



# Victoria Government Gazette

No. G 37 Thursday 21 September 1995

## GENERAL

### GENERAL GAZETTE

Copy to: Government Gazette Officer  
THE LAW PRINTER  
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**PRIVATE ADVERTISEMENTS**

Notice is hereby given that Peninsula Searoad Holdings Pty Ltd (ACN 006 697 016) of Larkin Parade, Queenscliff, Victoria has applied for a Crown lease pursuant to section 134 of the **Land Act 1958** for a term of twenty years in respect of Crown Allotment 77D, together with Crown land adjoining to the south east in the Parish of Nepean for the purpose of Vehicular and Passenger Ferry Terminal.

**BERYL JOYCE HOBSON**, late of 1 Reserve Street, Foster, Victoria, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased, who died on 4 April 1995, are required by National Mutual Trustees Limited of 65 Southbank Boulevard, South Melbourne, Victoria to send particulars of their claims to it by 22 November 1995, after which date the said company will convey or distribute the assets, having regard only to the claims of which it then has notice.

**WELSH MAJOR**, solicitors, 439A Nepean Highway, Frankston

Creditors, next of kin and others having claims in respect of the estate of Thomas Francis Edington Mornane, late of 64 Bamba Road, Caulfield, retired public servant, deceased, who died on 7 April 1991, are requested to send particulars of their claims to Francis Peter Williams, the executor care of the undermentioned solicitors by 20 November 1995, after which date the executor will distribute the assets having regard only to the claims of which they then have notice.

**HUNTS'**, solicitors, 358 Lonsdale Street, Melbourne

**ISOBEL ENID FULTON**, late of 262 Gladstone Road, Dandenong North, Victoria, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased, who died on 9 July 1995, are required by Margaret Enid Connelly, widow of 5 Gardenia Crescent, Frankston, Victoria, John Raymond Cockle, accountant of 1/37 Princes Highway, Dandenong, Victoria and John Francis Natoli, solicitor of 24 Cotham Road, Kew, Victoria, the executors of the deceased's

will, to send particulars of their claim to the said executors care of the undermentioned solicitors by 22 November 1995, after which date they will convey or distribute the assets having regard only to the claims which they then have notice.

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

Creditors, next of kin or others having claims in respect of the estate of Noel Dickson Lowe, late of 33 Burke Road, Melbourne, deceased, who died on 13 July 1995, are to send particulars of their claims to the executrix care of the undermentioned solicitors by 12 October 1995, after which date the executrix will distribute the assets having regard only to the claims of which she then has notice.

**TAYLOR, SPLATT & PARTNERS**, solicitors, 76 Station Street, Somerville

Creditors, next of kin or others having claims in respect of the estate of Phyllis Raione King, late of Shoreham Nursing Home, Shoreham, deceased, who died on 20 March 1995, are to send particulars of their claims to the executor care of the undermentioned solicitors by 12 October 1995, after which date the executor will distribute the assets having regard only to the claims of which he then has notice.

**TAYLOR, SPLATT & PARTNERS**, solicitors, 76 Station Street, Somerville

**ENID MABEL DAVIES**, late of Innisfree Private Nursing Home, 70 Jennings Street, Kyneton in the State of Victoria, retired, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 3 August 1995, are required by the executor Richard Patrick Baylor of 1 Walkers Road, Nunawading, solicitor, to send particulars to him, care of the undersigned, on or before 21 November 1995, after which date he will distribute the assets having regard only to the claims of which he then has notice.

**BAYLOR & CO.**, solicitors, 1 Walkers Road, Nunawading

LORRAINE CULLEY WILLIAMS, deceased,  
late of 8 Lytle Avenue, Essendon, Victoria

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased, who died on 23 April 1995, are to send particulars of their claims to the executor Nicholas James Galante, care of the undermentioned solicitors by 24 November 1995, after which date the said executor will distribute the assets having regard only to the claims of which he then has notice.

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

GEOFFREY ASHTON WOOD, deceased

Creditors, next of kin or others having claims in respect of the estate of Geoffrey Ashton Wood, late of Creamery Road, Swan Hill, Victoria, contractor, deceased, who died on 2 July 1995, are to send particulars of their claims to the executor, Daryl Richard Wood, care of the undermentioned solicitors by 8 November 1995, after which date the executor will distribute the assets having regard only to the claims of which he then has notice.

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

IDA MAY NORTHAUSEN, late of Andrew Kerr Complex Nursing Home, 67-69 Tanti Avenue, Mornington, formerly of 23 View Street, Mornington, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 3 July 1995, are required by Perpetual Trustees Victoria Limited A.C.N. 004 027 258 of 50 Queen Street, Melbourne to send particulars of their claims to the said company by 22 November 1995, after which date it will convey or distribute the assets, having regard only to the claims of which the company then has notice.

VERA TROTTER, late of Unit 3, 44 Locksley Road, Ivanhoe, Victoria, gentlewoman, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 9 February 1995, are required by the executor Kenneth William Dunstan to send particulars to him at Suite 1, 600 Lonsdale Street, Melbourne by 1 December 1995, after which date the executor may convey or distribute the assets having regard only to the claims of which he has notice.

T. J. MULVANY & CO., solicitors, 2nd  
Floor, 51 Queen Street, Melbourne

Creditors, next of kin and others having claims in respect of the estate of Winsome Naomi Bell, late of Netherlea, 37 Bay Road, Sandringham, deceased, who died on 16 June 1995, are to send particulars of their claims to The Equity Trustees Executors and Agency Company Limited of 472 Bourke Street, Melbourne by 28 November 1995, after which date it will distribute the assets having regard only to the claims of which it then has notice.

IRMA LESH, late of 518 Dandenong Road, Caulfield, Victoria, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased, who died on 26 April 1995, are required by the executor Ian Andrew Ness of 459 Collins Street, Melbourne to send particulars to the executor by 25 November 1995, after which date the executor intends to convey or distribute the assets of the estate having regard only to the claims of which the executor may have notice.

WISEWOULDS, solicitors, 459 Collins  
Street, Melbourne

DULCIE VIOLET HITCHIN, late of 440 Camberwell Road, Camberwell, spinster, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 29 April 1995, are required by her legal personal representatives John Maurice Davies and Garry Mark Philpott both of 30 Collins Street, Melbourne, solicitors to send particulars of any claims to them by 30 November 1995, after which date they will distribute the assets of the deceased having regard for claims only of which they then have notice.

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

Creditors, next of kin or others having claims in respect of the estate of Joyce Mary Jane Tatham, late of 43 Banole Avenue, East Prahran, Victoria, home duties, deceased, who died on 8 June 1995, are to send particulars of their claims to the executor ANZ Executors & Trustee Company Limited (ACN 006 132 332) of 530 Collins Street, Melbourne, Victoria by 22 November 1995, after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

DUNHILL MADDEN BUTLER, solicitors,  
575 Bourke Street, Melbourne

MARIE THERESE HAMPSON, late of 6 Robert Court, Morwell, Victoria, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 13 August 1995, are to send particulars of their claims to the executor, Frank Ameerbeg, care of the undermentioned solicitors by 22 November 1995, after which date the executor may convey or distribute the assets having regard only to the claims of which he then has notice.

SLATER & GORDON, solicitors, 37 Elgin Street, Morwell

Creditors, next of kin and others having claim in respect of the estate of Hannah Elizabeth May Shearer, sometimes known as May Elizabeth Shearer, late of Flat 9, 91 Hotham Street, East St. Kilda, Victoria, home duties, deceased, who died on 17 January 1995, are requested to send particulars of their claims to the executor National Mutual Trustees Limited of 65 Southbank Boulevard, South Melbourne, formerly and in the will of 419 Collins Street, Melbourne by 24 November 1995, after which date the executor will distribute the assets having regard only to the claims of which it then has notice.

PETER J. WALSH & JOHN F. CARROLL, solicitors, 83 William Street, Melbourne

Creditors, next of kin and others having claims in respect of the estate of Dorothy Emily Mercuri, late of 23 Higgins Hill Drive, Maiden Gully, Victoria, home duties, deceased, who died on 13 August 1995, are required by the trustee to send particulars of their claims to the trustee care of the undermentioned solicitors by 30 November 1995, after which date the trustee may convey or distribute the assets having regard only to the claims of which the trustee then has notice.

BECK SHEAHAN QUINN & KIRKHAM, 110 Pall Mall, Bendigo

MARION HOLMES SHARPE, late of 2 Mitta Street, Box Hill, married woman, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 14 June 1995, are required by the personal representatives Henry Edward Roy Sharpe of 2 Mitta Street, Box Hill and Brian Ernest Le Fevre of 17 Buna Avenue, Seaford to

send particulars to them care of the undermentioned solicitors by 29 November 1995, after which date the personal representatives may convey or distribute the assets having regard only to the claims of which they then have notice.

AITKEN WALKER & STRACHAN, solicitors, 114 William Street, Melbourne

Creditors, next of kin and others having claims in respect of the estate of Robert George Hansen, late of 51 Broughton Road, Surrey Hills, retired, deceased, intestate, who died on 17 July 1995, are requested to send particulars of their claims to the administrator Edna Mae Hansen, care of the undermentioned solicitor by 21 November 1995, after which date she will distribute the assets having regard only as to the claims of which she then has notice.

JOHN STEWART, solicitor, 290 Racecourse Road, Newmarket

Creditors, next of kin and others having claims in respect of the estate of Alexander Moffat, late of 'Oakmoor Nursing Home' Warrigal Road, South Oakleigh, Victoria, maintenance engineer, deceased, who died on 7 August 1995, are required by one of the executors nominated in the deceased's last will and testament dated 20 August 1967 namely Keith Robert Moffat of 1313 Ferntree Gully Road, Scoresby, Victoria, driver, who is applying to the Supreme Court for a grant of probate of the said last will and testament to send particulars of such claims to the solicitors acting for the said executor namely N. D. Kelly & Associates, 437 Centre Road, Bentleigh by 30 November 1995, after which date the said executor may convey or distribute the assets of the deceased, having regard only to claims of which he or his solicitors then have notice.

Dated 21 September 1995

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

VERA WINIFRED SCOTT, late of 9 Ferguson Court, Swan Hill in the State of Victoria, widow, deceased

Creditors, next of kin and other persons having claims against the estate of the said deceased, who died on 14 August 1995, are required to send particulars of same to the executors Denise Irene White and Peter Shane

Scott in care of the undersigned on or before 24 November 1995, after which date they will distribute the assets having regard only to the claims of which they then have notice.

DWYER MAHON & ROBERTSON, barristers and solicitors, 194-208 Beveridge Street, Swan Hill

ARTHUR FREDERICK LEARED, late of 21 High Street, Sunshine, retired fitter and turner, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 15 July 1995, are required by Eileen Mary Leared of 21 High Street, Sunshine, widow, the executrix to whom probate of the will of the said deceased was granted by the Supreme Court of Victoria to send particulars care of the undersigned by 28 November 1995, after which date the said executrix may convey or distribute the assets having regard only to the claims of which she then has notice.

PATRICK J. CANNON COBURN & ASSOCIATES PTY., solicitors, 205 Hampshire Road, Sunshine

Creditors, next of kin or others having claims in respect of the estate of Johanna Catherina De Beer, late of 6 Fairlie Street, Hamlyn Heights, Victoria, widow, deceased, who died on 13 February 1995, are to send particulars of their claims to the executors care of the undermentioned solicitors by 23 November 1995, after which date the executors will distribute the assets having regard only to the claims of which they then have notice.

HARWOOD ANDREWS, solicitors, 70 Gheringhap Street, Geelong

THELMA MAY NOLAN, late of Unit 2, 225 Jasper Road, Bentleigh, Victoria, widow, deceased

Creditors, next of kin and others having claims against the estate of the abovenamed deceased, who died on 11 March 1992, and letters of administration with the will annexed of whose estate were granted to John Brian Parry of 1 Devorgilla Avenue, Toorak in the said State, gentleman, the duly appointed syndic of the Cat Protection Society of Victoria, the residuary beneficiary pursuant to the provisions of the said will by the Supreme Court of Victoria in its probate jurisdiction on 26 May 1995, are required to send particulars of their claims to the said John

Brian Parry care of The Cat Protection Society of Victoria of 200-202 Elder Street, Greensborough by 1 December 1995, after which date the said John Brian Parry shall distribute the assets of the estate with regard only to the claims of which he then shall have had notice.

G. S. BAKER, solicitor, 53 Queen Street, Melbourne

CLARICE IRENE RATCLIFFE, deceased, late of Villa Maria Centre for the Blind, 355 Stud Road, Wantirna South

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased, who died on 9 January 1995, are to send particulars of their claims to the executor Perpetual Trustees Victoria Limited 50 Queen Street, Melbourne by 24 November 1995, after which date the said executor will distribute the assets having regard only to the claims of which it then has notice.

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

Creditors, next of kin and others having claims in respect of the will of Kathleen Frances Smith, also known as Kathleen Patricia Smith, late of 33 Eltham Street, Flemington, widow, deceased, who died on 1 August 1995, are requested to send particulars of their claims to the executor Patricia Ellen Cooper care of the undermentioned solicitor by 25 November 1995, after which date she will distribute the assets having regard only as to the claims of which she then has notice.

JOHN STEWART, solicitor, 290 Racecourse Road, Newmarket

In both the Supreme and County Courts of the State of Victoria

#### SALE BY THE SHERIFF

On 26 October 1995 at 11.00 a.m. at the Sheriff's Office, State Government Offices, 3rd Floor, Malop Street, Geelong (unless process be stayed or satisfied).

All the estate and interest (if any) of Peter Maxwell Campbell and Jane Ann Campbell of 2 Landale Court, Corio registered as joint proprietors of an estate in fee simple in all that land in the Parish of Moranghurk being lot 277 on Plan of Subdivision No. 141086 and being the land described on Certificate of Title Volume 9512 Folio 049 upon which is erected a dwelling known as 2 Landale Court, Corio.

Registered Mortgage No. R80455C affects the said estate and interest.

Terms—Cash only

R. MARTIN  
Sheriff's Officer

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

On 26 October 1995 at 2.30 p.m. at the Sheriff's Office, 8–20 King Street, Oakleigh (unless process be stayed or satisfied).

All the estate and interest (if any) of Gregory David Golding of 51 Reservoir Road, Sunbury joint proprietor with Bronwyn Lynette Golding of an estate in fee simple in the land described on Certificate of Title Volume 9160 Folio 636 upon which is erected a house known as 51 Reservoir Road, Sunbury.

Registered Mortgage No. N670976H affects the said estate and interest.

Terms—Cash only

R. MARTIN  
Sheriff's Officer

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

On 26 October 1995 at 2.30 p.m. at the Sheriff's Office, 8–20 King Street, Oakleigh 3166 (unless process be stayed or satisfied).

All the estate and interest (if any) of Marion Sango of 3 George Street, Kyneton as shown on Certificate of Title as Marion Kathleen Sango registered as tenants in common in equal shares with Njorrie Leanne Sango and Zvonko Sango of an estate in fee simple in Lot 9 on Plan of Subdivision No. 112109 Parish of Lauriston and being the land more particularly described on

Certificate of Title Volume 9233 Folio 589 upon which is erected a double storey dwelling.

The property is in the Kyneton Township. Turn South into the Kyneton-Trentham Road from the Calder Highway, then turn east into Campaspe Drive. The property is located on the south side of Campaspe Drive and is known as Lot 9 Campaspe Drive, Kyneton.

Terms—Cash only

R. MARTIN  
Sheriff's Officer

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

On 26 October 1995 at 11.00 a.m. at the Sheriff's Office, 1 Feeley Lane, Traralgon (unless process be stayed or satisfied).

All the estate and interest (if any) of Nuzzo Sanzaro of 32 Malmo Court, Keysborough joint proprietor with Maria Sanzaro of an estate in fee simple in all that piece of land being Lot One on Plan of Subdivision No. 303272C Parish of Woodside consisting of 6 hectares or thereabouts and being the whole of the land described on Certificate of Title Volume 10028 Folio 574 upon which is erected a partially completed residence and outbuildings.

The Township of Woodside is situated approximately 19 kilometres East of Yarram on the South Gippsland Highway.

The property is on the North side of the South Gippsland Highway and is located 1477 metres South of Starlings Lane and is known as Lot 1 South Gippsland Highway, Woodside.

Terms—Cash only

R. MARTIN  
Sheriff's Officer

*Unclaimed Moneys Act 1962*

Register of Unclaimed Moneys held by the—

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

\$

PACIFIC HYDRO LIMITED

Kinnear, Dora O, c/o Ernst & Young Registry Services Pty Ltd, GPO  
Box 505H, Melbourne  
Wigg, Hugh H, 6 The Mews, Walkerville, SA  
95189  
CONTACT: C. REID, PHONE 9654 1933

110.30	Cheque	31.12.93
270.24	"	"

## 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>
\$			
COLONIAL MUTUAL AUSTRALIAN PROPERTY FUND			
Adishesan, Pearl, 17 Andrew Pl, North Rocks, NSW	1376.95	Cheque	24.5.91
Allan, Joan M, 10 Adele St, Yass, NSW	463.12	"	"
Allsop, Pietje, 2 Kereru St, Whangarei, NZ	1632.52	"	28.5.93
Bilton, Hazel (estate of), c/o Barretts, PO Box 439, Camberwell	189.00	"	15.11.90
Bimke Nominees Pty Limited, c/o 2 Garden St, Hawthorn East	778.43	"	30.11.92
Carrick, Edith C, Unit 94, Lourdes Retirement Village, Stanhope Rd, Killara, NSW	504.00	"	15.11.90
Chin, Swui S and Tan, Poh K, PO Box C521, Sydney, NSW	105.08	"	28.5.93
Claren, Jurgen, GPO Box 1736P, Melbourne	310.90	"	16.5.90
Comrealty Limited (in Official Liquidation), c/o Coopers & Lybrand, 580 George St, Sydney, NSW	262.70	"	28.5.93
Cullen, Janet, PO Box 474, Edgecliff, NSW	328.73	"	21.5.92
Dekay Pty Limited, A/C Super Fund, 126 Buckingham St, Richmond	173.24	"	16.5.90
Dobell, Frederick T and Champion, Bevele J, 9 Darling Ave, Burwood	196.14	"	8.11.91
Donaldson, John M, 77 Barrier Reef Dve, Robina, Qld	102.50	"	30.11.92
Cottrell-Dormer, Kimball C and Vera, 3 Archbold Rd, Roseville, NSW	1442.00	"	31.10.88
Douglas, Mai, 2 Michele Pl, Turrumurra, NSW	499.73	"	16.5.90
Dunn, Frank F, 2 Dorking Rd, Cabarita, NSW	311.37	"	30.11.92
Fletcher, Frances M, GPO Box 1736P, Melbourne	510.00	"	31.10.88
Godfrey, Kenneth L, 18 Normac St, Roseville Chase, NSW	315.24	"	28.5.93
Hall, Peter J, 4 Lincoln St, Sandybay, Tas	357.00	"	31.10.88
Hart, Duncan S, 3 Warwick Ave, Hyde Park, SA	485.52	"	21.5.92
Kelso, Dorothy V, 18 Brown St, Newcastle, NSW	104.55	"	16.5.90
Kent, Raymond D (estate of), c/o Sackville Wilks & Co, 11th Floor, Melbourne	1556.85	"	30.11.92
Lee, Leck B, 12 Drummond St South, Ballarat	126.00	"	15.11.90
Legge, Gordon B, 119 Eastern Rd, Turrumurra, NSW	1047.13	"	31.10.88
L H Codling Nominees Pty Ltd, c/o Priestley & Morris, GPO Box 1147, Adelaide, SA	189.00	"	15.11.90
Linklater, Mary H, 31 Mitchell St, Seaview Downs, SA	315.00	"	"
Macdonald, Lachlan, PO Box 218E, Ballarat East	388.89	"	16.5.90
McAtee, Bryan B and P, 8/5 Letitia St, Oatley, NSW	217.62	"	2.5.89
McLoughlin, Prudence, 2/27 Churchill Cres, Cammeray, NSW	758.32	"	2.5.89
McTier, Robyn E, 13 The Woodland, Wheelers Hill	207.21	"	15.11.90
Minrina Pty Limited, c/o W Foy, 138 Victoria Rd, Drummoyne, NSW	331.20	"	4.12.89
Ng, Wun P, 45/32 Dutruc St, Randwick, NSW	388.62	"	16.5.90
Perpetual Trustees Queensland Limited, Fletcher, Owen M and Robertson, Elizabeth, PO Box 7060, Riverside Centre, Qld	1261.80	"	8.11.91
Pickett, John H (estate of), c/o Hunt McCullough Kollias & Company, Mornington	189.00	"	15.11.90
Radiata Investments, 169 Liverpool St, Hobart, Tas	157.62	"	28.5.93
Ready Mixed Conc Trst Ltd, RMC House, High St, Feltham Middlesex, UK	3763.35	"	16.5.90
Roach, Steven J, 46 Glendale Ave, Narwee, NSW	228.50	"	15.11.90
Robertson, Ian, 3 Warruga Pl, Greensborough	442.86	"	21.5.92
Sale, Anita F, 5 Shepherds Crt, Coromandel Valley, SA	194.04	"	24.5.91
Sherrard, William O, A/C Owen Sherrard Family Trust, 263 Malton Rd, North Epping, NSW	788.10	"	28.5.93
Silver, Wayne L, 9 Mayfield Ave, Brunswick	105.08	"	"



## Unclaimed Moneys Act 1962

## Register of Unclaimed Moneys held by the—

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

\$

## COLONIAL MUTUAL AUSTRALIAN PROPERTY FUND—continued

Speakman, Philip A and Pamela A, 20 Avenue St, Millswood, SA	452.76	Cheque	24.5.91
Stawski Holdings Pty Limited, 1 Somers St, Bentleigh	252.00	"	15.11.90
Tolhurst, Clive G and Gwen, GPO Box 1736P, Melbourne	3764.24	"	31.10.88
Trumbull, Timothy D, Alroe, Peter L and Christoe, John E, c/o PO Box 1959, Southport, Qld	1260.00	"	15.11.90
Von Doussa, Gwendoline K, 70/30 Moseley St, Glenelg, SA	438.30	"	21.5.92
Westlake, Peter R, 5 Kurradjong St, Roleystone, WA	895.77	"	4.12.89
White, Kevin H, 11 Park Rd, Garden Suburb, NSW	778.79	"	15.11.90
Withers, Kelvin L, 6 Macarthur Ave, Pagewood, NSW	249.62	"	4.12.89
Woenig, Margaret S, Unit 8, 181 Main Rd, Blackwood, SA 95188	192.08	"	"

CONTACT: C. REID, PHONE: 9654 1933

## MACEDON RANGES SHIRE COUNCIL

Centrepont Homes	120.00	Deposit	8.6.94
Lloyd, C	120.00	"	"
Community Park Development	120.00	"	"
Chartridge Pty Ltd	240.00	"	"
Wymer & Boyle	120.00	"	"

95073

CONTACT: GLENN OWENS, PHONE (054) 295 201

# **PROCLAMATIONS**

## **Coroners (Amendment) Act 1995 PROCLAMATION**

I, Richard E. McGarvie, Governor of Victoria, acting with the advice of the Executive Council fix 21 September 1995 as the day on which all unproclaimed sections of the **Coroners (Amendment) Act 1995**, except sections 4 and 5, come into operation. Sections 4 and 5 are to come into operation on 1 October 1995.

Given under my hand and the Seal of Victoria on 19 September 1995

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

JAN WADE  
Attorney-General

## **Land Act 1958 PROCLAMATION OF ROADS**

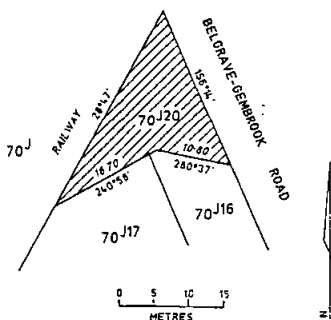
I, Richard E. McGarvie, Governor of Victoria acting with the advice of the Executive Council and under section 25 (3) (c) of the **Land Act 1958** proclaim as roads the following lands:

### **MUNICIPAL DISTRICT OF THE YARRA RANGES SHIRE COUNCIL**

**NARREE WORRAN**—The land in the Parish of Narree Worrان shown as Crown Allotment 70J16 on Certified Plan No. 112730 lodged in the Central Plan Office—(GL 18821).

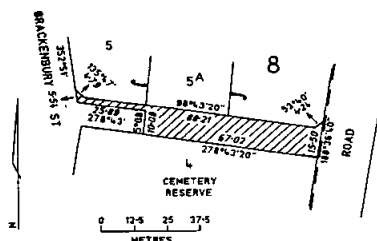
### **MUNICIPAL DISTRICT OF THE YARRA RANGES SHIRE COUNCIL**

**NARREE WORRAN**—The land in the Parish of Narree Worrان shown as Crown Allotment 70J20 and indicated by hatching on plan hereunder—(N19[10]) (GL 18821).



## **MUNICIPAL DISTRICT OF THE MANNINGHAM CITY COUNCIL**

**WARRANTYTE**—The land in the Township of Warrantyte, Parish of Warrantyte as indicated by hatching on plan hereunder—(W 25[4]) (90/282).



Given under my hand and the seal of Victoria on 19 September 1995

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

M. A. BIRRELL  
Minister for Conservation and Environment

## **Land Act 1958 PROCLAMATION OF ROADS**

I, Richard E. McGarvie, Governor of Victoria acting with the advice of the Executive Council and under section 25 (3) (c) of the **Land Act 1958** proclaim as roads the following lands:

### **MUNICIPAL DISTRICT OF THE MACEDON RANGES SHIRE COUNCIL**

**MALMSBURY**—Crown Allotment 24B, Section 33, Township of Malmsbury, Parish of Lauriston as shown on Certified Plan No. 116325 lodged in the Central Plan Office—(P 143446).

### **MUNICIPAL DISTRICT OF THE LODDON SHIRE COUNCIL**

**MINCHA WEST**—Crown Allotments 1W and 1N1, Parish of Mincha West as shown on Certified Plan Nos 112951 and 114966 respectively, lodged in the Central Plan Office—(GL 17316).

MUNICIPAL DISTRICT OF THE BULOKE  
SHIRE COUNCIL

NULLAWIL—The land in the Parish of Nullawil shown as Crown Allotments 32D and 32E on Certified Plan No. 114959 lodged in the Central Plan Office—(GB 101).

MUNICIPAL DISTRICT OF THE CENTRAL  
GOLDFIELDS SHIRE COUNCIL

TALBOT—Crown Allotment 1E, Section M2, Township of Talbot, Parish of Amherst as shown on Certified Plan No. 114871 lodged in the Central Plan Office—(GL 18221).

Given under my hand and the seal of  
Victoria on 19 September 1995

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

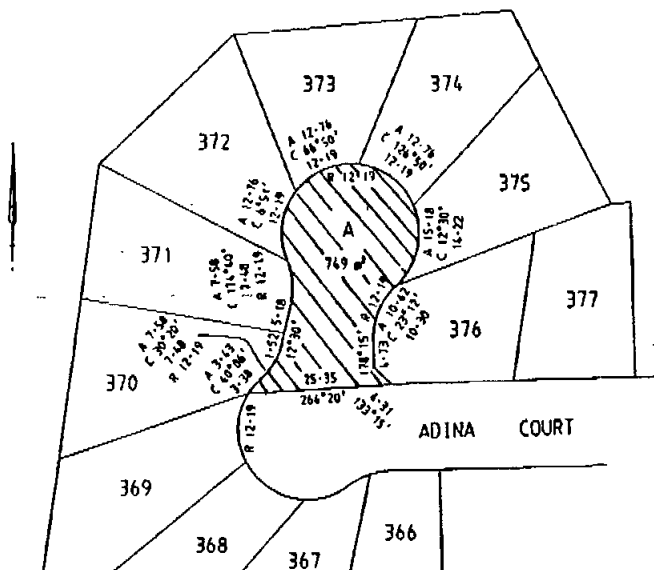
M. A. BIRRELL  
Minister for Conservation and Environment

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**GOVERNMENT AND OUTER BUDGET SECTOR  
AGENCIES NOTICES**

**CITY OF BRIMBANK  
Road Discontinuance**

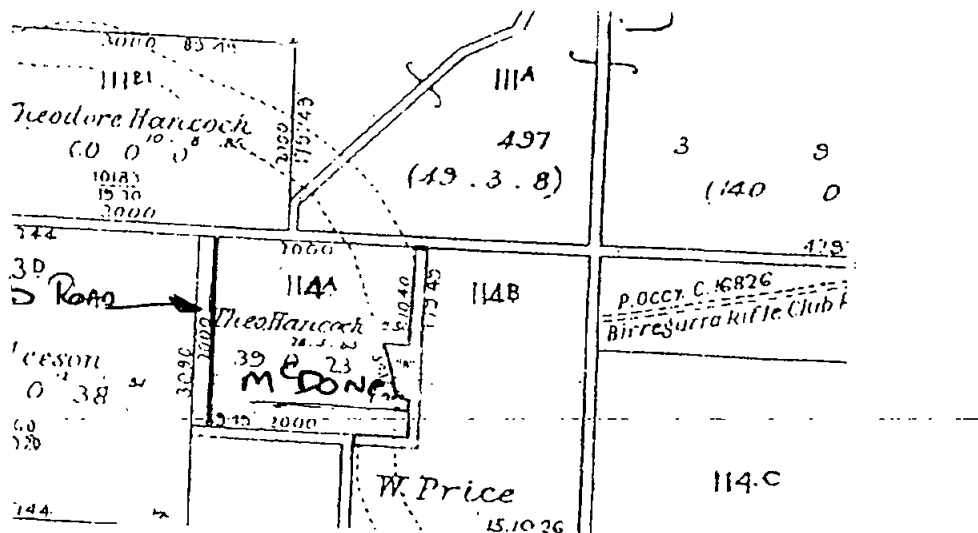
That the Brimbank City Council at its Ordinary Meeting held on 12 September 1995, formed the opinion that the road shown on the plan below is not reasonably required as a road for public use and resolved to discontinue the road, and having advertised and served notices regarding the proposed discontinuance and there being no submissions made under section 223 of the **Local Government Act 1989**, orders that the said part of the road situated in Adina Court, West Sunshine, be discontinued pursuant to Schedule 10, Clause 3 (a), of Section 206 of the said Act, and the land of the discontinued road vest in the Council pursuant to section 207B of the said Act and be sold by Private Treaty to the owners of the land abutting the road, subject to any right, power or interest held by the Council and City West Water in the road in connection with any sewers, drains and pipes under the control of those Authorities in or near the road.



ROB SPENCE  
Chief Executive Officer

**COLAC OTWAY SHIRE COUNCIL  
Road Deviation Order**

Pursuant to the provisions of sections 207, 207B and 207D and Clause 2 of Schedule 10 of the **Local Government Act 1989** the Colac Otway Shire Council hereby directs that the land in the Parish of Yeo indicated and marked "R1" on Plan of Subdivision PS338832S a copy of which is annexed hereto which has been purchased taken or acquired by it shall be a public highway on and from the date of publication of this order in the Government Gazette and declares that such land shall be a public highway in lieu of the land adjoining Allotments 114A and 114B in the said Parish indicated by the letter "A" on the annexed part Parish Plan.



The Common Seal of the Colac Otway Shire Council was affixed hereto by authority of the Commissioners appointed by Order of the Governor dated 20 September 1994 made under Part 10C of the **Local Government Act 1989** in the presence of:

MARIE LOUISE THORNTON, Commissioner  
DONALD STEWART WELSH, Chief Executive Officer



## MAKING OF LOCAL LAWS

### SMOKE FREE LOCAL LAW NO. 6

Notice is hereby given that a meeting of Darebin City Council on 4 September 1995, Council resolved to make Local Law No. 6, Smoke Free Local Law, pursuant to Part 5 and Schedule 1 of the Local Government Act 1989.

The purpose of this Local Law which came into operation on 5 September 1995 is to:

- (a) prohibit smoking in certain premises within the municipal district of Council and in all vehicles owned or leased by, or under the control of, Council;
- (b) prevent and abate nuisance;
- (c) promote the good health and well-being of persons using municipal facilities; and
- (d) provide for the peace, order and good government of the municipal district of Council.

The purport of the Local Law is to:

- (a) Prohibit smoking in or on any
  - (i) Council premises;
  - (ii) in any Council vehicle;
  - (iii) on entry to any Council premises
  - (iv) on entry to any Council vehicle.
- (b) To provide for an authorised officer to direct a person to:
  - (i) cease smoking either on or within Council premises;
  - (ii) cease smoking either on or in a Council vehicle;
  - (iii) leave Council premises;
  - (iv) leave a Council vehicle.
- (c) Provide for Council by resolution to declare any building or part of a building to be an exempt building.
- (d) Provide for:
  - (i) the issue of an infringement notice as an alternative to prosecution;
  - (ii) payment of any infringement notice;
  - (iii) waiver of any infringement notice;
  - (iv) penalties.

### MUNICIPAL AMENITY LOCAL LAW NO. 7

Notice is hereby given that at a meeting of Darebin City Council on 4 September 1995, Council resolved to make Local Law No. 7, Municipal Amenity Local Law, pursuant to Part 5 and Schedule 1 of the Local Government Act 1989.

The purpose of this Local Law which came into operation on 5 September 1995 is to:

- (a) regulate the times during which building works may be performed;
- (b) prevent buildings falling into a dilapidated condition;
- (c) prevent the deposit of spoil on streets;
- (d) preserve the amenity of the municipal district; and
- (e) regulate the use of land for the storage, dismantling, repair and painting of heavy motor vehicles.

The purport of the Local Law is:

- (a) Building Works and Noise:
  - (i) to control the days and hours which building works may be carried out;
  - (ii) provide for specific exclusions;
  - (iii) provide for the issue of a permit as appropriate
  - (iv) provide for the payment of a fee;
  - (v) enforcement provisions.
- (b) Dilapidated Buildings –

- (i) to stop buildings becoming dilapidated or further dilapidated;
- (ii) enforcement provisions.
- (c) Spoil from land abutting streets –
  - (i) prohibiting the owner or occupier of land from causing or allowing vehicles being driven from land onto the streets that are not clean and free from debris or spoil;
  - (ii) prohibiting any person driving a vehicle from any land that is not free from debris or spoil.
- (d) General amenity –
  - (i) prohibiting unsightly and dangerous premises;
  - (ii) enforcement provisions.
- (e) Heavy motor vehicles –
  - (i) prohibiting the keeping, dismantling, repair or painting of heavy motor vehicles on land without a permit;
  - (ii) exclusion in respect of permits issued under the Planning and Environment Act 1987;
  - (iii) provisions for granting of a permit.
- (f) General provisions –
  - (i) behaviour and obstruction;
  - (ii) moveable advertising signs and display of goods;
  - (iii) outdoor seating;
  - (iv) repairing vehicles;
  - (v) procedures for submission and processing of applications for permits;
  - (vi) correction of permits;
  - (vii) revocation of permits;
  - (viii) register of permits;
  - (ix) infringement notices;
  - (x) offences and penalties.

### INFORMATION AND SERVICES LOCAL LAW NO. 8

Notice is hereby given that at a meeting of Darebin City Council on 4 September 1995, Council resolved to make Local Law No. 8, Information and Services Local Law, pursuant to Part 5 and Schedule 1 of the Local Government Act 1989.

The purpose of this Local Law which came into operation on 5 September 1995 is to provide for the performance of services and supply of Information by Council.

The purport of the Local Law is to:

- (i) provide for the supply of services and information;
- (ii) prescribe the form of request and fee structure;
- (iii) provide for reduction, waiver and refund of fee as appropriate;
- (iv) provide for amendment to schedule by resolution;
- (v) provide exclusions, indemnities and disclaimers;
- (vi) offences and penalties;
- (vii) identify services and establish fees.

### STREET TRADERS & COLLECTORS LOCAL LAW NO. 9

Notice is hereby given that at a meeting of Darebin City Council on 4 September 1995, Council resolved to make Local Law No. 9, Street Traders & Collectors Local Law, pursuant to Part 5 and Schedule 1 of the Local Government Act 1989.

The purpose of this Local Law which came into operation on 5 September 1995 is to regulate the:

- (a) use of streets and other places by persons dealing in goods, so as to facilitate the safe passage of vehicular and pedestrian traffic and prevent nuisances; and



## MAKING OF LOCAL LAWS (CONTINUED)

- (b) practice of selling raffle tickets or offering raffle tickets for sale, soliciting and collecting gifts of money or subscriptions and collection of waste materials or discarded clothing.

The purport of the Local Law which came into operation on 5 September 1995 is to:

(a) Street Traders –

- (i) require the issue of a permit;
- (ii) establish procedures for the issue of permits;
- (iii) prescribe the form of permit;
- (iv) provide for the correction, suspension and revocation of a permit.

(b) Street Collectors –

- (i) require the issue of a permit;
- (ii) establish procedures for the issue of permits;
- (iii) prescribe the form of permit;
- (iv) provide for the correction, suspension and revocation of a permit.

(c) General Provisions –

- (i) require the keeping of register of permits;
- (ii) provide for the issue of Infringement Notices;
- (iii) set offences and penalties.

### STREET AND ROADS (GENERAL REGULATIONS) LOCAL LAW NO. 10

Notice is hereby given that at a meeting of Darebin City Council on 4 September 1995, Council resolved to make Local Law No. 10, Street and Roads (General Regulations) Local Law, pursuant to Part 5 and Schedule 1 of the Local Government Act 1989.

The purport of this Local Law which came into operation on 5 September 1995 is to:

- (a) regulate the exhibition of merchandise on pavements;
- (b) regulate the exhibition of advertising signs on pavements;
- (c) regulate the placement of seats, tables, chairs and other furniture on pavements;
- (d) regulate the exhibition of merchandise and advertising signs on vehicles left standing near premises;
- (e) regulate the protrusion of verandahs and awnings into the airspace above pavements;
- (f) regulate the deposit of shopping trolleys in streets, car parks and other public places;
- (g) regulate the use of skateboards on pavements;
- (h) prohibit the dismantling and painting of vehicles on roads;
- (i) regulate the dismantling of vehicles on roads;
- (j) prohibit the destruction or removal of, or drainage to, street furniture;
- (k) regulate the identification of premises;
- (l) regulate the growth of trees and plants so as to prevent accidents;
- (m) prohibit obstruction; and
- (n) provide for the construction and maintenance of permanent and temporary vehicle crossings.

The purport of the Local Law is to,

- (i) regulate the exhibition of merchandise on pavements;
- (ii) regulate the exhibition of advertising signs on pavements;
- (iii) regulate the placement of seats, tables, chairs and other furniture on pavements;
- (iv) regulate the exhibition of merchandise and advertising signs on vehicles left standing near premises;

- (v) regulate the protrusion of verandahs and awnings into the airspace above pavements;
- (vi) regulate the deposit of shopping trolleys in streets, car parks and other public places;
- (vii) regulate the use of skateboards on pavements;
- (viii) prohibit the dismantling and painting of vehicles on roads;
- (ix) prohibit the destruction or removal of, or damage to, street furniture;
- (x) regulate the identification of premises;
- (xi) regulate the growth of trees and plants so as to prevent accidents;
- (xii) prohibit obstructions;
- (xiii) provide for the construction and maintenance of permanent and temporary vehicle crossings;
- (xiv) provide for the granting, revocation and registering of permits;
- (xv) provide for enforcement including Infringement Notices, offences and penalties.

### RECREATIONAL VEHICLES LOCAL LAW NO. 11

Notice is hereby given that at a meeting of Darebin City Council on 4 September 1995, Council resolved to make Local Law No. 11, Recreational Vehicles Local Law, pursuant to Part 5 and Schedule 1 of the Local Government Act 1989.

The purpose of this Local Law which came into operation on 5 September 1995 is to regulate the use of recreational vehicles on land within the municipal district.

The purport of the Local Law is:

- (a) provide for the issue of permits in prescribed circumstances;
- (b) establish application procedures;
- (c) impose restrictions on users;
- (d) control the use of land in connection with recreational vehicles;
- (e) define the obligations of permit holders;
- (f) establish enforcement provisions, offences and penalties.

### CAMPING LOCAL LAW NO. 12

Notice is hereby given that at a meeting of Darebin City Council on 4 September 1995, Council resolved to make Local Law No. 12, Camping Local Law, pursuant to Part 5 and Schedule 1 of the Local Government Act 1989.

The purpose of this Local Law which came into operation on 5 September 1995 is to regulate camping on:

- (a) roads; and
- (b) land.

The purport of the Local Law is:

- (i) to control camping on roads and public places;
- (ii) to control camping on another's land;
- (iii) provide for the issue of a permit as appropriate;
- (iv) provide for payment of a fee;
- (v) provide for correction of permits;
- (vi) enforcement provisions;
- (vii) establish offences and penalties.

A copy of the Local Laws which came into operation on 5 September 1995 can be obtained from the Council offices at 350 High Street, Preston during office hours.

Kevin Spiller,  
Chief Executive Officer

2558 G 37 21 September 1995

### ERRATUM

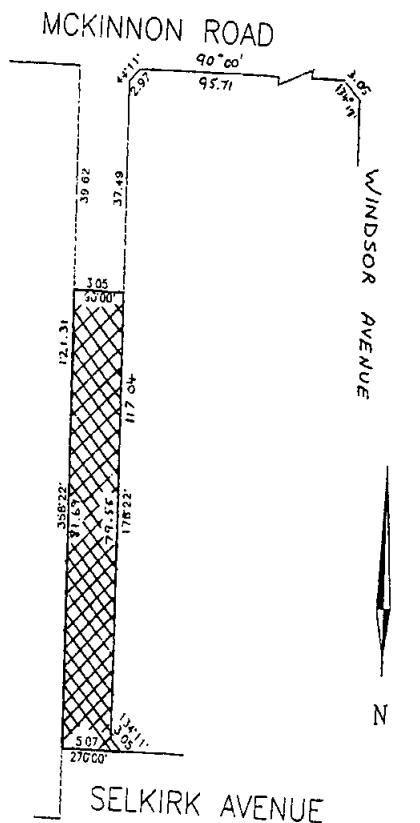
Glen Eira City Council

Notice No. 21762 Victoria Government Gazette

G8—25 February 1993

Discontinuance of Road—City of Moorabbin

Notice is given that the plan below replaces the plan shown in the above notice, which contained incorrect information.



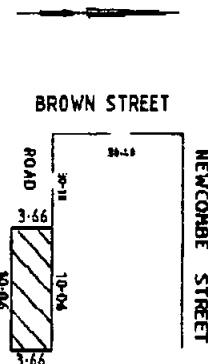
STAN CAPP  
Chief Executive

### CITY OF GREATER GEELONG Road Discontinuance

That the Council of the City of Greater Geelong at its Ordinary Meeting held on 22 August 1995, formed the opinion that the road shown on the plan below is not reasonably required as a road for public use and resolved to discontinue the road, and having advertised and

Victoria Government Gazette

served notices regarding the proposed discontinuance and there being no submissions made under section 223 of the **Local Government Act 1989**, orders that the said part of the road situated at the rear of No. 98 Newcombe Street, Portarlinton, be discontinued pursuant to Schedule 10, Clause 3 (a), of section 206 of the said Act, and the land of the discontinued road vest in the Council pursuant to Section 207B of the said Act and be sold by Private Treaty to the owners of the land abutting the road, subject to any right, power or interest held by Barwon Water in the road in connection with any sewers, drains and pipes under the control of that Authority in or near the road.



K. B. McDONALD  
Director, Corporate Services

### Planning and Environment Act 1987 BERWICK PLANNING SCHEME Notice of Amendment Amendment L98

Casey City Council has prepared Amendment 98 to the Local Section of the Berwick Planning Scheme.

This amendment affects land on the eastern side of Harkaway Road, Berwick. The land comprises four properties which are described as 44 Harkaway Road (Lot 1, PS 301236S), 46 Harkaway Road (Lot 2, PS 301236S) 48 Harkaway Road (PC 153042) and 50 Harkaway Road (Lot 3, PS 139245), Berwick.

The amendment proposes to change the planning scheme by rezoning the above land from Berwick Residential—Low Density to Berwick Residential—Berwick Township. This rezoning will allow the land to be subdivided into smaller lots.



Together with this rezoning, the landowner will be required to enter into a legal agreement which will have the following effect:

1. The subdivision of the land will generally be in accordance with the plan of subdivision accompanying this amendment (Plan No. 19045/2 prepared by KLM Development Consultants).
2. The erection of more than one dwelling on each lot will be prohibited.
3. The subdivision of the land will not increase the rate at which the stormwater will be discharged from the land.

The amendment can be inspected at the Casey City Council (Berwick Office), Municipal Offices, Magid Drive, Narre Warren or at the Department of Planning and Development, Ground Floor, the Olderfleet Buildings, 477 Collins Street, Melbourne.

Submissions about the amendment must be sent to the Chief Executive, Casey City Council, PO Box 1000, Narre Warren 3805 by 23 October 1995.

JACQUI HOUGUET  
Manager, Planning

#### Planning and Environment Act 1987

##### BULLA PLANNING SCHEME

##### Notice of Amendment

##### Amendment L88

The Hume City Council has prepared Amendment L88 to the Bulla Planning Scheme.

The amendment affects land on the south-west corner of the Hume Freeway and Donnybrook Road.

As a result of Vic Roads intentions to establish the Donnybrook Road overpass the existing petrol station must be relocated. It is proposed to relocate the petrol station and establish it as a highway service centre incorporating other highway related service activities on the site.

It is proposed that there will be no further requirement for planning permits to be issued for this development provided that the subject land is developed in accordance with a development plan to the satisfaction of the responsible authority. Concept plans showing the general layout of the development on the land accompany the amendment.

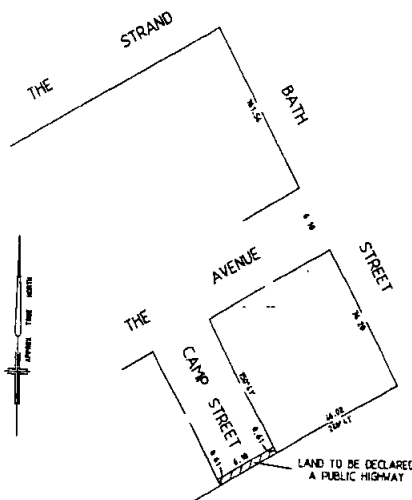
The amendment and concept plan can be inspected at the Town Planning Department, Hume City Council, Sunbury Office, 36 Macedon Street, Sunbury; Department of Planning and Development, Ground Floor, Olderfleet Buildings, 477 Collins Street, Melbourne or at the Hume City Council, Craigieburn Office, Craigieburn Road West, Craigieburn.

Submissions about the amendment must be sent to the Chief Executive Officer, Hume City Council, Broadmeadows Office, PO Box 119, Broadmeadows 3047 by Tuesday, 24 October 1995.

#### KINGSTON CITY COUNCIL

##### Declaration of a Public Highway Camp Street, Chelsea

Pursuant to section 203 (3) of the **Local Government Act 1989** the Kingston City Council, after consultation with public authorities and the advertising of its intention resolved at its Ordinary Meeting held on 7 August 1995, that a strip of land measuring 0.61 metre by 6.1 metre abutting the southern end of Camp Street, Chelsea be declared a Public Highway on publication of the appropriate notice in the Victoria Government Gazette.



ROB SKINNER  
Chief Executive Officer

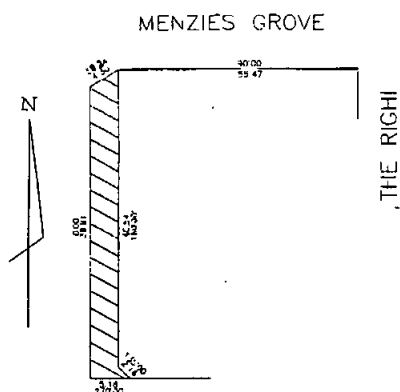
Pursuant to section 206 and Schedule 10 Clause 3 of the **Local Government Act 1989** the Banyule City Council at its ordinary meeting held on 11 September 1995, having formed the opinion that the section of 'road' shown hatched on the plan below is not reasonably required as a 'road' for public use, resolved to discontinue that section of the 'road' and sell the land by private treaty to adjoining owners subject to any right, power or interest held by Melbourne Water in the 'road' in connection with any sewers under the control of Melbourne Water in or near the road.

Members of the public are invited to make a submission on the proposal. Any person making a submission or objection to the proposal should set out the grounds for any objection raised in the submission.

Submissions must be received by the Board by 4 October 1995, which is one month after publication of this notice in the Government Gazette.

If any submissions are received, the Board will consider them at its meeting scheduled for 17 October 1995.

**DAVID ROBERTS**  
General Manager, East Gippsland Water



P. SODING  
Director, City Development

Notice is hereby given that the East Gippsland Region Water Authority, pursuant to section 96 of the **Water Act 1989**, proposes to set up an extension to the Paynesville Sewerage District. The extension encompasses Newlands Arm Estate and other parcels of land adjacent to the existing Paynesville Sewerage District.

Full details of the proposal and a copy of a plan showing the extent of the district are available for inspection free of charge at the Authority's Office, 133 Macleod Street, Bairnsdale, during office hours.

In accordance with the **Public Holidays Act 1993**, the Macedon Ranges Shire Council declares a full day holiday for Tuesday, 7 November 1995, in that part of the municipal district of the Macedon Ranges Shire Council that was the former Shires of Newham and Woodend, Romsey and Gisborne.

The purpose of this holiday is in recognition of Melbourne Cup Day.

**PRUE MANSFIELD**  
Chief Executive Officer

In accordance with the **Public Holidays Act 1993**, the Macedon Ranges Shire Council declares a full day holiday for Wednesday, 8 November 1995, in that part of the municipal district of the Macedon Ranges Shire Council that was the former Shire of Kyneton.

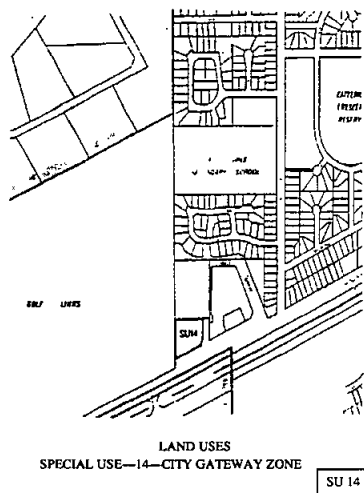
The purpose of this holiday is in recognition of Kyneton Cup Day.

**PRUE MANSFIELD**  
Chief Executive Officer

The La Trobe Shire Council has prepared Amendment L57 to the Traralgon (City) Planning Scheme.

The amendment affects land at Lot 1 Plan of Subdivision No. 203434, Princes Street, Traralgon.

The amendment proposes to change the Planning Scheme by rezoning the land from Special Use Zone—10—Service Station, to Special Use Zone—14—City Gateway. The rezoning has principally been initiated to enable the development of a Funeral Parlour on the land, although the zone allows a broad range of uses.



A copy of the amendment can be inspected at the Regional Office of the Department of Planning and Development, Suite 4/29 Breed Street, Traralgon; at the Office of the Department of Planning and Development, the Olderfleet Buildings, 477 Collins Street, Melbourne or at the Shire's Traralgon Office, Kay Street, Traralgon and will be open for inspection during office hours by any person free of charge.

Any submission you may wish to make in respect of the amendment must be in writing, and sent to the Chief Executive Officer, La Trobe Shire Council, Kay Street, Traralgon 3844 by 24 October 1995. Should you have any enquiries, please contact Nick Kearns on (051) 73 1400.

JOHN MITCHELL  
Chief Executive Officer

**Planning and Environment Act 1987**  
**HEALESVILLE PLANNING SCHEME**  
Notice of Amendment  
Amendment L55

The Council of the Shire of Yarra Ranges has prepared Amendment L55 to the Healesville Planning Scheme.

The amendment affects land shown on VicRoads Plan Nos SP14598, 17323 and 17324, and generally located between the Yarra River and Old Healesville Road on the east side of the Yarra Glen Racecourse.

The amendment has one part.

Part 1 proposes to rezone the land from Rural and Public Purposes 12—Railway to Reserved Land—MR—Main Road to provide land for the Melba Highway By-pass of Yarra Glen.

The Minister for Planning has provided the following exemptions from the requirements to give notice of the amendment under section 19 of the Planning and Environment Act:

- \* The need to give notice to all people the Council considers may be materially affected under section 19 (1) (b) except the land owners which have purchased land since the exhibition of the reservation.
- \* The need to give notice to Councils under section 19 (1) (a).
- \* The need to set a closing date for submissions of at least one month from the date the notice of amendment appears in the Government Gazette.

The amendment can be inspected free of charge during normal office hours at the following offices of the Shire of Yarra Ranges: Healesville District Office, 237 Maroondah Highway, Healesville; Lilydale District Office, Anderson Street, Lilydale; Upwey District Office, 351 Glenfern Road, Upwey; Yarra Junction District Office, Warburton Highway/Hoddle Street, Yarra Junction or at the Department of Planning and Development, Ground Floor, Olderfleet Building, 477 Collins Street, Melbourne.

Any submissions about the amendment must:

- \* Be made in writing, clearly identifying the amendment referred to (that is, cite the amendment number). It should also give the submitter's name, address and, if practicable, a phone number for contact during office hours.

In the case of a submission made jointly by a number of people, the name and address of the person to whom notices and correspondence can be sent to.

- \* Set out the views on the amendment, that the submitter wishes to put before the planning authority. If the submitter has concerns about the amendment,

then they should detail what action they want the planning authority to take (e.g. abandon the amendment; exclude certain land from its effect; include additional conditions on any proposed use or development).

- \* State whether the person(s) making the submissions wishes to be heard in support of their submission.

Submissions must be sent to Mr Eric Howard, Chief Executive Officer, Shire of Yarra Ranges, PO Box 105, Lilydale 3140 and must reach the Shire at the above address by 5 October 1995.

IAN GIBB  
Corporate Manager, Planning and Environment

#### COLAC OTWAY SHIRE Notice of Making Local Laws

Notice is hereby given that at a meeting of Colac Otway Shire Council held on 13 September 1995, Council resolved to make Local Laws Nos:

4. Meeting Procedure
5. Municipal Property
7. Windrow Burning

pursuant to Part 5 and Schedule 1 of the **Local Government Act 1989**.

The Local Laws will come into operation on 24 September 1995 and operate throughout the Municipal District unless localised areas are stated as exceptions.

#### Local Law No. 4—Meeting Procedure

The purpose of this Local Law is to:

- (a) regulate the use of the common seal;
- (b) prohibit unauthorised use of the common seal or any device resembling the common seal;
- (c) regulate proceedings for the election of the Mayor and Chairpersons of various committees; and
- (d) regulate proceedings at Council meetings, special committee meetings, advisory committee meetings, and other meetings conducted by or on behalf of Council where council has resolved that the provisions of this Local Law are to apply.

The purport of the Local Law is to provide good government through the application of the provisions of the Local Law as follows:

- (a) authorised use of the Common seal.

- (b) procedure for the election of Mayor and Chairperson of Council Committees.
- (c) procedures for the regulation and conduct of Council and other Committee meetings.
- (d) the cycle of meetings of Council and attendance of public at meetings.
- (e) procedural matters associated with call of Council, motions and amendments time limits for debate and points of order.
- (f) conduct and discipline of Councillors and visitors to Council meetings.
- (g) conduct of public meetings, recording of proceedings and removal from Council Chamber.
- (h) establishment of Advisory and Special meetings of Council.

#### Local Law No. 5—Municipal Property

The purpose of this Local Law is to:

- (a) promote a physical and social environment free from hazards to health, in which the residents of the municipal district can enjoy a quality of life that meets the general expectations of the community;
- (b) prevent and suppress nuisances which may adversely affect the enjoyment of life within the municipal district or the health, safety and welfare of persons within the municipal district;
- (c) prohibit, regulate and control activities which may be dangerous or unsafe or detrimental to the quality of life and the environment of the municipal district;
- (d) prohibit, regulate and control access to and behaviour in Municipal Places; and
- (e) regulate and control the use of Municipal Swimming Pools, Municipal Buildings and Reserves.

The purport of the Local Law includes the specification of what form of regulation is proposed with a view to achieving the stated objectives of the Local Law. The Law provides that certain activities may be prohibited or undertaken only with the issue of a permit and subject to conditions stated. The Law provides for the issue of notice of compliance, penalties and prosecution for non-compliance by authorised officers. Permits issued may be corrected or revoked by Council.

**Local Law No. 7—Windrow Burning**

The purpose of this Local Law is to:

- (a) regulate the burning of windrow on land between certain dates; and
- (b) provide for the peace, order and good government of the municipal district.

The purport of the Local Law is to provide for a permit system for the burning of windrows between 1 November and 1 March each year. Permits may be corrected or revoked by Council and infringement notices issued where a contravention of the Law is evident or suspected.

Copies of the Local Laws may be inspected or obtained from Customer Service Centres at 2-6 Rae Street, Colac or 69-71 Nelson Street, Apollo Bay during business hours.

DON WELSH  
Chief Executive Officer

**SHIRE OF COLAC OTWAY**

**Proposal to make Local Laws**

**No. 8—Colac Livestock Selling Centre**

Notice is hereby given that at a meeting of Colac Otway Shire Council held on 13 September 1995, Council resolved to make Local Law No. 8, pursuant to Part 5 and Schedule 1 of the **Local Government Act 1989**.

**Local Law No. 8—Colac Livestock  
Selling Centre**

The purposes of this Local Law are to:

- (a) provide for efficient operation and management of the Colac Livestock Selling Centre;
- (b) minimise stress in all livestock by encouraging efficient and considerate treatment and handling; and
- (c) regulate and control the selling of livestock from premises other than the Colac Livestock Selling Centre.

The purport of this Local Law includes the use of Saleyards, superintendent duties and authority, removal and impounding of stock, inspection of transport, sale days and allotted selling times. The Law provides that certain activities may be prohibited or undertaken only with the issue of a permit and subject to conditions stated.

**General**

A copy of the draft Local Law may be inspected at Councils Customer Service Centres at 2-6 Rae Street, Colac or 69-71 Nelson Street, Apollo Bay during business hours.

Any person affected by this Local Law may within 14 days after publication of this notice make a submission to Council, stating whether or not they wish to be heard in accordance with section 223 of the **Local Government Act 1989**. Submissions should be addressed to the Chief Executive Officer, Colac Otway Shire, P.O. Box 283, Colac, Victoria 3250 or 2-6 Rae Street, Colac 3250.

DON WELSH  
Chief Executive Officer

**Planning and Environment Act 1987**

**SURF COAST PLANNING SCHEME**

**Notice of Amendment**

**Amendment RL33**

The Surf Coast Shire has prepared Amendment RL33 to the Surf Coast Planning Scheme.

The amendment proposes to change the Local and Regional Sections of Book 1 of the Planning Scheme by rezoning land situated at 175 to 215 Great Ocean Road and 130 to 140 Strathmore Drive, Jan Juc from 'Rural Residential Zone' to part 'Reserved Residential Zone' and part 'Residential C Zone'. The existing 'Area of Interest or Landscape Value' overlay is to be retained.

The amendment can be inspected at the Surf Coast Shire Municipal Offices, 25 Grossmans Road, Torquay; Department of Planning and Development, Planning Division, 5th Floor, State Offices, corner Little Malop and Fenwick Streets, Geelong or at the Department of Planning and Development, Planning Division, Olderfleet Building, 477 Collins Street, Melbourne.

Submissions about the amendment must be sent to the Senior Town Planner, Surf Coast Shire, PO Box 350, Torquay 3228 by 23 October 1995.

**Water Act 1989**

**SUNRAYSIA RURAL WATER AUTHORITY**  
**Merbein Irrigation District Diminished**

Pursuant to section 104 (1) (b) of the **Water Act 1989**, notice is hereby given that the Sunraysia Rural Water Authority resolved on 18 September 1995 to diminish the extent of the Merbein Irrigation District by excising an area of 1.5 hectares being the land comprising Lots 1, 2, 3, 4 and 5 on Plan of Subdivision No. 303168W, and described as being part of Crown Allotment 60, Parish of Merbein.

The plan accompanying the resolution may be inspected during normal business hours at the office of the Sunraysia Rural Water Authority situated at the corner of Indi Avenue and Jacaranda Street, Red Cliffs.

CHRIS STOLTZ  
Chief Executive Officer

**Land Acquisition and Compensation  
Act 1986**

**Planning and Environment Act 1987  
CARDINIA SHIRE COUNCIL**

Notice of Acquisition  
Compulsory Acquisition of Interest in Land  
Section 21, Regulation 16  
Form 7

The Cardinia Shire Council declares that by this Notice it acquires an estate in fee simple in the following land:

1. Part of Lot 88 [88 C], L.P. 5068, being the whole of the land in Certificate of Title Volume 7725 Folio 047, registered in the name of Broderick, Robert Edward, who died on 2 November 1972.
2. Part of Lot 66 and 58 [66 C and 58 C], L.P. 5068, being the part of the land in Certificate of Title Volume 4694 Folio 648, registered in the name of Goodwin, Robert Victor, medical assistant, late of Cranbourne Road, Frankston, (circa 1926).

Note that the above property is located within the Special Study Zones that are areas that have been declared under section 172 (1) (c) of the **Planning and Environment Act 1987**. The land is acquired by the Cardinia Shire Council, as a Responsible Authority, under section 171 of the **Planning and Environment Act 1987**, in accordance with the Pakenham Planning Scheme.

Published with the Authority of the Cardinia Shire Council.

JIM STEVENSON  
Chief Executive Officer

**Planning and Environment Act 1987  
GREATER BENDIGO PLANNING SCHEME**  
Notice of Amendment to Planning Scheme  
Amendment L33

The City of Greater Bendigo has prepared Amendment L33 to the Greater Bendigo Planning Scheme (Chapter 6).

The amendment proposes to modify the Greater Bendigo Planning Scheme by:

- \* Rezoning land at 73-79 High Street, Kangaroo Flat, being Lots 1, 2, 3 and 4 on Plan of Subdivision 337120L from part Residential Zone and part Public Open Space Reserve to Commercial Zone.
- \* Rezoning land at 81 High Street, Kangaroo Flat, being part Crown Allotments 14 and 16B, Section 15 from part Residential Zone and Public Open Space Reserve to Commercial Zone.
- \* Rezoning land at 83 and 85 High Street, Kangaroo Flat, being Crown Allotments 13, 13A and 13B, Section 15 from Residential Zone to Public Purposes—Primary School Reserve.

The amendment can be inspected at the City of Greater Bendigo, Planning and Business Unit, 34 Mundy Street, Bendigo; Department of Planning and Development, 426 Hargreaves Street, Bendigo or at the Department of Planning and Development, 477 Collins Street, Melbourne.

Submissions should be sent to Mr Kevin Jackson, Business Unit Manager, Planning and Building, City of Greater Bendigo, PO Box 733, Bendigo 3550 by 24 October 1995.

Dated 14 September 1995

PHIL HANNA  
Manager, Planning

**BANYULE CITY COUNCIL**

Proposal to make a Local Law  
General Local Law No. 1

Notice is hereby given that Council intends to make Local Law No. 1 General Local Law, pursuant to Part 5 and Schedule 1 of the **Local Government Act 1989**.

The purpose of this Local Law is to:

- \* protect the amenity of neighbourhoods within the municipal district.
- \* provide for the peace order and good government of the Municipal district.
- \* prohibit, regulate, control activities, events practices and behaviour in places so that no detriment is caused to the neighbourhood, nor nuisance to a person nor detrimental effect to a persons property.

- \* prohibit, regulate and control obstructions, behaviour and activities on roads, including the use of toy vehicles and the consumption of alcohol.
- \* protect Council's assets and to regulate the use thereof.
- \* empower an Authorised Officer to impound unregistered, abandoned or derelict vehicles left standing on roads, in parking areas or on Council land.
- \* empower an authorised officer to impound shopping trolleys left on any road, Council land or vacant land, except in an area set aside for the purpose of storage of shopping trolleys.
- \* regulate activities which may interfere with or damage Council's roads, land and assets.
- \* regulate the location, size and standard of construction of vehicle crossings.
- \* ensure that building works do not damage, encroach on to or make unsafe Council roads.
- \* empower Council to fix the days, hours and conditions under which a vehicle may be left on a road, Council land or private land where Council regulates parking and enable the introduction of parking schemes including disabled parking.
- \* protect the amenity of the municipal district by placing prohibitions and obligations on owners and occupiers of land.
- \* to regulate camping and the use of caravans for habitation.
- \* provide for domestic and trade waste removal.
- \* promote responsible pet ownership and animal welfare.
- \* provide for domestic and trade waste removal.
- \* promote responsible pet ownership and animal welfare.
- \* provide for the maintenance of land on which animals are kept.
- \* regulate the presence of cats or dogs in public places.

- \* control the use of Council land and buildings and the activities of people whilst in Council buildings or upon Council land.
- \* provide for the issue of permits.
- \* provide for fees and charges.
- \* provide for enforcement.

A copy of the draft Local Law can be obtained from the Council Offices at 275 Upper Heidelberg Road, 44 Turnham Avenue, Rosanna and Civic Drive, Greensborough during office hours.

PETER SODING  
Director, City Development

#### NORTHERN GRAMPIANS SHIRE COUNCIL

##### Local Laws—Authorisation of Police

Part 2 of Local Law No. 5 (formerly City of Stawell) and section 3023 of Local Law No. 3 (formerly Town of St. Arnaud) regulates the use, possession and consumption of alcohol within specified areas of the municipality.

Pursuant to section 224A of the **Local Government Act 1989** any police officer is hereby authorised to enforce the abovementioned local laws.

R. A. MARSHALL  
Chief Executive Officer

#### Planning and Environment Act 1987 MITCHELL PLANNING SCHEME— LOCAL SECTION (CHAPTER 2) WHITTLESEA PLANNING SCHEME— LOCAL SECTION Notice of Amendment

The Mitchell Shire Council has prepared Amendment L10 to the Mitchell Planning Scheme—Local Section and Amendment L122 to the Whittlesea Planning Scheme—Local Section.

The amendment proposes to alter the Planning Schemes by:

1. Rezoning land described as Part Crown Allotments 42, 43, 44, 45, 46 and 47 Section C, Parish of Wallan Wallan, and Part Lot 1 of LP M114325, Parish of Wallan Wallan, within the Mitchell Shire Council from "General Farming" to "Main Road"; and

2. Rezoning land described as Part Lot 1 LP. 141387, Parish of Merriang, within the Whittlesea City Council, from "Landscape Interest A" zone to "Existing Main Road".

This rezoning is necessary to allow for road realignment and improvement works as part of the "Better Roads Programme".

The amendment proposes to alter the Planning Scheme maps only by amending Map 2 of Chapter 2 to the Mitchell Planning Scheme—Local Section and Map 1 to the Whittlesea Planning Scheme—Local Section.

The amendment is available for public inspection free of charge during office hours at the Mitchell Shire Council, Municipal Office, Sydney Street, Kilmore; Mitchell Shire Council, Municipal Office, Tallarook Street, Seymour; Department of Planning and Development, Ground Floor, Olderfleet Building, 477 Collins Street, Melbourne or at the Whittlesea City Council, Civic Centre, Ferres Boulevard, South Morang.

Submissions regarding the amendment must be sent to Mr Darrell Treloar, Chief Executive Officer, Municipal Office, P.O. Box 117, Seymour, Victoria 3661 by 27 October 1995.

DARRELL TRELOAR  
Chief Executive Officer

#### SOUTHERN GRAMPIANS SHIRE COUNCIL

##### Public Half-Day Holiday

Notice is given that Southern Grampians Shire has pursuant to section 7 (1) (b) of the **Public Holidays Act 1993** determined that Wednesday, 27 March 1996, shall be a half-day holiday throughout the Hamilton urban area of the Shire of Southern Grampians on the occasion of the Hamilton Racing Club's Hamilton Cup Carnival.

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

G. J. EMONSON  
Chief Executive Officer

#### Planning and Environment Act 1987 FRANKSTON PLANNING SCHEME Notice of Amendment Amendment L60 File 21-300-50

The Frankston City Council has prepared Amendment L60 to the Local Section of the Frankston Planning Scheme.

This amendment proposes to modify the existing use and development controls in the Frankston District Centre Legal Precinct Zone generally and specifically at 15 Fletcher Road and 22-24 O'Grady Avenue, Frankston.

The amendment can be inspected at the Frankston City Council, Development Department, Civic Centre, Davey Street, Frankston or at the Department of Planning, Ground Floor, Olderfleet Buildings, 477 Collins Street, Melbourne.

Submissions about the amendment must be sent to the Chief Executive Officer, Frankston City Council, PO Box 490, Frankston, Victoria 3199 by 23 October 1995. Attention: Development Manager.

JON EDWARDS  
Chief Executive Officer

#### Planning and Environment Act 1987 FRANKSTON PLANNING SCHEME Notice of Amendment Amendment L130 File 12-0004-00167

The Frankston City Council has prepared Amendment L130 to the Local Section of the Cranbourne Planning Scheme.

This amendment proposes to rezone 500, Ballarto Road, Skye from a Conservation Landscape zone to a Special Extractive zone.

The amendment can be inspected at the Frankston City Council, Town Planning Department, Civic Centre, Davey Street, Frankston or at the Department of Planning, Ground Floor, Olderfleet Buildings, 477 Collins Street, Melbourne.

Submissions about the amendment must be sent to the Chief Executive Officer, Frankston City Council, PO Box 490, Frankston, Victoria 3199 by 23 October 1995. Attention: Development Manager.

JON EDWARDS  
Chief Executive Officer



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

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

1. Citation

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

2. Empowering Provisions

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

3. Commencement

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

4. Definitions

In this Order—

“Act” means the **Water Act 1989**;

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

“Authority” means the Mid-Goulburn Regional Water Board;

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

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

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

“passing flow” means an amount of the flow past specified point A which must pass to the waterway immediately downstream of specified point B;

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

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Goulburn River; and

(d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and

(e) investigate and deal with significant unauthorised uses of water in the Goulburn Basin; and

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

“specified point A” means immediately upstream of the offtake weir to the turbine house located on the waterway at the base of the Steavenson Falls;

“specified point B” means immediately downstream of the turbine house, located approximately 200 metres downstream of the Steavenson Falls on the waterway;

“waterway” means the Steavenson River;

“year” means the 12 months next following 1 July.

5. Conversion to a Bulk Entitlement

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

6. Bulk Entitlement

6.1 The Authority may take the share of flow in the waterway specified in clause 7, up to a total of 462 ML in any year.

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

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

7. Share of Flow

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

- (a) when  $F \leq 2.0 \text{ ML/day}$ ,  
 $E = 0$ , and
- (b) when  $2.0 < F \leq 4.0 \text{ ML/day}$ ,  
 $E = F - 2.0 \text{ ML/day}$ , and
- (c) when  $F > 4.0 \text{ ML/day}$ ,  
 $E = 2.0 \text{ ML/day}$ .

where—

“E” means the Authority’s entitlement; and

“F” means the flow past the specified point A less any amount of water under transfer pursuant to sub-clause 7.2.

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

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

to a transferee pursuant to the Act.

#### 8. Making Allowances

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

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

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

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

#### 8.3 The Minister may—

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

#### 8.4 The Authority must—

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

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

#### 9. Environmental Obligations

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

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

#### 9.2 The Minister may—

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

#### 9.3 The Authority, must at its cost—

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

#### 10. Metering Program

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

- (a) subject to clause 15, the flow of the waterway at the specified point A, or at any other point from which water is taken under this entitlement; and
- (b) the amount of water taken by the Authority under this bulk entitlement—

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

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

10.3 The Minister may—

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

10.4 The Authority, must at its cost—

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

11. Reporting Requirements

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

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

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

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

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

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

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

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

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

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

12. Water Resource Management Costs

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

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn Basin comply with the conditions of their bulk entitlements; and

- (c) direct the release of any water set aside for maintaining water quality in the Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act.

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

### 13. Duty to keep accounts and fix proportions

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

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

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

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

### 14. Duty to Make Payments

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

### 15. Exemption from Metering and Reporting

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

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

### 16. Data

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

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

Dated 21 August 1995

GEOFF COLEMAN  
Minister administering the Water Act 1989

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

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

1. Citation

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

2. Empowering Provisions

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

3. Commencement

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

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

4. Definitions

In this Order—

“Act” means the **Water Act 1989**;

“annual entitlement” means the total amount of water which the Authority may take from the channel system in any year;

“Authority” means the Goulburn Valley Region Water Authority;

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

“distribution cost” means the total annual cost of—

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

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

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

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

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

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

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

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

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

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

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

“specified point A” means the location on the channel system of the Authority’s metered outlet number No. 2350A on the Central Goulburn Channel No. 7, at Merrigum;

“specified point B” means the location on the channel system of the Authority’s metered outlet number No. 2351 on the Central Goulburn Channel No. 7, at Merrigum;

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

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

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

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

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

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

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

"waterways" means the Goulburn River, the Campaspe River and the Loddon River;

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

#### 5. Conversion to a Bulk Entitlement

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

#### 6. Bulk Entitlement

6.1 Subject to sub-clause 7.4 and clause 8, the Authority may take up to 204 ML of water from the channel system in any year at—

- (a) the specified point A, at a rate not exceeding 10.0 ML/day; and
- (b) the specified point B, at a rate not exceeding 5.0 ML/day,

with the security of supply specified in sub-clause 7.1.

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

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

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

#### 7. Security of Supply

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

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

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

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

7.5 If the Minister grants the application, the Minister—

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

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

#### 8. Restriction of Supply

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

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

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

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

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

$V_i$  = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same

probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.4.

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

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

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

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

#### 9. Taking water at other works of the Authority

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

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

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

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

#### 10. Supply of Water

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

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

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

#### 11. Entitlement to Returned Water

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

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

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

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

#### 12. Metering Program

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

- (a) the amount of water taken by the Authority under this bulk entitlement; and
- (b) all water referred to in paragraph (a) which is returned to the channel system by the Authority for use or trade under clause 11—

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

12.2 The Minister may—

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

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

### 12.3 The Authority, must at its cost—

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

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

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

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

### 13. Reporting Requirements

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

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

- (i) any amendment to this bulk entitlement;

- (j) any new bulk entitlement granted to the Authority with respect to the Merrigum Water Supply System;

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

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

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

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

13.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 13.1, except—

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

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

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

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and that person agree otherwise—
  - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in paragraphs (a) to (d) of sub-clause 13.1; or
  - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (e) to (l) of sub-clause 13.1.



## 14. Water Supply Source Costs

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

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

where—

$C_s$  = the source charge.

$A$  = the annual entitlement.

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

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

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

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

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

## 15. Water Supply Delivery Costs

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

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

where—

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

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

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

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

## 16. Water Supply Distribution Cost

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

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

where—

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

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

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

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

## 17. Water Accounting

17.1 For the purpose of—

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

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

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

## 18. Water Accounts Costs

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

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

19. Duty to keep accounts and fix proportions

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

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

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

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

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

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

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

20. Duty to Make Payments

Any amount payable by the Authority—

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

in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.

21. Data

21.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority, free of charge.

21.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

22. Dispute Resolution

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

Entitlement Holder, the Resource Manager or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.

22.2 The independent expert will be either—

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

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

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

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

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

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

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

Dated 21 August 1995

GEOFF COLEMAN

Minister administering the **Water Act 1989**

**Water Act 1989**

**BULK ENTITLEMENT (MITIAMO)  
CONVERSION ORDER 1995**

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

1. Citation

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

## 2. Empowering Provisions

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

## 3. Commencement

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

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

## 4. Definitions

In this Order—

“Act” means the **Water Act 1989**;

“annual entitlement” means the total amount of water which the Authority may take from the channel system in any year;

“Authority” means the Coliban Region Water Authority;

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

“distribution cost” means the total annual cost of—

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

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

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

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

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

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

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

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

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

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

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

“specified point” means the location on the channel system of the Authority's metered outlet number 298M on the Mitiamo Domestic & Stock Channel, at Mitiamo;

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

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

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

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

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

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

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

“waterways” means the Goulburn River, the Campaspe River and the Loddon River;

“year” means the 12 months next following 1 July.

#### 5. Conversion to a Bulk Entitlement

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

#### 6. Bulk Entitlement

6.1 Subject to sub-clause 7.4 and clause 8, the Authority may take up to 60 ML of water from the channel system at the specified point, in any year, at a rate not exceeding 5.0 ML/day, with the security of supply specified in sub-clause 7.1.

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

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

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

#### 7. Security of Supply

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

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

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

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

7.5 If the Minister grants the application, the Minister—

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

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

#### 8. Restriction of Supply

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

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

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

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

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

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

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

- (a) if  $V_e \geq V_i$ , revoke the restrictions for that year; or

- (b) if  $V_e < V_i$ , amend the restricted annual entitlement to an amount which is the greater of—

- (i)  $A \times (V_e + V_i)$  and
- (ii) the amount determined for January under sub-clause 8.2.

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

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

#### 9. Taking water at other works of the Authority

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

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

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

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

#### 10. Supply of Water

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

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

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

#### 11. Entitlement to Returned Water

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

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

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

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

#### 12. Metering Program

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

- (a) the amount of water taken by the Authority under this bulk entitlement; and
- (b) all water referred to in paragraph (a) which is returned to the channel system by the Authority for use or trade under clause 11—

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

12.2 The Minister may—

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

12.3 The Authority, must at its cost—

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

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

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

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

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

### 13. Reporting Requirements

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

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

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

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

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

13.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 13.1, except—

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

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

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

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and that person agree otherwise—
  - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in paragraphs (a) to (d) of sub-clause 13.1; or
  - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (e) to (l) of sub-clause 13.1.

### 14. Water Supply Source Costs

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

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

where—

$C_s$  = the source charge.

$A$  = the annual entitlement.

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

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

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

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

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

#### 15. Water Supply Delivery Costs

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

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

where—

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

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

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

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

#### 16. Water Supply Distribution Cost

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

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

where—

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

N = the channel system distribution costs estimated by the Distributor to be incurred for the year for which the charge is calculated. The channel

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

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

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

#### 17. Water Accounting

17.1 For the purpose of—

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

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

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

#### 18. Water Accounts Costs

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

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

#### 19. Duty to keep accounts and fix proportions

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

- the Goulburn Entitlement Holder, under clause 14 or 15; or
- the Distributor, under clause 16; or
- the Resource Manager, under clause 18—

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

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

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

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

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

#### 20. Duty to Make Payments

Any amount payable by the Authority—

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

in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.

#### 21. Data

21.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority, free of charge.

21.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

#### 22. Dispute Resolution

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

22.2 The independent expert will be either—

- (a) a person agreed on by the parties to the difference or dispute; or

- (b) if those parties cannot agree, a person nominated by the Minister.

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

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

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

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

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

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

Dated 21 August 1995

GEOFF COLEMAN

Minister administering the **Water Act 1989**

#### **Water Act 1989**

#### **BULK ENTITLEMENT (MOOROOPNA)**

#### **CONVERSION ORDER 1995**

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

##### 1. Citation

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

##### 2. Empowering Provisions

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

##### 3. Commencement

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

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

##### 4. Definitions

In this Order—

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



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

"Authority" means the Goulburn Valley Region Water Authority;

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

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

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

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

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

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

"Headworks System" means—

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

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

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

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the waterway; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn Basin; and

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

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

"specified point" means the location on the waterway of the Authority's raw water pumping station at Archer Street, Mooroopna;

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

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

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

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

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

of the Headworks System, except system delivery costs;

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

"waterway" means the Goulburn River;

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

## 5. Conversion to a Bulk Entitlement

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

## 6. Bulk Entitlement

6.1 Subject to sub-clause 7.3 and clause 8, the Authority may take up to 3360 ML of water from the waterway at the specified point in any year, at a rate not exceeding 25.0 ML/day, with the security of supply specified in sub-clause 7.1.

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

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

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

#### 7. Security of Supply

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

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

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

7.4 If the Minister grants the application, the Minister—

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

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

#### 8. Restriction of Supply

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

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

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

Where—

$R$  = the Authority's restricted annual entitlement.

$A$  = the annual entitlement.

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

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

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

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

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

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

#### 9. Taking water at other works of the Authority

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

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

- (a) the Goulburn Entitlement Holder if water is to be taken from any waterway; and

- (b) the Distributor, if water is to be taken from the channel system.

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

#### 10. Supply of Water

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

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

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

#### 11. Entitlement to Returned Water

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

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

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

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

11.4 The Authority may, with the agreement of the Distributor, use or trade water taken under this entitlement and returned to the channel system.

11.5 If the Authority and the Distributor have not reached agreement within twelve months of the Authority's written request to use or trade water returned to the channel system either of them may give written notice to the other requiring the matter to be determined by the Minister.

11.6 In determining a matter under sub-clause 11.5 the Minister must be satisfied that—

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

#### 12. Metering Program

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

- (a) the amount of water taken by the Authority under this bulk entitlement; and
- (b) all water referred to in paragraph (a) which is returned to the waterway or the channel system for the use or trade by the Authority under clause 11—

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

12.2 The Minister may—

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

12.3 The Authority, must at its cost—

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

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

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

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

### 13. Reporting Requirements

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

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

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

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

13.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 13.1, except—

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

13.4 The Authority may be required to report to—

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

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

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and the person agree otherwise—
  - (i) within 24 hours of the Authority receiving a request for a report on the matter set out in paragraphs (a) to (d) of sub-clause 13.1; or
  - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (e) to (l) of sub-clause 13.1.

### 14. Water Supply Source Costs

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

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

where—

$C_s$  = the source charge.

$A$  = the annual entitlement.

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

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

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

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

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

#### 15. Water Supply Delivery Costs

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

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

where—

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

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

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

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

#### 16. Water Accounting

16.1 For the purpose of—

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

(b) calculating the annual delivery charge under clause 15—

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

16.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 16.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

#### 17. Water Accounts Costs

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

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

#### 18. Duty to keep accounts and fix proportions

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

(a) the Goulburn Entitlement Holder, under clause 14 or 15; or

(b) the Resource Manager, under clause 17—

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

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

(a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15; and

(b) by the Resource Manager, in respect to sub-clause 17.1.

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

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

#### 19. Duty to Make Payments

Any amount payable by the Authority—

(a) under clause 14 or 15 must be paid quarterly; and

(b) under clause 17 must be paid—

in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.

#### 20. Data

20.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority, free of charge.

20.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

## 21. Dispute Resolution

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

21.2 The independent expert will be either—

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

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

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

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

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

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

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

Dated 21 August 1995

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

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

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

## 1. Citation

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

## 2. Empowering Provisions

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

## 3. Commencement

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

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

## 4. Definitions

In this Order—

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

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

"Authority" means the Goulburn Valley Region Water Authority;

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

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

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

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

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

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

"Headworks System" means—

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

- (b) the waterway below Lake Eildon;

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

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

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

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

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

"specified point" means the location on the waterway of the Authority's raw water pumping station at Stevenson Street, Murchison;

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

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

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

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

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

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

"waterway" means the Goulburn River;

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

## 5. Conversion to a Bulk Entitlement

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

## 6. Bulk Entitlement

6.1 Subject to sub-clause 7.3 and clause 8, the Authority may take up to 350 ML of water from the waterway at the specified point in any year, at a rate not exceeding 4.0 ML/day, with the security of supply specified in sub-clause 7.1.

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

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

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

## 7. Security of Supply

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

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

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

7.4 If the Minister grants the application, the Minister—

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

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

## 8. Restriction of Supply

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

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

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

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

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

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

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

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

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

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

## 9. Taking water at other works of the Authority

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

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

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

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

## 10. Supply of Water

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

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

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

## 11. Entitlement to Returned Water

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

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

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

- (a) the returned water is only traded or taken downstream of the point of return, or upstream, by substitution in accordance with the requirements of the Goulburn Entitlement Holder; and



(b) the Minister is satisfied that—

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

11.4 The Authority may, with the agreement of the Distributor, use or trade water taken under this entitlement and returned to the channel system.

11.5 If the Authority and the Distributor have not reached agreement within twelve months of the Authority's written request to use or trade water returned to the channel system either of them may give written notice to the other requiring the matter to be determined by the Minister.

11.6 In determining a matter under sub-clause 11.5 the Minister must be satisfied that—

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

## 12. Metering Program

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

- (a) the amount of water taken by the Authority under this bulk entitlement; and
- (b) all water referred to in paragraph (a) which is returned to the waterway or the channel system for the use or trade by the Authority under clause 11—

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

12.2 The Minister may—

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

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

12.3 The Authority, must at its cost—

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

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

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

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

## 13. Reporting Requirements

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

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

- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Murchison Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;
- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

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

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

13.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 13.1, except—

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

13.4 The Authority may be required to report to—

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

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

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

- (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (e) to (l) of sub-clause 13.1.

#### 14. Water Supply Source Costs

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

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

where—

$C_s$  = the source charge.

A = the annual entitlement.

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

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

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

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

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

#### 15. Water Supply Delivery Costs

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

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

where—

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

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

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

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

16. Water Accounting

16.1 For the purpose of—

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

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

16.2 If the equipment referred to in sub-clause 12.3(b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 16.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

17. Water Accounts Costs

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

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

18. Duty to keep accounts and fix proportions

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

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

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

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

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

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

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

19. Duty to Make Payments

Any amount payable by the Authority—

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

(b) under clause 17 must be paid—

in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.

20. Data

20.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority, free of charge.

20.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

21. Dispute Resolution

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

21.2 The independent expert will be either—

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

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

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

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

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

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

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

Dated 21 August 1995

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

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

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

1. Citation

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

2. Empowering Provisions

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

3. Commencement

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

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

4. Definitions

In this Order—

“Act” means the **Water Act 1989**;

“annual entitlement” means the total amount of water which the Authority may take from the channel system in any year;

“Authority” means the Coliban Region Water Authority;

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

“distribution cost” means the total annual cost of—

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

(c) measuring the flow of channels and pipelines;

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

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

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

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

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

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

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

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

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

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

"specified point" means the location on the channel system of the Authority's metered outlet number 2533 on the Waranga Western Main Channel, at Mysia;

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

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

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

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

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

of the Headworks System, except system delivery costs;

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

"waterways" means the Goulburn River, the Campaspe River and the Loddon River;

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

#### 5. Conversion to a Bulk Entitlement

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

#### 6. Bulk Entitlement

6.1 Subject to sub-clause 7.4 and clause 8, the Authority may take up to 15 ML of water from the channel system at the specified point, in any year, at a rate not exceeding 3.0 ML/day, with the security of supply specified in sub-clause 7.1.

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

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

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

#### 7. Security of Supply

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

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

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

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

7.5 If the Minister grants the application, the Minister—

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

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

#### 8. Restriction of Supply

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

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

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

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

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

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

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

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

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

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

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

9. Taking water at other works of the Authority

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

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

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

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

10. Supply of Water

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

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

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

11. Entitlement to Returned Water

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

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

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

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

12. Metering Program

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

- (a) the amount of water taken by the Authority under this bulk entitlement; and
- (b) all water referred to in paragraph (a) which is returned to the channel system by the Authority for use or trade under clause 11—

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

12.2 The Minister may—

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

12.3 The Authority, must at its cost—

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

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

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

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

13. Reporting Requirements

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

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

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

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

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

13.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 13.1, except—

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

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

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

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

(b) unless that Authority and that person agree otherwise—

- (i) within 24 hours of the Authority receiving a request for a report on any matter set out in paragraphs (a) to (d) of sub-clause 13.1; or
- (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (e) to (l) of sub-clause 13.1.

#### 14. Water Supply Source Costs

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

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

where—

$C_s$  = the source charge.

$A$  = the annual entitlement.

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

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

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

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

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

#### 15. Water Supply Delivery Costs

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

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

where—

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

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

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

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

#### 16. Water Supply Distribution Cost

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

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

where—

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

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

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

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

#### 17. Water Accounting

17.1 For the purpose of—

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

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

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



18. Water Accounts Costs

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

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

19. Duty to keep accounts and fix proportions

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

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

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

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

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

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

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

20. Duty to Make Payments

Any amount payable by the Authority—

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

in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.

21. Data

21.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority, free of charge.

21.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

22. Dispute Resolution

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

22.2 The independent expert will be either—

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

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

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

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

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

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

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

Dated 21 August 1995

GEOFF COLEMAN

Minister administering the **Water Act 1989**

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

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

1. Citation

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

2. Empowering Provisions

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

3. Commencement

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

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

4. Definitions

In this Order—

“Act” means the **Water Act 1989**;

“annual entitlement” means the total amount of water which the Authority may take from Lake Nagambie in any year;

“Authority” means the Goulburn Valley Region Water Authority;

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

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

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

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

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

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

“Headworks System” means—

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

- (b) the waterway below Lake Eildon;

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

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

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

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

“specified point” means the location on Lake Nagambie of the Authority’s raw water pumping station at the Goulburn Valley Highway, Nagambie;

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

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

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

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

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

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

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

“waterway” means the Goulburn River;

“year” means the 12 months next following 1 July.

#### 5. Conversion to a Bulk Entitlement

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

#### 6. Bulk Entitlement

6.1 Subject to sub-clause 7.3 and clause 8, the Authority may take up to 825 ML of water from Lake Nagambie at the specified point in any year, at a rate not exceeding 9.0 ML/day, with the security of supply specified in sub-clause 7.1.

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

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

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

#### 7. Security of Supply

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

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

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

7.4 If the Minister grants the application, the Minister—

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

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

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

#### 8. Restriction of Supply

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

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

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

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

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

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

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

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

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

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

9. Taking water at other works of the Authority

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

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

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

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

10. Supply of Water

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

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

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

11. Entitlement to Returned Water

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

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

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

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

12. Metering Program

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

- (a) the amount of water taken by the Authority under this bulk entitlement; and
- (b) all water referred to in paragraph (a) which is returned to Lake Nagambie or the waterway for the use or trade by the Authority under clause 11—

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

12.2 The Minister may—

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

12.3 The Authority, must at its cost—

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

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

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

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

### 13. Reporting Requirements

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

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

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

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

13.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 13.1, except—

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

13.4 The Authority may be required to report to—

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

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

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and the person agree otherwise—
  - (i) within 24 hours of the Authority receiving a request for a report on the matter set out in paragraphs (a) to (d) of sub-clause 13.1; or
  - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (e) to (l) of sub-clause 13.1.

### 14. Water Supply Source Costs

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

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

where—

$C_s$  = the source charge.

$A$  = the annual entitlement.

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

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

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

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

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

#### 15. Water Supply Delivery Costs

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

$C_D = \$D \times M + T$   
where—

$C_D$  = the delivery charge for water taken from Lake Nagambie.

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

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

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

#### 16. Water Accounting

##### 16.1 For the purpose of—

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

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

16.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 16.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

#### 17. Water Accounts Costs

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

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

#### 18. Duty to keep accounts and fix proportions

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

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

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

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

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

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

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

#### 19. Duty to Make Payments

Any amount payable by the Authority—

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

in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.

#### 20. Data

20.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority, free of charge.

20.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

## 21. Dispute Resolution

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

21.2 The independent expert will be either—

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

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

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

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

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

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

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

Dated 21 August 1995

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

**Water Act 1989**  
**BULK ENTITLEMENT (PYRAMID HILL)**  
**CONVERSION ORDER 1995**

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

## 1. Citation

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

## 2. Empowering Provisions

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

## 3. Commencement

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

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

## 4. Definitions

In this Order—

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

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

"Authority" means the Coliban Region Water Authority;

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

"distribution cost" means the total annual cost of—

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

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

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

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

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

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

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

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

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

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

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

"specified point" means the location on the channel system of the Authority's metered outlet number 861A on the Pyramid Channel No. 5/1, at Pyramid Hill;

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

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

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

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

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

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

"waterways" means the Goulburn River, the Campaspe River and the Loddon River;

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

#### 5. Conversion to a Bulk Entitlement

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

#### 6. Bulk Entitlement

6.1 Subject to sub-clause 7.4 and clause 8, the Authority may take up to 300 ML of water from the channel system at the specified point, in any year, at a rate not exceeding 6.0 ML/day, with the security of supply specified in sub-clause 7.1.

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

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

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

#### 7. Security of Supply

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

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

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



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

7.5 If the Minister grants the application, the Minister—

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

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

#### 8. Restriction of Supply

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

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

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

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

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

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

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

- (a) if  $V_e \geq V_i$ , revoke the restrictions for that year; or

- (b) if  $V_e < V_i$ , amend the restricted annual entitlement to an amount which is the greater of—

- (i)  $A \times (V_e + V_i)$  and

- (ii) the amount determined for January under sub-clause 8.2.

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

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

#### 9. Taking water at other works of the Authority

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

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

- (a) the Goulburn Entitlement Holder if water is to be taken from any of the waterways; and

- (b) the Distributor, if water is to be taken from the channel system.

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

#### 10. Supply of Water

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

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

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

# 11. Entitlement to Returned Water

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

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

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

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

# 12. Metering Program

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

- (a) the amount of water taken by the Authority under this bulk entitlement; and
- (b) all water referred to in paragraph (a) which is returned to the channel system by the Authority for use or trade under clause 11—

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

12.2 The Minister may—

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

12.3 The Authority, must at its cost—

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

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

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

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

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

# 13. Reporting Requirements

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

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

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

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

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

13.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 13.1, except—

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

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

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

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and that person agree otherwise—
  - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in paragraphs (a) to (d) of sub-clause 13.1; or
  - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (e) to (l) of sub-clause 13.1.

#### 14. Water Supply Source Costs

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

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

where—

$C_s$  = the source charge.

$A$  = the annual entitlement.

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

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

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

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

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

#### 15. Water Supply Delivery Costs

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

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

where—

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

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

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

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

#### 16. Water Supply Distribution Cost

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

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

where—

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

$N$  = the channel system distribution costs estimated by the Distributor to be incurred for the year for which the charge is calculated. The channel

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

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

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

#### 17. Water Accounting

##### 17.1 For the purpose of—

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

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

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

#### 18. Water Accounts Costs

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

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

#### 19. Duty to keep accounts and fix proportions

19.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or
- (b) the Distributor, under clause 16; or
- (c) the Resource Manager, under clause 18—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

19.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15;
- (b) by the Distributor, in respect to clause 16; and
- (c) by the Resource Manager, in respect to sub-clause 18.1.

19.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 18.1.

19.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

#### 20. Duty to Make Payments

Any amount payable by the Authority—

- (a) under clause 14, 15 or 16 must be paid quarterly; and
- (b) under clause 18 must be paid—

in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.

#### 21. Data

21.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority, free of charge.

21.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

#### 22. Dispute Resolution

22.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, the Resource Manager or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.

22.2 The independent expert will be either—

- (a) a person agreed on by the parties to the difference or dispute; or

(b) if those parties cannot agree, a person nominated by the Minister.

22.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.

22.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.

22.5 (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.

(b) The Minister must consider any recommendation made under paragraph (a) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.

22.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.

22.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Dated 21 August 1995

GEOFF COLEMAN  
Minister administering the **Water Act 1989**

**Water Act 1989**  
**BULK ENTITLEMENT (ROCHESTER)**  
**CONVERSION ORDER 1995**

I, Charles Geoffrey Coleman, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Rochester) Conversion Order 1995.

2. Empowering Provisions

This Order is made under sections 43 and 47 of the **Water Act 1989**.

3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14, 15 and 16) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14, 15 and 16 come into operation on 1 July 1996.

4. Definitions

In this Order—

“Act” means the **Water Act 1989**;

“annual entitlement” means the total amount of water which the Authority may take from the channel system in any year;

“Authority” means the Coliban Region Water Authority;

“channel system” means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System to the Authority and other customers supplied in the vicinity of the specified point;

“distribution cost” means the total annual cost of—

- (a) operating, maintaining and administering the Distributor’s channel system; and
- (b) making an appropriate allowance for renewing channel system works; and
- (c) measuring the flow of channels and pipelines;

“Distributor” means the person who operates and maintains the channel system;

“entitlement holder” means a person holding a bulk entitlement under the Act;

“exchange rate” means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

“Goulburn Basin Water Accounts” means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Goulburn Basin, with the terms of their bulk entitlements or licences;

“Goulburn Entitlement Holder” means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

“Headworks System” means the storages, diversion works and main water supply channels, pipelines and waterways required to supply water to the channel system;

“licence” means any licence granted under Part 4 of the Act;

“Resource Manager” means any person appointed by the Minister to do all or any of the following—

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn Basin comply with the conditions of their bulk entitlements; and

- (c) direct the release of any water set aside for maintaining water quality in the Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act;

"security of supply" means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

"specified point A" means the location on the channel system of the Authority's metered outlet number No. 5324A on the Waranga Western Main Channel, at Rochester;

"specified point B" means the location on the channel system of the Authority's metered outlet number No. 5324B on the Waranga Western Main Channel, at Rochester;

"Storage Operator" means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of any of the waterways, or to do all or any of them;

"system delivery costs" means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterways and their tributaries; and
- (c) measuring the flow of the waterways and their tributaries;

"system source costs" means the total annual cost of—

- (a) operating, maintaining and administering; and
- (b) making an appropriate allowance for renewing works; and
- (c) protecting the quality of the resource—of the Headworks System, except system delivery costs;

"water right" has the same meaning as in section 230 (2) (c) of the Act;

"waterways" means the Goulburn River, the Campaspe River and the Loddon River;

"year" means the 12 months next following 1 July.

#### 5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the channel system to supply water to the Rochester Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

#### 6. Bulk Entitlement

6.1 Subject to sub-clause 7.4 and clause 8, the Authority may take up to 1400 ML of water from the channel system in any year at—

- (a) the specified point A; and
- (b) the specified point B,

at a combined rate not exceeding 10.9 ML/day, with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 The Minister may vary the maximum rate of extraction specified under sub-clause 6.1 for the purpose of making any transfer of this bulk entitlement authorised under Division 1, Part 4 of the Act.

#### 7. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 An application to the Minister under sub-clause 7.2 must give details of any requirements of the Distributor in respect to the supply of water at the amended security of supply.

7.4 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.5 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and

(b) must not grant an annual entitlement which has a security of supply greater than 99%; and

(c) must not grant an annual entitlement which has a security of supply less than 93%.

7.6 The Authority must advise the Distributor in writing of any amendment made by the Minister under sub-clause 7.4.

#### 8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever  $V_e < V_i$ , the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

$V_e$  = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

$V_i$  = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.4.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

(a) if  $V_e \geq V_i$ , revoke the restrictions for that year; or

(b) if  $V_e < V_i$ , amend the restricted annual entitlement to an amount which is the greater of—

(i)  $A \times (V_e + V_i)$  and

(ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the

Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

#### 9. Taking water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Rochester Water Supply System, at the site of any of the Authority's works on the channel system, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

(a) the Goulburn Entitlement Holder if water is to be taken from any of the waterways; and

(b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

#### 10. Supply of Water

10.1 The Authority and the Distributor must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Distributor have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 22.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clauses 15 and 16, only water actually taken by the Authority must be counted.

#### 11. Entitlement to Returned Water

11.1 The Authority may, with the agreement of the Distributor use or trade water available to it under this entitlement that it returns to the channel system.

11.2 If the Authority and the Distributor have not reached agreement within twelve months of the Authority requesting in writing the right to use or trade water returned to the channel then either party may give written notice requiring the matter to be determined by the Minister.

11.3 In making a determination in accordance with sub-clause 11.2 the Minister must be satisfied that—

- (a) the returned water has been treated to a high standard; and
- (b) there will be no significant adverse impact on the channel system or authorised uses of water.

#### 12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 months of the date of this Order, a metering program to determine—

- (a) the amount of water taken by the Authority under this bulk entitlement; and
- (b) all water referred to in paragraph (a) which is returned to the channel system by the Authority for use or trade under clause 11—

for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

12.2 The Minister may—

- (a) approve the program proposed under sub-clause 12.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
  - (ii) to propose an amended program to the Minister.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Distributor so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is—

- (a) found to be accurate, or inaccurate by no more than 5%, the Distributor must pay the cost of testing it; or
- (b) found to be accurate, or inaccurate by more than 5%, the Authority must pay the cost of testing it.

#### 13. Reporting Requirements

13.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;
- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Rochester Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Rochester Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;
- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (a) in writing or in such electronic form as may be agreed between the Authority and the Minister; and



- (b) within 14 days of receiving the Minister's written request.

13.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Distributor, the Goulburn Entitlement Holder and the Resource Manager may together or separately require the Authority to report to either or all of them, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and that person agree otherwise—
  - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in paragraphs (a) to (d) of sub-clause 13.1; or
  - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (e) to (l) of sub-clause 13.1.

#### 14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = S(A \times E + Y) \times (S + R)$$

where—

$C_s$  = the source charge.

$A$  = the annual entitlement.

$E$  = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

$Y$  = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

$S$  = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

$R$  = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

#### 15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for the supply of water from the Headworks System to the channel system, calculated as follows:

$$C_D = SD \times M + T$$

where—

$C_D$  = the delivery charge for water supplied from the Headworks System to the channel system.

$D$  = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

$M$  = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

$T$  = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

#### 16. Water Supply Distribution Cost

The Authority must pay the Distributor an annual distribution charge for water taken from the channel system, calculated as follows:

$$C_{Di} = \$N \times M + O$$

where—

$C_{Di}$  = the distribution charge for water taken from the channel system.

$N$  = the channel system distribution costs estimated by the Distributor to be incurred for the year for which the charge is calculated. The channel system is the same as that used to determine costs applying to other customers supplied in the vicinity of the specified point.

$M$  = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

$O$  = the average annual amount of water actually supplied for the previous ten years to all users of water from the channel system, for which the distribution costs ( $N$ ) are determined.

# 17. Water Accounting

## 17.1 For the purpose of—

- (a) determining how much water has been taken by the Authority under its annual entitlement;
- (b) calculating the annual delivery charge under clause 15; and
- (c) calculating the annual distribution charge under clause 16;

the amounts measured under sub-clause 12.3 (b) are conclusive.

17.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 17.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

# 18. Water Accounts Costs

18.1 Subject to sub-clause 19.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

18.2 The proportion of the costs referred to in sub-clause 18.1 is to be determined by the Resource Manager under sub-clause 19.3.

# 19. Duty to keep accounts and fix proportions

19.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or
- (b) the Distributor, under clause 16; or
- (c) the Resource Manager, under clause 18—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

19.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15;
- (b) by the Distributor, in respect to clause 16; and
- (c) by the Resource Manager, in respect to sub-clause 18.1.

19.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 18.1.

19.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

# 20. Duty to Make Payments

Any amount payable by the Authority—

- (a) under clause 14, 15 or 16 must be paid quarterly; and
- (b) under clause 18 must be paid—

in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.

# 21. Data

21.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority, free of charge.

21.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

# 22. Dispute Resolution

22.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, the Resource Manager or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.

22.2 The independent expert will be either—

- (a) a person agreed on by the parties to the difference or dispute; or
- (b) if those parties cannot agree, a person nominated by the Minister.

22.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.

22.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.

22.5 (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.

(b) The Minister must consider any recommendation made under paragraph (a) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.

22.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.

22.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Dated 21 August 1995

GEOFF COLEMAN  
Minister administering the **Water Act 1989**

**Water Act 1989**  
**BULK ENTITLEMENT (RUSHWORTH)**  
**CONVERSION ORDER 1995**

I, Charles Geoffrey Coleman, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Rushworth) Conversion Order 1995.

2. Empowering Provisions

This Order is made under sections 43 and 47 of the **Water Act 1989**.

3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14, 15 and 16) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14, 15 and 16 come into operation on 1 July 1996.

4. Definitions

In this Order—

“Act” means the **Water Act 1989**;

“annual entitlement” means the total amount of water which the Authority may take from the channel system in any year;

“Authority” means the Goulburn Valley Region Water Authority;

“channel system” means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System to the Authority and other customers supplied in the vicinity of the specified point;

“distribution cost” means the total annual cost of—

- (a) operating, maintaining and administering the Distributor’s channel system; and
- (b) making an appropriate allowance for renewing channel system works; and
- (c) measuring the flow of channels and pipelines;

“Distributor” means the person who operates and maintains the channel system;

“entitlement holder” means a person holding a bulk entitlement under the Act;

“exchange rate” means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

“Goulburn Basin Water Accounts” means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Goulburn Basin, with the terms of their bulk entitlements or licences;

“Goulburn Entitlement Holder” means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

“Headworks System” means the storages, diversion works and main water supply channels, pipelines and waterways required to supply water to the channel system;

“licence” means any licence granted under Part 4 of the Act;

“Resource Manager” means any person appointed by the Minister to do all or any of the following—

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act;

"security of supply" means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

"specified point" means the location on the channel system of the Authority's metered outlet number 4000A on the Waranga Western Main Channel, at Rushworth;

"Storage Operator" means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of any of the waterways, or to do all or any of them;

"system delivery costs" means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterways and their tributaries; and
- (c) measuring the flow of the waterways and their tributaries;

"system source costs" means the total annual cost of—

- (a) operating, maintaining and administering; and
- (b) making an appropriate allowance for renewing works; and
- (c) protecting the quality of the resource—of the Headworks System, except system delivery costs;

"water right" has the same meaning as in section 230 (2) (c) of the Act;

"waterways" means the Goulburn River, the Campaspe River and the Loddon River;

"year" means the 12 months next following 1 July.

#### 5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the channel system to supply water to the Rushworth Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

#### 6. Bulk Entitlement

6.1 Subject to sub-clause 7.4 and clause 8, the Authority may take up to 530 ML of water from the channel system at the specified point, in any year, at a rate not exceeding 4.0 ML/day, with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 The Minister may vary the maximum rate of extraction specified under sub-clause 6.1 for the purpose of making any transfer of this bulk entitlement authorised under Division 1, Part 4 of the Act.

#### 7. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 An application to the Minister under sub-clause 7.2 must give details of any requirements of the Distributor in respect to the supply of water at the amended security of supply.

7.4 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.5 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and
- (c) must not grant an annual entitlement which has a security of supply less than 93%.

7.6 The Authority must advise the Distributor in writing of any amendment made by the Minister under sub-clause 7.4.

#### 8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever  $V_e < V_i$ , the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

Ve = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

Vi = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.4.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if  $Ve \geq Vi$ , revoke the restrictions for that year; or
- (b) if  $Ve < Vi$ , amend the restricted annual entitlement to an amount which is the greater of—
  - (i)  $A \times (Ve + Vi)$  and
  - (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

9. Taking water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Rushworth Water Supply System, at the site of any of the Authority's works on the channel system, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any of the waterways; and

- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

10. Supply of Water

10.1 The Authority and the Distributor must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Distributor have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 22.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clauses 15 and 16, only water actually taken by the Authority must be counted.

11. Entitlement to Returned Water

11.1 The Authority may, with the agreement of the Distributor use or trade water available to it under this entitlement that it returns to the channel system.

11.2 If the Authority and the Distributor have not reached agreement within twelve months of the Authority requesting in writing the right to use or trade water returned to the channel then either party may give written notice requiring the matter to be determined by the Minister.

11.3 In making a determination in accordance with sub-clause 11.2 the Minister must be satisfied that—

- (a) the returned water has been treated to a high standard; and
- (b) there will be no significant adverse impact on the channel system or authorised uses of water.

12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 months of the date of this Order, a metering program to determine—

- (a) the amount of water taken by the Authority under this bulk entitlement; and
- (b) all water referred to in paragraph (a) which is returned to the channel system by the Authority for use or trade under clause 11—

for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

12.2 The Minister may—

- (a) approve the program proposed under sub-clause 12.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
  - (ii) to propose an amended program to the Minister.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Distributor so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is—

- (a) found to be accurate, or inaccurate by no more than 5%, the Distributor must pay the cost of testing it; or
- (b) found to be accurate, or inaccurate by more than 5%, the Authority must pay the cost of testing it.

13. Reporting Requirements

13.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;
- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;

- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Rushworth Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Rushworth Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;
- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (a) in writing or in such electronic form as may be agreed between the Authority and the Minister; and
- (b) within 14 days of receiving the Minister's written request.

13.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Distributor, the Goulburn Entitlement Holder and the Resource Manager may together or separately require the Authority to report to either or all of them, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and

(b) unless that Authority and that person agree otherwise—

- (i) within 24 hours of the Authority receiving a request for a report on any matter set out in paragraphs (a) to (d) of sub-clause 13.1; or
- (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (e) to (l) of sub-clause 13.1.

#### 14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = \$ (A \times E + Y) \times (S + R)$$

where—

$C_s$  = the source charge.

$A$  = the annual entitlement.

$E$  = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

$Y$  = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

$S$  = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

$R$  = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

#### 15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for the supply of water from the Headworks System to the channel system, calculated as follows:

$$C_D = \$D \times M + T$$

where—

$C_D$  = the delivery charge for water supplied from the Headworks System to the channel system.

$D$  = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

$M$  = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

$T$  = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

#### 16. Water Supply Distribution Cost

The Authority must pay the Distributor an annual distribution charge for water taken from the channel system, calculated as follows:

$$C_{Di} = \$N \times M + O$$

where—

$C_{Di}$  = the distribution charge for water taken from the channel system.

$N$  = the channel system distribution costs estimated by the Distributor to be incurred for the year for which the charge is calculated. The channel system is the same as that used to determine costs applying to other customers supplied in the vicinity of the specified point.

$M$  = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

$O$  = the average annual amount of water actually supplied for the previous ten years to all users of water from the channel system, for which the distribution costs ( $N$ ) are determined.

#### 17. Water Accounting

##### 17.1 For the purpose of—

- (a) determining how much water has been taken by the Authority under its annual entitlement;
- (b) calculating the annual delivery charge under clause 15; and
- (c) calculating the annual distribution charge under clause 16;

the amounts measured under sub-clause 12.3 (b) are conclusive.

17.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 17.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

# 18. Water Accounts Costs

18.1 Subject to sub-clause 19.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

18.2 The proportion of the costs referred to in sub-clause 18.1 is to be determined by the Resource Manager under sub-clause 19.3.

# 19. Duty to keep accounts and fix proportions

19.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or
- (b) the Distributor, under clause 16; or
- (c) the Resource Manager, under clause 18—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

19.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15;
- (b) by the Distributor, in respect to clause 16; and
- (c) by the Resource Manager, in respect to sub-clause 18.1.

19.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 18.1.

19.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

# 20. Duty to Make Payments

Any amount payable by the Authority—

- (a) under clause 14, 15 or 16 must be paid quarterly; and
- (b) under clause 18 must be paid—

in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.

# 21. Data

21.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority, free of charge.

21.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

# 22. Dispute Resolution

22.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, the Resource Manager or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.

22.2 The independent expert will be either—

- (a) a person agreed on by the parties to the difference or dispute; or
- (b) if those parties cannot agree, a person nominated by the Minister.

22.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.

22.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.

22.5 (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.

(b) The Minister must consider any recommendation made under paragraph (a) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.

22.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.

22.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Dated 21 August 1995

GEOFF COLEMAN

Minister administering the Water Act 1989



**Water Act 1989**  
**BULK ENTITLEMENT (SEYMOUR)**  
**CONVERSION ORDER 1995**

I, Charles Geoffrey Coleman, Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Seymour) Conversion Order 1995.

2. Empowering Provisions

This Order is made under sections 43 and 47 of the **Water Act 1989**.

3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14 and 15) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14 and 15 come into operation on 1 July 1996.

4. Definitions

In this Order—

“Act” means the **Water Act 1989**;

“annual entitlement” means the total amount of water which the Authority may take from the waterway in any year;

“Authority” means the Mid-Goulburn Regional Water Board;

“channel system” means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System;

“Distributor” means the person who operates and maintains the channel system;

“entitlement holder” means a person holding a bulk entitlement under the Act;

“exchange rate” means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

“Goulburn Basin Water Accounts” means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Goulburn Basin, with the terms of their bulk entitlements or licences;

“Goulburn Entitlement Holder” means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

“Headworks System” means—

- (a) the water supply works of Lake Eildon, Goulburn Weir, the Stuart Murray and Cattanach Canals and Waranga Basin; and
- (b) the waterway below Lake Eildon;

“licence” means any licence granted under Part 4 of the Act;

“Resource Manager” means any person appointed by the Minister to do all or any of the following—

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the waterway; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act;

“security of supply” means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

“specified point” means the location on the waterway of the Authority’s raw water pumping station at Seymour;

“Storage Operator” means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of the waterway, or to do all or any of them;

“system delivery costs” means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterway and its tributaries; and
- (c) measuring the flow of the waterway and its tributaries;

“system source costs” means the total annual cost of—

- (a) operating, maintaining and administering; and
- (b) making an appropriate allowance for renewing works; and

(c) protecting the quality of the resource—of the Headworks System, except system delivery costs;

“water right” has the same meaning as in section 230 (2) (c) of the Act;

“waterway” means the Goulburn River;

“year” means the 12 months next following 1 July.

#### 5. Conversion to a Bulk Entitlement

All of the Authority’s entitlement to take water from the waterway for the supply of water to the Seymour Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

#### 6. Bulk Entitlement

6.1 Subject to sub-clause 7.3 and clause 8, the Authority may take up to 5340 ML of water from the waterway at the specified point in any year, at a rate not exceeding 30.0 ML/day, with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 The Minister may vary the maximum rate of extraction specified under sub-clause 6.1 for the purpose of making any transfer of this bulk entitlement authorised under Division 1, Part 4 of the Act.

#### 7. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.4 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and

(c) must not grant an annual entitlement which has a security of supply less than 93%.

7.5 The Authority must advise the Goulburn Entitlement Holder in writing of any amendment made by the Minister under sub-clause 7.3.

#### 8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever  $V_e < V_i$ , the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority’s restricted annual entitlement.

A = the annual entitlement.

$V_e$  = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

$V_i$  = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.3.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if  $V_e \geq V_i$ , revoke the restrictions for that year; or
- (b) if  $V_e < V_i$ , amend the restricted annual entitlement to an amount which is the greater of—
  - (i)  $A \times (V_e + V_i)$  and
  - (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority’s annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

9. Taking water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Seymour Water Supply System, at the site of any of the Authority's works on the waterway, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any waterway; and
- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

10. Supply of Water

10.1 The Authority and the Goulburn Entitlement Holder must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Goulburn Entitlement Holder have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 21.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clause 15, only water actually taken by the Authority must be counted.

11. Entitlement to Returned Water

11.1 On the application of the Authority, the Minister may grant the Authority credits to use or trade water taken under this entitlement and returned to the waterway.

11.2 The application must be made in the manner and form approved by the Minister.

11.3 The Minister may only grant a credit to use or trade water returned to the waterway where—

- (a) the returned water is only traded or taken downstream of the point of return, or upstream, by substitution in accordance with the requirements of the Goulburn Entitlement Holder; and
- (b) the Minister is satisfied that—
  - (i) the returned water has been treated to a high standard; and
  - (ii) there will be no significant adverse impact on the waterway or authorised uses of water; and
- (c) the Authority and the Goulburn Entitlement Holder have agreed to the accounting arrangements for the returned water and its use or trade.

12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 months of the date of this Order, a metering program to determine—

- (a) the amount of water taken by the Authority under this bulk entitlement; and
- (b) all water referred to in paragraph (a) which is returned to the waterway for the use or trade by the Authority under clause 11—

for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

12.2 The Minister may—

- (a) approve the program proposed under sub-clause 12.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
  - (ii) to propose an amended program to the Minister.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Goulburn Entitlement Holder so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is found to be—

- (a) accurate, or inaccurate by no more than 5%, the Goulburn Entitlement Holder must pay the cost of testing it; or
- (b) inaccurate by more than 5%, the Authority must pay the cost of testing it.

### 13. Reporting Requirements

13.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;
- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Seymour Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Seymour Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;
- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (a) in writing or in such electronic form as may be agreed between the Authority and the Minister; and
- (b) within 14 days of receiving the Minister's written request.

13.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Authority may be required to report to—

- (a) either or both of the Goulburn Entitlement Holder and the Resource Manager, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1; and
- (b) the Distributor, from time to time, on matters set out in paragraphs (a) to (d) of sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and the person agree otherwise—
  - (i) within 24 hours of the Authority receiving a request for a report on the matter set out in paragraphs (a) to (d) of sub-clause 13.1; or
  - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (e) to (l) of sub-clause 13.1.

### 14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = \$(A \times E + Y) \times (S + R)$$

where—

$C_s$  = the source charge.

$A$  = the annual entitlement.

E = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

Y = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

S = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

R = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

#### 15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for water taken from the waterway, calculated as follows:

$$C_D = \$D \times M + T$$

where—

$C_D$  = the delivery charge for water taken from the waterway.

D = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

M = the amount of water taken and measured in accordance with sub-clause 12.3.

T = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

#### 16. Water Accounting

16.1 For the purpose of—

- (a) determining how much water has been taken by the Authority under its annual entitlement; and
- (b) calculating the annual delivery charge under clause 15—

the amounts measured under sub-clause 12.3 (b) are conclusive.

16.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 16.1 are

deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

#### 17. Water Accounts Costs

17.1 Subject to sub-clause 18.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

17.2 The proportion of the costs referred to in sub-clause 17.1 is to be determined by the Resource Manager under sub-clause 18.3.

#### 18. Duty to keep accounts and fix proportions

18.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or
- (b) the Resource Manager, under clause 17—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

18.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15; and
- (b) by the Resource Manager, in respect to sub-clause 17.1.

18.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 17.1.

18.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

#### 19. Duty to Make Payments

Any amount payable by the Authority—

- (a) under clause 14 or 15 must be paid quarterly; and
- (b) under clause 17 must be paid—

in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.

#### 20. Data

20.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority, free of charge.

20.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

21. Dispute Resolution

21.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, the Resource Manager or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.

21.2 The independent expert will be either—

- (a) a person agreed on by the parties to the difference or dispute; or
- (b) if those parties cannot agree, a person nominated by the Minister.

21.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.

21.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.

21.5 (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.

(b) The Minister must consider any recommendation made under paragraph (a) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.

21.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.

21.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Dated 21 August 1995

GEOFF COLEMAN  
Minister administering the **Water Act 1989**

**Water Act 1989**

**BULK ENTITLEMENT (SHEPPARTON)  
CONVERSION ORDER 1995**

I, Charles Geoffrey Coleman, Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Shepparton) Conversion Order 1995.

2. Empowering Provisions

This Order is made under sections 43 and 47 of the **Water Act 1989**.

3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14 and 15) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14 and 15 come into operation on 1 July 1996.

4. Definitions

In this Order—

"Act" means the **Water Act 1989**;

"annual entitlement" means the total amount of water which the Authority may take from the waterway in any year;

"Authority" means the Goulburn Valley Region Water Authority;

"channel system" means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System;

"Distributor" means the person who operates and maintains the channel system;

"entitlement holder" means a person holding a bulk entitlement under the Act;

"exchange rate" means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

"Goulburn Basin Water Accounts" means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Goulburn Basin, with the terms of their bulk entitlements or licences;

"Goulburn Entitlement Holder" means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

"Headworks System" means—

- (a) the water supply works of Lake Eildon, Goulburn Weir, the Stuart Murray and Cattanach Canals and Waranga Basin; and

(b) the waterway below Lake Eildon;

"licence" means any licence granted under Part 4 of the Act;

"Resource Manager" means any person appointed by the Minister to do all or any of the following—

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the waterway; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act;

"security of supply" means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

"specified point" means the location on the waterway of the Authority's raw water pumping station at Welsford Street, Shepparton;

"Storage Operator" means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of the waterway, or to do all or any of them;

"system delivery costs" means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterway and its tributaries; and
- (c) measuring the flow of the waterway and its tributaries;

"system source costs" means the total annual cost of—

- (a) operating, maintaining and administering; and
- (b) making an appropriate allowance for renewing works; and

(c) protecting the quality of the resource—of the Headworks System, except system delivery costs;

"water right" has the same meaning as in section 230 (2) (c) of the Act;

"waterway" means the Goulburn River;

"year" means the 12 months next following 1 July.

#### 5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the waterway for the supply of water to the Shepparton Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

#### 6. Bulk Entitlement

6.1 Subject to sub-clause 7.3 and clause 8, the Authority may take up to 16300 ML of water from the waterway at the specified point in any year, at a rate not exceeding 100 ML/day, with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 The Minister may vary the maximum rate of extraction specified under sub-clause 6.1 for the purpose of making any transfer of this bulk entitlement authorised under Division 1, Part 4 of the Act.

#### 7. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.4 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and

- (c) must not grant an annual entitlement which has a security of supply less than 93%.

7.5 The Authority must advise the Goulburn Entitlement Holder in writing of any amendment made by the Minister under sub-clause 7.3.

#### 8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever  $V_e < V_i$ , the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

$V_e$  = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

$V_i$  = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.3.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if  $V_e \geq V_i$ , revoke the restrictions for that year; or
- (b) if  $V_e < V_i$ , amend the restricted annual entitlement to an amount which is the greater of—
  - (i)  $A \times (V_e + V_i)$  and
  - (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

#### 9. Taking water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Shepparton Water Supply System, at the site of any of the Authority's works on the waterway, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any waterway; and
- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

#### 10. Supply of Water

10.1 The Authority and the Goulburn Entitlement Holder must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Goulburn Entitlement Holder have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 21.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clause 15, only water actually taken by the Authority must be counted.

#### 11. Entitlement to Returned Water

11.1 On the application of the Authority, the Minister may grant the Authority credits to use or trade water taken under this entitlement and returned to the waterway.

11.2 The application must be made in the manner and form approved by the Minister.

11.3 The Minister may only grant a credit to use or trade water returned to the waterway where—

- (a) the returned water is only traded or taken downstream of the point of return, or upstream, by substitution in accordance with the requirements of the Goulburn Entitlement Holder; and



- (b) the Minister is satisfied that—
  - (i) the returned water has been treated to a high standard; and
  - (ii) there will be no significant adverse impact on the waterway or authorised uses of water; and
- (c) the Authority and the Goulburn Entitlement Holder have agreed to the accounting arrangements for the returned water and its use or trade.

11.4 The Authority may, with the agreement of the Distributor, use or trade water taken under this entitlement and returned to the channel system.

11.5 If the Authority and the Distributor have not reached agreement within twelve months of the Authority's written request to use or trade water returned to the channel system either of them may give written notice to the other requiring the matter to be determined by the Minister.

11.6 In determining a matter under sub-clause 11.5 the Minister must be satisfied that—

- (a) the returned water has been treated to a high standard; and
- (b) there will be no significant adverse impact on the channel system or authorised uses of water.

## 12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 months of the date of this Order, a metering program to determine—

- (a) the amount of water taken by the Authority under this bulk entitlement; and
- (b) all water referred to in paragraph (a) which is returned to the waterway or the channel system for the use or trade by the Authority under clause 11—

for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

12.2 The Minister may—

- (a) approve the program proposed under sub-clause 12.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and

- (ii) to propose an amended program to the Minister.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Goulburn Entitlement Holder so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is found to be—

- (a) accurate, or inaccurate by no more than 5%, the Goulburn Entitlement Holder must pay the cost of testing it; or
- (b) inaccurate by more than 5%, the Authority must pay the cost of testing it.

## 13. Reporting Requirements

13.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;
- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Shepparton Water Supply System;

- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Shepparton Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;
- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (a) in writing or in such electronic form as may be agreed between the Authority and the Minister; and
- (b) within 14 days of receiving the Minister's written request.

13.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Authority may be required to report to—

- (a) either or both of the Goulburn Entitlement Holder and the Resource Manager, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1; and
- (b) the Distributor, from time to time, on matters set out in paragraphs (a) to (d) of sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and the person agree otherwise—
  - (i) within 24 hours of the Authority receiving a request for a report on the matter set out in paragraphs (a) to (d) of sub-clause 13.1; or
  - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (e) to (l) of sub-clause 13.1.

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14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = \$ (A \times E + Y) \times (S + R)$$

where—

$C_s$  = the source charge.

$A$  = the annual entitlement.

$E$  = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

$Y$  = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

$S$  = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

$R$  = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

#### 15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for water taken from the waterway, calculated as follows:

$$C_D = \$ D \times M + T$$

where—

$C_D$  = the delivery charge for water taken from the waterway.

$D$  = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

$M$  = the amount of water taken and measured in accordance with sub-clause 12.3.

$T$  = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

#### 16. Water Accounting

16.1 For the purpose of—

- (a) determining how much water has been taken by the Authority under its annual entitlement; and

- (b) calculating the annual delivery charge under clause 15—

the amounts measured under sub-clause 12.3 (b) are conclusive.

16.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 16.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

#### 17. Water Accounts Costs

17.1 Subject to sub-clause 18.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

17.2 The proportion of the costs referred to in sub-clause 17.1 is to be determined by the Resource Manager under sub-clause 18.3.

#### 18. Duty to keep accounts and fix proportions

18.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or
- (b) the Resource Manager, under clause 17—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

18.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15; and
- (b) by the Resource Manager, in respect to sub-clause 17.1.

18.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 17.1.

18.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

#### 19. Duty to Make Payments

Any amount payable by the Authority—

- (a) under clause 14 or 15 must be paid quarterly; and
- (b) under clause 17 must be paid—

in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.

#### 20. Data

20.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority, free of charge.

20.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

#### 21. Dispute Resolution

21.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, the Resource Manager or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.

21.2 The independent expert will be either—

- (a) a person agreed on by the parties to the difference or dispute; or
- (b) if those parties cannot agree, a person nominated by the Minister.

21.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.

21.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.

21.5 (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.

(b) The Minister must consider any recommendation made under paragraph (a) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.

21.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.

21.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Dated 21 August 1995

GEOFF COLEMAN  
Minister administering the **Water Act 1989**

**Water Act 1989**  
**BULK ENTITLEMENT (STANHOPE)**  
**CONVERSION ORDER 1995**

I, Charles Geoffrey Coleman, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Stanhope) Conversion Order 1995.

2. Empowering Provisions

This Order is made under sections 43 and 47 of the **Water Act 1989**.

3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14, 15 and 16) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14, 15 and 16 come into operation on 1 July 1996.

4. Definitions

In this Order—

“Act” means the **Water Act 1989**;

“annual entitlement” means the total amount of water which the Authority may take from the channel system in any year;

“Authority” means the Goulburn Valley Region Water Authority;

“channel system” means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System to the Authority and other customers supplied in the vicinity of the specified point;

“distribution cost” means the total annual cost of—

- (a) operating, maintaining and administering the Distributor’s channel system; and
- (b) making an appropriate allowance for renewing channel system works; and
- (c) measuring the flow of channels and pipelines;

“Distributor” means the person who operates and maintains the channel system;

“entitlement holder” means a person holding a bulk entitlement under the Act;

“exchange rate” means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

“Goulburn Basin Water Accounts” means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Goulburn Basin, with the terms of their bulk entitlements or licences;

“Goulburn Entitlement Holder” means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

“Headworks System” means the storages, diversion works and main water supply channels, pipelines and waterways required to supply water to the channel system;

“licence” means any licence granted under Part 4 of the Act;

“Resource Manager” means any person appointed by the Minister to do all or any of the following—

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act;

“security of supply” means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

“specified point A” means the location on the channel system of the Authority’s metered outlet number No. 1044 on the Central Goulburn Channel No. 1/12/9, at Stanhope;

“specified point B” means the location on the channel system of the Authority’s metered outlet number No. 1047 on the Central Goulburn Channel No. 1/12/9, at Stanhope;

"Storage Operator" means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of any of the waterways, or to do all or any of them;

"system delivery costs" means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterways and their tributaries; and
- (c) measuring the flow of the waterways and their tributaries;

"system source costs" means the total annual cost of—

- (a) operating, maintaining and administering; and
  - (b) making an appropriate allowance for renewing works; and
  - (c) protecting the quality of the resource—
- of the Headworks System, except system delivery costs;

"water right" has the same meaning as in section 230 (2) (c) of the Act;

"waterways" means the Goulburn River, the Campaspe River and the Loddon River;

"year" means the 12 months next following 1 July.

#### 5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the channel system to supply water to the Stanhope Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

#### 6. Bulk Entitlement

6.1 Subject to sub-clause 7.4 and clause 8, the Authority may take up to 200 ML of water from the channel system in any year at—

- (a) the specified point A, at a rate not exceeding 3.0 ML/day; and
- (b) the specified point B, at a rate not exceeding 3.0 ML/day,

with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 The Minister may vary the maximum rate of extraction specified under sub-clause 6.1 for the purpose of making any transfer of this bulk entitlement authorised under Division 1, Part 4 of the Act.

#### 7. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 An application to the Minister under sub-clause 7.2 must give details of any requirements of the Distributor in respect to the supply of water at the amended security of supply.

7.4 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.5 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and
- (c) must not grant an annual entitlement which has a security of supply less than 93%.

7.6 The Authority must advise the Distributor in writing of any amendment made by the Minister under sub-clause 7.4.

#### 8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever  $V_e < V_i$ , the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

$V_e$  = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn

Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

Vi = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.4.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if  $V_e \geq V_i$ , revoke the restrictions for that year; or
- (b) if  $V_e < V_i$ , amend the restricted annual entitlement to an amount which is the greater of—
  - (i)  $A \times (V_e + V_i)$  and
  - (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

#### 9. Taking water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Stanhope Water Supply System, at the site of any of the Authority's works on the channel system, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any of the waterways; and
- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

#### 10. Supply of Water

10.1 The Authority and the Distributor must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Distributor have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 22.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clauses 15 and 16, only water actually taken by the Authority must be counted.

#### 11. Entitlement to Returned Water

11.1 The Authority may, with the agreement of the Distributor use or trade water available to it under this entitlement that it returns to the channel system.

11.2 If the Authority and the Distributor have not reached agreement within twelve months of the Authority requesting in writing the right to use or trade water returned to the channel then either party may give written notice requiring the matter to be determined by the Minister.

11.3 In making a determination in accordance with sub-clause 11.2 the Minister must be satisfied that—

- (a) the returned water has been treated to a high standard; and
- (b) there will be no significant adverse impact on the channel system or authorised uses of water.

#### 12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 months of the date of this Order, a metering program to determine—

- (a) the amount of water taken by the Authority under this bulk entitlement; and
- (b) all water referred to in paragraph (a) which is returned to the channel system by the Authority for use or trade under clause 11—

for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

12.2 The Minister may—

- (a) approve the program proposed under sub-clause 12.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
  - (ii) to propose an amended program to the Minister.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Distributor so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is—

- (a) found to be accurate, or inaccurate by no more than 5%, the Distributor must pay the cost of testing it; or
- (b) found to be accurate, or inaccurate by more than 5%, the Authority must pay the cost of testing it.

13. Reporting Requirements

13.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;
- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;

- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Stanhope Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Stanhope Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;
- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (a) in writing or in such electronic form as may be agreed between the Authority and the Minister; and
- (b) within 14 days of receiving the Minister's written request.

13.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Distributor, the Goulburn Entitlement Holder and the Resource Manager may together or separately require the Authority to report to either or all of them, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and that person agree otherwise—
  - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in paragraphs (a) to (d) of sub-clause 13.1; or

- (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (e) to (l) of sub-clause 13.1.

#### 14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = \$ (A \times E + Y) \times (S + R)$$

where—

$C_s$  = the source charge.

$A$  = the annual entitlement.

$E$  = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

$Y$  = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

$S$  = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

$R$  = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

#### 15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for the supply of water from the Headworks System to the channel system, calculated as follows:

$$C_D = \$ D \times M + T$$

where—

$C_D$  = the delivery charge for water supplied from the Headworks System to the channel system.

$D$  = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

$M$  = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

$T$  = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

#### 16. Water Supply Distribution Cost

The Authority must pay the Distributor an annual distribution charge for water taken from the channel system, calculated as follows:

$$C_{Di} = \$ N \times M + O$$

where—

$C_{Di}$  = the distribution charge for water taken from the channel system.

$N$  = the channel system distribution costs estimated by the Distributor to be incurred for the year for which the charge is calculated. The channel system is the same as that used to determine costs applying to other customers supplied in the vicinity of the specified point.

$M$  = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

$O$  = the average annual amount of water actually supplied for the previous ten years to all users of water from the channel system, for which the distribution costs ( $N$ ) are determined.

#### 17. Water Accounting

17.1 For the purpose of—

- determining how much water has been taken by the Authority under its annual entitlement;
- calculating the annual delivery charge under clause 15; and
- calculating the annual distribution charge under clause 16;

the amounts measured under sub-clause 12.3 (b) are conclusive.

17.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 17.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

#### 18. Water Accounts Costs

18.1 Subject to sub-clause 19.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.



18.2 The proportion of the costs referred to in sub-clause 18.1 is to be determined by the Resource Manager under sub-clause 19.3.

19. Duty to keep accounts and fix proportions

19.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or
- (b) the Distributor, under clause 16; or
- (c) the Resource Manager, under clause 18—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

19.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15;
- (b) by the Distributor, in respect to clause 16; and
- (c) by the Resource Manager, in respect to sub-clause 18.1.

19.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 18.1.

19.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

20. Duty to Make Payments

Any amount payable by the Authority—

- (a) under clause 14, 15 or 16 must be paid quarterly; and
- (b) under clause 18 must be paid—

in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.

21. Data

21.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority, free of charge.

21.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

22. Dispute Resolution

22.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, the Resource Manager or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.

22.2 The independent expert will be either—

- (a) a person agreed on by the parties to the difference or dispute; or
- (b) if those parties cannot agree, a person nominated by the Minister.

22.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.

22.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.

22.5 (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.

(b) The Minister must consider any recommendation made under paragraph (a) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.

22.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.

22.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Dated 21 August 1995

GEOFF COLEMAN

Minister administering the Water Act 1989

Water Act 1989

BULK ENTITLEMENT (TATURA)  
CONVERSION ORDER 1995

I, Charles Geoffrey Coleman, as Minister administering the Water Act 1989, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Tatura) Conversion Order 1995.

## 2. Empowering Provisions

This Order is made under sections 43 and 47 of the **Water Act 1989**.

## 3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14, 15 and 16) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14, 15 and 16 come into operation on 1 July 1996.

## 4. Definitions

In this Order—

“Act” means the **Water Act 1989**;

“annual entitlement” means the total amount of water which the Authority may take from the channel system in any year;

“Authority” means the Goulburn Valley Region Water Authority;

“channel system” means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System to the Authority and other customers supplied in the vicinity of the specified point;

“distribution cost” means the total annual cost of—

- (a) operating, maintaining and administering the Distributor’s channel system; and
- (b) making an appropriate allowance for renewing channel system works; and
- (c) measuring the flow of channels and pipelines;

“Distributor” means the person who operates and maintains the channel system;

“entitlement holder” means a person holding a bulk entitlement under the Act;

“exchange rate” means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

“Goulburn Basin Water Accounts” means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Goulburn Basin, with the terms of their bulk entitlements or licences;

“Goulburn Entitlement Holder” means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

“Headworks System” means the storages, diversion works and main water supply channels, pipelines and waterways required to supply water to the channel system;

“licence” means any licence granted under Part 4 of the Act;

“Resource Manager” means any person appointed by the Minister to do all or any of the following—

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act;

“security of supply” means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

“specified point A” means the location on the channel system of the Authority’s metered outlet number No. 1197 on the Central Goulburn Channel No. 3/5, at Tatura;

“specified point B” means the location on the channel system of the Authority’s metered outlet number No. 1197A on the Central Goulburn Channel No. 3/5, at Tatura;

“Storage Operator” means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of any of the waterways, or to do all or any of them;

“system delivery costs” means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterways and their tributaries; and
- (c) measuring the flow of the waterways and their tributaries;

"system source costs" means the total annual cost of—

- (a) operating, maintaining and administering; and
- (b) making an appropriate allowance for renewing works; and
- (c) protecting the quality of the resource—of the Headworks System, except system delivery costs;

"water right" has the same meaning as in section 230 (2) (c) of the Act;

"waterways" means the Goulburn River, the Campaspe River and the Loddon River;

"year" means the 12 months next following 1 July.

#### 5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the channel system to supply water to the Tatura Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

#### 6. Bulk Entitlement

6.1 Subject to sub-clause 7.4 and clause 8, the Authority may take up to 2000 ML of water from the channel system in any year at—

- (a) the specified point A, at a rate not exceeding 10.0 ML/day; and
- (b) the specified point B, at a rate not exceeding 5.0 ML/day,

with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 The Minister may vary the maximum rate of extraction specified under sub-clause 6.1 for the purpose of making any transfer of this bulk entitlement authorised under Division 1, Part 4 of the Act.

#### 7. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 An application to the Minister under sub-clause 7.2 must give details of any requirements of the Distributor in respect to the supply of water at the amended security of supply.

7.4 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.5 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and
- (c) must not grant an annual entitlement which has a security of supply less than 93%.

7.6 The Authority must advise the Distributor in writing of any amendment made by the Minister under sub-clause 7.4.

#### 8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever  $V_e < V_i$ , the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

$V_e$  = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

$V_i$  = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.4.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if  $V_e \geq V_i$ , revoke the restrictions for that year; or
- (b) if  $V_e < V_i$ , amend the restricted annual entitlement to an amount which is the greater of—
  - (i)  $A \times (V_e + V_i)$  and
  - (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

#### 9. Taking water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Tatura Water Supply System, at the site of any of the Authority's works on the channel system, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any of the waterways; and
- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

#### 10. Supply of Water

10.1 The Authority and the Distributor must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Distributor have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 22.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clauses 15 and 16, only water actually taken by the Authority must be counted.

#### 11. Entitlement to Returned Water

11.1 The Authority may, with the agreement of the Distributor use or trade water available to it under this entitlement that it returns to the channel system.

11.2 If the Authority and the Distributor have not reached agreement within twelve months of the Authority requesting in writing the right to use or trade water returned to the channel then either party may give written notice requiring the matter to be determined by the Minister.

11.3 In making a determination in accordance with sub-clause 11.2 the Minister must be satisfied that—

- (a) the returned water has been treated to a high standard; and
- (b) there will be no significant adverse impact on the channel system or authorised uses of water.

#### 12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 months of the date of this Order, a metering program to determine—

- (a) the amount of water taken by the Authority under this bulk entitlement; and
- (b) all water referred to in paragraph (a) which is returned to the channel system by the Authority for use or trade under clause 11—

for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

#### 12.2 The Minister may—

- (a) approve the program proposed under sub-clause 12.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
  - (ii) to propose an amended program to the Minister.

#### 12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and

- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Distributor so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is—

- (a) found to be accurate, or inaccurate by no more than 5%, the Distributor must pay the cost of testing it; or
- (b) found to be accurate, or inaccurate by more than 5%, the Authority must pay the cost of testing it.

### 13. Reporting Requirements

13.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;
- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Tatura Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Tatura Water Supply System;

- (k) any failure by the Authority to comply with any provision of this bulk entitlement;

- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (a) in writing or in such electronic form as may be agreed between the Authority and the Minister; and
- (b) within 14 days of receiving the Minister's written request.

13.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Distributor, the Goulburn Entitlement Holder and the Resource Manager may together or separately require the Authority to report to either or all of them, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and that person agree otherwise—
  - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in paragraphs (a) to (d) of sub-clause 13.1; or
  - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (e) to (l) of sub-clause 13.1.

### 14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = \$(A \times E + Y) \times (S + R)$$

where—

$C_s$  = the source charge.

A = the annual entitlement.

E = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

Y = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

S = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

R = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

#### 15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for the supply of water from the Headworks System to the channel system, calculated as follows:

$$C_D = \$D \times M + T$$

where—

$C_D$  = the delivery charge for water supplied from the Headworks System to the channel system.

D = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

T = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

#### 16. Water Supply Distribution Cost

The Authority must pay the Distributor an annual distribution charge for water taken from the channel system, calculated as follows:

$$C_{Di} = \$N \times M + O$$

where—

$C_{Di}$  = the distribution charge for water taken from the channel system.

N = the channel system distribution costs estimated by the Distributor to be incurred for the year for which the

charge is calculated. The channel system is the same as that used to determine costs applying to other customers supplied in the vicinity of the specified point.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

O = the average annual amount of water actually supplied for the previous ten years to all users of water from the channel system, for which the distribution costs (N) are determined.

#### 17. Water Accounting

17.1 For the purpose of—

- (a) determining how much water has been taken by the Authority under its annual entitlement;
- (b) calculating the annual delivery charge under clause 15; and
- (c) calculating the annual distribution charge under clause 16;

the amounts measured under sub-clause 12.3 (b) are conclusive.

17.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 17.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

#### 18. Water Accounts Costs

18.1 Subject to sub-clause 19.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

18.2 The proportion of the costs referred to in sub-clause 18.1 is to be determined by the Resource Manager under sub-clause 19.3.

#### 19. Duty to keep accounts and fix proportions

19.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or
- (b) the Distributor, under clause 16; or
- (c) the Resource Manager, under clause 18—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

19.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15;
- (b) by the Distributor, in respect to clause 16; and
- (c) by the Resource Manager, in respect to sub-clause 18.1.

19.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 18.1.

19.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

#### 20. Duty to Make Payments

Any amount payable by the Authority—

- (a) under clause 14, 15 or 16 must be paid quarterly; and
- (b) under clause 18 must be paid—  
in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.

#### 21. Data

21.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority, free of charge.

21.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

#### 22. Dispute Resolution

22.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, the Resource Manager or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.

22.2 The independent expert will be either—

- (a) a person agreed on by the parties to the difference or dispute; or

(b) if those parties cannot agree, a person nominated by the Minister.

22.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.

22.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.

22.5 (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.

(b) The Minister must consider any recommendation made under paragraph (a) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.

22.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.

22.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Dated 21 August 1995

GEOFF COLEMAN

Minister administering the **Water Act 1989**

#### **Water Act 1989**

#### **BULK ENTITLEMENT (THORNTON) CONVERSION ORDER 1995**

I, Charles Geoffrey Coleman, as Minister administering the **Water Act 1989**, make the following Order—

##### 1. Citation

This Order may be cited as the Bulk Entitlement (Thornton) Conversion Order 1995.

##### 2. Empowering Provisions

This Order is made under sections 43 and 47 of the **Water Act 1989**.

##### 3. Commencement

This Order comes into operation on the day it is published in the Government Gazette.

##### 4. Definitions

In this Order—

"Act" means the **Water Act 1989**;

"annual entitlement" means the total amount of water which the Authority may take from the waterway in any year;

"Authority" means the Mid-Goulburn Regional Water Board;

"entitlement holder" means a person holding a bulk entitlement under the Act;

"Goulburn Basin Water Accounts" means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Goulburn Basin, with the terms of their bulk entitlements or licences;

"licence" means any licence granted under Part 4 of the Act;

"Resource Manager" means any person appointed by the Minister to do all or any of the following—

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act;

"specified point" means immediately upstream of the Thornton water supply intake structure on the waterway;

"waterway" means the Rubicon 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 Thornton Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

#### 6. Bulk Entitlement

6.1 The Authority may take the share of flow in the waterway specified in clause 7, up to a total of 120 ML in any year.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

#### 7. Share of Flow

7.1 The Authority may take a share of the flow in the waterway passing the specified point, calculated as follows:

- (a) when  $F \leq 1.0$  ML/day,  
 $E = F$ , and
- (b) when  $F > 1.0$  ML/day,  
 $E = 1.0$  ML/day.

where—

"E" means the Authority's entitlement; and

"F" means the flow past the specified point less any amount of water under transfer pursuant to sub-clause 7.2.

7.2 The Authority is not entitled to any flow past the specified point, as part of its bulk entitlement, which is being transferred by the holder of—

- (a) any other bulk entitlement or licence held by another person; or
- (b) any licence—

to a transferee pursuant to the Act.

#### 8. Making Allowances

8.1 In calculating water available to the Authority under this bulk entitlement at any point downstream of the specified point, allowance must be made for—

- (a) any losses of water incurred between that point and the specified point; and
- (b) the time taken by the flow to reach that point from the specified point.

8.2 If the Authority proposes to take water under this entitlement from a point other than the specified point, it must first—

- (a) propose to the Minister—
  - (i) fair, reasonable and representative means for calculating the allowances required by sub-clause 8.1; and
  - (ii) details of the proposed location and amount of the extraction; and
- (b) ascertain and provide the Minister with any operational requirements of the Resource Manager; and
- (c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.



8.3 The Minister may—

- (a) approve a proposal made under sub-clause 8.2; or
- (b) require the Authority to amend the proposal; and
- (c) require the Authority—
  - (i) to review all or part of any proposal approved by the Minister if, in the Minister's opinion, it is, at any time, no longer fair, reasonable or representative; and
  - (ii) to make an amended proposal to the Minister.

8.4 The Authority must—

- (a) advise the Resource Manager in writing within 14 days of any proposal approved by the Minister under sub-clause 8.3; and
- (b) provide the Resource Manager with such other information concerning the proposed diversion as the Resource Manager may, from time to time, require.

9. Environmental Obligations

9.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a program to manage the environmental effects of the Authority's works to take water under this bulk entitlement which includes—

- (a) impacts on the bed and banks of the waterway in the vicinity of the Authority's works; and
- (b) operational practices to remove silt from works; and
- (c) operational practices to manage the water quality in works on the waterway.

9.2 The Minister may—

- (a) approve the program proposed under sub-clause 9.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
  - (ii) to propose an amended program to the Minister.

9.3 The Authority, must at its cost—

- (a) implement the approved program; and

- (b) keep a record of all work undertaken under paragraph (a).

10. Metering Program

10.1 The Authority, must propose to the Minister, within 12 months of the date of this Order, a metering program to determine the amount of water taken by the Authority under this bulk entitlement for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

10.2 The Minister may—

- (a) approve the program proposed under sub-clause 10.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
  - (ii) to propose an amended program to the Minister.

10.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

11. Reporting Requirements

11.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:

- (a) the daily amount of water taken by the Authority from the waterway;
- (b) the approval, amendment and implementation of programs under clauses 9 and 10;
- (c) the annual amount of water taken under this entitlement;
- (d) any temporary or permanent transfer of all or part of this bulk entitlement;
- (e) any bulk entitlement or licence in respect of the waterway temporarily or permanently transferred to the Authority with respect to the Thornton Water Supply System;
- (f) any amendment to this bulk entitlement;

- (g) any new bulk entitlement granted to the Authority with respect to the Thornton Water Supply System;
- (h) any failure by the Authority to comply with any provision of this bulk entitlement;
- (i) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

11.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 11.1—

- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
- (b) within 14 days of receiving the Minister's written request.

11.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 11.1, except—

- (a) paragraph (a) of sub-clause 11.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (h) of sub-clause 11.1.

11.4 The Resource Manager may require the Authority to report to it, from time to time, on all or any of the matters set out in sub-clause 11.1.

11.5 Any report under sub-clause 11.4 must be made—

- (a) in such form as may be agreed between the Authority and the Resource Manager; and
- (b) unless the Authority and the Resource Manager agree otherwise—
  - (i) within 24 hours of the Authority receiving a request for a report on the daily amount of water taken by the Authority from the waterway as 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 in—

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act.

12.2 The proportion of the costs referred to in sub-clause 12.1 is to be determined by the Resource Manager under sub-clause 13.3.

## 13. Duty to keep accounts and fix proportions

13.1 The Authority is not obliged to make any payment to the Resource Manager, under clause 12 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.

13.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to sub-clause 12.1.

13.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 12.1.

13.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

## 14. Duty to Make Payments

Any amount payable by the Authority under sub-clause 12.1 must be paid in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.

## 15. Data

15.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority, free of charge.

15.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 10 and 11

to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

#### 16. Dispute Resolution

16.1 If any difference or dispute arises between the Authority, the Minister and, with its consent, the Resource Manager, or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.

16.2 The independent expert will be either—

- (a) a person agreed on by the parties to the difference or dispute; or
- (b) if those parties cannot agree, a person nominated by the Minister.

16.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.

16.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.

16.5 (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.

(b) The Minister must consider any recommendation made under paragraph (a) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.

16.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.

16.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Dated 21 August 1995

GEOFF COLEMAN  
Minister administering the **Water Act 1989**

#### Water Act 1989 BULK ENTITLEMENT (TONGALA) CONVERSION ORDER 1995

I, Charles Geoffrey Coleman, as Minister administering the **Water Act 1989**, make the following Order—

#### 1. Citation

This Order may be cited as the Bulk Entitlement (Tongala) Conversion Order 1995.

#### 2. Empowering Provisions

This Order is made under sections 43 and 47 of the **Water Act 1989**.

#### 3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14, 15 and 16) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14, 15 and 16 come into operation on 1 July 1996.

#### 4. Definitions

In this Order—

"Act" means the **Water Act 1989**;

"annual entitlement" means the total amount of water which the Authority may take from the channel system in any year;

"Authority" means the Goulburn Valley Region Water Authority;

"channel system" means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System to the Authority and other customers supplied in the vicinity of the specified point;

"distribution cost" means the total annual cost of—

- (a) operating, maintaining and administering the Distributor's channel system; and
- (b) making an appropriate allowance for renewing channel system works; and
- (c) measuring the flow of channels and pipelines;

"Distributor" means the person who operates and maintains the channel system;

"entitlement holder" means a person holding a bulk entitlement under the Act;

"exchange rate" means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

"Goulburn Basin Water Accounts" means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Goulburn Basin, with the terms of their bulk entitlements or licences;

"Goulburn Entitlement Holder" means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

"Headworks System" means the storages, diversion works and main water supply channels, pipelines and waterways required to supply water to the channel system;

"licence" means any licence granted under Part 4 of the Act;

"Resource Manager" means any person appointed by the Minister to do all or any of the following—

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act;

"security of supply" means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

"specified point A" means the location on the channel system of the Authority's metered outlet number No. 5184 on the Central Goulburn Channel No. 28/9, at Tongala;

"specified point B" means the location on the channel system of the Authority's metered outlet number No. 5165 on the Central Goulburn Channel No. 16/28/9, at Tongala;

"Storage Operator" means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of any of the waterways, or to do all or any of them;

"system delivery costs" means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterways and their tributaries; and

- (c) measuring the flow of the waterways and their tributaries;

"system source costs" means the total annual cost of—

- (a) operating, maintaining and administering; and
- (b) making an appropriate allowance for renewing works; and
- (c) protecting the quality of the resource—of the Headworks System, except system delivery costs;

"water right" has the same meaning as in section 230 (2) (c) of the Act;

"waterways" means the Goulburn River, the Campaspe River and the Loddon River;

"year" means the 12 months next following 1 July.

#### 5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the channel system to supply water to the Tongala Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

#### 6. Bulk Entitlement

6.1 Subject to sub-clause 7.4 and clause 8, the Authority may take up to 1200 ML of water from the channel system in any year at—

- (a) the specified point A, at a rate not exceeding 3.0 ML/day; and
- (b) the specified point B, at a rate not exceeding 3.0 ML/day,

with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

6.3 The Minister may vary the maximum rate of extraction specified under sub-clause 6.1 for the purpose of making any transfer of this bulk entitlement authorised under Division 1, Part 4 of the Act.

#### 7. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 An application to the Minister under sub-clause 7.2 must give details of any requirements of the Distributor in respect to the supply of water at the amended security of supply.

7.4 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.5 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and
- (c) must not grant an annual entitlement which has a security of supply less than 93%.

7.6 The Authority must advise the Distributor in writing of any amendment made by the Minister under sub-clause 7.4.

#### 8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever  $V_e < V_i$ , the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

$V_e$  = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

$V_i$  = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.4.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if  $V_e \geq V_i$ , revoke the restrictions for that year; or
- (b) if  $V_e < V_i$ , amend the restricted annual entitlement to an amount which is the greater of—
  - (i)  $A \times (V_e + V_i)$  and
  - (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

#### 9. Taking water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Tongala Water Supply System, at the site of any of the Authority's works on the channel system, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any of the waterways; and
- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

#### 10. Supply of Water

10.1 The Authority and the Distributor must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Distributor have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 22.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clauses 15 and 16, only water actually taken by the Authority must be counted.

#### 11. Entitlement to Returned Water

11.1 The Authority may, with the agreement of the Distributor use or trade water available to it under this entitlement that it returns to the channel system.

11.2 If the Authority and the Distributor have not reached agreement within twelve months of the Authority requesting in writing the right to use or trade water returned to the channel then either party may give written notice requiring the matter to be determined by the Minister.

11.3 In making a determination in accordance with sub-clause 11.2 the Minister must be satisfied that—

- (a) the returned water has been treated to a high standard; and
- (b) there will be no significant adverse impact on the channel system or authorised uses of water.

#### 12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 months of the date of this Order, a metering program to determine—

- (a) the amount of water taken by the Authority under this bulk entitlement; and
- (b) all water referred to in paragraph (a) which is returned to the channel system by the Authority for use or trade under clause 11—

for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

12.2 The Minister may—

- (a) approve the program proposed under sub-clause 12.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
  - (ii) to propose an amended program to the Minister.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and

- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and

- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Distributor so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is—

- (a) found to be accurate, or inaccurate by no more than 5%, the Distributor must pay the cost of testing it; or
- (b) found to be accurate, or inaccurate by more than 5%, the Authority must pay the cost of testing it.

#### 13. Reporting Requirements

13.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;
- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Tongala Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Tongala Water Supply System;

- (k) any failure by the Authority to comply with any provision of this bulk entitlement;
- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (a) in writing or in such electronic form as may be agreed between the Authority and the Minister; and
- (b) within 14 days of receiving the Minister's written request.

13.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Distributor, the Goulburn Entitlement Holder and the Resource Manager may together or separately require the Authority to report to either or all of them, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and that person agree otherwise—
  - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in paragraphs (a) to (d) of sub-clause 13.1; or
  - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (e) to (l) of sub-clause 13.1.

#### 14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = \$ (A \times E + Y) \times (S + R)$$

where—

$C_s$  = the source charge.

A = the annual entitlement.

E = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

Y = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

S = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

R = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

#### 15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for the supply of water from the Headworks System to the channel system, calculated as follows:

$$C_D = \$ D \times M + T$$

where—

$C_D$  = the delivery charge for water supplied from the Headworks System to the channel system.

D = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

T = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

#### 16. Water Supply Distribution Cost

The Authority must pay the Distributor an annual distribution charge for water taken from the channel system, calculated as follows:

$$C_{Di} = \$ N \times M + O$$

where—

$C_{Di}$  = the distribution charge for water taken from the channel system.

N = the channel system distribution costs estimated by the Distributor to be incurred for the year for which the

charge is calculated. The channel system is the same as that used to determine costs applying to other customers supplied in the vicinity of the specified point.

M = the amount of water taken by the Authority from the channel system and measured in accordance with sub-clause 12.3.

O = the average annual amount of water actually supplied for the previous ten years to all users of water from the channel system, for which the distribution costs (N) are determined.

#### 17. Water Accounting

17.1 For the purpose of—

- (a) determining how much water has been taken by the Authority under its annual entitlement;
- (b) calculating the annual delivery charge under clause 15; and
- (c) calculating the annual distribution charge under clause 16;

the amounts measured under sub-clause 12.3 (b) are conclusive.

17.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 17.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

#### 18. Water Accounts Costs

18.1 Subject to sub-clause 19.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

18.2 The proportion of the costs referred to in sub-clause 18.1 is to be determined by the Resource Manager under sub-clause 19.3.

#### 19. Duty to keep accounts and fix proportions

19.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or
- (b) the Distributor, under clause 16; or
- (c) the Resource Manager, under clause 18—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

19.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15;
- (b) by the Distributor, in respect to clause 16; and
- (c) by the Resource Manager, in respect to sub-clause 18.1.

19.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 18.1.

19.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

#### 20. Duty to Make Payments

Any amount payable by the Authority—

- (a) under clause 14, 15 or 16 must be paid quarterly; and
- (b) under clause 18 must be paid—

in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.

#### 21. Data

21.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority, free of charge.

21.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

#### 22. Dispute Resolution

22.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn Entitlement Holder, the Resource Manager or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.

22.2 The independent expert will be either—

- (a) a person agreed on by the parties to the difference or dispute; or



(b) if those parties cannot agree, a person nominated by the Minister.

22.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.

22.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.

22.5 (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.

(b) The Minister must consider any recommendation made under paragraph (a) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.

22.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.

22.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Dated 21 August 1995

GEOFF COLEMAN  
Minister administering the **Water Act 1989**

**Water Act 1989**  
**BULK ENTITLEMENT (TOOLAMBA)**  
**CONVERSION ORDER 1995**

I, Charles Geoffrey Coleman, Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Toolamba) Conversion Order 1995.

2. Empowering Provisions

This Order is made under sections 43 and 47 of the **Water Act 1989**.

3. Commencement

3.1 This Order (except for sub-clause 6.2 and clauses 14 and 15) comes into operation on the day it is published in the Government Gazette.

3.2 Sub-clause 6.2 and clauses 14 and 15 come into operation on 1 July 1996.

4. Definitions

In this Order—

“Act” means the **Water Act 1989**;

“annual entitlement” means the total amount of water which the Authority may take from the waterway in any year;

“Authority” means the Goulburn Valley Region Water Authority;

“channel system” means the irrigation channels, pipelines and associated structures that distribute water from the Headworks System;

“Distributor” means the person who operates and maintains the channel system;

“entitlement holder” means a person holding a bulk entitlement under the Act;

“exchange rate” means the rate, determined by the Minister, at which the security of supply varies inversely to the annual entitlement;

“Goulburn Basin Water Accounts” means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Goulburn Basin, with the terms of their bulk entitlements or licences;

“Goulburn Entitlement Holder” means the holder of the Bulk Entitlement (Eildon-Goulburn Weir) Conversion Order 1995;

“Headworks System” means—

(a) the water supply works of Lake Eildon, Goulburn Weir, the Stuart Murray and Cattinach Canals and Waranga Basin; and

(b) the waterway below Lake Eildon;

“licence” means any licence granted under Part 4 of the Act;

“Resource Manager” means any person appointed by the Minister to do all or any of the following—

(a) prepare the Goulburn Basin Water Accounts; and

(b) monitor whether entitlement holders in the Goulburn Basin comply with the conditions of their bulk entitlements; and

(c) direct the release of any water set aside for maintaining water quality in the waterway; and

(d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and

(e) investigate and deal with significant unauthorised uses of water in the Goulburn Basin; and

(f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act;

"security of supply" means the statistical probability that the Goulburn Entitlement Holder will be able to supply the whole of the annual entitlement to the Authority in any year from the Headworks System;

"specified point" means the location on the waterway of the Authority's raw water pumping station at Toolamba;

"Storage Operator" means any person appointed by the Minister to operate the Headworks System, to manage or measure the flow of the waterway, or to do all or any of them;

"system delivery costs" means the total annual cost of—

- (a) operating the Headworks System for the purpose of supplying water from the system; and
- (b) regulating and managing the waterway and its tributaries; and
- (c) measuring the flow of the waterway and its tributaries;

"system source costs" means the total annual cost of—

- (a) operating, maintaining and administering; and
- (b) making an appropriate allowance for renewing works; and
- (c) protecting the quality of the resource—of the Headworks System, except system delivery costs;

"water right" has the same meaning as in section 230 (2) (c) of the Act;

"waterway" means the Goulburn River;

"year" means the 12 months next following 1 July.

#### 5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the waterway for the supply of water to the Toolamba Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

#### 6. Bulk Entitlement

6.1 Subject to sub-clause 7.3 and clause 8, the Authority may take up to 60 ML of water from the waterway at the specified point in any year, at a rate not exceeding 0.8 ML/day, with the security of supply specified in sub-clause 7.1.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;

- (c) for any purpose, including an in-stream use of water.

6.3 The Minister may vary the maximum rate of extraction specified under sub-clause 6.1 for the purpose of making any transfer of this bulk entitlement authorised under Division 1, Part 4 of the Act.

#### 7. Security of Supply

7.1 The entitlement specified in sub-clause 6.1 is 99% secure.

7.2 By 31 December in any year in which the Minister reviews the exchange rate, the Authority may apply to the Minister to amend the security of supply set out in sub-clause 7.1, for all or part of the annual entitlement.

7.3 After considering an application under sub-clause 7.2, the Minister may amend both the security of supply and the annual entitlement, in accordance with this clause.

7.4 If the Minister grants the application, the Minister—

- (a) must vary the annual entitlement by applying the exchange rate fixed by the Minister in that year; and
- (b) must not grant an annual entitlement which has a security of supply greater than 99%; and
- (c) must not grant an annual entitlement which has a security of supply less than 93%.

7.5 The Authority must advise the Goulburn Entitlement Holder in writing of any amendment made by the Minister under sub-clause 7.3.

#### 8. Restriction of Supply

8.1 On the first day of October, November, December and January in any year, the Goulburn Entitlement Holder must decide whether to restrict this bulk entitlement for that year.

8.2 Whenever  $V_e < V_i$ , the Goulburn Entitlement Holder may restrict this entitlement in accordance with the following formula:

$$R = A \times (V_e + V_i)$$

Where—

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

$V_e$  = the total inflow of water to Lake Eildon in the 24 months preceding the first day of the month on which the Goulburn Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Storage Operator.

$V_i$  = that amount of the total inflow of water to Lake Eildon in the 24 months preceding the month in which the calculation is made, which the Minister calculates as having the same probability of being exceeded as the security of supply specified in sub-clause 7.1 or as amended under sub-clause 7.3.

8.3 In any year in which the annual entitlement is restricted in January, on the first day of each ensuing month the Goulburn Entitlement Holder must review the restriction and—

- (a) if  $V_e \geq V_i$ , revoke the restrictions for that year; or
- (b) if  $V_e < V_i$ , amend the restricted annual entitlement to an amount which is the greater of—
  - (i)  $A \times (V_e + V_i)$  and
  - (ii) the amount determined for January under sub-clause 8.2.

8.4 The Authority's annual entitlement cannot be restricted in any year unless the Goulburn Entitlement Holder advises the Authority in writing within 14 days of a decision to restrict this entitlement under sub-clauses 8.1 and 8.2.

8.5 The Authority is not eligible for credits for any amount of the Authority's annual entitlement not taken due to any restriction imposed or removed under sub-clauses 8.2 and 8.3.

#### 9. Taking water at other works of the Authority

9.1 The Authority may take water under this entitlement for the permanent supply of water to the Toolamba Water Supply System, at the site of any of the Authority's works on the waterway, other than the specified point.

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of—

- (a) the Goulburn Entitlement Holder if water is to be taken from any waterway; and
- (b) the Distributor, if water is to be taken from the channel system.

9.3 Any agreement made under sub-clause 9.2 must make allowance for any losses or gains of water to be incurred between the specified point and the point where water is to be taken.

#### 10. Supply of Water

10.1 The Authority and the Goulburn Entitlement Holder must endeavour to agree on operational arrangements for the supply of water under this entitlement.

10.2 If the Authority and the Goulburn Entitlement Holder have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 21.

10.3 For the purpose of calculating the Authority's use of water against its annual entitlement and any charge under clause 15, only water actually taken by the Authority must be counted.

#### 11. Entitlement to Returned Water

11.1 On the application of the Authority, the Minister may grant the Authority credits to use or trade water taken under this entitlement and returned to the waterway.

11.2 The application must be made in the manner and form approved by the Minister.

11.3 The Minister may only grant a credit to use or trade water returned to the waterway where—

- (a) the returned water is only traded or taken downstream of the point of return, or upstream, by substitution in accordance with the requirements of the Goulburn Entitlement Holder; and
- (b) the Minister is satisfied that—
  - (i) the returned water has been treated to a high standard; and
  - (ii) there will be no significant adverse impact on the waterway or authorised uses of water; and
- (c) the Authority and the Goulburn Entitlement Holder have agreed to the accounting arrangements for the returned water and its use or trade.

11.4 The Authority may, with the agreement of the Distributor, use or trade water taken under this entitlement and returned to the channel system.

11.5 If the Authority and the Distributor have not reached agreement within twelve months of the Authority's written request to use or trade water returned to the channel system either of them may give written notice to the other requiring the matter to be determined by the Minister.

11.6 In determining a matter under sub-clause 11.5 the Minister must be satisfied that—

- (a) the returned water has been treated to a high standard; and
- (b) there will be no significant adverse impact on the channel system or authorised uses of water.

## 12. Metering Program

12.1 The Authority, must propose to the Minister, within 12 months of the date of this Order, a metering program to determine—

- (a) the amount of water taken by the Authority under this bulk entitlement; and
- (b) all water referred to in paragraph (a) which is returned to the waterway or the channel system for the use or trade by the Authority under clause 11—

for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

12.2 The Minister may—

- (a) approve the program proposed under sub-clause 12.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
  - (ii) to propose an amended program to the Minister.

12.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

12.4 If the Goulburn Entitlement Holder so requests in writing, the Authority must have the accuracy of metering equipment installed under sub-clause 12.3 tested.

12.5 Equipment must be tested in accordance with the relevant Australian Standards by a person or authority accredited for that purpose. If the equipment is found to be—

- (a) accurate, or inaccurate by no more than 5%, the Goulburn Entitlement Holder must pay the cost of testing it; or
- (b) inaccurate by more than 5%, the Authority must pay the cost of testing it.

## 13. Reporting Requirements

13.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:

- (a) the daily amount of water taken under this entitlement;
- (b) the annual amount of water taken under this entitlement;
- (c) the amount and location of water taken under this entitlement at any other works of the Authority;
- (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
- (e) the approval, amendment and implementation of the metering program approved under sub-clause 12.2;
- (f) any change made to the security of supply and the annual entitlement under sub-clause 7.4;
- (g) any temporary or permanent transfer of all or part of this bulk entitlement;
- (h) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Authority for the Toolamba Water Supply System;
- (i) any amendment to this bulk entitlement;
- (j) any new bulk entitlement granted to the Authority with respect to the Toolamba Water Supply System;
- (k) any failure by the Authority to comply with any provision of this bulk entitlement;
- (l) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

13.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 13.1—

- (a) in writing or in such electronic form as may be agreed between the Authority and the Minister; and

- (b) within 14 days of receiving the Minister's written request.

13.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 13.1, except—

- (a) paragraph (a) of sub-clause 13.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 13.1.

13.4 The Authority may be required to report to—

- (a) either or both of the Goulburn Entitlement Holder and the Resource Manager, as the case may require, from time to time, on all or any of the matters set out in sub-clause 13.1; and
- (b) the Distributor, from time to time, on matters set out in paragraphs (a) to (d) of sub-clause 13.1.

13.5 Any report under sub-clause 13.4 must be made—

- (a) in such form as may be agreed between the Authority and the person to whom the report is made; and
- (b) unless that Authority and the person agree otherwise—
  - (i) within 24 hours of the Authority receiving a request for a report on the matter set out in paragraphs (a) to (d) of sub-clause 13.1; or
  - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (e) to (l) of sub-clause 13.1.

#### 14. Water Supply Source Costs

14.1 The Authority must pay the Goulburn Entitlement Holder an annual charge in return for the security of supply attached to the annual entitlement, calculated as follows:

$$C_s = \$ (A \times E + Y) \times (S + R)$$

where—

$C_s$  = the source charge.

$A$  = the annual entitlement.

$E$  = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.

$Y$  = the average annual amount of water that can be supplied by the Goulburn Entitlement Holder at a security of supply of 97% from the Headworks System.

$S$  = the system source costs estimated by the Storage Operator for the year for which the charge is calculated.

$R$  = return to Headworks System equity holders for the year for which the charge is calculated.

14.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.

#### 15. Water Supply Delivery Costs

The Authority must pay the Goulburn Entitlement Holder an annual delivery charge for water taken from the waterway, calculated as follows:

$$C_D = \$ D \times M + T$$

where—

$C_D$  = the delivery charge for water taken from the waterway.

$D$  = the total Headworks System delivery costs estimated by the Storage Operator to be incurred for the year for which the charge is calculated.

$M$  = the amount of water taken and measured in accordance with sub-clause 12.3.

$T$  = the average annual amount of water actually supplied to all users from the Headworks System for the previous ten years.

#### 16. Water Accounting

16.1 For the purpose of—

- (a) determining how much water has been taken by the Authority under its annual entitlement; and
- (b) calculating the annual delivery charge under clause 15—

the amounts measured under sub-clause 12.3 (b) are conclusive.

16.2 If the equipment referred to in sub-clause 12.3 (b) fails for any reason to operate accurately or correctly for any period, the amounts for the purpose of sub-clause 16.1 are deemed to be the same as the average amount taken by the Authority under its annual entitlement for the same period for the preceding three years.

#### 17. Water Accounts Costs

17.1 Subject to sub-clause 18.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs of preparing annual Goulburn Basin Water Accounts.

17.2 The proportion of the costs referred to in sub-clause 17.1 is to be determined by the Resource Manager under sub-clause 18.3.

18. Duty to keep accounts and fix proportions

18.1 The Authority is not obliged to make any payment to—

- (a) the Goulburn Entitlement Holder, under clause 14 or 15; or
- (b) the Resource Manager, under clause 17—

unless the person to whom payment is to be made chooses to comply with the provisions of this clause relevant to those payments.

18.2 Separate accounts of all costs and payments must be kept—

- (a) by the Goulburn Entitlement Holder, in respect to sub-clause 14.1 and clause 15; and
- (b) by the Resource Manager, in respect to sub-clause 17.1.

18.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 17.1.

18.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

19. Duty to Make Payments

Any amount payable by the Authority—

- (a) under clause 14 or 15 must be paid quarterly; and
- (b) under clause 17 must be paid—

in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.

20. Data

20.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority, free of charge.

20.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 12 and 13 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

21. Dispute Resolution

21.1 If any difference or dispute arises between the Authority, the Minister and, with their consent, the Distributor, the Goulburn

Entitlement Holder, the Resource Manager or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.

21.2 The independent expert will be either—

- (a) a person agreed on by the parties to the difference or dispute; or
- (b) if those parties cannot agree, a person nominated by the Minister.

21.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.

21.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.

21.5 (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.

(b) The Minister must consider any recommendation made under paragraph (a) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.

21.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.

21.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Dated 21 August 1995

GEOFF COLEMAN

Minister administering the **Water Act 1989**

**Water Act 1989**

**BULK ENTITLEMENT (UPPER DELATITE)  
CONVERSION ORDER 1995**

I, Charles Geoffrey Coleman, as Minister administering the **Water Act 1989**, make the following Order—

1. Citation

This Order may be cited as the Bulk Entitlement (Upper Delatite) Conversion Order 1995.

## 2. Empowering Provisions

This Order is made under sections 43 and 47 of the **Water Act 1989**.

## 3. Commencement

This Order comes into operation on the day it is published in the Government Gazette.

## 4. Definitions

In this Order—

“Act” means the **Water Act 1989**;

“annual entitlement” means the total amount of water which the Authority may take from the waterway in any year;

“Authority” means the Mid-Goulburn Regional Water Board;

“entitlement holder” means a person holding a bulk entitlement under the Act;

“Goulburn Basin Water Accounts” means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Goulburn Basin, with the terms of their bulk entitlements or licences;

“licence” means any licence granted under Part 4 of the Act;

“passing flow” means an amount of the flow past the specified point which must pass to the waterway immediately downstream of the Upper Delatite Diversion Weir;

“Resource Manager” means any person appointed by the Minister to do all or any of the following—

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act;

“specified point” means immediately upstream of the Upper Delatite Diversion Weir on the waterway;

“waterway” means the Delatite River;

“year” means the 12 months next following 1 July.

## 5. Conversion to a Bulk Entitlement

All of the Authority’s entitlement to take water from the waterway to supply water to the Upper Delatite Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

## 6. Bulk Entitlement

6.1 The Authority may take the share of flow in the waterway specified in clause 7, up to a total of 235 ML in any year.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

## 7. Share of Flow

7.1 The Authority may take a share of the flow in the waterway passing the specified point, calculated as follows:

- (a) when  $F \leq 5.0 \text{ ML/day}$ ,  
 $E = 0$ , and
- (b) when  $5.0 < F \leq 7.8 \text{ ML/day}$ ,  
 $E = F - 5.0 \text{ ML/day}$ , and
- (c) when  $F > 7.8 \text{ ML/day}$ ,  
 $E = 2.8 \text{ ML/day}$ .

where—

“E” means the Authority’s entitlement; and

“F” means the flow past the specified point less any amount of water under transfer pursuant to sub-clause 7.2.

7.2 The Authority is not entitled to any flow past the specified point, as part of its bulk entitlement, which is being transferred by the holder of—

- (a) any other bulk entitlement or licence held by another person; or
- (b) any licence—

to a transferee pursuant to the Act.

## 8. Making Allowances

8.1 In calculating water available to the Authority under this bulk entitlement at any point downstream of the specified point, allowance must be made for—

- (a) any losses of water incurred between that point and the specified point; and
- (b) the time taken by the flow to reach that point from the specified point.

8.2 If the Authority proposes to take water under this entitlement from a point other than the specified point, it must first—

- (a) propose to the Minister—
  - (i) fair, reasonable and representative means for calculating the allowances required by sub-clause 8.1; and
  - (ii) details of the proposed location and amount of the extraction; and
- (b) ascertain and provide the Minister with any operational requirements of the Resource Manager; and
- (c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.

8.3 The Minister may—

- (a) approve a proposal made under sub-clause 8.2; or
- (b) require the Authority to amend the proposal; and
- (c) require the Authority—
  - (i) to review all or part of any proposal approved by the Minister if, in the Minister's opinion, it is, at any time, no longer fair, reasonable or representative; and
  - (ii) to make an amended proposal to the Minister.

8.4 The Authority must—

- (a) advise the Resource Manager in writing within 14 days of any proposal approved by the Minister under sub-clause 8.3; and
- (b) provide the Resource Manager with such other information concerning the proposed diversion as the Resource Manager may, from time to time, require.

#### 9. Environmental Obligations

9.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a program to manage the environmental effects of the Authority's works to take water under this bulk entitlement which includes—

- (a) impacts on the bed and banks of the waterway in the vicinity of the Authority's works; and
- (b) operational practices to remove silt from works; and

- (c) operational practices to manage the water quality in works on the waterway.

9.2 The Minister may—

- (a) approve the program proposed under sub-clause 9.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
  - (ii) to propose an amended program to the Minister.

9.3 The Authority, must at its cost—

- (a) implement the approved program; and
- (b) keep a record of all work undertaken under paragraph (a).

#### 10. Metering Program

10.1 The Authority, must propose to the Minister, within 12 months of the date of this Order, a metering program to determine—

- (a) subject to clause 15, the flow of the waterway at the specified point, or at any other point from which water is taken under this entitlement; and
- (b) the amount of water taken by the Authority under this bulk entitlement—

for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

10.2 The metering program prepared under sub-clause 10.1 must include details of any agreement between the Authority and any other person for measuring and calculating instream flows.

10.3 The Minister may—

- (a) approve the program proposed under sub-clause 10.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
  - (ii) to propose an amended program to the Minister.

10.4 The Authority, must at its cost—

- (a) implement the approved metering program; and



- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

#### 11. Reporting Requirements

11.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:

- (a) subject to clause 15, the flow past the specified point;
- (b) subject to clause 15, the passing flow;
- (c) the daily amount of water taken by the Authority from the waterway;
- (d) the approval, amendment and implementation of programs under clauses 9 and 10;
- (e) the annual amount of water taken under this entitlement;
- (f) any temporary or permanent transfer of all or part of this bulk entitlement;
- (g) any bulk entitlement or licence in respect of the waterway temporarily or permanently transferred to the Authority with respect to the Upper Delatite Water Supply System;
- (h) any amendment to this bulk entitlement;
- (i) any new bulk entitlement granted to the Authority with respect to the Upper Delatite Water Supply System;
- (j) any failure by the Authority to comply with any provision of this bulk entitlement;
- (k) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

11.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 11.1—

- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
- (b) within 14 days of receiving the Minister's written request.

11.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 11.1, except—

- (a) paragraphs (a), (b) and (c) of sub-clause 11.1; and

- (b) with the approval of the Minister, any particular failure referred to in paragraph (j) of sub-clause 11.1.

11.4 The Resource Manager may require the Authority to report to it, from time to time, on all or any of the matters set out in sub-clause 11.1.

11.5 Any report under sub-clause 11.4 must be made—

- (a) in such form as may be agreed between the Authority and the Resource Manager; and
- (b) unless the Authority and the Resource Manager agree otherwise—
  - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in paragraphs (a) to (c) of sub-clause 11.1; or
  - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (d) to (k) of sub-clause 11.1

#### 12. Water Resource Management Costs

12.1 Subject to sub-clause 13.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to—

- (a) prepare the Goulburn Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Goulburn Basin comply with the conditions of their bulk entitlements; and
- (c) direct the release of any water set aside for maintaining water quality in the Goulburn River; and
- (d) investigate and mediate disputes between entitlement holders in the Goulburn Basin; and
- (e) investigate and deal with significant unauthorised uses of water in the Goulburn Basin; and
- (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act.

12.2 The proportion of the costs referred to in sub-clause 12.1 is to be determined by the Resource Manager under sub-clause 13.3.

#### 13. Duty to keep accounts and fix proportions

13.1 The Authority is not obliged to make any payment to the Resource Manager, under clause 12 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.

13.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to sub-clause 12.1.

13.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 12.1.

13.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

#### 14. Duty to Make Payments

Any amount payable by the Authority under sub-clause 12.1 must be paid in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and Resource Manager agree otherwise.

#### 15. Exemption from Metering and Reporting

If the Authority installs works at or near each point at which it takes water from the waterway under this bulk entitlement which, in the opinion of the Resource Manager, automatically ensure that only water to which the Authority is entitled is taken by it, the Authority is exempted from—

- (a) the metering requirements of sub-clause 10.1 (a); and
- (b) the reporting requirements of sub-clause 11.1 (a) and (b).

#### 16. Data

16.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority, free of charge.

16.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 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.

Dated 21 August 1995

GEOFF COLEMAN  
Minister administering the **Water Act 1989**

#### **Water Act 1989**

#### **BULK ENTITLEMENT (WOODS POINT) CONVERSION ORDER 1995**

I, Charles Geoffrey Coleman, Minister administering the **Water Act 1989**, make the following Order—

##### 1. Citation

This Order may be cited as the Bulk Entitlement (Woods Point) Conversion Order 1995.

##### 2. Empowering Provisions

This Order is made under sections 43 and 47 of the **Water Act 1989**.

##### 3. Commencement

This Order comes into operation on the day it is published in the Government Gazette.

##### 4. Definitions

In this Order—

"Act" means the **Water Act 1989**;

"annual entitlement" means the total amount of water which the Authority may take from the waterway in any year;

"Authority" means the Mid-Goulburn Regional Water Board;

"entitlement holder" means a person holding a bulk entitlement under the Act;

"Goulburn Basin Water Accounts" means an annual report, required by the Minister, on compliance by entitlement holders and licensees, respectively, in the Goulburn Basin, with the terms of their bulk entitlements or licences;

"licence" means any licence granted under Part 4 of the Act;

"Resource Manager" means any person appointed by the Minister to do all or any of the following—

- (a) preparing the Goulburn Basin Water Accounts; and
- (b) monitoring whether entitlement holders in the Goulburn Basin comply with the conditions of their bulk entitlements; and
- (c) directing the release of any water set aside for maintaining water quality in the Goulburn River; and
- (d) investigating and mediating disputes between entitlement holders in the Goulburn Basin; and
- (e) investigating and dealing with significant unauthorised use of water in the Goulburn Basin; and
- (f) supervising 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 Woods Point Diversion Weir on the waterway;

"waterway" means the Brewery Creek;

"year" means the 12 months next following 1 July.

#### 5. Conversion to a Bulk Entitlement

All of the Authority's entitlement to take water from the waterway to supply water to the Woods Point Water Supply System is converted to a bulk entitlement on the conditions set out in this Order.

#### 6. Bulk Entitlement

6.1 The Authority may take the share of flow in the waterway specified in clause 7, up to a total of 21 ML in any year.

6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred—

- (a) temporarily or permanently;
- (b) in whole or in part;
- (c) for any purpose, including an in-stream use of water.

#### 7. Share of Flow

7.1 The Authority may take a share of the flow in the waterway passing the specified point, calculated as follows:

- (a) when  $0 < F \leq 0.2$  ML/day,  
 $E = F$ , and
- (b) when  $F > 0.2$  ML/day,  
 $E = 0.2$  ML/day.

where—

"E" means the Authority's entitlement; and

"F" means the flow past the specified point.

7.2 The Authority is not entitled to any flow past the specified point under transfer of any other bulk entitlement or licence held by another person.

#### 8. Making Allowances

8.1 In calculating water available to the Authority under this bulk entitlement at any point downstream of the specified point, allowance must be made for—

- (a) any losses of water incurred between that point and the specified point; and
- (b) the time taken by the flow to reach that point from the specified point.

8.2 If the Authority proposes to take water under this entitlement from a point other than the specified point, it must first—

- (a) propose to the Minister—
  - (i) fair, reasonable and representative means for calculating the allowances required by sub-clause 8.1; and
  - (ii) details of the proposed location and amount of the extraction; and
- (b) ascertain and provide the Minister with any operational requirements of the Resource Manager; and
- (c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.

8.3 The Minister may—

- (a) approve a proposal made under sub-clause 8.2; or
- (b) require the Authority to amend the proposal; and

- (c) require the Authority—
  - (i) to review all or part of any proposal approved by the Minister if, in the Minister's opinion, it is, at any time, no longer fair, reasonable or representative; and
  - (ii) to make an amended proposal to the Minister.

#### 8.4 The Authority must—

- (a) advise the Resource Manager in writing within 14 days of any proposal approved by the Minister under sub-clause 8.3; and
- (b) provide the Resource Manager with such other information concerning the proposed diversion as the Resource Manager may, from time to time, require.

#### 9. Environmental Obligations

9.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a program to manage the environmental effects of the Authority's works to take water under this bulk entitlement which includes—

- (a) impacts on the bed and banks of the waterway in the vicinity of the Authority's works; and
- (b) operational practices to remove silt from, and in the vicinity of, 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 management program; and
- (b) keep a record of all work undertaken under paragraph (a).

#### 10. Metering Program

10.1 The Authority, must propose to the Minister, within 12 months of the date of this Order, a metering program to determine the

amount of water taken by the Authority under this bulk entitlement for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

#### 10.2 The Minister may—

- (a) approve the program proposed under sub-clause 10.1; or
- (b) require the Authority to amend the proposed program; and
- (c) require the Authority—
  - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
  - (ii) to propose an amended program to the Minister.

#### 10.3 The Authority, must at its cost—

- (a) implement the approved metering program; and
- (b) operate and maintain metering equipment in good condition and periodically re-calibrate it in accordance with any guidelines issued by the Minister; and
- (c) keep a record of all work undertaken under paragraph (b).

#### 11. Reporting Requirements

11.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:

- (a) the daily amount of water taken by the Authority from the waterway;
- (b) the approval, amendment and implementation of programs under clauses 9 and 10;
- (c) the annual amount of water taken under this entitlement;
- (d) any temporary or permanent transfer of all or part of this bulk entitlement;
- (e) any bulk entitlement or licence in respect of the waterway temporarily or permanently transferred to the Authority with respect to the Woods Point Water Supply System;
- (f) any amendment to this bulk entitlement;
- (g) any new bulk entitlement granted to the Authority with respect to the Woods Point Water Supply System;
- (h) any failure by the Authority to comply with any provision of this bulk entitlement;

- (i) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.

11.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 11.1—

- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
- (b) within 14 days of receiving the Minister's written request.

11.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 11.1, except—

- (a) paragraph (a) of sub-clause 11.1; and
- (b) with the approval of the Minister, any particular failure referred to in paragraph (h) of sub-clause 11.1.

11.4 The Resource Manager may require the Authority to report to it from time to time, on all or any of the matters set out in sub-clause 11.1.

11.5 Any report under sub-clause 11.4 must be made—

- (a) in such form as may be agreed between the Authority and the Resource Manager; and
- (b) unless the Authority and the Resource Manager agree otherwise—
  - (i) within 24 hours of the Authority receiving a request for a report on the 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 in—

- (a) preparing the Goulburn Basin Water Accounts; and
- (b) monitoring whether entitlement holders in the Goulburn Basin comply with the conditions of their bulk entitlements; and
- (c) directing the release of any water set aside for maintaining water quality in the Goulburn River; and

- (d) investigating and mediating disputes between entitlement holders in the Goulburn Basin; and

- (e) investigating and dealing with significant unauthorised use of water in the Goulburn Basin; and

- (f) supervising the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act.

12.2 The proportion of the costs referred to in sub-clause 12.1 is to be determined by the Resource Manager under sub-clause 13.3.

## 13. Duty to keep accounts and fix proportions

13.1 The Authority is not obliged to make any payment to the Resource Manager, under clause 12 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.

13.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to sub-clause 12.1.

13.3 The Resource Manager must, by 1 July in any year, determine, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 12.1.

13.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

## 14. Duty to Make Payments

Any amount payable by the Authority under sub-clause 12.1 must be paid in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.

## 15. Data

15.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority, free of charge.

15.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 10 and 11 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

## 16. Dispute Resolution

16.1 If any difference or dispute arises between the Authority, the Minister and, with its consent, the Resource Manager, or any of them (the "parties") concerning the interpretation or

application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.

16.2 The independent expert will be either—

- (a) a person agreed on by the parties to the difference or dispute; or
- (b) if those parties cannot agree, a person nominated by the Minister.

16.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.

16.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.

16.5 (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.

(b) The Minister must consider any recommendation made under paragraph (a) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.

16.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.

16.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Dated 21 August 1995

GEOFF COLEMAN  
Minister administering the **Water Act 1989**

**Industrial and Provident Societies Act 1958**  
**CANCELLATION OF REGISTRATION OF**  
**SOCIETY**

Notice is hereby given that the registration of The Co-operative Credit Society of Victoria Limited was cancelled on 14 September 1995 pursuant to section 9 (1) (b) of the **Industrial and Provident Societies Act 1958**.

DAVID LAFRANCHI  
Delegate of the Victorian Financial  
Institutions Commission

**DEPARTMENT OF CONSERVATION AND**  
**NATURAL RESOURCES**  
Notice of Exchange of Land

I, Mark Alexander Birrell, the Honourable Minister for Conservation and Environment do hereby give notice that, after the expiry of at least 14 days from the date of publication of this notice, I intend to enter into an agreement with Adelaide Brighton Cement Ltd of 296 St. Vincent Street, Port Adelaide, South Australia to exchange the Crown land being Crown Allotments 7A and 9A of Section A, Parish of Moorpanyal as shown on Certified Plan No. CP 112762 for the freehold land situated within Section A, Parish of Moorpanyal and described as Lots 3 and 8 on Plan of Subdivision No. PS 332100U and the freehold land situated within the Parish of Gherineghap and described as Lots 1 and 2 on Plan of Subdivision No. PS 332113K. (Applicable Certificates of Title: C/T Volume 10178 Folio 516; C/T Volume 10178 Folio 521; C/T Volume 10196 Folio 669 and C/T Volume 10196 Folio 670). Reference G 60472.

**Trustee Act 1958**

**SECTION 4 (1) (r)**

**Approval**

I, Hugh Malcolm Walter, Commissioner for Corporate Affairs for the State of Victoria pursuant to Rule 6 of the Trustee (Unit Trust) Regulations 1988 hereby approve the alterations to the Deed of Trust dated 21 October 1993 (as amended) between National Australia Fund Management Limited (the Manager) and Sandhurst Trustees Limited (the Trustee) in relation to the National Select Cash Trust National Select Fixed Interest Trust and National Select Capital Secure Trust (the approved trusts) as set out in the second Supplemental Deed dated 14 August 1995 between the Manager and the Trustee in relation to the approved trusts.

Given under my hand and seal on 15  
September 1995

HUGH MALCOLM WALTER  
Commissioner for Corporate Affairs

**Survey Co-ordination Act 1958**  
**PLACE NAMES COMMITTEE**

**1. Notice of Assignment of Place Names**

The Place Names Committee hereby gives notice that it has assigned the undermentioned place names in respect of which no objections to the previously published proposals were received.

<i>File No.</i>	<i>Place Name</i>	<i>Location</i>
1466	Alfred Thomas Sparke Reserve	Yarra Ranges Shire Council. A municipal reserve situated off the Warburton Highway, Warburton.
1466	Edwin Spencer Burr Reserve	Yarra Ranges Shire Council. A municipal reserve situated off the Launching Place-Gembrook Road, Hoddles Creek.
1466	George Sutherland Reserve	Yarra Ranges Shire Council. A municipal reserve situated off Cavanagh Road, Millgrove.
1466	Staff Burrows Reserve	Yarra Ranges Shire Council. A municipal reserve situated at the corner of Healesville- Koo-Wee-Rup Road and Shevlins Lane, Woori Yallock.
1466	Surrey Road Reserve	Yarra Ranges Shire Council. A municipal reserve situated off Surrey Road, Powelltown.
1466	Symes Road Reserve	Yarra Ranges Shire Council. A municipal reserve situated off Symes Road, Woori Yallock.
1466	Wesburn Park	Yarra Ranges Shire Council. A municipal reserve situated at the corner of the Warburton Highway and Old Warburton Road, Wesburn.
1466	Yarra Square	Yarra Ranges Shire Council. A municipal reserve situated between Thomas Avenue and the Warburton Highway, Warburton.
1466	Yarra View Park	Yarra Ranges Shire Council. A municipal reserve situated off Middleton Drive, Woori Yallock.
1538	Bungalook Conservation Reserve	City of Maroondah. A group of reserves situated off Tereddan Drive, Kilsyth.
1539	Brentwood Park Primary School	Directorate of School Education. A new school located off Bemersyde Drive, Berwick.
1540	Annettes Place	Urban Land Authority. An area of land located between River Street and the Yarra River, Richmond.
1541	Gormandale and District Primary School	Directorate of School Education. As a result of a merger between the Gormandale and Gormandale East Primary Schools, to take away those names and assign the name as shown. The school is located off the Gormandale-Stradbroke Road, Gormandale.
1542	Somerville Rise Primary School	Directorate of School Education. A new school located off Blacks Camp Road, Somerville.
1270	Camperdown College: Wilson St. Campus (Secondary) Brooke St. (Primary)	Directorate of School Education. As a result of a merger between the Camperdown Primary and High Schools, to take away those names and assign the name as shown.

## 2. Notice of Alteration of Place Names

The Place Names Committee hereby gives notice that it has altered the undermentioned place names in the manner indicated and in respect of which no objections to the previously published proposals were received.

<i>File No.</i>	<i>New Name</i>	<i>Former Name</i>
1270	Bundoora Secondary College	Greenwood Secondary College.
1543	Apollo Bay P-12 College	Apollo Bay Higher Elementary School.

## 3. Notice of Proposal to Assign Place Names

The Place Names Committee gives notice that it proposes to assign the undermentioned place names. Any objections to a proposed name must be in writing (stating the reasons therefore) and be lodged with the Secretary to the Committee within two months of the publication of this notice.

<i>File No.</i>	<i>Place Name</i>	<i>Location</i>
1521	Abbinga Reservoir	Proposal from the former Euroa-Nagambie Regional Water Authority to name a reservoir situated between Millards Lane and Seven Creeks, approximately 6.5 kms south-east of Euroa.
1466	Sheepstation Creek Reserve	Proposal from the Yarra Ranges Shire Council to name a municipal reserve situated at the corner of Healesville-Koo-Wee-Rup Road and Sheep Station Creek Road, Yellingbo.
1547	Candlebark Park	Proposal from the Melbourne Parks & Waterways to name an area of parkland within the network of parks known as the Yarra Parklands, adjacent to the Yarra River, Templestowe.

## 4. Notice of Proposal to Alter a Place Names

The Place Names Committee hereby gives notice that it proposes to alter the undermentioned place names in the manner indicated. Any objections to a proposal must be in writing (stating the reasons therefore) and be lodged with the Secretary to the Committee within two months of the publication of this notice.

<i>File No.</i>	<i>Present Name</i>	<i>Proposed Name</i>
1466	South Melbourne (that part bounded by St Kilda Road, Dorcas Street, Kings Way, Dodds Street and Grant Street, within the City of Melbourne)	Southbank

Place Names Committee, care of the Office of Surveyor-General, 5th Floor, 436 Lonsdale Street, Melbourne.

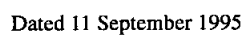
RON McLEOD  
Secretary

**Road Safety Act 1986****ORDER UNDER SECTION 98 ROAD SAFETY ACT 1986 EXTENDING PROVISIONS TO LONGERENONG COLLEGE OF MELBOURNE UNIVERSITY LAND**

I, William Robert Baxter, the Minister for Roads and Ports, under section 98 of the **Road Safety Act 1986** by this Order extend the application of:

- (a) Section 59, 64, 65, 76, 77, 85-90, 99 and 100 of that Act; and
  - (b) The Road Safety (Traffic) Regulations 1988; and
  - (c) Parts 7 and 8 and Schedules 5 and 6 of the Road Safety (Procedures) Regulations 1988,
- to land owned by the University of Melbourne (Longerenong College) with the Horsham Rural City Council, particulars of which are shown on the attached plan.





951682—5

**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 25 October 1995.

Notice of any objection to the granting of an application should be forwarded to reach the Secretary of Transport, care of the Tow Truck Directorate of Victoria, 560 Lygon Street, Carlton (P.O. Box 160, Carlton South 3053) not later than 19 October 1995.

It will not be necessary for interested parties to appear on the date specified, unless advised in writing.

R. B. W. Pty Ltd, Richmond. Application for variation of conditions of tow truck licence numbers TOW105 and TOW808 which authorise the licensed vehicle to be controlled and operated from a depot situated at 77 Burnley Street, Richmond to change the depot address to 449 Bridge Road, Richmond.

Kerrigans Towing Service Pty Ltd, Doncaster. Application for variation of conditions of tow truck licence number TOW636 which authorise the licensed vehicle to be controlled and operated from a depot situated at 720 Station Street, Box Hill to change the depot address to 2 Rose Street, Doncaster.

Leonello Service Centre Pty Ltd, Macedon. Application for variation of conditions of tow truck licence number TOW618 which authorise the licensed vehicle to be controlled and operated from a depot situated at Calder Highway, Macedon to change the depot address to Lot 1 Reserve Road, Melton.

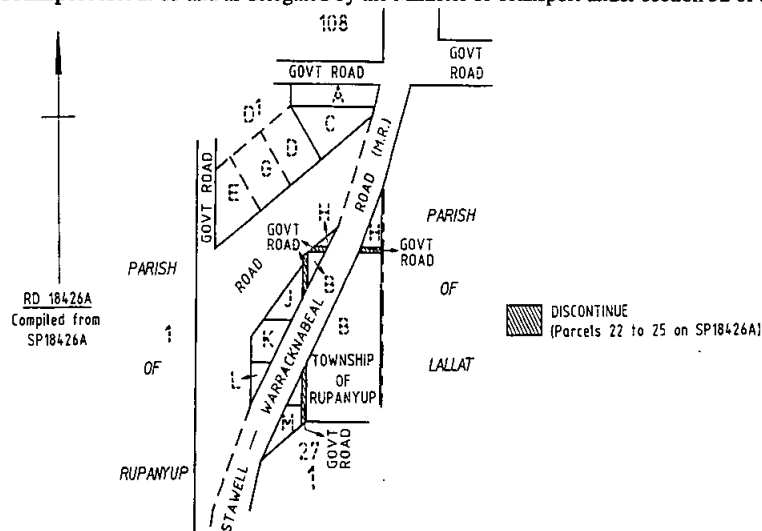
*Note:* This licence is currently under consideration for transfer to Melton Body Works Pty Ltd, Melton.

Dated 21 September 1995

JOHN McMILLAN  
 Secretary of Transport

**Transport Act 1983**  
**DISCONTINUANCE OF ROADS OR PARTS OF ROADS AND SALE OF SURPLUS LAND**

The Roads Corporation, in pursuance of the powers conferred by the Clause 2 Schedule 4 of the **Transport Act 1983**, upon publication of this notice hereby discontinues the roads or parts of roads shown hatched on the plan hereunder and approves the sale of surplus land as provided in section 47 of the **Transport Act 1983** and as delegated by the Minister of Transport under section 32 of the Act.

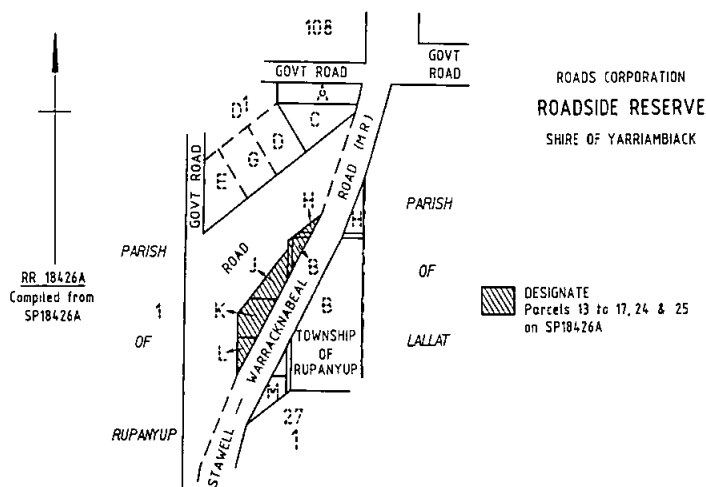


Dated 7 September 1995

COLIN JORDAN  
 Chief Executive, Roads Corporation

**Transport Act 1983****DESIGNATION OF ROADSIDE RESERVES**

The Roads Corporation, pursuant to section 16 (1) (e) of the **Transport Act 1983**, upon publication of this notice designates the area of land shown hatched on the plan below as Roadside Reserve for the purposes of the **Transport Act 1983** and any subordinate legislation.



Dated 8 September 1995

COLIN JORDAN  
Chief Executive, Roads Corporation

**Transport Act 1983**  
**ROAD DECLARATIONS AND**  
**DEDICATIONS**

The Roads Corporation pursuant to the **Transport Act 1983**, upon publication of this notice declares, or varies the declaration of, the roads as described below and on the plans attached, and further declares that such roads are fit to be used as a public highway and are now absolutely dedicated to the public for use as public highways within the meaning of any law now or hereafter in force.

**STATE HIGHWAY**

167/95 South Gippsland Highway in the Shire of South Gippsland shown hatched and cross hatched on plan numbered GP 18254.

168/95 Princes Highway in the Shire of East Gippsland shown hatched on plan numbered GP 18691.

169/95 Strzelecki Highway in the Shire of La Trobe shown hatched and cross hatched on plans numbered GP 16706A, GP 16706B, GP 16707, GP 16708 and GP 16709.

170/95 Princes Highway in the Shire of East Gippsland shown hatched on plan numbered GP 18773.

**MAIN ROAD**

171/95 Korumburra-Warragul Road in the Shire of Baw Baw shown hatched and cross hatched on plans numbered GP 17279 and GP 17280.

172/95 Nerrena Road in the Shire of South Gippsland shown hatched on plans numbered GP 18108, GP 18109A, GP 18109B, GP 18110 and GP 18111.

173/95 Cape Otway Road in the Shire of Colac-Otway and the Surf Coast Shire depicted by a heavy line on plan numbered GP 141-MR.

**ROAD**

174/95 Balfour Road in the Shire of Baw Baw shown hatched on plan numbered GP 17275A.

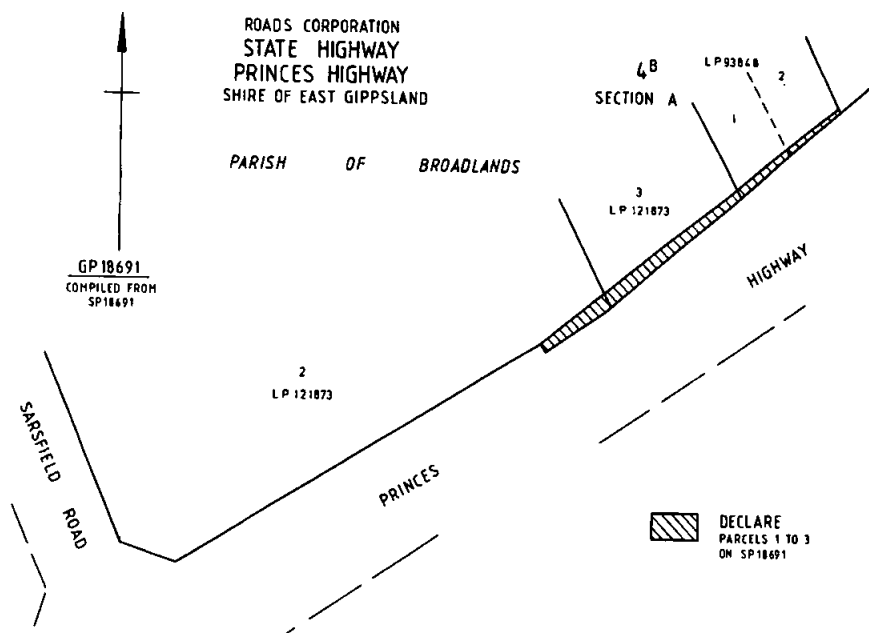
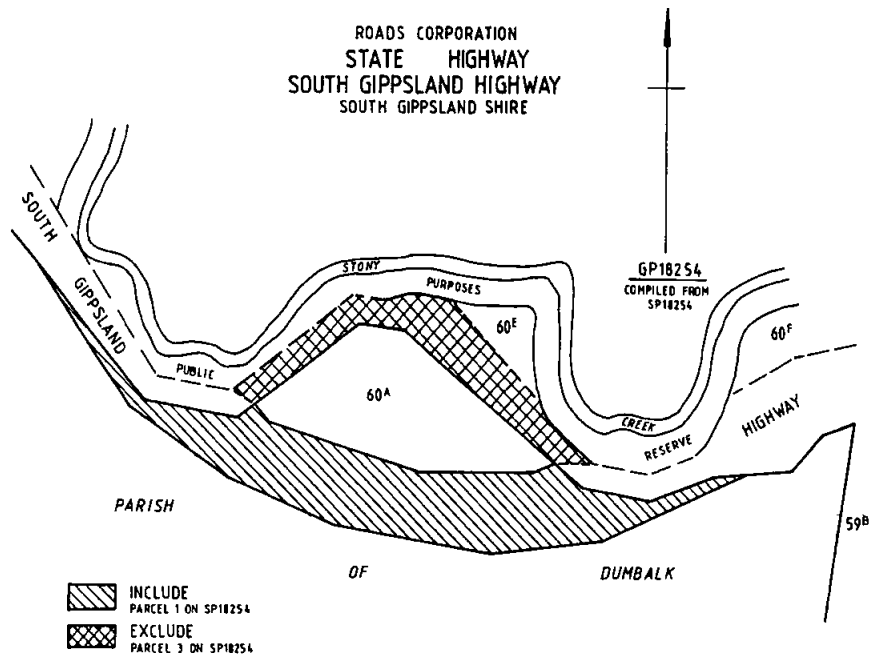
175/95 Lardners Track and Burke Street in the Shire of Baw Baw shown hatched and cross hatched on plan numbered GP 17276A.

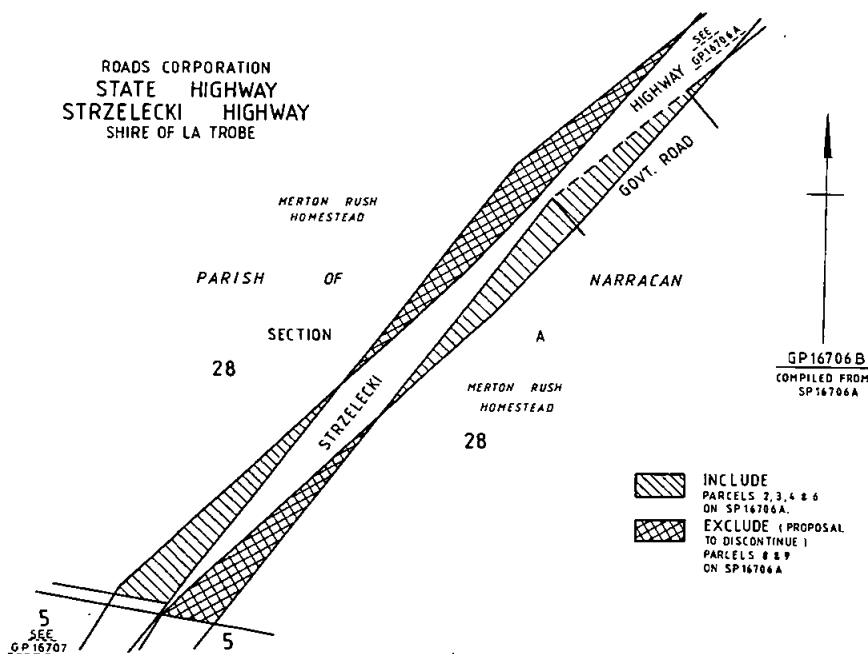
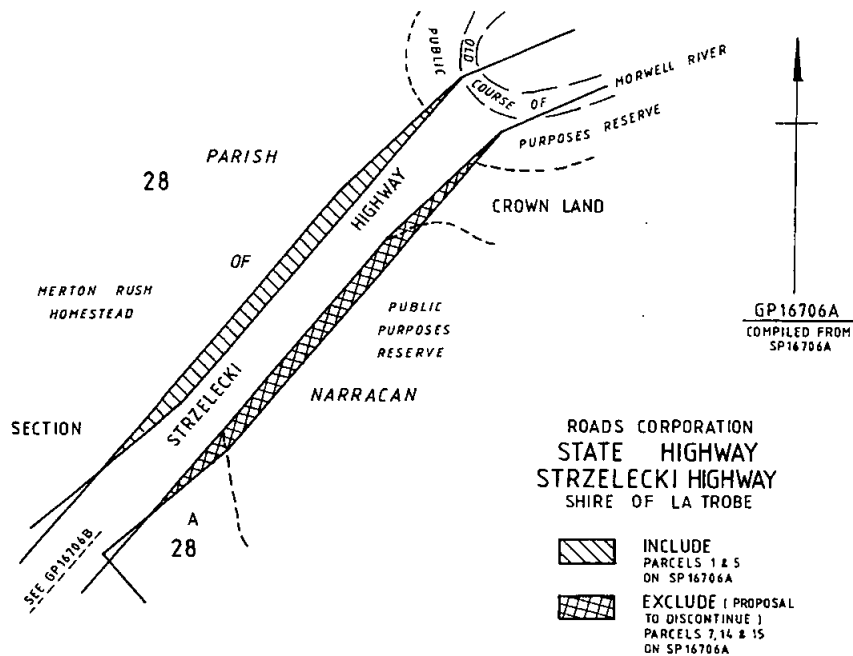
176/95 Skidders Road, Burke Road and King Street in the Shire of Baw Baw shown hatched on plan numbered GP 17277.

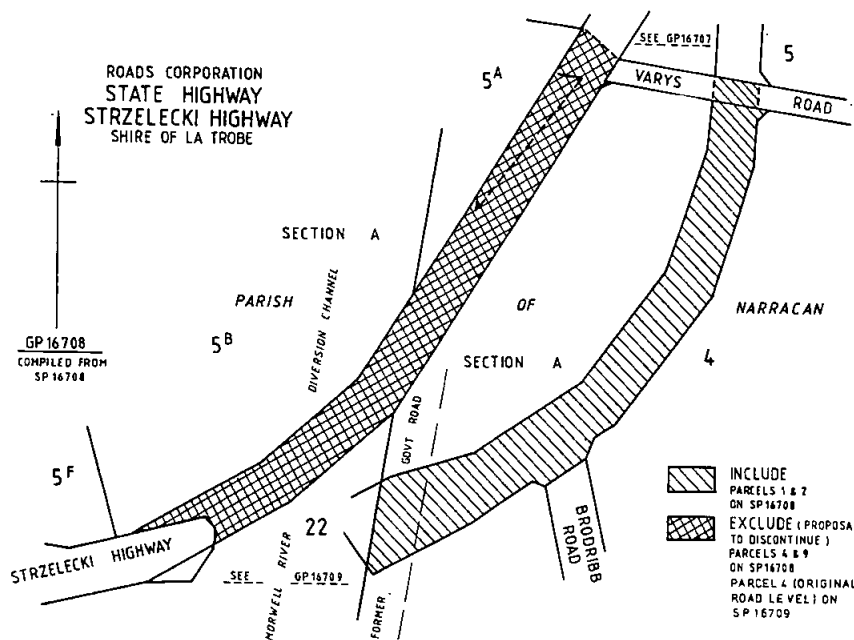
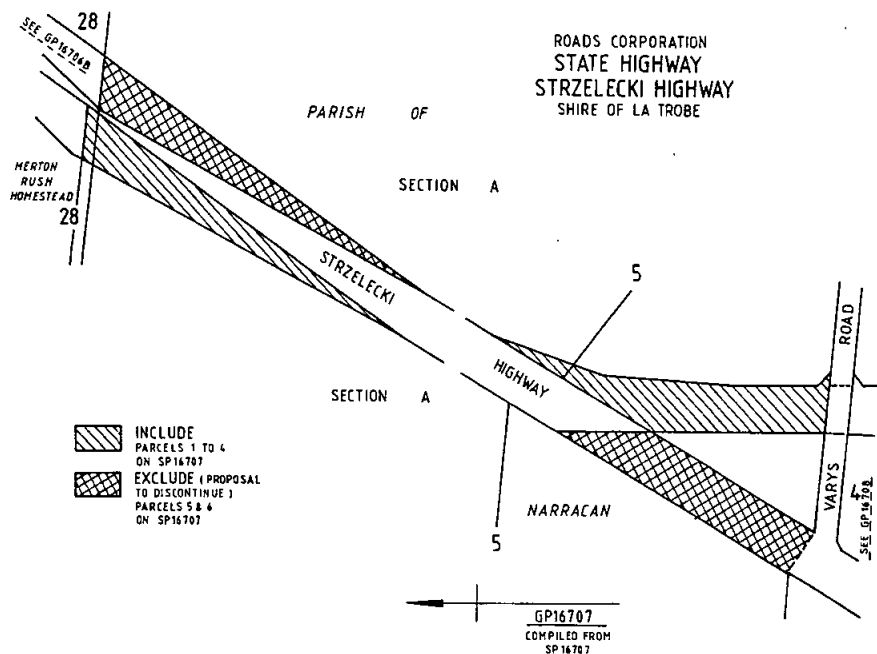
177/95 Bona Vista Road in the Shire of Baw Baw shown hatched on plan numbered GP 17280A.

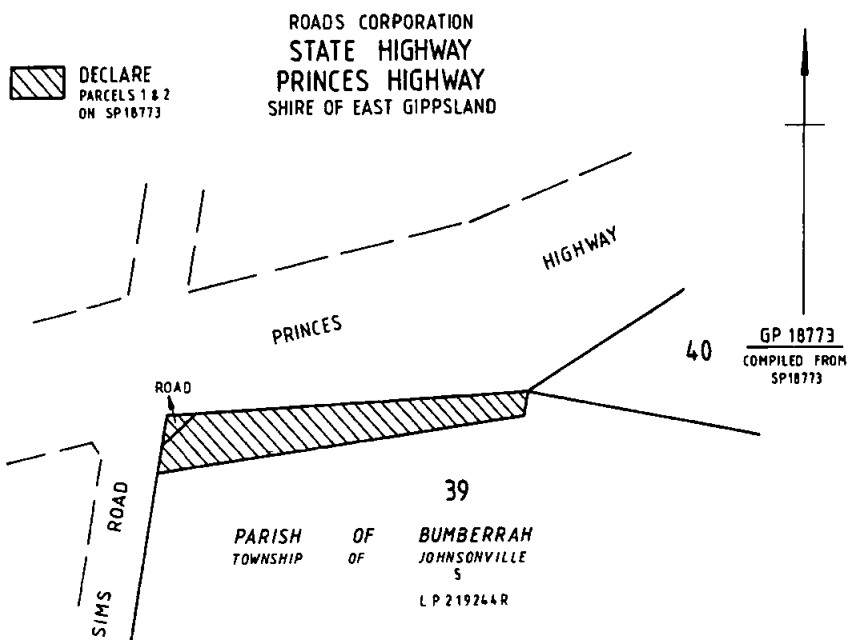
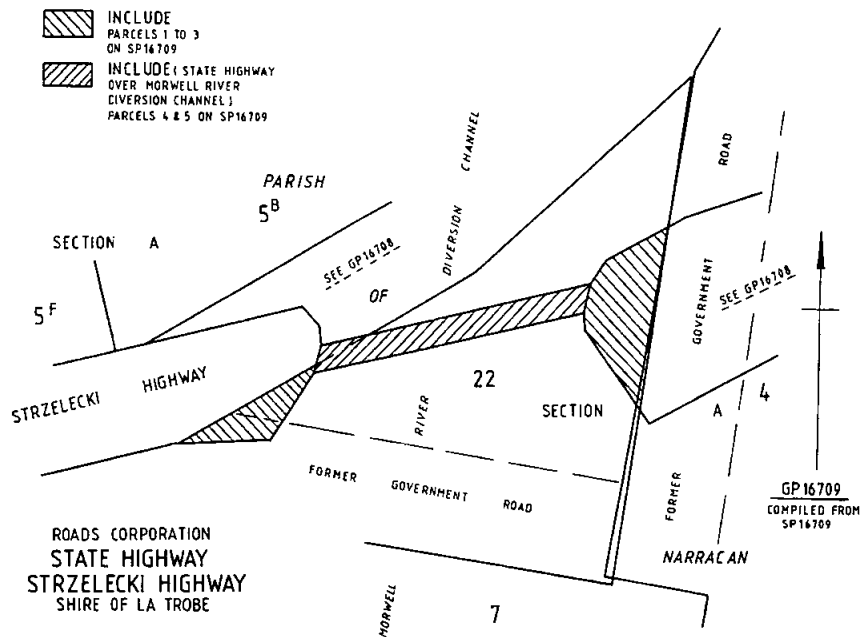
2674 G 37 21 September 1995

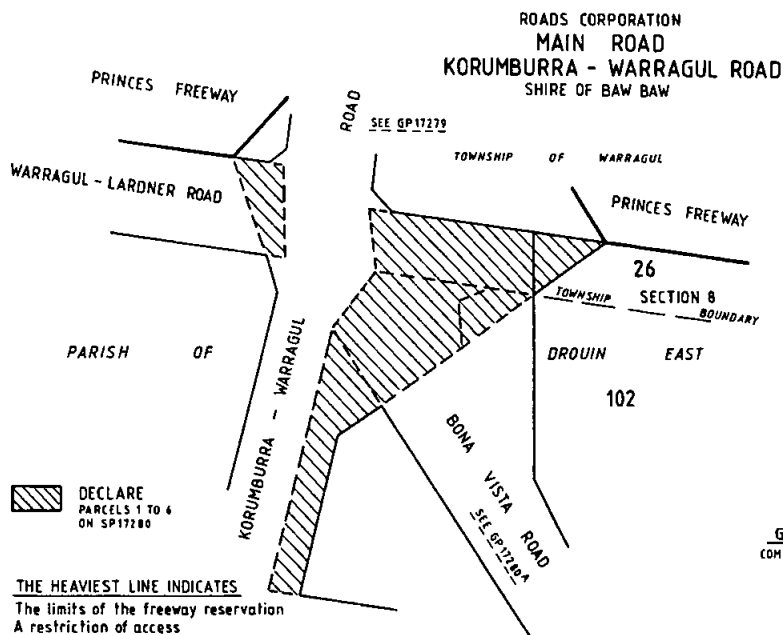
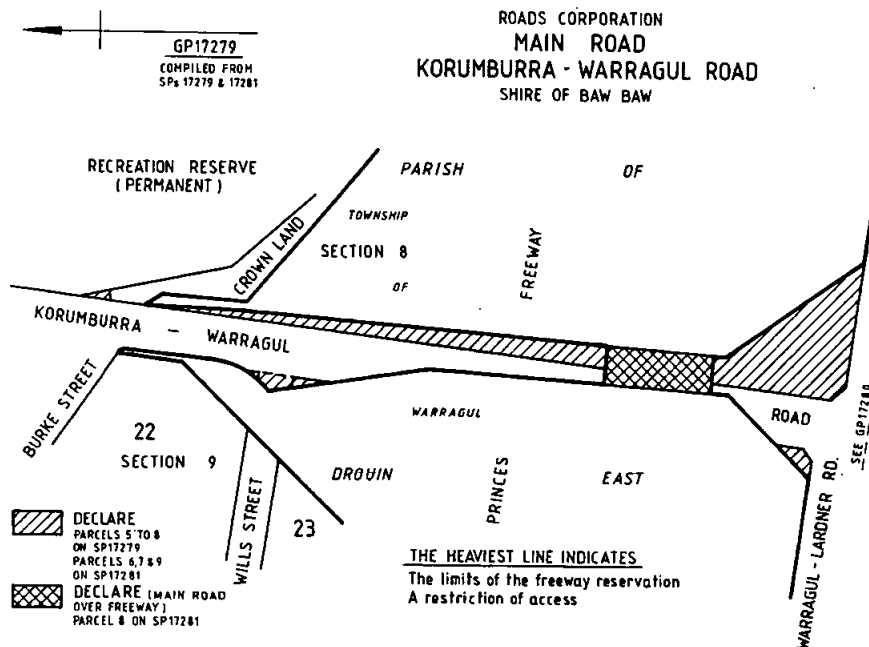
Victoria Government Gazette





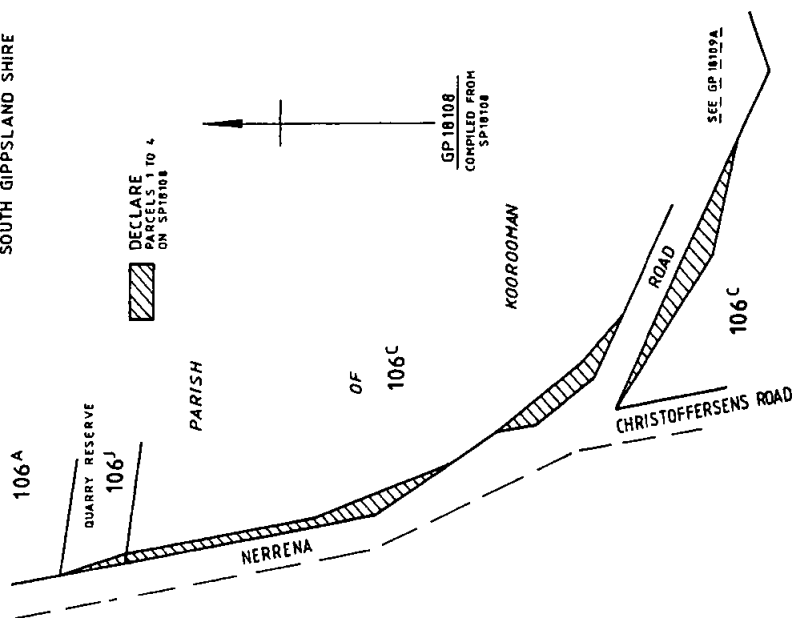




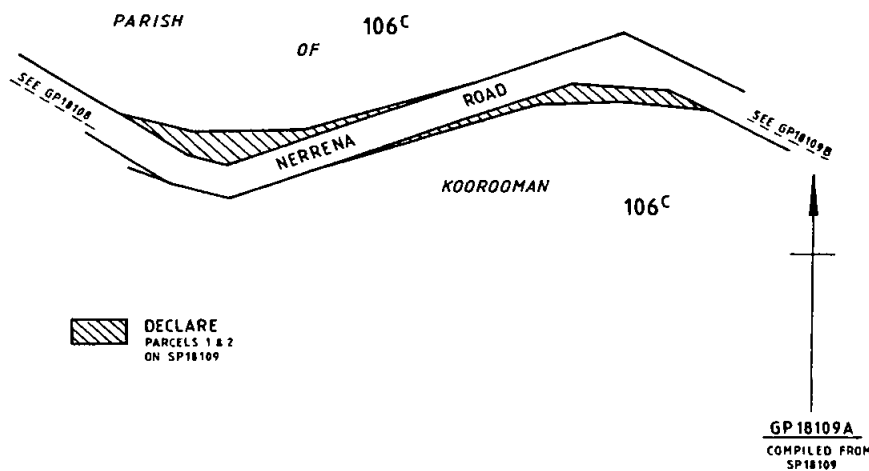




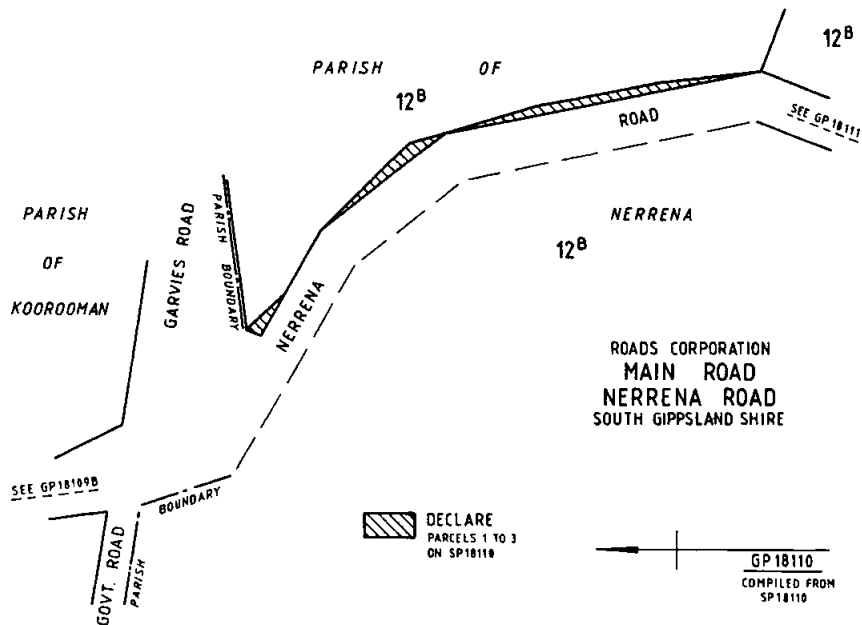
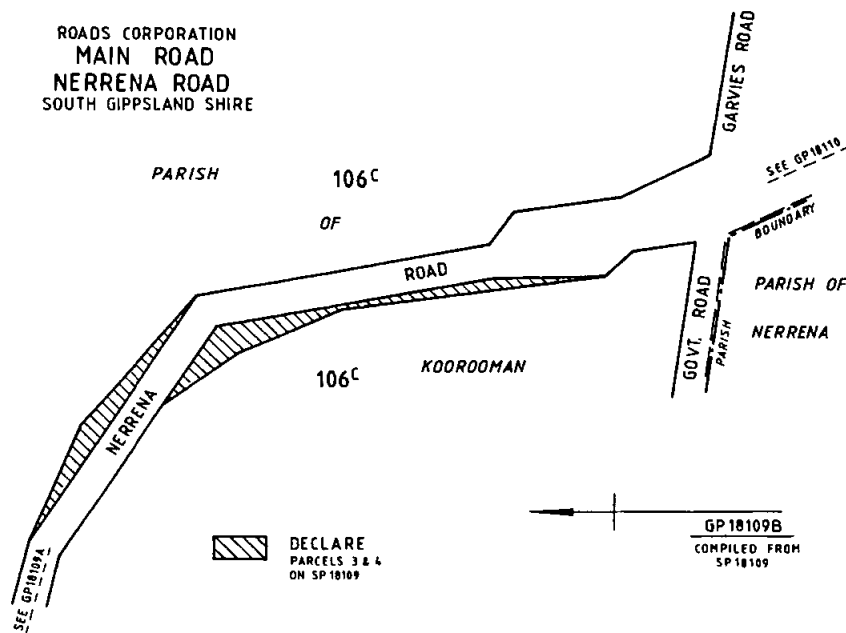
ROADS CORPORATION  
MAIN ROAD  
NERRENA ROAD  
SOUTH GIPPSLAND SHIRE

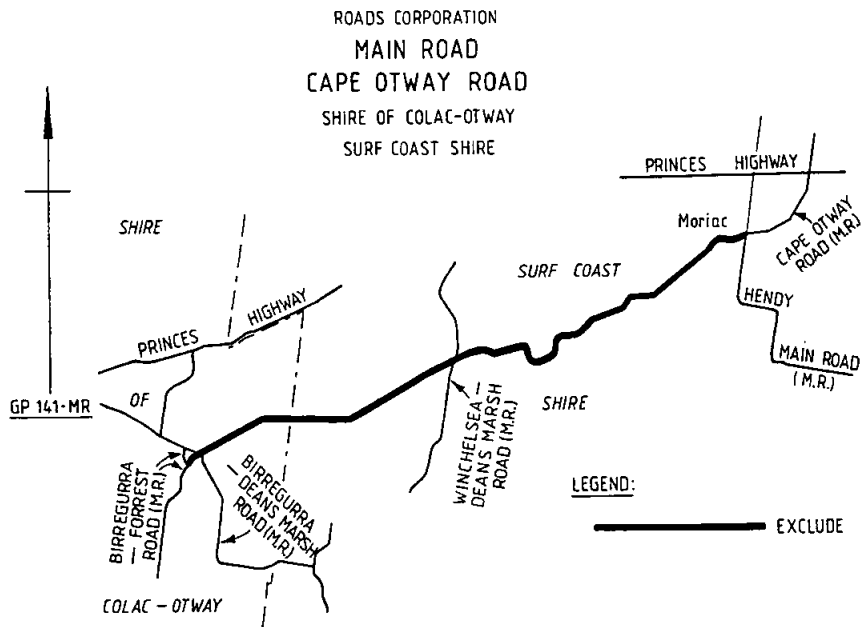
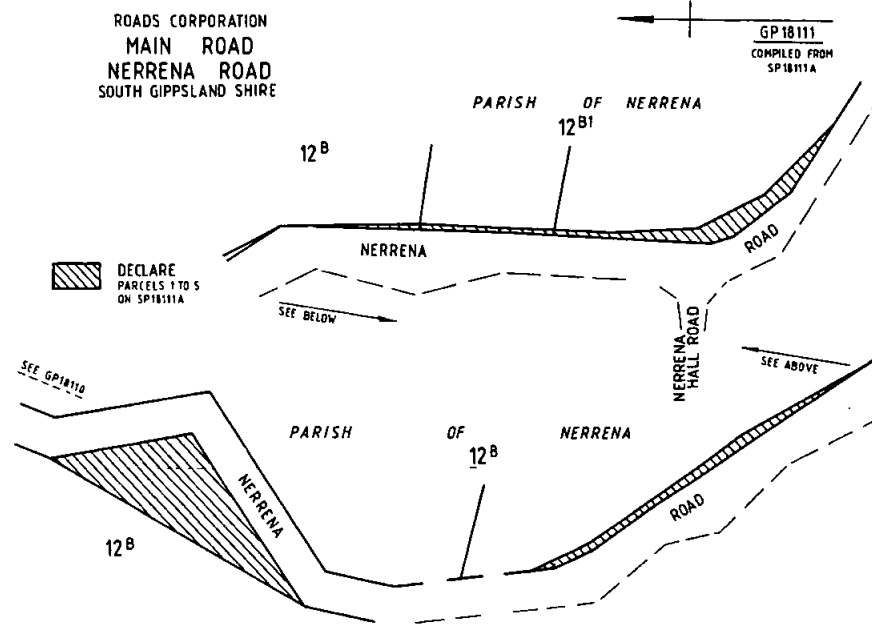


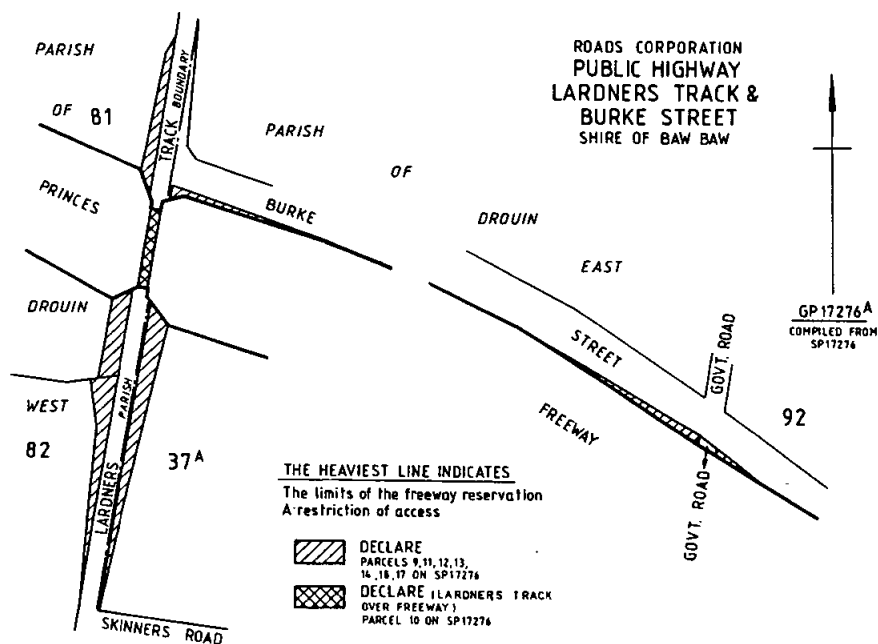
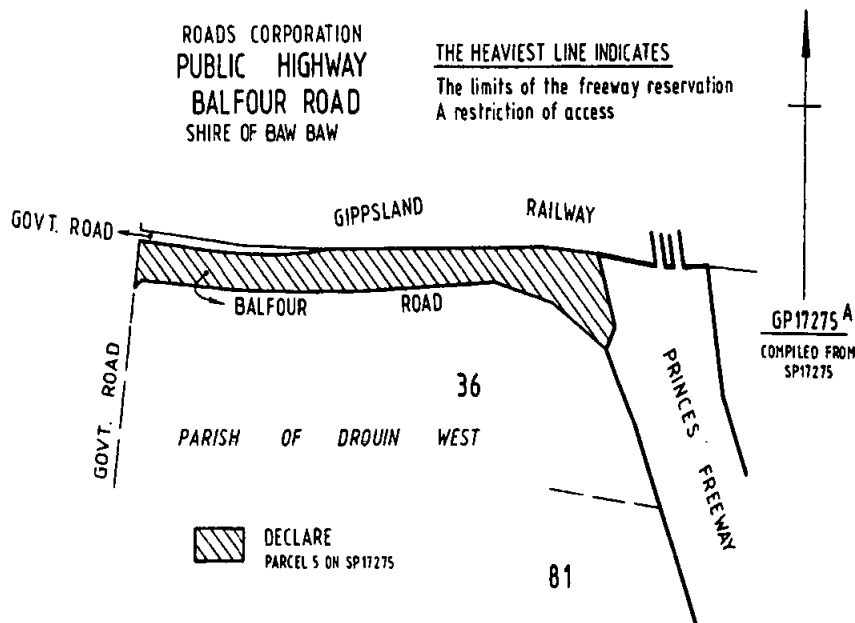
ROADS CORPORATION  
MAIN ROAD  
NERRENA ROAD  
SOUTH GIPPSLAND SHIRE

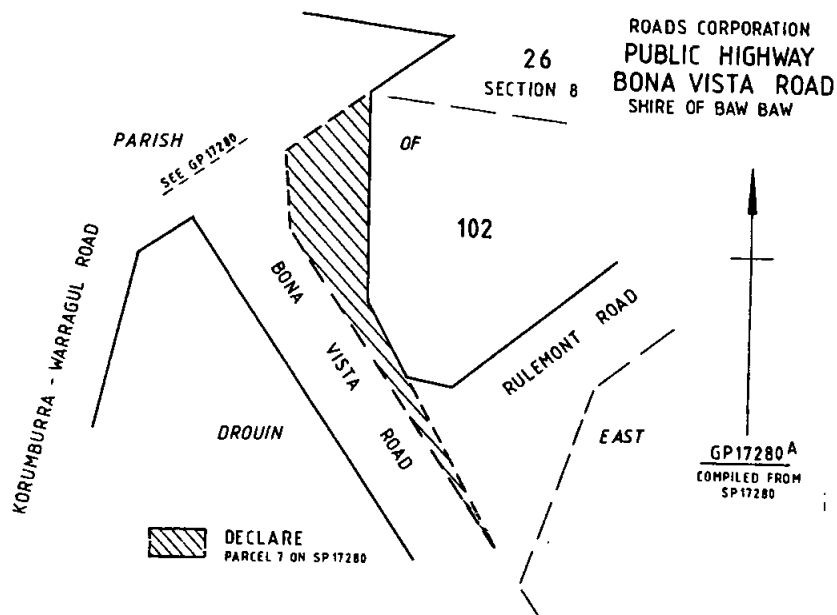
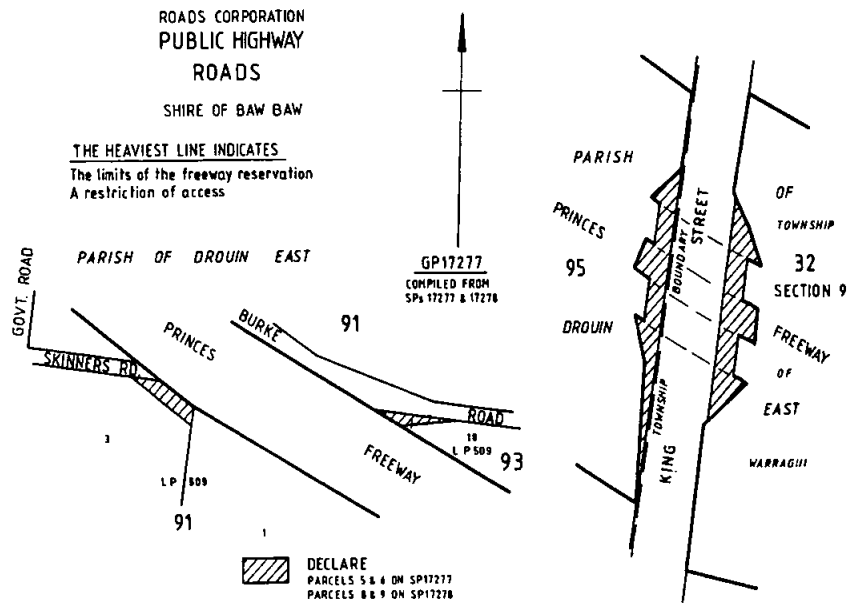


ROADS CORPORATION  
MAIN ROAD  
NERRENA ROAD  
SOUTH GIPPSLAND SHIRE









Dated 8 September 1995

COLIN JORDAN  
Chief Executive, Roads Corporation

**Transport Act 1983  
ROADS CORPORATION**

**Commercial Passenger Vehicle Application**

Notice is hereby given that the following application will be considered by the Roads Corporation after 25 October 1995.

Notice of any objection to the granting of an application should be forwarded to reach the Manager, Registration and Licensing Office, PO Box 268 Seymour 3661 or any District Office of the Roads Corporation not later than 19 October 1995.

It will not be necessary for interested parties to appear on the date specified, unless advised in writing by the Corporation.

R. J. Gordon, Wallan. Application to license one commercial passenger vehicle in respect of a 1973 Bedford bus with seating capacity for 49 passengers to operate as a Country Special Service Omnibus from within a 20 km radius of Kilmore Post Office.

*Note:* Vehicle to license to hold a 3 star rating.  
Dated 19 September 1995

**BRUCE PHILLIPS**  
Regional Manager, Northern Region

**NURSES BOARD OF VICTORIA**

On 28 August 1995, a panel appointed by the Nurses Board of Victoria, found that Maureen Agnes Donovan of 10 Brian Street, Kangaroo Flat, Victoria 3555, identification number 100125, registered in division 1, had engaged in unprofessional conduct of a serious nature.

The panel determined that:

1. The nurse's registration be suspended for 2 months commencing on Monday, 4 September 1995.
2. The Chief Executive Officer write to the nurse immediately, informing her of this determination and of the consequences of it.  
(A letter in compliance with paragraph 2 was sent to the nurse by registered post on that day.)

The panel further determines that:

3. After the suspension referred to in paragraph 1, the following restriction be imposed on the nurse's registration:  
(a) the nurse must not directly or indirectly administer or supervise nursing care; and

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(b) her registration must not be renewed,

until she produces to the Board a satisfactory assessment from a psychologist who is acceptable to the Board.

4. The satisfactory assessment referred to in paragraph 3 may be produced to the Board at any time before 3 November 1995, in which case the restriction referred to in paragraph 3 will not be imposed on the nurse's registration.

**LEANNE RAVEN**  
Chief Executive Officer  
Nurses Board of Victoria

**Department of Treasury and Finance  
SALE OF CROWN LAND BY PUBLIC  
AUCTION**

On Saturday, 7 October 1995 at 1.00 p.m. on site 83-87 Hamilton Street, Craigieburn.

**Address of Property:** 83-87 Hamilton Street, Craigieburn.

**Crown Description:** Crown Allotments A8, A7 and A6 Section 23, Parish of Yuroke.

**Terms of Sale:** Deposit 10%, balance 60 days.

**Area:** 695 m<sup>2</sup> per parcel.

**Officer Co-ordinating Sale:** Janice Rogan. Property Consultant, Asset Management Division, Department of Treasury and Finance, 4/35 Spring Street, Melbourne, Victoria 3000.

**Selling Agent:** A. E. Gibson & Co P/L, Greenvale Office, Shop 9, Shopping Centre, Greenvale 3059.

**ROGER MURRAY HALLAM**  
Minister for Finance

**Department of Treasury and Finance  
SALE OF CROWN PROPERTY/LAND BY  
PUBLIC AUCTION**  
Reference No. GL/18722

**Auction Date:** 7 October 1995, 11.00 a.m. on site.

**Address of Property:** 10 Bayview Road, Belgrave.

**Crown Description:** Crown Allotment 40E, Section B, County of Mornington, Parish of Narree Worran.

**Area:** 1016 m<sup>2</sup>.

**Terms of Sale:** 10% deposit, settlement 60 days.

**Address of Agent:** Tony Holland, LJ Hooker Belgrave, 1682 Burwood Highway, Belgrave, Victoria 3160.

**Officer Co-ordinating Sale:** Anna Brockhurst, Project Manager, Department of Treasury and Finance.

ROGER M. HALLAM  
Minister for Finance

Creditor, next of kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited A.C.N. 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 24 November 1995, after which date State Trustees Limited may convey or distribute the assets having regard only to the claims of which State Trustees Limited then has notice.

Bennett, Wesley Gavin, late of Kew Cottages, Princess Street, Kew, pensioner, died on 26 November 1994.

Brummer, Alton Daniel Beneke, late of Argyll Private Nursing Home, 143 Finch Street, Glen Iris, pensioner, died on 3 July 1995.

Donaldson, John Alexander, late of 46 Kelvinside Road, Noble Park, retired, died on 29 June 1995.

Fanning, Mona, late of Charlton Bush Nursing Home, Menzies Street, Charlton, pensioner, died on 1 July 1995.

Gerinshtein, Michael late of 147/25 King Street, Prahran, pensioner, died on 2 January 1995.

Hook, Muriel Edna, late of 100 Barnard Street, Bendigo, pensioner, died on 5 April 1995.

Jackson, Roy, late of Regal Private Hostel, 149 Fitzroy Street, St. Kilda, retired, died on 8 April 1995.

Scates, Ralph Patrick, late of Centennial House K15-K21 Raleigh Street, Windsor, retired, died on 29 April 1995.

Sherwell, Herbert Joseph, late of 855 Mickleham Road, Greenvale, pensioner, died on 7 December 1994.

Smith, Norman Denvae, late of 253 Tenth Street, Mildura, pensioner, died on 3 May 1994.

Trevena, William Hurtle Lyle, late of 636 Hampton Street, Brighton, retired, died on 20 May 1995.

Van Den Hout, Hubertus Leonardus Maria, late of 33 Blyth Street, Brunswick, pensioner, died on 11 June 1995.

Walkley, Arthur, late of 11 Maleela Grove, Rosanna, retired storeman, died on 15 March 1995.

Dated at Melbourne on 15 September 1995

B. F. CARMODY  
Managing Director  
State Trustees Limited

Creditor, next of kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited A.C.N. 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000 the personal representative on or before 30 October 1995, after which date State Trustees Limited may convey or distribute the assets having regard only to the claims of which State Trustees Limited then has notice.

Alpin, William James Shield, late of Gladesville, retired senior technical officer, died on 1 July 1991.

Bailey, Bruce John, late of 4 Healey Street, Craigieburn, car builder, died on 14 November 1994.

Bates, Max George, late of 8 Madden Street, Morwell, retired bus driver, died on 19 December 1994.

Gibb, Betty Roselie, late of 52 Scenic Road, Cape Peterson, pensioner, died on 12 March 1995.

Worsey, John Richard David, late of 337 Plenty Road, Preston, retired, died on 16 June 1995.

Dated at Melbourne on 21 August 1995

B. F. CARMODY  
Managing Director  
State Trustees Limited

Creditor, next of kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited A.C.N. 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000 the personal representative, on or before 27 October 1995, after which date State Trustees Limited may convey or distribute the assets having regard only to the claims of which State Trustees Limited then has notice.

Bermann, Barbara Jean, late of Flat 3, 219 Grange Road, Glenhuntly, pensioner, died on 27 March 1995.

Brennan, John Joseph, late of 3 Barker Street, Murrumbidgee, priest, died on 8 March 1995.

Cannon, Michael John, late of 9 Stanley Street, Brunswick, editorial consultant, died on 8 March 1995.

Ferguson, Eda Maud, late of Carinya Private Nursing Home, 32 Kangerong Road, Box Hill, widow, died on 27 October 1994.

Flakemore, Sylvia Desiree, late of 5 Peter Street, Grovedale, war widow, died on 24 April 1995.

Hasler, Joyce Margaret, late of 12 Sylvia Street, Rosanna, pensioner, died on 2 March 1995.

Hunt, Douglas, late of Grandell SAH 44 Park Crescent, Fairfield, pensioner, died on 21 November 1994.

Jones, Thomas Edward, late of 43 Park Street, Pascoe Vale, retired, died on 13 June 1995.

Lee, Margaret, late of 1011 Toorak Road, Camberwell, pensioner, died on 25 February 1995.

Leonard, Alexander Williamson, late of 30 Bridge Street, Elsternwick, retired public servant, died on 7 April 1995.

Lewis, Patricia Anne, late of 9 Childs Street, South Kensington, council employee, died on 12 December 1981.

Linton, Frank Henry, formerly of Unit 3, 57 Swan Walk, Chelsea, but late of Carrum Downs Nursing Home, 38 Rosslun Avenue, Seaford, retired, died on 6 December 1994.

McDonald, Catherine Mary, late of 47 Belgrave Hallam Road, Hallam, widow, died on 27 May 1995.

Meares, Annie Charlotte, late of 104 Studley Park Road, Kew, pensioner, died on 29 March 1995.

Mueller, Michael, late of Flat 2, 14 Normanby Street, Prahran, retired, died on 11 May 1994.

Searl, James Maxwell, late of 48 Francis Crescent, Ferntree Gully, pensioner, died on 4 April 1995.

Steains, Vida Doleen, late of 11 Sheppard Street, Moorabbin, pensioner, died on 16 June 1995.

Dated at Melbourne on 18 August 1995

B. F. CARMODY  
Managing Director  
State Trustees Limited

Creditor, next of kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited A.C.N.

064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000 the personal representative, on or before 27 October 1995, after which date State Trustees Limited may convey or distribute the assets having regard only to the claims of which State Trustees Limited then has notice.

Ahmouy, Victoria, late of 31 Armstrong Street, Middle Park, home duties, died on 20 April 1995.

Bolger, Cora, also known as Cora Mary, late of 25 Thorsebury Grove, Ivanhoe, home duties, died on 2 July 1995.

Brady, John Leo, late of 4 Reid Street, Murrumbena, retired public servant, died on 28 February 1995.

Brownlie, William, late of 34/63 Hanmer Street, Williamstown, pensioner, died on 18 April 1995.

Byrne, George Godfrey, late of Gracedale Nursing Home, 205 Warrandyte Road, Ringwood, retired, died on 14 March 1995.

Clarke, Walter James, late of Toorak House Nursing Home, 1011 Toorak Road, Camberwell, pensioner, died on 17 April 1995.

Durham, Margaret Johanna, late of 61 Maple Street, Seaford, widow, died on 10 April 1995.

Dymke, Eileen Elizabeth, late of Pleasant Creek Training Centre, Stawell, pensioner, died on 23 March 1995.

Guthrie, Jessie, late of 1A Campbell Grove, Northcote, pensioner, died on 26 March 1995.

Heim, Cormelia Aafje, late of 65 Seebeck Road, Rowville, home duties, died on 2 May 1995.

Herd, Robert Kinross, late of Grace McKellar Centre, 45-95 Ballarat Road, North Geelong, retired, died on 22 October 1994.

Herwig, Evelyn Louisa, late of 87 Chapel Street, St Kilda, pensioner, died on 27 March 1995.

Jozic, Rosa, late of Plenty Hospital, Wattle Road, Rosanna, pensioner, died on 24 March 1995.

Kalejs, Ilmars, late of 11 Boyanna Road, Glen Waverley, retired, died on 5 March 1995.

Kean, Christina Johanna, late of Armitage House, Graham Street, Wonthaggi, pensioner, died on 13 March 1995.

Kingston, Allan William, formerly of Flat 1/39 Comas Grove, Thornbury, but late of Bellhaven Hostel, Bell Street, Preston, retired, died on 3 May 1995.



Lewis, Frederick Charles, late of 169 Duke Street, Sunshine North, retired, died on 2 May 1995.

Luke, Allan James, late of Austin Hospital, Studley Road, Heidelberg, accounts clerk, died on 18 June 1994.

Moy, Frances Lilian, late of 620 Warrigal Road, Chadstone, retired, died on 23 May 1995.

Murray-Williams, Dorothy, late of 3/111 Prince Street, Mornington, home duties, died on 11 May 1995.

Nantes, Ernest James, late of 4 Overport Road, Frankston, pensioner, died on 4 March 1995.

O'Sullivan, Iris Florence, late of Unit 15F Royal Palm, 969 Gold Coast Highway, Palm Beach, Queensland, home duties, died on 31 May 1995.

Parsons, Albert Charles, late of Allegra Goubert Private Nursing Home, 22 Delta Avenue, Merlynston, retired, died on 6 June 1995.

Pfanzelt, Paul, late of 3/66 Grosvenor Street, St Kilda, painter-decorator, died on 29 April 1995.

Pilloud, Lucien, late of Westgate Private Nursing Home, 4 William Street, Newport, retired council employee, died on 27 January 1994.

Roberts, Wallace, late of 42 Redesdale Road, Ivanhoe, retired wood turner, died on 12 September 1961.

Sheehy, Rita Marie, late of Unit 3, 28 Royal Avenue, Glenhuntly, pensioner, died on 29 January 1995.

Thompson, Adrian Arthur, formerly known as Andrew Arthur Thompson, late of 14 Ellerina Road, West Safety Beach, retired, died on 18 April 1995.

Smith, Florence May, late of 164 Grange Road, Glenhuntly, retired, died on 3 July 1995.

Van Dinter, Maria, late of Hazelmere Private Nursing Home, 800 Mt Dandenong Road, Montrose, pensioner, died on 12 February 1995.

Williams, Irene Mary, late of 115 Thomas Street, Hampton, pensioner, died on 31 March 1995.

Dated at Melbourne on 18 August 1995

B. F. CARMODY  
Managing Director  
State Trustees Limited

Creditor, next of kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited A.C.N. 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000 the personal representative, on or before 13 October 1995, after which date State Trustees Limited may convey or distribute the assets having regard only to the claims of which State Trustees Limited then has notice.

Brennan, John, late of Unit 1/3 Manica Street, West Brunswick, retired, died on 17 April 1995.

Clifton, Allen Stephen, also known as Allan Stephen Clifton, late of 12 Perkins Avenue, West Heidelberg, retired, died on 12 June 1995.

Hoskins, Julia Valletta, late of Judge Book Village, Diamond Street, Eltham, home duties, died on 27 July 1995.

Gullick, Mona Elizabeth Mary, late of 14/444 Haughton Road, Clayton, retired, died on 26 May 1995.

Kelly, Edward Arthur, late of 10 Wilga Avenue, Altona, retired, died on 17 June 1995.

Miller, Thomas, late of 335 North Road, Caulfield, retired leather goods manufacturer, died on 10 April 1978.

Dated at Melbourne on 4 August 1995

B. F. CARMODY  
Managing Director  
State Trustees Limited

Creditor, next of kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited A.C.N. 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000 the personal representative, on or before 27 October 1995, after which date State Trustees Limited may convey or distribute the assets having regard only to the claims of which State Trustees Limited then has notice.

Ackland, Doris Lillian King, late of Cobram, widow, died on 27 January 1995.

Armstrong, Robert Seymour, late of 31 Hood Street, North Balwyn, retired, died on 28 May 1995.

Brown, Florence Lillian, late of 14 Tennyson Street, Kensington, widow, died on 8 May 1995.

Brown, Jocelyn Elizabeth, late of Old Eltham Road, Lower Plenty, pensioner, died on 27 January 1995.

Cafferky, Valda Jean, late of 61 Beatty Avenue, Glenroy, retired, died on 28 May 1995.

Hunt, Jessie Arabella, late of Le Chateau Nursing Home, Don Road, Healesville, pensioner, died on 3 April 1995.

Kennedy, Kathleen Ellen, late of Flat 10, 42 Pickett Street, Dandenong, home duties, died on 5 June 1995.

Kovalev, Volter, late of Flat 13, 49 Union Street, Windsor, pensioner, died on 15 April 1995.

McDermott, Violet Amy, late of 6 George Street, Reservoir, widow, died on 7 August 1995.

McGrath, Ivan Dermid, late of Malvern Green Lodge, 185 Wattleree Road, Malvern, retired, died on 20 June 1995.

Smith, Maurice Aldysius Murray, late of 446 Brunswick Street, Fitzroy, pensioner, died on 20 May 1995.

Smith, Olive Ida Clare, late of 10 Carlton Street, McKinnon, widow, died on 4 May 1995.

Thompson, Eva Elizabeth, late of Healesville and District Nursing Home, Don Road, Healesville, home duties, died on 28 April 1995.

Weir, Ivy Catherine, late of Burwood Hills Private Nursing Home, 14 Edward Street, Burwood, pensioner, died on 23 March 1995.

Dated at Melbourne on 18 August 1995

B. F. CARMODY  
Managing Director  
State Trustees Limited

Creditor, next of kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited A.C.N. 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000 the personal representative, on or before 9 November 1995, after which date State Trustees Limited may convey or distribute the assets having regard only to the claims of which State Trustees Limited then has notice.

Black, Vicki Margaret, late of 1 Cardell Court, Colac, home duties, died on 6 September 1994.

Carmichael, Agnus Lindsay, also known as John Caarmichael, late of 20 Withers Street, Ivanhoe, retired, died on 29 March 1995.

Cheasley, Jean, late of 4 William Street, Newport, widow, died on 2 June 1995.

Connell, Susan Iris, late of 6 Elizabeth Street, Mornington, widow, died on 28 May 1995.

Czornyj, Helen, late of 63 Newlands Road, North Coburg, pensioner, died on 8 March 1995.

Driscoll, William Vincent, late of 16 Hansen Street, Footscray, retired clerk, died on 2 May 1995.

Grindlay, Monica Bridget, late of 15 Frederick Street, Heidelberg Heights, married woman, died on 1 June 1995.

Hine, Dorothy Agnes, late of Weeroona Senior Citizens Residence, 400 Waverley Road, East Malvern, retired school teacher, died on 4 May 1995.

McFarlane, Francis John, also known as Francis McFarlane, late of Lara Lodge, 13 Palmer Street, Oakleigh, pensioner, died on 9 April 1995.

Morgan, Maida Jean Hunter, late of 4 Ithaca Road, Frankston, home duties, died on 5 August 1995.

Oakley, Loyal Cedric, late of Osburn Lodge Nursing Home, Wodonga, pensioner, died on 16 January 1995.

Porter, John Edward, late of 24 Apollo Crescent, Dallas, retired, died on 18 November 1994.

Reddall, George Thomas, late of Unit 18, 41 Hudson Street, Coburg, widower, died on 25 June 1994.

Reichett, Irene Merle, late of Mowbray House, 87 Argyle Street, Chelsea, pensioner, died on 28 May 1994.

Serle, Dorothy May, late of Lyndoch and Hospital for the Aged, Hopkins Road, Warrnambool, pensioner, died on 11 February 1995.

Wells, Kenneth Merton, also known as Kenneth M. Wells, 31 Larmook Street, Prahran East, retired engraver, died on 15 November 1991.

Willers, Edward John, late of 14 Cushing Avenue, Bentleigh, retired, died on 27 May 1995.

Dated at Melbourne on 31 August 1995

B. F. CARMODY  
Managing Director  
State Trustees Limited

Creditor, next of kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited A.C.N. 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000 the personal representative, on or before 21 November 1995, after which date State Trustees Limited may convey or distribute the assets having regard only to the claims of which State Trustees Limited then has notice.

Bailey, Roslyn Joy, late of 4 Healey Street, Craigieburn, home duties, died on 7 November 1994.

Bone, Mary Elizabeth, late of "Colton Close" 1-19 York Street, Glenroy, pensioner, died on 21 December 1995.

Brady, Frederick Joseph, late of 18 The Avenue, Coburg, retired, died on 23 June 1995.

Campbell, Anne Elizabeth, late of 124 Maroondah Highway, Croydon, retired teacher, died on 17 April 1995.

Campbell, John Kipling, late of 124 Maroondah Highway, Croydon, retired teacher, died on 12 June 1995.

Concliffe, Irene Estelle, late of 102 Ascot Street, Ballarat, pensioner, died on 7 September 1992.

Dacosta, Amelia, late of 9/48 Chomley Street, Prahran, home duties, died on 11 May 1995.

Daly, Harold Edward, late of 2/11 View Street, Kangaroo Flat, retired, died on 27 April 1995.

Dawson, Beatrice Gertrude, late of 235 Abbotsford Street, North Melbourne, retired machinist, died on 30 May 1995.

Donald, Isabel Roberta St. Margaret, also known as Roberta Donald and I. Roberta Donald, late of "Blackburn Private Nursing Home" 28 The Avenue, Blackburn, retired, died 26 May 1995.

Galvin, Patrick Thomas, late of 65/3 Agg Street, Thornbury, pensioner, died on 21 May 1995.

Graves, Matthew John, late of Room 29, 18-20 Mason Street, Hawthorn, pensioner, died on 14 June 1995.

Humphries, Hazel Pearl, late of 24-34 Robert Street, Bentleigh, widow, died on 29 May 1995.

Jackson, Verlie, late of 39 Looker Road, Montmerency, pensioner, died on 6 June 1995.

Lamb, Edward James, late of 139 Atherton Road, Oakleigh, retired carpenter, died on 1 July 1995.

Leach, Reginald Percival, also known as Reginald Percy Leach, late of 64 Union Road, Surrey Hills, retired watchmaker, died on 19 June 1995.

Lesnik, Roman Joseph, also known as Roman Lesnik, late of 67 Isla Avenue, Glenroy, pensioner, died on 2 April 1995.

Maynard, Helen Rebecca, late of 68 Gladesville Boulevard, Patterson Lakes, widow, died 12 June 1995.

McKenzie, Richard, late of 95 Rathcoun Road, Reservoir, retired moulder, died 8 June 1995.

McNamara, Brian Daniel, late of "Mathoura House", 51 Mathoura Street, Toorak, pensioner, died on 16 February 1995.

Muller, Frank Adrian, late of Forest Street, Colac, pensioner, died on 28 February 1995.

Nowak, Pamela, late of 47 Spencer Road, Camberwell, retired optometrist, died on 9 May 1995.

Nesz, Helene, late of "Mother Romana Nursing Home", 11-15 A'Beckett Street, Kew, retired, died 24 June 1995.

Nothnagel, Allan George, late of 38 Bowes Avenue, Niddrie, retired, died on 9 July 1995.

Podgurski, Gertrude Anna Martha, also known as Gertrude Anna Podgurski, late of Lot 35, Don Road, Healesville, pensioner, died on 11 August 1991.

Sims, Louis James, late of 5/45 Cameron Street, Richmond, council worker, died on 18 December 1992.

Sloman, Doris Cleave, late of "The Lodge Old Colonist Home", Rushall Crescent, Clifton Hill, pensioner, died on 22 June 1995.

Steel, Alan Keswick, late of 43 Daly Street, Brunswick West, retired, died on 14 May 1995.

Tarrant, Cyril Samuel, late of 20 Mendip Road, Reservoir, retired, died 9 April 1991.

Thomson, Esther Alice, late of "Brentwood Private Nursing Home", Latrobe Terrace, Geelong, died on 10 June 1995.

Tuckett, Alfred Keith McPherson, also known as Keith Tuckett, late of 20 Langtree Avenue, Pascoe Vale South, gentleman, died on 31 July 1995.

Viney, Alfred, late of 43 Seventh Avenue, Rosebud, retired, died on 6 April 1995.

Walker, William Edward James, also known as William Walker, late of 12 McNamara Street, West Preston, retired inspector Board of Works, died on 8 June 1995.

Whelan, George James, late of Unit 34, "Balmoral Gardens", Wantirna South, pensioner, died on 24 May 1995.

Yattah, Minnie, late of "Melbourne Hebrew Memorial Hospital", 95 High Street, Ashwood, widow, died on 19 June 1995.

B. F. CARMODY  
Managing Director  
State Trustees Limited

**Land Acquisition and Compensation  
Act 1986**

**Transport Act 1983**

**NOTICE OF ACQUISITION**

Compulsory Acquisition of Interest in Land

The Roads Corporation declares that by this notice it acquires the following interests in the land described hereunder:

*Interested Parties:* Newfurn Limited (Lessee).

*Description of Land:* Part of Lot 42 on Plan of Subdivision No. 10781 in the Parish of Bulleen.

*Area:* 55 square metres.

*Title Details:* Part of land described in Certificate of Title Volume 8379 Folio 585.

*Survey Plan No.:* 19028 (Parcel 5).

The survey plan referred to in this notice may be viewed at Property Services Department, Vic Roads, 4th Floor, Materials Building, 60 Denmark Street, Kew.

Published with the authority of the Roads Corporation and the Minister for Roads and Ports.

T. H. HOLDEN  
Manager, Property Services  
Roads Corporation

**Land Acquisition and Compensation  
Act 1986**

**Transport Act 1983**

**NOTICE OF ACQUISITION**

Compulsory Acquisition of Interest in Land

The Roads Corporation declares that by this notice it acquires the following interest in the land described hereunder:

*Owner's Name:* R. K. and R. M. Cook Nominees Pty Ltd.

*Description of Land:* Being part of Lot 2 on Plan of Subdivision 300588P in the Parish of Bulleen.

*Area:* 36 square metres.

*Title Details:* Certificate of Title Volume 10016 Folio 238.

*Survey Plan No.:* 19027.

The survey plan referred to in this notice may be viewed at Property Services Department, Vic Roads, 4th Floor, Materials Building, 60 Denmark Street, Kew.

Published with the authority of the Roads Corporation and the Minister for Roads and Ports.

T. H. HOLDEN  
Manager, Property Services  
Roads Corporation

**Land Acquisition and Compensation  
Act 1986**

**Transport Act 1983**

**NOTICE OF ACQUISITION**

Compulsory Acquisition of Interest in Land

The Roads Corporation declares that by this notice it acquires the following interests in the land described hereunder:

*Owners' Names:* Dario Rodolfo Zuglian and Maria Teresa Zuglian.

*Description of Land:* Being part of Lot 19 on Plan of Subdivision 10781 in the Parish of Bulleen

*Area:* 102 square metres.

*Title Details:* Certificate of Title Volume 8744 Folio 952.

*Survey Plan No.:* 19026.

The survey plan referred to in this notice may be viewed at Property Services Department, Vic Roads, 4th Floor, Materials Building, 60 Denmark Street, Kew.

Published with the authority of the Roads Corporation and the Minister for Roads and Ports.

T. H. HOLDEN  
Manager, Property Services  
Roads Corporation

**Land Acquisition and Compensation  
Act 1986**

**Transport Act 1983**

**NOTICE OF ACQUISITION**

Compulsory Acquisition of Interest in Land

The Roads Corporation declares that by this notice it acquires the following interests in the land described hereunder:

*Interested Parties:* Alataine Pty Ltd (Registered Proprietor) and Burgess Waste Management Services Pty Ltd (Lessee).

*Description of Land:* Being part of the land in Plan of Consolidation No. 158543F in the Parish of Bulleen.

*Area:* 45 square metres.

*Title Details:* Certificate of Title Volume 9610 Folio 961.

*Survey Plan No.:* 19027.

The survey plan referred to in this notice may be viewed at Property Services Department, Vic Roads, 4th Floor, Materials Building, 60 Denmark Street, Kew.

Published with the authority of the Roads Corporation and the Minister for Roads and Ports.

T. H. HOLDEN  
Manager, Property Services  
Roads Corporation

**Land Acquisition and Compensation  
Act 1986**

**Transport Act 1983**

**NOTICE OF ACQUISITION**

Compulsory Acquisition of Interest in Land

The Roads Corporation declares that by this notice it acquires the following interest in the land described hereunder:

*Interested Party:* Federal Oil Australia Pty Ltd.

*Description of Land:* Being part of Lots 25, 26 and 27 on Plan of Subdivision 13699 in the Parish of Bulleen.

*Area:* 76 square metres.

*Title Details:* Certificate of Title Volume 8506 Folio 902.

*Survey Plan No.:* 19026.

The survey plan referred to in this notice may be viewed at Property Services Department, Vic Roads, 4th Floor, Materials Building, 60 Denmark Street, Kew.

Published with the authority of the Roads Corporation and the Minister for Roads and Ports.

T. H. HOLDEN  
Manager, Property Services  
Roads Corporation

**Land Acquisition and Compensation  
Act 1986**

**Transport Act 1983**

**NOTICE OF ACQUISITION**

Compulsory Acquisition of Interest in Land

The Roads Corporation declares that by this notice it acquires the following interests in the land described hereunder:

*Interested Parties:* Carlo Bergamo and Sylvia Bergamo (Registered Proprietors) and W.A.E. Automatics Australia Pty Ltd (Lessee).

*Description of Land:* Being part of Lot 41 on Plan of Subdivision 10781 in the Parish of Bulleen.

*Area:* 22 square metres.

*Title Details:* Certificate of Title Volume 8049 Folio 931.

*Survey Plan No.:* 19028.

The survey plan referred to in this notice may be viewed at Property Services Department, Vic Roads, 4th Floor, Materials Building, 60 Denmark Street, Kew.

Published with the authority of the Roads Corporation and the Minister for Roads and Ports.

T. H. HOLDEN  
Manager, Property Services  
Roads Corporation

**Land Acquisition and Compensation  
Act 1986**

**Transport Act 1983**

**NOTICE OF ACQUISITION**

Compulsory Acquisition of Interest in Land

The Roads Corporation declares that by this notice it acquires the following interests in the land described hereunder:

*Interested Parties:* Thellina Nominees Pty Ltd (Registered Proprietor) and Manorgate Pty Ltd (Lessee).

*Description of Land:* Being part of Lot 40 on Plan of Subdivision 10781 in the Parish of Bulleen.

*Area:* 10 square metres.

*Title Details:* Certificate of Title Volume 9065 Folio 622.

*Survey Plan No.:* 19028.

The survey plan referred to in this notice may be viewed at Property Services Department, Vic Roads, 4th Floor, Materials Building, 60 Denmark Street, Kew.

Published with the authority of the Roads Corporation and the Minister for Roads and Ports.

T. H. HOLDEN  
Manager, Property Services  
Roads Corporation

**Land Acquisition and Compensation  
Act 1986**

**Transport Act 1983**

**NOTICE OF ACQUISITION**

Compulsory Acquisition of Interest in Land

The Roads Corporation declares that by this notice it acquires the following interests in the land described hereunder:

*Interested Parties:* Aquaflex Pty Ltd (Registered Proprietor) and Cellcare Pty Ltd (Lessee).

2692 G 37 21 September 1995

*Description of Land:* Being part of Lot 27 on Plan of Subdivision 10781 in the Parish of Bulleen.

*Area:* 52 square metres.

*Title Details:* Certificate of Title Volume 5585 Folio 822.

*Survey Plan No.:* 19027.

The survey plan referred to in this notice may be viewed at Property Services Department, Vic Roads, 4th Floor, Materials Building, 60 Denmark Street, Kew.

Published with the authority of the Roads Corporation and the Minister for Roads and Ports.

T. H. HOLDEN  
Manager, Property Services  
Roads Corporation

Position Number: 60/10/0221/7 Director, Financial Audit, Executive Officer, Level 3, Victorian Auditor General's Office.

*Reason for exemption*

The vacancy has duties and qualifications identical to another vacancy that has recently been advertised and the person [who may or may not be a staff member] was an applicant for the other vacancy and was assessed as clearly meeting all of the requirements of the position. In these circumstances the position has been advertised within the last 6 months.

Dated 11 September 1995

C. A. BARANGWANATH  
Auditor-General

EXEMPTION FROM NOTIFICATION OF  
VACANCIES UNDER SECTION 29 (2) OF  
THE PUBLIC SECTOR MANAGEMENT  
ACT 1992

Position Numbers: 48/25/0988/0,  
48/25/0228/0, 48/25/1222/9, 48/25/0884/4,  
Court Registrar (Clerk of Courts), Class VPS-2,  
Courts and Tribunals Services Division,  
Department of Justice.

*Reasons for exemption*

The positions have been reclassified from Trainee Clerk of Courts, Class VPS-1, to Court Registrar (Clerk of Courts), Class VPS-2, in recognition of the incumbents attaining the qualification requirements for appointment to Court Registrars (Clerk of Courts), Class VPS-2.

TIM DALY  
Acting Secretary to the Department of Justice

Victoria Government Gazette

EXEMPTION FROM NOTIFICATION OF  
VACANCY UNDER SECTION 29 (2) OF  
THE PUBLIC SECTOR MANAGEMENT  
ACT 1992

Supreme and County Courts, Department of Justice: Victorian Public Service Officer, Class VPS-1, Tipstaff; Victorian Public Service Officer, Class VPS-2, Senior Tipstaff; Victorian Public Service Officer, Class VPS-2, Associate; Victorian Public Service Officer, Class VPS-4, Senior Associate.

*Reasons for exemption*

A general exemption from advertisement is granted for all Senior Tipstaff, Tipstaff, Senior Associate and Associate positions in the Supreme and County Courts. The exemption recognises the special working relationship that exists between Judges and their personal staff. Appointments to these positions will be made on merit for fixed terms not exceeding 5 years.

Dated 28 July 1995

P. R. SALWAY  
Public Service Commissioner

EXEMPTION FROM NOTIFICATION OF  
VACANCY UNDER SECTION 29 (2) OF  
THE PUBLIC SECTOR MANAGEMENT  
ACT 1992

The Public Service Commissioner exempts the following class of positions from the requirements to notify a vacancy.

Any senior executive position at Executive Officer, Level 2 or Level 3 which a Department Head intends to fill by the appointment of a person already at the same executive level on the nomination of the Senior Management Committee of the Department or the Central Management Committee where such Committees have been specifically established to provide a planned and co-ordinated approach to executive and career development and mobility.

*Reasons for exemption*

The Executive Officer structure was broadbanded from nine levels to three levels with effect from 18 May 1995. At each broadbanded level, positions will have varying remuneration ranges according to their relative worth. Executives may move 3-4 times within the same broadbanded level before making the significant step to the next level. Many of those

moves will be for organisation and career development purposes and will follow nomination by a Central or Department Management Committee established to plan and co-ordinate this process.

Dated 8 August 1995

P. R. SALWAY  
Public Service Commissioner

**EXEMPTION FROM NOTIFICATION OF  
VACANCY UNDER SECTION 29 (2) OF  
THE PUBLIC SECTOR MANAGEMENT  
ACT 1992**

Position No. 25/85/0137/8, Security Officer  
Class SO-4, Office of Emergency Management,  
Financial and Administrative Services Division,  
Directorate of School Education.

*Reason for exemption*

The vacancy has duties and qualifications identical to another vacancy that has recently been advertised and the person (who may or may not be a staff member) was an applicant for the other vacancy and was assessed as clearly meeting all of the requirements of the position. In these circumstances the position should generally have been advertised within the last 3 months, however in exceptional cases may have been advertised up to 6 months ago.

GEOFF SPRING  
Director of School Education

**EXEMPTION FROM NOTIFICATION OF  
VACANCY UNDER SECTION 29 (2) OF  
THE PUBLIC SECTOR MANAGEMENT  
ACT 1992**

Position No. 33/46/0082/7, Administrative  
Officer, Class AM-3, Executive Assistant,  
Gippsland Psychiatric Services, Department of  
Health and Community Services.

*Reasons for exemption*

The position has been reclassified in a specialised area of work, the officer is recognised as satisfactorily discharging all the requirements of the position and it is considered unlikely that advertising the position would attract a more suitable candidate.

(Dr) JOHN PATERSON  
Secretary, Department of Health and  
Community Services

**EXEMPTION FROM NOTIFICATION OF  
VACANCY UNDER SECTION 29 (2) OF  
THE PUBLIC SECTOR MANAGEMENT  
ACT 1992**

Position No. DBE006834, Information  
Officer, Class VPS-2, Department of Business  
and Employment.

*Reasons for exemption*

The vacancy has duties and qualification identical to another vacancy that was recently advertised and the person was an applicant for the other vacancy and was assessed as clearly meeting all of the requirements of the position.

RIK HART  
Secretary  
Department of Business and Employment

**Health Services Act 1988**

I declare that the Metropolitan Ambulance Service Quality Assurance Sub-Committee of the Medical Standards Committee, as outlined in their Quality Assurance Plan, is an approved Quality Assurance Body in accordance with section 139 of the **Health Services Act 1988**.

Statutory Immunity will be provided to the Quality Assurance Sub-Committee to consider confidential information about specific aspects of clinical practice or the clinical competence of those persons providing the services.

Dated 18 September 1995

MARIE TEHAN  
Minister for Health

**Health Services Act 1988**

I declare that McIvor Health and Community Services' Service Delivery Review Committee, as outlined in their Quality Assurance Plan, is an approved Quality Assurance Body in accordance with section 139 of the **Health Services Act 1988**.

Statutory Immunity will be provided to the Service Delivery Review Committee to consider confidential information about specific aspects of clinical practice or the clinical competence of those persons providing the services.

Statutory Immunity is provided to the Service Delivery Review Committee until this order is revoked in accordance with section 139 of the **Health Services Act 1988**.

Dated 18 September 1995

MARIE TEHAN  
Minister for Health

**Health Services Act 1988**

I declare that the Wycheproof and District Health Service Quality Assurance Committee, as outlined in their Quality Assurance Plan, is an approved Quality Assurance Body in accordance with section 139 of the **Health Services Act 1988**.

Statutory Immunity will be provided to the Quality Assurance Committee until this order is revoked in accordance with section 139 of the **Health Services Act 1988**.

Statutory Immunity is provided to the Quality Assurance Committee until this order is revoked in accordance with section 139 of the **Health Services Act 1988**.

Dated 18 September 1995

MARIE TEHAN  
Minister for Health

**DEPARTMENT OF AGRICULTURE,  
ENERGY AND MINERALS**

All titles are located on the 1:100,000 mapsheet listed with each title.

**EXPLORATION LICENCE GRANTED**

No. 3774; Mineral Exploration Services Pty Ltd; 30 grats, Albury.

No. 3775; Range River Gold NL; 121 grats, Foster.

No. 3782; Mines & Resources Australia P/L; 5 grats, Creswick.

No. 3792; Metex Resources NL; 214 grats, Castlemaine.

**EXPLORATION LICENCE RENEWED**

No. 3401/2; Kinglake Resources P/L; 49 grats, Bendigo and Castlemaine.

**EXPLORATION LICENCE TRANSFERRED**

No. 3437; Associated Gold Mines of Victoria Ltd to Alcaston Mining NL; 252 grats, Mansfield and Matlock.

**MINING LICENCE GRANTED**

No. 4930; Robert James Emmins and John Randall Ayre; 282.8 ha, Castlemaine.

No. 4931; Robert James Emmins and John Randall Ayre; 165.6 ha, Castlemaine.

No. 4979; Kevin Hillier; 4.8 ha, Dunolly.

*Victoria Government Gazette*

**MINING LICENCE REFUSAL TO GRANT**

No. 4934; Ceramic Body Design P/L; 3.38 ha, Bacchus Marsh.

**MINING LICENCE VARIED**

No. 4849; International Minerals Resources NL and Glenburn Manor Pty Ltd; 80 ha, Bendigo.

**MINING LICENCE TRANSFERRED**

No. 4549; Alan Bernard Richards to Terrock Pty Ltd; 6 ha, Castlemaine.

**Building Act 1993**

**BUILDING REGULATIONS 1994**

**Building Regulations Advisory Committee**

Pursuant to Part 14 of the Building Regulations 1994 a Certificate of Accreditation (Number V95/01) has been issued to Wren Industries Pty Ltd, of 2A Bricker Street, Cheltenham 3192 by the Building Control Commission for "Foil Batts".

The Building Regulations Advisory Committee appointed under Division 4 of Part 12 of the **Building Act 1993** has examined an application for the accreditation of "Foil Batts" as an insulation product for use in the external walls and ground floor of a Class 1, 2 or 3 building and determined that "Foil Batts" comply with the requirements of Clause Vic F6.2 (b) of the Building Code of Australia 1990 as adopted by the Building Regulations 1994.

Conditions for use and identification are provided in the two (2) data sheets attached to the Certificate.

COLIN MCBURNEY

Secretary

Building Regulations Advisory Committee

**Building Act 1993**

**BUILDING REGULATIONS 1994**

**Building Regulations Advisory Committee**

Pursuant to Part 14 of the Building Regulations 1994 a Certificate of Accreditation (Number V95/02) has been issued to Tri-foam Australia Pty Ltd, of 9 Dissik Street, Cheltenham 3192 by the Building Control Commission for "Foil Board".

The Building Regulations Advisory Committee appointed under Division 4 of Part 12 of the **Building Act 1993** has examined an application for the accreditation of "Foil Board" as an insulation product for use in the external



walls, ground floor and roof or ceiling of a Class 1, 2 or 3 building and determined that "Foil Board" complies with the requirements of Clause Vic F6.2 (b) of the Building Code of Australia 1990 as adopted by the Building Regulations 1994.

Conditions for use and identification are provided in the six (6) data sheets attached to the Certificate.

COLIN McBURNEY  
Secretary  
Building Regulations Advisory Committee

**Building Act 1993**

**BUILDING REGULATIONS 1994**

**Building Regulations Advisory Committee**

Pursuant to Part 14 of the Building Regulations 1994 a Certificate of Accreditation (Number V95/03) has been issued to Superior Insulation, of 7 Caltowie Court, Research 3095 by the Building Control Commission for "Superior Wall Batts".

The Building Regulations Advisory Committee appointed under Division 4 of Part 12 of the **Building Act 1993** has examined an application for the accreditation of "Superior Wall Batts" as an insulation product for use in the external walls of a Class 1, 2 or 3 building and determined that "Superior Wall Batts" complies with the requirements of Clause Vic F6.2 (b) of the Building Code of Australia 1990 as adopted by the Building Regulations 1994.

Conditions for use and identification are provided in the three (3) data sheets attached to the Certificate.

COLIN McBURNEY  
Secretary  
Building Regulations Advisory Committee

**Planning and Environment Act 1987**

**ALBERTON PLANNING SCHEME**

**Notice of Approval of Amendment**

**Amendment L42**

The Minister for Planning has approved Amendment L42 to the Local Section of the Alberton Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment rezones land described as 2 Lawler Street, Yarram from Public Purposes Reservation to a Residential A zone.

A copy of the amendment can be inspected free of charge during office hours at the Department of Planning and Development, Ground Floor, 477 Collins Street, Melbourne and the office of Wellington Shire, 156 Grant Street, Yarram.

GEOFF CODE  
Manager

Planning Co-ordination Branch  
Department of Planning and Development

**Planning and Environment Act 1987**

**BULN BULN PLANNING SCHEME**

**Notice of Approval of Amendment**

**Amendment L41**

The Minister for Planning has approved Amendment L41 to the Buln Buln Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment:

- (1) deletes the prohibition of forestry operations on private land within a proclaimed water catchment; and
- (2) deletes the existing definition of "Poultry Farming" and introduces two new definitions "Poultry Farming—Battery" and "Poultry Farming—Free Range", and prohibits free range poultry farms in the Residential A, Residential B, and Commercial Zones.

A copy of the amendment can be inspected free of charge during office hours at the offices of the Department of Planning and Development, 477 Collins Street, Melbourne; and the Warragul Office of the Baw Baw Shire Council, Civic Place, Warragul and the Drouin Office of the Baw Baw Shire Council, 33 Young Street, Drouin.

GEOFF CODE  
Manager

Planning Co-ordination Branch  
Department of Planning and Development

**Planning and Environment Act 1987**

**BULN BULN PLANNING SCHEME**

**Notice of Approval of Amendment**

**Amendment L42**

The Minister for Planning has approved Amendment L42 to the Local Section of the Buln Buln Planning Scheme.

2696 G 37 21 September 1995

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment rezones land described as Lot 7A, Section 7 in the Township of Noojee, Parish of Neerim, Schoolhouse Road, Noojee from Public Purposes Reservation to a Residential B zone.

A copy of the amendment can be inspected free of charge during office hours at the Department of Planning and Development, Ground Floor, 477 Collins Street, Melbourne and the office of the Shire of Baw Baw, Civic Place, Warragul.

GEOFF CODE  
Manager

Planning Co-ordination Branch  
Department of Planning and Development

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**Planning and Environment Act 1987**  
**MALVERN PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L29

The Minister for Planning has approved Amendment L29 to the Local Section of the Malvern Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment varies the single dwelling covenant to allow a multi-unit development at 64 Fisher Street, East Malvern.

A copy of the amendment can be inspected free of charge during office hours at the Department of Planning and Development, Ground Floor, 477 Collins Street, Melbourne and at the offices of the City of Stonnington, corner Chapel and Greville Streets, Prahran.

GEOFF CODE  
Manager

Planning Co-ordination Branch  
Department of Planning and Development

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**Planning and Environment Act 1987**  
**MOIRA PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L4

The Minister for Planning has approved Amendment L4 to Chapter 7 of the Local Section of the Moira Planning Scheme. The amendment was exhibited as Amendment L21 to the Yarrawonga Planning Scheme, and this section was adopted as Part 3.

*Victoria Government Gazette*

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment rezones approximately 0.16 hectares of land at the north west corner of Woods Road and Dunlop Street, Yarrawonga from Public Purposes No. 11 (Vic Roads) Reservation to Residential Medium Density Zone.

A copy of the amendment can be inspected free of charge during office hours at the Department of Planning and Development, Ground Floor, 477 Collins Street, Melbourne and at the offices of the Shire of Moira (Yarrawonga Office), Belmore Street, Yarrawonga.

GEOFF CODE  
Manager

Planning Co-ordination Branch  
Department of Planning and Development

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**Planning and Environment Act 1987**  
**BACCHUS MARSH PLANNING SCHEME**  
Notice of Lapsing of Amendment  
Amendment L48 Part 2

The Moorabool Shire Council has abandoned Amendment L48 Part 2 to the Bacchus Marsh Planning Scheme.

The amendment proposed to rezone land fronting Young Street, Bacchus Marsh (part of the Masons Lane Reserve) from Public Open Space—Recreation to Residential Zone.

The amendment lapsed on 7 September 1995.

GEOFF CODE  
Manager

Planning Co-ordination Branch  
Department of Planning and Development

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**Planning and Environment Act 1987**  
**SUNSHINE PLANNING SCHEME**  
Notice of Approval of Amendment  
Amendment L91

The Minister for Planning has approved Amendment L91 to the Local Section of the Sunshine Planning Scheme.

The amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment rezones land between the Brooklyn railway line and McDonalds Road, Brooklyn, from Public Purposes 13 (SEC) to General Industrial zone.

A copy of the amendment can be inspected free of charge during office hours at the Department of Planning and Development, 477 Collins Street, Melbourne and at the offices of the City of Brimbank, Municipal Offices, Alexandra Avenue, Sunshine.

GEOFF CODE

Manager

Planning Co-ordination Branch

Department of Planning and Development

# APPOINTMENT

## Evidence Act 1958 MEDIATORS

I, Tim Daly, Acting Secretary to the Department of Justice, under the power found in section 21K of the **Evidence Act 1958**, declare the under-listed persons to be mediators:

Albert, Alexander  
 Arnold, Ian Andrew  
 Balfe QC, Joseph Rupert  
 Bennett QC, David Myles  
 Berglund, Russell Lindsay  
 Blakie, Jenness Susan  
 Blewett, Stephen Graham  
 Bolton, John Grimley  
 Bowditch, Ian Walter John  
 Bowman, John Richard  
 Burns, Robert Thomas  
 Butcher, Gerald Paul  
 Chamings, Neal Barry  
 Clarke, John Gerard  
 Cohen, Susan Michelle  
 Colman, David Hugh  
 Cremean, Dr Damien John  
 Croft, Dr Clyde Elliott  
 Cyngler, James  
 Davis, Sandra  
 Davis, Robert Wallace  
 Dixon, John Russell  
 Dyer, Robert William  
 Fox, Peter Thomas  
 Gibson, Dennis Rodney  
 Gibson, John Aubrey  
 Gillies, William Ferguson  
 Goldblatt, Mark Steven  
 Grigoriou, Georgina  
 Halpin, Brian  
 Hanscombe, Dr Kristine  
 Heaton, Michael David George  
 Hebblewhite, Mark Guy  
 Hellyer, Graeme Frank  
 Henshall, David Grenville  
 Holdenson, Oliver Paul  
 Holdsworth, Ronald James  
 Holzer, Franz Johann  
 Ireland, Julian Gerard  
 Kewley, James Wilton  
 Kistler, Peter Klaus

Kovacs, Paul  
 Lewisohn, John Richard Peter  
 Lopes, Anthony Joseph  
 Lye, William Ewe Min  
 Marantelli, Stephen Edward  
 Marshall, Alan Crawford Le Messurier  
 Maxted, Ross Graeme  
 MacCauley, Cameron Clyde  
 McCullagh, Brian Joseph  
 McDermott, Paul William  
 Miles, Clyde Anthony  
 Mooney, Peter Rodwell  
 Moorhead, Garry Francis Gareth  
 Newton, Shane Patrick  
 Nicholson, Julie Ann  
 Nordlinger, Angela Marion  
 Nunns, John Bruce  
 O'Brien, Michael John  
 Page, Paul Douglas  
 Paine, Lindsay Ronald  
 Perkins, David Anthony  
 Phelan, Dianne Clare  
 Price, Roland Maxwell Leonard  
 Quigley, Michelle Lesley  
 Radford, Anthony Eyres  
 Read, Ian Leonard  
 Rice, Gavan Leonard  
 Richards, John Bennett  
 Rose, Peter Norman  
 Rosen, Trevor John  
 Ryan, Timothy Jerome  
 Sala, Giuseppe John  
 Settle, Mark Towers  
 Shepherd, Robert Donald  
 Shnookal, Toby Benjamin Andrew  
 Smale, Chris Stewart  
 Stiffe, Michael James  
 Tsalanidis, Joseph  
 Ussher, Blair Russell  
 West, Lynda Mary  
 Whiting, Kevin Franklin  
 Wiener, Robin Debra  
 Dated 12 September 1995

TIM DALY

Acting Secretary to the Department of Justice

**Stock Diseases Act 1968**

**SECTION 5**

In accordance with the Provision of the **Public Sector Management Act 1992**, the following staff member is appointed as an Inspector of Stock whilst employed by the Department of Agriculture, Energy and Minerals or until such time as the decision is revoked.

*Name:* Greenall, Robert Kenneth.

*Position Number:* 032164.

Dated 13 September 1995

MICHAEL NORMAN KINSELLA

Acting General Manager

Quality Assurance Policy

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# ORDERS IN COUNCIL

## Land Act 1958

### VESTING OF LAND UNDER SECTION 22A

Pursuant to section 22A of the **Land Act 1958** the Governor in Council hereby vests in the Grain Elevators Board all the land described in the attachment subject to and in accordance with the agreement dated 4 October 1994 between the Public Transport Corporation and the Grain Elevators Board a copy of which agreement is set out in Schedule 2 to the Order in Council dated 20 December 1994 and published in the Government Gazette on 22 December 1994 at pages 3444 to 3461 (both inclusive) and for the appropriate purposes of the Grain Elevators Board.

Attachment

## Land Act 1958

### VESTING OF LAND UNDER SECTION 22A

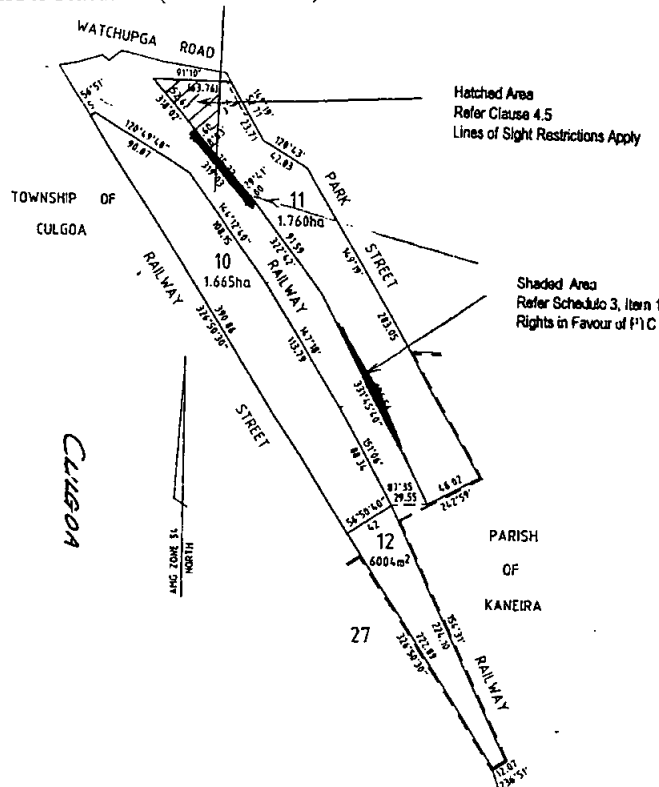
The estate in fee simple down to the depth of 15 metres below the surface in the following parcels of land—

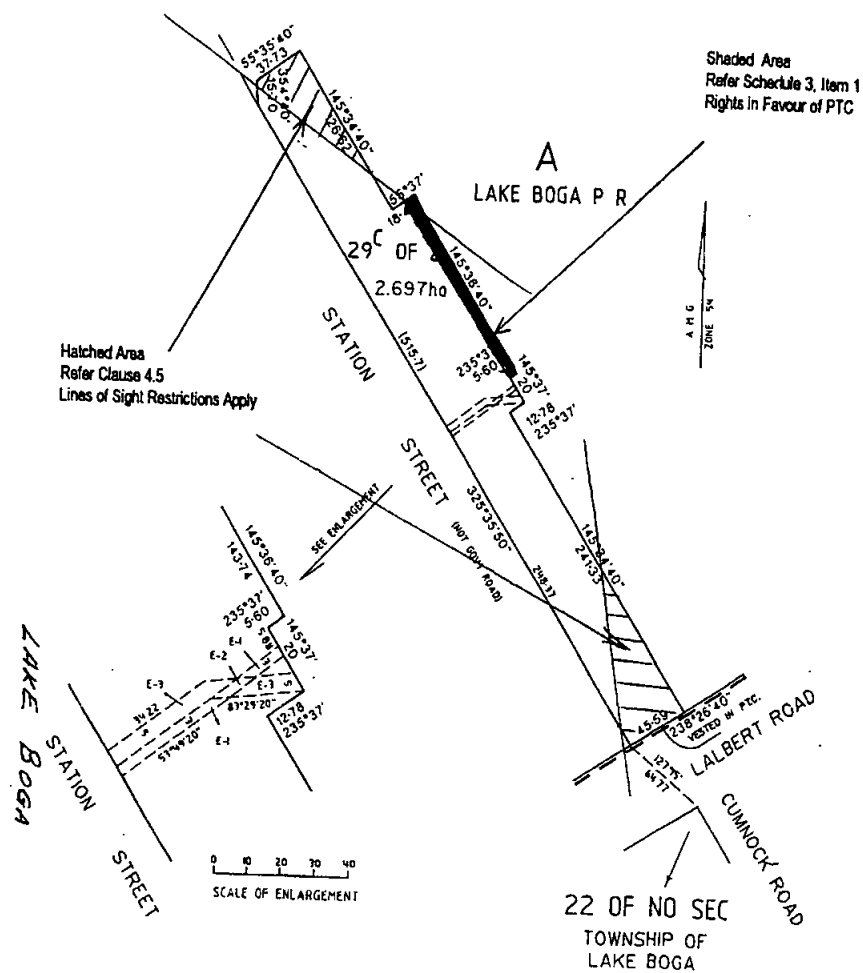
<i>Crown Description</i>	<i>Affected GEB Land and Relevant Plan (attached) (As per Schedule 1 to the Agreement)</i>	<i>Special Conditions (As per Schedule 2 to the Agreement) Please also see Note 1 and 2 below)</i>
Crown Allotments 10 and 11 Township of Culgoa (CP 116159-A)	Culgoa	
Crown Allotment 29C of 2 Parish of Kunat Kunat (CP 116384)	Lake Boga	(a) GEB to notify water authority of its new owner liability. (b) Easement to be provided for pedestrian service. (c) Easement to be provided for water service. (d) GEB to note that the site is encumbered by leases known as Lot 15, 17 and 20.
Crown Allotment 106J Parish of Marma (CP 114401-A)	Lubeck	(a) Easement to be provided for SECV service. (b) PTC to maintain power supply to its facilities. (c) Road to be created.
Crown Allotment 1A of 3 Parish of Tyntynder North (CP 116421)	Miralie	(a) Steel Shed within "Line of Sight" area to be relocated.
Crown Allotment 2F of Section 2 Parish of Quambatook (CP 114922-A)	Quambatook	(a) Easement to be provided for the Oil Pipeline. (b) License to be issued for stand at North West corner of silos. (c) GEB to note that the site is encumbered by lease known as Lot 12. (d) Facilities within rail loop to be licensed and land occupied within the loop to be leased. (e) Access to leased Goods Shed to be protected by GEB.

Crown Description	Affected GEB Land and Relevant Plan (attached) (As per Schedule 1 to the Agreement)	Special Conditions (As per Schedule 2 to the Agreement) Please also see Note 1 and 2 below)
Crown Allotment 11A Section 2A Township of Rochester (CP 114928)	Rochester	(a) Easement to be provided for SECV service. (b) License to be provided to GEB for access north of Lease Lot 1. (c) All conditions in this agreement to apply to land North of Mary/Gillies Streets required by GEB
Crown Allotment 22 Township of Swan Hill (CP 116226-A)	Swan Hill	(a) Note special boundary conditions. (b) PTC to continue responsibility for yard lighting.

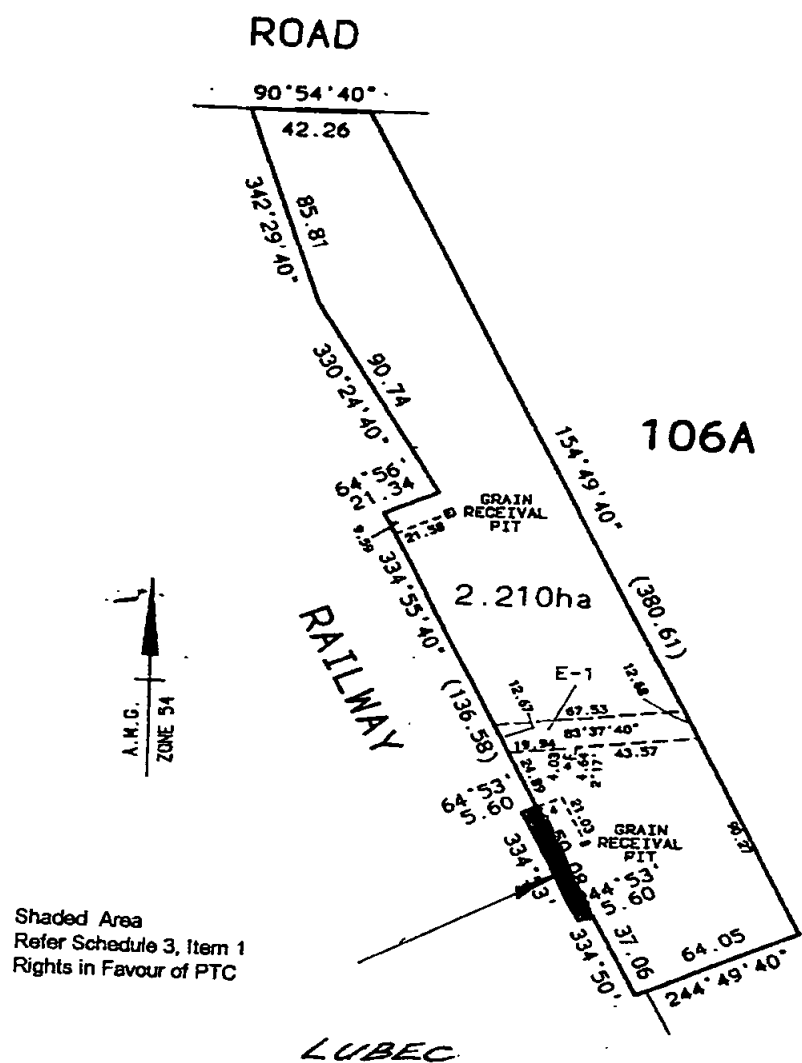
Note: 1. Conditions 1 to 8 of Schedule 3 shall apply to the lands listed above if applicable.

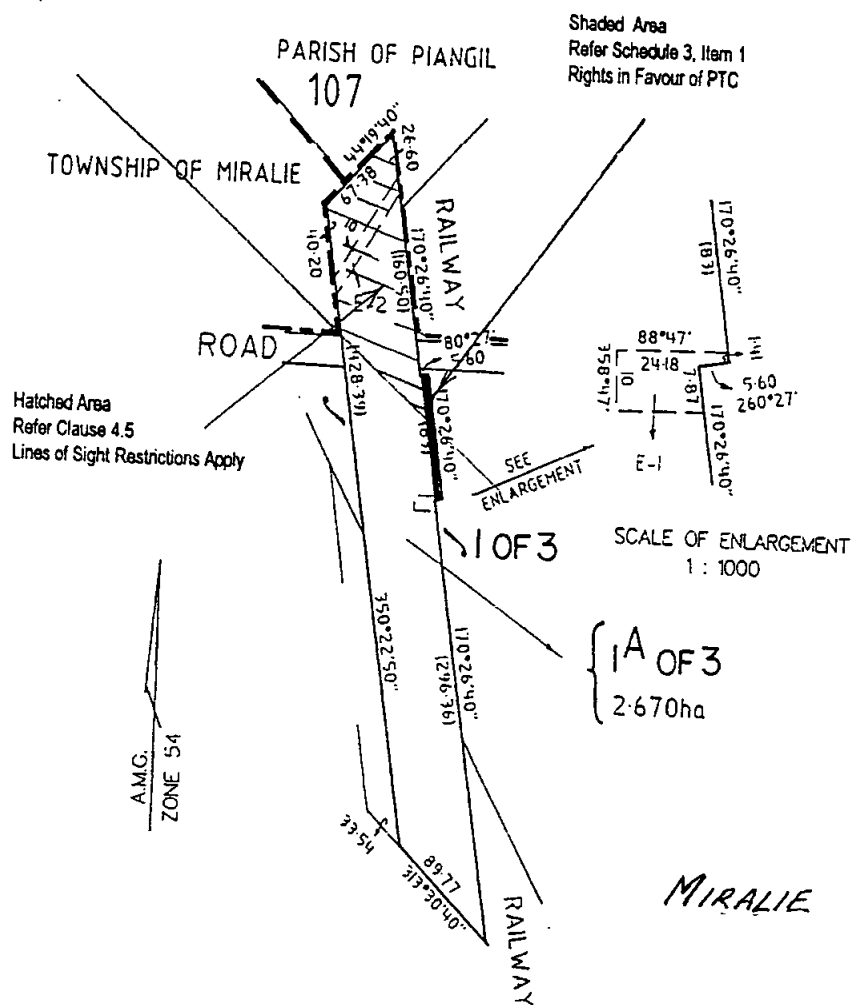
2. Line of sight conditions as set out in Clause 4 of the Agreement apply where indicated on the plans attached to Schedule 1 (Column 2 above).





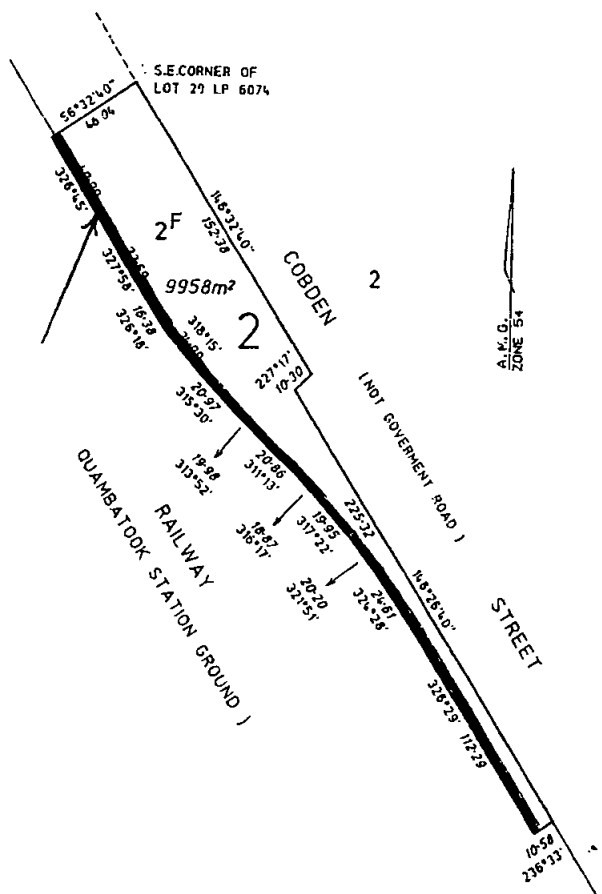


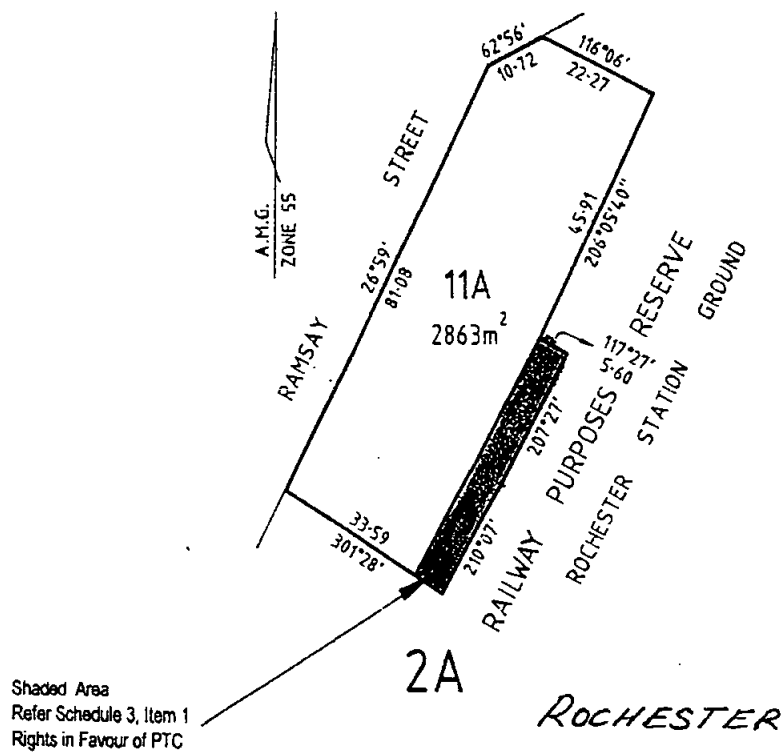


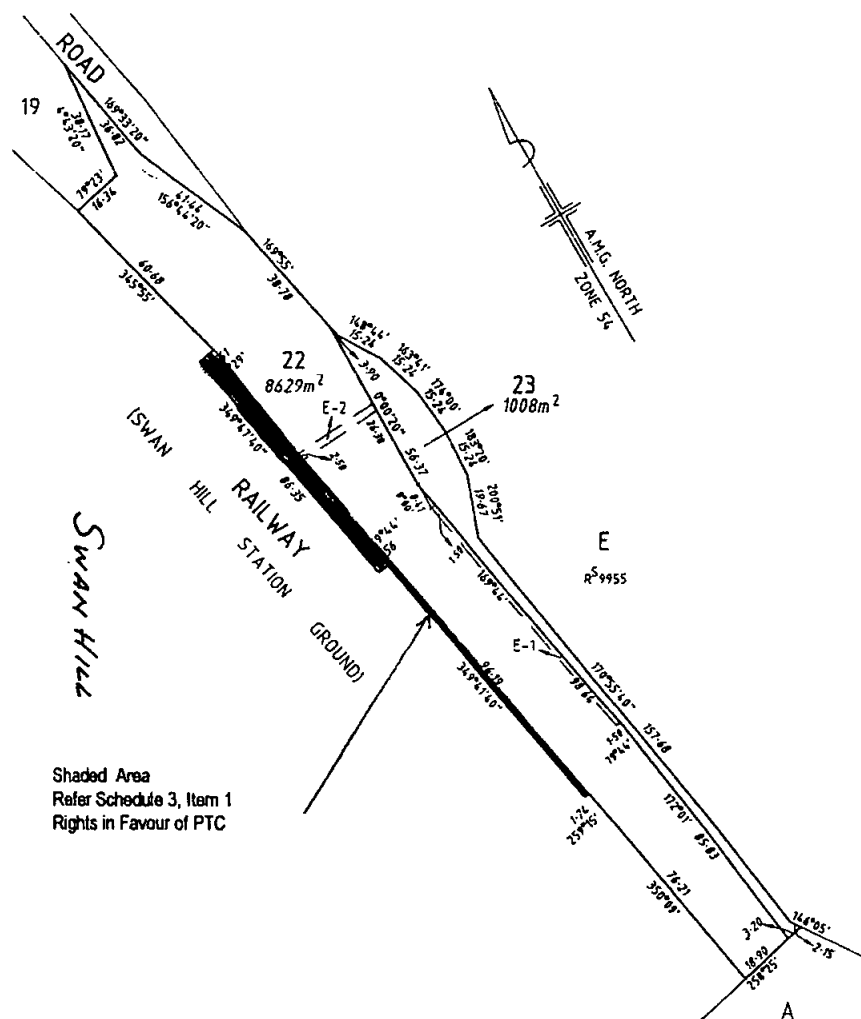


Shaded Area  
Refer Schedule 3, Item 1  
Rights in Favour of PTC

QUAMBATOOK







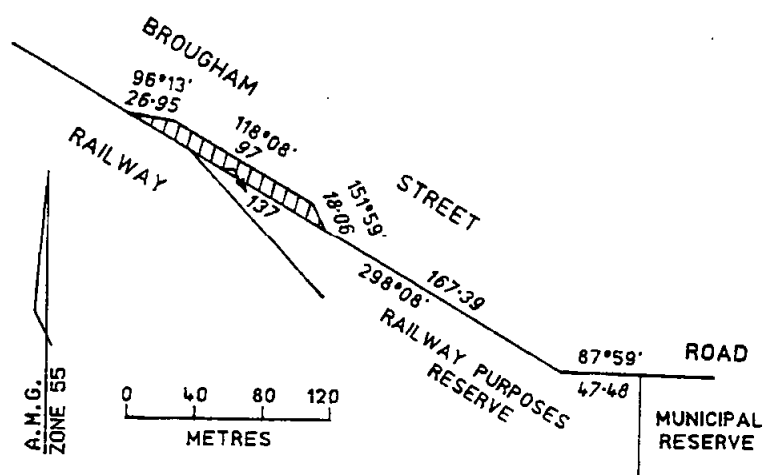
KATHY WILSON  
Clerk of the Executive Council

**Land Act 1958**  
**UNUSED ROADS CLOSED**

The Governor in Council under section 349 of the **Land Act 1958** and with the consents in writing of the municipalities concerned closes the following unused roads:

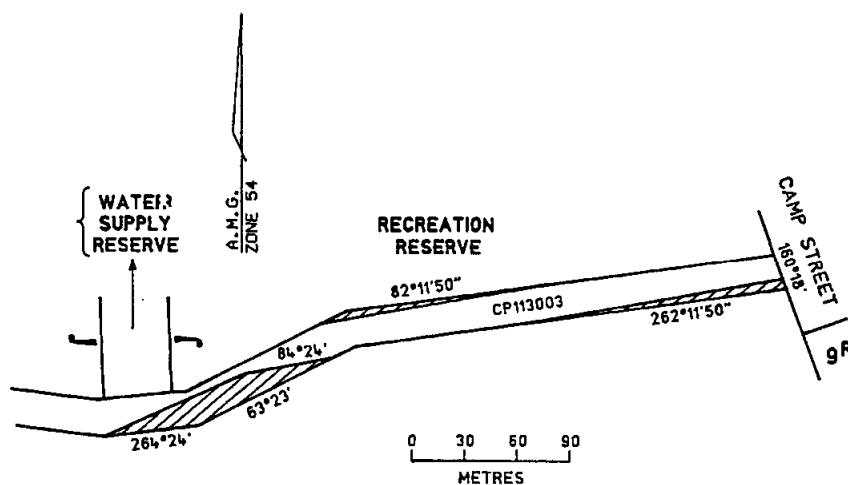
**MUNICIPAL DISTRICT OF THE LODDON SHIRE COUNCIL**

**BRIDGEWATER**—The road in the Township of Bridgewater, Parish of Bridgewater as indicated by hatching on plan hereunder—(B 437 (5)) (GB 113).



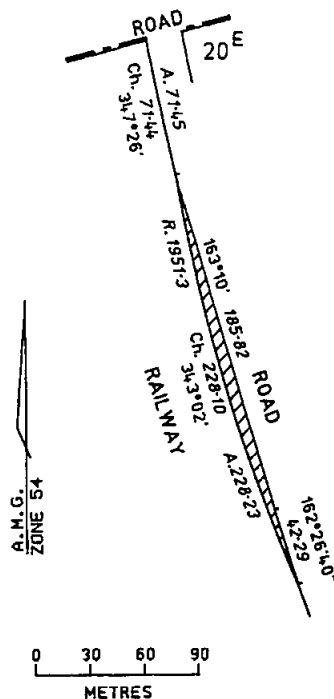
**MUNICIPAL DISTRICT OF THE WEST WIMMERA SHIRE COUNCIL**

**GOROKE**—The road in the Parish of Goroke as indicated by hatching on plan hereunder—(G 214[4]) (GB 16).



## MUNICIPAL DISTRICT OF THE BULOKE SHIRE COUNCIL

NULLAWIL—The road in the Parish of Nullawil as indicated by hatching on plan hereunder—  
(N 160[2]) (GB 101).



Dated 19 September 1995

Responsible Minister:

M. A. BIRRELL

Minister for Conservation and Environment

KATHY WILSON

Clerk of the Executive Council

### Crown Land (Reserves) Act 1978

#### NOTICE OF INTENTION

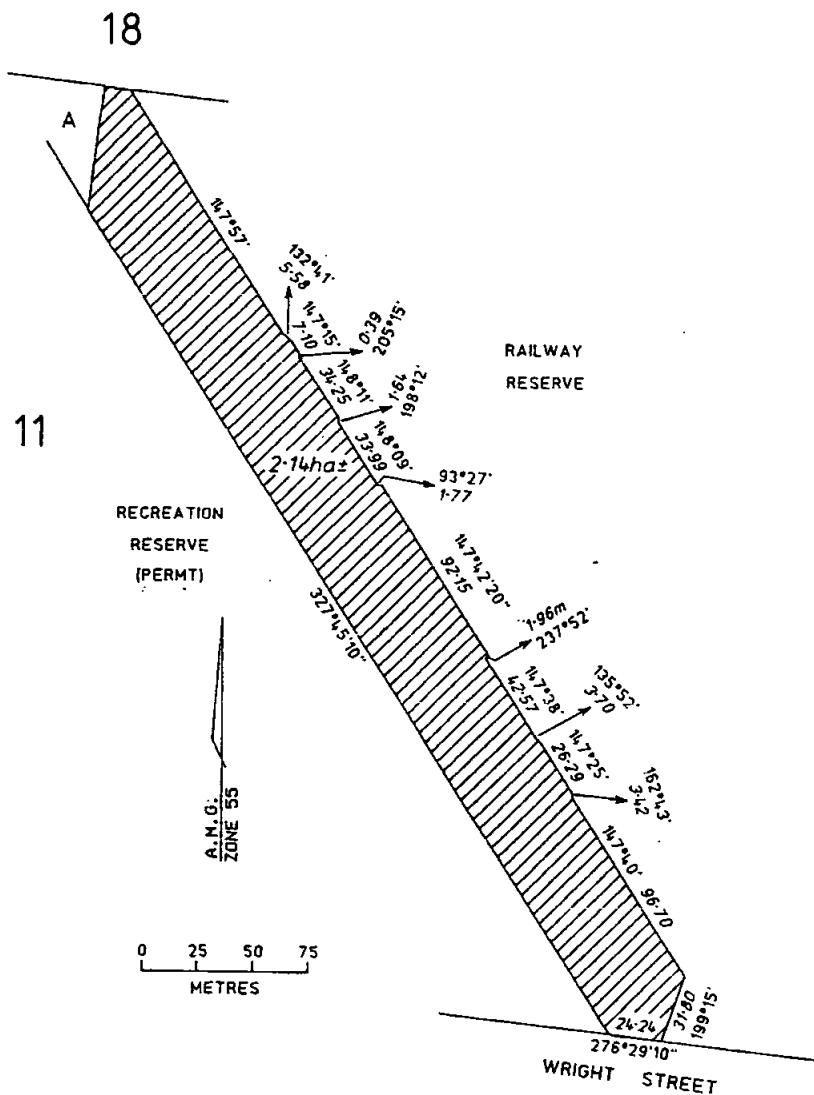
The Governor in Council under section 10 of the **Crown Land (Reserves) Act 1978** gives notice of intention to revoke the following temporary reservations:

**BRIDGEWATER**—The temporary reservation by Order in Council of 12 November 1912 of an area of 1.45 hectares of land in the Township of Bridgewater, Parish of Bridgewater as a site for Railway purposes, revoked as to part by Order in Council of 5 October 1927 so far as the balance remaining containing 9510 square metres—(Rs 3539).

**CARNGHAM**—The temporary reservation by Order in Council of 15 November 1880 of an area of 4.046 hectares of land in Section 26, Parish of Carngham as a site for affording access to Water—(93-1064).

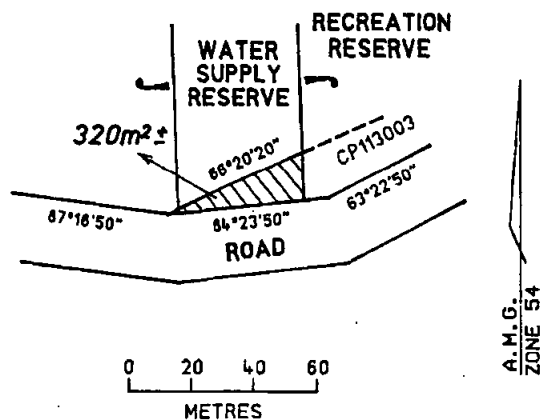
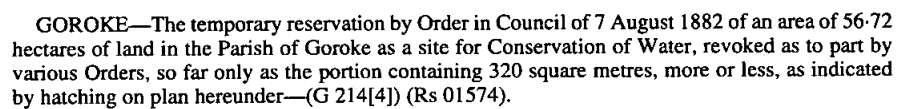
**CHARLTON EAST**—The temporary reservation by Order in Council of 28 February 1876 of an area of 1.85 hectares of land in Section C, Parish of Charlton East (formerly Parish of East Charlton) as a site for Public purposes (State School), revoked as to part by Order in Council of 24 February 1885 so far as the balance remaining containing 1.29 hectares—(P 121345).

CUT PAW PAW—The temporary reservation by Order in Council of 18 July 1919 of an area of 21.08 hectares of land in Section 11, Parish of Cut Paw Paw as a site for Railway purposes, so far only as the portion containing 2.14 hectares, more or less, as indicated by hatching on plan hereunder—(C 345[17]) (Rs 6075).

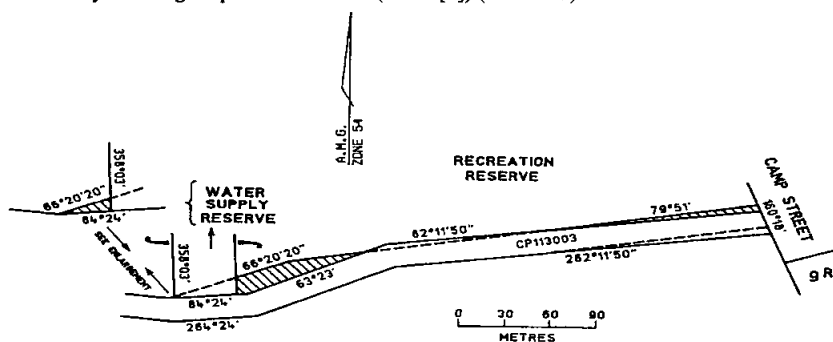




GOORNONG—The temporary reservation for railway purposes by Order in Council of 23 November 1868 of Crown lands comprised within the line of railway from Melbourne to Echuca, as fenced, so far only as the portion containing 4936 square metres, in the Township of Goornong, Parish of Goornong as indicated by hatching on plan hereunder—(G 98[7] and [5]) (GB 141).



**GOROKE**—The temporary reservation by Order in Council of 25 November 1947 of an area of 11.96 hectares of land in the Parish of Goroke as a site for Public Recreation, in addition to and adjoining the site temporarily reserved therefor by Order in Council of 13 January 1913, revoked as to part by various Orders, so far only as the portions containing 1300 square metres, more or less, as indicated by hatching on plan hereunder—(G 214[4]) (Rs 01575).



Total area of hatched portions: 1300m<sup>2</sup>s

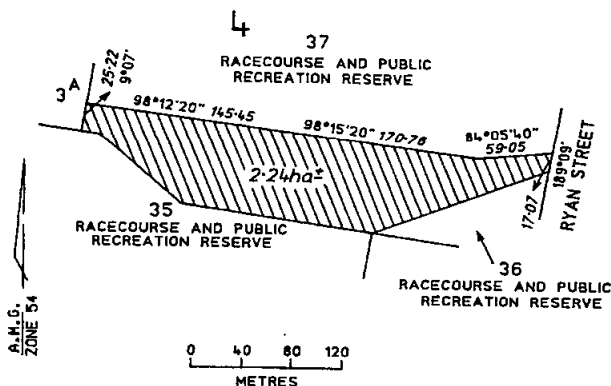
**OUYEN**—The temporary reservation by Order in Council of 18 June 1958 of an area of 3971 square metres of land in the Parish of Ouyen as a site for the purposes of the Grain Elevators Acts—(Rs 7726).

**SOUTH MELBOURNE**—The temporary reservation by Order in Council of 5 February 1889 of an area of 185 square metres of land in Section 60, City of South Melbourne, Parish of Melbourne South as a site for Public purposes, so far only as the portion containing 74.3 square metres shown as Crown Allotment 8B, Section 60, City of South Melbourne, Parish of Melbourne South on Certified Plan No. 109822 lodged in the Central Plan Office—(Rs 5435).

**TYNTYNDER**—The temporary reservation by Order in Council of 15 January 1963 of an area of 4.05 hectares of land in Section H, Parish of Tyntynder as a site for Public Recreation—(Rs 8197).

**MALMSBURY**—The temporary reservation by Order in Council of 6 September 1880 of an area of 2.43 hectares of land in Section 50, Township of Malmsbury, Parish of Lauriston (formerly municipal district of Malmsbury) as a site for a Pound—(06/15956).

**WATCHEM**—The temporary reservation by Order in Council of 8 December 1931 of an area of 20.84 hectares of land in Section 4, Township of Watchem, Parish of Watchem (formerly Village of Watchem) as a site for Racecourse and Public Recreation, so far only as the portion containing 2.24 hectares, more or less, as indicated by hatching on plan hereunder—(W304[D2]) (Rs 4160).



**WATCHEM**—The temporary reservation by Order in Council of 12 July 1955 of an area of 5200 square metres of land in Section 4, Township of Watchem, Parish of Watchem as a site for Racecourse and Public Recreation in addition to and adjoining the site temporarily reserved therefor by Order in Council of 8 December 1931—(Rs 4160).

**WATCHEM**—The temporary reservation by Order in Council of 18 August 1959 of an area of 6273 square metres of land in Section 4, Township of Watchem, Parish of Watchem as a site for Racecourse and Public Recreation in addition to and adjoining the site temporarily reserved therefor by Order in Council of 8 December 1931—(Rs 4160).

**WICKLIFFE**—The temporary reservation by Order in Council of 12 May 1964 of an area of 1.416 hectares of land in Section 12, Township of Wickliffe, Parish of Wickliffe as a site for the Supply of Gravel—(Rs 8264).

Dated 19 September 1995

Responsible Minister:

M. A. BIRRELL

Minister for Conservation and Environment

KATHY WILSON

Clerk of the Executive Council

**Land Act 1958**

**SALE OF CROWN LAND BY PRIVATE  
TREATY**

The Governor in Council, pursuant to section 99A (1) (a) of the **Land Act 1958**, approves the sale by private treaty of Crown Allotment 56, Section A, Parish of Echuca North as described on Certified Plan No. 116290.

Dated 12 September 1995

Responsible Minister:

ROGER HALLAM

Minister for Finance

KATHY WILSON

Clerk of the Executive Council

**Land Act 1958**

**SALE OF CROWN LAND BY PRIVATE  
TREATY**

The Governor in Council, pursuant to section 99A (1) (a) of the **Land Act 1958**, approves the sale by private treaty of Crown Allotments 69B and 69D, Parish of Yanac-A-Yanac as described on Certified Plan No. 114895.

Dated 12 September 1995

Responsible Minister:

ROGER M. HALLAM

Minister for Finance

KATHY WILSON

Clerk of the Executive Council

**Land Act 1958**

**SALE OF CROWN LAND BY PRIVATE  
TREATY**

The Governor in Council, pursuant to section 99A (1) (a) of the **Land Act 1958**, approves the sale by private treaty of Crown Allotment 6, Section 4, Township of Merbein as described on Certified Plan No. 114877.

Dated 12 September 1995

Responsible Minister:

ROGER M. HALLAM

Minister for Finance

KATHY WILSON

Clerk of the Executive Council

**Land Act 1958**

**UNUSED ROADS CLOSED**

The Governor in Council under section 349 of the **Land Act 1958** and with the consents in writing of the municipalities concerned and the adjoining owners closes the following unused roads:

**MUNICIPAL DISTRICT OF THE PYRENEES  
SHIRE COUNCIL**

**AVOCA**—The road in the Township of Avoca, Parish of Avoca shown as Crown Allotment 7, Section 30A on Certified Plan No. 116356 lodged in the Central Plan Office—(90-1292).

**MUNICIPAL DISTRICT OF THE  
MOORABOOL SHIRE COUNCIL**

**DEAN**—The road in the Parish of Dean shown as Crown Allotments 5B and 5C, Section 16 on Certified Plan No. 116309 lodged in the Central Plan Office—(93-1141).

**MUNICIPAL DISTRICT OF THE  
WARRNAMBOOL CITY COUNCIL**

**WARRNAMBOOL**—The road in the Township of Warrnambool, Parish of Wangoom shown as Crown Allotment 221B, on Certified Plan No. 116322 lodged in the Central Plan Office—(L2/4473).

**MUNICIPAL DISTRICT OF THE HEPBURN  
SHIRE COUNCIL**

**YANDOIT**—The road in the Parish of Yandoit shown as Crown Allotments 1A, 2A and 6A, Section 4A on Certified Plan No. 116314 lodged in the Central Plan Office—(L1/4243).

Dated 19 September 1995

Responsible Minister:

**M. A. BIRRELL**

Minister for Conservation and Environment

**KATHY WILSON**  
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:

**BUNINYONG**—The temporary reservation by Order in Council of 5 August 1909 of an area of 1-035 hectares of land in Section 26, Parish of Buninyong (formerly Parish of Buninyong, at Durham Lead) as a site for Cricket and other purposes of Public Recreation—(Rs 4180).

**BUNINYONG**—The temporary reservation by Order in Council of 4 September 1871 of an area of 7-67 hectares, more or less, of land in Section 24, Parish of Buninyong as a site for Watering purposes—(Rs 12672).

**BUNINYONG**—The temporary reservation by Order in Council of 15 March 1892 of an area of 1-07 hectares of land in Section 24, Parish of Buninyong as a site for Watering purposes, in addition to and adjoining the site temporarily reserved therefor by Order in Council of 4 September 1871—(Rs 12672).

**DARLINGTON**—The temporary reservation by Order in Council of 8 October 1940 of an area of 4-16 hectares of land in Section 10, Township of Darlington, Parish of Darlington as a site for a Public Park—(Rs 5079).

**ELPHINSTONE**—The temporary reservation by Order in Council of 23 November 1868 of the Crown lands comprised within the limits of deviation of the surveyed line of railway from Melbourne to Echuca, so far only as the portion containing 3682 square metres in the Township of Elphinstone as indicated by hatching on plan published in the Victoria Government Gazette on 10 August 1995—page 2108—(GL 18430).

**NUNAWADING**—An area of 2-159 hectares of land in the Parish of Nunawading deemed to be temporarily reserved as a site for educational purposes pursuant to Section 8 (2) of the **Deakin University (Victoria College) Act 1991**—(Rs 9716).

**PRAHRAN**—The temporary reservation by Order in Council of 2 November 1960 of an area of 2-96 hectares of land in the Parish of Prahran as a site for Educational purposes—(Rs 7988).

**STAWELL**—The temporary reservation by Order in Council of 5 December 1898 of an area of 8701 square metres, more or less, of land in Section 19A, Parish of Stawell as a site for Railway purposes, so far only as the portion containing 6500 square metres as indicated by hatching on plan published in the Victoria Government Gazette on 10 August 1995—page 2109—(GB 207).

**WATTA WELLA**—The temporary reservation by Order in Council of 3 December 1877 of an area of 2-62 hectares of land in the Parish of Watta Wella (formerly part of Crown Allotment 21) as a site for Camping and affording access to water—(Rs 7140).

**YUROKE**—The temporary reservation by Order in Council of 14 March 1979 of an area of 695 square metres of land being Crown Allotment A5, Section 23, Parish of Yuroke as a site for Public Buildings—(Rs 10667).

Dated 19 September 1995

Responsible Minister:

**M. A. BIRRELL**

Minister for Conservation and Environment

**KATHY WILSON**  
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:

**OUYEN**—The temporary reservation by Order in Council of 28 January, 1947 of an area of 1113 square metres of land in Section 18, Township of Ouyen, Parish of Ouyen as a site for Forests Commission purposes—(Rs 5919).

**OUYEN**—The temporary reservation by Order in Council of 7 August 1957 of an area of 2226 square metres of land in Section 18, Township of Ouyen, Parish of Ouyen as a site for the purposes of the Forests Acts, so far only as the eastern parcel of the reserve containing 1113 square metres—(Rs 7631).

**PEECHELBA**—The temporary reservation by Order in Council of 9 November 1982 of an area of 1.214 hectares of land being Crown Allotment 3, Section 11, Township of Peechelba, Parish of Peechelba as a site for Public Hall and Public Park—(Rs 9968).

Dated 19 September 1995

Responsible Minister:

M. A. BIRRELL

Minister for Conservation and Environment

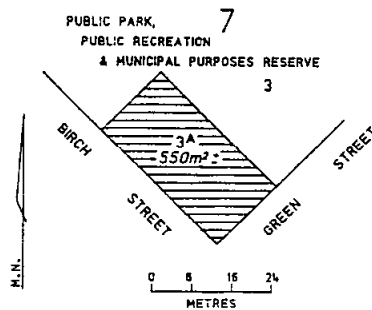
KATHY WILSON  
Clerk of the Executive Council

**Crown Land (Reserves) Act 1978**  
**CROWN LANDS TEMPORARILY**  
**RESERVED**

The Governor in Council under section 4 of the **Crown Land (Reserves) Act 1978** temporarily reserves the following Crown lands for the purposes mentioned.

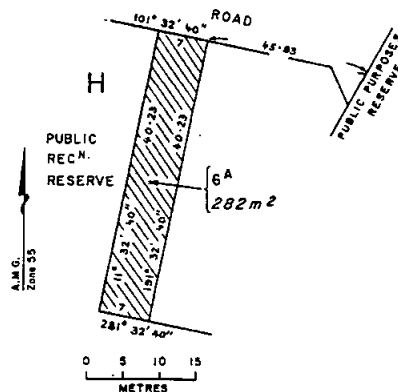
**MUNICIPAL DISTRICT OF THE CENTRAL**  
**GOLDFIELDS SHIRE COUNCIL**

**CARISBROOK**—Public Purposes (Public Park, Public Recreation and Municipal purposes) 550 square metres, more or less, being Crown Allotment 3A, Section 7, Township of Carisbrook, Parish of Carisbrook as indicated by hatching on plan hereunder—(C 132[9]) (06/15781).



**MUNICIPAL DISTRICT OF THE EAST**  
**GIPPSLAND SHIRE COUNCIL**

**METUNG**—Public Recreation, 282 square metres being Crown Allotment 6A, Section H, Township of Metung, Parish of Bumberrah as indicated by hatching on plan hereunder—(M515[3]) (Rs 7789).

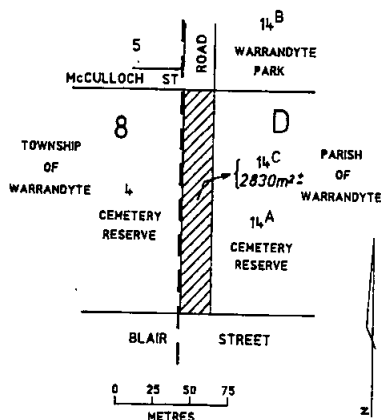


**MUNICIPAL DISTRICT OF THE**  
**WYNDHAM CITY COUNCIL**

**TARNEIT**—Education Purposes, 56.25 hectares being Crown Allotment 9G, Section B, Parish of Tarneit as shown on Certified Plan No. 116358 lodged in the Central Plan Office—(Rs 4705).

**MUNICIPAL DISTRICT OF THE**  
**MANNINGHAM CITY COUNCIL**

**WARRANTYTE**—Cemetery purposes, 2830 square metres, more or less, being Crown Allotment 14C, Section D, Parish of Warrandyte as indicated by hatching on plan hereunder—(W 26[8]) (Rs 10,561).



Dated 19 September 1995

Responsible Minister:

M. A. BIRRELL

Minister for Conservation and Environment

KATHY WILSON

Clerk of the Executive Council

**Crown Land (Reserves) Act 1978**  
**Interpretation of Legislation Act 1984**  
**AMENDMENT OF TEMPORARY**  
**RESERVATION**

The Governor in Council under section 4 of the **Crown Land (Reserves) Act 1978** and section 27 of the **Interpretation of Legislation Act 1984** amends the Order in Council made on 18 October 1880 published in the Victoria Government Gazette on 22 October 1880 of the temporary reservation of an area of 6.63 hectares in Section 2, Parish of Murramurrangbong, County of Bogong as a site for affording access to Water (revoked as to part by Orders of 14 May 1946 and 28 January 1970) by deletion of the words "affording access to Water" and the substitution therefor of the words "Public Purposes (Recreation)"—(Rs 05297).

Dated 19 September 1995

Responsible Minister:

M. A. BIRRELL

Minister for Conservation and Environment

KATHY WILSON

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:

**FRANKSTON**—The temporary reservation by Order in Council of 16 April 1962 of an area of 76.7841 hectares of land in the Parish of Frankston, as a site for the purposes of the Vermin and Noxious Weeds Destruction Board, revoked as to part by Order in Council of 12 June 1968, so far only as the portion containing 1515 square metres shown as Crown Allotment 42U, Parish of Frankston on Certified Plan No. 116271 lodged in the Central Plan Office—(Rs 8127).

**SALISBURY**—The temporary reservation by Order in Council of 26 March 1901 of an area of 4285 square metres of land being Crown Allotments 1, 2, 3 and 4, Section 1, Township of Salisbury as a site for a State School—(Rs 14221).

Dated 19 September 1995

Responsible Minister:

M. A. BIRRELL

Minister for Conservation and Environment

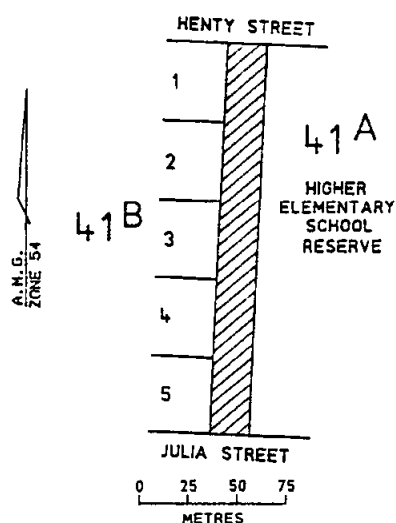
KATHY WILSON  
Clerk of the Executive Council

**Land Act 1958**  
**UNUSED ROADS CLOSED**

The Governor in Council under section 349 of the **Land Act 1958** and with the consents in writing of the municipalities concerned closes the following unused roads:

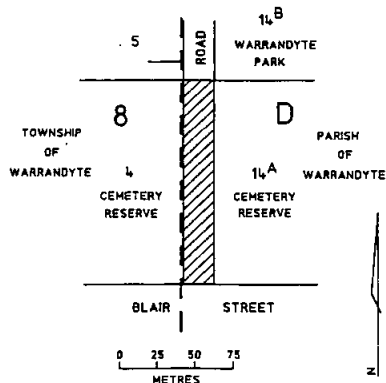
**MUNICIPAL DISTRICT OF THE GLENELG**  
**SHIRE COUNCIL**

**PORTLAND**—The road in the Township of Portland, Parish of Portland as indicated by hatching on plan hereunder—(P 69[10]) (Rs 5698).



**MUNICIPAL DISTRICT OF THE  
MANNINGHAM CITY COUNCIL**

**WARRANTYTE**—The road in the Parish of Warrandyte as indicated by hatching on plan hereunder—(W 26[8]) (90/282).



Dated 19 September 1995

Responsible Minister:

**M. A. BIRRELL**

Minister for Conservation and Environment

**KATHY WILSON**  
Clerk of the Executive Council

**Victoria  
ACT 391  
Second Schedule**

A statement of trusts having been submitted by the head or authorised representative of The Anglican Church of Australia under the provisions of the "Act to provide for the abolition of State Aid to Religion" for allowance by the Governor in Council, the same was allowed by him on 19 September 1995, and the following is the form in which such statement of trusts has been allowed.

**STATEMENT OF TRUSTS**

*Description of Land:* Site for Church of England School permanently reserved by Order in Council of 2 June 1862.

2028 square metres, Township of Tarnagulla, Parish of Tarnagulla being Crown Allotment 17A, Section 18.

Commencing at the north-western angle of the site being a point bearing 60°10' 10.06 metres from the most northern angle of allotment 10, Section 18; bounded thence by lines bearing 60°10' 60.35 metres 150°10' 33.60 metres and 240°10' 60.35 metres and thence by a road bearing 330°10' 33.60 metres to the point of commencement.

*Name of Trustees:* The Bendigo Diocesan Trusts Corporation.

*Powers of Disposition:* To let, lease, sell, mortgage or exchange the said land or any portion thereof.

*Purposes to which proceeds of disposition are to be applied:* Monies obtained from sale, leases, mortgages or exchanges to be paid to The Bendigo Diocesan Trusts Corporation.

Dated 19 September 1995

Responsible Minister:

**MARK BIRRELL**

Minister for Conservation and Environment

**KATHY WILSON**  
Clerk of the Executive Council

**Victoria  
ACT 391  
Second Schedule**

A statement of trusts having been submitted by the head or authorised representative of The Anglican Church of Australia under the provisions of the "Act to provide for the abolition of State Aid to Religion" for allowance

by the Governor in Council, the same was allowed by him on 19 September 1995, and the following is the form in which such statement of trusts has been allowed.

**STATEMENT OF TRUSTS**

*Description of Land:* Site for Church of England Minister's Dwelling temporarily reserved by Order in Council of 28 March 1871.

2022 square metres, Township of Tarnagulla, Parish of Tarnagulla being Crown allotment 2A, Section 27.

Commencing on Elgin Street at the north-eastern angle of allotment 1, Section 27, Township of Tarnagulla; bounded thence by allotment 1 bearing 250°38' 57.43 metres; by lines bearing 340°38' 35.20 metres and bearing 70°38' 57.43 metres, and thence by Elgin Street bearing 160°38' 35.20 metres to the point of commencement.

*Name of Trustees:* The Bendigo Diocesan Trusts Corporation.

*Powers of Disposition:* To let, lease, sell, mortgage or exchange the said land or any portion thereof.

*Purposes to which proceeds of disposition are to be applied:* Monies obtained from sale, leases, mortgages or exchanges to be paid to The Bendigo Diocesan Trusts Corporation.

Dated 19 September 1995

Responsible Minister:

MARK BIRRELL

Minister for Conservation and Environment

KATHY WILSON

Clerk of the Executive Council

Victoria

ACT 391

Second Schedule

A statement of trusts having been submitted by the head or authorised representative of The Anglican Church of Australia under the provisions of the "Act to provide for the abolition of State Aid to Religion" for allowance by the Governor in Council, the same was allowed by him on 19 September 1995, and the following is the form in which such statement of trusts has been allowed.

**STATEMENT OF TRUSTS**

*Description of Land:* Site for Church of England Place of Public Worship permanently reserved by Order in Council of 5 January 1869.

- (a) 2024 square metres, Township of Tarnagulla, Parish of Tarnagulla being Crown Allotment 4, Section 10.

Commencing at the south-western angle of Crown allotment 3, Section 10, Township of Tarnagulla, Parish of Tarnagulla; bounded thence, by that allotment bearing 70°38' 100.58 metres, by Stanley Street bearing 160°38' 20.12 metres, by a line bearing 250°38' 100.58 metres, and thence by Elgin Street bearing 340°38' 20.12 metres to the point of commencement.

- (b) 2024 square metres, Township of Tarnagulla, Parish of Tarnagulla being Crown Allotment 5, Section 10.

Commencing at the north-western angle of Crown allotment 6, Section 10, Township of Tarnagulla, Parish of Tarnagulla; bounded thence by Elgin Street bearing 340°38' 20.12 metres, by a line bearing 70°38' 100.58 metres, by Stanley Street bearing 160°38' 20.12 metres, and thence by allotment 6 bearing 250°38' 100.58 metres to the point of commencement.

*Name of Trustees:* The Bendigo Diocesan Trusts Corporation.

*Powers of Disposition:* To let, lease, sell, mortgage or exchange the said land or any portion thereof.

*Purposes to which proceeds of disposition are to be applied:* Monies obtained from sale, leases, mortgages or exchanges to be paid to The Bendigo Diocesan Trusts Corporation.

Dated 19 September 1995

Responsible Minister:

MARK BIRRELL

Minister for Conservation and Environment

KATHY WILSON

Clerk of the Executive Council

**Health Services Act 1988**

**INSTRUMENT TO VARY THE TERMS OF APPOINTMENT OF THE ADMINISTRATOR OF ST ALBANS COMMUNITY HEALTH CENTRE INCORPORATED**

The Governor in Council, pursuant to section 61 of the **Health Services Act 1988** and on the recommendation of the Minister for Health, hereby varies the Order made on the eighth day of May 1986, under section 43A (3) of the



**Hospitals and Charities Act 1958**, appointing to the St Albans Community Health and Resources Centre and as amended by the instrument of variation dated the tenth day of September 1991, appointing Mr Ian Wolstencroft as administrator of the St Albans Community Health Centre Incorporated, and amended in the variation of 9 August 1994, in the following manner:

1. Delete the wording "until 30 September 1995" in paragraph seven and insert "until 30 January 1996".

Dated 19 September 1995

Responsible Minister:

MARIE TEHAN

Minister for Health

- (c) the use of structured settlements to maximise the benefit to an injured person of any financial compensation ordered by a court; and
- (d) alternatives to the current system of court-based compensation for people injured in the use of health services.

Dated 19 September 1995

Responsible Minister:

MARIE TEHAN

Minister for Health

KATHY WILSON

Clerk of the Executive Council

KATHY WILSON  
Clerk of the Executive Council

**Parliamentary Committees Act 1968**  
**TERMS OF REFERENCE FOR AN INQUIRY**  
**INTO THE LIABILITY OF THE STATE OF**  
**VICTORIA AND HEALTH SERVICE**  
**PROVIDERS**

The Governor in Council, acting under section 4F (1) of the **Parliamentary Committees Act 1968** and on the recommendation of the Minister for Health, by this Order requires the Law Reform Committee to inquire into, consider and report to the Parliament on issues arising out of court-based compensation for people who have suffered injuries as a result of service provided by a health provider, in accordance with the following Terms of Reference:

1. The Governor is concerned that the increasing cost of professional indemnity insurance could affect access to medical services.
2. The Parliamentary Law Reform Committee is requested to investigate options with respect to the following—
  - (a) the need to ensure services provided are of a high standard and that where standards are not maintained people have suitable redress;
  - (b) the reduction of any disincentives to the provision of health services by fears of inappropriate liability;

**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:

116. *Statutory Rule:* Supreme Court (Fees) (Further Amendment) Regulations 1995

*Authorising Act:* Supreme Court Act 1986

*Date of Making:* 19 September 1995

117. *Statutory Rule:* Supreme Court (Sheriff's Fees No. 2) (Amendment) Regulations 1995

*Authorising Act:* Supreme Court Act 1986, Juries Act 1967

*Date of Making:* 19 September 1995

118. *Statutory Rule:* County Court (Court Fees) (Amendment) Order 1995

*Authorising Act:* County Court Act 1958

*Date of Making:* 19 September 1995

119. *Statutory Rule:* County Court (Bailiff's Fees) (Amendment) Order 1995

*Authorising Act:* County Court Act 1958

*Date of Making:* 19 September 1995

120. *Statutory Rule:* Magistrates' Court (Fees, Costs and Charges) (Amendment) Regulations 1995

*Authorising Act:* Magistrates' Court Act 1989

*Date of Making:* 19 September 1995

121. *Statutory Rule:* Building (Amendment) Regulations 1995

*Authorising Act:* Building Act 1993

*Date of Making:* 19 September 1995

**SUBORDINATE LEGISLATION ACT 1994  
NOTICE THAT STATUTORY RULES ARE  
OBTAINABLE**

Notice is given under section 17 (3) of the **Subordinate Legislation Act 1994** that the following Statutory Rules were first obtainable from Information Victoria, 318 Little Bourke Street, Melbourne on the date specified:

114. *Statutory Rule:* Fisheries (Recreational) (Bag Limits—Mallacoota) Regulations 1995

*Authorising Act:* Fisheries Act 1968

*Date first obtainable:* 19 September 1995

*Code A*

115. *Statutory Rule:* Road Safety (Procedures) (Licence Classifications) Regulations 1995

*Authorising Act:* Road Safety Act 1986

*Date first obtainable:* 19 September 1995

*Code A*

The retail prices and price codes below will apply from 2 August 1993 to the following products: Acts (New, Reissue and Reprint), Statutory Rules (New, Reissue and Reprint), Parliamentary Papers, Bills and Reports, Special and Periodical Gazettes, and Industrial Awards.

<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
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Government Gazette (General) \$1.65 per issue  
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#### ADVERTISERS PLEASE NOTE

As from 21 September 1995

The last Special Gazette was No. 93  
Dated 20 September 1995

The last Periodical Gazette was No. 5  
Dated 21 August 1995

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