposed Local Law may make a written submission pursuant to Section 223 of the **Local Government Act 1989**. Submissions received by the Council within 14 days of publication of this notice will be considered in accordance with Section 223 of the Act.

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

Submissions should be addressed to Chief Executive Officer, Delatite Shire Council, P.O. Box 227, Benalla 3672.

Any person seeking further information should contact the Group Manager Shire Services, Peter Brown, at the Mansfield Service Centre, (03) 5733 2530.

ROBERT HAUSER  
Chief Executive Officer

**CITY OF PORT PHILLIP**  
**Council Meetings Procedures Local Law**

Notice is hereby given that the Port Phillip City Council (the Council) at its meeting of 27 August 1997 resolved to repeal Local Law No. 6/1996, Council Meetings Procedures, and replace it by making a new Local Law No. 6/1997 under Sections 91 and 111 of the **Local Government Act 1989**.

The purpose of this Local Law, which came into operation on 27 August 1997, is to:

- (a) regulate proceedings at Council meetings and special committees conducted by or on behalf of the Council;
- (b) provide for the election of the Mayor of Council and the Chairpersons of special committees;
- (c) regulate the use of the Common Seal of the Council; and
- (d) substitute Council Meetings Procedures Local Law No. 6/1997 for the previously existing Council Meetings Procedures Local Law No. 6/1996.

The general purport of Local Law No. 6/1997 includes specification of the form of regulation with a view to achieving the stated objectives and in particular provides for:

- (a) the manner in which the Mayor and Chairpersons of Council Committees are elected;
- (b) the quorums for meetings;
- (c) the meeting procedures and administrations;
- (d) the method of addressing confidential reports;
- (e) the conduct of question time;
- (f) the procedures for motions and debate;
- (g) the manner in which the standards of conduct will be regulated;
- (h) the manner for receiving deputations and public comment; and
- (i) the procedures for and restriction of the use of the Common Seal of the Council and the prohibition of unauthorised use of any device resembling the Common Seal.

A copy of the proposed Local Law may be obtained from or inspected at the Council Offices at the corner of Carlisle Street and Brighton Road, St Kilda, during normal office hours.

ANNE DUNN  
Chief Executive Officer



**City West Water**  
LIMITED

**SEWERAGE DECLARATION NOTICE**

On behalf of Melbourne Water sewerage pipes have been laid in each Serviced Area referred to below. From 2 October 1997 each property or part of a property within each Serviced Area will be a declared serviced property and rateable under the **Melbourne and Metropolitan Board of Works Act 1958** and the **Water Industry Act 1994**.

**CITY OF BRIMBANK**

Lots 2056 to 2115 on PS301315 being lots in Lyell Place, Albany Court, O'Hara Court, Murchison Avenue and Tasman Crescent. Lots 248 to 277 on PS301316 being lots in Namatjira and Rigby Courts. Lots 97 to 126 and Lots 129 to 132 on PS349707 being lots in Vella Drive. Lots 7 to 28 and Lots 49-52 PS403874 being lots in Adrienne Close. Lots 1 and S2 on PS405044 Strezelecki Avenue. Lots 1101 to 1161 on PS405575 being lots in Cassinia Street, Kanooka Court, Lacebark Road, Kurrajong Road and Copperfield Drive. Lots 585 to 591 and Lots 593 to 596 and Lots 613 to 621 on PS405873 being lots in Bugay Court, Mark Drive and Erin Street.

**CITY OF HOBSONS BAY**

Lots 18 and S4 on PS333340 being lots in Harcourt Road.

**SHIRE OF MELTON**

Lots 2001 to 2048 PS340508 being lots in Landscape Drive, Oakmont Court, Stirling Court and Wellington Drive. Lots 1 to 6 PS348874 in Oakwood Court. Lots 453 to 466 and Lots 521 to 535 on PS405755 being lots in Glenbruar Drive, Holton Court and Totmorvey Avenue.

**CITY OF WYNDHAM**

Lots 91 to 101 and Lots 145 to 155 and Lots 289 to 291 on PS317451 being lots in Quarrior Court. Lots 351 to 372 on PS328914 being lots in Denver Court and Tandarra Drive. Lots 97 to 125 on PS339134 being lots in Pineview and Pinecone Courts. Lots 1 to 5 on PS402380 in Purchas Street. Lots 1015 to 1044 on PS402669 being lots in Oleander Drive, Rose Gardens Place and Westmill Drive. Lots 1 to 25 on PS348056 being lots in Bellbridge Drive, Hawthorn Drive and Morell Drive. Lots 101 to 124 on PS402885 being lots in Rosella Avenue. Lot 5 on PS403050 in Derrimut Road. Lot 16 on PS406049 in William Angliss Drive. Lot 17 on PS407066 in William Angliss Drive. Lots 181 to 184 on PS407074 in Clover Lane. Lots 1 and 2 on PS407551 in Boundary Road. Lots 121A and 121B and 122A and 122B on PS408273 in Byron and Birch Courts.

Further particulars may be obtained from Robert Mancini, City West Water on telephone 9313 8321.

**KIMLEY J. WOOD**  
Managing Director  
City West Water Limited

**MELBOURNE WATER CORPORATION**  
Water Supply Notice

Water mains have been laid to supply water to each property described below. This notice is given under the **Melbourne and Metropolitan Board of Works Act 1958** to require the owner of each property to lay connection pipes for water supply. Each property is declared a serviced property under the **Water Industry Act 1994** and rates will be liable from the date of connection or from 2 October 1997 whichever occurs first.

**CITY OF BRIMBANK**

Lots 2056 to 2115 on PS301315 being lots in Lyell Place, Albany Court, O'Hara Court, Murchison Avenue and Tasman Crescent. Lots 248 to 277 on PS301316 being lots in Namatjira and Rigby Courts. Lots 1201 to 1216 on PS340514 being lots in McGregor Court. Lots 97 to 126 and Lots 129 to 132 on PS349707 being lots in Vella Drive. Lots 7 to 28 and Lots 49 to 52 PS403874 being lots in Adrienne Close. Lots 1 and S2 on PS405044 in Strezelecki Avenue. Lots 1101 to 1161 on PS405575 being lots in Cassinia Street, Kanooka Court, Lacebark Road, Kurrajong Road and Copperfield Drive. Lots 585 to 591

and Lots 593 to 596 and Lots 613 to 621 on PS405873 being lots in Bugay Court, Mark Drive and Erin Street.

**CITY OF MELBOURNE**

Lots 1 to 10 on PS405857 being lots in Watkins Way, Stockmans Way, Hutton Place and Strettle Street.

**SHIRE OF MELTON**

Lots 2001 to 2048 PS340508 being lots in Landscape Drive, Oakmont Court, Stirling Court and Wellington Drive. Lots 472 to 515 on PS344465 being lots in Abelia Court, Panorama Drive and Torquita Court. Lots 1 to 6 PS348874 in Oakwood Court. Lots 453 to 466 and Lots 521 to 535 on PS405755 being lots in Glenbruar Drive, Holton Court and Totmorvey Avenue.

**CITY OF MOONEE VALLEY**

Lot 1 on PS404071 in Angler Parade.

**CITY OF WYNDHAM**

Lots 91 to 101 and Lots 145 to 155 and Lots 289 to 291 on PS317451 being lots in Quarrior Court. Lots 351 to 372 on PS328914 being lots in Denver Court and Tandarra Drive. Lots 97 to 125 on PS339134 being lots in Pineview and Pinecone Courts. Lots 496 to 527 on PS345050 being lots in Oldtrack Place. Lots 1015 to 1044 on PS402669 being lots in Oleander Drive, Rose Gardens Place and Westmill Drive. Lots 1 to 25 on PS348056 being lots in Bellbridge Drive, Hawthorn Drive and Morell Drive. Lot 5 on PS403050 in Derrimut Road. Lot 16 on PS406049 in William Angliss Drive. Lot 17 on PS407066 in William Angliss Drive.

**CITY OF YARRA**

Lots 1 to 4 on PS409167 in Turner Street. Lots 1 and 2 on PS339516 in Drummond Street. Lots 1 and 2 on PS403071 in Drummond Street.

Further particulars may be obtained from Robert Mancini, City West Water on telephone 9313 8321.

**KIMLEY J. WOOD**  
Managing Director  
City West Water Limited

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

Maroondah City Council has prepared Amendment L14 to the Maroondah Planning Scheme.



The amendment affects various parcels of Council owned land, which are currently reserved for Public Open Space purposes. This land has been determined to be surplus to the needs of the Maroondah Open Space network.

The amendment proposes to rezone land at 18 Nuraylia Avenue, Croydon; Susans Court, Croydon; 10-12 Baker Road, North Bayswater; 14 Central Avenue, Croydon and Ramsay Street, Croydon, from Public Open Space to Croydon Neighbourhood Residential.

One parcel of land at 56 Vinter Avenue, Croydon, is proposed to be rezoned to the State Industrial 3 Zone under the Maroondah Planning Scheme.

The amendment can be inspected at Maroondah City Council, Ringwood Office, Braeside Avenue, Ringwood or Maroondah City Council, Croydon Office, Civic Square, Croydon and the Department of Infrastructure Book Shop, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne.

Submissions about the amendment must be sent to Maroondah City Council, P.O. Box 156, Ringwood 3134, by Monday, 6 October 1997.

PHILLIP TURNER  
Manager Integrated Planning

**Planning and Environment Act 1987**  
**MONASH PLANNING SCHEME**  
Notice of Amendment  
Amendment L25

The City of Monash has prepared Amendment L25 to the Monash Planning Scheme.

The amendment proposes to rezone land at 36 Darlington Avenue, Wheelers Hill, to Residential "C".

Council has resolved to sell the property for residential purposes and Residential "C" will be consistent with the intended use and surrounding residential properties.

A copy of the amendment can be inspected during office hours free of charge at either the City of Monash, Civic Centre, 293 Springvale Road, Glen Waverley or the Department of Infrastructure, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne.

Submissions about the amendment must be sent to the City of Monash, care of Post Office Box 1, Glen Waverley 3150, by 6 October 1997.

DAVID CONRAN  
Chief Executive Officer

**Planning and Environment Act 1987**  
**STAWELL (SHIRE) PLANNING SCHEME**  
Notice of Amendment to a Planning Scheme  
Amendment L18

The Northern Grampians Shire Council has prepared Amendment L18 to the Stawell (Shire) Planning Scheme.

The amendment affects land at CA 6ZB, Parish of Boroka, Grampians Road, Halls Gap, (Department of Natural Resources and Environment Depot) and CA 26B and CA 26C, Parish of Boroka, Tandarra Road, Halls Gap, (land excluded from the Grampians National Park).

The amendment proposes to

- rezone the land from a Public Land Zone to a Residential zoning.

The amendment can be inspected at the Customer Service Centre, Northern Grampians Shire Council, Gold Reef Mall, Stawell; Department of Infrastructure, Regional Office, State Government Offices, corner Mair and Doveton Streets, Ballarat 3350 and the Department of Infrastructure, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne 3000.

Submissions about this amendment must be sent to Chief Executive Officer, Northern Grampians Shire Council, P.O. Box 580, Stawell, Victoria 3380, by 6 October 1997.

R. A. MARSHALL  
Chief Executive Officer

**Planning and Environment Act 1987**  
**YARRA RANGES PLANNING SCHEME—**  
**LOCAL SECTION**  
Chapter 2 (Lilydale District)  
Notice of Amendment  
Amendment L75

The Council of the Shire of Yarra Ranges has prepared an amendment, Amendment L75, to the Yarra Ranges Planning Scheme—Local Section—Chapter 2 (Lilydale District).

The amendment proposes to exempt Lots 3 and 4 LP 6660, 27-29 Sunnyside Road, Gruyere, from the tenement provisions of Chapter 2 (Lilydale District) of the Yarra Ranges Planning Scheme and permit the erection of a house on each lot.

**SUBMISSIONS**

The amendment can be inspected free of charge during normal office hours at the following Yarra Ranges Service Centres:

Anderson Street, Lilydale; 94 Main Street, Monbulk; 276 Maroondah Highway, Healesville; 40 Main Street, Upwey; Warburton Highway/Hoddle Street, Yarra Junction and at the Department of Infrastructure, Office of Planning and Heritage, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne.

Any submissions about the amendment must:

- be made in writing, giving the submitter's name, address and, if practicable, a phone number for contact during office hours;
- set out the views on the amendment, that the submitter wishes to put before Council and indicate what changes (if any) the submitter wishes made to the amendment; and
- state whether the person/s making the submission/s wishes to be heard in support of their submission.

Submissions must be sent to Mr Eric Howard, Chief Executive Officer, Shire of Yarra Ranges, P.O. Box 105, Lilydale 3140, and must reach the Shire at the above address by 6 October 1997.

Enquiries about the amendment can either be made by calling at the Land Use Strategy Unit, Lilydale Office, Anderson Street, Lilydale, during normal office hours, or by telephoning Emma Yardy on (03) 9735 8378.

GRAHAM WHITT  
Manager Land Use Strategy and Services

**Planning and Environment Act 1987**  
**BRIMBANK PLANNING SCHEME**  
Notice of Amendment  
Amendment L38

Brimbank City Council has prepared Amendment L38 to the Brimbank Planning Scheme.

The submission period has been extended from 12 September 1997 to 15 September 1997.

The amendment proposes to rezone land situated at 447-453 Ballarat Road, Sunshine, from a Residential C (Sunshine) Zone to a Business 4 Zone. A site specific control is proposed to allow the development of the land for the purpose of peripheral sales in accordance with a concept plan exhibited with this amendment.

A copy of the amendment can be inspected at the office of Brimbank City Council: Keilor Office, Old Calder Highway, Keilor; Sunshine Office, Alexandra Avenue, Sunshine and the Department of Infrastructure, Office of Planning and Heritage, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and will be open for inspection during office hours by any person free of charge.

Submissions about the amendment must be sent to Brimbank City Council, P.O. Box 70, Sunshine 3020, by 15 September 1997.

PETER COLLINA  
Manager City Development

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

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

The Corangamite Shire Council has prepared a new Corangamite Planning Scheme.

The Planning Scheme affects all of the area of the municipal district of the Corangamite Shire Council.

The Planning Scheme introduces a new Corangamite Planning Scheme as required by the **Planning and Environment (Planning Schemes) Act 1996**, including a new format containing selected State standard provisions from the Victorian Planning Provisions, a municipal strategic statement, state and local policy frameworks, standardised zones, overlays, particular provisions relating to use and development, and a number of administrative provisions and definitions. The new Planning Scheme also incorporates a number of documents specified in the Planning Scheme, and contains new maps applying the standardised zones and overlays to land within the area covered by the Scheme.

The Planning Scheme, including incorporated documents and maps, can be inspected during office hours at Post Office, Skipton; Post Office, Lismore; Post Office and Library, Derrinallum; Post Office and Library, Terang; Civic Centre, (181 Manifold Street), Post Office and Library, Camperdown; Post Office and Library, Cobden; Post Office and Library, Timboon; Post Office, Simpson; Parks Victoria Office, (Morris Street), Port Campbell; Department of Infrastructure, Customer Service Centre, Level 3 Plaza,

Nauru House, 80 Collins Street, Melbourne 3000 and the Department of Infrastructure, Barwon/South West Region, 5th Floor, State Government Offices, corner Little Malop and Fenwick Streets, Geelong 3220.

Copies of the Planning Scheme will be available for short term loan at each of the township libraries above.

Submissions about the Planning Scheme must be sent to the CEO, Corangamite Shire, P.O. Box 84, Camperdown 3260, by Thursday, 6 November 1997. A submission may include a request that a State standard provision be included in or deleted from the Planning Scheme, but cannot request a change to the terms of any State standard provision.

GARY STEVENSON  
Chief Executive Officer

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

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

The Cardinia Shire Council has prepared a new Cardinia Planning Scheme.

The Planning Scheme affects all of the area of the municipal district of the Cardinia Shire Council.

The Cardinia Planning Scheme is a new Planning Scheme as required by the **Planning and Environment (Planning Schemes) Act 1996**, including a new format containing selected State standard provisions from the Victorian Planning Provisions, a municipal strategic statement, state and local policy frameworks, standardised zones, overlays, particular provisions relating to use and development, and a number of administrative provisions and definitions. The new Planning Scheme also incorporates a number of documents specified in the Planning Scheme, and contains new maps applying the standardised zones and overlays to land within the area covered by the Scheme.

The Planning Scheme, including incorporated documents and maps, can be inspected during office hours at Cardinia Shire Council, Municipal Office, Henty Way, Pakenham; Pakenham Library, John Street, Pakenham and the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne.

Any person, group or organisation may make a submission about the new Cardinia Planning Scheme. Submissions about the Planning Scheme must be in writing and sent to Cardinia Shire Council, P.O. Box 7, Pakenham, by 7 November 1997.

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

JIM STEVENSON  
Chief Executive Officer

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

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

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

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

The Planning Scheme introduces a new Maribyrnong Planning Scheme as required by the **Planning and Environment (Planning Schemes) Act 1996**, including a new format containing selected State standard provisions from the Victorian Planning Provisions, a municipal strategic statement, state and local policy frameworks, standardised zones, overlays, particular provisions relating to use and development, and a number of administrative provisions and definitions. The new Planning Scheme also incorporates a number of documents specified in the Planning Scheme, and contains new maps applying the standardised zones and overlays to land within the area covered by the Scheme.

The Planning Scheme, including incorporated documents and maps, can be inspected during office hours at Maribyrnong City Council, Municipal Offices, corner Hyde and Napier Streets, Footscray 3011 and the Department of Infrastructure, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne 3000.

Submissions about the Planning Scheme must be sent to Planning Scheme Reform, Maribyrnong City Council, P.O. Box 58, Footscray 3011, by 31 October 1997. A submission may include a request that a State

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

PHILLIP SHANAHAN  
Chief Executive Officer

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

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

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

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

The Planning Scheme introduces a new Frankston Planning Scheme as required by the **Planning and Environment (Planning Schemes) Act 1996**, including a new format containing selected State standard provisions from the Victoria Planning Provisions, a municipal strategic statement, state and local policy frameworks, standardised zones, overlays, particular provisions relating to use and development, and a number of administrative provisions and definitions. The new Planning Scheme also incorporates a number of documents specified in the Planning Scheme, and contains new maps applying the standardised zones and overlays to land within the area covered by the Scheme.

The Planning Scheme, including incorporated documents and maps, can be inspected during office hours at Frankston City Council, Civic Centre, Davey Street, Frankston and at the Department of Infrastructure, Bookshop, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne.

Submissions about the Planning Scheme must be sent to Frankston City Council, Civic Centre, P.O. Box 490, Frankston 3199, by 23 October 1997. A submission may include a request that a State standard provision be included in or deleted from the Planning Scheme, but cannot request a change to the terms of any State standard provision.

JON EDWARDS  
Chief Executive Officer

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

Position No. EPA400713, Environment  
Protection Officer ENV 3, Environment  
Protection Authority.

*Reason 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.

Dated 25 August 1997

JOHN BRIAN ROBINSON  
Chairman

Environment Protection Authority

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

Position No. EPA300708, Environment  
Protection Officer ENV 3, Environment  
Protection Authority.

*Reason 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.

Dated 25 August 1997

JOHN BRIAN ROBINSON  
Chairman

Environment Protection Authority

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

Position No. 48/90/0101/3, Victorian Public  
Service Officer, VPS-2 Para Legal Officer,  
County Court Appeals Section, Office of  
Public Prosecutions.

*Reasons for exemption*

The vacancy has duties and qualifications identical to another vacancy that has recently been advertised and the person was an applicant for the other vacancy and was assessed as clearly meeting all of the requirements of the position.

PETER WOOD  
Solicitor for Public Prosecutions

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

Position No. NRE223276, VPS-3,  
Scientist—I.P.M. Pome Fruit, Institute for  
Horticultural Development Knoxfield,  
Department of Natural Resources and  
Environment.

*Reason 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.

MICHAEL TAYLOR  
Secretary  
Department of Natural Resources  
and Environment

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

Position No. DSD010627 Manager,  
Marketing Services, Marketing, Business  
Services and Marketing Class, VPS-5,  
Department of State Development.

*Reasons for exemption*

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

RIK HART  
Secretary  
Department of State Development

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

Position No. DSD010525, Manager, Public  
Affairs, Marketing, Business Services and  
Marketing Class, VPS-5, Department of State  
Development.

*Reasons for exemption*

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

RIK HART  
Secretary  
Department of State Development

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

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

*Reasons for exemption*

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

RIK HART  
Secretary  
Department of State Development

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

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

Position No. 48/25/1259/0, Director,  
Children's Court Clinic, Department of  
Justice.

*Reasons for exemption*

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

ALAN THOMPSON  
Secretary to the Department of Justice

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

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

Position No. 10/50/0113/2, Technical Officer, VPS-2, Victoria State Emergency Service.

*Reasons for exemption*

The position has been reclassified from apprentice to Technical Officer, VPS-2 in recognition of the incumbent completing his apprenticeship and attaining the requirements for a Radio Tradesman, Electronics.

ALAN THOMPSON  
Secretary to the Department of Justice

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

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

Position No. 48/05/8289/0, VPS-4, Co-ordinator, Electronic Service Delivery and Communication, Corporate Management, Department of Justice.

*Reasons for exemption*

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

ALAN THOMPSON  
Secretary to the Department of Justice

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

Position No. 25/81/1088/0, Personnel Officer, Class VPS-3, Adult Migrant Education Services, Department of Education.

*Reason for exemption*

The vacancy has duties and qualifications 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.

GEOFF SPRING  
Secretary  
Department of Education

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

Tenders Close 2.00 p.m., Wednesday, 1 October 1997.

At Victorian Government Property Group, Level 10/1 Macarthur Street, Melbourne 3000.

**Address of Property:** 69-119 Salmon Street, Port Melbourne 3207.

**Crown Description:** Crown Allotments 16A and 16B, Section 67E, Parish of Melbourne South.

**Area:** Crown Allotment 16A—1.265 hectares. Crown Allotment 16B—7.467 hectares.

**Officer Co-ordinating Sale:** Helen Mevius, Manager, Operations, Victorian Government Property Group.

**Selling Agent:** DTZ Debenham International, 469 Latrobe Street, Melbourne 3000, telephone 9605 3000.

ROGER M. HALLAM  
Minister for Finance

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

**Auction Date:** Friday, 14 November 1997 at 2.00 p.m. at the Performing Arts Centre, Town Hall, Ararat.

**Lot 1:**

**Property Address:** Corner Boronia and Gordon Streets, Ararat.

**Crown Description:** Allotment 7A, Section 35, Township of Ararat.

**Area:** 6139 m<sup>2</sup>.

**Reference:** 05P100178.

**Lot 2:**

**Property Address:** McLellan Street, Ararat.

**Crown Description:** Allotment 4A, Section 35, Township of Ararat.

**Area:** 2099 m<sup>2</sup>.

**Reference:** 05P100177.

**Lot 3:**

**Property Address:** Queen, Blake and Dean Streets, Ararat.

**Crown Description:** Allotment 8, Section 129, Township of Ararat.

**Area:** 6605 m<sup>2</sup>.

**Reference:** 05P100141.

**Lot 4:**

**Property Address:** 16 Speed Street, Ararat.

**Crown Description:** Allotment 15, Section K, Township of Ararat.

**Area:** 1083 m<sup>2</sup>.

**Reference:** 05L3-3604.

**Lot 5:**

**Property Address:** Elizabeth Street, Ararat.

**Crown Description:** Allotment 4, Section 91A, Township of Ararat.

**Area:** 9.181 hectares.

**Reference:** 05P109263.

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

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

**Selling Agent:** Garry Todd, Elders Real Estate, 253 Barkly Street, Ararat, telephone (03) 5352 2460.

ROGER M. HALLAM  
Minister for Finance

MEDICAL PRACTITIONERS BOARD OF  
VICTORIA  
Notice

Re: Dr Christopher Denis Dirckze

A Panel of the Medical Practitioners Board of Victoria on Monday, 25 August 1997 at the completion of a Formal Hearing conducted into the activities of Dr Christopher Denis Dirckze found pursuant to Section 50 (1) (a) of the **Medical Practice Act 1994** that Dr Dirckze had engaged in unprofessional conduct of a serious nature.

Acting in accordance with Section 17 (4A) of the previous **Medical Practitioners Act 1970** the Panel ordered that the name of Dr C. D. Dirckze be removed from the Medical Register.

The removal of the name of Dr Dirckze to be effective from 25 August 1997.

JOHN H. SMITH  
Registrar

VICTORIAN ELECTORAL COMMISSION  
Notice of Application for Registration of a  
Political Party

The following application has been received for registration of a political party under Victoria's electoral law.

**Proposed name of party:** Abolish Child Support and Family Court.

**Name and address of proposed registered officer:** Nevil Abolish Child Support and Family Court, 8 Paulette Court, Scoresby, Victoria 3179.

The application is made, and signed by, ten members of the party. The application states their names and addresses as follows:

N. Abolish Child Support and Family Court,  
8 Paulette Court, Scoresby.

Brendan Griffin, 6 Nairn Avenue, Ascot Vale.

Emanuel Goldberg, 1/6 Tattenham Street, South Caulfield.

Peter John Moret, 27 Frederick Street, Dandenong.

Richard George Thompson, Flat 1/45 Pasley Street, Sunbury.

Lindsay Selwyn Jackel, 836 High Street Road, Glen Waverley.

Gavin James Artridge, 28 Reita Avenue, Wantima South.

Gregory James Edmonds, 1-46 Bedford Road, Ringwood.

Mark Newing, 9 Heathmont Road, Ringwood.

Sevena Ritchie, 28 Loretto Avenue, Ferntree Gully.

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 (an eligible political party is a political party that has at least five hundred members as required by Section 148A (1) of **The Constitution Act Amendment Act 1958**);
- (ii) is not in accordance with Section 148D of the above Act; or
- (iii) should be refused under Section 148G of the above 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 6 October 1997.

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, Victorian Electoral Commission, Level 8, 505 Little Collins Street, Melbourne, Victoria 3000.

Any inquiries may be directed to Mr Doug Beecroft, Manager, Public Information and Research Branch, Victorian Electoral Commission, on (03) 9287 7455.

This notice is placed as required by Section 148K of **The Constitution Act Amendment Act 1958**.

DR G. P. LYONS  
Electoral Commissioner

#### REVIEW OF ENVIRONMENT PROTECTION (RESIDENTIAL NOISE) REGULATIONS 1987

The current Environment Protection (Residential Noise) Regulations prescribe a range of times when the use of common household items is considered unreasonable for purposes of the **Environment Protection Act 1970**. For example the regulations limit the times when it is considered reasonable to use a lawnmower.

A draft of the Environment Protection (Residential Noise) Regulations 1997, has been prepared by EPA and is available for public comment. A Regulatory Impact Statement (R.I.S.) discussing the costs and benefits of making the regulation is also available.

The draft regulations are designed to replace the current regulations which would otherwise automatically sunset (cease to have legal effect) in November 1997. The objectives of the draft regulations are to:

- assist in clarifying what constitutes unreasonable residential noise for the purposes of the **Environment Protection Act 1970**;
- minimise conflict between neighbours by establishing clear rules about when certain commonly used items should not be used; and
- protect residents from noise at the times they are most likely to be disturbed by noise.

The R.I.S. finds that the costs and benefits of the proposed approach outweighs the costs and benefits of alternatives such as introducing decibel measurement of residential noise complaints. Feedback to date indicates very strong support for the current regulations to be re-made in some form.

Public comments are sought on the draft regulations by Friday, 3 October 1997. The R.I.S. and draft regulations can be obtained via the EPA internet site or by contacting the Project Manager, Tim Eaton at EPA, G.P.O. Box 4395QQ, Melbourne 3001, telephone (03) 9628 5648, facsimile (03) 9628 5428, <http://www.epa.vic.gov.au>.

#### PHYSIOTHERAPISTS REGISTRATION BOARD OF VICTORIA Regulatory Impact Statement in Relation to Increase in Fees Payable to the Board

The Physiotherapists Registration Board has issued a Regulatory Impact Statement that explains the reasons for the proposed increase in fees that are to be payable by physiotherapists from 1 December 1997.

#### EXECUTIVE SUMMARY

The proposition put by the Regulatory Impact Statement is to provide a financial mechanism that will allow the Board to be self-funding. The strategy for this is to increase the fees charged by the Board.



The Board exists for the purpose of protecting the public. It does this by ensuring that only appropriately qualified persons are registered with the Board and therefore able to carry on the practice of physiotherapy. The Board protects the community from the misconduct of physiotherapists and from the practise of physiotherapy by non-registered persons.

Late in 1995 the Board conducted an inquiry into the conduct of three physiotherapists and found them guilty of unprofessional conduct. The Board fined each of the physiotherapists and imposed conditions on their practice. The three physiotherapists however appealed the Board's finding to the Supreme Court of Victoria. The three physiotherapists eventually withdrew their appeals but by then the Board had incurred legal fees of approximately \$300,000.

The outcome of this is that all the assets of the Board have been used up. The Board cannot continue to function if it has no financial reserves and it is therefore in the process of borrowing from its bank and the proposal put by this Regulatory Impact Statement is that the Board's registration fees (both for annual renewal of registration and initial registration) increase by approximately \$100 each—to \$130 and \$160 respectively. This will raise additional revenue in a year of something like \$345,000. The Board intends keeping these increased registration fees in place for as long as it takes the Board's reserves to reach between \$500,000 and \$600,000. Once that has happened the fees will be reduced.

The cost to the community of this action will be that the fee charged for a physiotherapy treatment may increase by something between two and three cents. There is a further cost because of the inequity amongst physiotherapists as the higher fees will only apply for a period of a few years. The Board however is of the view that these additional costs are out-weighed by the benefits to the community of the continuing protection from the misconduct of physiotherapists and the practise of physiotherapy by non-registered persons.

The Board has looked at other alternatives—such as raising the additional funds either by a larger levy over a short

period of time or by a smaller levy over a long period of time. Neither of these alternatives seem appropriate to the Board.

#### COPY OF THE REGULATORY IMPACT STATEMENT

A copy of the Regulatory Impact Statement and of the proposed Statutory Rules can be obtained from the Board at the following address: Physiotherapists Registration Board of Victoria, Level 32, Nauru House, 80 Collins Street, Melbourne, Victoria 3000, telephone (03) 9258 6777, facsimile (03) 9258 6722.

#### COMMENTS AND SUBMISSIONS ARE INVITED

Comments and submissions are invited from the public. These must be in the hands of the Board by Friday, 3 October 1997.

Dated 1 September 1997

C. GRAEME ROBERTS  
Registrar

#### Subordinate Legislation Act 1994 BIRTHS, DEATHS AND MARRIAGES REGISTRATION REGULATIONS 1997

A Regulatory Impact Statement for the proposed Births, Deaths and Marriages Registration Regulations 1997 was released for public comment on 31 July 1997. Three submissions were received and have been considered. I advise that I intend to recommend that the draft Regulations be made.

JAN WADE  
Attorney-General

#### Local Government Act 1989 APPROVAL OF AN AMENDMENT TO THE WHITEHORSE MANNINGHAM REGIONAL LIBRARY CORPORATION AGREEMENT

I, Robert Maclellan, MLA, Minister for Planning and Local Government, acting pursuant to Section 196 of the **Local Government Act 1989** hereby approve an amendment to the Whitehorse Manningham Regional Library Corporation Agreement gazetted on 21 December 1995 to change the apportionment of equity between the member councils as set out in Schedule One, Statement of Regional Library Assets of the Agreement.

ROBERT MACLELLAN  
Minister for Planning and Local Government

**Osteopaths Registration Act 1996**  
**OSTEOPATHS REGISTRATION BOARD OF VICTORIA**  
**Fees Payable to the Board**

In accordance with Section 86 (1) (c) of the **Osteopaths Registration Act 1996** the Board has fixed the following fees which are payable to the Board:

<i>Section of Act</i>	<i>Fee</i>	<i>Amount</i>
4 (2) (b)	Registration	\$620
11 (1) (b)	Renewal of registration	520
11 (2)	Late payment fee	50
12 (b)	Restoration of registration	100
15 (5)	Copy of register	10
15 (5)	Extract from register	10

Dated 25 August 1997

C. GRAEME ROBERTS  
Registrar

**Water Act 1989**  
**BULK ENTITLEMENT (BEMM RIVER) CONVERSION ORDER 1997**

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

1. Citation

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

2. Empowering Provisions

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

3. Commencement

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

4. Definitions

In this Order—

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

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

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

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

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

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

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

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

- (a) prepare the East Gippsland Basin Water Accounts; and

- (b) monitor whether entitlement holders in the East Gippsland 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 East Gippsland Basin; and
- (d) investigate and mediate disputes between entitlement holders in the East Gippsland Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the East Gippsland 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;

"pump station" means the Bemm River pump station located on the waterway;

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

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

#### 6. Bulk Entitlement

The Authority may take a share of flow in the waterway specified in Clause 7, up to a total of 100 ML in any year.

#### 7. Share Of Flow

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

- (a) when  $F \leq 1.47 \text{ ML/day}$ ,

$E = F$ , and

- (b) when  $F > 1.47 \text{ ML/day}$ ,

$E = 1.47 \text{ ML/day}$ .

where—

"E" means the Authority's entitlement; and

"F" means the flow past the specified point less any water being transferred under 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 point and amount of the extraction; and
- (b) ascertain and provide to the Minister any operational requirements of the Resource Manager; and
- (c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.

8.3 The Minister may—

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

8.4 The Authority must—

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

9. Environmental Obligations

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

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

9.2 The Minister may—

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

9.3 The Authority, must at its cost—

- (a) implement the approved program; and
- (b) keep a record of all work undertaken under Paragraph 9.3 (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 from the waterway 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, and in accordance with any guidelines issued from time to time by the Minister—

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

## 11. Reporting Requirements

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

- (a) the daily amount of water taken under this bulk entitlement;
- (b) the approval, amendment and implementation of programs and proposals under Clauses 8, 9 and 10;
- (c) the annual amount of water taken under this bulk 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 Bemm River Water Supply System;
- (f) any amendment to this bulk entitlement;
- (g) any new bulk entitlement granted to the Authority with respect to the Bemm River Water Supply System;
- (h) any failure by the Authority to comply with any provision of this bulk entitlement;
- (i) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.

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

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

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

- (a) 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 Paragraph (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 East Gippsland Basin Water Accounts; and
- (b) monitor whether entitlement holders in the East Gippsland 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 East Gippsland Basin; and
- (d) investigate and mediate disputes between entitlement holders in the East Gippsland Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the East Gippsland Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.

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

13. Duty to Keep Accounts and Fix Proportions

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

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

13.3 The Resource Manager must, by 1 July in any year, determine for the Authority, 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 Subject to Sub-clause 10.1, 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.

15.2 The Authority must make available data collected for the purpose of the metering program and reporting under Sub-clauses 10.1 and 11.1 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 16.5 (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.

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

Dated 25 August 1997

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

---

**Water Act 1989**

**BULK ENTITLEMENT (BRUTHEN) CONVERSION ORDER 1997**

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

1. Citation

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

2. Empowering Provisions

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

3. Commencement

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

4. Definitions

In this Order—

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

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

"Authority" means the East Gippsland Region Water Authority;

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

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

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

"pump station" means the Bruthen pump station located on the waterway;

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

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

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

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

#### 6. Bulk Entitlement

The Authority may take a share of flow in the waterway specified in Clause 7, up to a total of 313 ML in any year.

#### 7. Share Of Flow

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

- (a) when  $F \leq 2.1$  ML/day,  
 $E = F$ , and
- (b) when  $F > 2.1$  ML/day,  
 $E = 2.1$  ML/day.

where—

"E" means the Authority's entitlement; and

"F" means the flow past the specified point less any water being transferred under 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 point and amount of the extraction; and
- (b) ascertain and provide to the Minister any operational requirements of the Resource Manager; and
- (c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.

8.3 The Minister may—

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

8.4 The Authority must—

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

9. Environmental Obligations

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

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

9.2 The Minister may—

- (a) approve the program proposed under Sub-clause 9.1; or

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

9.3 The Authority, must at its cost—

- (a) implement the approved program; and
- (b) keep a record of all work undertaken under Paragraph 9.3 (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, and in accordance with any guidelines issued from time to time by the Minister—

- (a) implement and maintain the approved metering program; and
- (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrate and, if rating curves are used to calculate flows, ensure that these curves are regularly checked and, if necessary, revised; and
- (c) keep a record of all work undertaken under Paragraph 10.3 (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 under this bulk entitlement;
- (b) the approval, amendment and implementation of programs and proposals under Clauses 8, 9 and 10;
- (c) the annual amount of water taken by the Authority from the waterway under this entitlement;
- (d) any temporary or permanent transfer of all or part of this bulk entitlement;
- (e) any bulk entitlement or licence temporarily or permanently transferred to the Authority with respect to the Bruthen Water Supply System;
- (f) any amendment to this bulk entitlement;
- (g) any new bulk entitlement granted to the Authority with respect to the Bruthen Water Supply System;

- (h) any failure by the Authority to comply with any provision of this bulk entitlement;
  - (i) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 11.2 The Minister may require the Authority to report on all or any of the matters set out in Sub-clause 11.1—
  - (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
  - (b) within 14 days of receiving the Minister's written request.
- 11.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in Sub-clause 11.1, except—
  - (a) 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 Paragraph (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 Tambo River Basin Water Accounts; and
  - (b) monitor whether entitlement holders in the Tambo River 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 Tambo River Basin; and
  - (d) investigate and mediate disputes between entitlement holders in the Tambo River Basin; and
  - (e) investigate and deal with significant unauthorised uses of water in the Tambo River Basin; and
  - (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.
- 12.2 The proportion of the costs referred to in Sub-clause 12.1 is to be determined by the Resource Manager under Sub-clause 13.3.
- 13. Duty to Keep Accounts and Fix Proportions
- 13.1 The Authority is not obliged to make any payment to the Resource Manager, under Clause 12 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.
- 13.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to Sub-clause 12.1.

13.3 The Resource Manager must, by 1 July in any year, determine for the Authority, 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 Subject to Sub-clause 10.1, 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.

15.2 The Authority must make available data collected for the purpose of the metering program and reporting under Sub-clauses 10.1 and 11.1 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 16.5 (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.

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

Dated 25 August 1997

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

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

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

1. Citation

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

2. Empowering Provisions

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

3. Commencement

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

4. Definitions

In this Order—

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

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

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

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

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

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

"*pump station*" means the Buchan pump station located on the waterway;

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

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

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

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

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

#### 6. Bulk Entitlement

The Authority may take a share of flow in the waterway specified in Clause 7, up to a total of 170 ML in any year.

#### 7. SHARE OF FLOW

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

(a) when  $F \leq 1.05$  ML/day,

$E = F$ , and

(b) when  $F > 1.05$  ML/day,

$E = 1.05$  ML/day.

where—

"E" means the Authority's entitlement; and

"F" means the flow past the specified point less any water being transferred under 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 point and amount of the extraction; and

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

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

8.3 The Minister may—

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

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

(c) require the Authority—

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

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

8.4 The Authority must—

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

9. Environmental Obligations

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

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

9.2 The Minister may—

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

9.3 The Authority, must at its cost—

- (a) implement the approved program; and
- (b) keep a record of all work undertaken under Paragraph 9.3 (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 from the waterway 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, and in accordance with any guidelines issued from time to time by the Minister—

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

## 11. Reporting Requirements

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

- (a) the daily amount of water taken under this bulk entitlement;
- (b) the approval, amendment and implementation of programs and proposals under Clauses 8, 9 and 10;
- (c) the annual amount of water taken under this bulk 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 Buchan Water Supply System;
- (f) any amendment to this bulk entitlement;
- (g) any new bulk entitlement granted to the Authority with respect to the Buchan Water Supply System;
- (h) any failure by the Authority to comply with any provision of this bulk entitlement;
- (i) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.

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

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

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

- (a) 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 Paragraph (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 Snowy River Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Snowy River 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 Snowy River Basin; and
- (d) investigate and mediate disputes between entitlement holders in the Snowy River Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Snowy River Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.

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

#### 13. Duty to Keep Accounts and Fix Proportions

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

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

13.3 The Resource Manager must, by 1 July in any year, determine for the Authority, 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 Subject to Sub-clause 10.1, 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.

15.2 The Authority must make available data collected for the purpose of the metering program and reporting under Sub-clauses 10.1 and 11.1 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 16.5 (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.

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

Dated 25 August 1997

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

**Water Act 1989**  
**BULK ENTITLEMENT (CANN RIVER) CONVERSION ORDER 1997**

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

1. Citation

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

2. Empowering Provisions

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

3. Commencement

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

4. Definitions

In this Order—

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

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

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

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

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

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

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

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

(a) prepare the East Gippsland Basin Water Accounts; and

(b) monitor whether entitlement holders in the East Gippsland 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 East Gippsland Basin; and
- (d) investigate and mediate disputes between entitlement holders in the East Gippsland Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the East Gippsland 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;

"pump station" means the Cann River pump station located on the waterway;

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

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

#### 6. Bulk Entitlement

The Authority may take a share of flow in the waterway specified in Clause 7, up to a total of 192 ML in any year.

#### 7. Share of Flow

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

- (a) when  $F \leq 1.04$  ML/day,  
E = F, and
- (b) when  $F > 1.04$  ML/day,  
E = 1.04 ML/day.

where—

"E" means the Authority's entitlement; and

"F" means the flow past the specified point less any water being transferred under 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 point and amount of the extraction; and

- (b) ascertain and provide to the Minister any operational requirements of the Resource Manager; and
- (c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.

8.3 The Minister may—

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

8.4 The Authority must—

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

9. Environmental Obligations

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

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

9.2 The Minister may—

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

9.3 The Authority, must at its cost—

- (a) implement the approved program; and
- (b) keep a record of all work undertaken under Paragraph 9.3 (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 from the waterway 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, and in accordance with any guidelines issued from time to time by the Minister—
  - (a) implement and maintain the approved metering program; and
  - (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, if rating curves are used to calculate flows, ensure that these curves are regularly checked and, if necessary, revised; and
  - (c) keep a record of all work undertaken under Paragraph (b).
- 11. Reporting Requirements
- 11.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:
  - (a) the daily amount of water taken under this bulk entitlement;
  - (b) the approval, amendment and implementation of programs and proposals under Clauses 8, 9 and 10;
  - (c) the annual amount of water taken under this bulk 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 Cann River Water Supply System;
  - (f) any amendment to this bulk entitlement;
  - (g) any new bulk entitlement granted to the Authority with respect to the Cann River Water Supply System;
  - (h) any failure by the Authority to comply with any provision of this bulk entitlement;
  - (i) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 11.2 The Minister may require the Authority to report on all or any of the matters set out in Sub-clause 11.1—
  - (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
  - (b) within 14 days of receiving the Minister's written request.
- 11.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in Sub-clause 11.1, except—
  - (a) 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 Paragraph (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 East Gippsland Basin Water Accounts; and
  - (b) monitor whether entitlement holders in the East Gippsland 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 East Gippsland Basin; and
  - (d) investigate and mediate disputes between entitlement holders in the East Gippsland Basin; and
  - (e) investigate and deal with significant unauthorised uses of water in the East Gippsland Basin; and
  - (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.
- 12.2 The proportion of the costs referred to in Sub-clause 12.1 is to be determined by the Resource Manager under Sub-clause 13.3.
- 13. Duty to Keep Accounts and Fix Proportions
- 13.1 The Authority is not obliged to make any payment to the Resource Manager, under Clause 12 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.
- 13.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to Sub-clause 12.1.
- 13.3 The Resource Manager must, by 1 July in any year, determine for the Authority, 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 Subject to Sub-clause 10.1, 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.
- 15.2 The Authority must make available data collected for the purpose of the metering program and reporting under Sub-clauses 10.1 and 11.1 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 16.5 (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.

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

Dated 25 August 1997

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

---

**Water Act 1989**

**BULK ENTITLEMENT (ORBOST SYSTEM) CONVERSION ORDER 1997**

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

1. Citation

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

2. Empowering Provisions

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

3. Commencement

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

4. Definitions

In this Order—

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

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

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

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

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

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

"offtake weir" means the offtake weir located on the Rock River;

"passing flow" means the flow in the Rocky River immediately downstream of the offtake weir;

"pump station" means the pump station operated by the Authority on the Brodribb River;

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

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

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

"system waterways" means the Brodribb River and the Rocky 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 system waterways to supply water to the Orbost Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

#### 6. Bulk Entitlement

The Authority may take a share of flow in the system waterways, as specified in Clause 7, up to a total of 2,031 ML in any year.

#### 7. Share of Flow

7.1 The Authority may take a share of the flow in the system waterways passing the pumping station and the offtake weir, calculated as follows:

- (a) when  $F_{PS} \leq 5.74$  ML/day,  
 $E_{PS} = F_{PS}$ , and
- (b) when  $F_{PS} > 5.74$  ML/day,  
 $E_{PS} = 5.74$  ML/day and
- (c) when  $F_{OW} \leq 1.0$  ML/day,  
 $E_{OW} = 0$  ML/day, and
- (d) when  $1.0 < F_{OW} \leq 2.56$  ML/day,  
 $E_{OW} = F_{OW} - 1.0$  ML/day, and



(e) when  $F_{OW} > 2.56$  ML/day,

$E_{OW} = 1.56$  ML/day.

where—

“ $E_{PS}$ ” means the Authority's entitlement from the Brodribb River at the pumping station; and

“ $E_{OW}$ ” means the Authority's entitlement from the Rocky River at the offtake weir; and

“ $F_{PS}$ ” means the flow in the Brodribb River immediately upstream of the pumping station less any water being transferred under Sub-clause 7.2; and

“ $F_{OW}$ ” means the flow in the Rocky River immediately upstream of the offtake weir less any water being transferred under Sub-clause 7.2.

7.2 The Authority is not entitled to any flow past the pumping station or the offtake weir, 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. Passing Flow

The Authority must provide the following minimum passing flow, calculated as follows:

(a) when  $0 < F_{OW} \leq 1.0$  ML/day,

the minimum passing flow  $= F_{OW}$ , and

(b) when  $F_{OW} > 1.0$  ML/day,

the minimum passing flow  $= 1.0$  ML/day.

where—

“ $F_{OW}$ ” has the same meaning as specified in Sub-clause 7.1.

#### 9. Making Allowances

9.1 In calculating water available to the Authority under this bulk entitlement at any point downstream of the pumping station or the offtake weir, allowance must be made for—

(a) any losses of water incurred between that point and the pumping station or the offtake weir; and

(b) the time taken by the flow to reach that point from the pumping station or the offtake weir.

9.2 If the Authority proposes to take water under this entitlement from a point other than the pumping station or the offtake weir, 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 point and amount of the extraction; and

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

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

9.3 The Minister may—

(a) approve a proposal made under Sub-clause 9.2; 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.

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 each system 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 each system 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; and
- (b) keep a record of all work undertaken under Paragraph 10.3 (a).

11. Metering Program

11.1 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 16, the flow in the Rocky River immediately upstream of the offtake weir; and
- (b) subject to Clause 16, the passing flow; and
- (c) the amount of water taken by the Authority from each system waterway under this bulk entitlement—

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, and in accordance with any guidelines issued from time to time by the Minister—

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

## 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) subject to Clause 16, the flow in the Rocky River immediately upstream of the offtake weir;
- (b) subject to Clause 16, the passing flow;
- (c) the daily amount of water taken from each system waterway under this bulk entitlement;
- (d) the annual amount of water taken from each system waterway under this bulk entitlement;
- (e) the approval, amendment and implementation of programs and proposals under Clauses 9, 10 and 11;
- (f) any temporary or permanent transfer of all or part of this bulk entitlement;
- (g) any bulk entitlement or licence in respect of the system waterways temporarily or permanently transferred to the Authority with respect to the Orbost Water Supply System;
- (h) any amendment to this bulk entitlement;
- (i) any new bulk entitlement granted to the Authority with respect to the Orbost Water Supply System;
- (j) any failure by the Authority to comply with any provision of this bulk entitlement;
- (k) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.

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) Paragraphs (a), (b) and (c) of Sub-clause 12.1; and
- (b) with the approval of the Minister, any particular failure referred to in Paragraph (j) 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 (k) 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 Snowy River Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Snowy River 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 Snowy River Basin; and
- (d) investigate and mediate disputes between entitlement holders in the Snowy River Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Snowy River 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 for the Authority, for 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 Sub-clause 13.1 must be paid in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and Resource Manager agree otherwise.

### 16. Exemption from Metering and Reporting

If the Authority installs works at or near each point at which it extracts water from a system 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 extracted by it, the Authority is exempted from—

- (a) the metering requirements of Paragraphs 11.1 (a) and (b); and
- (b) the reporting requirements of Paragraphs 12.1 (a) and (b).

17. Data

- 17.1 Subject to Sub-clause 11.1, 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.
- 17.2 The Authority must make available data collected for the purpose of the metering program and reporting under Sub-clauses 11.1 and 12.1 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.

18. Dispute Resolution

- 18.1 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.
- 18.2 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.
- 18.3 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.
- 18.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 18.5 (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 18.5 (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.
- 18.6 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.
- 18.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

Dated 25 August 1997

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

---

**Water Act 1989**

**BULK ENTITLEMENT (LAKES ENTRANCE) CONVERSION ORDER 1997**

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

1. Citation

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

## 2. Empowering Provisions

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

## 3. Commencement

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

## 4. Definitions

In this Order—

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

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

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

"**diversion point**" means the off-take weir located on the waterway approximately 5,000 metres downstream of the Nicholson Reservoir;

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

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

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

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

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

- (a) prepare the Tambo River Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Tambo River 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 Tambo River Basin; and
- (d) investigate and mediate disputes between entitlement holders in the Tambo River Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Tambo River 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 a point on the waterway immediately upstream of the tail water of the Nicholson Reservoir full supply level of 43.00 metres (AHD);

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

"**waterway**" means the Nicholson 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, at and upstream of the diversion point, for the supply of water to the Lakes Entrance 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 up to 2,993 ML of water from the diversion point in any year, at a maximum rate not exceeding 8.2 ML/day.

6.2 The Minister may vary the rate specified in Sub-clause 6.1 to the extent necessary to carry out any transfer of some or all of this bulk entitlement which may be authorised under Division 1, Part 4 of the Act.

#### 7. Share of Flow

7.1 The Authority is empowered to store all of the inflow to the Nicholson Reservoir when it is below its full supply level except for the passing flow specified in Clause 8.

7.2 The Authority must not take, as part of its bulk entitlement, any flow of water in the waterway 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. Passing Flow

8.1 The Authority must provide the following minimum passing flow over a 24 hour period, subject to the provision of the minimum instantaneous passing flow specified in Sub-clause 8.2:

from June to November inclusive:

when  $0 < F \leq 60$  ML/day, the passing flow =  $0.5 \times F$ ; and

when  $F > 60$  ML/day, the passing flow = 30 ML/day; and

from December to May inclusive:

when  $0 < F \leq 14$  ML/day, the passing flow =  $0.5 \times F$ ; and

when  $F > 14$  ML/day, the passing flow = 7 ML/day;

where

$F$  = the flow past the specified point measured and calculated in ML/day, less any water being transferred under Sub-clause 7.2.

8.2 The Authority must provide the following minimum instantaneous passing flow:

when  $0 < F \leq 6$  ML/day, the passing flow =  $0.5 \times F$ ; and

when  $F > 6$  ML/day, the passing flow  $\geq 3$  ML/day;

where—

$F$  has the same meaning as specified in Sub-clause 8.1.

#### 9. Releases

The Authority may operate the Nicholson Reservoir and make releases from it as it sees fit, in order to satisfy its annual entitlement.

#### 10. Share of Capacity

The Authority is entitled to—

(a) all water at any time stored in the Nicholson Reservoir; and

(b) the full capacity of the Nicholson Reservoir, up to 640 ML at full supply level of 43.00 metres Australian Height Datum—

but may not use or transfer any more than its annual entitlement in any year.

## 11. Making Allowances

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

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

11.2 If the Authority proposes to take water under this entitlement from a point other than 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 11.1; and
  - (ii) details of the proposed point 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.

11.3 The Minister may—

- (a) approve all or any means proposed under Sub-clause 11.2; 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.

11.4 The Authority must—

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

## 12. Environmental Obligations

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

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

12.2 The Minister may—

- (a) approve the program proposed under Sub-clause 12.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and



- (ii) to propose an amended program to the Minister.

12.3 The Authority, must at its cost—

- (a) implement the approved program;
- (b) keep a record of all work undertaken under Paragraph 12.3 (a).

13. Metering Program

13.1 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 18, the flow in the waterway at the specified point; and
- (b) subject to Clause 18, the passing flow; and
- (c) the amount of water taken by the Authority under this bulk entitlement; and
- (d) the amount of water in the Nicholson Reservoir

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

13.2 The metering program prepared under Sub-clause 13.1 must include details of any agreement between the Authority and any other person for measuring and calculating of in-stream flows.

13.3 The Minister may—

- (a) approve the program proposed under Sub-clause 13.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (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.

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

- (a) implement and maintain the approved metering program; and
- (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, if rating curves are used to calculate flows, ensure that these curves are regularly checked and, if necessary, revised; and
- (c) keep a record of all work undertaken under Paragraph 13.4 (b).

14. Reporting Requirements

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

- (a) subject to Clause 18, the flow in the waterway past the specified point;
- (b) subject to Clause 18, the passing flow;
- (c) the daily amount of water taken under this bulk entitlement;
- (d) the water level and amount of water stored in the Nicholson Reservoir;
- (e) the annual amount of water taken under this bulk entitlement;
- (f) the approval, amendment and implementation of programs and proposals under Clauses 11, 12 and 13;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;

- (h) any bulk entitlement or licence temporarily or permanently transferred to the Authority with respect to the Lakes Entrance Water Supply System;
  - (i) any amendment to this bulk entitlement;
  - (j) any new bulk entitlement granted to the Authority with respect to the Lakes Entrance Water Supply System;
  - (k) any failure by the Authority to comply with any provision of this bulk entitlement;
  - (l) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.
- 14.2 The Minister may require the Authority to report on all or any of the matters set out in Sub-clause 14.1—
  - (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
  - (b) within 14 days of receiving the Minister's written request.
- 14.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in Sub-clause 14.1, except—
  - (a) Paragraphs (a), (b) and (c) of Sub-clause 14.1; and
  - (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of Sub-clause 14.1.
- 14.4 The Resource Manager may require the Authority to report to it, from time to time, on all or any of the matters set out in Sub-clause 14.1.
- 14.5 Any report under Sub-clause 14.4 must be made—
  - (a) in such form as may be agreed between the Authority and the Resource Manager; and
  - (b) unless the Authority and the Resource Manager agree otherwise—
    - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in Paragraphs (a) to (d) of Sub-clause 14.1; or
    - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in Paragraphs (e) to (l) of Sub-clause 14.1.
- 15. Water Resource Management Costs
- 15.1 Subject to Sub-clause 16.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to—
  - (a) prepare the Tambo River Basin Water Accounts; and
  - (b) monitor whether entitlement holders in the Tambo River 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 Tambo River Basin; and
  - (d) investigate and mediate disputes between entitlement holders in the Tambo River Basin; and
  - (e) investigate and deal with significant unauthorised uses of water in the Tambo River Basin; and
  - (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.
- 15.2 The proportion of the costs referred to in Sub-clause 15.1 is to be determined by the Resource Manager under Sub-clause 16.3.

16. Duty to Keep Accounts and Fix Proportions

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

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

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

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

17. Duty to Make Payments

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

18. Exemption from Metering and Reporting

If the Authority installs works at or near each point at which it extracts 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 extracted by it, the Authority is exempted from—

(a) the metering requirements of Paragraphs 13.1 (a) and (b); and

(b) the reporting requirements of Paragraphs 14.1 (a) and (b).

19. Data

19.1 Subject to Sub-clause 13.1, 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.

19.2 The Authority must make available data collected for the purpose of the metering program and reporting under Sub-clauses 13.1 and 14.1 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 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.

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 20.5 (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.

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

Dated 25 August 1997

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

**Water Act 1989**

**BULK ENTITLEMENT (MALLACOOTA) CONVERSION ORDER 1997**

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

1. Citation

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

2. Empowering Provisions

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

3. Commencement

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

4. Definitions

In this Order—

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

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

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

*"diversion weir"* means the Mallacoota diversion weir located on the waterway;

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

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

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

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

*"passing flow"* means the flow in the waterway immediately downstream of the diversion weir on the waterway;

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

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

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

#### 6. Bulk Entitlement

The Authority may take a share of flow in the waterway specified in Clause 7, up to a total of 330 ML in any year.

#### 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  $F \leq 3.10$  ML/day,

$$E = 0.50 \times F, \text{ and}$$

- (b) when  $F > 3.10$  ML/day,

$$E = 1.55 \text{ ML/day.}$$

where—

"E" means the Authority's entitlement; and

"F" means the flow past the specified point less any water being transferred under 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. Passing Flow

8.1 The Authority must provide the following minimum passing flow:

when  $0 < F \leq 3.1$  ML/day, the passing flow  $= 0.5 \times F$ ; and

when  $F > 3.1$  ML/day, the passing flow  $\geq 1.55$  ML/day;

where

F = the flow past immediately upstream of the diversion weir measured and calculated in ML/day, less any water being transferred under Sub-clause 7.2.

8.2 The Authority may vary the instantaneous passing flow rate, but must ensure the passing flow specified under sub-clause 8.1 is provided over a 24 hour period.

9. Making Allowances

9.1 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.

9.2 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 9.1; and
  - (ii) details of the proposed point 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 a proposal made under Sub-clause 9.2; 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.

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 to the Resource Manager 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 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.

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

11. Metering Program

11.1 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 16, the flow in the waterway at the specified point; and
- (b) subject to Clause 16, the passing flow; and
- (c) 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.

11.2 The metering program prepared under Sub-clause 11.1 must include details of any agreement between the Authority and any other person for measuring and calculating of in-stream flows.

11.3 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.

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

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

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) subject to Clause 16, the flow in the waterway at the specified point;
- (b) subject to Clause 16, the passing flow;
- (c) the daily amount of water taken under this bulk entitlement;
- (d) the approval, amendment and implementation of programs and proposals under Clauses 9, 10 and 11;
- (e) the annual amount of water taken under this bulk entitlement;
- (f) any temporary or permanent transfer of all or part of this bulk entitlement;
- (g) any bulk entitlement or licence in respect of the waterway temporarily or permanently transferred to the Authority with respect to the Mallee Water Supply System;

- (h) any amendment to this bulk entitlement;
  - (i) any new bulk entitlement granted to the Authority with respect to the Mallacoota Water Supply System;
  - (j) any failure by the Authority to comply with any provision of this bulk entitlement;
  - (k) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 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), (b) and (c) of Sub-clause 12.1; and
  - (b) with the approval of the Minister, any particular failure referred to in Paragraph (j) 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 (k) 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 East Gippsland Basin Water Accounts; and
  - (b) monitor whether entitlement holders in the East Gippsland 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 East Gippsland Basin; and
  - (d) investigate and mediate disputes between entitlement holders in the East Gippsland Basin; and
  - (e) investigate and deal with significant unauthorised uses of water in the East Gippsland 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 for the Authority, for 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 Sub-clause 13.1 must be paid in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and Resource Manager agree otherwise.

16. Exemption from Metering and Reporting

If the Authority installs works at or near each point at which it extracts 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 extracted by it, the Authority is exempted from—

- (a) the metering requirements of Sub-clause 11.1 (a) and (b); and
- (b) the reporting requirements of Sub-clause 12.1 (a) and (b).

17. Data

17.1 Subject to Sub-clause 11.1, 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.

17.2 The Authority must make available data collected for the purpose of the metering program and reporting under Sub-clauses 11.1 and 12.1 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.

18. Dispute Resolution

18.1 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.

18.2 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.

18.3 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.

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

18.5 (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.

18.6 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.

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

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

Dated 25 August 1997

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

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

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

1. Citation

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

2. Empowering Provisions

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

3. Commencement

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

4. Definitions

In this Order—

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

"*annual entitlement*" means the total amount of water which the Authority may take from the Boggy Creek, at the system storage, in any year;

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

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

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

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

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

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

"*system storage*" means the Boggy Creek Storage on the waterway; and

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

"waterway" means the Boggy Creek;

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

#### 5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the waterway, at the Boggy Creek Storage, for the supply of water to the Nowa Nowa 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 up to 118 ML of water from the system storage in any year, at a rate not exceeding 0.86 ML/day.

6.2 The Minister may vary the rate specified in Sub-clause 6.1 to the extent necessary to carry out any transfer of some or all of this bulk entitlement which may be authorised under Division 1, Part 4 of the Act.

#### 7. Share of Flow

7.1 The Authority is empowered to store all of the inflow to the system storage when it is below its full supply level, except for any flow of water in the waterway 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. Releases

The Authority may operate the system storage and make releases from it as it sees fit, in order to satisfy its annual entitlement.

#### 9. Share of Capacity

The Authority is entitled to—

- (a) all water at any time stored in the system storage; and
- (b) the full capacity of the Boggy Creek, up to 49 ML at full supply level of 94.85 metres Australian Height Datum—

but may not use or transfer any more than its annual entitlement in any year.

#### 10. Making Allowances

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

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

10.2 If the Authority proposes to take water under this entitlement from a point other than the system storage, it must first—

- (a) propose to the Minister—
  - (i) fair, reasonable and representative means for calculating the allowances required by Sub-clause 10.1; and
  - (ii) details of the proposed point and amount of the extraction; and

- (b) ascertain and provide to the Minister any operational requirements of the Resource Manager; and
- (c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.

10.3 The Minister may—

- (a) approve all or any means proposed under Sub-clause 10.2; 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.

10.4 The Authority must—

- (a) advise the Resource Manager in writing within 14 days of any proposal approved by the Minister under Sub-clause 10.3; and
- (b) provide the Resource Manager with such other information concerning the proposed diversion as the Resource Manager may, from time to time, require.

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 works;
- (b) operational practices to remove silt from works;
- (c) operational practices to manage the water quality in works on the waterway;
- (d) operational rules for the controlled releases from works to the waterway; and
- (e) operational rules for managing flood flows through 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;
- (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) the amount of water taken by the Authority under this bulk entitlement; and
- (b) the amount of water in the system storage—

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, and in accordance with any guidelines issued from time to time by the Minister—

- (a) implement and maintain the approved metering program; and
- (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, if rating curves are used to calculate flows, ensure that these curves are regularly checked and, if necessary, revised; and
- (c) keep a record of all work undertaken under Paragraph 12.3 (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) the daily amount of water taken under this bulk entitlement;
- (b) the water level and amount of water stored in the Boggy Creek Storage;
- (c) the annual amount of water taken under this entitlement;
- (d) the approval, amendment and implementation of programs and proposals under Clause 10, 11 and 12;
- (e) any temporary or permanent transfer of all or part of this bulk entitlement;
- (f) any bulk entitlement or licence temporarily or permanently transferred to the Authority with respect to the Nowa Nowa Water Supply System;
- (g) any amendment to this bulk entitlement;
- (h) any new bulk entitlement granted to the Authority with respect to the Nowa Nowa Water Supply System;
- (i) any failure by the Authority to comply with any provision of this bulk entitlement;
- (j) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.

## 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 (i) 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 (j) of Sub-clause 13.1.

14. Water Resource Management Costs

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

- (a) prepare the Tambo River Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Tambo River 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 Tambo River Basin; and
- (d) investigate and mediate disputes between entitlement holders in the Tambo River Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Tambo River 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 for the Authority, in respect of the ensuing year, a fair and reasonable proportion of the costs referred to in 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. Data

17.1 Subject to Sub-clause 12.1, 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.

17.2 The Authority must make available data collected for the purpose of the metering program and reporting under Sub-clauses 12.1 and 13.1 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.

## 18. Dispute Resolution

18.1 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.

18.2 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.

18.3 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.

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

18.5 (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 18.5 (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.

18.6 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.

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

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

Dated 25 August 1997

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

---

**Water Act 1989****BULK ENTITLEMENT (SWIFTS CREEK) CONVERSION ORDER 1997**

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

## 1. Citation

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

## 2. Empowering Provisions

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

## 3. Commencement

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

## 4. Definitions

In this Order—

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

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

"Authority" means the East Gippsland Region Water Authority;

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

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

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

"pump station" means the Swift Creek pump station located on the waterway;

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

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

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

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

#### 6. Bulk Entitlement

The Authority may take a share of flow in the waterway specified in Clause 7, up to a total of 224 ML in any year.

#### 7. Share of Flow

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

- (a) when  $F \leq 1.1$  ML/day,

$E = F$ , and

- (b) when  $F > 1.1$  ML/day,

$E = 1.1$  ML/day.

where—

"E" means the Authority's entitlement; and

"F" means the flow past the specified point less any water being transferred under 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 point and amount of the extraction; and
- (b) ascertain and provide to the Minister any operational requirements of the Resource Manager; and
- (c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.

8.3 The Minister may—

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

8.4 The Authority must—

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

#### 9. Environmental Obligations

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

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

9.2 The Minister may—

- (a) approve the program proposed under Sub-clause 9.1; or

- (b) require the Authority to amend the proposed program; and
  - (c) require the Authority—
    - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
    - (ii) to propose an amended program to the Minister.
- 9.3 The Authority, must at its cost—
- (a) implement the approved program; and
  - (b) keep a record of all work undertaken under Paragraph 9.3 (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 from the waterway 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, and in accordance with any guidelines issued from time to time by the Minister—
- (a) implement and maintain the approved metering program; and
  - (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, if rating curves are used to calculate flows, ensure that these curves are regularly checked and, if necessary, revised; and
  - (c) keep a record of all work undertaken under Paragraph (b).
11. Reporting Requirements
- 11.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:
- (a) the daily amount of water taken under this bulk entitlement;
  - (b) the approval, amendment and implementation of programs and proposals under Clauses 8, 9 and 10;
  - (c) the annual amount of water taken under this bulk 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 Swifts Creek Water Supply System;
  - (f) any amendment to this bulk entitlement;
  - (g) any new bulk entitlement granted to the Authority with respect to the Swifts Creek Water Supply System;
  - (h) any failure by the Authority to comply with any provision of this bulk entitlement;

- (i) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 11.2 The Minister may require the Authority to report on all or any of the matters set out in Sub-clause 11.1—
  - (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
  - (b) within 14 days of receiving the Minister's written request.
- 11.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in Sub-clause 11.1, except—
  - (a) 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 Paragraph (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 Tambo River Basin Water Accounts; and
  - (b) monitor whether entitlement holders in the Tambo River 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 Tambo River Basin; and
  - (d) investigate and mediate disputes between entitlement holders in the Tambo River Basin; and
  - (e) investigate and deal with significant unauthorised uses of water in the Tambo River Basin; and
  - (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.
- 12.2 The proportion of the costs referred to in Sub-clause 12.1 is to be determined by the Resource Manager under Sub-clause 13.3.
- 13. Duty to Keep Accounts and Fix Proportions
- 13.1 The Authority is not obliged to make any payment to the Resource Manager, under Clause 12 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.
- 13.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to Sub-clause 12.1.

13.3 The Resource Manager must, by 1 July in any year, determine for the Authority, 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 Subject to Sub-clause 10.1, 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.

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 16.5 (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.

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

Dated 25 August 1997

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

**Water Act 1989**  
**BULK ENTITLEMENT (DEVON NORTH, ALBERTON, YARRAM AND PORT ALBERT)**  
**CONVERSION ORDER 1997**

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

1. Citation

This Order may be cited as the Bulk Entitlement (Devon North, Yarram, Alberton and Port Albert) Conversion Order 1997.

2. Empowering Provisions

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

3. Commencement

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

4. Definitions

In this Order—

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

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

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

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

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

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

"*passing flow*" means the flow in the waterway immediately downstream of the weir;

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

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

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

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

"*waterway*" means the Tarra River;

"*weir*" means the Devon North, Alberton, Yarram, and Port Albert diversion weir located on the waterway;

"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 Devon North, Alberton, Yarram, and Port Albert Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

The Authority may take the share of flow in the waterway specified in Clause 7, up to a total of 853 ML in any year.

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  $F \leq 3.0$  ML/day,

$E = 0$ , and

(b) when  $6.0 \geq F > 3.0$  ML/day,

$E = F - 3.0$  ML/d, and

(c) when  $12.0 \geq F > 6.0$  ML/day,

$E = 0.5 \times F$  ML/day, and

(d) when  $F > 12.0$  ML/day

$E = 6.0$  ML/d.

where—

"E" means the Authority's entitlement; and

"F" means the flow past the specified point less any amount of water under transfer under 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 weir, it must first—

(a) propose to the Minister—

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

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

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

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

## 8.3 The Minister may—

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

## 8.4 The Authority must—

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

## 9. Environmental Obligations

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

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

## 9.2 The Minister may—

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

## 9.3 The Authority, must at its cost—

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

## 10. Metering Program

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

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

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

## 10.3 The Minister may—

- (a) approve the program proposed under Sub-clause 10.1; or

- (b) require the Authority to amend the proposed program; and
  - (c) require the Authority—
    - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
    - (ii) to propose an amended program to the Minister.
- 10.4 The Authority must, at its cost, and in accordance with any guidelines issued from time to time by the Minister—
- (a) implement and maintain the approved metering program; and
  - (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
  - (c) keep a record of all work undertaken under Paragraph (b).
11. Reporting Requirements
- 11.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:
- (a) subject to Clause 15, the flow in the waterway at the specified point;
  - (b) subject to Clause 15, the passing flow;
  - (c) the daily amount of water taken under this bulk entitlement;
  - (d) the approval, amendment and implementation of programs and proposals under Clauses 8, 9 and 10;
  - (e) the annual amount of water taken under this bulk entitlement;
  - (f) any temporary or permanent transfer of all or part of this bulk entitlement;
  - (g) any bulk entitlement or licence in respect of the waterway temporarily or permanently transferred to the Authority with respect to the Devon North, Alberton, Yarram, and Port Albert Water Supply System;
  - (h) any amendment to this bulk entitlement;
  - (i) any new bulk entitlement granted to the Authority with respect to the Devon North, Alberton, Yarram, and Port Albert Water Supply System;
  - (j) any failure by the Authority to comply with any provision of this bulk entitlement;
  - (k) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 11.2 The Minister may require the Authority to report on all or any of the matters set out in Sub-clause 11.1—
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
  - (b) within 14 days of receiving the Minister's written request.
- 11.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in Sub-clause 11.1, except—
- (a) Paragraph (a), (b) and (c) of Sub-clause 11.1; and
  - (b) with the approval of the Minister, any particular failure referred to in Paragraph (j) of Sub-clause 11.1.
- 11.4 The Resource Manager may require the Authority to report to it, from time to time, on all or any of the matters set out in Sub-clause 11.1.



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

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

## 12. Water Resource Management Costs

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

- (a) prepare the South Gippsland Basin Water Accounts; and
- (b) monitor whether entitlement holders in the South Gippsland 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 South Gippsland Basin; and
- (d) investigate and mediate disputes between entitlement holders in the South Gippsland Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the South Gippsland Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.

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

## 13. Duty to Keep Accounts and Fix Proportions

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

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

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

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

## 14. Duty to Make Payments

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

## 15. Exemption from Metering and Reporting

If the Authority installs works at or near each point at which it extracts 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 extracted by it, the Authority is exempted from—

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

16. Data

16.1 Subject to Clause 10, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.

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

17. Dispute Resolution

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

17.2 The independent expert will be either—

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

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

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

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

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

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

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

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

Dated 25 August 1997

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

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

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

1. Citation

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

2. Empowering Provisions

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

## 3. Commencement

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

## 4. Definitions

In this Order—

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

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

"Authority" means the South Gippsland Region Water Authority;

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

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

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

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

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

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

"specified point" means immediately upstream of the Dumbalk Pump Station on the waterway;

"waterway" means East Tarwin River;

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

## 5. Conversion to Bulk Entitlements

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

## 6. Bulk Entitlement

The Authority may take the share of flow in the waterway specified in Clause 7, up to a total of 100 ML in any year.

## 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  $F \leq 0.72 \text{ ML/day}$ ,

$$E = F, \text{ and}$$

- (b) when  $F > 0.72$  ML/day,  
 $E = 0.72$  ML/day.

where—

"E" means the Authority's entitlement; and

"F" means the flow past the specified point, less any water being transferred under 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 point and amount of the extraction; and
- (b) ascertain and provide to the Minister any operational requirements of the Resource Manager; and
- (c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.

8.3 The Minister may—

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

8.4 The Authority must—

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

#### 9. Environmental Obligations

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

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

9.2 The Minister may—

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

9.3 The Authority, must at its cost—

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

10. Metering Program

10.1 The Authority, must propose to the Minister, within 12 months of the date of this Order, a metering program to determine the amount of water taken by the Authority under this bulk entitlement for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

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

10.3 The Minister may—

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

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

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

11. Reporting Requirements

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

- (a) the daily amount of water taken under this bulk entitlement;
- (b) the annual amount of water taken under this bulk entitlement;
- (c) the approval, amendment and implementation of programs and proposals under Clauses 8, 9 and 10;

- (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 Dumbalk Water Supply System;
  - (f) any amendment to this bulk entitlement;
  - (g) any new bulk entitlement granted to the Authority with respect to the Dumbalk Water Supply System;
  - (h) any failure by the Authority to comply with any provision of this bulk entitlement;
  - (i) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 11.2 The Minister may require the Authority to report on all or any of the matters set out in Sub-clause 11.1—
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
  - (b) within 14 days of receiving the Minister's written request.
- 11.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in Sub-clause 11.1, except—
- (a) 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 Paragraph (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 Paragraph (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 South Gippsland Basin Water Accounts; and
  - (b) monitor whether entitlement holders in the South Gippsland 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 South Gippsland Basin; and
  - (d) investigate and mediate disputes between entitlement holders in the South Gippsland Basin; and
  - (e) investigate and deal with significant unauthorised uses of water in the South Gippsland Basin; and
  - (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act;

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

13. Duty to Keep Accounts and Fix Proportions

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

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

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

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

14. Duty to Make Payments

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

15. Data

15.1 Subject to Clause 10, 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.

15.2 The Authority must make available data collected for the purpose of the metering program and reporting under Clause 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.

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

Dated 25 August 1997

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

**Water Act 1989**  
**BULK ENTITLEMENT (FISH CREEK) CONVERSION ORDER 1997**

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

1. Citation

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

2. Empowering Provisions

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

3. Commencement

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

4. Definitions

In this Order—

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

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

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

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

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

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

*"passing flow"* means the flow in the waterway immediately downstream of the Battery Creek Reservoir;

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

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



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

"*waterway*" means Battery Creek;

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

5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the waterway, at the Battery Creek Reservoir, to supply water to the Fish Creek 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 up to 251 ML of water from the Battery Creek Reservoir in any year, at a rate not exceeding 1.0 ML/day.

6.2 The Minister may vary the rates specified in Sub-clause 6.1 to the extent necessary to carry out any transfer of some or all of this bulk entitlement which may be authorised under Division 1, Part 4 of the Act.

7. Share of Flow

The Authority may store all of the inflow to the Battery Creek Reservoir when it is below full supply level, except for any flow being transferred by the holder of—

- (i) any other bulk entitlement or licence held by another person; or
- (ii) any licence—

to a transferee pursuant to the Act.

8. Passing Flow

The Authority is not required to provide a passing flow.

9. Releases

The Authority may operate the Battery Creek Reservoir and make releases from it as it sees fit, in order to satisfy its annual entitlement.

10. Share of Capacity

The Authority is entitled to—

- (a) all water at any time stored in the Battery Creek Reservoir; and
- (b) the full capacity of the Battery Creek Reservoir, up to 90 ML at full supply level of 105 metres Australian Height Datum—

but may not use or transfer any more than its annual entitlement in any year.

11. Making Allowances

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

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

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

- (a) propose to the Minister—
  - (i) fair, reasonable and representative means for calculating the allowances required by Sub-clause 11.1; and

- (ii) details of the proposed point and amount of extraction; and
  - (b) ascertain and provide to the Minister any operational requirements of the Resource Manager; and
  - (c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.
- 11.3 The Minister may—
  - (a) approve a proposal made under Sub-clause 11.2; or
  - (b) require the Authority to amend the proposal; and
  - (c) require the Authority—
    - (i) to review all or part of the proposal approved by the Minister if, in the Minister's opinion, they are, at any time, no longer fair, reasonable or representative; and
    - (ii) to make an amended proposal to the Minister.
- 11.4 The Authority must—
  - (a) advise the Resource Manager in writing within 14 days of any proposal approved by the Minister under Sub-clause 11.3; and
  - (b) provide the Resource Manager with such other information concerning the proposed diversion as the Resource Manager may, from time to time, require.
- 12. Environmental Obligations
- 12.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a program to manage the environmental effects of the Authority's works to take water under this bulk entitlement which includes—
  - (a) impacts on the bed and banks of the waterway in the vicinity of works;
  - (b) operational practices to remove silt from works;
  - (c) operational practices to manage the water quality in works on the waterway;
  - (d) operational rules for the controlled releases from works to the waterway; and
  - (e) operational rules for managing flood flows through works on the waterway.
- 12.2 The Minister may—
  - (a) approve the program proposed under Sub-clause 12.1; or
  - (b) require the Authority to amend the proposed program; and
  - (c) require the Authority—
    - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
    - (ii) to propose an amended program to the Minister.
- 12.3 The Authority, must at its cost—
  - (a) implement the approved program;
  - (b) keep a record of all work undertaken under Paragraph (a).
- 13. Metering Obligations
- 13.1 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 Battery Creek Reservoir—  
for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

13.2 The Minister may—

- (a) approve the program proposed under Sub-clause 13.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (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.

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

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

14. Reporting Requirements

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

- (a) the daily amount of water taken under this bulk entitlement;
- (b) the water level and amount of water stored in the Battery Creek Reservoir;
- (c) the annual amount of water taken under this bulk entitlement;
- (d) the approval, amendment and implementation of programs and proposals under Clauses 11, 12 and 13;
- (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 Fish Creek Water Supply System;
- (g) any amendment to this bulk entitlement;
- (h) any new bulk entitlement granted to the Authority with respect to the Fish Creek Water Supply System;
- (i) any failure by the Authority to comply with any provision of this bulk entitlement;
- (j) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.

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

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

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

- (a) Paragraphs (a) and (b) of Sub-clause 14.1; and

- (b) with the approval of the Minister, any particular failure referred to in Paragraph (i) of Sub-clause 14.1.
- 14.4 The Resource Manager may require the Authority to report to it, from time to time, on all or any of the matters set out in Sub-clause 14.1.
- 14.5 Any report under Sub-clause 14.4 must be made—
  - (a) in such form as may be agreed between the Authority and the Resource Manager; and
  - (b) unless the Authority and the Resource Manager agree otherwise—
    - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in Paragraphs (a) and (b) of Sub-clause 14.1; or
    - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in Paragraphs (c) to (j) of Sub-clause 14.1.
- 15. Water Resource Management Costs
- 15.1 Subject to Sub-clause 16.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to—
  - (a) prepare the South Gippsland Basin Water Accounts; and
  - (b) monitor whether entitlement holders in the South Gippsland 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 South Gippsland Basin; and
  - (d) investigate and mediate disputes between entitlement holders in the South Gippsland Basin; and
  - (e) investigate and deal with significant unauthorised uses of water in the South Gippsland Basin; and
  - (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.
- 15.2 The proportion of the costs referred to in Sub-clause 15.1 is to be determined by the Resource Manager under Sub-clause 16.3.
- 16. Duty to Keep Accounts and Fix Proportions
- 16.1 The Authority is not obliged to make any payment to the Resource Manager, under Clause 15 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.
- 16.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to Sub-clause 15.1.
- 16.3 The Resource Manager must, by 1 July in any year, determine for the Authority, in respect of the ensuing year, a fair and reasonable proportion of the costs referred to in Sub-clause 15.1.
- 16.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.
- 17. Duty to Make Payments
- Any amount payable by the Authority under Clause 15 must be paid in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.
- 18. Data
- 18.1 Subject to Clause 13, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.

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

19. Dispute Resolution

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

19.2 The independent expert will be either—

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

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

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

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

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

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

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

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

Dated 25 August 1997

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

---

**Water Act 1989**

**BULK ENTITLEMENT (FOSTER) CONVERSION ORDER 1997**

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

1. Citation

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

2. Empowering Provisions

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

3. Commencement

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

4. Definitions

In this Order—

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

"annual entitlement" means the total amount of water which the Authority may take from the waterway, at Deep Creek Reservoir, in any year;

"Authority" means the South Gippsland Region Water Authority;

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

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

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

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

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

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

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

"specified point" means immediately upstream of the Deep Creek Reservoir on the waterway;

"waterway" means Deep Creek;

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

#### 5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the waterway, at the Deep Creek Reservoir, to supply water to the Foster 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 up to 326 ML of water from the Deep Creek Reservoir in any year, at a rate not exceeding 3.5 ML/day.

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

#### 7. Share of Flow

The Authority may store all of the inflow to the Deep Creek Reservoir when it is below full supply level, except for:

- (a) the passing flow specified in Clause 8; and
- (b) any flow being transferred by the holder of—

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

(ii) any licence—

to a transferee pursuant to the Act.

#### 8. Passing Flow

8.1 The Authority must provide the following minimum passing flow, calculated as follows:

when  $F \leq 0.2$  ML/day, the minimum passing flow =  $F$ ; and

when  $F > 0.2$  ML/day, the minimum passing flow = 0.2 ML/day;

where

" $F$ " means the total of the flow past the specified point, less any water being transferred, under Clause 7.

#### 9. Releases

Subject to Clause 8, the Authority may operate the Deep Creek Reservoir and make releases from it as it sees fit, in order to satisfy its annual entitlement.

#### 10. Share of Capacity

The Authority is entitled to—

(a) all water at any time stored in the Deep Creek Reservoir; and

(b) the full capacity of the Deep Creek Reservoir, up to 42 ML at full supply level of 100 metres Australian Height Datum—

but may not use or transfer any more than its annual entitlement in any year.

#### 11. Making Allowances

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

(a) any losses from the waterway, or other waterway, downstream of the Deep Creek Reservoir; and

(b) the time taken by the flow to reach that point from the Deep Creek Reservoir.

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

(a) propose to the Minister—

(i) fair, reasonable and representative means for calculating the allowances required by Sub-clause 11.1; and

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

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

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

11.3 The Minister may—

(a) approve a proposal made under Sub-clause 11.2; 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.

11.4 The Authority must—

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

12. Environmental Obligations

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

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

12.2 The Minister may—

- (a) approve the program proposed under Sub-clause 12.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
  - (ii) to propose an amended program to the Minister.

12.3 The Authority, must at its cost—

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

13. Metering Obligations

13.1 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) subject to Clause 18, the flow past the specified point; and
- (c) subject to Clause 18, the passing flow; and
- (d) the amount of water in the Deep Creek Reservoir—

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

13.2 The Minister may—

- (a) approve the program proposed under Sub-clause 13.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (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.



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

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

14. Reporting Requirements

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

- (a) subject to Clause 18, the daily flow past the specified point;
- (b) subject to Clause 18, the daily passing flow;
- (c) the daily amount of water taken under this bulk entitlement;
- (d) the water level and amount of water stored in Deep Creek Reservoir;
- (e) the annual amount of water taken under this bulk entitlement;
- (f) the approval, amendment and implementation of programs and proposals under Clauses 11, 12 and 13;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement or licence in respect of the waterway temporarily or permanently transferred to the Authority with respect to the Foster Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Foster Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;
- (l) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

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

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

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

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

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

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

- (a) in such form as may be agreed between the Authority and the Resource Manager; and

- (b) unless the Authority and the Resource Manager agree otherwise—
  - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in Paragraphs (a) to (d) of Sub-clause 14.1; or
  - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in Paragraphs (e) to (l) of Sub-clause 14.1.

15. Water Resource Management Costs

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

- (a) prepare the South Gippsland Basin Water Accounts; and
- (b) monitor whether entitlement holders in the South Gippsland 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 South Gippsland Basin; and
- (d) investigate and mediate disputes between entitlement holders in the South Gippsland Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the South Gippsland Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.

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

16. Duty to Keep Accounts and Fix Proportions

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

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

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

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

17. Duty to Make Payments

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

18. Exemption from Metering and Reporting

If the Authority installs works at or near the 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 13.1 (b) and (c); and
- (b) the reporting requirements of Sub-clauses 14.1 (a) and (b).

19. Data

19.1 Subject to Clause 13, 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.

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

20. Dispute Resolution

20.1 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.

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.

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

Dated 25 August 1997

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

---

**Water Act 1989**

**BULK ENTITLEMENT (KORUMBURRA) CONVERSION ORDER 1997**

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

1. Citation

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

2. Empowering Provisions

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

3. Commencement

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

4. Definitions

In this Order—

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

"*annual entitlement*" means the total amount of water which the Authority may take from the waterways, at the system storages, in any year;

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

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

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

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

"*passing flow*" means the flow in the waterway immediately downstream of the relevant system storage;

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

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

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

"*specified point A*" means immediately upstream of No. 1 Reservoir on Coalition Creek;

"*specified point B*" means immediately upstream of No. 2 Reservoir on Ness Creek;

"*specified point C*" means immediately upstream of No. 3 Reservoir on Bellview Creek;

"*system storage*" means either—

- (a) No. 1 Reservoir located on Coalition Creek; or
- (b) No. 2 Reservoir located on Ness Creek; or
- (c) No. 3 Reservoir located on Bellview Creek;

"*waterway*" means either—

- (a) Coalition Creek; or
- (b) Ness Creek; or
- (c) Bellview Creek;

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

#### 5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the waterways, at the system storages, to supply water to the Korumburra 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 up to 1,000 ML of water from the system storages, in any year, at rates not exceeding—

- (a) 4.8 ML/day from No. 1 Reservoir; and

(b) 1.6 ML/day from No. 2 Reservoir during the months of June July and August; and

(c) 3.0 ML/day from No. 3 Reservoir.

6.2 The Authority must not take any water from the No. 2 Reservoir from the beginning of September to the end of May.

6.3 The Minister may vary the rates specified in Sub-clause 6.1 to the extent necessary to carry out any transfer of some or all of this bulk entitlement which may be authorised under Division 1, Part 4 of the Act.

#### 7. Share of Flow

The Authority may store all of the inflow to a system storage when that storage is below full supply level, except for—

(a) the passing flow specified in Clause 8; and

(b) any flow being transferred by the holder of—

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

(ii) any licence—

to a transferee pursuant to the Act.

#### 8. Passing Flow

8.1 The Authority must provide the following minimum passing flow from No. 1 Reservoir, calculated as follows:

(a) when  $F_A \leq 0.6$  ML/day,

the minimum passing flow  $= F_A$  and

(b) when  $F_A > 0.6$  ML/day,

the minimum passing flow  $= 0.6$  ML/day.

where—

" $F_A$ " = the flow past specified point A, less any water being transferred under Clause 7, measured and calculated in ML/d.

8.2 The Authority must provide the following minimum passing flow from the No. 2 Reservoir, calculated as follows:

(a) when  $F_B \leq 0.6$  ML/day,

the minimum passing flow  $= F_B$  and

(b) when  $F_B > 0.6$  ML/day,

the minimum passing flow  $= 0.6$  ML/day.

where—

" $F_B$ " = the flow past specified point B, less any water being transferred under Clause 7, measured and calculated in ML/d.

8.3 The Authority must provide the following minimum passing flow from the No. 3 Reservoir, calculated as follows:

(a) when  $F_C \leq 1.0$  ML/day,

the passing flow  $= F_C$  and

(b) when  $F_C > 1.0$  ML/day,

the passing flow  $= 1.0$  ML/day.

where—

" $F_C$ " = the flow past specified point C, less any water being transferred under Clause 7, measured and calculated in ML/d.

## 9. Releases

Subject to Clause 6, 7 and 8, the Authority may operate the system storages and make releases from them as it sees fit, in order to satisfy its annual entitlement.

## 10. Share of Capacity

The Authority is entitled to—

- (a) all water at any time stored in each system storage; and
- (b) the full capacity of No. 1 Reservoir, up to 205 ML at full supply level of 245 metres Australian Height Datum; and
- (c) the full capacity of No. 2 Reservoir, up to 100 ML at full supply level of 220 metres Australian Height Datum; and
- (d) the full capacity of No. 3 Reservoir, up to 499 ML at full supply level of 170 metres Australian Height Datum—

but may not use or transfer any more than its annual entitlement in any year.

## 11. Making Allowances

11.1 In calculating water available to the Authority under this bulk entitlement at any point downstream of a system storage, allowance must be made for—

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

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

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

11.3 The Minister may—

- (a) approve a proposal made under Sub-clause 11.2; or
- (b) require the Authority to amend the proposal; and
- (c) require the Authority—
  - (i) to review all or part of the proposal approved by the Minister if, in the Minister's opinion, they are, at any time, no longer fair, reasonable or representative; and
  - (ii) to make an amended proposal to the Minister.

11.4 The Authority must—

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

## 12. Environmental Obligations

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

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

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

13. Metering Obligations

13.1 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 18, the flow past specified point A; and
- (b) subject to Clause 18, the flow past specified point B; and
- (c) subject to Clause 18, the flow past specified point C; and
- (d) subject to Clause 18, the passing flow at No. 1 Reservoir; and
- (e) subject to Clause 18, the passing flow at No. 2 Reservoir; and
- (f) subject to Clause 18, the passing flow at No. 3 Reservoir; and
- (g) the amount of water taken by the Authority under this bulk entitlement; and
- (h) the amount of water in each system storage—

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

13.2 The Minister may—

- (a) approve the program proposed under Sub-clause 13.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (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.

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

- (a) implement and maintain the approved metering program; and
- (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, if rating curves are used to calculate flows, ensure that the curves are regularly checked and revised; and

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

#### 14. Reporting Requirements

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

- (a) subject to Clause 18, the flow past the specified point A;
- (b) subject to Clause 18, the flow past the specified point B;
- (c) subject to Clause 18, the flow past the specified point C;
- (d) subject to Clause 18, the passing flow at the No. 1 Reservoir;
- (e) subject to Clause 18, the passing flow at the No. 2 Reservoir;
- (f) subject to Clause 18, the passing flow at the No. 3 Reservoir;
- (g) the daily amount of water taken under this bulk entitlement;
- (h) the water level and amount of water stored in each system storage;
- (i) the annual amount of water taken under this bulk entitlement;
- (j) the approval, amendment and implementation of programs and proposals under Clauses 11, 12 and 13;
- (k) any temporary or permanent transfer of all or part of this bulk entitlement;
- (l) any bulk entitlement or licence in respect of each waterway temporarily or permanently transferred to the Authority with respect to the Korumburra Water Supply System;
- (m) any amendment to this bulk entitlement;
- (n) any new bulk entitlement granted to the Authority with respect to the Korumburra Water Supply System;
- (o) any failure by the Authority to comply with any provision of this bulk entitlement;
- (p) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.

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

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

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

- (a) Paragraphs (a) to (g) of Sub-clause 14.1; and
- (b) with the approval of the Minister, any particular failure referred to in Paragraph (o) of Sub-clause 14.1.

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

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

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



- (ii) within 14 days of the Authority receiving a request for a report on any matter set out in Paragraphs (h) to (p) of Sub-clause 14.1.

15. Water Resource Management Costs

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

- (a) prepare the South Gippsland Basin Water Accounts; and
- (b) monitor whether entitlement holders in the South Gippsland 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 South Gippsland Basin; and
- (d) investigate and mediate disputes between entitlement holders in the South Gippsland Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the South Gippsland Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.

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

16. Duty to Keep Accounts and Fix Proportions

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

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

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

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

17. Duty to Make Payments

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

18. Exemption from Metering and Reporting

If the Authority installs works at or near the 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 13.1 (b) and (c); and
- (b) the reporting requirements of Sub-clauses 14.1 (a) and (b).

19. Data

19.1 Subject to Clause 13, 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.

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

20. Dispute Resolution

- 20.1 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.
- 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.

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

Dated 25 August 1997

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

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

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

1. Citation

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

2. Empowering Provisions

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

3. Commencement

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

4. Definitions

In this Order—

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

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

"Authority" means the South Gippsland Region Water Authority;

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

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

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

"passing flow" means the flow in the waterway immediately downstream of No. 1 Reservoir;

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

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

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

"specified point" means immediately upstream of the Western Reservoir on the waterway;

"system storage" means either—

- (a) No. 1 Reservoir located on the waterway; or
- (b) No. 2 Reservoir located on the waterway; or
- (c) Hyland Reservoir located on the waterway; or
- (d) Western Reservoir located on the waterway;

"waterway" means Ruby Creek;

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

#### 5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the waterway, at and upstream of No.1 Reservoir, to supply water to the Leongatha 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 up to 2,476 ML of water from the system storages in any year, at a rate not exceeding 17.3 ML/day.
- 6.2 The Minister may vary the rates specified in Sub-clause 6.1 to the extent necessary to carry out any transfer of some or all of this bulk entitlement which may be authorised under Division 1, Part 4 of the Act.

#### 7. Share of Flow

The Authority may store all of the inflow to each system storage when that storage is below full supply level, except for:

- (a) the passing flow specified in Clause 8; and

(b) any flow being transferred by the holder of—

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

(ii) any licence—

to a transferee pursuant to the Act.

#### 8. Passing Flow

8.1 The Authority must provide the following minimum passing flow, calculated as follows:

when  $F \leq 0.5$  ML/day, the minimum passing flow =  $F$ ; and

when  $F > 0.5$  ML/day, the minimum passing flow = 0.5 ML/day;

where

"F" means the total of the flow past the specified point less any water being transferred under Clause 7.

#### 9. Releases

Subject to Clause 8, the Authority may operate the system storages and make releases from them as it sees fit, in order to satisfy its annual entitlement.

#### 10. Share of Capacity

The Authority is entitled to—

(a) all water stored in each system storage; and

(b) the full capacity of No. 1 Reservoir, up to 36 ML at full supply level of 144.2 metres Australian Height Datum; and

(c) the full capacity of No. 2 Reservoir, up to 182 ML at full supply level of 156.2 metres Australian Height Datum; and

(d) the full capacity of Hyland Reservoir, up to 800 ML at full supply level of 175.0 metres Australian Height Datum; and

(e) the full capacity of Western Reservoir, up to 1137 ML at full supply level of 195.0 metres Australian Height Datum -

but may not use or transfer any more than its annual entitlement in any year.

#### 11. Making Allowances

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

(a) any losses from the waterway downstream of the system storages; and

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

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

(a) propose to the Minister—

(i) fair, reasonable and representative means for calculating the allowances required by Sub-clause 11.1; and

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

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

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

11.3 The Minister may—

(a) approve a proposal made under Sub-clause 11.2; or

- (b) require the Authority to amend the proposal; and
  - (c) require the Authority—
    - (i) to review all or part of the proposal approved by the Minister if, in the Minister's opinion, they are, at any time, no longer fair, reasonable or representative; and
    - (ii) to make an amended proposal to the Minister.
- 11.4 The Authority must—
- (a) advise the Resource Manager in writing within 14 days of any proposal approved by the Minister under Sub-clause 11.3; and
  - (b) provide the Resource Manager with such other information concerning the proposed diversion as the Resource Manager may, from time to time, require.
12. Environmental Obligations
- 12.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a program to manage the environmental effects of the Authority's works to take water under this bulk entitlement which includes—
- (a) impacts on the bed and banks of the waterway in the vicinity of works;
  - (b) operational practices to remove silt from works;
  - (c) operational practices to manage the water quality in works on the waterway;
  - (d) operational rules for the controlled releases from works to the waterway; and
  - (e) operational rules for managing flood flows through works on the waterway.
- 12.2 The Minister may—
- (a) approve the program proposed under Sub-clause 12.1; or
  - (b) require the Authority to amend the proposed program; and
  - (c) require the Authority—
    - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
    - (ii) to propose an amended program to the Minister.
- 12.3 The Authority, must at its cost—
- (a) implement the approved program;
  - (b) keep a record of all work undertaken under Paragraph (a).
13. Metering Obligations
- 13.1 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) subject to Clause 18, the flow past the specified point; and
  - (c) subject to Clause 18, the passing flow; and
  - (d) the water level and amount of water in each system storage—
- for the purpose of assessing whether or not the Authority complies with this bulk entitlement.
- 13.2 The Minister may—
- (a) approve the program proposed under Sub-clause 13.1; or

- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (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.
- 13.3 The Authority must, at its cost, and in accordance with any guidelines issued from time to time by the Minister—
  - (a) implement and maintain the approved metering program; and
  - (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, if rating curves are used to calculate flows, ensure that these curves are regularly checked and, if necessary, revised; and
  - (c) keep a record of all work undertaken under Paragraph (b).
- 14. Reporting Requirements
- 14.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:
  - (a) subject to Clause 18, the daily flow past the specified point;
  - (b) subject to Clause 18, the daily passing flow;
  - (c) the daily amount of water taken under this bulk entitlement;
  - (d) the water level and amount of water stored in each system storage;
  - (e) the annual amount of water taken under this bulk entitlement;
  - (f) the approval, amendment and implementation of programs and proposals under Clauses 11, 12 and 13;
  - (g) any temporary or permanent transfer of all or part of this bulk entitlement;
  - (h) any bulk entitlement or licence in respect of the waterway temporarily or permanently transferred to the Authority with respect to the Leongatha Water Supply System;
  - (i) any amendment to this bulk entitlement;
  - (j) any new bulk entitlement granted to the Authority with respect to the Leongatha Water Supply System;
  - (k) any failure by the Authority to comply with any provision of this bulk entitlement;
  - (l) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 14.2 The Minister may require the Authority to report on all or any of the matters set out in Sub-clause 14.1—
  - (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
  - (b) within 14 days of receiving the Minister's written request.
- 14.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in Sub-clause 14.1, except—
  - (a) Paragraphs (a) to (c) of Sub-clause 14.1; and
  - (b) with the approval of the Minister, any particular failure referred to in Paragraph (k) of Sub-clause 14.1.

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

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

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

15. Water Resource Management Costs

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

- (a) prepare the South Gippsland Basin Water Accounts; and
- (b) monitor whether entitlement holders in the South Gippsland 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 South Gippsland Basin; and
- (d) investigate and mediate disputes between entitlement holders in the South Gippsland Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the South Gippsland Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.

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

16. Duty to Keep Accounts and Fix Proportions

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

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

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

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

17. Duty to Make Payments

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

18. Exemption from Metering and Reporting

If the Authority installs works at or near the 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 13.1 (b) and (c); and
- (b) the reporting requirements of Sub-clauses 14.1 (a) and (b).

19. Data

19.1 Subject to Clause 13, 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.

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

20. Dispute Resolution

20.1 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.

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.

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

Dated 25 August 1997

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

---

**Water Act 1989**

**BULK ENTITLEMENT (LOCH, POOWONG AND NYORA) CONVERSION ORDER 1997**

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

1. Citation

This Order may be cited as the Bulk Entitlement (Loch, Poowong and Nyora) Conversion Order 1997.



2. Empowering Provisions

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

3. Commencement

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

4. Definitions

In this Order—

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

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

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

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

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

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

"*passing flow*" means the flow in the waterway immediately downstream of the Little Bass Reservoir;

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

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

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

"*specified point*" means immediately upstream of the Little Bass Reservoir on the waterway;

"*waterway*" means Little Bass 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, at Little Bass Reservoir, to supply water to the Loch, Poowong and Nyora 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 up to 420 ML of water from the Little Bass Reservoir in any year, at a rate not exceeding 2.7 ML/day.

- 6.2 The Minister may vary the rate specified in Sub-clause 6.1 to the extent necessary to carry out any transfer of some or all of this bulk entitlement which may be authorised under Division 1, Part 4 of the Act.

7. Share of Flow

The Authority may store all of the inflow to Little Bass Reservoir when it is below full supply level, except for:

- (a) the passing flow specified in Clause 8; and
- (b) any flow being transferred by the holder of—
  - (i) any other bulk entitlement or licence held by another person; or
  - (ii) any licence—  
to a transferee pursuant to the Act.

8. Passing Flow

- 8.1 The Authority must provide the following minimum passing flow, calculated as follows:

when  $F \leq 0.5$  ML/day, the minimum passing flow =  $F$ ; and

when  $F > 0.5$  ML/day, the minimum passing flow = 0.5 ML/day;

where

" $F$ " means the total of the flow past the specified point, less any water being transferred under Clause 7.

9. Releases

Subject to Clause 8, the Authority may operate the Little Bass Reservoir and make releases from it as it sees fit, in order to satisfy its annual entitlement.

10. Share of Capacity

The Authority is entitled to—

- (a) all water at any time stored in Little Bass Reservoir; and
- (b) the full capacity of Little Bass Reservoir, up to 180 ML at full supply level of 145 metres Australian Height Datum—

but may not use or transfer any more than its annual entitlement in any year.

11. Making Allowances

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

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

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

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

11.3 The Minister may—

- (a) approve a proposal made under Sub-clause 11.2; or
- (b) require the Authority to amend the proposal; 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.

11.4 The Authority must—

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

12. Environmental Obligations

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

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

12.2 The Minister may—

- (a) approve the program proposed under Sub-clause 12.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
  - (ii) to propose an amended program to the Minister.

12.3 The Authority, must at its cost—

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

13. Metering Obligations

13.1 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) subject to Clause 18, the flow past the specified point; and
- (c) subject to Clause 18, the passing flow; and
- (d) the amount of water in the Little Bass Reservoir—  
for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

13.2 The Minister may—

- (a) approve the program proposed under Sub-clause 13.1; or

- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (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.
- 13.3 The Authority must, at its cost, and in accordance with any guidelines issued from time to time by the Minister—
  - (a) implement and maintain the approved metering program; and
  - (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, where rating curves are used to calculate flows, ensure that these curves are regularly checked and updated; and
  - (c) keep a record of all work undertaken under Paragraph (b).
- 14. Reporting Requirements
- 14.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:
  - (a) subject to Clause 18, the daily flow past the specified point;
  - (b) subject to Clause 18, the daily passing flow;
  - (c) the daily amount of water taken under this bulk entitlement;
  - (d) the water level and amount of water stored in the Little Bass Reservoir;
  - (e) the annual amount of water taken under this bulk entitlement;
  - (f) the approval, amendment and implementation of programs and proposals under Clauses 11, 12 and 13;
  - (g) any temporary or permanent transfer of all or part of this bulk entitlement;
  - (h) any bulk entitlement or licence in respect of the waterway temporarily or permanently transferred to the Authority with respect to the Loch, Poowong and Nyora Water Supply System;
  - (i) any amendment to this bulk entitlement;
  - (j) any new bulk entitlement granted to the Authority with respect to the Loch, Poowong and Nyora 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.
- 14.2 The Minister may require the Authority to report on all or any of the matters set out in Sub-clause 14.1—
  - (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
  - (b) within 14 days of receiving the Minister's written request.
- 14.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in Sub-clause 14.1, except—
  - (a) Paragraphs (a) to (c) of Sub-clause 14.1; and
  - (b) with the approval of the Minister, any particular failure referred to in Paragraph (k) of Sub-clause 14.1.

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

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

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

#### 15. Water Resource Management Costs

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

- (a) prepare the South Gippsland Basin Water Accounts; and
- (b) monitor whether entitlement holders in the South Gippsland 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 South Gippsland Basin; and
- (d) investigate and mediate disputes between entitlement holders in the South Gippsland Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the South Gippsland Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.

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

#### 16. Duty to Keep Accounts and Fix Proportions

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

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

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

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

#### 17. Duty to Make Payments

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

#### 18. Exemption from Metering and Reporting

If the Authority installs works at or near the 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 13.1 (b) and (c); and
- (b) the reporting requirements of Sub-clauses 14.1 (a) and (b).

19. Data

19.1 Subject to Clause 13, 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.

19.2 The Authority must make available data collected for the purpose of the metering program and reporting under Sub-clauses 13.1 and 14.1 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 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.

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.

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

Dated 25 August 1997

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

**Water Act 1989**

**BULK ENTITLEMENT (MEENIYAN) CONVERSION ORDER 1997**

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

1. Citation

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

## 2. Empowering Provisions

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

## 3. Commencement

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

## 4. Definitions

In this Order—

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

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

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

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

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

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

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

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

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

"**waterway**" means Tarwin River;

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

## 5. Conversion to Bulk Entitlements

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

## 6. Bulk Entitlement

The Authority may take the share of flow in the waterway specified in Clause 7, up to a total of 200 ML in any year.

## 7. Share of Flow

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

- (a) when  $F \leq 1.3$  ML/day,  
E = F, and
  - (b) when  $F > 1.3$  ML/day,  
E = 1.3 ML/day.
- where—
- "E" means the Authority's entitlement; and
- "F" means the flow past the specified point, less any water being transferred under 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 point and amount of the extraction; and
  - (b) ascertain and provide to the Minister any operational requirements of the Resource Manager; and
  - (c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.
- 8.3 The Minister may—
- (a) approve a proposal made under Sub-clause 8.2; or
  - (b) require the Authority to amend the proposal; and
  - (c) require the Authority—
    - (i) to review all or part of any proposal approved by the Minister if, in the Minister's opinion, it is, at any time, no longer fair, reasonable or representative; and
    - (ii) to make an amended proposal to the Minister.
- 8.4 The Authority must—
- (a) advise the Resource Manager in writing within 14 days of any proposal approved by the Minister under Sub-clause 8.3; and
  - (b) provide the Resource Manager with such other information concerning the proposed diversion as the Resource Manager may, from time to time, require.
9. Environmental Obligations
- 9.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a program to manage the environmental effects of the Authority's works to take water under this bulk entitlement which includes—



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

9.2 The Minister may—

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

9.3 The Authority, must at its cost—

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

10. Metering Program

10.1 The Authority, must propose to the Minister, within 12 months of the date of this Order, a metering program to determine the amount of water taken by the Authority under this bulk entitlement for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

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

10.3 The Minister may—

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

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

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

11. Reporting Requirements

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

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

- (c) the approval, amendment and implementation of programs and proposals under Clauses 8, 9 and 10;
  - (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 Meeniyen Water Supply System;
  - (f) any amendment to this bulk entitlement;
  - (g) any new bulk entitlement granted to the Authority with respect to the Meeniyen Water Supply System;
  - (h) any failure by the Authority to comply with any provision of this bulk entitlement;
  - (i) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 11.2 The Minister may require the Authority to report on all or any of the matters set out in Sub-clause 11.1—
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
  - (b) within 14 days of receiving the Minister's written request.
- 11.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in Sub-clause 11.1, except—
- (a) 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 Paragraph (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 Paragraph (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 South Gippsland Basin Water Accounts; and
  - (b) monitor whether entitlement holders in the South Gippsland 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 South Gippsland Basin; and
  - (d) investigate and mediate disputes between entitlement holders in the South Gippsland Basin; and
  - (e) investigate and deal with significant unauthorised uses of water in the South Gippsland Basin; and

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

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

13. Duty to Keep Accounts and Fix Proportions

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

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

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

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

14. Duty to Make Payments

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

15. Data

15.1 Subject to Clause 10, 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.

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.

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

Dated 25 August 1997

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

---

**Water Act 1989**  
**BULK ENTITLEMENT (TOORA, PORT FRANKLIN, WELSHPOOL AND PORT**  
**WELSHPOOL) CONVERSION ORDER 1997**

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

1. Citation

This Order may be cited as the Bulk Entitlement Toora, Port Franklin, Welshpool and Port Welshpool) Conversion Order 1997.

2. Empowering Provisions

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

3. Commencement

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

4. Definitions

In this Order—

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

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

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

"*diversion point*" means the off-take weir located on the waterway approximately 2000 metres downstream of the Agnes River Storage;

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

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

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

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

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

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

"waterway" means the Agnes 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, at and upstream of the diversion point, for the supply of water to the Toora, Port Franklin, Welshpool and Port Welshpool 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 up to 1,617 ML of water from the diversion point in any year, at a maximum rate not exceeding 4.8 ML/day.

- 6.2 The Minister may vary the rates specified in Sub-clause 6.1 to the extent necessary to carry out any transfer of some or all of this bulk entitlement which may be 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 Agnes River Storage when it is below its full supply level except for

- (a) the passing flow specified in Clause 8.
  - (b) any flow of water in the waterway which is being transferred by the holder of—
    - (i) any other bulk entitlement or licence held by another person; or
    - (ii) any licence—
- to a transferee pursuant to the Act.

#### 8. Passing Flow

- 8.1 The Authority must provide the following minimum passing flow, calculated as follows:

- (a) when  $F \leq 1.0$  ML/day, the minimum passing flow =  $F$ ; and
- (b) when  $F > 1.0$  ML/day, the minimum passing flow = 1.0 ML/day.

where—

"F" means the total of the flow past the specified point, less any water being transferred under Clause 7.

#### 9. Releases

Subject to Clause 8, the Authority may operate the Agnes River Storage and make releases from it as it sees fit, in order to satisfy its annual entitlement.

#### 10. Share of Capacity

The Authority is entitled to—

- (a) all water at any time stored in the Agnes River Storage; and
- (b) the full capacity of the Agnes River Storage, up to 90 ML at full supply level of 130 metres Australian Height Datum—

but may not use or transfer any more than its annual entitlement in any year.

## 11. Making Allowances

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

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

11.2 If the Authority proposes to take water under this entitlement from a point other than 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 11.1; and
  - (ii) details of the proposed point and amount of the extraction; and
- (b) ascertain and provide to the Minister any operational requirements of the Resource Manager; and
- (c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.

11.3 The Minister may—

- (a) approve a proposal made under Sub-clause 11.2; or
- (b) require the Authority to amend the proposal; and
- (c) require the Authority—
  - (i) to review all or part of the proposal approved by the Minister if, in the Minister's opinion, they are, at any time, no longer fair, reasonable or representative; and
  - (ii) to make an amended proposal to the Minister.

11.4 The Authority must—

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

## 12. Environmental Obligations

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

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

12.2 The Minister may—

- (a) approve the program proposed under Sub-clause 12.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—

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

12.3 The Authority, must at its cost—

- (a) implement the approved program;
- (b) keep a record of all work undertaken under Paragraph 12.3 (a).

13. Metering Program

13.1 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 18, the flow in the waterway at the specified point; and
- (b) subject to Clause 18, the passing flow; and
- (c) the amount of water taken by the Authority under this bulk entitlement; and
- (d) the amount of water in the Agnes River Storage—

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

13.2 The metering program prepared under Sub-clause 13.1 must include details of any agreement between the Authority and any other person for measuring and calculating of in-stream flows.

13.3 The Minister may—

- (a) approve the program proposed under Sub-clause 13.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (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.

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

- (a) implement and maintain the approved metering program; and
- (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, if rating curves are used to calculate flows, ensure that these curves are regularly checked and, if necessary, revised; and
- (c) keep a record of all work undertaken under Paragraph 13.4 (b).

14. Reporting Requirements

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

- (a) subject to Clause 18, the flow in the waterway past the specified point;
- (b) subject to Clause 18, the passing flow;
- (c) the daily amount of water taken under this bulk entitlement;
- (d) the water level and amount of water stored in the Agnes River Storage;
- (e) the annual amount of water taken under this bulk entitlement;
- (f) the approval, amendment and implementation of programs and proposals under Clauses 11, 12 and 13;

- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
  - (h) any bulk entitlement or licence temporarily or permanently transferred to the Authority with respect to the Toora, Port Franklin, Welshpool and Port Welshpool Water Supply System;
  - (i) any amendment to this bulk entitlement;
  - (j) any new bulk entitlement granted to the Authority with respect to the Toora, Port Franklin, Welshpool and Port Welshpool Water Supply System;
  - (k) any failure by the Authority to comply with any provision of this bulk entitlement;
  - (l) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.
- 14.2 The Minister may require the Authority to report on all or any of the matters set out in Sub-clause 14.1—
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
  - (b) within 14 days of receiving the Minister's written request.
- 14.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in Sub-clause 14.1, except—
- (a) Paragraphs (a), (b) and (c) of Sub-clause 14.1; and
  - (b) with the approval of the Minister, any particular failure referred to in Paragraph (k) of Sub-clause 14.1.
- 14.4 The Resource Manager may require the Authority to report to it, from time to time, on all or any of the matters set out in Sub-clause 14.1.
- 14.5 Any report under Sub-clause 14.4 must be made—
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
  - (b) unless the Authority and the Resource Manager agree otherwise—
    - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in Paragraphs (a) to (d) of Sub-clause 14.1; or
    - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in Paragraphs (e) to (l) of Sub-clause 14.1.
15. Water Resource Management Costs
- 15.1 Subject to Sub-clause 16.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to—
- (a) prepare the South Gippsland Basin Water Accounts; and
  - (b) monitor whether entitlement holders in the South Gippsland 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 South Gippsland Basin; and
  - (d) investigate and mediate disputes between entitlement holders in the South Gippsland Basin; and
  - (e) investigate and deal with significant unauthorised uses of water in the South Gippsland Basin; and
  - (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.



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

16. Duty to Keep Accounts and Fix Proportions

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

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

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

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

17. Duty to Make Payments

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

18. Exemption from Metering and Reporting

If the Authority installs works at or near each point at which it extracts 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 extracted by it, the Authority is exempted from—

- (a) the metering requirements of Paragraphs 13.1 (a) and (b); and
- (b) the reporting requirements of Paragraphs 14.1 (a) and (b).

19. Data

19.1 Subject to Sub-clause 13.1, 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.

19.2 The Authority must make available data collected for the purpose of the metering program and reporting under Sub-clauses 13.1 and 14.1 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 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.

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 20.5 (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.

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

Dated 25 August 1997

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

**Water Act 1989**

**BULK ENTITLEMENT (WONTHAGGI-INVERLOCH) CONVERSION ORDER 1997**

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

1. Citation

This Order may be cited as the Bulk Entitlement (Wonthaggi-Inverloch) Conversion Order 1997.

2. Empowering Provisions

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

3. Commencement

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

4. Definitions

In this Order—

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

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

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

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

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

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

"*passing flow*" means the flow in the waterway immediately downstream of the Lance Creek Reservoir;

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

(a) prepare the South Gippsland Basin Water Accounts; and

(b) monitor whether entitlement holders in the South Gippsland 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 South Gippsland Basin; and
- (d) investigate and mediate disputes between entitlement holders in the South Gippsland Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the South Gippsland 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;

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

*"waterway"* means Lance Creek;

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

#### 5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the waterway, at Lance Creek Reservoir, to supply water to the Wonthaggi-Inverloch 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 up to 3,800 ML of water from the Lance Creek Reservoir in any year, at a rate not exceeding 35 ML/day.
- 6.2 The Minister may vary the rate specified in Sub-clause 6.1 to the extent necessary to carry out any transfer of some or all of this bulk entitlement which may be authorised under Division 1, Part 4 of the Act.

#### 7. Share of Flow

The Authority may store all of the inflow to the Lance Creek Reservoir when it is below full supply level, except for any flow 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. Passing Flow

The Authority is not required to provide a minimum passing flow.

#### 9. Releases

- 9.1 The Authority may operate the Lance Creek Reservoir and make releases from it as it sees fit, in order to satisfy its annual entitlement, except for releases required under Sub-clause 9.2.
- 9.2 The Authority may, in accordance with a Waterway and Land Management Plan prepared by the Gippsland Catchment and Land Protection Board (GC&LPB) and approved by the Minister, be required by the GC&LPB to release up to 100 ML/a from the Lance Creek Reservoir for instream purposes.
- 9.3 The Authority is only required to provide the releases under Sub-clause 9.2 in years when the total volume stored in the Lance Creek Reservoir on 1 December is greater than 3,000 ML. The releases will be made available by the Authority from 1 December through to the end of the following November in any year.

#### 10. Share of Capacity

The Authority is entitled to—

- (a) all water at any time stored in the Lance Creek Reservoir; and

- (b) the full capacity of the Lance Creek Reservoir, up to 4,640 ML at full supply level of 76.12 metres Australian Height Datum—

but may not use or transfer any more than its annual entitlement in any year.

#### 11. Making Allowances

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

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

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

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

#### 11.3 The Minister may—

- (a) approve a proposal made under Sub-clause 11.2; or
- (b) require the Authority to amend the proposal; and
- (c) require the Authority—
  - (i) to review all or part of the proposal approved by the Minister if, in the Minister's opinion, they are, at any time, no longer fair, reasonable or representative; and
  - (ii) to make an amended proposal to the Minister.

#### 11.4 The Authority must—

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

#### 12. Environmental Obligations

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

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

#### 12.2 The Minister may—

- (a) approve the program proposed under Sub-clause 12.1; or

- (b) require the Authority to amend the proposed program; and
  - (c) require the Authority—
    - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
    - (ii) to propose an amended program to the Minister.
- 12.3 The Authority, must at its cost—
- (a) implement the approved program;
  - (b) keep a record of all work undertaken under Paragraph (a).
13. Metering Obligations
- 13.1 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 released to the waterway which may be required under the provisions of a Waterway and Land Management Plan prepared by the Gippsland Catchment and Land Protection Board and approved by the Minister; and
  - (b) the amount of water taken by the Authority under this bulk entitlement; and
  - (c) the amount of water in the Lance Creek Reservoir—
- for the purpose of assessing whether or not the Authority complies with this bulk entitlement.
- 13.2 The Minister may—
- (a) approve the program proposed under Sub-clause 13.1; or
  - (b) require the Authority to amend the proposed program; and
  - (c) require the Authority—
    - (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.
- 13.3 The Authority must, at its cost, and in accordance with any guidelines issued from time to time by the Minister—
- (a) implement and maintain the approved metering program; and
  - (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, if rating curves are used to calculate flows, ensure that the curves are regularly checked, and if necessary, revised; and
  - (c) keep a record of all work undertaken under Paragraph (b).
14. Reporting Requirements
- 14.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:
- (a) the daily amount of water released to the waterway;
  - (b) the daily amount of water taken under this bulk entitlement;
  - (c) the water level and amount of water stored in the Lance Creek Reservoir;
  - (d) the annual amount of water taken under this bulk entitlement;
  - (e) the approval, amendment and implementation of programs and proposals under Clauses 11, 12 and 13;

- (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 Wonthaggi-Inverloch Water Supply System;
  - (h) any amendment to this bulk entitlement;
  - (i) any new bulk entitlement granted to the Authority with respect to the Wonthaggi-Inverloch Water Supply System;
  - (j) any failure by the Authority to comply with any provision of this bulk entitlement;
  - (k) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 14.2 The Minister may require the Authority to report on all or any of the matters set out in Sub-clause 14.1—
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
  - (b) within 14 days of receiving the Minister's written request.
- 14.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in Sub-clause 14.1, except -
- (a) Paragraphs (a), (b) and (c) of Sub-clause 14.1; and
  - (b) with the approval of the Minister, any particular failure referred to in Paragraph (j) of Sub-clause 14.1.
- 14.4 The Resource Manager may require the Authority to report to it, from time to time, on all or any of the matters set out in Sub-clause 14.1.
- 14.5 Any report under Sub-clause 14.4 must be made—
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
  - (b) unless the Authority and the Resource Manager agree otherwise—
    - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in Paragraphs (a) to (c) of Sub-clause 14.1; or
    - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in Paragraphs (d) to (k) of Sub-clause 14.1.
15. Water Resource Management Costs
- 15.1 Subject to Sub-clause 16.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to -
- (a) prepare the South Gippsland Basin Water Accounts; and
  - (b) monitor whether entitlement holders in the South Gippsland 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 South Gippsland Basin; and
  - (d) investigate and mediate disputes between entitlement holders in the South Gippsland Basin; and
  - (e) investigate and deal with significant unauthorised uses of water in the South Gippsland Basin; and
  - (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.

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

16. Duty to Keep Accounts and Fix Proportions

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

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

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

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

17. Duty to Make Payments

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

18. Data

18.1 Subject to Clause 13, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.

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

19. Dispute Resolution

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

19.2 The independent expert will be either—

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

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

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

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

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

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

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

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

Dated 25 August 1997

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



**Heritage**  
VICTORIA

**Heritage Act 1995**  
**NOTICE OF REGISTRATION**

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1340 in the category described as a Heritage Place:

Sacred Heart Cathedral, corner Wattle and High Streets, Bendigo, Greater Bendigo City Council.

**EXTENT**

1. All of the building, including external stairs and lanterns marked B-1, and the stone and iron boundary fence to Wattle and High Streets marked B-2 on Diagram No. 604326 held by the Executive Director.

2. All of the land marked L-1 on Diagram No. 604326 held by the Executive Director, being all of the land described in Crown Allotments 1, 2, 3, 7, 8, 9, 10, 11 and Crown Reserve 6089 (formerly known as Volume 2630, Folio 930), Section 5B, at Bendigo, Parish of Sandhurst, as well as all of the land known as Volume 7818, Folio 182.

3. The fourteen Stations of the Cross located each side of the north and south aisles, the (original) eagle lectern, the "Bishop's Chair" (consisting of screen and three associated chairs) located in the sanctuary, and the McCormick baptismal font located in the Francis Xavier Chapel.

Dated 21 August 1997

RAY TONKIN  
Executive Director



**Heritage**  
VICTORIA

**Heritage Act 1995**  
**NOTICE OF REGISTRATION**

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1341 in the category described as a Heritage Place:

St Kilian's Catholic Church, 161 McCrae Street, Bendigo, Greater Bendigo City Council.

**EXTENT**

1. All of the building including the German organ marked B-1, the iron and granite fence to Chapel and McCrae Streets, and the iron fence surrounding Dr Backhaus' grave marked B-2, Dr Backhaus' grave marked B3, and the bell-tower and bell marked B-4 on Diagram No. 600048 held by the Executive Director.

2. All of the land marked L1 on Diagram No. 600048, held by the Executive Director being part of the land described in Certificate of Title Volume 1038, Folio 537, City and Parish of Sandhurst, County of Bendigo.

3. All of the specified movable objects; the marble and granite baptismal font, the 56 curve-ended pews, organ bench seat, Dr Backhaus' stump chair, the small nave table, the high altar and reredos, the high altar side table, the altar, the altar candlestick, the sedile, the two side altars, and two side altar tables.

4. All of the *Washingtonia robusta* (Washington palms), the *Phoenix canariensis* (Canary Island palms), and the *Trachycarpus*



*fortunei* (Chinese windmill palm), marked T1, T-2 and T-3 respectively on Diagram No. 600048, held by the Executive Director.

Dated 21 August 1997

RAY TONKIN  
Executive Director



**Heritage Act 1995**  
**NOTICE OF REGISTRATION**

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1342 in the category described as a Heritage Place:

Sandhurst Trustees Building, former Post and Telegraph Office, 18-22 View Street, Bendigo, Greater Bendigo City Council.

**EXTENT**

1. All of the building known as the Sandhurst Trustees, formerly known as Post and Telegraph Office and marked B1 on Diagram 607802 held by the Executive Director, Heritage Victoria.

2. All of the land marked L1 on Diagram 607802 held by the Executive Director being all of the land described in Certificate Volume 2554, Folio 510691.

Dated 21 August 1997

RAY TONKIN  
Executive Director



**Heritage Act 1995**  
**NOTICE OF REGISTRATION**

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

amended by including the Heritage Register Number 1343 in the category described as a Heritage Place:

Kariwara District Scout Headquarters, 8A Hyde Street, Footscray, Maribyrnong City Council.

**EXTENT**

1. All of the building marked B1 and all of the land marked L1 on Plan 607710 held by the Executive Director and being part of Certificate of Title Volume 10159, Folio 864 and on lease to the Scout Association of Victoria from the Public Transport Corporation.

Dated 21 August 1997

RAY TONKIN  
Executive Director



**Heritage Act 1995**  
**NOTICE OF REGISTRATION**

As Executive Director for the purpose of the Heritage Act, I give notice under Section 46 that the Victorian Heritage Register is amended by including the Heritage Register Number 1345 in the category described as a Heritage Place:

Winter Park cluster housing, 137, 137A, 139, 139A, 141, 141A and 143-149 High Street, and 6-14, 11, 11A, 15 and 17 Timber Ridge, Doncaster, Manningham City Council.

**EXTENT**

1. All of the buildings marked B1-B17, and all of the buildings marked B18-B27 together with their associated garages and carports, on Diagram 607631 held by the Executive Director of the Heritage Council, together with all pergolas, fencing, sundry masonry structures and walls, brick, bitumen and gravel pavings, timber baulks and rockeries, and timber bench seats comprising the hard landscaping throughout.

2. All of the land marked L1 on Diagram 607631 held by the Executive Director of the Heritage Council, being all of the land described in Body Corporate Strata Plan No.

3591 (comprising the whole of the land described in Certificate of Title Volume 8841, Folio 802) and all of the land described in Body Corporate Strata Plan No. 2860 (comprising the whole of the land described in Certificate of Title Volume 8889, Folio 517).

Dated 14 August 1997

RAY TONKIN  
Executive Director

**Co-operation Act 1981**  
**CO-OPERATIVE SOCIETIES (GENERAL)**  
**REGULATIONS 1993**

Form 61  
Regulation 61 (2)  
Dissolution of Societies  
APOLLO PARKWAYS PRIMARY SCHOOL  
CO-OPERATIVE SOCIETY LIMITED  
ECHUCA TOURIST DEVELOPMENT  
CO-OPERATIVE LIMITED  
LILYDALE WEST PRIMARY SCHOOL  
MUSIC ROOM CO-OPERATIVE LTD  
SWIFTS CREEK HIGH SCHOOL  
CO-OPERATIVE SOCIETY LTD

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 28 August 1997

PAUL HOPKINS  
Deputy Registrar of Co-operative Societies

**Catchment and Land Protection Act 1994**  
**NOTICE OF APPROVAL OF A**  
**MANAGEMENT PLAN**

Notice is given under Clause 4 of Schedule 2 to the **Catchment and Land Protection Act 1994**, that the Port Phillip and Westernport Regional Catchment Strategy (management plan) dated August 1997 that has been prepared by the Port Phillip Catchment and Land Protection Board has been approved.

MARIE TEHAN  
Minister for Conservation and  
Land Management

**Hospitals Superannuation Board Act 1988**  
**ELECTION OF MEMBER AND DEPUTY**  
**MEMBERS OF THE HOSPITALS**  
**SUPERANNUATION BOARD**

In accordance with the provisions of the **Hospitals Superannuation Act 1988** and the Standard Operating Procedures for Board

Elections, I hereby declare the following candidates elected for appointment as member and deputy members of the Hospitals Superannuation Board following the conduct of the election:

Member of the Board referred in Section 7 (2) (c) of the **Hospitals Superannuation Act 1988**

Alan Thomas Studley.

Deputy Members of the Board referred to in Section 8A of the **Hospitals Superannuation Act 1988**

Annette Kathleen Lamb;  
Carole Ann Ferguson.

B. SOBEY  
Returning Officer

**Health Services Act 1988**  
**DECLARATION OF APPROVED QUALITY**  
**ASSURANCE BODY**

I declare the Medical Advisory Board, established by the Masada Private Hospital, is an approved quality assurance body under Section 139 for the purposes of Part 7 of the **Health Services Act 1988**.

Dated 1 September 1997

ROB KNOWLES  
Minister for Health

**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 8 October 1997.

Notice of any objection to the granting of an application should be forwarded to reach the Director, Tow Truck Directorate of Victoria, 560 Lygon Street, Carlton (P.O. Box 160, Carlton South 3053), not later than 2 October 1997.

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

Lisio Pty Ltd, Bulleen. Application for variation of conditions of tow truck licence number TOW034 which authorise the licensed vehicle to be managed, controlled and operated from a depot situated at 37 Bridge Street, Bulleen, to change the depot address to 340 Nicholson Street, Fitzroy.

*Note:* This licence is under consideration for transfer to Karlay Pty Ltd.

Jacana Falls Pty Ltd, Malvern. Application for variation of conditions of tow truck licence numbers TOW063, TOW543, TOW613 and TOW818 which authorise the licensed vehicles to be managed, controlled and operated from a depot situated at 1852 Malvern Road, Malvern East, to change the depot address to 103-109 Union Street, Windsor.

Artville Pty Ltd, East Melbourne. Application for variation of conditions of tow truck licence numbers TOW678, TOW692 and TOW748 which authorise the licensed vehicles to be managed, controlled and operated from a depot situated at 399 Tooronga Road, Hawthorn East, to change the depot address to 103-109 Union Street, Windsor.

Reservoir, Thomastown, Epping & Whittlesea Towing Service Pty Ltd, Chadstone. Application for variation of conditions of tow truck licence number TOW512 which authorise the licensed vehicle to be managed, controlled and operated from a depot situated at 1852 Malvern Road, Malvern East, to change the depot address to 103-109 Union Street, Windsor.

Dated 4 September 1997

JOHN R. CONNELL  
Director

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

Notice is hereby given that the following applications will be considered by the Victorian Taxi Directorate, a division of the Department of Infrastructure, 8 October 1997.

Notice of any objection to the granting of an application should be forwarded to reach the Manager, Licensing and Certification, Victorian Taxi Directorate, 598 Lygon Street, Carlton (P.O. Box 666, Carlton South 3053), not later than 2 October 1997.

Copies of objections are forwarded to the applicants.

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

**AMENDMENT TO PREVIOUS NOTICE**

This notice corrects a previous notice which appeared in the Victoria Government Gazette G33 dated 21 August 1997 in the name of Murrell Enterprises Pty Ltd, North Geelong, as the applicant. The application was gazetted incorrectly and the following notice is now substituted. Objections will need to be resubmitted to accord with the **Transport Act 1983**.

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

Australian Red Cross Society Victorian Division, Southbank. Application to license seventeen commercial passenger vehicles in respect of the following:

<i>Make</i>	<i>Year of Manufacture</i>	<i>Seating Capacity</i>
(3) Toyota bus	1996	6
(1) Toyota bus	1989	11
(1) Toyota bus	1988	9
(1) Ford stationwagon	1996	4
(1) Ford stationwagon	1995	4
(4) Ford sedan	1997	4
(6) Ford sedan	1996	4

to operate a service between patients' homes and hospitals and between hospitals throughout the State of Victoria.

Dated 4 September 1997

ROBERT STONEHAM  
Manager—Licensing and Certification  
Victorian Taxi Directorate

**CORRIGENDUM**  
**Planning and Environment Act 1987**  
**MELBOURNE PLANNING SCHEME**  
Amendment L265

In Government Gazette G32 dated 14 August 1997 on Page 2115, in the fourth paragraph, substitute "200 Collins Street" with "200 Little Collins Street".

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

**Planning and Environment Act 1987**  
**MELBOURNE PLANNING SCHEME**  
 Notice of Approval of Amendment  
 Amendment L269

The Minister for Planning and Local Government has approved Amendment L269 to the Melbourne Planning Scheme.

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

The amendment inserts a new Clause 216-3 which allows a permit to be granted for the construction of a building or extensions to the existing building at No. 20-24 Guildford Lane, Melbourne, which exceeds a total height of 15 metres. The building height must not exceed 22 metres, excluding skylights, building services, and architectural features.

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

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

**Planning and Environment Act 1987**  
**MELBOURNE PLANNING SCHEME**  
 Notice of Approval of Amendment  
 Amendment L282

The Minister for Planning and Local Government has approved Amendment L282 to the Melbourne Planning Scheme.

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

The amendment rezones part of the land controlled by the Department of Human Services in Park Street, Parkville, from part Melbourne Residential IR2 Zone and part Public Purposes—PP20—Other Reservation, to a Public Purposes Reservation—PP21—Community Services Victoria.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer

Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Melbourne City Council, Council House, Level 6, 200 Little Collins Street, Melbourne.

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

**Planning and Environment Act 1987**  
**BOROONDARA PLANNING SCHEME**  
 Notice of Approval of Amendment  
 Amendment L31

The Minister for Planning and Local Government has approved Amendment L31 to the Boroondara Planning Scheme.

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

The amendment:

rezones land at 6, 7 and 7A, River Retreat, Kew, more particularly described as Lots 6 and 7, PS 79498, Certificate of Title Volume 8705, Folio 737, Lot 13, PS462, Certificate of Title 8695, Folio 811 and Crown Allotment 61, Certificate of Title 4602, Folio 920269, from a Public Purposes Reservation No. 18—Board of Works to a part Residential C Zone and part Stream and Floodway Zone; and

includes a Potentially Contaminated Land Overlay for land at 6, 7 and 7A, River Retreat, Kew.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Boroondara City Council, 8 Ingelsby Road, Camberwell.

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

**Planning and Environment Act 1987**  
**CENTRAL GOLDFIELDS PLANNING SCHEME**  
 Notice of Approval of Amendment  
 Amendment L1

The Minister for Planning and Local Government has approved Amendment L1 to the Central Goldfields Planning Scheme.

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

The amendment allows CA 27A, Section 2, Parish of Maryborough, on the Maryborough/Bendigo Road to be used and developed as a Killing Works subject to conditions.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne; Western Regional Office, 1315 Sturt Street, Ballarat and at the offices of the Central Goldfields Shire Council, Neil Street, Maryborough.

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

**Planning and Environment Act 1987**  
**CRANBOURNE PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L184

The Minister for Planning and Local Government has approved Amendment L184 to the Cranbourne Planning Scheme.

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

The amendment rezones land described as part CA 16, Parish of Lyndhurst, in Ballarto Road, Skye, from a Residential (Urban) Zone to Reserved Land—Primary School, and rezones CA 14, Parish of Lyndhurst, from Reserved Land—Primary School to Farming (Low Intensity) Zone.

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

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

**Planning and Environment Act 1987**  
**CRANBOURNE PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L203

The Minister for Planning and Local Government has approved Amendment L203 to the Cranbourne Planning Scheme.

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

The amendment:

- includes a site specific provision to enable the subdivision of land in Dixons Road and Dalmore Road, Cardinia (Crown Allotment 68E, Parish of Sherwood) into 8 lots;
- includes a site specific provision to enable the subdivision, use and development of land in Sybella Road, Koo Wee Rup (Lot 32, LP 9030) for a fertiliser mixing plant and associated uses.

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

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

**Planning and Environment Act 1987**  
**KINGSTON PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L27

The Minister for Planning and Local Government has approved Amendment L27 to the Kingston Planning Scheme.

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

The amendment rezones land known as 95-97 Edithvale Road, Edithvale, and described as Lot 1 on Plan of Subdivision 404014N, Kinross Avenue, Edithvale, from a Restricted Light Industrial Zone to a Residential C Zone.

The amendment inserts a Potentially Contaminated Land overlay after Map No. 8.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Casey City Council, Council Offices, Princes Highway, Narre Warren.

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

---

**Planning and Environment Act 1987**  
**MAROONDAH PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L18

The Minister for Planning and Local Government has approved Amendment L18 to the Maroondah Planning Scheme.

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

The amendment inserts a site specific control into the Residential C Zone to allow a petrol station and convenience shop with a gross leasable floor area greater than 80 m<sup>2</sup> to be a discretionary use on land at Lot 1, L.P. 6623, Wantima Road, Ringwood.

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

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

---

**Planning and Environment Act 1987**  
**MOE PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L41

The Minister for Planning and Local Government has approved Amendment L41 to the Moe Planning Scheme.

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

The amendment rezones land comprising Lot D on Plan of Subdivision No. 149457L, fronting Amaroo Road, Moe, from Residential A to a State Section Urban Residential 1 Zone.

A copy of the amendment can be inspected free of charge during office hours at the Department of Infrastructure, Customer Service Centre, Level 3 Plaza, Nauru House, 80 Collins Street, Melbourne; Department of Infrastructure, Suite 4/29 Breed Street, Traralgon and at the offices of the La Trobe Shire Council, Kay Street, Traralgon.

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

---

**Planning and Environment Act 1987**  
**MOONEE VALLEY PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L21

The Minister for Planning and Local Government has approved Amendment L21 to the Moonee Valley Planning Scheme.

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

The amendment rezones land to the north of Moore Road, Airport West, from General Industrial and Restricted Light Industrial (Keilor) to a Restricted Business Zone. The amendment also makes changes to Clause 117-5A and inserts new Clause 117-5E into the Local Section of the Moonee Valley Planning Scheme in order to facilitate the expansion of the site bounded by Matthews Avenue, Dromana Avenue and Louis Street to the east, the railway reservation to the west and generally north of Moore Road, known as Westfield Airport West Shoppingtown from 26000 m<sup>2</sup> to 45000 m<sup>2</sup> in gross leasable floor area; and allows a reduction in the rate of carparking to be provided at the site from 2500 spaces at a rate of 10.4 per 100 m<sup>2</sup> to 2500 spaces at a rate of 4.9 spaces per 100 m<sup>2</sup> of retail floor area.

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

80 Collins Street, Melbourne and at the offices  
of the Moonee Valley City Council, Suite 5,  
707 Mt Alexander Road, Moonee Ponds.

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

---

**Planning and Environment Act 1987**  
**TRARALGON (CITY) PLANNING**  
**SCHEME**

**Notice of Approval of Amendment**  
**Amendment L63**

The Minister for Planning and Local  
Government has approved Amendment L63 to  
the Traralgon (City) Planning Scheme.

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

The amendment rezones part of Lot A and  
Lots 1 to 10 inclusive, of Plan of Subdivision  
343279L from Rural Zone to Residential  
Development Zone.

A copy of the amendment can be inspected  
free of charge during office hours at the  
Department of Infrastructure, Customer  
Service Centre, Level 3 Plaza, Nauru House,  
80 Collins Street, Melbourne and at the offices  
of the La Trobe Shire Council, 23-28 Kay  
Street, Traralgon.

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

---

**ORDERS IN COUNCIL**

**Health Services Act 1988**  
**APPOINTMENT OF MEMBERS OF BOARDS OF MANAGEMENT**  
**OF DECLARED COMMUNITY HEALTH CENTRES**  
**(BARWON-SOUTH WESTERN REGION)**

Under Section 46 (3) of the **Health Services Act 1988**, and on the recommendation of the Minister for Health, the Governor in Council appoints—

<i>Name</i>	<i>Community Health Centre</i>	<i>Term of Office</i>
Merlyn Menzel	Portland & District Community Health Centre Inc.	01.09.97 to 30.06.1998
Anne Moore	Portland & District Community Health Centre Inc.	01.09.97 to 30.06.1998
Elizabeth Kennedy	Portland & District Community Health Centre Inc.	01.09.97 to 30.06.1998
Roslyn Heather Alexander	Portland & District Community Health Centre Inc.	01.09.97 to 30.06.1999
Graeme John Huf	Portland & District Community Health Centre Inc.	01.09.97 to 30.06.1999
Graham John Amery	Portland & District Community Health Centre Inc.	01.09.97 to 30.06.1999
Shirley Elliott	Portland & District Community Health Centre Inc.	01.09.97 to 30.06.2000
Gwenda Lorraine Matthews	Portland & District Community Health Centre Inc.	01.09.97 to 30.06.2000
James William Harpley	Portland & District Community Health Centre Inc.	01.09.97 to 30.06.2000
Simon deGaris	Macarthur & District Community Outreach Services Inc.	01.09.97 to 30.06.1998
Margaret Cowland	Macarthur & District Community Outreach Services Inc.	01.09.97 to 30.06.1998
Enid Joan Matheson	Macarthur & District Community Outreach Services Inc.	01.09.97 to 30.06.1998
Nola Sullivan	Macarthur & District Community Outreach Services Inc.	01.09.97 to 30.06.1999
Lana Ruth Gray	Macarthur & District Community Outreach Services Inc.	01.09.97 to 30.06.1999
Sharon Maree Muldoon	Macarthur & District Community Outreach Services Inc.	01.09.97 to 30.06.2000
Christina Rebecca Freckleton	Macarthur & District Community Outreach Services Inc.	01.09.97 to 30.06.2000
William Luke	Macarthur & District Community Outreach Services Inc.	01.09.97 to 30.06.2000
Graham Brodie	Bellarine Peninsula Community Health Service Inc.	01.09.97 to 30.06.1998
Robert Crouch	Bellarine Peninsula Community Health Service Inc.	01.09.97 to 30.06.1998



Norma Joan Mortimer	Bellarine Peninsula Community Health Service Inc.	01.09.97 to 30.06.1998
Richard McDonald Collard	Bellarine Peninsula Community Health Service Inc.	01.09.97 to 30.06.1999
Patricia Mary Bell	Bellarine Peninsula Community Health Service Inc.	01.09.97 to 30.06.1999
Nancy Maie Lukey	Bellarine Peninsula Community Health Service Inc.	01.09.97 to 30.06.2000
Bernard Linacre Filbay	Bellarine Peninsula Community Health Service Inc.	01.09.97 to 30.06.2000
Christopher Ewan Bowly	Bellarine Peninsula Community Health Service Inc.	01.09.97 to 30.06.2000
Ted Mankelow	Corio Community Health Services Inc.	01.09.97 to 30.06.1998
Anne Dance	Corio Community Health Services Inc.	01.09.97 to 30.06.1998
Geoffrey Ewan Gray	Corio Community Health Services Inc.	01.09.97 to 30.06.1998
Lynette Ann Turney	Corio Community Health Services Inc.	01.09.97 to 30.06.1999
Robert Bruce Jane	Corio Community Health Services Inc.	01.09.97 to 30.06.1999
Javier Garcia	Corio Community Health Services Inc.	01.09.97 to 30.06.1999
Judith Ann Loney	Corio Community Health Services Inc.	01.09.97 to 30.06.2000
Katharine Dawn Pippett	Corio Community Health Services Inc.	01.09.97 to 30.06.2000
Steven Phillip Boyle	Corio Community Health Services Inc.	01.09.97 to 30.06.2000

Dated 26 August 1997

Responsible Minister:  
ROB KNOWLES  
Minister for Health

SHARNE BRYAN  
Clerk of the Executive Council

**Health Services Act 1988**  
**APPOINTMENT OF MEMBERS OF BOARDS OF MANAGEMENT**  
**OF DECLARED COMMUNITY HEALTH CENTRES**  
**(EASTERN METROPOLITAN REGION)**

Under Section 46 (3) of the **Health Services Act 1988**, and on the recommendation of the Minister for Health, the Governor in Council appoints—

<i>Name</i>	<i>Community Health Centre</i>	<i>Term of Office</i>
Margaret Cowin	Knox Community Health Service Inc.	01.09.97 to 30.06.1998
Dirk Ebert	Knox Community Health Service Inc.	01.09.97 to 30.06.1998
Lesley-Anne Sleep	Knox Community Health Service Inc.	01.09.97 to 30.06.1998
Wallace Peter Maguire	Knox Community Health Service Inc.	01.09.97 to 30.06.1998
Jin Ghee Teh	Knox Community Health Service Inc.	01.09.97 to 30.06.1999
Wendy Jean Bliss	Knox Community Health Service Inc.	01.09.97 to 30.06.1999

William Robert Neale	Knox Community Health Service Inc.	01.09.97 to 30.06.2000
John Gordon Mcdougall	Knox Community Health Service Inc.	01.09.97 to 30.06.2000
Margaret Livingston Breckon	Knox Community Health Service Inc.	01.09.97 to 30.06.2000
Frank Tinney	Maroondah Social And Community Health Centre Inc.	01.09.97 to 30.06.1998
Ron Fry	Maroondah Social And Community Health Centre Inc.	01.09.97 to 30.06.1998
Blair Widmer	Maroondah Social And Community Health Centre Inc.	01.09.97 to 30.06.1998
Geoffrey Alan Rowe	Maroondah Social And Community Health Centre Inc.	01.09.97 to 30.06.1998
Margaret Thomas	Maroondah Social And Community Health Centre Inc.	01.09.97 to 30.06.1999
Neville John Keith Johnson	Maroondah Social And Community Health Centre Inc.	01.09.97 to 30.06.1999
Stephen Douglas Ward	Maroondah Social And Community Health Centre Inc.	01.09.97 to 30.06.1999
William Bramwell Southwell	Maroondah Social And Community Health Centre Inc.	01.09.97 to 30.06.2000
Arthur Thomas Martin	Maroondah Social And Community Health Centre Inc.	01.09.97 to 30.06.2000
Vicky Mason	Manningham Community Health Service Inc.	01.09.97 to 30.06.1998
Ros Loader	Manningham Community Health Service Inc.	01.09.97 to 30.06.1998
Kwai Chee Ho	Manningham Community Health Service Inc.	01.09.97 to 30.06.1998
Cordell Vardy	Manningham Community Health Service Inc.	01.09.97 to 30.06.1999
Elizabeth Anne Lucas	Manningham Community Health Service Inc.	01.09.97 to 30.06.1999
Jo-Ann Lee Salmon	Manningham Community Health Service Inc.	01.09.97 to 30.06.1999
Tim Galbally	Manningham Community Health Service Inc.	01.09.97 to 30.06.2000
Sharyn Gaye Turney	Manningham Community Health Service Inc.	01.09.97 to 30.06.2000
Christine Robyn Collett	Manningham Community Health Service Inc.	01.09.97 to 30.06.2000
Robyn Demarco	Ranges Community Health Service Inc.	01.09.97 to 30.06.1998
John Huigen	Ranges Community Health Service Inc.	01.09.97 to 30.06.1998
John Kerr	Ranges Community Health Service Inc.	01.09.97 to 30.06.1998
Dorothea Warr	Ranges Community Health Service Inc.	01.09.97 to 30.06.1999

Rovel Shackelford	Ranges Community Health Service Inc.	01.09.97 to 30.06.1999
Michael Muller	Ranges Community Health Service Inc.	01.09.97 to 30.06.1999
Lynette Attwood	Ranges Community Health Service Inc.	01.09.97 to 30.06.2000
Julian Simpkins	Ranges Community Health Service Inc.	01.09.97 to 30.06.2000
Beverley Begg	Ranges Community Health Service Inc.	01.09.97 to 30.06.2000

Dated 26 August 1997

Responsible Minister:  
ROB KNOWLES  
Minister for Health

SHARNE BRYAN  
Clerk of the Executive Council

**Health Services Act 1988**  
**APPOINTMENT OF MEMBERS OF BOARDS OF MANAGEMENT**  
**OF DECLARED COMMUNITY HEALTH CENTRES**  
**(GIPPSLAND REGION)**

Under Section 46 (3) of the **Health Services Act 1988**, and on the recommendation of the Minister for Health, the Governor in Council appoints—

<i>Name</i>	<i>Community Health Centre</i>	<i>Term of Office</i>
John Carruthers	San Remo & District Community Health Centre Inc.	01.09.97 to 30.06.1998
Shelton Foster	San Remo & District Community Health Centre Inc.	01.09.97 to 30.06.1998
Hugh Flemming Roche	San Remo & District Community Health Centre Inc.	01.09.97 to 30.06.1998
Shane Robert Neaves	San Remo & District Community Health Centre Inc.	01.09.97 to 30.06.1998
Margaret Anne Wheeler	San Remo & District Community Health Centre Inc.	01.09.97 to 30.06.1999
Carolyn Anne Blair	San Remo & District Community Health Centre Inc.	01.09.97 to 30.06.1999
Valerie Therese Ogier	San Remo & District Community Health Centre Inc.	01.09.97 to 30.06.2000
Joan Chegwiddden	San Remo & District Community Health Centre Inc.	01.09.97 to 30.06.2000
Clive Mckenzie Kilgour	San Remo & District Community Health Centre Inc.	01.09.97 to 30.06.2000
John Albrecht	Nowa Nowa Community Health Centre Inc.	01.09.97 to 30.06.1998
Terri Larkins	Nowa Nowa Community Health Centre Inc.	01.09.97 to 30.06.1998
Glenda Rose Thorpe	Nowa Nowa Community Health Centre Inc.	01.09.97 to 30.06.1998
Nancy May Long	Nowa Nowa Community Health Centre Inc.	01.09.97 to 30.06.1999

Judith Irene Hartley	Nowa Nowa Community Health Centre Inc.	01.09.97 to 30.06.1999
Alison Jane Mackie	Nowa Nowa Community Health Centre Inc.	01.09.97 to 30.06.1999
John Thomas Appleby	Nowa Nowa Community Health Centre Inc.	01.09.97 to 30.06.2000
Geoffrey Ross Preston	Nowa Nowa Community Health Centre Inc.	01.09.97 to 30.06.2000
Robert Bruce Young	Nowa Nowa Community Health Centre Inc.	01.09.97 to 30.06.2000
Brian McIntosh	Latrobe Community Health Service Inc.	01.09.97 to 30.06.1998
Don Flanigan	Latrobe Community Health Service Inc.	01.09.97 to 30.06.1998
John Gordon Kerr	Latrobe Community Health Service Inc.	01.09.97 to 30.06.1998
Geoffrey Ian Hall	Latrobe Community Health Service Inc.	01.09.97 to 30.06.1999
Lorraine Velma Bartling	Latrobe Community Health Service Inc.	01.09.97 to 30.06.1999
Peter Robert Kennon	Latrobe Community Health Service Inc.	01.09.97 to 30.06.1999
John Vincent Guy	Latrobe Community Health Service Inc.	01.09.97 to 30.06.2000
Effie Rosemary Bridge	Latrobe Community Health Service Inc.	01.09.97 to 30.06.2000
John Peter Larson	Latrobe Community Health Service Inc.	01.09.97 to 30.06.2000
Margot Kerby	Lakes Entrance Community Health Centre Inc.	01.09.97 to 30.06.1998
Gary Henry	Lakes Entrance Community Health Centre Inc.	01.09.97 to 30.06.1998
Phyllis Laura Andy	Lakes Entrance Community Health Centre Inc.	01.09.97 to 30.06.1999
Dale John Porter	Lakes Entrance Community Health Centre Inc.	01.09.97 to 30.06.1999
Raymond Joseph Barling	Lakes Entrance Community Health Centre Inc.	01.09.97 to 30.06.1999
Mary Fincham	Lakes Entrance Community Health Centre Inc.	01.09.97 to 30.06.2000
Bruce William Sanders	Lakes Entrance Community Health Centre Inc.	01.09.97 to 30.06.2000
Ronald N. Poke	Lakes Entrance Community Health Centre Inc.	01.09.97 to 30.06.2000
Evan Newcomen	Ensay Community Health Centre Inc.	01.09.97 to 30.06.1998
Laurie Hiscock	Ensay Community Health Centre Inc.	01.09.97 to 30.06.1998
Pauline Mary Humphris	Ensay Community Health Centre Inc.	01.09.97 to 30.06.1998
Barbara Wendy Dodd	Ensay Community Health Centre Inc.	01.09.97 to 30.06.1999
John Frederic Shannon	Ensay Community Health Centre Inc.	01.09.97 to 30.06.1999

Jane Helen Lloyd	Ensary Community Health Centre Inc.	01.09.97 to 30.06.1999
Anne Hiscock	Ensary Community Health Centre Inc.	01.09.97 to 30.06.2000
Joan Carolyn Tuck	Ensary Community Health Centre Inc.	01.09.97 to 30.06.2000
Suzanne Somerville	Ensary Community Health Centre Inc.	01.09.97 to 30.06.2000

Dated 26 August 1997

Responsible Minister:  
ROB KNOWLES  
Minister for Health

SHARNE BRYAN  
Clerk of the Executive Council

**Health Services Act 1988**  
**APPOINTMENT OF MEMBERS OF BOARDS OF MANAGEMENT**  
**OF DECLARED COMMUNITY HEALTH CENTRES**  
**(GRAMPIANS REGION)**

Under Section 46 (3) of the **Health Services Act 1988**, and on the recommendation of the Minister for Health, the Governor in Council appoints—

<i>Name</i>	<i>Community Health Centre</i>	<i>Term of Office</i>
Joan Elizabeth Maher	Ballarat Community Health Centre Inc.	01.09.97 to 30.06.1998
Thomas David Laffey	Ballarat Community Health Centre Inc.	01.09.97 to 30.06.1998
Alexander Charles Serrurier	Ballarat Community Health Centre Inc.	01.09.97 to 30.06.1998
Elly Theodora Green	Ballarat Community Health Centre Inc.	01.09.97 to 30.06.1999
Linda Maree Danvers	Ballarat Community Health Centre Inc.	01.09.97 to 30.06.1999
Heather Lynne McLennan	Ballarat Community Health Centre Inc.	01.09.97 to 30.06.2000
Johanne Elizabeth Green	Ballarat Community Health Centre Inc.	01.09.97 to 30.06.2000
Alwyn Vincent Hawkins	Goroke Community Health Centre Inc.	01.09.97 to 30.06.1998
Sharon Lee Richardson	Goroke Community Health Centre Inc.	01.09.97 to 30.06.1999
Brian Leonard Klemm	Goroke Community Health Centre Inc.	01.09.97 to 30.06.1999
Gwenda Frances Bouchier	Goroke Community Health Centre Inc.	01.09.97 to 30.06.1999
Ruth Alison Walter	Goroke Community Health Centre Inc.	01.09.97 to 30.06.2000
Allen Osborne Carter	Goroke Community Health Centre Inc.	01.09.97 to 30.06.2000
Dianne Lesley Rogers	Goroke Community Health Centre Inc.	01.09.97 to 30.06.2000
Lynette Margaret Bibby	Grampians Community Health Centre Incorporated	01.09.97 to 30.06.1998
Trevor John Cunningham	Grampians Community Health Centre Incorporated	01.09.97 to 30.06.1999

2462 G 35 4 September 1997

Victoria Government Gazette

Elizabeth Dorothy Meumann	Grampians Community Health Centre Incorporated	01.09.97 to 30.06.1999
Tere Snowdon	Grampians Community Health Centre Incorporated	01.09.97 to 30.06.1999
Mary Jacinta Grills	Grampians Community Health Centre Incorporated	01.09.97 to 30.06.2000
Barbara Rooks	Grampians Community Health Centre Incorporated	01.09.97 to 30.06.2000
Bryce Simpson	Grampians Community Health Centre Incorporated	01.09.97 to 30.06.2000

Dated 26 August 1997

Responsible Minister:  
ROB KNOWLES  
Minister for Health

SHARNE BRYAN  
Clerk of the Executive Council

**Health Services Act 1988**  
**APPOINTMENT OF MEMBERS OF BOARDS OF MANAGEMENT**  
**OF DECLARED COMMUNITY HEALTH CENTRES**  
**(HUME REGION)**

Under Section 46 (3) of the **Health Services Act 1988**, and on the recommendation of the Minister for Health, the Governor in Council appoints—

<i>Name</i>	<i>Community Health Centre</i>	<i>Term of Office</i>
Mary-Ann Morgan	Goulburn Valley Community Health Service Inc.	01.09.97 to 30.06.1998
David Anthony Jones	Goulburn Valley Community Health Service Inc.	01.09.97 to 30.06.1998
Mary Katsoutas	Goulburn Valley Community Health Service Inc.	01.09.97 to 30.06.1998
Christopher Walter Klitzing	Goulburn Valley Community Health Service Inc.	01.09.97 to 30.06.1999
Gregory Bruce Munro	Goulburn Valley Community Health Service Inc.	01.09.97 to 30.06.1999
Robyn Nelson	Goulburn Valley Community Health Service Inc.	01.09.97 to 30.06.1999
Philip James Dowd	Goulburn Valley Community Health Service Inc.	01.09.97 to 30.06.2000
Jacqueline Sally Waugh-Phillips	Goulburn Valley Community Health Service Inc.	01.09.97 to 30.06.2000
Stephen Douglas Bowmaker	Goulburn Valley Community Health Service Inc.	01.09.97 to 30.06.2000
Margaret Hunter	Ovens & King Community Health Service Inc.	01.09.97 to 30.06.1998
Glenyis Stawiarski	Ovens & King Community Health Service Inc.	01.09.97 to 30.06.1998

Edward Roland Ludbrook	Ovens & King Community Health Service Inc.	01.09.97 to 30.06.1998
Tania Simone Fyfe	Ovens & King Community Health Service Inc.	01.09.97 to 30.06.1999
Ross Graham Cairns	Ovens & King Community Health Service Inc.	01.09.97 to 30.06.1999
Ethel Margaret Robb	Ovens & King Community Health Service Inc.	01.09.97 to 30.06.1999
Linda Gat Fiddes	Ovens & King Community Health Service Inc.	01.09.97 to 30.06.2000
Alan Richard Garside	Ovens & King Community Health Service Inc.	01.09.97 to 30.06.2000
Lynne Falkenberg	Ovens & King Community Health Service Inc.	01.09.97 to 30.06.2000
Carol Jones	Upper Hume Community Health Service Inc.	01.09.97 to 30.06.1998
Beau Dare	Upper Hume Community Health Service Inc.	01.09.97 to 30.06.1998
Lesley Isabel Baker	Upper Hume Community Health Service Inc.	01.09.97 to 30.06.1998
Julie Lorraine Hind	Upper Hume Community Health Service Inc.	01.09.97 to 30.06.1999
David Whealing	Upper Hume Community Health Service Inc.	01.09.97 to 30.06.1999
Marie Jeanette Marotta	Upper Hume Community Health Service Inc.	01.09.97 to 30.06.1999
Ian Stuart Mckinlay	Upper Hume Community Health Service Inc.	01.09.97 to 30.06.2000
Klaus Herbert Baumgartel	Upper Hume Community Health Service Inc.	01.09.97 to 30.06.2000
James Rex Hunter	Upper Hume Community Health Service Inc.	01.09.97 to 30.06.2000
Anne Sanderson	Murrindindi Community Health Service Inc.	01.09.97 to 30.06.1998
Lorina Helen Gray	Murrindindi Community Health Service Inc.	01.09.97 to 30.06.1998
Geoffrey Wilson Clark	Murrindindi Community Health Service Inc.	01.09.97 to 30.06.1998
George Ralph	Murrindindi Community Health Service Inc.	01.09.97 to 30.06.1999
Gregory Kent Radford	Murrindindi Community Health Service Inc.	01.09.97 to 30.06.2000
Elizabeth Anne Rollason	Murrindindi Community Health Service Inc.	01.09.97 to 30.06.2000
Jenny Su Branton	Murrindindi Community Health Service Inc.	01.09.97 to 30.06.2000

Marie Therese Daniel	Yarrawonga Community Health Centre Inc.	01.09.97 to 30.06.1998
Asja Vernieks	Yarrawonga Community Health Centre Inc.	01.09.97 to 30.06.1998
Peter Keppell	Yarrawonga Community Health Centre Inc.	01.09.97 to 30.06.1998
Andrew Spilva	Yarrawonga Community Health Centre Inc.	01.09.97 to 30.06.1999
Margaret Ruth Ritchie	Yarrawonga Community Health Centre Inc.	01.09.97 to 30.06.1999
Janette Heather Munro	Yarrawonga Community Health Centre Inc.	01.09.97 to 30.06.1999
Jacobus Willem Sterkenburg	Yarrawonga Community Health Centre Inc.	01.09.97 to 30.06.2000
Reginald James Farnell	Yarrawonga Community Health Centre Inc.	01.09.97 to 30.06.2000
Wendy Maree Phillips	Yarrawonga Community Health Centre Inc.	01.09.97 to 30.06.2000
Desmond Anthony Callaghan	Mitchell Community Health Services Inc.	01.09.97 to 30.06.1998
Faye Venice Ure	Mitchell Community Health Services Inc.	01.09.97 to 30.06.1998
Kathleen Margaret Mackenzie	Mitchell Community Health Services Inc.	01.09.97 to 30.06.1998
Ronald Bernard Robson	Mitchell Community Health Services Inc.	01.09.97 to 30.06.1999
Roger Lindsay Sanders	Mitchell Community Health Services Inc.	01.09.97 to 30.06.1999
Jennifer Lynn Salkeld	Mitchell Community Health Services Inc.	01.09.97 to 30.06.1999

Dated 26 August 1997

Responsible Minister:  
ROB KNOWLES  
Minister for Health

SHARNE BRYAN  
Clerk of the Executive Council

**Health Services Act 1988**  
**APPOINTMENT OF MEMBERS OF BOARDS OF MANAGEMENT**  
**OF DECLARED COMMUNITY HEALTH CENTRES**  
**(LODDON MALLEE REGION)**

Under Section 46 (3) of the **Health Services Act 1988** and on the recommendation of the Minister for Health, the Governor in Council appoints—

<i>Name</i>	<i>Community Health Centre</i>	<i>Term of Office</i>
William Davies	Castlemaine District Community Health Centre (C.H.I.R.P.) Inc.	01.09.97 to 30.06.1998
William Turner	Castlemaine District Community Health Centre (C.H.I.R.P.) Inc.	01.09.97 to 30.06.1998



Judith Alwyne Spragg	Castlemaine District Community Health Centre (C.H.I.R.P.) Inc.	01.09.97 to 30.06.1998
Melva Dorothea Clark	Castlemaine District Community Health Centre (C.H.I.R.P.) Inc.	01.09.97 to 30.06.1999
Dorothy Barbara Pollard	Castlemaine District Community Health Centre (C.H.I.R.P.) Inc.	01.09.97 to 30.06.1999
Robert McNabb	Castlemaine District Community Health Centre (C.H.I.R.P.) Inc.	01.09.97 to 30.06.1999
Janet Caroline Hancy	Castlemaine District Community Health Centre (C.H.I.R.P.) Inc.	01.09.97 to 30.06.2000
Ian David Reid	Castlemaine District Community Health Centre (C.H.I.R.P.) Inc.	01.09.97 to 30.06.2000
Alex Crosbie Millar	Castlemaine District Community Health Centre (C.H.I.R.P.) Inc.	01.09.97 to 30.06.2000
Anne Hines	Sunraysia Community Health Services Inc.	01.09.97 to 30.06.1998
Ian Gardiner	Sunraysia Community Health Services Inc.	01.09.97 to 30.06.1998
Beryl Jean Kiernan	Sunraysia Community Health Services Inc.	01.09.97 to 30.06.1998
Jodie Ann Noblet	Sunraysia Community Health Services Inc.	01.09.97 to 30.06.1999
Myra Pigot	Sunraysia Community Health Services Inc.	01.09.97 to 30.06.1999
Lynley Joy Davy	Sunraysia Community Health Services Inc.	01.09.97 to 30.06.1999
James Robert McMullan	Sunraysia Community Health Services Inc.	01.09.97 to 30.06.2000
John Martin Keogh	Sunraysia Community Health Services Inc.	01.09.97 to 30.06.2000
Ian Lindsay Dickie	Sunraysia Community Health Services Inc.	01.09.97 to 30.06.2000
Heather Williamson	Northern District Community Health Service Inc.	01.09.97 to 30.06.1998
Dawn Hill	Northern District Community Health Service Inc.	01.09.97 to 30.06.1998
Margaret Jean Kendrick	Northern District Community Health Service Inc.	01.09.97 to 30.06.1999
Jennifer Joy Kelly	Northern District Community Health Service Inc.	01.09.97 to 30.06.1999
Kathleen Mary Bowman	Northern District Community Health Service Inc.	01.09.97 to 30.06.1999
Margaret Ann Piccoli	Northern District Community Health Service Inc.	01.09.97 to 30.06.2000
Geoffrey Philip Lyles	Northern District Community Health Service Inc.	01.09.97 to 30.06.2000
Merril Ann Kelly	Northern District Community Health Service Inc.	01.09.97 to 30.06.2000
Graeme Stanley Miller	Cobaw Community Health Service Inc.	01.09.97 to 30.06.1998
Joan Richardson	Cobaw Community Health Service Inc.	01.09.97 to 30.06.1998
Don Saltmarsh	Cobaw Community Health Service Inc.	01.09.97 to 30.06.1998

Henry Christopher Chaney	Cobaw Community Health Service Inc.	01.09.97 to 30.06.1998
Leecia Jane Angus	Cobaw Community Health Service Inc.	01.09.97 to 30.06.1999
Margaret Augerinos	Cobaw Community Health Service Inc.	01.09.97 to 30.06.2000
John Ruffin	Cobaw Community Health Service Inc.	01.09.97 to 30.06.2000
Richard Lonsdale Chatham	Bendigo Community Health Services Incorporated	01.09.97 to 30.06.1998
Brenda Murley	Bendigo Community Health Services Incorporated	01.09.97 to 30.06.1998
Gary Thorn	Bendigo Community Health Services Incorporated	01.09.97 to 30.06.1998
Veronica Lynn Eccles	Bendigo Community Health Services Incorporated	01.09.97 to 30.06.1999
Susan Joy Haughton	Bendigo Community Health Services Incorporated	01.09.97 to 30.06.1999
Jacinta Marie Allan	Bendigo Community Health Services Incorporated	01.09.97 to 30.06.1999
Robert Duncan Jamieson	Bendigo Community Health Services Incorporated	01.09.97 to 30.06.2000
Adrian Schoo	Bendigo Community Health Services Incorporated	01.09.97 to 30.06.2000
Toni Elizabeth Riley	Bendigo Community Health Services Incorporated	01.09.97 to 30.06.2000

Dated 26 August 1997

Responsible Minister:  
ROB KNOWLES  
Minister for Health

SHARNE BRYAN  
Clerk of the Executive Council

**Health Services Act 1988**  
**APPOINTMENT OF MEMBERS OF BOARDS OF MANAGEMENT**  
**OF DECLARED COMMUNITY HEALTH CENTRES**  
**(NORTHERN METROPOLITAN REGION)**

Under Section 46 (3) of the **Health Services Act 1988** and on the recommendation of the Minister for Health, the Governor in Council appoints—

<i>Name</i>	<i>Community Health Centre</i>	<i>Term of Office</i>
Pa Fung Lay	North Richmond Community Health Centre Inc.	01.09.97 to 30.06.1998
Stephanie Marshall	North Richmond Community Health Centre Inc.	01.09.97 to 30.06.1998
Nga Diep	North Richmond Community Health Centre Inc.	01.09.97 to 30.06.1998
Parshotam Singh Mahindroo	North Richmond Community Health Centre Inc.	01.09.97 to 30.06.1999

Trung Hua	North Richmond Community Health Centre Inc.	01.09.97 to 30.06.1999
Van Quang Le	North Richmond Community Health Centre Inc.	01.09.97 to 30.06.1999
Stephen Russell Kerr	North Richmond Community Health Centre Inc.	01.09.97 to 30.06.2000
Tuan Binh Vuong	North Richmond Community Health Centre Inc.	01.09.97 to 30.06.2000
Anna Louise Lavelle	North Richmond Community Health Centre Inc.	01.09.97 to 30.06.2000
Philip Robinson	North Yarra Community Health Inc.	01.09.97 to 30.06.1998
Geoff Barbour	North Yarra Community Health Inc.	01.09.97 to 30.06.1998
Michael O'Hagan	North Yarra Community Health Inc.	01.09.97 to 30.06.1998
Deidre McGill	North Yarra Community Health Inc.	01.09.97 to 30.06.1999
Jeanette Hales	North Yarra Community Health Inc.	01.09.97 to 30.06.1999
Michelle Keenan	North Yarra Community Health Inc.	01.09.97 to 30.06.1999
Robyn Williams	North Yarra Community Health Inc.	01.09.97 to 30.06.2000
Marilyn O'Sullivan	North Yarra Community Health Inc.	01.09.97 to 30.06.2000
Brian Laurence Stagoll	North Yarra Community Health Inc.	01.09.97 to 30.06.2000
Concetta Benn	Broadmeadows Craigieburn Community Health Service Inc.	01.09.97 to 30.06.1998
Francis Hilton Dixon	Broadmeadows Craigieburn Community Health Service Inc.	01.09.97 to 30.06.1998
Alan John Hodgson	Broadmeadows Craigieburn Community Health Service Inc.	01.09.97 to 30.06.1998
Christine Margaret Bayly	Broadmeadows Craigieburn Community Health Service Inc.	01.09.97 to 30.06.1999
Joseph Peter Calleja	Broadmeadows Craigieburn Community Health Service Inc.	01.09.97 to 30.06.1999
Gregory William Brown	Broadmeadows Craigieburn Community Health Service Inc.	01.09.97 to 30.06.1999
Karen Hickman	Broadmeadows Craigieburn Community Health Service Inc.	01.09.97 to 30.06.2000
Ralph Audehm	Broadmeadows Craigieburn Community Health Service Inc.	01.09.97 to 30.06.2000
Olga Estridge	Broadmeadows Craigieburn Community Health Service Inc.	01.09.97 to 30.06.2000
Trevor Wood	Plenty Valley Community Health Services Inc.	01.09.97 to 30.06.1998
Barry Kyle	Plenty Valley Community Health Services Inc.	01.09.97 to 30.06.1998
Carol Joy Sainsbery	Plenty Valley Community Health Services Inc.	01.09.97 to 30.06.1999

Delma Sheryl Osborne	Plenty Valley Community Health Services Inc.	01.09.97 to 30.06.1999
Arthur Boon Wah Yong	Plenty Valley Community Health Services Inc.	01.09.97 to 30.06.1999
Wendy Middleton	Plenty Valley Community Health Services Inc.	01.09.97 to 30.06.2000
Brian Charles Murphy	Plenty Valley Community Health Services Inc.	01.09.97 to 30.06.2000
Stephen Owens	Plenty Valley Community Health Services Inc.	01.09.97 to 30.06.2000
Mary Dickens	East Preston Community Health Centre Inc.	01.09.97 to 30.06.1998
Ralph Muir	East Preston Community Health Centre Inc.	01.09.97 to 30.06.1998
Vincenzo Gaetano Balestra	East Preston Community Health Centre Inc.	01.09.97 to 30.06.1998
Deborah Jean Moon	East Preston Community Health Centre Inc.	01.09.97 to 30.06.1999
Kerri-Anne Arnold	East Preston Community Health Centre Inc.	01.09.97 to 30.06.1999
Noel Pierre Stewart	East Preston Community Health Centre Inc.	01.09.97 to 30.06.1999
Robert Burnham	East Preston Community Health Centre Inc.	01.09.97 to 30.06.2000
Michelle Harmer	East Preston Community Health Centre Inc.	01.09.97 to 30.06.2000
Richard Ian Hince	East Preston Community Health Centre Inc.	01.09.97 to 30.06.2000
Christina Tasic	Moreland Community Health Service Inc.	01.09.97 to 30.06.1998
Moussalam Al-Badine	Moreland Community Health Service Inc.	01.09.97 to 30.06.1998
Serena Everill	Moreland Community Health Service Inc.	01.09.97 to 30.06.1998
Andree L'Estrange	Moreland Community Health Service Inc.	01.09.97 to 30.06.1999
Adrian Paul Robb	Moreland Community Health Service Inc.	01.09.97 to 30.06.1999
Joseph Anthony Caputo	Moreland Community Health Service Inc.	01.09.97 to 30.06.1999
Bernard John Moran	Moreland Community Health Service Inc.	01.09.97 to 30.06.2000
Suzanne Elizabeth Pinchen	Moreland Community Health Service Inc.	01.09.97 to 30.06.2000
Anthony Helou	Moreland Community Health Service Inc.	01.09.97 to 30.06.2000
Bob Lotherington	Sunbury Community Health Centre Inc.	01.09.97 to 30.06.1998
Roma Pretty	Sunbury Community Health Centre Inc.	01.09.97 to 30.06.1998
John Azaris	Sunbury Community Health Centre Inc.	01.09.97 to 30.06.1998
Mary Eileen Rush	Sunbury Community Health Centre Inc.	01.09.97 to 30.06.1998

Beryl Frances Carstairs	Sunbury Community Health Centre Inc.	01.09.97 to 30.06.1998
Laurence Victor Alvis	Sunbury Community Health Centre Inc.	01.09.97 to 30.06.1999
Michael Lewis Houston	Sunbury Community Health Centre Inc.	01.09.97 to 30.06.1999
Valerie Joan Davie	Sunbury Community Health Centre Inc.	01.09.97 to 30.06.2000
David Hingston McDonagh	Sunbury Community Health Centre Inc.	01.09.97 to 30.06.2000
Emily Dimitracopoulos	Northcote Community Health Centre Inc.	01.09.97 to 30.06.1998
Ron Gleeson	Northcote Community Health Centre Inc.	01.09.97 to 30.06.1998
Ann Elizabeth Maguire	Northcote Community Health Centre Inc.	01.09.97 to 30.06.1998
David William Trueman	Northcote Community Health Centre Inc.	01.09.97 to 30.06.1999
Kerry Bronwyn Baker	Northcote Community Health Centre Inc.	01.09.97 to 30.06.1999
Jan Rosalind Powning	Northcote Community Health Centre Inc.	01.09.97 to 30.06.1999
Susan Laidlaw Hurley	Northcote Community Health Centre Inc.	01.09.97 to 30.06.2000
David George Redfearn	Northcote Community Health Centre Inc.	01.09.97 to 30.06.2000
Margriet Anne Thyssen	Northcote Community Health Centre Inc.	01.09.97 to 30.06.2000
Kathy Johnson	Inner East Community Health Service Inc.	01.09.97 to 30.06.1998
Jack Burns	Inner East Community Health Service Inc.	01.09.97 to 30.06.1998
Dorothy Softley	Inner East Community Health Service Inc.	01.09.97 to 30.06.1998
Geof Collinson	Inner East Community Health Service Inc.	01.09.97 to 30.06.1999
Sally Margaret Ejzenbaum	Inner East Community Health Service Inc.	01.09.97 to 30.06.1999
Gary John Morrison	Inner East Community Health Service Inc.	01.09.97 to 30.06.1999
Paul Butler	Inner East Community Health Service Inc.	01.09.97 to 30.06.2000
Kent Victor Rogers	Inner East Community Health Service Inc.	01.09.97 to 30.06.2000
Lynn Hall	Inner East Community Health Service Inc.	01.09.97 to 30.06.2000
Victoria Wensley	Banyule Community Health Service Inc.	01.09.97 to 30.06.1998
Denis Swift	Banyule Community Health Service Inc.	01.09.97 to 30.06.1998
Peter Laurence Ogden	Banyule Community Health Service Inc.	01.09.97 to 30.06.1998
Belinda Jane Moyes	Banyule Community Health Service Inc.	01.09.97 to 30.06.1999
Lawrence William Stephens	Banyule Community Health Service Inc.	01.09.97 to 30.06.1999

Ann Audrey Trott	Banyule Community Health Service Inc.	01.09.97 to 30.06.1999
David Charles Mckenzie	Banyule Community Health Service Inc.	01.09.97 to 30.06.2000
Ronald John Haining	Banyule Community Health Service Inc.	01.09.97 to 30.06.2000
Bernard Michael Geary	Banyule Community Health Service Inc.	01.09.97 to 30.06.2000
Rosemary Aitken	Eltham Community Health Centre Inc.	01.09.97 to 30.06.1998
Sally Missing	Eltham Community Health Centre Inc.	01.09.97 to 30.06.1998
Nancy Wendel Cummane	Eltham Community Health Centre Inc.	01.09.97 to 30.06.1999
St. John Gardiner Heath	Eltham Community Health Centre Inc.	01.09.97 to 30.06.1999
Susan Marie Whiffin	Eltham Community Health Centre Inc.	01.09.97 to 30.06.1999
Lyndel Kay Littlefield	Eltham Community Health Centre Inc.	01.09.97 to 30.06.2000
Colin Robert Adams	Eltham Community Health Centre Inc.	01.09.97 to 30.06.2000
Mark Petty	Eltham Community Health Centre Inc.	01.09.97 to 30.06.2000

Dated 26 August 1997

Responsible Minister:  
ROB KNOWLES  
Minister for Health

SHARNE BRYAN  
Clerk of the Executive Council

**Health Services Act 1988**  
**APPOINTMENT OF MEMBERS OF BOARDS OF MANAGEMENT**  
**OF DECLARED COMMUNITY HEALTH CENTRES**  
**(SOUTHERN METROPOLITAN REGION)**

Under Section 46 (3) of the **Health Services Act 1988**, and on the recommendation of the Minister for Health, the Governor in Council appoints—

<i>Name</i>	<i>Community Health Centre</i>	<i>Term of Office</i>
Bill Nixon	Heathlands Community Health Service Inc.	01.09.97 to 30.06.1998
Dennis O'Sullivan	Heathlands Community Health Service Inc.	01.09.97 to 30.06.1998
Patricia May Dwyer	Heathlands Community Health Service Inc.	01.09.97 to 30.06.1998
Elizabeth Anne Esdale	Heathlands Community Health Service Inc.	01.09.97 to 30.06.1999
Jack Fawcett	Heathlands Community Health Service Inc.	01.09.97 to 30.06.1999
Kathleen Patricia Mutimer	Heathlands Community Health Service Inc.	01.09.97 to 30.06.1999
Peter Cornelis Spyker	Heathlands Community Health Service Inc.	01.09.97 to 30.06.1999

Graham Gue Woodroffe	Heathlands Community Health Service Inc.	01.09.97 to 30.06.2000
Peter Francis Lay	Heathlands Community Health Service Inc.	01.09.97 to 30.06.2000
Doug Lee	East Bentleigh Community Health Centre Inc.	01.09.97 to 30.06.1998
Jim Arbuckle	East Bentleigh Community Health Centre Inc.	01.09.97 to 30.06.1998
Allan Thomas Marriott	East Bentleigh Community Health Centre Inc.	01.09.97 to 30.06.1998
Joan Margaret West	East Bentleigh Community Health Centre Inc.	01.09.97 to 30.06.1999
Beverley Feldwick Thewlis	East Bentleigh Community Health Centre Inc.	01.09.97 to 30.06.1999
Andrew Charles Batty	East Bentleigh Community Health Centre Inc.	01.09.97 to 30.06.2000
Pamela Margaret Rivers	East Bentleigh Community Health Centre Inc.	01.09.97 to 30.06.2000
Robert William Keen	East Bentleigh Community Health Centre Inc.	01.09.97 to 30.06.2000
Robyn Byrne	Inner South Community Health Service Inc.	01.09.97 to 30.06.1998
Wendy Morris	Inner South Community Health Service Inc.	01.09.97 to 30.06.1998
Michael McGartland	Inner South Community Health Service Inc.	01.09.97 to 30.06.1998
Katrina Stevenson	Inner South Community Health Service Inc.	01.09.97 to 30.06.1999
Brigid McCoppin	Inner South Community Health Service Inc.	01.09.97 to 30.06.1999
Peter Penry-Williams	Inner South Community Health Service Inc.	01.09.97 to 30.06.1999
Frank O'Connor	Inner South Community Health Service Inc.	01.09.97 to 30.06.1999
Elizabeth Ann Corbett	Inner South Community Health Service Inc.	01.09.97 to 30.06.2000
Anne Maria Bergin	Inner South Community Health Service Inc.	01.09.97 to 30.06.2000

---

Dated 26 August 1997Responsible Minister:  
ROB KNOWLES  
Minister for HealthSHARNE BRYAN  
Clerk of the Executive Council

---

**Health Services Act 1988**  
**APPOINTMENT OF MEMBERS OF BOARDS OF MANAGEMENT**  
**OF DECLARED COMMUNITY HEALTH CENTRES**  
**(WESTERN METROPOLITAN REGION)**

Under Section 46 (3) of the **Health Services Act 1988**, and on the recommendation of the Minister for Health, the Governor in Council appoints—

<i>Name</i>	<i>Community Health Centre</i>	<i>Term of Office</i>
Susan Bell	Doutta Galla Community Health Service Inc.	01.09.97 to 30.06.1998
Leonie Isaacs	Doutta Galla Community Health Service Inc.	01.09.97 to 30.06.1998
Oswald Brian Sword	Doutta Galla Community Health Service Inc.	01.09.97 to 30.06.1998
Caron Anne Byrne	Doutta Galla Community Health Service Inc.	01.09.97 to 30.06.1999
Jayne Marie Gallo	Doutta Galla Community Health Service Inc.	01.09.97 to 30.06.1999
Megan Jane Christmas	Doutta Galla Community Health Service Inc.	01.09.97 to 30.06.1999
Helen Kurincic	Doutta Galla Community Health Service Inc.	01.09.97 to 30.06.2000
Barry James Gough	Doutta Galla Community Health Service Inc.	01.09.97 to 30.06.2000
Glenda Jean Pedwell	Doutta Galla Community Health Service Inc.	01.09.97 to 30.06.2000
Anne Lythe	Melton Community Health Centre Inc.	01.09.97 to 30.06.1998
Del Leggatt	Melton Community Health Centre Inc.	01.09.97 to 30.06.1998
James Eustace Phillips	Melton Community Health Centre Inc.	01.09.97 to 30.06.1998
Sheryl Anne Tunnecliff	Melton Community Health Centre Inc.	01.09.97 to 30.06.1999
Maureen Lorainne Judd	Melton Community Health Centre Inc.	01.09.97 to 30.06.1999
Patrick James Pearce	Melton Community Health Centre Inc.	01.09.97 to 30.06.1999
Alicia Jane Sultana	Melton Community Health Centre Inc.	01.09.97 to 30.06.2000
Robert Alexander Young	Melton Community Health Centre Inc.	01.09.97 to 30.06.2000
Elizabeth Morrison	Community Health Wyndham Inc.	01.09.97 to 30.06.1998
Ian Keeling	Community Health Wyndham Inc.	01.09.97 to 30.06.1998
Rae Lynette Medlock	Community Health Wyndham Inc.	01.09.97 to 30.06.1998
Desmond Alban O'Shea	Community Health Wyndham Inc.	01.09.97 to 30.06.1999
Victor Pagunsan	Community Health Wyndham Inc.	01.09.97 to 30.06.1999
Judith Ann Sutcliffe	Community Health Wyndham Inc.	01.09.97 to 30.06.1999



Patricia Carolyn Vejby	Community Health Wyndham Inc.	01.09.97 to 30.06.2000
Antony Charles Pearce	Community Health Wyndham Inc.	01.09.97 to 30.06.2000
John Martino	Community Health Wyndham Inc.	01.09.97 to 30.06.2000
Betty Cleghorn	Westgate Community Health Services Inc.	01.09.97 to 30.06.1998
Chris Watts	Westgate Community Health Services Inc.	01.09.97 to 30.06.1998
Susan Joy Ellis	Westgate Community Health Services Inc.	01.09.97 to 30.06.1998
Bruce Douglas Watson	Westgate Community Health Services Inc.	01.09.97 to 30.06.1999
Carol Ann Neumann	Westgate Community Health Services Inc.	01.09.97 to 30.06.1999
Susan Leigh Fitzpatrick	Westgate Community Health Services Inc.	01.09.97 to 30.06.1999
Laurel Sutton	Westgate Community Health Services Inc.	01.09.97 to 30.06.2000
Barbara Kay Brice	Westgate Community Health Services Inc.	01.09.97 to 30.06.2000
Ross Clark	Westgate Community Health Services Inc.	01.09.97 to 30.06.2000
Marion Martin	Brimbank Community Health Service Inc.	01.09.97 to 30.06.1998
Neil Spurrell	Brimbank Community Health Service Inc.	01.09.97 to 30.06.1998
Joseph Epstein	Brimbank Community Health Service Inc.	01.09.97 to 30.06.1998
Graeme Leigh Wurm	Brimbank Community Health Service Inc.	01.09.97 to 30.06.1999
Grace Oi Yoke Tham	Brimbank Community Health Service Inc.	01.09.97 to 30.06.1999
Pamela Emily Goodman	Brimbank Community Health Service Inc.	01.09.97 to 30.06.1999
Dawn W Maddison	Brimbank Community Health Service Inc.	01.09.97 to 30.06.2000
Andrés Puig	Brimbank Community Health Service Inc.	01.09.97 to 30.06.2000
Joseph Johannes Mangelsdorf	Brimbank Community Health Service Inc.	01.09.97 to 30.06.2000

Dated 26 August 1997

Responsible Minister:  
ROB KNOWLES  
Minister for Health

SHARNE BRYAN  
Clerk of the Executive Council

**Water Act 1989**  
**BULK ENTITLEMENT (WERRIBEE SYSTEM—IRRIGATION)**  
**CONVERSION ORDER 1997**

The Governor in Council, under the provisions of the **Water Act 1989**, makes the following Order:

1. Citation

This Order may be cited as the Bulk Entitlement (Werribee System—Irrigation) Conversion Order 1997.

2. Empowering Provisions

This Order is made under Sections 43, 47 and 223 (4) of the **Water Act 1989**.

## 3. Commencement

This Order comes into operation on 1 July 1997.

## 4. Definitions

In this Order—

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

"*AHD*" means the Australian Height Datum.

"*Authority*" means the Gippsland and Southern Rural Water Authority;

"*Bacchus Marsh gauging station*" means the stream gauging station number 231200, located on the Werribee River at Bacchus Marsh.

"*capacity share*" means a water entitlement held by a person which is expressed as a percentage share of all or any of the following depending on the context in which the expression is used—

- (a) storage capacity; and
- (b) inflows to a storage or diversion weir; and
- (c) storage and waterway transmission losses; and
- (d) storage release capacity; and
- (e) unregulated flow in a waterway; and
- (f) waterway capacity—

where the Authority's capacity share is managed independently from other capacity shares for the same storage or waterway;

"*domestic and stock allowance*" means the amount of water made available to each holding within an irrigation district pursuant to Section 222 (1) (a) of the Act;

"*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;

"*flood target level*" means the level of a reservoir should be filled to, or drawn down to, in order to provide space for storage of floodwaters in accordance with any flood operating rules approved by the Minister under Sub-clause 9.4;

"*full supply level*" means the A.H.D. level at or below which a storage is designed to be operated;

"*headworks storages*" means Pykes Creek Reservoir, Melton Reservoir and Lake Merrimu;

"*headworks system*" means—

- (a) the headworks storages and the water supply works of Upper Werribee diversion weir and Werribee River to Myers Creek tunnel, Pykes Creek Reservoir, Lerderderg diversion weir and Lerderderg River to Goodman Creek tunnel, Goodman diversion weir and Goodman Creek to Lake Merrimu tunnel, Lake Merrimu and Melton Reservoir; and
- (b) the system waterway;

"*internal spill*" means an amount of water which is transferred in the water accounts between Authorities holding a capacity share of a storage as specified in Schedule 4;

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

"*licence volume*" means the volume of water available under a licence;

"*other Authority*" means a Water Authority other than the Authority or any other person holding a bulk entitlement granted under Division 1 of Part 4 of the Act;

"*passing flows*" means the flows referred to in Clause 12;

"*primary entitlement*" means an entitlement or commitment referred to in Clause 7;

"*Register*" means the register referred to in Section 230 of the Act;

"*regulated release*" means any release from Werribee diversion weir, Pykes Creek Reservoir, Lerderderg diversion weir, Goodman diversion weir, Lake Merrimu and Melton Reservoir excluding releases made by the Storage Operator to—

- (a) provide passing flows; or
- (b) restore the level of the storage to the flood target level; or
- (c) secure the safety of headworks storages under emergency situations;

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

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

"*sales water*" means any additional water sold by the Authority under Section 222 (c) of the Act;

"*security of supply*" means the statistical probability of being able to supply a given volume of water in a year;

"*source cost*" means the total annual cost associated with any shared component or components of the headworks system to—

- (a) operate, maintain and administer components of the headworks system; and
- (b) make releases from components of the headworks system; and
- (c) keep an account of the shares of components available to the entitlement holders at any one time; and
- (d) meet the financial charges associated with any new or enhancement works undertaken on components of the headworks system; and
- (e) make an appropriate allowance for depreciation of works associated with components of the headworks system using the deprival value approach or other depreciation methodology adopted by the Victorian department of Treasury and Finance to apply to the Authorities; and
- (f) manage the catchment for water supply purposes to protect the quality of water diverted to, and stored in, components of the headworks system; and
- (g) manage the stream gauging stations necessary to operate components of the headworks system; and
- (h) implement, in accordance with Sub-clause 18.3, the program to manage the environmental effects of components of the headworks system;

"*Storage Operator*" means any person appointed by the Minister to operate the headworks system, to manage or measure the flow into the headworks system or the system waterway, to keep and report on the water accounts of the capacity shares, or to do all or any of them;

"system waterway" means the Werribee River from the Upper Werribee Weir pool to Port Phillip Bay and Pykes Creek from Pykes Creek Reservoir, Lerderderg River from Lerderderg diversion weir pool, and Coimadai Creek from Lake Merrimu to their respective confluences with the Werribee River, and Goodman Creek from Goodman diversion weir to its confluence with the Lerderderg River;

"waterway" includes waterways and any other natural or artificial means of conveying water. Waterway has the same meaning as in Section 3 of the Act;

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

"Werribee Basin" means the area of land previously designated by the Australian Water Resources Council (AWRC) as Basin Number 31 in the South-East Coast Division of the AWRC Australian Continental Drainage Divisions;

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

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

#### 5. Conversion to Bulk Entitlements

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

#### 6. Bulk Entitlement

6.1 The Authority may take from the system waterway up to an average annual volume of 27 040 ML over any period of five consecutive years, in order to supply primary entitlements.

6.2 Subject to Clause 14.2, the total regulated releases from Pykes Creek Reservoir, Melton Reservoir and the Authority's capacity share of Lake Merrimu must not exceed an average annual volume of more than 32 140 ML over the same five year period.

#### 7. Obligations to Supply Primary Entitlements

Water taken from the system waterway under this bulk entitlement must be used to supply the following primary entitlements, more fully described in Schedules 1 and 2:

- (a) domestic and stock allowances and water rights within the Werribee and Bacchus Marsh Irrigation Districts; and
- (b) licences supplied from the system waterway; and
- (c) sales water; and
- (d) entitlements referred to in Section 35 (2), bulk entitlements granted under Division 1 of Part 4, and agreements made under Section 124 (7) of the Act—

in accordance with the allocation procedures and restriction policies set out in Schedule 3.

#### 8. Transfer of Entitlement and Adjustment of Schedules

8.1 The Minister may, from time to time, alter—

##### (a) Schedule 1 to reflect—

- (i) any new water rights allocated under Section 229 (2) of the Act;
- (ii) any new licence allocated under Section 51, 52 or 57 of the Act;
- (iii) any trading between persons holding primary entitlements;
- (iv) any amendment to the primary entitlements required under Clause 32 of Schedule 14 of the Act;
- (v) any alteration to the security of any primary entitlement under Schedule 2, in accordance with exchange rates determined by the Minister;

- (b) Schedule 2 to reflect any alteration to the character or description of an entitlement referred to in Clause 7.

8.2 (a) The Authority may apply to the Minister to amend all or any of the following:

- (i) the principles used to determine sales water described in Schedule 3;
- (ii) any part of Schedules 3 or 6;
- (iii) Part 1 of Schedule 4.

(b) An application under Paragraph (a) must set out—

- (i) the objectives of, and reasons for the proposed amendment; and
- (ii) the results of an assessment of the likely effect of that amendment on both the security of primary entitlements and the environment.

8.3 The Minister may—

- (a) approve part or all of any application under Sub-clause 8.2; or
- (b) require the Authority to—
  - (i) provide further information; or
  - (ii) re-submit the application in a different form; or
- (c) not approve the application.

9. Share of Storage Capacity

9.1 The Authority is entitled to—

- (a) all the storage capacity of Pykes Creek Reservoir, up to 23 920 ML, at a full supply level of 396.57 metres A.H.D.; and
- (b) all the storage capacity of Melton Reservoir, up to 17 140 ML, at a full supply level of 82.56 metres A.H.D.; and
- (c) a 20% share of the storage capacity of Lake Merrimu at a full supply level of 174.10 metres A.H.D.; and
- (d) all water stored in its share of Lake Merrimu subject to any adjustments to that share made by the Storage Operator in accordance with Schedule 4.

9.2 The Authority may take—

- (a) any water temporarily stored above the full supply level or the flood target level, whichever is the lesser, in Pykes Creek Reservoir and Melton Reservoir; and
- (b) a share of any water temporarily stored above the full supply level or the flood target level, whichever is the lesser, in Lake Merrimu. The share is to be the ratio of the Authority's capacity share of Lake Merrimu to the sum of capacity shares held by all Authorities taking water from the storage under this sub-clause.

9.3 The Authority, and any other Authority holding a share of the capacity of Lake Merrimu, must jointly propose to the Minister within three months of the date of this Order, appropriate flood operating rules for Lake Merrimu.

9.4 The Minister may—

- (a) approve the operating rules proposed under Sub-clause 9.3; or
- (b) require the Authority to amend the proposed operating rules; or
- (c) require the Authority—
  - (i) to review the operating rules approved by the Minister if, in the Minister's opinion, these are no longer appropriate; and
  - (ii) to propose amended operating rules to the Minister.

## 10. Share of Flow

10.1 In order to supply the entitlements set out in Clause 7, and after meeting the passing flow requirements specified in Clause 12, the Authority may take—

- (a) all inflow to the Upper Werribee diversion weir via the Werribee River to Myers Creek tunnel up to a maximum amount of 310 ML/day; and
- (b) all inflow stored in Pykes Creek Reservoir; and
- (c) all inflow to Bacchus Marsh diversion weir via the Bacchus Marsh Main Channel and the Maddingley Pumps, up to a maximum amount of 105 ML/day; and
- (d) from the Lerderderg diversion weir via the Lerderderg River to Goodman Creek tunnel and from the Goodman Creek diversion weir via the Goodman Creek to Lake Merrimu tunnel—
  - (i) 10% of all inflow to the diversion weirs; and
  - (ii) a share of any inflow not taken by other Authorities pursuant to an entitlement to that inflow; (The share must be—
    - (A) determined by the Storage Operator; and
    - (B) equal to the ratio of the Authority's capacity share of the inflow to Lerderderg diversion weir to the sum of capacity shares held by all other Authorities taking additional inflow under this sub-clause);subject to—
    - (iii) an upper limit on the amount that can be diverted to Lake Merrimu calculated in accordance with the flood operating rules for Lake Merrimu approved under Sub-clause 9.4; and
    - (iv) the maximum rate of diversion specified in Clause 11; and
- (e) into its share of storage capacity in Lake Merrimu,—
  - (i) the Authority's share of flow in the Goodman Creek to Lake Merrimu tunnel; and
  - (ii) 10% of inflow from Pyrites Creek; and
  - (iii) internal spills from other Authorities' shares of water stored in Lake Merrimu; and
- (f) all inflow stored in Melton Reservoir; and
- (g) all inflow to the Werribee diversion weir, via the Werribee Main Channel, up to a maximum of 240 ML/day; and
- (h) all water flowing in the system waterway.

10.2 The Authority must not take, as part of this entitlement, any flow in the system waterway which is being transferred by the holder of any other bulk entitlement or licence.

## 11. Share of Carrier Capacity

11.1 The tunnel capacities of the diversion tunnels to Lake Merrimu shall be taken as:

- (a) 1 000 ML/day for the Lerderderg River to Goodmans Creek tunnel; and
- (b) 900 ML/day for the Goodmans Creek to Lake Merrimu tunnel.

11.2 The Authority is entitled to use—

- (a) up to 10% of the tunnel capacity of the Lerderderg River to Goodman Creek tunnel; and
- (b) up to 10% of the tunnel capacity of the Goodman Creek to Lake Merrimu tunnel; and

- (c) a share of the tunnel capacity not being used by other Authorities with an entitlement to that tunnel capacity calculated in accordance with Schedule 5.

## 12. Passing Flow

### 12.1 The Authority must provide:

- (a) a minimum passing flow in the Werribee River below Upper Werribee diversion weir of the lesser of 5 ML/day and the natural flow at this location; and
- (b) a minimum passing flow in the Werribee River below Bacchus Marsh diversion weir measured at the Bacchus Marsh gauging station, of the lesser of 12 ML/day averaged over any 7 day period and the natural flow at this location, consisting of—
  - (i) the lesser of 12 ML/day continuous flow and the natural flow at this location; or
  - (ii) the sum of—
    - (A) the lesser of a continuous flow of at least 5 ML/day and the natural flow at this location; and
    - (B) other intermittent flows resulting from deliberate releases by the Authority from, or spills over, Bacchus Marsh diversion weir.
- (c) a minimum passing flow in the Werribee River below Melton Reservoir during the period from May to August (inclusive) of—
  - (i) the lesser of 15 ML/day and the natural flow at this location, if the level of Melton Reservoir is above the target for that month as specified in Schedule 6; or
  - (ii) the lesser of 15 ML/day averaged over any 7 day period and the natural flow at this location averaged over the same period, if the level of Melton Reservoir is at or below the target for that month as specified in Schedule 6; or
  - (iii) if the design of the outlet works at Melton Reservoir will not permit the Authority to supply the minimum passing flow as specified in Sub-clause 12.1 (c) (i), the Authority may apply to the Minister within 3 months of the date of this order to supply the minimum passing flow as specified in Sub-clause 12.1 (c) (ii) notwithstanding the Melton Reservoir storage target for that month as specified in Schedule 6.

### 12.2 The Authority must direct the Storage Operator to provide:

- (a) a minimum passing flow in the Lerderderg River below Lerderderg diversion weir equal to the lesser of the natural flow at that location and—
  - (i) 30 ML/day during the period December to June inclusive; and
  - (ii) 50 ML/day during the period July to November inclusive; and
  - (iii) during the period August to October inclusive, either—
    - (A) 80 ML/day if the flow downstream of the confluence of the Lerderderg River and Goodman Creek is less than 80 ML/day; or
    - (B) 50 ML/day when the flow downstream of the Lerderderg River and Goodman Creek confluence is equal to or greater than 80 ML/day.
- (b) a minimum passing flow in the Lerderderg River below the confluence with Goodman Creek equal to the lesser of the natural flow at that location and—
  - (i) 38 ML/day during the period December to June inclusive; and
  - (ii) 60 ML/day during the months of July and November inclusive; and
  - (iii) 100 ML/day during the period August to October inclusive.
- (c) a minimum passing flow in Goodman Creek below Goodman Creek diversion weir of the lesser of 2.5 ML/day or the natural flow at this location.

- (d) a minimum passing flow in Coimadai Creek downstream of Lake Merrimu of the lesser of 2 ML/day or the natural flow at this location.
- (e) within the operational tolerances specified in Schedule 7, an average minimum passing flow in the Werribee River below Werribee diversion weir of—
  - (i) 10 ML/day, if the declared seasonal allocation for the Werribee Irrigation District exceeds 130% of water right; or
  - (ii) 1 ML/day averaged over any 30 day period, if the declared seasonal allocation for the Werribee Irrigation District is equal to or less than 130% of water right.

If the natural flow in the Werribee River at Melton Reservoir is less than 15 ML/day or 15 ML/d averaged over any 7 day period, whichever applies pursuant to 12.1 (c), the passing flow shall be shared between all Authorities having a share of the capacity of Lake Merrimu by the Storage Operator adjusting their respective volumes of storage in Lake Merrimu in accordance with Schedule 4.

12.3 The method for calculating the daily natural flows specified in Sub-clause 12.2 is specified in Schedule 7.

### 13. Releases

The Authority must not release more water from Pykes Creek Reservoir and Melton Reservoir, and must not direct the Storage Operator to release more water from the Authority's share of Lake Merrimu, than is required to meet the Authority's commitment to supply primary entitlements unless—

- (a) releases are necessary to—
  - (i) implement flood operating rules approved under Sub-clause 9.4; or
  - (ii) repair or maintain any part of the headworks system; or
  - (iii) supply dilution flows to overcome serious water quality concerns; or
- (b) releases are necessary to supply transfers of primary entitlements.

### 14. Calculating the Flow

14.1 For the purpose of Clause 6.1, the volume taken from the system waterway by the Authority in any year is the sum of the following:

- (a) the total annual volume taken from the Werribee River at the Bacchus Marsh diversion weir and from the Werribee River via the Maddingley pumps, to supply the Bacchus Marsh Irrigation District, less any water returned to the Werribee River by the main channel outfall valve;
- (b) the total annual volume taken from the Werribee River at the Werribee diversion weir; and
- (c) the total annual volume taken by holders of primary entitlements supplied directly from the system waterway.

14.2 Water released into the system waterway to meet any transfer made by the holder of any other bulk entitlement or of a licence must be excluded from any calculation made for the purpose of Sub-clause 6.2.

### 15. Granting Water Credits

15.1 On the application of the Authority, the Minister may grant the Authority credit for any water taken from the system waterway and returned to the system waterway, against the total amount of its entitlement, as set out in this clause.

15.2 The Minister may grant a credit for releases made directly to the system waterway from the Authority's distribution system if—

- (a) the quality of the return flow is similar to water taken by the Authority from the system waterway; and



- (b) the return flow is considered by the Minister to be useful in meeting passing flows or other Authorities' commitments to supply water.
- 15.3 The Minister may, by written notice to the Authority, specify any period or periods during which the Authority may not redeem credit against its five year entitlement, in any year.
- 15.4 Any credit granted under this sub-clause expires at the end of the fifth year after it is granted.
- 16. Environmental Obligations
- 16.1 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 allow water to be taken from the system waterway, including—
  - (a) the effects 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; and
  - (d) operational rules to control releases from works to the waterway; and
  - (e) operational rules to manage flood flows through works on the waterway.
- 16.2 The Minister may—
  - (a) approve the program proposed under Sub-clause 16.1;
  - (b) require the Authority, or jointly with any other Authority where capacity sharing applies, to amend the proposed program;
  - (c) require the Authority to—
    - (i) review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
    - (ii) propose an amended program to the Minister.
- 16.3 The Authority must at its cost—
  - (a) implement the approved environmental management program;
  - (b) keep a record of all work undertaken under Sub-clause 16.3 (a).
- 16.4 The Minister may, from time to time, require the Authority to report in writing on the implementation of any program approved under Sub-clause 16.2.
- 17. Metering Program
- 17.1 The Authority must propose to the Minister within 12 months of the date of this Order a metering program to demonstrate compliance with this bulk entitlement with respect to—
  - (a) all water taken by the Authority under this bulk entitlement; and
  - (b) all water referred to in Sub-clause 17.1 (a) which is returned to the system waterway by the Authority and for which it seeks credit under Clause 15; and
  - (c) the flow into, and the volume in, each or any of the storages mentioned in Clause 9; and
  - (d) the passing flows.
- 17.2 The Minister may—
  - (a) approve the program proposed under Sub-clause 17.1; or
  - (b) require the Authority to amend the proposed program; and

- (c) require the Authority—
    - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
    - (ii) to propose an amended program to the Minister; or
  - (d) not approve the program.
- 17.3 The Authority must, at its cost, and in accordance with any guidelines issued from time to time by the Minister—
- (a) implement and maintain the approved metering program; and
  - (b) maintain metering equipment and associated measurement structures in good condition; and
  - (c) ensure that metering equipment is periodically re-calibrated; and
  - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
  - (e) keep a record of all work undertaken under Paragraphs (b), (c) and (d).
18. Reporting Requirements
- 18.1 The Authority may be required to report on all or any of the following matters, as provided in this sub-clause:
- (a) the daily flow passing each of the—
    - (i) storages mentioned in Clause 9; and
    - (ii) diversion structures mentioned in Clause 10;
  - (b) the daily amount of water taken by the Authority from the system waterway at each of the diversion weirs and pumps specified in Clause 10;
  - (c) the daily amount of water returned to the Werribee River via the main channel outlet valve;
  - (d) the daily flows into the storages and diversion weirs mentioned in Clauses 9 and 10;
  - (e) any releases made to comply with the flood operation arrangements provided for in Sub-clause 9.4.
  - (f) the amount of water on any day in each storage mentioned in Clause 9 and the amount held by the Authority in that storage;
  - (g) the amount of water released from reservoirs under Sub-clause 13 (b);
  - (h) the amount of water taken by the Authority for the year from the system waterway at each of the diversion weirs and pumps specified in Clause 10;
  - (i) the volume of water taken for the year from the system waterway by primary entitlement holders listed in Schedules 1 and 2.
  - (j) the type and amount of annual adjustments made to the authority's share of Lake Merrimu in any year in accordance with Sub-sections (b), (e), (f), (g) and (h) of Schedule 4;
  - (k) any credits granted under Clause 15;
  - (l) any temporary or permanent transfer of all or part of this bulk entitlement;
  - (m) any bulk entitlement or licence in respect of the system waterway temporarily or permanently transferred to the Authority;
  - (n) Any period of restriction and the degree of restriction to primary entitlement holders listed in Schedules 1 and 2;

- (o) any alteration to the primary entitlements set out in Schedules 1 and 2 made under Sub-clauses 8.2 and 8.3;
  - (p) the number, volume and places of origin and destination, of transfers of primary entitlements;
  - (q) the annual volume supplied to primary entitlements, or any group of primary entitlements specified by the Minister;
  - (r) any amendment to this bulk entitlement;
  - (s) any new bulk entitlement granted to the Authority with respect to supply of primary entitlements under this Order;
  - (t) the implementation of programs approved under Sub-clauses 16.3 and 17.3;
  - (u) any failure by the Authority to comply with any provision of this bulk entitlement;
  - (v) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 18.2 The Minister may require the Authority to report on all or any of the matters set out in Sub-clause 18.1—
- (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.
- 18.3 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 18.1, except—
- (a) Paragraphs (a), (b), (c), (d), (e) and (f) of Sub-clause 18.1; and
  - (b) with the approval of the Minister, any particular failure referred to in Paragraph (u) of Sub-clause 18.1;
- 18.4 The Resource Manager may require the Authority to report from time to time, on all or any of the matters set out in Paragraphs (a) to (v) of Sub-clause 18.1.
- 18.5 Any report under Sub-clause 18.4 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 the Authority and the 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 (g) of Sub-clause 18.1; or
    - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in Paragraph (h) to (v) of Sub-clause 18.1.
19. Water Resource Management Costs
- 19.1 Subject to Sub-clause 21.1, the Authority must pay the Resource Manager a proportion of the costs incurred by the Resource Manager to—
- (a) prepare the Werribee Basin Water Accounts; and
  - (b) monitor whether bulk entitlement holders in the Werribee Basin comply with the conditions of their bulk entitlements; and
  - (c) investigate and mediate disputes between bulk entitlement holders in the Werribee Basin; and
  - (d) investigate and deal with significant unauthorised use of water in the catchment; and
  - (e) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under Section 13 of the Act.

19.2 The proportion of the costs referred to in Sub-clause 19.1 will be as determined under Sub-clause 20.3.

20. Storage Operator Costs

20.1 Subject to Sub-clause 21.1 the Authority must pay the Storage Operator an annual source charge which will be determined according to Sub-clauses 20.2 and 20.3.

20.2 The Authority must pay the Storage Operator—

- (a) a percentage of the annual source costs for Lerderderg diversion weir, Lerderderg River to Goodman Creek tunnel, Goodman diversion weir, Goodman Creek to Lake Merrimu tunnel and associated works with the charge determined by—

$$C_S = \$ (0.1 \times ((S \times (1+m)) + R);$$

- (b) a percentage of the annual source cost for Lake Merrimu with the charge determined by —

$$C_S = \$ (0.2 \times ((S \times (1+m)) + R)$$

where—

$C_S$  = the annual source charge.

$S$  = the estimated source costs for the year for which charges are prepared.

$R$  = return to equity holders of the headworks asset for the year for which charges are prepared.

$m$  = the business margin set at 10% at the date of this Order. Any variation to this rate is to be mutually agreed as per Sub-clause 22 (a).

20.3 The charge for annual source costs must be paid by the Authority every year regardless of the amount of water diverted to, or taken from, storages by the Authority.

21. Duty to Keep Accounts

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

- (a) the Resource Manager under Clause 19; or  
(b) the Storage Operator under Clause 20—

unless the person to whom the payment is due chooses to comply with the provisions of this sub-clause relevant to those payments.

21.2 Separate accounts of all costs and payments must be kept by—

- (a) the Resource Manager in respect to Sub-clause 19.1; and  
(b) the Storage Operator under Clause 20.1.

21.3 The Resource Manager must, by 1 March in any year, provide the Authority with an estimate, in respect of the ensuing year, of a fair and reasonable percentage of the costs referred to in Sub-clause 19.1.

21.4 The Storage Operator must, by 1 March in any year, in conjunction with the Authority responsible for Lake Merrimu and its diversion works, provide the Authority with an estimate of the annual source charge referred to in Sub-clause 20.1 for the ensuing year.

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

22. Duty to Make Payments

Any amounts payable by the Authority under Clauses 19 and 20—

- (a) are to be based on the actual expenditure for the period specified in Paragraph 22 (b), unless otherwise set by mutual agreement between the Authority and the Storage Operator, and include any adjustment from a previous period to reflect the actual cost of the work; and

- (b) unless the Authority and the person to whom the amount is payable agree otherwise—
  - (i) must be paid quarterly in arrears within 28 days of the Authority receiving an invoice for amounts payable under Clause 19; and
  - (ii) must be paid monthly in arrears within 28 days of the Authority receiving an invoice for amounts payable under Clause 20.

#### 23. Data

23.1 Subject to Sub-clause 17.3, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.

23.2 The Authority must make available data collected for the purpose of the metering and reporting program under Sub-clauses 17.1 and 18.1 to any person subject to a fair and reasonable access fee, imposed by the Authority, to cover the costs of making the data available.

#### 24. Dispute Resolution

24.1 If any difference or dispute arises between the Authority, the Minister and, with his or her consent, the Resource Manager (the "parties") concerning the interpretation of 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.

24.2 The independent expert will be either—

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

24.3 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 determining the matter by a further 30 days.

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

24.5 In any difference or dispute to which the Minister is a party—

- (a) the independent expert must express the conclusion as a recommendation; and
- (b) the Minister must consider any recommendation made under Paragraph 24.5 (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.

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

24.7 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.

24.8 Any determination by an independent expert is final and binding on the parties.

*Note:* An explanatory note that accompanies this Order is available from the Department of Natural Resources and Environment.

#### SCHEDULE 1

##### INDIVIDUAL IRRIGATION AND ASSOCIATED ENTITLEMENTS

The following entitlements, as noted in the records maintained by the Authority at the date of this Order:

##### BACCHUS MARSH IRRIGATION DISTRICT

1. Domestic and stock allowances of 362 ML, apportioned as set out in the Register maintained by the Authority.

2. Water rights of 3 624 ML, apportioned as set out in the Register maintained by the Authority.

3. Sales water as previously supplied and as determined by the Authority each year.

#### WERRIBEE IRRIGATION DISTRICT

1. Domestic and stock allowances of 934 ML, apportioned as set out in the Register maintained by the Authority.

2. Water rights of 9 337 ML, apportioned as set out in the Register maintained by the Authority.

3. Sales water as previously supplied and as determined by the Authority each year.

#### LICENCES ISSUED UNDER SECTION 51 (1) (a) OF THE ACT

Licences to take water from the system waterway—

1. 500 ML of licensed diversions.

2. Sales entitlement as previously supplied and as determined by the Authority each year.

#### SCHEDULE 2

##### ADDITIONAL SUPPLIES

Authority supplied	Details of supply
Western Region Water Authority	Supply from Pykes Creek Reservoir to the township of Myrmiong and surrounding areas at up to 50 ML/year.

#### SCHEDULE 3

##### SECURITY OF PRIMARY IRRIGATION ENTITLEMENTS

1. Domestic and Stock Allowances

The Authority must supply these entitlements every year.

2. Water Rights and Licences

2.1 Except as set out in this clause, the Authority must supply these entitlements with 97% security.

2.2 The Minister may, by reference to an appropriate computer model, modify the level of security set out in Sub-clause 2.1, where the Minister is satisfied that either—

(a) hydrological conditions have changed since December 1994; or

(b) the estimated security of supply, based on the irrigation development and operating rules applying on 1 November 1990, has improved.

2.3 Where the Authority is unable to supply the full water right and licence commitments, the Authority must assess and allocate the available water pro-rata to water right and licence holders, after making provision to supply other primary entitlements in accordance with Paragraph 1 of this Schedule, the restriction policies set out in the Orders listed in Schedule 2, and any agreement made under Section 124 (7) of the Act.

3. Sales Water

3.1 The Authority must determine any allocation of sales water made by it in any year in accordance with principles—

(a) proposed to the Minister by the Authority after consultation with its retail customers; and

(b) approved by the Minister.

The Authority must not determine any allocation under Sub-clause 3.1 which could result in the Authority being unable to supply water rights and licence entitlements with 97% security.

#### SCHEDULE 4

##### MANAGING THE AUTHORITY'S SHARE OF STORAGE IN LAKE MERRIMU

###### 1. Adjustments to the Authority's Share of Storage in Lake Merrimu

The Authority's share of storage in Lake Merrimu will be adjusted by the Storage Operator for—

- (a) inflow to Lake Merrimu allocated to the Authority under Clause 10; and
- (b) any internal spill into the Authority's share of Lake Merrimu storage calculated in accordance with Paragraph 3 of this Schedule; and
- (c) any release from Lake Merrimu directed by the Authority to meet its water supply requirements measured at the storage; and
- (d) the Authority's share of any release from Lake Merrimu made by the Storage Operator under the flood operating rules approved under Sub-clause 9.4. The Authority's share of the release is to be the same as its share of Lake Merrimu storage capacity specified in Sub-clause 9.1 (c); and
- (e) the Authority's share of evaporation losses from Lake Merrimu to be calculated in accordance with Paragraph 2 of this Schedule; and
- (f) the sharing of passing flow obligations under Sub-clause 12.2 (e) where the adjustment shall be made as follows—
- (g) Reduce the volume of storage in Lake Merrimu held by any other Authority with a share of Lake Merrimu by an amount in ML equal to—
 
$$C_i \times \text{FRAC} \times (\text{MPF} - \text{NF}); \text{ and}$$
- (h) Increase the volume of storage in Lake Merrimu held by the Authority by an amount equal to—

$$\sum C_i \times \text{FRAC} \times (\text{MPF} - \text{NF});$$

where,

$C_i$  is the percentage share of storage in Lake Merrimu held by that other Authority.

$\sum C_i$  is the sum of shares of storage in Lake Merrimu, in percent, held by all other Authorities.

FRAC has a value of 0.35 and is the estimated fraction of inflow to the Werribee system provided by the Lerderderg River and Goodman and Pyrites Creeks on average.

MPF is the minimum passing flow in ML/day specified under Sub-clause 12.2 (e).

NF is the natural flow estimated for the Werribee River at Melton Reservoir in ML/day;

and

- (i) the Authority's share of any out-of-balance that may be calculated by the Storage Operator for Lake Merrimu at any time. The out-of-balance is the difference between the measured volume stored in Lake Merrimu and the sum of the volumes held in Lake Merrimu by all Authorities with a share of the storage, where the volumes held by Authorities are calculated by the Storage Operator in accordance with the adjustments specified in this paragraph. The Authority's share of the out-of-balance is to be the same as its share of Lake Merrimu storage capacity specified in Sub-clause 9.1 (c); and

(j) any other adjustment provided for in this Order.

## 2. Evaporation Losses

Evaporation losses from Lake Merrimu are calculated using the formula

$$L = 0.01 \times A \times ((E \times 0.85) + 5) \times (S1/S)$$

where L - evaporation loss in ML

S is the volume of water in Lake Merrimu in ML

A is the surface area in square kilometres corresponding to S

E is the pan evaporation in mm measured at Lake Merrimu

S1 is the volume of water in the Authority's share of Lake Merrimu in ML

## 3. Internal Spills

- (a) An internal spill is a transfer of the water held in storage in Lake Merrimu by one or more of the Authorities holding a share of storage capacity to one or more of the other Authorities holding a share of storage capacity.
- (b) An internal spill occurs when an entitlement holder's share of inflow to Lake Merrimu is in excess of the amount necessary to fill its share of storage capacity and at least one other entitlement holder's share of storage in Lake Merrimu is not full.
- (c) The total amount of internal spill in Lake Merrimu at any one time cannot exceed a volume equal to the sum of the amounts by which the volume held by each of the entitlement holders in the storage is below its full share.
- (d) Internal spills are shared between Lake Merrimu entitlement holders in proportion to their shares of Lake Merrimu storage capacity.

## 4. Initial Volume in the Authority's Share of Lake Merrimu

At the start of the day that this Order comes into operation, a share of the volume of water held in Lake Merrimu at that time shall be allocated to the Authority by the Storage Operator. This volume is to be calculated as the same proportion of the volume held in Lake Merrimu at that time as its capacity share of the storage as specified in Sub-clause 9.1 (c).

## SCHEDULE 5

### MANAGING THE AUTHORITY'S SHARE OF DIVERSION TUNNEL CAPACITY

The Authority is entitled to a share of any tunnel capacity not being used by other Authorities with an entitlement to that tunnel capacity. The share of additional tunnel capacity available to the Authority is to be calculated as:

$$ACAP = UCAP \times C_i / \Sigma C_i$$

where—

ACAP is the additional tunnel capacity available to the Authority, in ML/day;

UCAP is the total tunnel capacity not being used by other Authorities, in ML/day;

C<sub>i</sub> is the Authority's share of tunnel capacity in percent; and

ΣC<sub>i</sub> is the sum of the shares of tunnel capacity for all Authorities using additional tunnel capacity, in percent.



SCHEDULE 6  
TARGET STORAGE VOLUME FOR MINIMUM PASSING FLOW AT MELTON  
RESERVOIR

Month	Target storage volume in Melton Reservoir (ML)
January	Not applicable - irrigation releases provide minimum passing flows
February	
March	
April	
May	6 500
June	6 500
July	6 500
August	9 000
September	Not applicable - irrigation releases provide minimum passing flows
October	
November	
December	

SCHEDULE 7  
MINIMUM PASSING FLOWS

1. Operational Tolerances for Meeting Minimum Passing Flows

The following operational tolerances apply for meeting the minimum passing flow for the Werribee River below Werribee diversion weir:

- 1.1 The average flow on any day is not to be less than 60% of the specified flow at all times.
- 1.2 The average flow on any day is not to be less than 80% of the specified flow on more than 7 days within any continuous 28 day period.

The average flow on any day is not to be less than the specified flow on more than 14 days within any continuous 28 day period.

2. Calculating the daily natural flow

The method to be used for calculating the daily natural flows specified in Clause 12 is to be in accordance with the recommendations in the report entitled "Natural Flow Indicators for Werribee—Final Report" prepared by Sinclair Knight Merz for Southern Rural Water and the Department of Natural Resources and Environment, dated March 1997.

Dated 26 August 1997

Responsible Minister:  
PATRICK JOHN McNAMARA  
Deputy Premier  
Minister for Agriculture and Resources

SHARNE BRYAN  
Clerk of the Executive Council

NOTE

Notwithstanding the date of commencement stated in the above Bulk Entitlement (Werribee System—Irrigation) Conversion Order 1997, pursuant to the **Water Act 1989** the said order takes effect from the date of this gazettal, namely 4 September 1997.

**Livestock Disease Control Act 1994  
DECLARATION OF PIG REPRODUCTIVE  
DISEASE AN EXOTIC DISEASE**

The Governor in Council, under Section 6 of the **Livestock Disease Control Act 1994**, declares pig reproductive disease, being an infectious disease to which pigs are subject, as an exotic disease for the purposes of the Act.

Dated 2 September 1997

Responsible Minister:

PATRICK McNAMARA

Minister for Agriculture and Resources

SHARNE BRYAN  
Clerk of the Executive Council

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

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

ARARAT—The temporary reservation by Order in Council of 24 June 1969 of an area of 14.743 hectares of land in Section 63, Township of Ararat, Parish of Ararat as a site for Public Gardens and Recreation Purposes, so far only as the area of 441 square metres shown as Parcel No. 1 on Roads Corporation Plan No. SP 18963—(Rs 1160).

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

Dated 2 September 1997

Responsible Minister:

MARIE TEHAN

Minister for Conservation and  
Land Management

SHARNE BRYAN  
Clerk of the Executive Council

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

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

BERRINGA—The temporary reservation by Order in Council of 24 January 1967 of an area of 759 square metres of land in Section 6, Township of Berringa, Parish of Clarksdale as a site for Public Purposes (Recreation Purposes)—(Rs 876).

GISBORNE—The temporary reservation by Order in Council of 19 July 1988 of an area of 3966 square metres of land being Crown Allotment 11, Section 19, Township of Gisborne, Parish of Gisborne as a site for Police Purposes—(Rs 13784).

KEELBUNDORA—The temporary reservation by Order in Council of 3 June 1952 of an area of 1255 square metres of land being part of Crown Portion 1, Parish of Keelbundora as a site for Police Purposes—(Rs 6924).

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

Dated 2 September 1997

Responsible Minister:

MARIE TEHAN

Minister for Conservation and  
Land Management

SHARNE BRYAN  
Clerk of the Executive Council

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

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

ARGYLE—The temporary reservation by Order in Council of 1 September 1890 of an area of 3769 square metres of land in the Parish of Argyle as a site for Railway Purposes—(05/6528).

BENDIGO—The temporary reservation by Order in Council of 30 August 1881 of an area of 2.55 hectares of land in Section A, at Bendigo, Parish of Sandhurst (formerly City of Sandhurst) as a site for Victorian Water Supply Purposes—(06/17128).

ECHUCA—The temporary reservation by Order in Council of 5 January 1971 of an area of 5033 square metres of land in Section 57, Township of Echuca, Parish of Echuca North as a site for Public Purposes (Municipal Depot)—(Rs 9415).

HADDON—The temporary reservation by Order in Council of 19 January 1917 of an area of 326 square metres of land in the Township of Haddon, Parish of Haddon (formerly in Section 18) as a site for Railway Purposes—(Rs 1364).

**LINTON**—The temporary reservation by Order in Council of 12 February 1890 of an area of 4123 square metres, more or less, of land in the Township of Linton, Parish of Argyle (formerly Town of Linton) as a site for Railway Purposes—(05/6528).

**MILDURA**—The temporary reservation by Order in Council of 20 February 1923 of an area of 17.402 hectares of land in Section 36A, Block E, Parish of Mildura as a site for Public Recreation Purposes, so far only as the portions shown as Crown Allotments 9F and 9G, Section 36A, Block E, Parish of Mildura on Certified Plan No. 110405 lodged in the Central Plan Office—(Rs 2726).

**MILDURA**—The temporary reservation by Order in Council of 23 November 1936 of an area of 41.819 hectares of land in Section 36A, Block E, Parish of Mildura (formerly situated in Block E, Portion 11) as a site for Public Recreation, so far only as the portions shown as Crown Allotments 8H, 8J and 9D, Section 36A, Block E, Parish of Mildura on Certified Plan No. 110405 lodged in the Central Plan Office—(Rs 4634).

**RUSHWORTH**—The temporary reservation by Order in Council of 4 September 1951 of an area of 4553 square metres, more or less, of land in Section 1, Township of Rushworth, Parish of Moora (formerly Town of Rushworth) as a site for a Municipal Depot—(Rs 6697).

**WONYIP**—The temporary reservation by Order in Council of 22 September 1908 of an area of 4047 square metres of land in the Parish of Wonyip as a site for a Public Hall—(Rs 7288).

**WONYIP**—The temporary reservation by Order in Council of 22 September 1908 of an area of 3.633 hectares of land in the Parish of Wonyip as a site for Public Recreation, revoked as to part by Order in Council of 24 July 1916 so far as the balance remaining containing 1.61 hectares—(Rs 7289).

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

Dated 2 September 1997

Responsible Minister:  
MARIE TEHAN  
Minister for Conservation and  
Land Management

SHARNE BRYAN  
Clerk of the Executive Council

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

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

**BENDIGO**—The temporary reservation by Order in Council of 28 September 1982 of an area of 263 square metres of land being Crown Allotment 16, Section 34A, at Bendigo, Parish of Sandhurst as a site for a Public Park—(Rs 12184).

**GISBORNE**—The temporary reservation by Order in Council of 29 July 1872 of an area of 1.657 hectares of land in Section L, Parish of Gisborne as a site for Watering Purposes—(Rs 11135).

**HEATHCOTE**—The temporary reservation by Order in Council of 8 July 1964 of an area of 1189 square metres of land in Section 5, Township of Heathcote, Parish of Heathcote as a site for Water Supply Purposes—(Rs 8342).

**KURNBRUNIN**—The temporary reservation by Order in Council of 19 April 1983 of an area of 1900 square metres of land being Crown Allotment 5B, Parish of Kurnbrunin as a site for Ministry for Conservation Purposes—(Rs 12211).

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

Dated 2 September 1997

Responsible Minister:  
MARIE TEHAN  
Minister for Conservation and  
Land Management

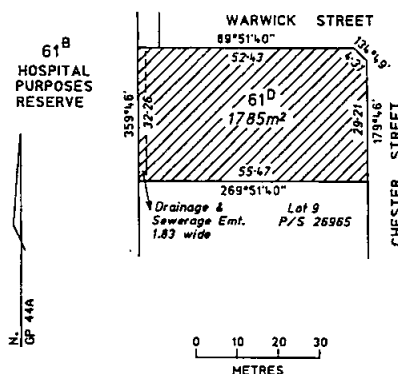
SHARNE BRYAN  
Clerk of the Executive Council

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

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

MUNICIPAL DISTRICT OF THE GLEN  
EIRA CITY COUNCIL

**MOORABBIN**—Hospital Purposes, 1785 square metres being Crown Allotment 61D, Parish of Moorabbin as indicated by hatching on plan hereunder—(M164[3]) (Rs 7716).



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

Dated 2 September 1997

Responsible Minister:  
MARIE TEHAN  
Minister for Conservation and  
Land Management

SHARNE BRYAN  
Clerk of the Executive Council

**Crown Land (Reserves) Act 1978**  
**INCORPORATION OF COMMITTEE OF**  
**MANAGEMENT OF THE GREENVALE**  
**ABORIGINAL CEMETERY AND**  
**BUSHLAND RESERVES**

The Governor in Council under Section 14A (1) of the **Crown Land (Reserves) Act 1978**, being satisfied that it is in the public interests to declare to be a corporation the Committee of Management appointed under Section 14 (2) of the Act of the land described in the schedule hereunder:

- declares that the Committee of Management shall be a corporation;
- assigns the name "Weeroona Incorporated" to the corporation; and

under Section 14B (3) of the Act, appoints Andrew Gardiner to be Chairperson of the corporation.

**SCHEDULE**

The lands in the Parish of Yuroke permanently reserved as sites for Aboriginal Cemetery and Bushland Buffer to Aboriginal Cemetery by Orders in Council of 22 December 1992.

**MGR 7130**

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

Dated 2 September 1997

Responsible Minister:  
MARIE TEHAN  
Minister for Conservation and  
Land Management

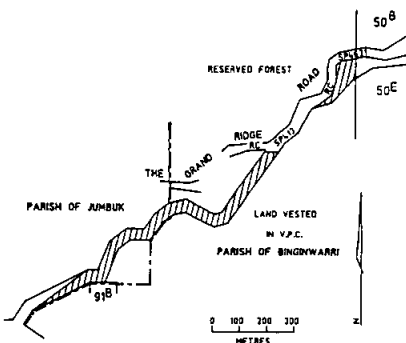
SHARNE BRYAN  
Clerk of the Executive Council

**Land Act 1958**  
**UNUSED ROADS CLOSED**

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

**MUNICIPAL DISTRICT OF THE**  
**WELLINGTON SHIRE COUNCIL**

**BINGINWARRI and JUMBUK**—The roads in the Parishes of Binginwarri and Jumbuk as indicated by hatching on plan hereunder—(B707[11] and J49[5]) (L10-6107)



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

Dated 2 September 1997

Responsible Minister:  
MARIE TEHAN  
Minister for Conservation and  
Land Management

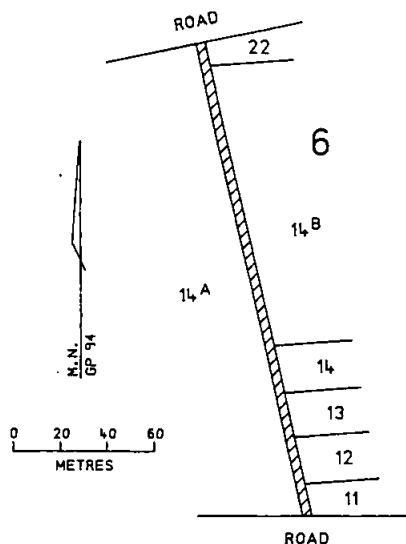
SHARNE BRYAN  
Clerk of the Executive Council

**Land Act 1958**  
**UNUSED ROAD CLOSED**

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

**MUNICIPAL DISTRICT OF THE GOLDEN PLAINS SHIRE COUNCIL**

**PITFIELD PLAINS**—The road in the Township of Pitfield Plains, Parish of Commeralghip as indicated by hatching on plan hereunder—(P191[2]) (89-1441).



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

Dated 2 September 1997

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

**SHARNE BRYAN**  
Clerk of the Executive Council

**Land Act 1958**  
**OCCUPATION OF STRATA OF CROWN LAND**

The Governor in Council under Section 138 (11) of the **Land Act 1958** authorises the occupation without licence of Crown land

strata for the use of Water Supply and Drainage Services located in, under or on government roads—89/4804.

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

Dated 2 September 1997

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

**SHARNE BRYAN**  
Clerk of the Executive Council

**Melbourne City Link Act 1995**  
**INCREASING THE PROJECT AREA**

The Governor in Council, on the recommendation of the Minister for Planning and Local Government (being the Minister administering the **Melbourne City Link Act 1995** and the Minister administering the **Planning and Environment Act 1987**), under Section 8 (1) of the **Melbourne City Link Act 1995** varies the Project area by increasing the Project area by adding the land shown hatched blue on the plans numbered LEGL./97-43 and LEGL./97-44 lodged in the Central Plan Office.

Dated 2 September 1997

Responsible Minister:  
**ROBERT MACLELLAN**  
Minister for Planning and  
Local Government

**SHARNE BRYAN**  
Clerk of the Executive Council

**Health Services Act 1988**  
**APPOINTMENT OF THREE DIRECTORS TO THE BOARD OF DENTAL HEALTH SERVICES VICTORIA**

The Governor-in-Council, on the recommendation of the Minister for Health, under section 40E(1) of the **Health Services Act 1988**, by this Order:-

1. Appoints Mary Justine Urquhart, Geoffrey William Homan and Garry Albert Richardson, as Directors of the Board of Dental Health Services Victoria.
2. Specifies pursuant to section 40F(1) of the **Health Services Act 1988** that the terms of

2494 G 35 4 September 1997

*Victoria Government Gazette*

appointment are from the date of this Order to 31 December 1998.

3. Specifies pursuant to section 40F(2)(b) of the **Health Services Act 1988** that the rate of remuneration for the Directors shall be \$9,000.00 per annum.

Dated 2 September 1997

Responsible Minister:

ROB KNOWLES

Minister for Health

SHARNE BRYAN

Clerk of the Executive Council

---

**SUBORDINATE LEGISLATION ACT 1994  
NOTICE OF MAKING OF STATUTORY  
RULES**

Notice is given under Section 17 (2) of the Subordinate Legislation Act 1994 of the making of the following Statutory Rules:

88. *Statutory Rule:* Legal Practice (Fees) Regulations 1997

*Authorising Act:* Legal Practice Act 1996

*Date of Making:* 2 September 1997

89. *Statutory Rule:* Crimes (Certified Statement of Conviction) Regulations 1997

*Authorising Act:* Crimes Act 1958

*Date of Making:* 2 September 1997

90. *Statutory Rule:* Subordinate Legislation (Intellectually Disabled Persons' Services Regulations 1987—Extension of Operation) Regulations 1997

*Authorising Act:* Subordinate Legislation Act 1994

*Date of Making:* 2 September 1997

Retail price will vary according to the number of pages in each special or periodical gazette. The table below sets out the prices that apply.

<i>Price Code</i>	<i>No. of Pages (Including cover and blank pages)</i>	<i>Price</i>
A	1-16	\$2.70
B	17-32	\$4.00
C	33-48	\$5.50
D	49-96	\$8.50
E	97-144	\$11.00
F	145-192	\$13.00
G	193-240	\$15.00
H	241-288	\$16.00
I	289-352	\$18.00
J	353-416	\$21.00
K	417-480	\$24.00
L	481-544	\$28.00

**ADVERTISERS PLEASE NOTE**

As from 4 September 1997

The last Special Gazette was No. 105

Dated 2 September 1997

The last Periodical Gazette was No. 1

Dated 4 June 1997

**CONTENTS**

	Page
Estates of Deceased Persons	2307
Government and Outer Budget Sector Agencies Notices	2322
Notice of Making of Statutory Rules	2495
Orders in Council— Acts— Health Services; Water; Livestock Disease Control; Crown Land (Reserves); Land; Melbourne City Link	2456
Private Advertisements	2307

The Victoria Government Gazette is published by the  
Australian Government Publishing Service with the  
authority of the Government Printer for the State of Victoria  
© State of Victoria 1997  
ISSN 0819-5471

This publication is copyright. No parts may be reproduced by  
any process except in accordance with the provisions of the  
Copyright Act.

Products and services advertised in this publication are not  
endorsed by AGPS or the State of Victoria and neither of  
them accepts any responsibility for the content or the  
quality of reproduction. AGPS reserves the right to reject  
any advertising material it considers unsuitable for  
government publication.

Address all inquiries to the Government Printer for the  
State of Victoria

1 Macarthur Street  
Melbourne 3002 Victoria Australia

**Subscriptions**

AGPS Victorian Operations

PO Box 263

Brunswick 3056

Telephone enquiries (03) 9387 8135

Fax (03) 9387 3404

**Retail Sales**

Information Victoria Bookshop

356 Collins Street Melbourne 3000

Telephone inquiries 1300 366 356

Recommended Retail Price \$1.65



9 780644 457576