

Victoria Government Gazette

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No. G 24 Thursday 10 June 2004

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GENERAL

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As from 10 June 2004

The last Special Gazette was No. 128 dated 8 June 2004.

The last Periodical Gazette was No. 1 dated 12 June 2003.

How To Submit Copy

- See our webpage www.craftpress.com.au
 - or contact our office on 9926 1233
between 8.30 am and 5.30 pm Monday to Friday
-

Copies of recent Special Gazettes can now be viewed at the following display cabinets:

- 1 Treasury Place, Melbourne (behind the Old Treasury Building), and
 - Craftsman Press Pty Ltd, 125 Highbury Road, Burwood 3125
(front of building).
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**PUBLICATION OF THE VICTORIA GOVERNMENT GAZETTE (GENERAL)
QUEEN'S BIRTHDAY WEEK**

Please note:

The Victoria Government Gazette for Queen's Birthday week will be published on **Thursday 17 June 2004**.

Copy deadlines:

Private Advertisements **9.30 am on Friday 11 June 2004.**

Government and Outer

Budget Sector Agencies Notices **9.30 am on Tuesday 15 June 2004.**

Where urgent gazettal is required after hours, arrangements should be made with the Government Gazette Officer on 0419 327 321.

JENNY NOAKES
Government Gazette Officer

PRIVATE ADVERTISEMENTS**DISSOLUTION OF PARTNERSHIP**

Notice is hereby given that the partnership previously subsisting between Paul Masters and Stephen Cowley carrying on business as information technology retailers at 198 Balaclava Road, Caulfield North in the State of Victoria, under the style or firm of "ELECT i.T" has been dissolved as from the 2 June 2004.

DISSOLUTION OF PARTNERSHIP

Notice is hereby given that the partnership subsisting between Rosemary Anne Balmford, Eril Lorraine Jolly, Denise Adrienne Kerr, Judith Ann Laird, Kerril Frances Maloney and Bridget Mary Sutherland carrying on business under the firm name "Hakea Press" at 15 Eagle Rise, Lower Templestowe has been dissolved as from 31 May 2004.

Signed by Denise Adrienne Kerr on behalf of Hakea Press

CHARLES LAPPIN, late of 42 Amess Road, Riddells Creek, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 February 2004, are required by the trustee, Cyril John Warren of 201 Yendon Road No. 1, Buninyong, Victoria, cleaner, to send particulars to him by 11 August 2004 after which date the trustee may convey or distribute the assets having regard only to the claims of which he then has notice.

Dated 8 June 2004

ARMSTRONG, COLLINS & DELACY,
solicitors for the said trustee,
143C Mollison Street, Kyneton.

Re: Estate, NORMA O'BYRNE, deceased.

In the estate of NORMA O'BYRNE, of 1 King Street, Kerang in the State of Victoria, pensioner, deceased.

Creditors, next-of-kin and all other persons having claims against the estate of the said deceased are required by Kerrie Jayne O'Byrne Simms of 499 Benjeroop/Lake Charm Road,

Kerang, Victoria, the executrix of the Will of the said deceased, to send particulars of such claims to her in care of the undermentioned solicitors within two months from the date of publication of this notice after which date she will distribute the assets having regard only to the claims of which they then have notice.

BASILE & CO. PTY LTD, legal practitioners,
46 Wellington Street, Kerang, Vic. 3579.

Re: WILLIAM GILBERT DELLAR, deceased.

Creditors, next-of-kin and all persons having claims against the estate of WILLIAM GILBERT DELLAR, late of Grandridge Lodge, 4-6 Brennan Street, Mirboo North, Victoria, retired, deceased who died on 27 April 2004, are required to send particulars to the executor Equity Trustees Limited ABN 46 004 031 298 of Level 2, 575 Bourke Street, Melbourne, Victoria, on or before 31 August 2004 after which date it will distribute the assets having regard only to the claims of which it shall then have notice.

BIGGS & CO., solicitors,
2273 Point Nepean Road, Rye, Victoria 3941.

CORNELIA PAULINA VAN SWOL, late of 6 Cambra Road, Belmont, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 9 November 2003, are required by Brendan John Fennelly, the executor of the Will of the deceased to send particulars of their claim to him care of the undermentioned solicitors by 20 August 2004 after which he will convey or distribute the assets having regard only to the claims of which he then has notice.

B.J. FENNELLY & ASSOCIATES, solicitors,
130 High Street, Belmont 3216.

Re: MARY RENNIE JAMIESON, late of Unit 5, 20-24 Noble Street, Noble Park, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 24 April 2004, are required by the trustee, Isobel Margaret Campbell of 23 Josephine Avenue, Mount Waverley, Victoria, credit controller, to send particulars to the trustee by 24 August 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

BORCHARD & MOORE, solicitors,
44 Douglas Street, Noble Park 3174.

Re: KATHERINE FLORENCE PHELAN, late of Ripplebrook Aged Care Facility, 21–23 Inverness Street, Clarinda, Victoria, but formerly of 106 Athol Road, Springvale South, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 13 February 2004, are required by the trustee, Patricia Mary Walls of 4 Judith Court, Springvale South, Victoria, teacher, to send particulars to the trustee by 24 August 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

BORCHARD & MOORE, solicitors,
44 Douglas Street, Noble Park 3174.

Re: KENNETH CARLTON, late of 2 Toole Court, Wodonga, Victoria, widowed, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 5 January 2004, are requested by the trustee to send particulars of their claim to him at the office of his solicitors, Bullards of Level 8, 221 Queen Street, Melbourne by 31 August 2004 after which date the trustees may convey or distribute the assets having regard only to the claims of which the trustees have notice.

BULLARDS, barristers and solicitors,
Level 8, 221 Queen Street, Melbourne.

Re: FRANCIS HENRY WOOD, late of Unit 1, 80 Repton Road, East Malvern, Victoria, widowed, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased,

who died on 25 February 2004, are requested by the trustee to send particulars of their claim to him at the office of his solicitors, Bullards of Level 8, 221 Queen Street, Melbourne by 31 August 2004 after which date the trustees may convey or distribute the assets having regard only to the claims of which the trustees have notice.

BULLARDS, barristers and solicitors,
Level 8, 221 Queen Street, Melbourne.

Re: BETTY ROSE MORRISON, late of 33 Reschke Court, Laverton, Victoria, retired dressmaker, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 March 2004, are required by the trustee, Garry David Morrison of 62 Lahinch Street, Broadmeadows, Victoria, to send particulars to the trustee within 60 days from the date hereof after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

DE MARCO & CO., solicitors,
209 Glenroy Road, Glenroy 3046.

Re: Estate of THOMAS CLAUDE FLIGHT

Creditors, next-of-kin or others having claims in respect of the estate of THOMAS CLAUDE FLIGHT, late of 10 Haig Court, Swan Hill in the State of Victoria, retired barman, deceased, who died on 13 April 2004, are to send particulars of their claim to the executrices care of the undermentioned legal practitioners by 20 August 2004 after which the executrices will distribute the assets having regard only to the claims of which they then have notice.

DWYER MAHON & ROBERTSON,
legal practitioners,
Beveridge Dome, 194–208 Beveridge Street,
Swan Hill.

Creditors, next-of-kin and others having claims in respect of the estate of CECILIA JANET WINSHIP, late of Cabrini Ashwood, 54 Queens Parade, Ashwood, Victoria, but formerly of Unit 60, 20 Grant Street, East Brighton, Victoria, deceased, who died on 2 February 2004, are required to send particulars

of their claims to the executrix of the Will of the deceased, Rosemary Maas, care of Equity Trustees Limited ACN 004 031 298 of Level 2, 575 Bourke Street, Melbourne, Victoria by 19 August 2004 after which date the executrix may distribute the assets, having regard only to the claims of which she then has notice.

Creditors, next-of-kin or others having claims in respect of the estate of the late EVIS MARY-ELLEN BLAKE, late of Mornington Private Nursing Home, 680 Nepean Highway, Mount Martha in the State of Victoria, deceased, who died on 5 March 2004, are to send particulars of their claims to the executor care of the undermentioned solicitors by 19 August 2004 after which date the executor will distribute the assets having regard only to the claims of which he then has notice.

FEATHERBY'S, solicitors,
1043A Point Nepean Road, Rosebud 3939.

JANE MERYL McMINN, late of Overton Lea Nursing Home, 31 Trickey Avenue, Sydenham, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 23 March 2004, are required by the next-of-kin, care of Harris & Chambers Lawyers of 338 Charman Road, Cheltenham, to send particulars to them by 11 August 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

HARRIS & CHAMBERS, lawyers,
338 Charman Road, Cheltenham 3192.

Re: ARTHUR JAMES SCOTT, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of ARTHUR JAMES SCOTT, late of Marina Residential Aged Care, 17 Burgundy Street, Heidelberg in the said State, and formerly of 60 Stephen Street, Yarraville in the said State, retired process worker, deceased, who died on 19 November 2003 are required by the executrix Glenda Irene Curtis of 12 Rayner Street, Altona, in the said State, to send particulars of their

claim to her care of the undermentioned solicitors by 14 November 2004 after which date the said executrix will distribute the assets of the deceased having regard only to the claims of which she then shall have notice.

J.P. DONALD & RYAN, solicitors,
304 High Street, Kew 3101.

Creditors, next-of-kin and others having claims in respect of the estate of CATHERINE BANFIELD, late of 79 Bondi Avenue, Frankston, Victoria, deceased, who died on 30 April 2004, are required by the executors namely James Henry Banfield of 7 Eblana Avenue, Mentone, Victoria, plumber and Fay Diane Banfield of 79 Bondi Avenue, Frankston, Victoria, computer clerk, to send particulars of such claims to the solicitors acting for the said executors namely Kelly & Chapman, 300 Centre Road, Bentleigh by 12 August 2004 after which date the said executors may convey or distribute the assets of the deceased, having regard only to the claims of which they or their solicitors then have notice.

KELLY & CHAPMAN, lawyers,
300 Centre Road, Bentleigh 3204.

Re: ROBERT CAMERON, late of Waverley Valley Aged Care, 29–33 Chesterville Road, Glen Waverley, but formerly of 436 Warrigal Road, Ashwood, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 19 April 2004, are required by the trustee, John Brian Deery of 17 Hovea Crescent, Walliston, Western Australia, buildings trades contractor, the son-in-law, to send particulars to the trustee by 11 August 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

KLOOGER FORBES HASSETT, lawyers,
Level 1, 1395 Toorak Road, Camberwell 3124.

Re: VERA MAUD SEMMENS (also known as Vera Semmens) late of Waverley Valley Aged Care, 29–33 Chesterville Road, Glen Waverley, Victoria, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 February 2004, are required by the trustee, John Clifton Semmens, to send particulars to the trustee care of the undermentioned solicitors by 9 August 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MASON SIER TURNBULL, solicitors,
315 Ferntree Gully Road,
Mount Waverley 3149.

Re: WALTER ERNEST COGGER,
deceased.

Creditors, next-of-kin or others having claims in respect of the estate of WALTER ERNEST COGGER, late of 583 High Street, Echuca, Victoria, pensioner, deceased, who died on 12 April 2004, are to send particulars of their claims to the executors care of the undermentioned solicitors by 12 August 2004 after which date the executors will distribute the assets having regard only to the claims of which the executors then have notice.

MITCHELL, McKENZIE & CO., solicitors,
51–55 Heygarth Street, Echuca.

RICHARD MINCHIN URE, late of The Bays Nursing Home, Coolstore Road, Hastings, retired architect, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 January 2004, are required by National Australia Trustees Limited (ACN 007 350 405) and Margaret Joan Ure of Level 5, 800 Bourke Street, Docklands, to send particulars of their claims to the said company by 12 August 2004 after which date they will convey or distribute the assets, having regard only to the claims of which the company then has notice.

Re: BARRY WALKER, late of 1A Wattle Grove, McKinnon, but formerly of 33 Broadway, Camberwell, lithographer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 September 2003, are required by the trustees, Ian McEacharn Marshall of 10

Denis Street, Vermont and Ian Thomas Dobson of 33 Broadway, Camberwell, to send particulars to the trustees by 9 August 2004 after which date the trustees may convey or distribute the assets having regard only to the claims of which the trustees have notice.

PEARCE WEBSTER DUGDALES, solicitors,
379 Collins Street, Melbourne 3000.

Creditors, next-of-kin and others having claims in respect of the estate of MARIANNA GOSZCZYNSKA, late of 360 New Street, Brighton in the State of Victoria, spinster, deceased, who died on 24 April 2004, are required to send particulars of such claims to the administrator care of the undermentioned solicitors by 9 August 2004 after which date the administrator will convey or distribute the assets, having regard only to the claims of which the administrator then has notice.

PIETRZAK SOLICITORS,
222 La Trobe Street, Melbourne.

ALMA HILDA COGHLAN, late of Gregory Lodge Nursing Home, 2–58 Newmarket Street, Flemington, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 22 January 2004, are required by the executors, Arthur Harold Coghlan of 38 Ellad Close, Vermont, Victoria and Ralph Walter Coghlan of 1359 Maryborough Road, Lockwood, Victoria, to send particulars to them (care of the undersigned) by 10 August 2004 after which date the executors may convey or distribute the assets having regard only to the claims of which they then have notice.

RENNICK & GAYNOR, solicitors,
431 Riversdale Road, Hawthorn East.

BRIAN STEPHEN BALLARD, late of 6A King Street, Mornington, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 December 2003, are required by the executrix, Pamela Joyce Ballard of 46 Yanagang Street, Waterfall, New South Wales, to send particulars to her by 14 August 2004 after which date the executrix may convey or

distribute the assets, having regard only to the claims of which she then has notice.

STIDSTON & WILLIAMS WEBLAW,
solicitors,
Suite 1, 10 Blamey Place, Mornington.

TIMOTHY JAMES DU CROS, late of
39 Bay Road, Mount Martha, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 3 March 2004, are required by the administrator Faith Alison Eve Du Cros of 39 Bay Road, Mount Martha, Victoria, to send particulars to her by 14 August 2004 after which date the administrator may convey or distribute the assets, having regard only to the claims of which she then has notice.

STIDSTON & WILLIAMS WEBLAW,
solicitors,
Suite 1, 10 Blamey Place, Mornington.

JEAN EDDY, late of 69 Murray Street, Wonthaggi, Victoria, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 5 January 2004, are required by the executor John Dallas Woods of 53 Paperbark Drive, Mount Martha, Victoria to send particulars to him by 14 August 2004 after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

STIDSTON & WILLIAMS WEBLAW,
solicitors,
Suite 1, 10 Blamey Place, Mornington.

JAMES DAVID WALSH, late of Lilliput in the State of Victoria, farmer.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 July 1945, are required by the trustee, Perpetual Trustee Consolidated Limited of 39 Hunter Street, Sydney, NSW, 2000, to send particulars to it by 10 August 2004 after which date the trustee may convey or distribute the assets having regard only to the claims of which it then has notice.

TRESSCOX, lawyers,
Level 9, 469 La Trobe Street, Melbourne.

JANET MARGARET COLLINS, late of
9/239 Burke Road, Glen Iris, Victoria, retired,
deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the abovenamed deceased, who died on 11 March 2004, are required by the executors, Robin Barton Sterritt of 19 Llaneast Street, Armadale and Eric Morris Cohen of 2A Carmyle Avenue, Toorak, to send particulars to the executors by 12 August 2004 after which date the executors intend to convey or distribute the assets of the estate having regard only to the claims of which the executors may have notice.

WISEWOULDS, solicitors,
459 Collins Street, Melbourne.

ELIZABETH LARKINS, late of 147 David Street, Dandenong, Victoria, home duties, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 6 August 2003, are required by Thomas Hamilton Swinburne and Joanne Elizabeth Vesely, the executors of the Will of the deceased, to send particulars of their claims to them care of the undermentioned solicitors by 9 August 2004, after which date they will convey or distribute the assets, having regard only to the claims of which they then have notice.

YOUNGER & SWINBURNE, solicitors,
24 Mason Street, Dandenong 3175.

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

On Wednesday 7 July 2004 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 Olga O'Rourke of Lot 3 (620) Telegraph Road, Seymour, proprietor of an estate in fee simple in the land described on Certificate of Title Volume 9400, Folio 737 upon which is erected a house known as Lot 3 (620) Telegraph Road, Seymour.

Registered Mortgage Nos. K569689 and N304651C affect the said estate and interest.

Terms – Cash/Eftpos
(Debit Cards only. No Credit Cards).
SW-03-005196-3
Dated 3 June 2004

V. PARKIN
Sheriff's Office
Phone: 9564 5137

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

On Thursday 8 July 2004 at 11.00 a.m. at the
Sheriff's Office, 10 Dana Street, Ballarat.
(Unless process be stayed or satisfied).

All the estate and interest (if any) of Thomas
Pitts and Amanda Pitts of 6762 Mortlake–Ararat
Road, Rossbridge, as shown on Certificate of Title
as Thomas George Pitts and Amanda Louise
Pitts, joint proprietors of an estate in fee simple
in the land described on Certificate of Title
Volume 2488, Folio 517 upon which is erected a
dwelling known 6762 Mortlake–Ararat Road,
Rossbridge.

Registered Mortgage No. W163955N
affects the said estate and interest.

The property can be located by travelling to
the township of Ararat via the Western Highway,
turn left into the Mortlake–Ararat Road, travel to
the township of Rossbridge. The property is set
back approximately 227 links from the corner of
Rossbridge–Streatham Road, Rossbridge.

Refer RACV VicRoads Country Directory
Edition No. 4, Map 74, F1.

Terms – Cash only
SW-03-010198-0
Dated 3 June 2004

V. PARKIN
Sheriff's Office
Phone: 9564 5137

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

On Wednesday 7 July 2004 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 Roger
Arnold Russian of 2/81 Stewart Street,

Brunswick, joint proprietor with Sue Athanasia
Russian of an estate in fee simple in the land
described on Certificate of Title Volume 5181,
Folio 141 upon which is erected a house known
as 29 Younger Street, Coburg East.

Registered Mortgage Nos. K091795 and
R679290J affect the said estate and interest.

Terms – Cash/Eftpos
(Debit Cards only. No Credit Cards).
SW-02-008145-9
Dated 3 June 2004

V. PARKIN
Sheriff's Office
Phone: 9564 5137

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>
GE CONSUMER FINANCE			
	\$		
Benson, Melanie Faith, 32A Hornby Street, Beaumaris	102.27	Cheque	12/02/03
Bingham, Robert, 35 Pomora Avenue, Torquay	103.43	"	29/05/02
Mitchell, Parris, 8 Sherman Drive, Bayswater	112.32	"	13/08/01
Cataldo, Antonio, 12 Jagger Circuit, Cranbourne	115.66	"	21/11/02
Cole, Benjamin David, Endeavour House, BL 1 No. 71 Noverley Road, Coogee, NSW	120.01	"	29/05/02
Stevens, Liza Rebecca, 13/127 Hawdon Street, Heidelberg	130.59	"	24/04/02
Ramirez, Juan Manuel, 21 Randell Place, Hampton Park	132.02	"	"
Manonella, Nelson Dario, 6A June Street, Highett	134.80	"	13/08/01
McIntyre, Raylene Joan, 5/79 Collings Street, Pearce, ACT	140.83	"	12/02/03
Bartlett, Vanessa Lee 3/98 O'Shannassy Street, North Melbourne	145.31	"	11/07/01
Dumitru, David, 71 Pounder Road, Hampton Park	150.12	"	15/01/01
Boseley, Dale John, 74 Fletcher Street, Castlemaine	156.13	"	12/02/03
Williams, Paul Arthur, 1 Drysdale Court, Scoresby	161.46	"	29/11/00
Coyle, Alexander Gardner, 14 Eastbourne Way, Narre Warren	164.27	"	12/02/03
Twiss, Andrew George, 11 Montgomery Road, Lake Bolac	164.29	"	29/05/02
Petric, Ante Zelko, 1/68 Allenby Road, Hillside	169.21	"	12/02/03
Pearce, John Michael, 40 Powley Parade, Watsonia	169.28	"	11/07/01
Corn, John Douglas, 129 High Street, Ararat	175.84	"	04/09/02
Freeman, Glen M., 4 Conway Court, Cranbourne	184.33	"	12/02/03
Budge, Karen Maree, 1/10 Shann's Avenue, Mount Martha	193.31	"	"
Miller, Faye Lesley, 21 Fairview Street, Traralgon	193.53	"	24/04/02
Torney, Mark, Marion Road, Rosebud	200.19	"	12/02/03
Costa, Mark Simon, 1/29A Salisbury Street, Benalla	202.22	"	"
Davis, Anthony James, 34 Rosella Avenue, Werribee	205.18	"	08/01/02
Wharewaka, Justin, 8/36 Hennessy Way, Dandenong North	221.03	"	12/02/03
Jensen, Gregory M., 2/97 Simpson Street, Tumut, NSW	224.90	"	24/04/02
Lynray P/L, 33 Heaths Road, Hoppers Crossing	235.90	"	29/05/02
Moyle, Stephen Wayne, 81 Queens Street, Altona	238.15	"	"
Carroll, Vanessa Lee, 38 Gardeners Road, Bentleigh East	246.12	"	21/11/02
Johnson, Brett Gregory, 38 Robjant Street, Hampton Park	252.79	"	"
Swinge, Adrian Donald, 8 Byrne Street, St Albans	260.87	"	13/08/01
Wong, Gary, 3 St Bridgets Road, Balwyn North	284.20	"	08/01/02
Jacques, Douglas Richard, 1/192 Booran Road, Caulfield South	286.43	"	11/07/01
Threlfall, Paul John, 1/34 Clive Street, Shepparton	310.67	"	24/04/02
Gorman, Brent, 9 Cook Street, Kealba	325.41	"	21/11/02
Pirihi, Henry Claude, 15 Watson Road, Noble Park	325.81	"	24/04/02
Conkey, Hannah, 23A Stewart Street, Brunswick	328.03	"	21/11/02
Vajler, Jason Michael, 140 Army Road, Pakenham	328.63	"	08/01/02
Citicorp General Insurance	338.29	"	04/09/02

Mahy, Robyn Elizabeth, 14 Cowper Street, Hillston, NSW	347.04	''	29/05/02
Brett, Travis Raymond, 18 Blackwood Drive, Wheelers Hill	349.80	''	21/11/02
S. & J. Phillips P/L, 103 North Road, Brighton	358.82	''	08/06/01
ASTUR Construction P/L, 175 Boundary Road, Narre Warren	371.94	''	15/01/01
McGlashan, Bradley John, 353 Eleventh Street, Mildura	388.43	''	12/02/03
Hibberd, Glen Matthew, 33 Lewis Street, Ormond	393.93	''	29/11/00
Cabel, Andrew Gillespie, 8/128 Inkerman Street, St Kilda	463.13	''	12/02/03
Orion P/L, 1st Floor Whitehorse Road, Nunawading	475.41	''	21/11/02
Sharp, Gavin Paul, 48 Mincha Street, Frankston	497.50	''	15/01/01
Davis, Anthony James, 34 Rosella Avenue, Werribee	511.50	''	''
Inspection Systems P/L, 13/65 Mark Street, North Melbourne	541.15	''	29/11/00
Batac, Agustin, 5/6 Garden Street, Reservoir	542.90	''	29/05/02
Allianz Australia	562.82	''	21/11/02
CGU Insurance	572.36	''	04/09/02
CGU Insurance	647.48	''	29/05/02
Parkin, David, 3 Thomas Street South, Windsor	653.54	''	11/11/01
McKenzie, Barbara Anne,			
27 Culgoa Crescent, Koonawarra, NSW	655.09	''	24/04/02
Allianz Australia	675.00	''	08/01/02
Reed, Malcolm, 14 Wanderer Street, Deniliquin, NSW	875.06	''	21/11/02
Just Car	912.00	''	08/01/02
Suncorp Metway	920.00	''	12/02/02
Faculty P/L, 18 Redwood Drive, Notting Hill	1,025.07	''	12/03/03
Oberin, Rohan Trent, 21 Sunnyside Road, Seville	1,080.00	''	21/11/02
VicRoads	1,100.50	''	08/01/02
Farrelly Floors P/L, 6 Eileen Road, Clayton South	1,236.99	''	21/11/02
King Insurance Brokers	1,250.46	''	29/05/02
Swann Insurance	1,606.00	''	21/11/02
Allianz Australia	1,702.00	''	''
Thompson, Gregory Eugene, 16 Cloverdale Avenue, Toorak	1,821.55	''	12/02/03
Citicorp General Insurance	1,927.00	''	21/11/02
Allianz Australia	2,059.43	''	04/09/02
Citicorp General Insurance	3,237.00	''	''
Berceanu, Sorin Dorin, 15 Laggan Court, Endeavour Hills	3,351.60	''	21/11/02

04048

CONTACT: WESLEY WILLIAMS. PHONE: (03) 9921 6678.

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 first became Payable</i>
PENNISI REAL ESTATE			
	\$		
M. Crocket & A. Whiteside, 5/32 Spring Street, Niddrie	700.00	Cheque	19/02/01

J. Senserrick & S. Saban, 27A Thompson Street, Essendon	106.00	”	28/03/00
Lana Chan Suk Han, 45 Fl, Flat A, Block 1, University Heights, 23 Pokfield Rd, Hong Kong	229.00	”	12/05/00
Nur Octasiah Harun, 7/18 Mascoma Street, Ascot Vale	190.00	”	29/05/00
Nur Octasiah Harun, 7/18 Mascoma Street, Ascot Vale	400.00	”	09/06/00
Craig Fitsimmons, 5/14 Ballater Street, Essendon	200.00	”	26/08/02
G. & M. Fazio, 2/6 Kindale Court, Avondale Heights	200.60	”	11/11/02
M. W. & A. I. Mason	240.00	”	02/04/03

04182

CONTACT: LISA DRAYCOTT, PHONE: (03) 9379 5616.

PROCLAMATIONS

ACTS OF PARLIAMENT

Proclamation

I, John Landy, Governor of Victoria, declare that I have today assented in Her Majesty's name to the following Bills:

No. 34/2004 **Appeal Costs and Penalty Interest Rates Acts (Amendment) Act 2004**

No. 35/2004 **Architects (Amendment) Act 2004**

No. 36/2004 **Death Notification Legislation (Amendment) Act 2004**

No. 37/2004 **Domestic Building Contracts (Amendment) Act 2004**

No. 38/2004 **Judicial Salaries Act 2004**

No. 39/2004 **Mitcham-Frankston Project Act 2004**

No. 40/2004 **Treasury and Finance Legislation (Amendment) Act 2004**

Given under my hand and the seal of
Victoria at Melbourne on 8 June
2004.

(L.S.) JOHN LANDY
Governor
By His Excellency's Command

JOHN THWAITES MP
Acting Premier

No. 34/2004 This Act comes into operation on the day after the day on which it receives the Royal Assent.

No. 35/2004 (1) This Act comes into operation on a day or days to be proclaimed.
(2) If a provision of this Act does not come into operation before 1 July 2005, it comes into operation on that day.

No. 36/2004 (1) This Part and Parts 4, 5 and 6 come into operation on the day after the day on which this Act receives the Royal Assent.

(2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.

(3) If a provision referred to in sub-section (2) does not come into operation before 1 January 2005, it comes into operation on that day.

No. 37/2004 This Act is deemed to have come into operation on 1 May 1996.

No. 38/2004 This Act comes into operation on the day after the day on which it receives the Royal Assent.

No. 39/2004 (1) This section and sections 1, 266, 270, 272, 273, 276 and 277 come into operation on the day after the day on which this Act receives the Royal Assent.

(2) Section 259 comes into operation on 1 July 2004.

(3) The remaining provisions of this Act come into operation on a day or days to be proclaimed.

(4) If a provision referred to in sub-section (3) does not come into operation before 1 July 2005, it comes into operation on that day.

No. 40/2004 (1) Subject to sub-section (2), this Act comes into operation on the day after the day on which it receives the Royal Assent.

(2) Sections 4 to 10 and section 15 are deemed to have come into operation on 6 May 2004.

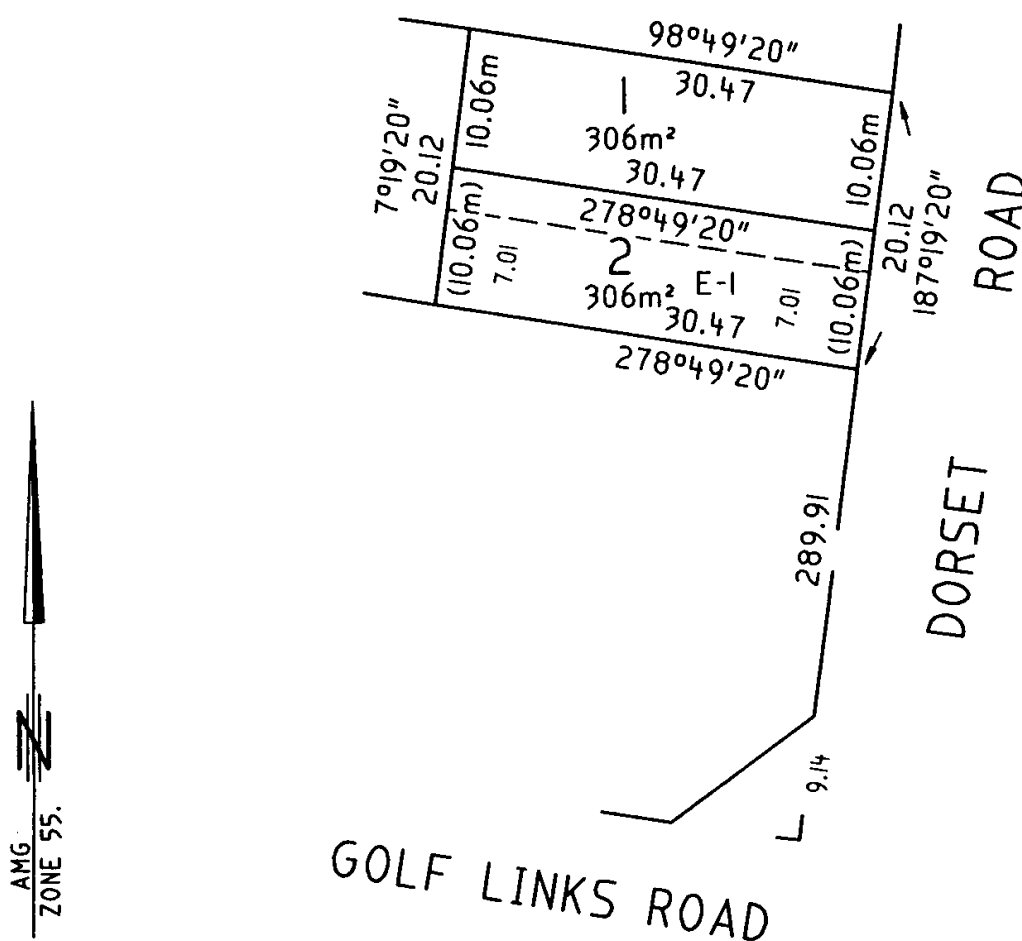
GOVERNMENT AND OUTER BUDGET SECTOR AGENCIES NOTICES

MAROONDAH CITY COUNCIL

Road Discontinuance

At its meeting on 27 November 2000 and acting under clause 3 of schedule 10 to the **Local Government Act 1989**, Maroondah City Council resolved to discontinue the road shown as lots 1 & 2 on the plan below.

The road is to be sold subject to any right, power or interest held by TXU Electricity Limited, as to the land marked "E-1", in the road in connection with any cables or pipes under the control of that authority in or near the road.

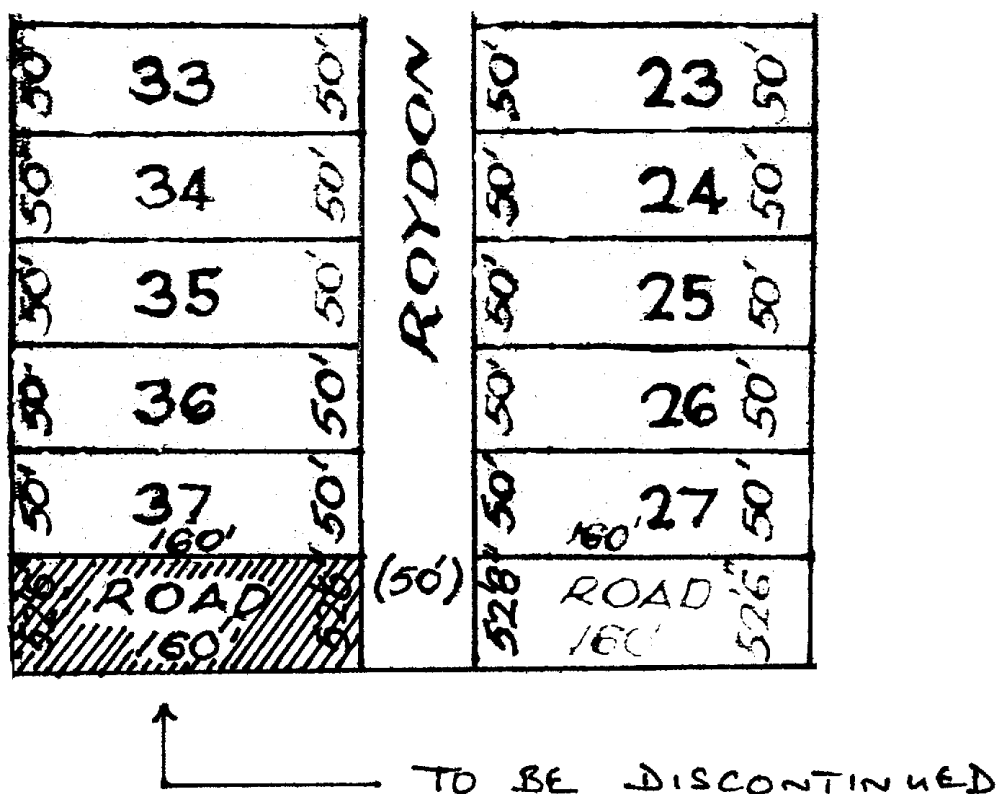


MICHAEL MARASCO
Chief Executive

ERRATUM
BASS COAST SHIRE COUNCIL

Road Discontinuance

The plan that accompanied notice of the discontinuance of an unnamed road off Roydon Road, Cowes in Government Gazette G8, page 334 of 19 February 2004 was unclear as to the road to be discontinued. The plan contained in that notice is revoked and replaced by the following plan (on which the road to be discontinued is shown hatched):



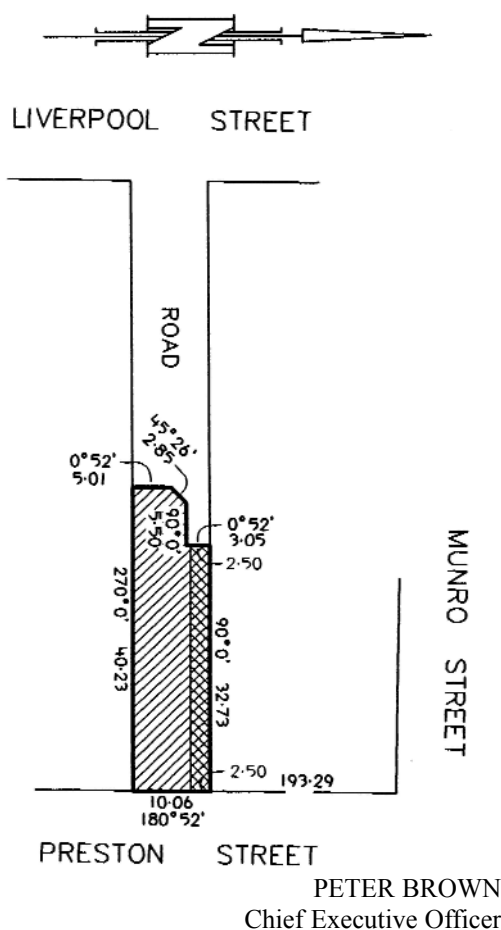
ALLAN BAWDEN
Chief Executive Officer

MORELAND CITY COUNCIL

Road Discontinuance

Pursuant to section 206 and schedule 10, clause 3 of the **Local Government Act 1989**, the Moreland City Council at its ordinary meeting held on 24 May 2004 formed the opinion that the section of road between Liverpool Street and Preston Street, Coburg, shown by both hatching and cross-hatching on the plan below, is not reasonably required as a road for public use and resolved to discontinue the road and to sell the land from the road by private treaty to the abutting property owner.

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



In accordance with Section 9(a) of the **Public Holidays Act 1993** a Bank half-day holiday will also apply.

MARK AMIRTHARAJAH
Chief Executive Officer

**Domestic (Feral and Nuisance)
Animals Act 1994**

**SOUTHERN GRAMPIANS
SHIRE COUNCIL**

Notice is given that Southern Grampians Shire Council at its ordinary meeting held on Wednesday 10 March 2004 resolved in accordance with Section 26 (2) of the **Domestic (Feral & Nuisance) Animals Act 1994** and clause 40 (4) of the Environmental Local Law No. 3 to make an order declaring a Special Zone comprising Crown Allotments 1 and 20, Section 5, Crown Allotment 9, Section 4, Township of Cavendish and the entire road reserve east of Crown Allotments 1 and 20, Section 5, Township of Cavendish, where dogs shall at all times be prohibited.

GRAHAM N. MOSTYN
Chief Executive Officer

Planning and Environment Act 1987

GLEN EIRA PLANNING SCHEME

**Notice of the Preparation of an
Amendment to a Planning Scheme**

Amendment C38

Glen Eira City Council has prepared Amendment C38 to the Glen Eira Planning Scheme.

The Amendment proposes to change the Glen Eira Planning scheme by:

- amending the schedule to the Public Park and Recreation Zone to apply the Category 1 signage provisions to selected parts of the subject site shown on the Caulfield Racecourse Site Plan;
- amending Schedule 1 to the Special Use Zone to apply Category 1 signage provisions to selected parts of the subject site shown on the Caulfield Racecourse Site Plan;
- including the Caulfield Racecourse Site Plan as an Incorporated Document at Clause 81 of the Glen Eira Planning Scheme.

BULOKE SHIRE COUNCIL

Declaration of a Half-day Public Holiday

The Buloke Shire Council in accordance with Section 7(1)(b) of the **Public Holidays Act 1993**, declares a half-day Public Holiday as follows:

Wednesday 4 August 2004, on the occasion of the Speed Field Day in the district of Sea Lake, including the Townships of Berriwillock, Culgoa and Nandaly;

Wednesday 20 October 2004, on the occasion of the Wycheproof A & P Society Show in the district of Wycheproof, including the Township of Nullawil;

Tuesday 2 November 2004, on the occasion of the Melbourne Cup Day in the districts of Birchip, Donald and Charlton, including the Township of Watchem.

The person who requested the Amendment is the Melbourne Racing Club c/- ERM Pty Ltd.

The following documents may be inspected during office hours free of charge: the Amendment; documents supporting the Amendment; and the explanatory report about the Amendment, at either:

- Glen Eira City Council, Customer Service Centre, Ground Floor, Glen Eira Town Hall, corner Glen Eira and Hawthorn Roads, Caulfield;
- at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne.

The Amendment can also be viewed on Council's website at www.gleneira.vic.gov.au.

Any person who may be affected by the Amendment may make a written submission to the planning authority.

The closing date for submissions is 12 July 2004. Submissions about the Amendment must be sent to: Planning Scheme Amendment C38, Strategic Planning Department, City of Glen Eira, PO Box 42, Caulfield South, Vic. 3162.

JASON CLOSE
Manager Strategic Planning

Planning and Environment Act 1987

GREATER SHEPPARTON PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C47

The Greater Shepparton City Council has prepared Amendment C47 to the Greater Shepparton Planning Scheme.

The land affected by the Amendment is a closed portion of Northgate Street, Mooroopna, adjoining properties known as 47–51 O'Brien Street and 53 O'Brien Street, Mooroopna.

The Amendment proposes to rezone the land from Residential 1 Zone (R1Z) to Business 1 Zone (B1Z).

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment during office hours, free of charge, at the Greater Shepparton City Council office, 90 Welsford

Street, Shepparton and Casey Street, Tatura; at the Regional Office of the Department of Sustainability and Environment, 35 Sydney Road, Benalla; and at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne.

Any person who may be affected by the Amendment may make a submission to the planning authority.

The closing date for submissions is 12 July 2004. Submissions must be sent to the Greater Shepparton City Council, Locked Bag 1000, Shepparton, Vic. 3632.

COLIN KALMS
Manager Planning

Planning and Environment Act 1987

SOUTH GIPPSLAND PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C28

The South Gippsland Shire Council has prepared Amendment C28 to the South Gippsland Planning Scheme.

The land affected by the Amendment is at Adkins Street, Korumburra, being Lot A Plan of Subdivision No. 116539; Title Volume 9166, Folio 481. The land is located on the southern side of the South Gippsland Highway on the western side of the township.

The Amendment proposes to:

- rezone the subject land from Rural Zone (RUZ) to Industrial 1 Zone (IN1Z); and
- remove the existing Environmental Significance Overlay – Schedule 5 (ESO5) and introduce a Development Plan Overlay – Schedule 1 (DPO1).

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations:

- at the office of the planning authority, South Gippsland Shire Council, 9 Smith Street, Leongatha;
- at the Department of Sustainability and Environment, Gippsland Region Office, 71 Hotham Street, Traralgon;

- at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne.

This can be done during office hours and is free of charge.

Any person who may be affected by the Amendment may make a submission to the planning authority.

The closing date for submissions is 12 July 2004. Submissions must be sent to the South Gippsland Shire Council, Attention: Johann Rajaratnam, 9 Smith Street, Leongatha 3953.

JOSEPH CULLEN
Chief Executive
South Gippsland Shire Council

Planning and Environment Act 1987 **STONNINGTON PLANNING SCHEME**

Notice of the Preparation of an
Amendment to a Planning Scheme and
Notice of an Application for Planning Permit
Amendment C36
Application 1137/03

The land affected by the Amendment is part (rear/east) 266–274 Glenferrie Road, Malvern being Lot 1 on Plan of Subdivision 443218A, Certificate of Title Volume 10632 Folio 595.

The land affected by the application is the whole of 266–274 Glenferrie Road, Malvern and the associated access driveway within the common property on Plan of Subdivision No. 443218A.

The Amendment proposes to introduce a specific site exclusion which enables the whole of the land at 266–274 Glenferrie Road, Malvern to be used in accordance with the provisions of the Business 1 Zone despite its inclusion partly in the Residential 1 Zone and partly in the Business 1 Zone.

The application is for a permit for dispensation from providing full car parking requirement pursuant to Clause 52.06 of the Stonnington Planning Scheme to enable the use of part of the land for the purpose of a shop.

The person who requested the Amendment and the applicant for the permit is Nemogen Pty Ltd.

You may inspect the Amendment and the application, any documents that support the Amendment and application, and the explanatory report about the Amendment and application, at:

- the office of the planning authority, City of Stonnington, Planning Counter, Prahran Centre, Prahran Town Hall, corner of Greville and Chapel Streets, Prahran 3181;
- the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne 3000;
- the Department of Sustainability and Environment, Regional Office, South East Metropolitan Area, 12 Lakeside Drive, Burwood East 3151.

This can be done during office hours and is free of charge.

Any person who may be affected by the Amendment or by the granting of the planning permit may make a submission to the planning authority. Submissions must:

- be made in writing (by or on behalf of the submitter) giving the address of the affected property and the submitter's name and contact address; and
- clearly state the grounds on which the Amendment or planning permit is supported or opposed and indicate what changes (if any) the submitter wishes to make to the Amendment or planning permit.

Names and contact details for submitters are required for Council to consider submissions and to notify submitters of the opportunity to attend Council meetings and any hearings held to consider submissions. In accordance with the **Planning and Environment Act 1987**, Council must make a copy of any submissions available to any person to inspect. Therefore, any submissions lodged will be available for public viewing.

The closing date for submission is 12 July 2004. A submission must be sent to: Augarette Malki, Major Projects Planner and Acting Team Leader, Planning Unit, City of Stonnington, PO Box 21, Prahran 3181, or by facsimile on 9521 2255.

STUART DRAFFIN
Manager Planning Services
City of Stonnington

Planning and Environment Act 1987**WHITTLESEA PLANNING SCHEME****Notice of Amendment****Amendment C31**

The City of Whittlesea has prepared Amendment C31 to the Whittlesea Planning Scheme.

The Amendment affects land in Epping within the City of Whittlesea.

The purpose of Amendment C31 is to ensure the comprehensive planning of the Cooper Street Employment Area in accordance with the strategies and objectives of the Municipal Strategic Statement which form part of the Whittlesea Planning Scheme. Provision of local employment opportunities is a key objective of the Whittlesea growth areas framework as described in the Whittlesea Municipal Strategic Statement.

Amendment C31 proposes to rezone the land adjoining Cooper Street to the Comprehensive Development Zone. It is proposed to apply the Development Plan Overlay, Design and Development Overlay and Development Contributions Overlay to this area. The Cooper Street Development Plan and Design and Use Guidelines and the Development Contributions framework form part of this exhibition.

This documentation aims to facilitate the establishment of the Cooper Street area for employment generating uses including industrial and business activities which will significantly contribute to the City's objective to achieve a jobs-housing balance and be of benefit to the Melbourne Metropolitan Area.

The Amendment can be inspected free of charge during office hours at: Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne Vic. 3000; City of Whittlesea, Planning Services Department, Civic Centre, Ferres Boulevard, South Morang Vic. 3752; or at the City of Whittlesea website – www.whittlesea.vic.gov.au.

Submissions to the Amendment must be sent to: The Chief Executive Officer, City of Whittlesea, Locked Bag 1, Bundoora Vic. 3083 by Friday 6 August 2004.

STATE TRUSTEES LIMITED

ACN 064 593 148

Section 79

Notice is hereby given that State Trustees Limited, ACN 064 593 148, intends administering the estates of:–

ALFRED WILLIAM BYWATERS, late of Chelsea Park Nursing Home, 53 Broadway, Chelsea, Victoria, retired, deceased, who died on 9 March 2004 leaving a Will dated 13 August 1999.

BERNARD VALENTINE CROWE, formerly of 1/948 Heatherton Road, Springvale, but late of Southern Cross Care, 472 Springvale Road, Springvale, Victoria, retired clerk, deceased, who died on 2 May 2004 leaving a Will dated 19 November 1986.

RICHARD BRENDAN GARNER, late of Vermont Private Nursing Home, 770 Canterbury Road, Vermont, Victoria, pensioner, deceased, who died on 19 April 2004 leaving a Will dated 14 July 1999.

GRETA MARIE HYMET, late of Warrnambool Nursing Home, 170 Raglan Parade, Warrnambool, Victoria, pensioner, deceased, who died on 1 May 2004 leaving a Will dated 11 July 1986.

GORDON MARK, late of 195 Hutton Street, Thornbury, Victoria, retired, deceased, who died on 17 November 2003 leaving a Will dated 14 September 1999.

DEREK HENRY ERNEST STYMAN, late of Wodonga Caravan Park, Wodonga, Victoria, retired, deceased intestate, who died on 21 April 2004.

KENNETH GEORGE WILLIAMS, late of Bethany Hostel, 440 Camberwell Road, Camberwell, Victoria, retired, deceased, who died on 20 April 2004 leaving a Will dated 8 April 1986.

Creditors, next-of-kin and others having claims against the abovementioned estates are required pursuant to Section 33 of the **Trustee Act 1958** to send particulars of their claims against the abovementioned estates to State Trustees Limited, 168 Exhibition Street, Melbourne, Victoria, on or before 16 August 2004 after which date State Trustees Limited, ACN 064 593 148, may convey or distribute the assets of the abovementioned estates having regard only to the claims of which it then has notice.

Creditors, next-of-kin and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to State Trustees Limited, ABN 68 064 593 148, 168 Exhibition Street, Melbourne, Victoria 3000, the personal representative, on or before 16 August 2004 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.

ALLEN, Edith Amy, late of Dalton Lodge Nursing Home, 89 Dalton Road, Thomastown, Vic. 3074, pensioner, and who died on 17 April 2004.

BROWNE, Kay Mary, late of 10 Crisp Street, Woodend, Vic., home duties, and who died on 1 June 1998.

BUNGUR, Petar, also known as Peter Bungur, late of 30 Olympic Avenue, Springvale South, Vic. 3172, and who died on 27 February 2002.

ROCHE, Anne May, late of Latrobe Nursing Home, 14 Como Street, Alphington, retired, and who died on 28 March 2004.

SMITH, Muriel Ivey, late of Cooina Lodge, Landsborough Street, Warragul, Vic., pensioner, and who died on 30 March 2004.

SPROUL, Colin Raymond, late of Royal Avenue, 46–48 Royal Avenue, Essendon North, Vic. 3041, and who died on 10 April 2004.

Dated 7 June 2004

LAURIE TAYLOR
Estate Manager
State Trustees Limited

EXEMPTION

Application No. A207/2004

The Victorian Civil and Administrative Tribunal has considered an application pursuant to Section 83 of the **Equal Opportunity Act 1995** (the Act) by Movelle Primary School for an exemption from Sections 13, 100 and 195 of the Act. The application for exemption is to enable the applicant to advertise for and employ a male teacher and integration aide to provide essential support for a male student with serious behaviour management issues.

Upon reading the material submitted in support of the application the Tribunal is satisfied that it is appropriate to grant the exemption from Sections 13, 100 and 195 of the Act.

In granting this exemption, the Tribunal noted that it is appropriate from time to time to enable schools seeking to integrate male students with physically challenging behaviours into the classroom to employ teaching and assisting staff of the same gender as the student, in order to assist with the management of those behaviours.

The Tribunal hereby grants an exemption to the applicant from the operation of Sections 13, 100 and 195 of the Act to enable the applicant to advertise for and employ a male teacher and male integration aide to provide essential support for a male student with serious behaviour management problems.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 10 June 2007.

Dated 3 June 2004

MRS S. DAVIS
Deputy President

Department of Treasury and Finance EXPRESSION OF INTEREST FOR THE SALE OF CROWN LAND

Closes: Wednesday 14 July 2004 at 2.00 p.m.

Reference: 2001/01165

Address of Property: Sydney, Williams and High Streets, Beechworth.

Crown Description: Crown Allotment 2011, Township of Beechworth on TP835368G.

Terms of Sale: Deposit 10%, Balance 90 days.

Area: 3.551 ha.

Officer Co-ordinating Sale: Lara Morton-Cox, Militsa Toskovska, Victorian Government Property Group, Department of Treasury and Finance, 5/1 Treasury Place, Melbourne, Vic. 3002.

Selling Agent: Jones Lang LaSalle, Bourke Place, 600 Bourke Street, Melbourne; and Wodonga Real Estate, 6 Stanley Street, Wodonga.

JOHN LENDERS MLC
Minister for Finance

Associations Incorporation Act 1981**SUB-SECTION 36E(5)**

Notice is hereby given that the incorporation of the associations mentioned below are cancelled in accordance with section 36E(5) of the **Associations Incorporation Act 1981**.

APRA Over 50's Investment Discussion Group Inc., Arrow Enterprises Inc., Association of Aboriginal & Torres Strait Islander Studies Inc., Australian Chinese Education Development Foundation (ACEDF) Inc., Australian Red Poll Cattle Breeders Association Inc., Australian Wu Shu Association Inc., Australasian Railway Museum Inc., Ballarat & District Cluster of Secondary Schools Inc., Ballarat Newcomers Club Inc., Blackburn RSL Bowls Club Inc., Blackwood Community Fundraiser Inc., Castlemaine Stroke Education & Support Group Inc., Combined Music Group Inc., Comitato Pro Festeggiament San Gennaro Melbourne, Australia Inc., Creswick Golf Club Inc., Dakini Sukhasidi Association Inc., Doncaster East Village Business Association Inc., East Ringwood Cricket Club Inc., East Ringwood Tennis Club Inc., Empire Street Child Care Association Inc., Jentel Missionary Foundation Inc., Joint Productions Inc., Knox Community Recreation Association Inc., L.L.S. Social Club Inc., Lancaster Community Drainage Group Inc., Latrobe Valley Community Environmental Gardens Inc., Matti Kettunen International Ministries Inc., Melbourne East Secondary Life Education Inc., Minchins Drainage Group 5/6p Inc., Monash Club Inc., North Geelong Kindergarten Inc., Northern Knights Soccer Club Inc., Nullumbik Steiner School Inc., Ochre Inc., Pakistani Islamic Society of Victoria Inc., Regal Sharkhan Marching Girls, Selby Folk Club Inc., Soccer Referees Victoria Inc., South Eastern Peninsula Residents Association Inc., St Patricks College Basketball Club Inc., St Patricks Tennis Club Mentone Inc., Sunshine Rooming House Committee Inc., The Ballarat Veterans Support Group Inc., Trida Tennis Club Inc., Willy's Coffee House Community Caring Centre Inc., Yarnorama Dance Theatre Inc.

Dated 10 June 2004

ANDREW LEVENS
Deputy Registrar
of Incorporated Associations
PO Box 4567
Melbourne, Vic. 3001

Essential Services Commission Act 2001**NOTIFICATION OF AMENDMENT TO
THE PRICE DETERMINATION FOR
THE PORT OF MELBOURNE**

The Essential Services Commission gives notice under section 35 of the **Essential Services Commission Act 2001** that it has pursuant to section 32 of the **Essential Services Commission Act 2001** varied the Price Determination for the Port of Melbourne ("the Price Determination").

The variation makes an adjustment to the tariff basket price control contained in Clause 2.2 of the Price Determination that will, in accordance with recent amendments to the **Port Services Act 1995**, allow the Port of Melbourne Corporation to recover certain costs incurred in providing services associated with the provision of prescribed services. These associated costs are primarily related to the Port of Melbourne Corporation's charter under section 12 of the **Port Services Act 1995**.

The purpose and reasons for the amendment are set out in 'Amendment of the Price Determination for the Port of Melbourne – Final Decision', published by the Commission on 3 June 2004.

A copy of the Final Decision may be obtained from the Commission's website located at www.esc.vic.gov.au or by contacting the Essential Services Commission, Level 2, 35 Spring Street, Melbourne 3000 (telephone 03 9651 0222).

Dated 3 June 2004

JOHN C. TAMBLYN
Chairperson

Prevention of Cruelty to Animals Act 1986**APPOINTMENT OF
AUTHORISED OFFICERS**

I, Peter John Bailey, Director Quality Assurance in the Department of Primary Industries, pursuant to the powers, duties and functions given to me by a delegation under section 38 of the **Prevention of Cruelty to Animals Act 1986** and of my respective powers to appoint authorised officers under section 35 of the **Prevention of Cruelty to Animals Act 1986**, hereby appoint the following person as an authorised officer for the purposes of Part 3 of

the **Prevention of Cruelty to Animals Act 1986**. This appointment remain in force until 30 June 2006.

<i>Name of person</i>	<i>Position number</i>
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Alan William Fried	12728
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Dated 17 May 2004

PETER JOHN BAILEY
Director Quality Assurance

INTERIM CREDITING RATE – STATE SUPERANNUATION FUND

For the purposes of the sub-sections 46(1) and 58(1) of the **State Superannuation Act 1988**, sub-section 35(1) of the **Transport Superannuation Act 1988** and sub-section 37(1) of the **State Employees Retirement Benefits Act 1979**, the Government Superannuation Office has determined an annual rate of 2.2% to be applied as an interim crediting rate on exits on or after 21 May 2004.

PETER J. WYATT
Chief Financial Officer

Transport Act 1983 TOW TRUCK DIRECTORATE OF VICTORIA

Tow Truck Application

Notice is hereby given that the following application will be considered by the Licensing Authority after 14 July 2004.

Notice of any objection to the granting of an application should be forwarded to reach the Director, Tow Truck Directorate of Victoria, Level 6, 14–20 Blackwood Street, North Melbourne (PO Box 666, North Melbourne 3051) not later than 8 July 2004.

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

Maxwell G. Jones. Application for variation of conditions of tow truck licence number TOW116 which authorises the licensed vehicle to be managed, controlled and operated from a depot situated at 11 Moore Street, Robinvale to change the depot address to Lot 2, Moore Street, Robinvale.

Note: This licence is under consideration for transfer to S. R. Enterprises Pty Ltd.

Dated 10 June 2004

STEVE STANKO
Director

Transport Act 1983 TOW TRUCK DIRECTORATE OF VICTORIA

Tow Truck Application

Notice is hereby given that the following application will be considered by the Licensing Authority after 14 July 2004.

Notice of any objection to the granting of an application should be forwarded to reach the Director, Tow Truck Directorate of Victoria, Level 6, 14–20 Blackwood Street, North Melbourne (PO Box 666, North Melbourne 3051) not later than 8 July 2004.

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

Varapodio Nominees Pty Ltd. Application for variation of conditions of tow truck licence numbers TOW078, TOW106 and TOW545 which authorise the licensed vehicles to be managed, controlled and operated from a depot situated at 159–167 Plenty Road, Preston to change the depot address to 626 High Street, Thornbury.

Dated 8 June 2004

STEVE STANKO
Director

Transport Act 1983 TOW TRUCK DIRECTORATE OF VICTORIA

Tow Truck Application

Notice is hereby given that the following application will be considered by the Licensing Authority after 14 July 2004.

Notice of any objection to the granting of an application should be forwarded to reach the Director, Tow Truck Directorate of Victoria, Level 6, 14–20 Blackwood Street, North Melbourne (PO Box 666, North Melbourne 3051) not later than 8 July 2004.

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

B. A. Mack & Co. Pty Ltd. Application for variation of conditions of tow truck licence numbers TOW564, TOW933 and TOW773 which authorise the licensed vehicles to be

managed, controlled and operated from a depot situated at 393–395 Princes Highway, Officer to change the depot address to 12/14 Enterprise Drive, Berwick.

Dated 10 June 2004

STEVE STANKO
Director

Victoria Racing Club Act 1871

NOTICE OF AMENDMENT TO BY-LAWS

Notice is given that the Committee of the Victoria Racing Club pursuant to section 13 of the **Victoria Racing Club Act 1871** has resolved that the following By-Laws be amended.

The First Resolution by the Committee of the Victoria Racing Club at its meeting held on Friday 26 March 2004 resolved that By-Law 51 of the Victoria Racing Club made pursuant to the **Victoria Racing Club Act 1871** is amended by deleting from By-Law 51 the table of tolls and charges and inserting in place thereof the following new table of tolls and charges:

Victoria Racing Club

Pricing Guidelines – 2004/2005 Racing Season

GENERAL ADMISSION FEES		2004/05
Non-Feature Days:		\$
Saturday/Public Holiday	– Full	10.00
	– Concession	6.00
Sunday/Midweek	– Full	7.00
	– Concession	4.00
Feature Days:		
Ascot Vale Stakes Day (September Saturday)	– Full	16.00
	– Concession	9.00
Turnbull Stakes Day (October Saturday)	– Full	16.00
	– Concession	9.00
Victoria Derby Day (Approved)	– Full	40.00
	– Concession	21.00
	– Children	8.00
Melbourne Cup Day (Approved)	– Full	45.00
	– Concession	25.00
	– Children	8.00
VRC Oaks Day (Approved)	– Full	40.00
	– Concession	21.00
	– Children	8.00
Emirates Stakes Day (Approved)	– Full	25.00
	– Concession	13.00
	– Family (2 adults + 2 children)	45.00
	– Children	Free
New Years Day	– Full	13.00
	– Concession	7.00
Lighting Stakes Day	– Full	13.00
	– Concession	7.00
Newmarket Handicap Day	– Full	n/a
	– Concession	n/a

Australian Cup Day	– Full	20.00
(including Newmarket & Aust Guineas in 04/05)	– Concession	11.00
Sires Produce Day	– Full	13.00
	– Concession	7.00

The Amendment to the By-Law was sent to the Minister for Racing on 26 March 2004, has been reviewed and has not been disallowed.

The Amendment will come into operation on 1 August 2004.

ROD FITZROY
Chairman

Geographic Place Names Act 1998

NOTICE OF REGISTRATION OF GEOGRAPHIC NAMES

The Registrar of Geographic Names hereby gives notice of the registration of undermentioned place names.

File No.	Place Name	Proposer & Location
GPN 598	Elder Park	Golden Plains Shire Council. Located at 2563 Rokewood-Shelford Road, Rokewood.
GPN 599	Harrison Reserve	Golden Plains Shire Council. Located in Briardale Avenue, Enfield.
GPN 600	Keefers Cove	Bayside City Council. Area abutting Keefers Jetty structures and situated between Keys Street and Banksia Avenue, Beaumaris.
GPN 601	Jim Hardy Park	Greater Dandenong City Council. Located at the intersection of Foster Street East and Macpherson Street, Dandenong.

Office of the Registrar of Geographic Names
c/- **LAND VICTORIA**
15th Floor
570 Bourke Street
Melbourne 3000

JOHN E. TULLOCH
Registrar of Geographic Names

Private Agents Act 1966

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

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

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

- (a) lodge with me a notice in the prescribed form of his objection and the grounds thereof;
- (b) cause a copy of such notice to be served personally or by post upon the applicant at least three days before the hearing of the applications; and

- (c) send or deliver
- (i) where the objection is not made by the officer in charge of police district in which the Court is situated – a copy of the notice to such officer; and
 - (ii) where the objection is not made by the Registrar or Deputy Registrar – a copy to the Registrar.

<i>Full name of Applicant or in the case of a Firm or Corporation,</i>	<i>Place of Abode of Applicant of Nominee</i>	<i>Name of Firm or Corporation</i>	<i>Address for Registration</i>	<i>Type of Licence</i>
Tracey Pauline Rothwell	160 Newman Street, Kensington, Vic.	Effective Recoveries P/L	Level 2, 256 Queen Street, Melbourne 3000.	Commercial Agents' Licence
Poppy Kontogiorgis	4 Drysdale Court, Thomastown 3074.	L & N Nominees P/L	280 Queen Street, Melbourne 3000.	Commercial Sub-Agents' Licence
Dennis Huang	10/55 De Carle Street, Brunswick 3056.	Receivables Management Ltd	363 King Street, Melbourne 3000.	Commercial Sub-Agents' Licence
Simas Final	9 Indra Road, Blackburn South, Vic.	Robert Stack and Associates	9 Indra Road, Blackburn South, Vic.	Commercial Sub-Agents' Licence

Dated at Melbourne, 7 June 2004

GRAEME J. HORSBURGH
Principal Registrar
Magistrates' Court of Victoria

Crown Land (Reserves) Act 1978

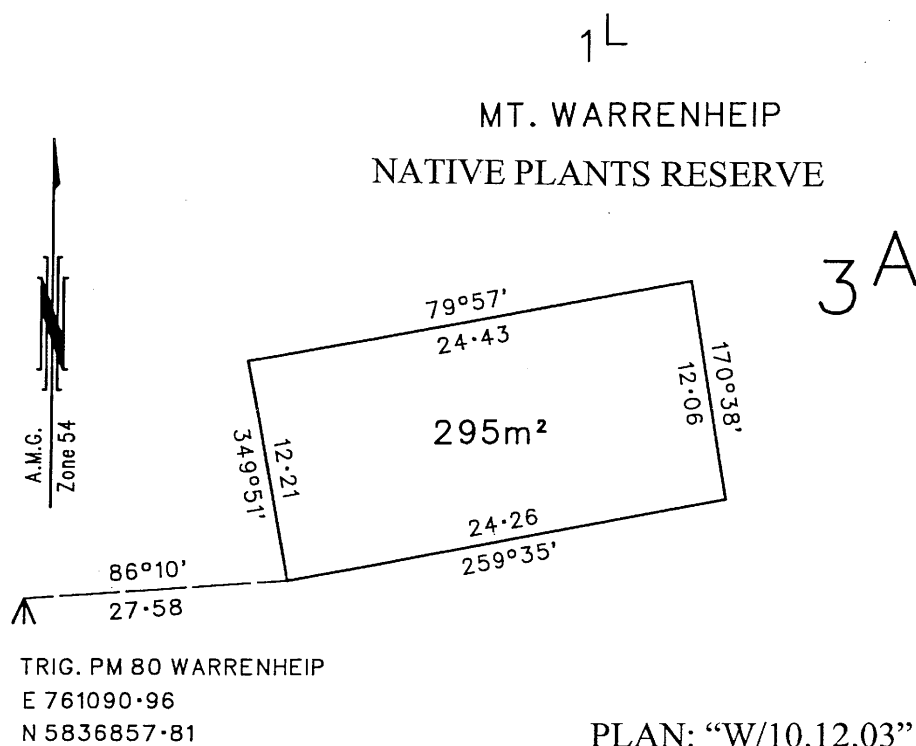
ORDER GIVING APPROVAL TO GRANT OF A LEASE UNDER SECTIONS 17D AND 17DA

Under sections 17D and 17DA of the **Crown Land (Reserves) Act 1978**, I, Mary Delahunty, Minister for Planning, being satisfied that there are special reasons which make the granting of a lease reasonable and appropriate in the particular circumstances and to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**, approve the granting of a lease to SPI Powernet Pty Ltd for the construction, maintenance and operation of a radio transmitter station over the area of the Mt Warrenheip Preservation of Native Species Reserve described in the Schedule below and, in accordance with section 17D(3)(a) of the **Crown Land (Reserves) Act 1978**, state that—

- (a) there are special reasons which make granting the lease reasonable and appropriate in the particular circumstances; and
- (b) to do this will not be substantially detrimental to the use and enjoyment of any adjacent land reserved under the **Crown Land (Reserves) Act 1978**.

SCHEDULE

The land shown by continuous line measuring 295 square metres, more or less, on the attached plan titled "W/10.12.03", being part of Crown Allotment 1L of Section 3A in the Parish of Warrenheip, County of Grant and being the land temporarily reserved by Order in Council of 1 February 1989 as a site for the Preservation of Species of Native Plants (vide Government Gazette of 8 February 1989, page 312).



(0505190)

Dated 1 June 2004

MARY DELAHUNTY, MP
Minister for Planning

Mineral Resources Development Act 1990
DEPARTMENT OF PRIMARY INDUSTRIES
Exemption from Exploration Licence
or Mining Licence

I, Richard Aldous, Executive Director Minerals and Petroleum, pursuant to section 7 of the **Mineral Resources Development Act 1990** and under delegation by the Minister for Energy Industries and Resources—

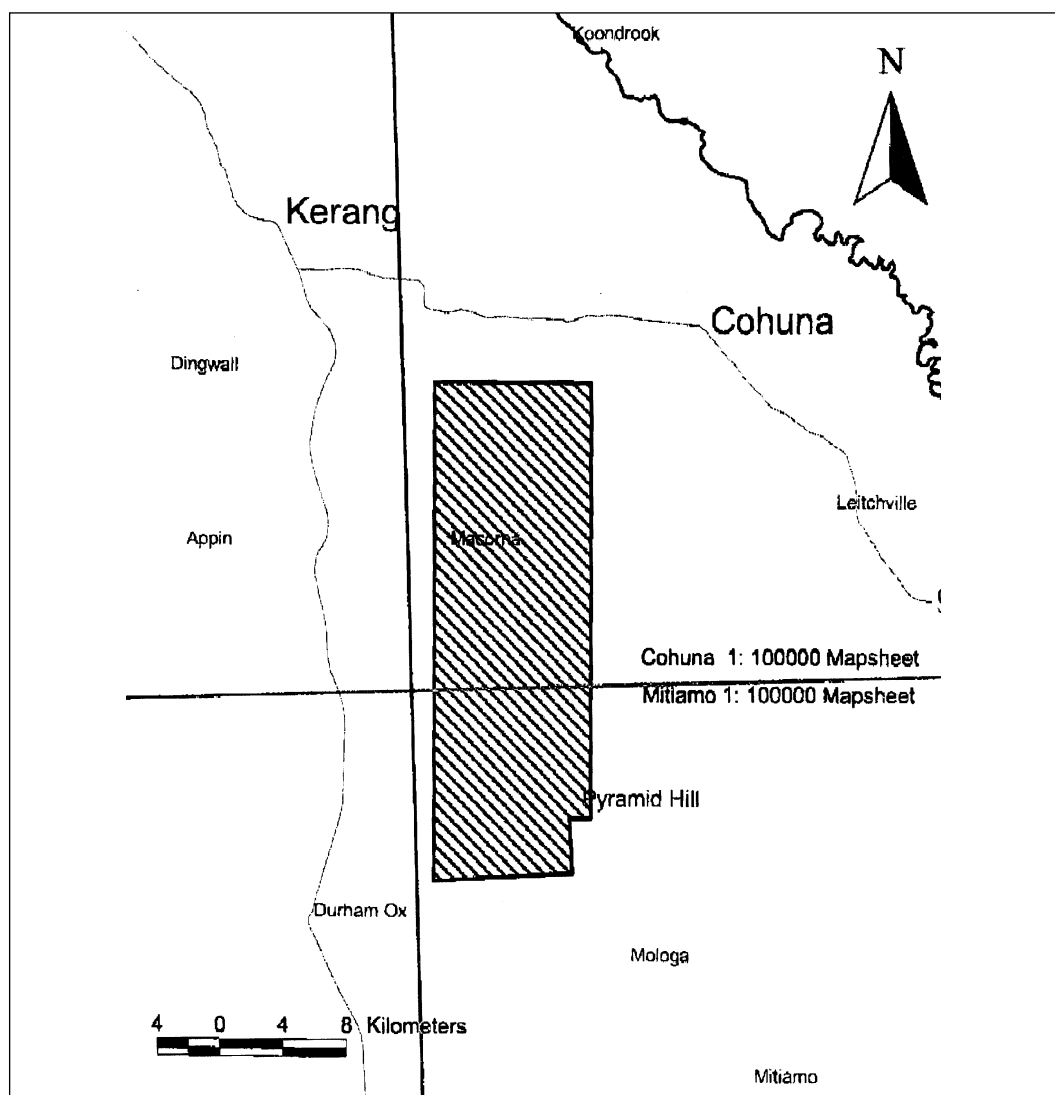
1. HEREBY EXEMPT all that Crown land situated within the boundaries of exploration licence applications 4829 and 4830 that have been excised from the application, from being subject to an exploration licence or mining licence.
2. Subject to paragraph 3, this exemption applies until the expiration of 2 years after the grant of the licence (if the licence is granted), or until the expiration of 28 days after the application lapses or is withdrawn or refused.
3. This exemption is REVOKED in respect of any land that ceases to lie within the boundaries of the application or licence, at the expiration of 28 days after the said land ceases to lie within the boundaries of the application or licence.

Dated 3 June 2004

RICHARD ALDOUS
Executive Director
Minerals and Petroleum

Mineral Resources Development Act 1990
DEPARTMENT OF PRIMARY INDUSTRIES
Exemption from Exploration Licence
and Mining Licence
(Section 7 – MRD Act 1990)

I, as delegate of the Minister for Energy Industries and Resources, pursuant to Section 7 of the **Mineral Resources Development Act 1990**, hereby give notice that the area of land on the Cohuna and Mitiamo 1:100,000 mapsheets, and shown cross-hatched on the accompanying map, is exempt from being subject to an exploration licence or a mining licence.



Dated 3 June 2004

RICHARD ALDOUS
Executive Director
Minerals and Petroleum
Delegate of the Minister

Gas Industry Act 2001**RETAIL GAS MARKET RULES**

On 14 May 2004 the Essential Services Commission determined to approve amendments to the “Retail Gas Market Rules” under sections 65 and 67 of the **Gas Industry Act 2001**.

In accordance with the requirements of clause 3.4 of VENCORP’s “Scheme for Development and Implementation of Retail Gas Market Rules” those amendments are published hereunder.

The following amendments are to be effective as of 10 June 2004.

Clause 1.3.6(a) is amended by deleting the word “ORG” and substituting that word with “Victorian Essential Services Commission”. Clause 1.3.6(a) is amended by inserting the words “and provide written notice of the amendment to all *Market Participants*” after the word “website”. Clause 1.3.6(a) is amended by deleting the number “10” and substituting that number with “20”. Clause 1.3.6(a) is amended by deleting the word “ORG’s” and substituting that word with “Victorian Essential Services Commission’s”.

Clause 1.3.6(b) is amended by inserting the words “or provided” after the word “published”. Clause 1.3.6(b) is amended by deleting the words “, as determined by VENCORP under clause 1.3.6(c).” and substituting those words with “unless, taking into account the matters set out under clause 1.3.6(c), VENCORP determines that a firm date for implementation of the amendment cannot be fixed within the 20 *business days* referred to in clause 1.3.6(a).”.

Clause 1.3.6 is amended by inserting the following new clauses (d) and (e) after clause 1.3.6(c):

- “(d) If, in accordance, 1.3.6(b), VENCORP determines it is unable to specify a date for the amendment to take effect within the 20 *business days* specified in clause 1.3.6(a), it shall consult with persons affected by that amendment to determine, as soon as is reasonably practical, an appropriate effective date satisfying the requirements of clause 1.3.6(c) and publish that date on its website and provide written notice to all *Market Participants*. If in the event VENCORP cannot publish an effective date to an amendment within 20 *business days* it must refer the matter to the next Retail Market Consultative Committee (or its successor) meeting for decision following the expiry of the 20 *business day* period.”
- “(e) Amendments to these *Rules* will not become effective until an effective date has been determined by VENCORP and published on the VENCORP website and provided in written notice to all *Market Participants* in accordance with this clause 1.3.6.”

The following amendments are to be effective as of 8 November 2004.

Clause 3.2.1 is deleted and is substituted with the following:

“Subject to clause 3.2.2(a), any *Market Participant* or VENCORP may deliver a *MIRN discovery request* in relation to a *distribution supply point* to a *Distributor*. A *MIRN discovery request* must include at least the *MIRN* or the mandatory components of *discovery address* for the *distribution supply point* to which the *MIRN discovery request* relates.”

Clause 3.3.1 (b) is amended by inserting the words “the mandatory components of” after the word “replicate”.

Clause 3.3.1 is amended by inserting the following new clauses (e) (i) and (ii) after clause 3.3.1(d):

“(e) The relevant *Distributor* must:

- (i) ensure that where there has been an addition to existing street identifiers in the *Distributor’s street/suburb combination* listing that this new street identifier is added to the aseXML Schema using the agreed industry change procedure for the management of aseXML enumerated lists.
- (ii) Where there has been an update to the enumerated list provide a notice via the *FRC HUB* broadcast email distribution list that an addition to the list has been implemented.”

Clause 3.3.2(b) is deleted and is substituted with the following:

- “(b) Provided that the *discovery address* specified in the *MIRN discovery request* exactly replicates (in the sense that term is used in clause 3.3.1(b)) a *discovery address* of multiple *MIRNs* contained in the *MIRN database* of the relevant *Distributor*, the *Distributor* must use its best endeavors to provide to the *Market Participant* or *VENCorp* (as the case may be), by midnight on the first *business day* following the day on which the *MIRN discovery request* is delivered to the *Distributor*, the current information set out in clauses 3.1.1(a), (b) and (c), in respect of up to the first 99 *distribution supply points* to which that *discovery address* relates (such information being identified by reference to that *discovery address*). If there are 100 or more *MIRNs* contained in the *MIRN database* of the relevant *Distributor* with a matching *discovery address*, then the *Distributor* must also advise the *Market Participant* or *VENCorp* (as the case may be) of this fact.”

Clause 4.1.2(a)(i) is deleted and is substituted with the following:

- “(a) Where a *transfer request* nominates a *prospective transfer date* as the *proposed transfer date*, that *prospective transfer date* must be:
- (i) if the *supply point* to which the *transfer request* relates is a *distribution supply point*, a day which falls during the *permitted prospective period* for that *transfer request*.”

Clause 4.1.2(a)(ii) is deleted.

Clause 4.1.2(b)(i) is deleted and is substituted with the following:

- “(b) Where a *transfer request* nominates a *retrospective transfer date* as the *proposed transfer date*, that *retrospective transfer date* must be:
- (i) if the *supply point* to which the *transfer request* relates is a *distribution supply point*, a day (which may be a day other than a *business day*) which falls within the *permitted retrospective period* for that *transfer request* and to which a *validated meter reading* (other than an *estimated meter reading*) pertains.”

Clause 4.1.2(b)(ii) is deleted.

Attachment 1 is amended by deleting the definition of “*discovery address*” and is substituted with the following new definition:

- “*discovery address*” In relation to a *supply point*, the address of the premises at a minimum including: street number (or the equivalent), street name, street identifier, suburb/city/town, to which gas is supplied at that *supply point*. The *discovery address* may optionally also include other specified site address information that conforms with the address standard specified in the *Gas Interface Protocol*.

M. ZEMA
Chief Executive Officer
VENCorp

Children's Services Act 1996

I, Kathryn Lamb, delegate of the Secretary to the Department of Human Services, hereby approve each of the following early childhood qualifications contained in the attached schedule under Regulation 25(a) of the Children's Services Regulations 1998.

This notice revokes the approval given to early childhood qualifications gazetted on 5 July 2001, 13 December 2001 and 3 July 2003.

KATHRYN LAMB

Director, Family and Community Support

SCHEDULE**List of Early Childhood Qualifications – Victoria – Children's Services Regulations 1998**

Name of Qualification <i>{The name of the qualification on the certificate must be identical to the name of the qualification listed below}</i>	Name of Institution <i>{Former names of training institutions (*) are listed at the end}</i>	State
Advanced Certificate in Child Care	Box Hill Institute of TAFE Croydon Institute of TAFE *Northern Melbourne Institute of TAFE *Swinburne University of Technology *University of Ballarat (previously Wimmera TAFE) Western Melbourne Institute of TAFE	VIC VIC VIC VIC VIC VIC
Advanced Diploma of Community Services (Children's Services) (where the person has specialised in centre based care for children aged 0 – 6 years) (CHC60399)	ABC Early Childhood Training College Pty Ltd Adelaide Institute of TAFE AIT Technical and Further Education Centre Anglicare Victoria Arts Access Society Inc Australian Child Career Options Australian Child Care Training College Australian Professional Training Institute Pty Ltd BAYTEC Enterprises Inc Barrier Reef Institute of TAFE Central West College of TAFE Charlton Brown Nanny College Childcare Visions Pty Ltd Children's Services Resource and Advisory Program ACT Ltd Chisholm Institute of TAFE *CMC – Training at Work Pty Ltd Colac Adult and Community Education Inc College of Child & Family Studies Competency Based Trainers Pty Ltd Cooloola Sunshine Institute of TAFE	QLD SA ACT VIC VIC QLD NSW QLD VIC QLD WA QLD QLD ACT VIC VIC VIC NSW TAS QLD

	Croydon Institute of TAFE	SA
	Curtin College of Technology – Kalgoorlie Campus	WA
	Department of Health & Human Services Employee Services	TAS
	Douglas Mawson Institute of TAFE	SA
	Early Childhood Training & Resource Centre (ECTARC)	NSW
	East Gippsland Institute of TAFE	VIC
	Eastern Pilbara College of TAFE	WA
	Family Day Care Association Qld Inc	QLD
	Geelong Adult Training & Education Inc	VIC
	Great Southern TAFE	WA
	Gold Coast Early Childhood College	QLD
	Gowrie Training Centre	SA
	Holmesglen Institute of TAFE	VIC
	Hutchison's School of Early Childhood	QLD
	Individual Solutions Australia	NSW
	Institute of TAFE Tasmania	TAS
	Jobs Australia Ltd	VIC
	Kal Multimedia Training	VIC
	Kath Dickson Centre	QLD
	Kyabram Community & Learning Centre Inc	VIC
	Lady Gowrie Tasmania	TAS
	Mary Watson College of Early Childhood Studies	QLD
	Meerilinga Training College	WA
	Murray Institute of TAFE	SA
	*National Joblink	TAS
	Northern Group Training Ltd	TAS
	Northern Melbourne Institute of TAFE (NMIT)	VIC
	One World for Children Pty	VIC
	Onkaparinga Institute of TAFE	SA
	Para Institute of TAFE	SA
	Queensland Childcare Services Early Childhood College	QLD
	Regency Institute of TAFE	SA
	Serve-Safe Food Hygiene Training Services Pty Ltd	VIC
	Solutions.com Pty Ltd	VIC
	South East Institute of TAFE	SA
	South East Metropolitan College of TAFE – Bentley	WA

	Southern Queensland Institute of TAFE	QLD
	Spencer Institute of TAFE	SA
	Sunraysia Institute of TAFE	VIC
	Swan TAFE	WA
	*Swinburne University of Technology (TAFE Division)	VIC
	*CMC – Training at Work Pty Ltd	VIC
	TAFE SA	SA
	TAFE Tasmania	TAS
	The Bremer Institute of TAFE	QLD
	The Gowrie (WA) Inc	WA
	The National Council of the Young Men's Christian Association of Australia	VIC
	Torrens Valley Institute of TAFE	SA
	Town and Country Education	QLD
	Transformations – Pathways to Competence and Developing Excellence	VIC
	*University of Ballarat (TAFE Division)	VIC
	Victoria University of Technology (TAFE Division)	VIC
	Vocational Training Centre	WA
	Wesley Mission Melbourne	VIC
	West Coast College of TAFE	WA
	Wide Bay Institute of TAFE	QLD
	Wodonga Institute of TAFE	VIC
	Yeronga Institute of TAFE	QLD
Associate Diploma in Applied Science (Child Care Studies)	*Canberra Institute of Technology	ACT
Associate Diploma in Arts (Child Care)	*Curtin University	WA
	*University of Melbourne	VIC
Associate Diploma in Child Care	Adelaide Institute of TAFE	SA
	Croydon Institute of TAFE	SA
	Onkaparinga Institute of TAFE	SA
	Para Institute of TAFE	SA
	Regency Institute of TAFE	SA
	Spencer Institute of TAFE	SA
	Torrens Valley Institute of TAFE	SA
	*University of Melbourne	VIC
Associate Diploma in Child Care Studies	Northern Territory University	NT
	*Canberra Institute of Technology	ACT
Associate Diploma in Education (Child Care)	*Alice Springs (Centralian) TAFE	NT
	Katherine TAFE	NT
	Northern Territory University	NT

Associate Diploma in Education (Early Childhood)	Batchelor College of Advanced Education	NT
	Armidale TAFE College	NSW
	Bankstown TAFE College	NSW
	Belmont TAFE College	NSW
	Coffs Harbour TAFE College	NSW
	Crows Nest TAFE College	NSW
	Goulburn TAFE College	NSW
	Hobart TAFE College	TAS
	Launceston TAFE College	TAS
	Lismore TAFE College	NSW
	Liverpool TAFE College	NSW
	Loftus TAFE College	NSW
	Macksville TAFE College	NSW
	Meadowbank TAFE College	NSW
	Moss Vale TAFE College	NSW
	North West TAFE College	TAS
	Nowra TAFE College	NSW
	Orange TAFE College	NSW
	OTEN TAFE College	NSW
	Pam Arnold Centre	SA
	Petersham TAFE College	NSW
	Randwick TAFE College	NSW
	Taree TAFE College	NSW
	*University of Melbourne	VIC
	Wagga Wagga TAFE College	NSW
	Werrington TAFE College	NSW
	Wollongong TAFE College	NSW
	Wyong TAFE College	NSW
Associate Diploma in Social Science (Child Studies)	Armidale TAFE College	NSW
	Bankstown TAFE College	NSW
	Belmont TAFE College	NSW
	Coffs Harbour TAFE College	NSW
	Crows Nest TAFE College	NSW
	Goulburn TAFE College	NSW
	Lismore TAFE College	NSW
	Liverpool TAFE College	NSW
	Loftus TAFE College	NSW
	Macksville TAFE College	NSW
	Meadowbank TAFE College	NSW
	Moss Vale TAFE College	NSW
	Nowra TAFE College	NSW

	Orange TAFE College	NSW
	OTEN TAFE College	NSW
	Petersham TAFE College	NSW
	Randwick TAFE College	NSW
	Taree TAFE College	NSW
	Wagga Wagga TAFE College	NSW
	Werrington TAFE College	NSW
	Wollongong TAFE College	NSW
	Wyong TAFE College	NSW
Associate Diploma of Child Care	*Queensland University of Technology	QLD
Associate Diploma of Education (Child Care) CND 35	Ipswich TAFE College	QLD
	Kangaroo Point TAFE College	QLD
	Logan TAFE College	QLD
	Mackay TAFE College	QLD
	Maryborough TAFE College	QLD
	Moreton Institute of TAFE	QLD
	Mt Isa TAFE College	QLD
	North Point TAFE College	QLD
	Rockhampton TAFE College	QLD
	South Coast TAFE College	QLD
	Southern Queensland TAFE College	QLD
	Toowoomba TAFE College	QLD
	Townsville TAFE College	QLD
Associate Diploma of Social Science (Child Care)	Bendigo Regional Institute of TAFE	VIC
	Box Hill Institute of TAFE	VIC
	*Canberra Institute of Technology	ACT
	Casey Institute of TAFE	VIC
	Central Gippsland Institute of TAFE	VIC
	Central Metropolitan College of TAFE	WA
	East Gippsland Institute of TAFE	VIC
	*Edith Cowan University	WA
	Fremantle TAFE	WA
	Geraldton TAFE	WA
	*Gordon Institute of TAFE	VIC
	Goulburn Valley Institute of TAFE	VIC
	Great Southern Regional TAFE	WA
	*Holmesglen Institute of TAFE	VIC
	Kangan Institute of TAFE	VIC
	Midland TAFE	WA
	*Northern Melbourne Institute of TAFE	VIC
	Outer Eastern Institute of TAFE	VIC
	*Peninsula Institute of TAFE	VIC

	Perth TAFE	WA
	South East Metropolitan TAFE	WA
	South West Regional TAFE	WA
	Sunraysia Institute of TAFE	VIC
	*Swinburne University of Technology	VIC
	*University of Ballarat	VIC
	*University of Melbourne	VIC
	*Victoria University of Technology	VIC
	Western Melbourne Institute of TAFE	VIC
	Wimmera Institute of TAFE	VIC
	Wodonga Institute of TAFE	VIC
Associate Diploma of Social Science (Child Care Studies)	Bendigo Regional Institute of TAFE	VIC
	Box Hill Institute of TAFE	VIC
	Casey Institute of TAFE	VIC
	Central Gippsland Institute of TAFE	VIC
	East Gippsland Institute of TAFE	VIC
	*Gordon Institute of TAFE	VIC
	Goulburn Valley Institute of TAFE	VIC
	*Holmesglen Institute of TAFE	VIC
	Kangan Institute of TAFE	VIC
	*Northern Melbourne Institute of TAFE	VIC
	Outer Eastern Institute of TAFE	VIC
	*Peninsula Institute of TAFE	VIC
	Sunraysia Institute of TAFE	VIC
	*Swinburne University of Technology	VIC
	*Victoria University of Technology	VIC
	Western Melbourne Institute of TAFE	VIC
	Wimmera Institute of TAFE	VIC
	Wodonga Institute of TAFE	VIC
Bachelor of Arts (Early Childhood Education)	*Victoria University of Technology	VIC
Bachelor of Arts (Education) (Early Childhood Education)	*Edith Cowan University	WA
Bachelor of Arts (Education) (Early Childhood)	*Curtin University	WA
Bachelor of Early Childhood Education	Monash University	VIC
	University of South Australia	SA
Bachelor of Early Childhood Studies	*University of Melbourne	VIC
	Monash University	VIC
Bachelor of Early Childhood Studies (Child Care)	University of Southern Queensland	QLD
Bachelor of Early Childhood Studies (Honours)	*University of Melbourne	VIC

Bachelor of Early Childhood Studies (Pathways)	*University of Melbourne	VIC
Bachelor of Education (Early Childhood)	Charles Sturt University	NSW
	*Curtin University	WA
	Hartley College of Advanced Education	SA
	Hunter Institute of Higher Education	NSW
	Macarthur Institute of Higher Education	NSW
	*Macquarie University	NSW
	*Monash University	VIC
	Mount Nelson College of Advanced Education	TAS
	Riverina-Murray Institute of Higher Education	NSW
	South Australian College of Advanced Education	SA
	Tasmanian College of Advanced Education	TAS
	Tasmanian State Institute of Technology	TAS
	*University of Canberra	ACT
	*University of Melbourne	VIC
	University of Newcastle	NSW
	University of Tasmania	TAS
	University of Western Sydney	NSW
	University of Wollongong	NSW
Bachelor of Education (Preservice Early Childhood) External ED53	*Queensland University of Technology	QLD
Bachelor of Education (Preservice) Early Childhood ED52	*Queensland University of Technology	QLD
Bachelor of Education (Early Childhood Education)	James Cook University: North Queensland	QLD
	*Royal Melbourne Institute of Technology	VIC
	University of South Australia	SA
Bachelor of Education (Early Childhood Studies)	Central Queensland University	QLD
	*Edith Cowan University	WA
Bachelor of Education (with a major in Early Childhood Education)	*Royal Melbourne Institute of Technology	VIC
Bachelor of Social Science (Children's Studies)	*Edith Cowan University	WA
Bachelor of Social Science (Human Services) Child Care	University of South Australia	SA
Bachelor of Social Science (Family & Children's Studies)	*Edith Cowan University	WA
Bachelor of Teaching/Bachelor of Social Science	University of Newcastle	NSW
Bachelor of Teaching (Birth to 5 Years)/ Bachelor of Speech and Hearing Science	Charles Sturt University	NSW

Bachelor of Teaching (Early Childhood)	Central Queensland University	QLD
	Charles Sturt University	NSW
	Griffith University	QLD
	*Macquarie University	NSW
	*Monash University	VIC
	Northern Territory University	NT
	*Queensland University of Technology	QLD
	*University of Melbourne	VIC
	University of Southern Queensland	QLD
	University of Tasmania	TAS
	University of Wollongong	NSW
	University of Western Sydney	NSW
Bachelor of Teaching (Early Childhood Education)	*Royal Melbourne Institute of Technology	VIC
	South Australian College of Advanced Education	SA
	University of South Australia	SA
Bachelor of Teaching (Early Childhood Education) with Advanced Standing	*Royal Melbourne Institute of Technology	VIC
Bachelor of Teaching (Early Childhood Studies)	*Central Queensland University	QLD
Bachelor of Teaching (Primary) with specialisation in Early Childhood	Australian Catholic University: McAuley Campus	QLD
Bachelor of Teaching with major/specialisation in Early Childhood Education	*Central Queensland University	QLD
	*Griffith University: Nathan Campus	QLD
	*University of Southern Queensland	QLD
Certificate in Child Care Studies	Darwin Community College	NT
Diploma of Brisbane Kindergarten Teachers' College	*Queensland University of Technology	QLD
Diploma in Arts (Child Care Studies)	*University of Melbourne	VIC
Diploma in Child Care	Pam Arnold Centre	SA
Diploma of Child Care and Education	ABC Early Childhood Training College	QLD
	ABC Early Childhood Training College	VIC
	Ipswich TAFE College	QLD
	Kangaroo Point TAFE College	QLD
	Logan TAFE College	QLD
	Mackay TAFE College	QLD
	Maryborough TAFE College	QLD
	Moreton Institute of TAFE	QLD
	Mt Isa TAFE College	QLD
	North Point TAFE College	QLD
	Rockhampton TAFE College	QLD
	South Coast TAFE College	QLD

	Southern Queensland TAFE College	QLD
	Toowoomba TAFE College	QLD
	Townsville TAFE College	QLD
Diploma in Children's Services	Central Metropolitan College of TAFE	WA
	Geraldton TAFE	WA
	Midland TAFE	WA
	Perth TAFE	WA
	South West Regional TAFE	WA
	Great Southern Regional TAFE	WA
	South East Metropolitan TAFE	WA
	Fremantle TAFE	WA
Diploma of Children's Services (Course Code CHC50302) (In addition to the compulsory units required for this qualification, the successful completion of: a) Unit of Competency "CHCCN5C Care for Babies" is required for recognition as qualified staff under regulation 25 of the Children's Services Regulations 1998; and b) Unit of Competency HLTA2A "Apply Advanced First Aid" is required.)	<p>All Registered Training Organisations (RTOs)** registered to deliver the Diploma of Children's Services (Course Code CHC50302)</p> <p>The list of RTOs registered to deliver the Diploma can be found by accessing the web-based National Training Information Service at: www.ntis.gov.au. Note that this list can be updated from time to time.</p> <p>**Registered Training Organisations include TAFE colleges and institutes, adult and community education providers, private providers, community organisations, schools, higher education institutions (including Universities), commercial and enterprise training providers, industry bodies and other organisations meeting the registration requirements to deliver nationally accredited Vocational Education and Training (VET).</p>	
Diploma of Children's Services (Centre Based Care)	ACT Children's Services Resource and Advisory Program Inc	ACT
	Adelaide Institute of TAFE	SA
	*Alice Springs (Centralian) TAFE	NT
	Armidale TAFE College	NSW
	Banksia Gardens Inc	VIC
	Bankstown TAFE College	NSW
	Belmont TAFE College	NSW
	Bendigo Regional Institute of TAFE	VIC
	Box Hill Institute of TAFE	VIC
	Brimbank College	VIC
	*Canberra Institute of Technology	ACT
	Careskills	VIC
	Casey Institute of TAFE	VIC
	Central Gippsland Institute of TAFE	VIC
	Central Metropolitan College of TAFE	WA

	Coffs Harbour TAFE College	NSW
	Community Child Care Association	VIC
	Crows Nest TAFE College	NSW
	Croydon Institute of TAFE	SA
	East Gippsland Institute of TAFE	VIC
	Elwood/St Kilda Learning Centre	VIC
	Fremantle TAFE	WA
	Geraldton TAFE	WA
	*Gordon Institute of TAFE	VIC
	Goulburn TAFE College	NSW
	Goulburn Valley Institute of TAFE	VIC
	Great Southern Regional TAFE	WA
	Hobart TAFE College	TAS
	*Holmesglen Institute of TAFE	VIC
	Ipswich TAFE College	QLD
	Kangan Institute of TAFE	VIC
	Kangaroo Point TAFE College	QLD
	Katherine TAFE	NT
	Kensington Women's Group Child Care	VIC
	Launceston TAFE College	TAS
	Link Employment and Training Inc	VIC
	Lismore TAFE College	NSW
	Liverpool TAFE College	NSW
	Loftus TAFE College	NSW
	Logan TAFE College	QLD
	Mackay TAFE College	QLD
	Macksville TAFE College	NSW
	Maryborough TAFE College	QLD
	Meadowbank TAFE College	NSW
	Merinda Park Community Centre Committee Inc	VIC
	Midland TAFE	WA
	Moreton Institute of TAFE	QLD
	Morrison House Inc	VIC
	Moss Vale TAFE College	NSW
	Mt Isa TAFE College	QLD
	North Point TAFE College	QLD
	North West TAFE College	TAS
	*Northern Melbourne Institute of TAFE	VIC
	Nowra TAFE College	NSW
	Onkaparinga Institute of TAFE	SA
	Orange TAFE College	NSW

	OTEN TAFE College	NSW
	Outer Eastern Institute of TAFE	VIC
	Para Institute of TAFE	SA
	*Peninsula Institute of TAFE	VIC
	Perth TAFE	WA
	Petersham TAFE College	NSW
	Pursuit Consulting & Training Services Pty Ltd	VIC
	Randwick TAFE College	NSW
	Regency Institute of TAFE	SA
	Rockhampton TAFE College	QLD
	South Coast TAFE College	QLD
	South East Metropolitan TAFE	WA
	South West Regional TAFE	WA
	Southern Queensland TAFE College	QLD
	Spencer Institute of TAFE	SA
	Sunraysia Institute of TAFE	VIC
	*Swinburne University of Technology	VIC
	Taree TAFE College	NSW
	The Lady Gowrie Child Centre	VIC
	Toowoomba TAFE College	QLD
	Torrens Valley Institute of TAFE	SA
	Townsville TAFE College	QLD
	*University of Ballarat	VIC
	*Victoria University of Technology	VIC
	Victorian Court for Information & Welfare Network Inc	VIC
	Wagga Wagga TAFE College	NSW
	Wangaratta Centre for Continuing Education	VIC
	Werrington TAFE College	NSW
	Western Melbourne Institute of TAFE	VIC
	Wimmera Institute of TAFE	VIC
	Wodonga Institute of TAFE	VIC
	Wollongong TAFE College	NSW
	Wyong TAFE College	NSW
Diploma of Community Services (Child Care)	Acacia College	VIC
	Adelaide Institute of TAFE	SA
	Bendigo Regional Institute of TAFE	VIC
	Box Hill Institute of TAFE	VIC
	*Canberra Institute of Technology	ACT
	Casey Institute of TAFE	VIC
	Central Gippsland Institute of TAFE	VIC
	Community Child Care Association	VIC

	Croydon Institute of TAFE	SA
	East Gippsland Institute of TAFE	VIC
	*Gordon Institute of TAFE	VIC
	Goulburn Valley Institute of TAFE	VIC
	*Holmesglen Institute of TAFE	VIC
	Kangan Institute of TAFE	VIC
	*Northern Melbourne Institute of TAFE	VIC
	Onkaparinga Institute of TAFE	SA
	Outer Eastern Institute of TAFE	VIC
	Para Institute of TAFE	SA
	*Peninsula Institute of TAFE	VIC
	Regency Institute of TAFE	SA
	Spencer Institute of TAFE	SA
	Sunraysia Institute of TAFE	VIC
	*Swinburne University of Technology	VIC
	Torrens Valley Institute of TAFE	SA
	*Victoria University of Technology	VIC
	Western Melbourne Institute of TAFE	VIC
	Wimmera Institute of TAFE	VIC
	Wodonga Institute of TAFE	VIC
Diploma of Community Services (Children's Services) (where the person has specialised in centre based care for children aged 0 – 6 years) (CHC50399)	ABC Early Childhood Training Pty Ltd	QLD
	Academy of Vocational Education	NSW
	Adelaide Institute of TAFE	SA
	Advanced Careers College	NSW
	AIT Technical and Further Education Centre	ACT
	Anglicare Australia	VIC
	Apprentices-Trainees-Employment Ltd	VIC
	Arts Access Society Inc	VIC
	Australian Careers Business College	NSW
	Australian Child Care Academy	WA
	Australian Child Care Career Options	QLD
	Australian Child Care Training College	NSW
	Australian Catholic University (St Patrick's Campus)	VIC
	Australian Careers Business College	NSW
	Australian Child Care Academy	WA
	Australian Professional Training Pty Ltd	QLD
	Banksia Gardens Inc	VIC
	Barrier Reef Institute of TAFE	QLD
	BAYTEC Enterprises Inc	VIC
	Bendigo Regional Institute of TAFE	VIC
	BETTA Careers Centre	NSW

	Blacktown District Community College Inc	NSW
	Box Hill Enterprises	VIC
	Box Hill Institute of TAFE	VIC
	Brisbane and North Point Institute of TAFE	QLD
	C Y O'Connor College of TAFE	WA
	Campaspe College of Adult Education	VIC
	Canberra Institute of Technology	ACT
	Caraniche Pty Ltd	VIC
	*Central College	NSW
	Central Gippsland Institute of TAFE	VIC
	Central TAFE	WA
	Central Queensland Institute of TAFE	QLD
	Central College	NSW
	Central West College of TAFE	WA
	Centralian College	NT
	Charlton Brown Nanny College	QLD
	Childcare Trainers Australia Pty Ltd	NSW
	Childcare Visions Pty Ltd	QLD
	Children's Services Resource and Advisory Program ACT Inc	ACT
	Chisholm Institute of TAFE	VIC
	*CMC – Training at Work Pty Ltd	VIC
	Coastal Employee Assistance Services Pty Ltd	NSW
	Colac Adult and Community Education Inc	VIC
	College of Child & Family Studies	NSW
	Community Child Care Association Victoria	VIC
	Competency Based Trainers Pty Ltd	TAS
	Cooloolo Sunshine Institute of TAFE	QLD
	Coonara Community House Inc	VIC
	Continuing Education Centre (Albury Wodonga) Inc	VIC
	Corpfit Holdings Pty Ltd	VIC
	Crossbow Consultancy	WA
	Croydon Institute of TAFE	SA
	*Curtin University of Technology – Kalgoorlie Campus	WA
	Department of Health & Human Services Employee Services	TAS
	Douglas Mawson Institute of TAFE	SA
	D-Tac Pty Ltd	QLD
	Early Childhood Training and Resource Centre (ECTARC)	NSW

	East Gippsland Institute of TAFE	VIC
	Eastern Pilbara College of TAFE	WA
	Eastern Victorian Group Training Inc	VIC
	Elwood/St Kilda Neighbourhood Learning Centre Inc	VIC
	Family Day Care Association Qld Inc	QLD
	Future Skills and Training	QLD
	Geelong Adult Training & Education Inc	VIC
	Gold Coast Early Childhood College	
	Gold Coast Institute of TAFE	QLD
	Gordon Institute of TAFE	VIC
	Goulburn Ovens Institute of TAFE	VIC
	Gowrie Training Centre	SA
	Great Southern TAFE	WA
	Holmesglen Institute of TAFE	VIC
	Holmesglen International Training Services Pty Ltd	VIC
	Hutchison's School of Early Childhood	QLD
	Individual Solutions Australia	NSW
	*Institute of TAFE Tasmania	TAS
	Kal Multimedia Training	VIC
	Jobs Australia Ltd	VIC
	Kangan Batman Institute of TAFE	VIC
	Kath Dickson Family Centre Association	QLD
	Kensington Women's Group Child Care	VIC
	Kimberley College of TAFE	WA
	Kings International College Ltd	QLD
	Kyabram Community & Learning Centre Inc	VIC
	Lady Gowrie Child Centre Inc	QLD
	Lady Gowrie Child Centre Melbourne Inc	VIC
	Lady Gowrie Tasmania	TAS
	Lifetime International Training College	QLD
	Link Employment and Training Inc	VIC
	Logan Institute of TAFE	QLD
	Macleay College Pty Ltd	NSW
	MADEC	VIC
	Mary Watson College of Early Childhood Studies	QLD
	Meerilinga Training College	WA
	Merinda Park Community Centre Committee Inc	VIC
	Mersey Skill Training Inc	TAS
	Midland College of TAFE	WA
	Moreton Institute of TAFE	QLD

	Morrison House Inc	VIC
	Mount Isa Institute of TAFE	QLD
	Murray Institute of TAFE	SA
	My Other Mum Childcare	QLD
	*National Joblink	TAS
	Nautilus Training & Curriculum Pty Ltd	VIC
	Network of Community Activities	NSW
	Newskills Ltd	VIC
	Northern Group Training Ltd	TAS
	*Northern Melbourne Institute of TAFE	VIC
	North Point Institute of TAFE	QLD
	Northern Territory University	NT
	One World for Children Pty	VIC
	Onkaparinga Institute of TAFE	SA
	Open Learning Institute of TAFE	QLD
	Otway Health and Community Services	VIC
	Para Institute of TAFE	SA
	Pilbara TAFE	WA
	Queensland Childcare Services Early Childhood College	QLD
	Regency Institute of TAFE	SA
	Schools of Early Childhood Studies	QLD
	SDN Children's Services Inc	NSW
	Serve-Safe Food Hygiene Training Services Pty Ltd	VIC
	Solutions.com Pty Ltd	VIC
	South East Institute of TAFE	SA
	South East Metropolitan College of TAFE	WA
	South Metropolitan Youth Link Inc	WA
	South West Institute of TAFE	VIC
	South West Regional College of TAFE	WA
	Southbank Institute of TAFE	QLD
	Southern Queensland Institute of TAFE	QLD
	Southside Community Services Inc	ACT
	Sterling Business College Pty Ltd	WA
	Spencer Institute of TAFE	SA
	Sunraysia Institute of TAFE	VIC
	Sutherland Shire Training & Development Services	NSW
	Swan TAFE	WA
	*Swinburne University of Technology (TAFE Division)	VIC
	TAFE NSW Commission	NSW

	TAFE NSW Hunter Institute	NSW
	TAFE NSW Illawara Institute	NSW
	TAFE NSW New England Institute	NSW
	TAFE NSW North Coast Institute	NSW
	TAFE NSW Northern Sydney Institute	NSW
	TAFE NSW Riverina Institute	NSW
	TAFE NSW South Western Sydney Institute	NSW
	TAFE NSW Southern Sydney Institute	NSW
	TAFE NSW Sydney Institute	NSW
	TAFE NSW Western Institute	NSW
	TAFE NSW Western Sydney Institute	NSW
	TAFE SA	SA
	The Bremer Institute of TAFE	QLD
	The Gateway College of Child Studies	NSW
	The Gowrie (WA) Inc	WA
	The Illawarra Business College	NSW
	The National Council of the Young Men's Christian Association of Australia	VIC
	The Sydney Business & Travel Academy	NSW
	Torrens Valley Institute of TAFE	SA
	Town and Country Education	QLD
	Train.2.Work	ACT
	Training for Health and Community Services Inc (TRAHCS)	ACT
	Transformations – Pathways to Competence and Developing Excellence	VIC
	Tropical North Queensland Institute of TAFE	QLD
	Tuggerah Lakes Community Leisure Learning & Training Centre Inc	NSW
	Tuggeranong Community Services Inc	ACT
	*University of Ballarat (TAFE Division)	VIC
	Upper Yarra Community House	VIC
	Victoria University (TAFE Division)	VIC
	Victorian Court Information & Welfare Network Inc	VIC
	Vocational Training and Education Centre	WA
	Wesley Mission Melbourne	VIC
	West Coast College of TAFE	WA
	West Pilbara College of TAFE	WA
	Wide Bay Institute of TAFE	QLD
	Wodonga Institute of TAFE	VIC
	Work & Training Limited	TAS

	Workplace Connect	VIC
	Yeronga Institute of TAFE	QLD
Diploma of Education (Early Childhood)	Queensland University of Technology	QLD
Diploma of Education (Early Childhood Education)	University of Tasmania	TAS
Diploma of Kindergarten Teaching	Kindergarten Training College	WA
Diploma of Kindergarten Training College	*University of Melbourne	VIC
Diploma of Melbourne Kindergarten Teachers' College	*University of Melbourne	VIC
Diploma of Nursery–Kindergarten Teaching	Queensland University of Technology	QLD
Diploma of Social Science (Child Care Services)	*University of Melbourne	VIC
Diploma of Sydney Kindergarten Teachers' College	*Macquarie University	NSW
Diploma of Sydney Nursery School Teachers' College	*Macquarie University	NSW
Diploma of Teaching (Early Childhood)	Central Queensland University	QLD
	Charles Sturt University	NSW
	*Curtin University	WA
	*Edith Cowan University	WA
	Hartley College of Advanced Education	SA
	Hobart Teachers' College	TAS
	Hunter Institute of Higher Education	NSW
	James Cook University	QLD
	Kingston College of Advanced Education	SA
	Kuringai College of Advanced Education	NSW
	Launceston Teachers' College	TAS
	Macarthur Institute of Higher Education	NSW
	*Macquarie University	NSW
	Meerilinga Teachers' College	WA
	Mitchell College of Advanced Education	NSW
	*Monash University	VIC
	Mount Nelson College of Advanced Education	TAS
	Nepean College of Advanced Education	NSW
	Newcastle College of Advanced Education	NSW
	Riverina College of Advanced Education	NSW
	South Australian College of Advanced Education	SA
	Sydney Catholic Training College	NSW
	Sydney University	NSW
	Tasmanian College of Advanced Education	TAS

	Tasmanian State Institute of Technology	TAS
	University of Melbourne	VIC
	University of Newcastle	NSW
	University of Tasmania	TAS
	University of Southern Queensland	QLD
	University of Western Sydney	NSW
	University of Wollongong	NSW
	Wollongong Training College	NSW
Diploma of Teaching (Early Childhood Education)	Batchelor College	NT
	James Cook University: North Queensland	QLD
	Northern Territory University	NT
	*Queensland University of Technology	QLD
	*Royal Melbourne Institute of Technology	VIC
	*University of Canberra	ACT
Diploma of Teaching (Early Childhood Education) with Advanced Standing	*Royal Melbourne Institute of Technology	VIC
Diploma of Teaching (Primary and Early Childhood Education)	*Queensland University of Technology	QLD
Diploma of Teaching (Primary and Preschool)	*Queensland University of Technology	QLD
Diploma of Teaching (Primary) with major/specialisation in Early Childhood Education	*Griffith University: Nathan Campus	QLD
	*Queensland University of Technology	QLD
	*University of Southern Queensland	QLD
Diploma of Teaching with major/specialisation in Early Childhood Education	*Central Queensland University	QLD
Diploma of Teaching with Specialisation in Early Childhood Education	Kuring-gai College of Advanced Education	NSW
Graduate Certificate in Early Childhood Teaching	*Royal Melbourne Institute of Technology	VIC
Graduate Certificate in Education (Early Childhood)	University of Notre Dame	WA
Graduate Diploma in Children's Services	*Monash University	VIC
Graduate Diploma in Early Childhood Education	*Royal Melbourne Institute of Technology	VIC
Graduate Diploma in Early Childhood Teaching	*Royal Melbourne Institute of Technology	VIC
Graduate Diploma in Education (Early Childhood)	Hartley College of Advanced Education	SA
	Kingston College of Advanced Education	SA
	*Macquarie University	NSW
	*Royal Melbourne Institute of Technology	VIC
	South Australian College of Advanced Education	SA
	University of Notre Dame	WA

Graduate Diploma of Education (Early Childhood)	*Monash University Tasmanian State Institute of Technology University of Tasmania	VIC TAS TAS
Graduate Diploma of Education (Early Childhood Education)	Royal Melbourne Institute of Technology University of Western Sydney	VIC NSW
Graduate Diploma of Social Science (Children's Studies)	*Edith Cowan University	WA
Postgraduate Diploma in Education (Early Childhood)	James Cook University: North Queensland	QLD
INTERNATIONAL COURSES		
Diploma in Child Care and Education	National Vocational Qualification – Council for Awards in Children's Care and Education	UK
Diploma in Nursery Nursing	National Vocational Qualification – Council for Awards in Children's Care and Education	UK
National Diploma Caring Services (Nursery Nursing)		UK
NNEB Diploma in Nursery Nursing (post 1993)		UK

*Former names of Training Institutions	
*Alice Springs (Centralian) TAFE formerly Alice Springs Community College	
*Canberra Institute of Technology formerly Canberra College of TAFE	
*Central College formerly listed as Central College and NSW Business College	
*Central Queensland University formerly University of Central Queensland	
*CMC – Training at Work Pty Ltd Pty Ltd formerly listed as Childcare Management Concepts Pty Ltd and Outside School Hours Childcare Management Concepts Pty Ltd	
*Curtin University formerly Western Australian Institute of Technology	
*Edith Cowan University formerly Mount Lawley Teachers' College, Churchlands Teachers' College, West Australian College of Advanced Education	
*Gordon Institute of TAFE formerly Gordon Technical College	
*Griffith University: Nathan Campus formerly Mt Gravatt College of Advanced Education, Brisbane College of Advanced Education	
*Holmesglen Institute of TAFE formerly listed as Holmesglen College of TAFE	
*Institute of TAFE Tasmania formerly listed as TAFE Tasmania	
*Macquarie University formerly Nursery School Teachers' College, Sydney Kindergarten Teachers' College, Institute of Early Childhood Studies, Sydney College of Advanced Education	
*Monash University formerly Chisholm Institute of Technology, State College of Victoria at Frankston	
*National Joblink formerly listed as Northern Joblink Inc	

*Northern Melbourne Institute of TAFE formerly Preston College of TAFE
*Peninsula Institute of TAFE formerly Frankston College of TAFE
*Queensland University of Technology formerly North Brisbane College of Advanced Education, Brisbane College of Advanced Education: Carseldine Campus/Kelvin Grove Campus/Kedron Park Campus, Brisbane College of Advanced Education: School of Early Childhood Studies, Brisbane Kindergarten Teachers' College, Carseldine Campus/Kelvin Grove Campus/Kedron Park Campus, Kedron Park Teachers College.
*Royal Melbourne Institute of Technology formerly Phillip Institute of Technology, State College of Victoria at Coburg
*Swinburne University of Technology formerly Prahran College of TAFE
*University of Ballarat formerly School of Mines and Industries
*University of Canberra formerly Canberra College of Advanced Education
*University of Melbourne formerly Melbourne College of Advanced Education, Institute of Early Childhood Development, State College of Victoria, Melbourne Kindergarten Teachers' College, Kindergarten Training College
*University of Southern Queensland formerly Darling Downs Institute College of Advanced Education
*Victoria University of Technology formerly Prahran College of TAFE

**Water Act 1989****Trade Waste By-Law No. 184**

Notice is hereby given that Trade Waste By-Law No. 184 received Ministerial approval on 27 May 2004.

The new By-Law is part of a broader reform of the terms and conditions that Barwon Water has set out for the receipt of trade waste. The broader reforms are contained in Barwon Water's new Trade Waste Management Policy. The new Policy and new By-Law will apply in respect of all trade waste discharged into Barwon Water's sewerage system under Trade Waste Agreements, Trade Waste Permits and Permits to Discharge Septic Waste that are issued by Barwon Water on or after 1 July 2004.

In conjunction with the new Policy, the new By-Law:

- sets revised trade waste acceptance standards (based on improved scientific knowledge) to control pollution, to protect Barwon Water's works and other public infrastructure, and to protect the health and safety of Barwon Water employees and the community;
- clarifies Barwon Water's powers to modify its terms and conditions for accepting trade waste;
- provides Barwon Water with new enforcement powers to enable the better management of trade waste contraventions and the recovery of contravention costs; and
- permits Barwon Water to prescribe a differential system of charges based on a risk-weighting assessment of trade waste customers.

Copies of the new Policy and the new By-Law are available for inspection free of charge at Barwon Water's office situated at 61–67 Ryrie Street, Geelong between 8.00 a.m. and 5.00 p.m. Monday to Friday and can be viewed at www.barwonwater.vic.gov.au.

By Order
GRANT GREEN
Board Secretary

**Water Act 1989****By-Laws (Penalties) Amendment
By-Law No. 185**

Notice is hereby given that By-Laws (Penalties) Amendment By-Law No. 185 received Ministerial approval on 27 May 2004.

The new By-Law amends the penalty provisions within Barwon Water's Water Conservation By-Law No. 182 and Water Restrictions By-Law No. 181.

Effective from 1 July 2004, any person guilty of an offence under one of these By-Laws shall be liable to a penalty of up to 10 penalty units for a first offence (currently \$1,000) or up to 20 penalty units for a subsequent offence (currently \$2,000), and liable to a further penalty not exceeding 2 penalty units per day (up to a maximum of 20 penalty units) for continuing contraventions.

Copies of the new By-Law are available for inspection free of charge at Barwon Water's office situated at 61–67 Ryrie Street, Geelong between 8.00 a.m. and 5.00 p.m. Monday to Friday.

By Order
GRANT GREEN
Board Secretary

Water Act 1989

**BULK ENTITLEMENT (WIMMERA AND GLENELG RIVERS –
WIMMERA MALLEE WATER) CONVERSION ORDER 2004**

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SCHEDULE 1. WIMMERA-MALLEE SYSTEM

SCHEDULE 2. SHARES OF WATER AVAILABLE

**SCHEDULE 3. THE RESOURCES THAT COULD BE DIVERTED IN THE CURRENT
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SCHEDULE 4. WATER DIVERSIONS FROM THE WIMMERA-MALLEE SYSTEM

**SCHEDULE 5. OFFTAKE POINTS, ANNUAL AMOUNTS AND MAXIMUM RATES OF
TAKING WATER**

SCHEDULE 6. PRIMARY ENTITLEMENTS

The Minister, under the provisions of the **Water Act 1989**, makes the following Order –

PART 1 – INTRODUCTORY STATEMENTS

1. Citation

This Order may be cited as the Bulk Entitlement (Wimmera and Glenelg Rivers – Wimmera Mallee Water) Conversion Order 2003.

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**;

“**Agreement**” means the Murray Darling Basin Agreement;

“**allocation year**” means the 12 months next following 1 November;

“**Avoca basin**” means the area of land designated as Basin Number 8 in the Murray-Darling Drainage Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

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

“**cap model**” means a computer simulation model of the Wimmera-Mallee system approved by the MDBC for the purpose of monitoring compliance with the Murray-Darling Basin cap;

“**Coliban Water**” means Coliban Region Water Authority;

“**compensation flow**” means an annual amount of up to 3,300 ML allocated to Wimmera Mallee Water for the purpose of providing a nominal flow for domestic and stock use and other social and environmental purposes in the Glenelg River downstream of Rocklands Reservoir;

“**dead storage**” means the water stored in reservoirs which the storage operator deems to be inaccessible for release for consumptive use in any given allocation year;

“**Department**” means the Department supporting the Minister administering the **Water Act 1989**;

“**distribution system**” means the system of reservoirs, channels, pipelines and associated structures described in Table 2 of Schedule 1 that distribute water from the headworks system to entitlement holders;

“**distributor**” means the person appointed to operate and maintain the distribution system;

“**entitlement holder**” means a person holding a bulk entitlement under the Act for the Wimmera-Mallee system;

“**environmental flow manager**” means any person, or persons acting jointly, appointed by the Minister to undertake the functions set out in sub-clause 16.2 of the Bulk Entitlement (Wimmera and Glenelg Rivers – Flora and Fauna) Conversion Order 2004;

“**exchange rate**” means the rate, determined by the Minister, at which the reliability varies inversely to the annual entitlement;

“**Glenelg basin**” means the area of land designated as Basin Number 38 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

“Glenelg Water” means Glenelg Region Water Authority;

“Grampians Water” means Grampians Region Water Authority;

“headworks system” means the water supply works of the waterways, reservoirs, weirs and transfer channels included in Table 1 of Schedule 1.

“Mallee basin” means the area of land designated as Basin Number 14 in the Murray-Darling Drainage Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

“MDBC” means the Murray Darling Basin Commission, or any business division of the Commission or that Commission's assignee or delegate exercising any relevant function;

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

“Minister for Environment” means the Minister administering the **Conservation, Forests and Lands Act 1987** and includes, in relation to any provision, any person authorised by the Minister for Environment to act on behalf of the Minister for Environment in relation to that provision.

“Murray-Darling Basin cap” means the arrangements introduced by the Murray-Darling Basin Ministerial Council, effective from 1 July 1997, to cap diversions in the Murray-Darling Basin and as defined in Schedule F to the Murray-Darling Basin Agreement;

“offtake point” means any or all of the locations specified in Schedule 5 for taking water under this order;

“resource manager” means any person appointed by the Minister under section 43A of the Act to do all or any of the tasks set out in sub-clause 20.1;

“seasonal allocation” means an entitlement holder's share of the available resources from the Wimmera-Mallee system in a given allocation year;

“reliability” means the statistical probability of being able to supply a given volume of water in any allocation year;

“storage operator” means any person appointed by the Minister under section 43A of the Act to operate the headworks system, to manage or measure the flow into the headworks system or waterway, or to do all or any of them;

“system spill” means flow in the waterway other than that taken by any or all persons -

- (a) holding a bulk entitlement under the Act for the Wimmera-Mallee system; and
- (b) taking water under section 8(1) of the Act;

“waterway” means any or all of -

- (a) the Wimmera River and its tributaries upstream of a point immediately downstream of the confluence with the Mackenzie River, including any reservoirs and weirs;
- (b) the Glenelg River upstream of and including Rocklands Reservoir;
- (c) the First and Second Wannon Creeks upstream of and including the weirs;
- (d) the Avon and Richardson rivers upstream of and including Rich Avon weir; and
- (e) the Avoca River and its anabranch and distributary streams Mosquito Creek, Lalbert Creek and Tyrell Creek, upstream of and including the weirs.

“Wimmera basin” means the area of land designated as Basin Number 15 in the Murray Darling Drainage Division of the Australian Water Resources Council's Australian Continental Drainage Divisions;

“Wimmera Mallee Water” means Wimmera Mallee Rural Water Authority;

“Wimmera-Mallee system” means the waterway and headworks and distribution systems;

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

5. Water for the Environment

All the surface water resources in the Wimmera-Mallee system, except for –

- (a) a permissible annual volume declared by the Minister under section 22A of the Act;
- (b) any water allocated under Part 4 of the Act to an Authority other than the Minister for Environment; and
- (c) any water taken by persons under section 8(1) of the Act;

are available to maintain the environmental values of rivers in the Wimmera, Glenelg, Avoca and Mallee basins and other water services dependent on the environmental condition of these rivers.

PART 2 – ENTITLEMENT**6. Conversion to a Bulk Entitlement**

All of Wimmera Mallee Water's entitlement to water from the headworks and distribution systems is converted to a bulk entitlement on the conditions set out in this Order.

7. Bulk Entitlement

- 7.1 Wimmera Mallee Water may take from the Wimmera-Mallee system in any allocation year, for the purpose of supplying primary entitlements referred to in clause 11, Wimmera Mallee Water's share, shown in the tables of Schedule 2 of the water available to meet the entitlements in Schedule 2.
- 7.2 The water available to meet the entitlements of Schedule 2 is the lower of –
 - (a) the resources that could be diverted from the Wimmera-Mallee system in the current allocation year; and
 - (b) the water allowed to the Wimmera-Mallee system under the Murray-Darling Basin cap; as determined by the storage operator in accordance with the provisions set out in Part 3.
- 7.3 Wimmera Mallee Water is entitled to store water in -
 - (a) headworks system reservoirs up to the amounts and full supply levels listed in Table 1 of Schedule 1;
 - (b) distribution system reservoirs up to the amounts and full supply levels listed in Table 2 of Schedule 1.
- 7.4 Wimmera Mallee Water may store all the inflow to the reservoirs, weirs, and channels listed in Schedule 1, subject to passing flow requirements of any bulk entitlement granted to the Minister for Environment and sub-clause 7.5.
- 7.5 Wimmera Mallee Water may take from the waterway –
 - (a) via the Moora channel an average annual amount of up to 7,900 ML over any consecutive five year period; and
 - (b) via the Moora and Rocklands Outlet channels, a total annual average amount of up to 99,100 ML over any consecutive five year period.
- 7.6 Wimmera Mallee Water must not take, as part of this entitlement, any flow in the waterway which is being transferred by the holder of another bulk entitlement or licence.

PART 3 – WATER AVAILABLE**8. The Resources that could be Diverted in the Current Allocation Year**

- 8.1 The storage operator must, in determining seasonal allocations, make an assessment of the resources that could be –
 - (a) diverted from the Wimmera-Mallee system in the current allocation year; and

- (b) taken into the Wimmera-Mallee system from another river basin under another entitlement or agreement with another authority;
using the method outlined in Schedule 3.

8.2 In making the assessment in sub-clause 8.1, the storage operator must –

- (a) reach agreement with all entitlement holders on the method used to calculate –
 - (i) the estimated harvestable inflows and pick-up;
 - (ii) the amount of water to be retained in headworks reservoirs in the current allocation year to provide for a basic supply in the next allocation year;
 - (iii) the amount held in the flora and fauna carryover account;
 - (iv) the estimates of losses; and
 - (v) the estimated dead storage; and
- (b) make available to all entitlement holders the information used to apply the method.

9. Applying the Murray-Darling Basin Cap

9.1 If the volumes of water diverted each year from the Wimmera-Mallee system as determined in accordance with Schedule 4 increase in comparison to the annual volumes that would have been diverted under 1993/94 levels of development as estimated by the cap model, and the volume of accumulated over-runs less under-runs approaches –

- (a) the limit established in the Agreement;
or, in the absence of any limit in the Agreement,
- (b) a limit of 20% of the long-term average annual Wimmera-Mallee system diversions under 1993/94 levels of development, as estimated by the cap model –
then action must be taken in accordance with this clause.

9.2 The Wimmera-Mallee system entitlement holders must jointly recommend to the Minister such appropriate action to avoid the limit being reached as they see fit, and the Minister may approve such action, with any modifications the Minister considers necessary.

9.3 If no appropriate action is approved by the Minister under sub-clause 9.2 –

- (a) If the volume of accumulated overruns less underruns reaches 15% of long-term average annual Wimmera-Mallee system diversions, in the following allocation year the water allowed to the Wimmera-Mallee system under the Murray-Darling Basin cap is deemed to be:
 - (i) subject to sub-paragraph (ii), the resources that could be diverted by the Wimmera-Mallee system in that allocation year, less a volume equal to 7% of long-term average annual Wimmera-Mallee system diversions; and
 - (ii) the minimum to be the water required for allocations corresponding to 90% of full entitlements; and
- (b) If the volume of accumulated overruns less underruns reaches 20% of long-term average annual Wimmera-Mallee system diversions, in the following allocation year the water allowed to the Wimmera-Mallee system under the Murray-Darling Basin cap is deemed to be the same as in paragraph (a), except that the minimum in sub-paragraph (ii) is deemed to be the water required for an allocation of 80% of full entitlements.

10. Making Seasonal Allocations

10.1 In November and in each subsequent month until the maximum allocation for entitlements in Schedule 2 is reached, or at such other times as the storage operator believes it to be required, the storage operator must determine the water available to meet the entitlements in Schedule 2, and Wimmera Mallee Water's share of that water in accordance with the following steps.

- 10.2 The storage operator must –
- (a) determine the resources that could be diverted from the Wimmera-Mallee system in accordance with clause 8; and
 - (b) take the lower of –
 - (i) the resources that could be diverted from the Wimmera-Mallee system as determined in clause 8; and
 - (ii) the amount of water allowed to the Wimmera-Mallee system under the Murray-Darling Basin cap as determined in clause 9;to determine the water available to meet the entitlements in Schedule 2.
 - (c) use the amount of water available as determined in paragraph (b) to determine the seasonal allocation to Wimmera Mallee Water and other entitlement holders from Table 1 of Schedule 2; and
 - (d) inform Wimmera Mallee Water and other entitlement holders of the seasonal allocation determined under sub-clause (c), and at the same time make available the method and calculations and any other information used to determine the seasonal allocation.
- 10.3 The storage operator may make the first seasonal allocation as early as September if requested by one or more entitlement holders, with any water taken by an entitlement holder before November deemed to be taken within the next allocation year.

PART 4 – GENERAL CONDITIONS AND PROVISIONS

11. Obligations to Supply Primary Entitlements

- 11.1 Water taken from the Wimmera-Mallee system under this Order must be used to supply the following primary entitlements summarised in Table 1 of Schedule 2 and more fully described in Schedule 6 –
- (a) domestic and stock allowances within the Wimmera-Mallee Waterworks District;
 - (b) irrigation licences;
 - (c) water for recreational lakes;
 - (d) Glenelg River compensation flow;
 - (e) bulk entitlements granted to urban water authorities where the supply is from Wimmera Mallee Water's headworks or distribution systems;
 - (f) agreements under section 124(7) of the Act; and
 - (g) any bulk entitlement granted to the Minister for Environment, to the extent it is supplied from the Wimmera-Mallee system.
- 11.2 Water allocated to primary entitlements is to be restricted in accordance with the seasonal allocations determined by the storage operator under clause 10.

12. Taking Water

- 12.1 Wimmera Mallee Water may take water to which it is entitled under this Order at –
- (a) the offtake points, and at the rates and times specified in Schedule 5; or
 - (b) such other off-take points, rates and times as are, at the request of Wimmera Mallee Water, agreed to in writing by the Minister.
- 12.2 For the purpose of clause 7, the water taken by Wimmera Mallee Water is –
- (a) the total volume of water taken at the off-take points referred to in sub-clause 12.1; and
 - (b) the total volume taken by holders of primary entitlements supplied directly from the headworks; and
 - (c) the total volume taken by holders of primary entitlements supplied directly from the waterway;

- 12.3 For the purpose of clause 9, the water taken by Wimmera Mallee Water is –
- (a) the water described in sub-clause 12.2; less
 - (b) the total volume of water returned to the waterway as –
 - (i) a compensation flow under clause 13; and
 - (ii) an environmental flow under any bulk entitlement granted to the Minister for Environment.

13. Obligation to Supply Compensation Flows

- 13.1 Wimmera Mallee Water must direct the storage operator to release the allocation for the Glenelg River compensation flow determined under clause 9 in accordance with an operating plan.
- 13.2 Glenelg-Hopkins Catchment Management Authority must prepare the operating plan in sub-clause 13.1 in consultation with the storage operator.
- 13.3 If Glenelg-Hopkins Catchment Management Authority has not provided an operating plan under sub-clause 13.2 before the 1 November in any allocation year, the storage operator must commence release of the compensation flow allocation on 1 November at a uniform continuous rate calculated for the period between 1 November and 30 April next.

14. Environmental Obligations

- 14.1 Wimmera Mallee Water must propose to the Minister, within 12 months of the date of this Order, a program to assess and manage the environmental effects of operating the weirs and harvesting storages, including –
- (a) the effects on the bed and banks of the waterways in the vicinity of the reservoirs and weirs; and
 - (b) the effects on aquatic biota in the waterway; and
 - (c) operational practices to remove silt from the reservoirs and weirs; and
 - (d) operating practices to manage the water quality, including temperature, in the reservoirs and weirs and in the waterway; and
 - (e) operating rules to control releases from the reservoirs and weirs to the waterways; and
 - (f) operating rules for managing flood flows through the reservoirs.
- 14.2 The Minister may –
- (a) approve the program proposed under sub-clause 14.1; or
 - (b) require Wimmera Mallee Water to amend the proposed program; or
 - (c) require Wimmera Mallee Water to –
 - (i) review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) propose an amended program to the Minister.
- 14.3 Wimmera Mallee Water, must at its cost –
- (a) implement the approved environmental management program; and
 - (b) keep a record of all work undertaken under paragraph (a).

15. Amendments

- 15.1 Schedule 2 and 6 may, in accordance with section 64G of the Act, be amended periodically by the Minister to take account of any permanent transfers or any conversions of primary entitlements, including transfers or conversions resulting from –
- (a) re-allocation of water savings from –
 - (i) the Wimmera-Mallee Pipeline Project; and

- (ii) any other works in the headworks or distribution systems; and
 - (b) water trades.
- 15.2 The entitlement holders may jointly propose an amendment to –
 - (a) any clauses in Part 3 if practical operations indicate a need for variation;
 - (b) Schedule 3 to revise the method for calculating the water available to meet the entitlements in Schedule 2 to take account of updated hydrological information or techniques;
 - (c) Schedule 4 to revise the method for calculating the water diversions under the Murray-Darling Basin cap to take account of updated hydrological information or techniques;
 - (d) Schedule 1, and the offtake points and rates of taking water specified in Schedule 5, to reflect changes to the headworks and distribution system infrastructure.
- 15.3 An application made under sub-clause 15.2 must explain the reasons for the proposed amendment and the likely implications for entitlement holders.
- 15.4 The Minister may –
 - (a) approve an amendment proposed under sub-clause 15.2; or
 - (b) require the entitlement holders jointly to amend the proposal; or
 - (c) at any time require the entitlement holders to make a joint proposal under sub-clause 15.2, if in the Minister's opinion, it is necessary to make an amendment of the kind referred to in sub-clause 15.2.

16. Wimmera-Mallee Pipeline Project

- 16.1 Wimmera Mallee Water must make available to the Wimmera-Mallee Pipeline Project all losses identified as part of its entitlement in Schedule 2 under the terms and conditions recommended by the Wimmera-Mallee Pipeline Project and endorsed by the Minister.
- 16.2 Any losses referred to in sub-clause 16.1 that are not affected by the Wimmera-Mallee Pipeline Project remain part of the authority's entitlement.
- 16.3 The Minister may amend this Order in accordance with section 44 of the Act to make it consistent with any recommendations of the Detailed Design and Review of Business Case for the Wimmera-Mallee Pipeline Project once endorsed by the Minister.

17. Dispute Resolution

- 17.1 If any difference or dispute arises between Wimmera Mallee Water, the Minister, and with their consent, any other entitlement holder, the Minister for Environment, the storage operator, 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 President of the Institute of Arbitrators, Australia.
- 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 In any difference or dispute to which the Minister is a party –
 - (a) the independent expert must express the conclusion as a recommendation; and

- (b) the Minister must consider any recommendation made under paragraph (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, are at the discretion of the independent expert.

PART 5 – MONITORING WATER TAKEN

18. Metering Program

- 18.1 Wimmera Mallee Water must propose to the Minister within 12 months of the commencement of this Order, a metering program to demonstrate Wimmera Mallee Water's compliance with this Order.
- 18.2 A proposal under sub-clause 18.1 must include details of any existing or proposed arrangements made by Wimmera Mallee Water for any person other than Wimmera Mallee Water to measure or to calculate instream flows.
- 18.3 The Minister may –
 - (a) approve a program proposed under sub-clause 18.1; or
 - (b) require Wimmera Mallee Water to amend the proposed program; or
 - (c) not approve the proposed program.
- 18.4 The Minister may, at any time, require Wimmera Mallee Water to –
 - (a) review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (b) propose an amended program to the Minister.
- 18.5 Wimmera Mallee Water must, at its cost and in accordance with any guidelines issued from time to time by the Minister –
 - (a) implement and maintain any metering program approved by the Minister; and
 - (b) maintain metering equipment and associated measurement structures in good condition; and
 - (c) ensure that metering equipment is periodically re-calibrated; and
 - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (e) keep a record of all work undertaken under paragraphs (b), (c) and (d).

19. Reporting Requirements

- 19.1 Wimmera Mallee Water 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 at each of the offtake points;
 - (b) the annual amount of water taken under this entitlement at each of the offtake points;
 - (c) compliance with the upper limits on diversions from the waterway above Rocklands Reservoir pursuant to sub-clause 7.5
 - (d) the amount and location of water taken under this entitlement at any other works of Wimmera Mallee Water;
 - (e) the annual amount of water supplied by Wimmera Mallee Water to each of the primary entitlement holders listed in Schedule 6;
 - (f) the seasonal allocation to each of the primary entitlement holders listed in Schedule 6;

- (g) the approval, amendment and implementation of the metering program approved under sub-clause 18.3;
 - (h) any change made to the reliability and the annual entitlement under Schedule 2;
 - (i) any temporary or permanent transfer of all or part of this bulk entitlement;
 - (j) any bulk entitlement, licence or water right, temporarily or permanently transferred to the Wimmera Mallee Water supply systems under this Order;
 - (k) any amendment to this Order;
 - (l) any new bulk entitlement granted to Wimmera Mallee Water with respect to the Wimmera Mallee Water supply systems under this Order;
 - (m) any failure by Wimmera Mallee Water to comply with any provision of this Order;
 - (n) any existing or anticipated difficulties experienced by Wimmera Mallee Water in complying with this Order and any remedial action taken or proposed by Wimmera Mallee Water.
- 19.2 The Minister may require Wimmera Mallee Water to report on all or any of the matters set out in sub-clause 19.1-
- (a) in writing, or in such electronic form as may be agreed between Wimmera Mallee Water and the Minister; and
 - (b) within 14 days of receiving the Minister's written request or such longer period as the Minister may determine.
- 19.3 Wimmera Mallee Water must, for the period of the preceding year, report in its Annual Report on each of the matters referred to in sub-clause 19.1, except paragraph (a), and with the approval of the Minister any particular failure referred to in paragraph (m).

20. Data

- 20.1 Subject to sub-clause 18.5, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by Wimmera Mallee Water to comply with this Order are made available to Wimmera Mallee Water.
- 20.2 Wimmera Mallee Water must make available to any person data collected by or on behalf of Wimmera Mallee Water for the purpose of clause 18 or 19 subject to the person paying any fair and reasonable access fee imposed by Wimmera Mallee Water to cover the costs of making the data available to that person.

PART 6 – FINANCIAL OBLIGATIONS

21. Headworks Costs

- 21.1 Wimmera Mallee Water must pay a share of the headworks costs in any year, whether or not Wimmera Mallee Water takes water in that year.
- 21.2 For the purposes of this clause, headworks costs means the total annual cost incurred by the storage operator of –
- (a) operating, maintaining and administering the headworks system;
 - (b) making releases from the headworks system;
 - (c) meeting the cost of any new or enhancement work to the headworks system (other than work designed to increase its yield);
 - (d) making an appropriate allowance for depreciation of works associated with the headworks system, using a depreciation or renewals annuity method approved by the Victorian Department of Treasury and Finance;
 - (e) managing the stream gauging stations and flow meters on the waterway and transfer channels;

- (f) implementing the program established under clause 14, to manage the environmental effects of operating the headworks system;
 - (g) meeting obligations associated with Victoria's compliance under the Murray-Darling Basin cap; and
 - (h) any other activity undertaken by the storage operator in managing the headworks system and that has been agreed to by the entitlement holders.
- 21.3 The headworks costs must be recovered –
 - (a) on the basis of the volume of entitlements, as an access charge; or
 - (b) some other arrangement from time to time agreed between the entitlement holders.
- 21.4 Where costs are recovered through an access charge, Wimmera Mallee Water's share is equal to the proportion that its bulk entitlement bears to the total volume of entitlements, determined as follows –
 - (a) the total volume of entitlements consists of the volumes of entitlements given in Table 1 of Schedule 2 including any allowance for losses when the entitlements are fully met; and
 - (b) entitlements in Table 1 of Schedule 2 will be adjusted in volume by application of an exchange rate, determined by the Minister, to reflect the relative role that the headworks play in underwriting them;
 - (c) until the Minister decides otherwise, the entitlements shown in Table 1 of Schedule 2 for –
 - (i) the environment;
 - (ii) the compensation flow; and
 - (iii) recreation;will be excluded from the total volume of entitlements for the purpose of cost sharing;
- 21.5 Before undertaking any new or enhancement work to the headworks system under paragraph 21.2(c), the storage operator must consult with all entitlement holders likely to be affected by the works.

22. Water Resource Management Costs

- 22.1 Wimmera Mallee Water must pay the resource manager a fair and reasonable share of the costs incurred by the resource manager to –
 - (a) prepare water accounts for the Wimmera, Avoca, and Glenelg basins; and
 - (b) monitor whether entitlement holders in the Wimmera, Avoca and Glenelg basins comply with the conditions of their bulk entitlements; and
 - (c) investigate and mediate disputes between entitlement holders in the Wimmera, Avoca and Glenelg basins; and
 - (d) investigate and deal with significant unauthorised uses of water in the Wimmera, Avoca and Glenelg basins; and
 - (e) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act –as estimated under sub-clause 24.3 and invoiced under clause 25.

23. Water Distribution Costs

- 23.1 Wimmera Mallee Water must pay the distributor an annual charge for water taken from the distribution system in accordance with the tariff for recovering distribution costs which applies to other primary entitlement holders in the surrounding area.
- 23.2 For the purpose of this clause, distribution cost means the total annual cost of –
 - (a) operating, maintaining and administering the distribution system;

- (b) making an appropriate allowance for renewing distribution system works;
 - (c) measuring the flow of channels and pipelines; and
 - (d) meeting the cost of any new or enhancement work to the distribution system that has been agreed to by the entitlement holders.
- 23.3 The distribution tariff in clause 23.1 must be developed by the distributor jointly with Wimmera Mallee Water and other entitlement holders and having regard for the following principles –
- (a) the tariff is to reflect the nature of the service and have regard for –
 - (i) the recovery of fixed costs through an access charge;
 - (ii) the recovery of variable costs through a usage charge;
 - (b) for the purposes of assigning costs of assets to those that use them, the distribution system is to be disaggregated into separate entities identified by the following characteristics –
 - (i) the entities to be customer groups based around geographic and community identification;
 - (ii) the entities are to line up with discrete sections of the distribution infrastructure so that the costs of the separate entities can be reasonably easily identified; and
 - (iii) the service provided within each entity is the same;
 - (c) urban authorities and rural customers should be subject to the same tariff where the same service is provided and on the same basis if possible; and
 - (d) if an access fee is included for recovering fixed costs, it should be based on the full water entitlements including losses assigned in Table 1 of Schedule 2.

24. Duty to Keep Accounts and Provide Estimates

- 24.1 Wimmera Mallee Water is not obliged to make any payment to –
- (a) the storage operator under clause 21;
 - (b) the resource manager under clause 22; or
 - (c) the distributor under clause 23;
- unless the person to whom the payment is payable chooses to comply with the provisions of this clause relevant to that payment.
- 24.2 Separate accounts of all costs and payments must be kept by –
- (a) Wimmera Mallee Water in respect of clause 21;
 - (b) the resource manager in respect of clause 22; and
 - (c) the distributor in respect of clause 23.
- 24.3 Accounts required to be kept under this clause must be made available for inspection by the distributor upon request.
- 24.4 The resource manager must, by 31 March in any year, provide entitlement holders with an estimate of the amounts payable in sub-clause 22.1, in the ensuing year.
- 24.5 The storage operator must, by 31 March in any year, provide entitlement holders with a detailed estimate of amounts payable in sub-clause 21.1 in the ensuing year.
- 24.6 The distributor must, by 31 March in any year, provide entitlement holders with a detailed estimate of amounts payable in sub-clause 23.1 in the ensuing year.

25. Billing Arrangements

- Any amount payable by the entitlement holders under –
- (a) clauses 21 and 23 must be paid quarterly; and

- (b) clause 22 must be paid annually –
in arrears, within 28 days of the entitlement holders receiving an invoice, unless the
entitlement holders and the person to whom the amount is payable agree otherwise.

Dated 28 May 2004

Responsible Minister

JOHN THWAITES

Minister for Water

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

SCHEDULE 1. WIMMERA-MALLEE SYSTEM**Table 1** – Headworks system

Reservoirs	Capacity (ML)	Full supply level to Australian Height Datum (metres)
Lake Bellfield	78,550	276.50
Dock Lake	5,900	134.02
Green Lake	5,350	135.70
Lake Fyans	21,090	204.30
Lake Lonsdale	65,550	187.62
Moora Moora Reservoir	6,290	219.95
Rocklands Reservoir	348,310	195.47
Taylors Lake	35,770	146.16
Pine Lake	64,200	143.89
Toolondo Reservoir	106,600	165.93
Lake Wartook	29,360	441.69
Weirs		
Distribution Heads	NA ³	NA
First and Second Wannon Creeks weirs (3x weirs in total)	NA	NA
Fyans Creek diversion weir ¹	NA	NA
Fyans Creek weir/ Radial Gates	NA	NA
Glenorchy weir	NA	NA
Glenelg Diversion Channel Weir	NA	NA
Huddlestons weir	NA	NA
Scrubby Creek inlet (on Moora channel)	NA	NA
Sheepwash weir	NA	NA
Stewarts weir	NA	NA
Trudgeons weir	NA	NA
Transfer channels (including other weirs and associated structures)	Capacity (ML/day)	
Burnt Creek channel	600	NA
Fyans Creek Diversion channel ²		NA
Fyans Inlet channel	200	NA
Fyans Outlet channel	120	NA
Lonsdale Bypass channel	360	NA
Lonsdale-Glenorchy channel/ Main Central Inlet channel	350	NA
Lubeck Loop	245	NA
Moora channel	50	NA
Rocklands Outlet channel	625	NA
Toolondo channel	380	NA
Wimmera Inlet channel	1600	NA

Notes

1. Diversion weir on Fyans Creek that directs the creek into its present alignment
2. The current alignment of Fyans Creek
3. NA means 'not applicable'

Table 2 – Distribution system

Reservoirs	Capacity (ML)	Full supply level to Australian Height Datum (metres)
Lake Batyo Catyo	3,450	122.24
Weirs		
Mosquito Weir	NA ¹	NA
Rich Avon Weir	NA	NA
Mt Zero channel weir/ Dad 'n Dave weir	NA	NA
Channels (including other weirs and associated structures)	Capacity (ML/day)	
Batyo Catyo Inlet Channel	600	NA
Mt Zero channel	35	NA
Distribution channel system	Various	NA

Notes

1. NA means 'not applicable'

SCHEDULE 2. SHARES OF WATER AVAILABLE**Table 1** Regulated entitlements

AVAILABLE WATER (ML) →	A	B	C	D	E	F	G	H	I	J	K	L	M
	206,290	200,690	190,250	150,430	149,240	118,370	81,830	77,870	75,200	35,180	33,960	28,950	27,680
Entitlement holder	Allocation (ML)												
Wimmera Mallee Water													
D&S supplied by channel	32,210	32,210	32,210	18,680	18,680	12,560	4,510	4,510	4,510	2,400	2,400	1,800	1,800
Distribution losses - channel system	87,830	87,830	87,830	70,960	70,960	59,080	56,950	56,950	56,950	20,000	20,000	17,000	17,000
Supply by agreement ex channel system	2,080	2,080	2,080	1,560	1,570	1,280	480	270	130	130	65	65	-
Supply by agreement ex headworks	5,000	5,000	5,000	3,800	3,770	3,080	1,150	650	310	310	155	155	-
Irrigation supplied by channel	19,000	15,200	11,400	9,500	9,500	4,750	-	-	-	-	-	-	-
Distribution losses - irrigation channel system	9,000	7,200	5,400	4,500	4,500	2,250	-	-	-	-	-	-	-
Glenelg compensation flow	3,300	3,300	3,300	3,300	3,300	3,300	3,300	50	50	50	50	50	-
Recreation	2,000	2,000	2,000	-	-	-	-	-	-	-	-	-	-
Total	160,420	154,820	149,220	112,320	112,280	86,300	66,390	62,430	61,950	22,890	22,670	19,070	18,800
Grampians Water (channel)													
Supplied direct off headworks	930	930	930	930	840	790	700	700	700	600	600	470	470
Horsham supply (into Mt Zero storage)	4,810	4,810	4,810	4,810	4,470	4,300	3,960	3,960	3,960	3,620	3,620	3,110	3,110
Supplied by channel (excl. Horsham)	4,780	4,780	4,780	4,780	4,300	4,060	3,580	3,580	3,580	3,100	3,100	2,390	2,390
Losses within (storage) works	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540
Total	13,060	13,060	13,060	13,060	12,150	11,690	10,780	10,780	10,780	9,860	9,860	8,510	8,510
Coliban Water													
Supplied by channel	290	290	290	290	260	250	220	220	220	190	190	150	150
Losses within (storage) works	160	160	160	160	160	160	160	160	160	160	160	160	160
Total	450	450	450	450	420	410	380	380	380	350	350	310	310
Glenelg Water													
Supplied direct off headworks	120	120	120	120	110	100	90	90	90	80	80	60	60
Environment													
Supplied direct off headworks	32,240	32,240	27,400	24,480	24,280	19,870	4,190	4,190	2,000	2,000	1,000	1,000	-

Table 1 notes

1. Allocations are equal to those shown in column A if the available water is greater than the amount shown in column A.
2. The allocations in column A are maximum 5-year rolling averages, while allocations in all other columns are absolute maximum amounts.

Table 2 Unregulated entitlements

Entitlement	Volume (ML)
Wimmera Mallee Water	
Unregulated licensed diverters	
- Avoca	3381
- Avon/Richardson	101
- Glenelg	48
- Wimmera	2053
Total	5583
Grampians Water	
Unregulated supply from Glenelg River for Harrow	NA ²
Southern Rural Water	
Unregulated licensed diverters	
- Wannon	891
- Glenelg	94
Total	985
Environment	
Additional spill from Northern Mallee Pipeline savings	2450

Table 2 notes

1. The unregulated entitlements in this table are not part of the Wimmera-Mallee system bulk entitlements but are included here to complete the water allocation picture for the Wimmera and Glenelg river basins.
2. Not available – amount to be determined through bulk entitlement negotiation with Grampians Water

SCHEDULE 3. THE RESOURCES THAT COULD BE DIVERTED IN THE CURRENT ALLOCATION YEAR

The general method for determining water available to meet the entitlements in Schedule 2 is –

- Available water in month i = measured total volume in store at the end of month i
- estimate of total dead storage
 - environment's carry-over volume from the previous allocation year, after allowing for the environment's share of storage losses and spills in current allocation year
 - the amount of borrowed water returned to the Minister for Environment under sub-clause 6.1(c) of the flora and fauna bulk entitlement order
 - + an estimate of harvestable inflows and pick-up from end of month i to next November
 - + the amount of water that can be taken into the Wimmera-Mallee system from the Waranga Western Channel.
 - + the measured total amount of water released from headworks from 1 November to end of month i
 - the amount of water to be retained in headworks reservoirs this allocation year to provide for a basic supply next allocation year
 - the estimated headworks system losses from end of month i to next November

SCHEDULE 4. WATER DIVERSIONS FROM THE WIMMERA-MALLEE SYSTEM

This Schedule defines how water diversions from the Wimmera-Mallee system¹ are to be determined and reported for the purpose of the Murray-Darling Basin Cap.

The definition of diversions below is to be used in –

- determining the volume of water diverted in the Wimmera River basin in any given year (for current, future and for historical diversion records); and
- estimating diversions in computer simulation models of river systems that have been developed to determine cap compliance.

Year: July to June

Total diversions	= Σ Rural water authority bulk entitlements + Unregulated urban bulk entitlements + Unregulated licences
-------------------------	---

Where:

Diversion components

Rural water authority bulk entitlements	<p>= The sum of all diversions taken under Wimmera Mallee Water's bulk entitlement to supply regulated domestic and stock, irrigation, commercial, industrial, recreation lakes supply by agreement entitlements and bulk supplies to urban water authorities including any distribution system losses, based on meter readings stored on Wimmera Mallee Water's data base and estimates where unmetered.</p> <p>(Includes inter-basin transfers from the Glenelg river basin. Does not include releases made under the flora and fauna bulk entitlement and Glenelg compensation flows.)</p>
Unregulated urban bulk entitlements	<p>= The sum of all diversions taken under Grampians Water's unregulated bulk entitlements to supply towns (part Ararat , Great Western, Halls Gap, Moyston and Stawell and Wickliffe, Lake Bolac, Willaura, Buangor and Elmhurst), based on meter readings stored on Grampians Water's database and estimates where unmetered.</p>
Unregulated licences	<p>= The sum of all licensed diversions to take water for irrigation, commercial, industrial from unregulated streams in the Wimmera River valley, based on meter readings stored on the WMW database and estimates where unmetered.</p> <p>(Includes unregulated licences on the Wimmera River downstream of Glenorchy weir)</p>

¹ For the purposes of the Murray Darling Basin cap, the Wimmera-Mallee system includes the unregulated upper Wimmera, Avon/Richardson and Avoca rivers.

SCHEDULE 5. OFFTAKE POINTS, ANNUAL AMOUNTS AND MAXIMUM RATES OF TAKING WATER

Waterway/channel	Offtake point	Maximum rate (ML/day)	Areas supplied
Mt Zero channel	Mt Zero Channel offtake regulator	35	Horsham & D&S diverters
Moora channel	Moora Reservoir	50	Brimpaen/Old Natimuk D&S
Old Natimuk channel	Distribution Heads	30	D&S customers
Clear Lake channel	Toolondo channel	20	Clear Lake
Natimuk channel	Toolondo channel	25	Natimuk/Arapiles system
Wonwondah North channel	Toolondo channel	20	Wonwondah north
Bungalally Creek	Toolondo channel	40	Haven, Pimpinio D&S
Burnt Creek (North)	Toolondo channel	20	D&S dams
Green Lake inlet channel	Toolondo channel	20*	D&S dams
Toolondo channel usage	Various along Toolondo channel	50	D&S dams
Pine Lake channel	Pine outlet	245	Irrigation areas
Taylors Outlet channel	Taylors outlet	400	D&S and channel towns
Rocklands Lubeck channel	Rocklands Lubeck offtake regulator	245	D&S and channel towns
Main Central channel	Glenorchy Weir	300	D&S and channel towns
Wimmera River below Glenorchy Weir	Direct pumping from river	**	Licensed diverter offtakes
Wimmera River below Huddleston's Weir	Direct pumping from river	**	Licensed diverter offtakes
Richardson River	Rich Avon Weir	600	D&S and channel towns
Avoca River	Mosquito Creek Weir – regulator to Waranga channel	120	D&S and channel towns

Notes: * Does not include volumes to be transferred to Green Lake

** Multiple independent diverters along both reaches of the river. Maximum offtake rate not applicable.

SCHEDULE 6. PRIMARY ENTITLEMENTS

This schedule includes entitlements to distribution losses incurred in meeting primary entitlements held by other authorities but supplied by Wimmera Mallee Water's distribution system.

1. Regulated entitlements

Description of entitlement	Volume (ML)	Comment
Grampians Water bulk entitlement		
Supplied off headworks	930	
Supplied to Horsham	4,810	Includes an operational loss returned to Potters Creek
Supplied off distribution system	7,320	Includes 2,540 ML urban storage losses
Total	13,060	
Glenelg Water bulk entitlement		
Supplied off headworks	120	
Coliban Water bulk entitlement		
Supplied from distribution system	450	Includes 160 ML urban storage losses
Environment's bulk entitlement		
Supplied off headworks	32,240	Regulated component of environment's share of 34,690 ML from Northern Mallee Pipeline savings.
Wimmera Mallee Water bulk entitlement		
D&S allowances	32,210	
Supplies by agreement –		
• direct off headworks	5,000	Water allocated under Wimmera Mallee Water's sale-of-savings policy, using water saved through the Northern Mallee Pipeline Project and other projects
• supplied from channel system	2,080	
Water for recreation	2,000	Recreational lakes
D&S distribution system losses	87,830	
Irrigation licences	19,000	
Irrigation distribution system losses	9,000	
Compensation flow	3,300	
Total WMW	160,420	

2. Unregulated entitlements

Description of entitlement	Volume (ML)	Comment
Wimmera Mallee Water		
Unregulated licensed diverters	5,583	Diversions from Wimmera River downstream of Glenorchy weir. Diversions from Richardson River ex Rich Avon weir
Environment		
Additional spill	2,450	This is the non-harvestable component of the Northern Mallee Pipeline savings which has components in the Avoca, Richardson, Wimmera and Glenelg rivers. It has low security and cannot be directly metered.

Water Act 1989

**BULK ENTITLEMENT (WIMMERA AND GLENELG RIVERS –
GRAMPIANS WATER) CONVERSION ORDER 2004**

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SCHEDULE 1. WIMMERA-MALLEE SYSTEM

SCHEDULE 2. SHARES OF WATER AVAILABLE

**SCHEDULE 3. THE RESOURCES THAT COULD BE DIVERTED IN THE CURRENT
ALLOCATION YEAR**

SCHEDULE 4. WATER DIVERSIONS FROM THE WIMMERA-MALLEE SYSTEM

**SCHEDULE 5. ANNUAL AMOUNTS, OFFTAKE POINTS, TIMING OF SUPPLY AND
MAXIMUM RATES OF TAKING WATER**

The Minister, under the provisions of the **Water Act 1989**, makes the following Order –

PART 1 – INTRODUCTORY STATEMENTS

1. Citation

This Order may be cited as the Bulk Entitlement (Wimmera and Glenelg Rivers – Grampians Water) Conversion Order 2004.

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**;

“**Agreement**” means the Murray Darling Basin Agreement;

“**allocation year**” means the 12 months next following 1 November;

“**Avoca basin**” means the area of land designated as Basin Number 8 in the Murray-Darling Drainage Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

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

“**cap model**” means a computer simulation model of the Wimmera-Mallee system approved by the MDBC for the purpose of monitoring compliance with the Murray-Darling Basin cap;

“**compensation flow**” means an annual amount of up to 3,300 ML allocated to Wimmera Mallee Water for the purpose of providing a nominal flow for domestic and stock use and other social and environmental purposes in the Glenelg River downstream of Rocklands Reservoir;

“**dead storage**” means the water stored in reservoirs which the storage operator deems to be inaccessible for release for consumptive use in any given allocation year;

“**Department**” means the Department supporting the Minister administering the **Water Act 1989**;

“**distribution system**” means the system of reservoirs, channels, pipelines and associated structures described in Table 2 of Schedule 1 that distribute water from the headworks system to entitlement holders;

“**distributor**” means the person appointed to operate and maintain the distribution system;

“**entitlement holder**” means a person holding a bulk entitlement under the Act for the Wimmera-Mallee system;

“**environmental flow manager**” means any person, or persons acting jointly, appointed by the Minister to undertake the functions set out in sub-clause 16.2 of the Bulk Entitlement (Wimmera and Glenelg Rivers – Flora and Fauna) Conversion Order 2004;

“**exchange rate**” means the rate, determined by the Minister, at which the reliability varies inversely to the annual entitlement;

“**Glenelg basin**” means the area of land designated as Basin Number 38 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

“Grampians Water” means Grampians Region Water Authority;

“headworks system” means the water supply works of the waterways, reservoirs, weirs and transfer channels included in Table 1 of Schedule 1;

“Mallee basin” means the area of land designated as Basin Number 14 in the Murray-Darling Drainage Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

“MDBC” means the Murray Darling Basin Commission, or any business division of the Commission or that Commission's assignee or delegate exercising any relevant function;

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

“Minister for Environment” means the Minister administering the **Conservation, Forests and Lands Act 1987** and includes, in relation to any provision, any person authorised by the Minister for Environment to act on behalf of the Minister for Environment in relation to that provision.

“Murray-Darling Basin cap” means the arrangements introduced by the Murray-Darling Basin Ministerial Council, effective from 1 July 1997, to cap diversions in the Murray-Darling Basin and as defined in Schedule F to the Murray-Darling Basin Agreement;

“offtake point” means any or all of the locations specified in Schedule 5 for taking water under this order;

“resource manager” means any person appointed by the Minister under section 43A of the Act to do all or any of the tasks set out in sub-clause 20.1;

“seasonal allocation” means an entitlement holder's share of the available resources from the Wimmera-Mallee system in a given allocation year;

“reliability” means the statistical probability of being able to supply a given volume of water in any allocation year;

“storage operator” means any person appointed by the Minister under section 43A of the Act to operate the headworks system, to manage or measure the flow into the headworks system or waterway, or to do all or any of them;

“system spill” means flow in the waterway other than that taken by any or all persons -

- (a) holding a bulk entitlement under the Act for the Wimmera-Mallee system; and
- (b) taking water under section 8(1) of the Act;

“waterway” means any or all of -

- (a) the Wimmera River and its tributaries upstream of a point immediately downstream of the confluence with the Mackenzie River, including any reservoirs and weirs;
- (b) the Glenelg River upstream of and including Rocklands Reservoir;
- (c) the First and Second Wannon Creeks upstream of and including the weirs;
- (d) the Avon and Richardson rivers upstream of and including Rich Avon weir; and
- (e) the Avoca River and its anabranch and distributary streams Mosquito Creek, Lalbert Creek and Tyrell Creek, upstream of and including the weirs.

“Wimmera basin” means the area of land designated as Basin Number 15 in the Murray Darling Drainage Division of the Australian Water Resources Council's Australian Continental Drainage Divisions;

“Wimmera Mallee Water” means Wimmera Mallee Rural Water Authority;

“Wimmera-Mallee system” means the waterway and headworks and distribution systems;

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

5. Water for the Environment

All the surface water resources in the Wimmera-Mallee system, except for –

- (a) a permissible annual volume declared by the Minister under section 22A of the Act;
- (b) any water allocated under Part 4 of the Act to an Authority other than the Minister for Environment; and
- (c) any water taken by persons under section 8(1) of the Act;

are available to maintain the environmental values of rivers in the Wimmera, Glenelg, Avoca and Mallee basins and other water services dependent on the environmental condition of these rivers.

PART 2 – ENTITLEMENT**6. Conversion to a Bulk Entitlement**

All of Grampians Water's entitlement to water from the Wimmera-Mallee system is converted to a bulk entitlement on the conditions set out in this Order.

7. Bulk Entitlement

7.1 Grampians Water may take from the Wimmera-Mallee system in any allocation year, for the purpose of supplying its water systems, Grampians Water's share, shown in the tables of Schedule 2 of the water available to meet the entitlements in Schedule 2.

7.2 The water available to meet the entitlements of Schedule 2 is the lower of –

- (a) the resources that could be diverted from the Wimmera-Mallee system in the current allocation year; and
- (b) the water allowed to the Wimmera-Mallee system under the Murray-Darling Basin cap; as determined by the storage operator in accordance with the provisions set out in Part 3.

PART 3 – WATER AVAILABLE**8. The Resources that could be Diverted in the Current Allocation Year**

8.1 The storage operator must, in determining seasonal allocations, make an assessment of the resources that could be –

- (a) diverted from the Wimmera-Mallee system in the current allocation year; and
- (b) taken into the Wimmera-Mallee system from another river basin under another entitlement or agreement with another authority;

using the method outlined in Schedule 3.

8.2 In making the assessment in sub-clause 8.1, the storage operator must –

- (a) reach agreement with all entitlement holders on the method used to calculate –
 - (i) the estimated harvestable inflows and pick-up;
 - (ii) the amount of water to be retained in headworks reservoirs in the current allocation year to provide for a basic supply in the next allocation year;
 - (iii) the amount held in the flora and fauna carryover account;
 - (iv) the estimates of losses; and
 - (v) the estimated dead storage; and
- (b) make available to all entitlement holders the information used to apply the method.

9. Applying the Murray-Darling Basin Cap

- 9.1 If the volumes of water diverted each year in Victoria from the Wimmera-Mallee system as determined in accordance with Schedule 4 increase in comparison to the annual volumes that would have been diverted under 1993/94 levels of development as estimated by the cap model, and the volume of accumulated over-runs less under-runs approaches –
- (a) the limit established in the Agreement;
 - or, in the absence of any limit in the Agreement,
 - (b) a limit of 20% of the long-term average annual Wimmera-Mallee system diversions under 1993/94 levels of development, as estimated by the cap model –
- then action must be taken in accordance with this clause.
- 9.2 The Wimmera-Mallee system entitlement holders must jointly recommend to the Minister such appropriate action to avoid the limit being reached as they see fit, and the Minister may approve such action, with any modifications the Minister considers necessary.
- 9.3 If no appropriate action is approved by the Minister under sub-clause 9.2 –
- (a) If the volume of accumulated overruns less underruns reaches 15% of long-term average annual Wimmera-Mallee system diversions, in the following allocation year the water allowed to the Wimmera-Mallee system under the Murray Darling Basin cap is deemed to be:
 - (i) subject to sub-paragraph (ii), the resources that could be diverted by the Wimmera-Mallee system in that allocation year, less a volume equal to 7% of long-term average annual Wimmera-Mallee system diversions; and
 - (ii) the minimum to be the water required for allocations corresponding to 90% of full entitlements; and
 - (b) If the volume of accumulated overruns less underruns reaches 20% of long-term average annual Wimmera-Mallee system diversions, in the following allocation year the water allowed to the Wimmera-Mallee system under the Murray Darling Basin cap is deemed to be the same as in paragraph (a), except that the minimum in sub-paragraph (ii) is deemed to be the water required for an allocation of 80% of full entitlements.

10. Making Seasonal Allocations

- 10.1 In November and in each subsequent month until the maximum allocation for entitlements in Schedule 2 is reached, or at such other times as the storage operator believes it to be required, the storage operator must determine the water available to meet the entitlements in Schedule 2, and Grampians Water's share of that water in accordance with the following steps.
- 10.2 The storage operator must –
- (a) determine the resources that could be diverted from the Wimmera-Mallee system in accordance with clause 8; and
 - (b) take the lower of –
 - (i) the resources that could be diverted from the Wimmera-Mallee system as determined in clause 8; and
 - (ii) the amount of water allowed to the Wimmera-Mallee system under the Murray Darling Basin cap as determined in clause 9;to determine the water available to meet the entitlements in Schedule 2.
 - (c) use the amount of water available as determined in paragraph (b) to determine the seasonal allocation to Grampians Water and other entitlement holders from Table 1 of Schedule 2; and
 - (d) inform Grampians Water and other entitlement holders of the seasonal allocation determined under sub-clause (c), and at the same time make available the method and calculations and any other information used to determine the seasonal allocation.

- 10.3 The storage operator may make the first seasonal allocation as early as September if requested by one or more entitlement holders, with any water taken by an entitlement holder before November deemed to be taken within the next allocation year.

PART 4 – GENERAL CONDITIONS AND PROVISIONS

11. Taking Water

- 11.1 Grampians Water may take water to which it is entitled under this Order at –
- (a) the offtake points, nominal volumes, rates and times specified in Schedule 5; or
 - (b) such other off-take points, nominal volumes, rates and times as are, at the request of Grampians Water, agreed to in writing by the storage operator or the distributor as the case may be.
- 11.2 For the purpose of clause 7, the water taken by Grampians Water is the total volume of water taken at the off-take points referred to in sub-clause 11.1.
- 11.3 The total amount of water taken by Grampians Water to supply the Ararat and Stawell water supply systems under this and any other orders granted to Grampians Water must not exceed the system limit specified in the other bulk entitlement orders.

12. Amendments

- 12.1 Schedule 2 may, in accordance with section 64G of the Act, be amended periodically by the Minister to take account of any permanent transfers or any conversions of primary entitlements, including transfers or conversions resulting from –
- (a) re-allocation of water savings from –
 - (i) the Wimmera-Mallee Pipeline Project; and
 - (ii) any other works in the headworks or distribution systems; and
 - (b) water trades.
- 12.2 The entitlement holders may jointly propose an amendment to –
- (a) any clauses in Part 3 if practical operations indicate a need for variation;
 - (b) Schedule 3 to revise the method for calculating the water available to meet the entitlements in Schedule 2 to take account of updated hydrological information or techniques; and
 - (c) Schedule 4 to revise the method for calculating the water diversions under the Murray-Darling Basin cap to take account of updated hydrological information or techniques.
 - (d) Schedule 1 and the offtake points and rates and times of taking water specified in Schedule 5, to reflect changes to the headworks and distribution system infrastructure.
- 12.3 An application made under sub-clause 12.2 must explain the reasons for the proposed amendment and the likely implications for entitlement holders.
- 12.4 The Minister may –
- (a) approve an amendment proposed under sub-clause 12.2; or
 - (b) require the entitlement holders jointly to amend the proposal; or
 - (c) at any time require the entitlement holders to make a joint proposal under sub-clause 12.2, if in the Minister's opinion, it is necessary to make an amendment of the kind referred to in sub-clause 12.2.

13. Operating Arrangements

- 13.1 Grampians Water and the distributor must use their best endeavours to agree on operational arrangements for the distribution of water under this entitlement, including –
- (a) arrangements to reduce the risk of supplying Grampians Water's towns with poor quality water; and

- (b) arrangements to optimise the timing of supply to Grampians Water's towns through the channel system whilst maintaining distribution system efficiency.
- 13.2 If the parties have not reached agreement under sub-clause 13.1 within twelve months of the date of this Order, Grampians Water may give written notice to the other party requiring the matter to be determined in accordance with clause 15.
- 13.3 For the purpose of calculating Grampians Water's use of water against its annual entitlement and any charge under clauses 20 and 21, only water actually taken by Grampians Water must be counted.

14. The Wimmera-Mallee Pipeline Project

- 14.1 Grampians Water must make available to the Wimmera-Mallee Pipeline Project all losses identified as part of its entitlement in Schedule 2 under the terms and conditions recommended by the Wimmera-Mallee Pipeline Project and endorsed by the Minister.
- 14.2 Any losses referred to in sub-clause 14.1 that are not affected by the Wimmera-Mallee Pipeline Project remain part of the authority's entitlement.
- 14.3 The Minister may amend this Order in accordance with section 44 of the Act to make it consistent with any recommendations of the Detailed Design and Review of Business Case for the Wimmera-Mallee Pipeline Project once endorsed by the Minister.

15. Dispute Resolution

- 15.1 If any difference or dispute arises between Grampians Water, the Minister, and with their consent, any other entitlement holder, the Minister for Environment, the storage operator, 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.
- 15.2 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 President of the Institute of Arbitrators, Australia.
- 15.3 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.
- 15.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 15.5 In any difference or dispute to which the Minister is a party –
 - (a) the independent expert must express the conclusion as a recommendation; and
 - (b) the Minister must consider any recommendation made under paragraph (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.
- 15.6 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.
- 15.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, are at the discretion of the independent expert.

PART 5 – MONITORING WATER TAKEN**16. Metering Program**

- 16.1 Grampians Water must propose to the Minister within 12 months of the commencement of this Order, a metering program to demonstrate Grampians Water's compliance with this Order.
- 16.2 A proposal under sub-clause 16.1 must include details of any existing or proposed arrangements made by Grampians Water for any person other than Grampians Water to measure or to calculate flows.
- 16.3 The Minister may –
- (a) approve a program proposed under sub-clause 16.1; or
 - (b) require Grampians Water to amend the proposed program; or
 - (c) not approve the proposed program.
- 16.4 The Minister may, at any time, require Grampians Water to –
- (a) review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (b) propose an amended program to the Minister.
- 16.5 Grampians Water must, at its cost and in accordance with any guidelines issued from time to time by the Minister –
- (a) implement and maintain any metering program approved by the Minister; and
 - (b) maintain metering equipment and associated measurement structures in good condition; and
 - (c) ensure that metering equipment is periodically re-calibrated; and
 - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (e) keep a record of all work undertaken under paragraphs (b), (c) and (d).

17. Reporting Requirements

- 17.1 Grampians Water 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 at each of the offtake points;
 - (b) the annual amount of water taken under this entitlement at each of the offtake points;
 - (c) the amount and location of water taken under this entitlement at any other works of Grampians Water;
 - (d) the seasonal allocation to Grampians Water under this Order;
 - (e) the approval, amendment and implementation of the metering program approved under sub-clause 16.3;
 - (f) any change made to the reliability and the annual entitlement under Schedule 2;
 - (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 Grampians Water supply systems under this Order;
 - (i) any amendment to this Order;
 - (j) any new bulk entitlement granted to Grampians Water with respect to the Grampians Water supply systems under this Order;
 - (k) any failure by Grampians Water to comply with any provision of this Order;
 - (l) any existing or anticipated difficulties experienced by Grampians Water in complying with this Order and any remedial action taken or proposed by Grampians Water.

- 17.2 The Minister may require Grampians Water to report on all or any of the matters set out in sub-clause 17.1 –
- (a) in writing, or in such electronic form as may be agreed between Grampians Water and the Minister; and
 - (b) within 14 days of receiving the Minister's written request or such longer period as the Minister may determine.
- 17.3 Grampians Water must, for the period of the preceding year, report in its Annual Report on each of the matters referred to in sub-clause 17.1, except paragraph (a), and with the approval of the Minister any particular failure referred to in paragraph (k).

18. Data

- 18.1 Subject to sub-clause 16.5, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by Grampians Water to comply with this Order are made available to Grampians Water.
- 18.2 Grampians Water must make available to any person data collected by or on behalf of Grampians Water for the purpose of clause 16 or 17 subject to the person paying any fair and reasonable access fee imposed by Grampians Water to cover the costs of making the data available to that person.

PART 6 – FINANCIAL OBLIGATIONS

19. Headworks Costs

- 19.1 Grampians Water must pay a share of the headworks costs in any year, whether or not Grampians Water takes water in that year.
- 19.2 For the purposes of this clause, headworks costs means the total annual cost incurred by the storage operator of –
- (a) operating, maintaining and administering the headworks system;
 - (b) making releases from the headworks system;
 - (c) meeting the cost of any new or enhancement work to the headworks system (other than work designed to increase its yield);
 - (d) making an appropriate allowance for depreciation of works associated with the headworks system, using a depreciation method approved by the Victorian Department of Treasury and Finance;
 - (e) managing the stream gauging stations and flow meters on the waterway and transfer channels;
 - (f) implementing the program established under the Bulk Entitlement (Wimmera and Glenelg Rivers – Wimmera Mallee Water) Conversion Order 2004, to manage the environmental effects of operating the headworks system;
 - (g) meeting obligations associated with Victoria's compliance under the Murray-Darling Basin cap; and
 - (h) any other activity undertaken by the storage operator in managing the headworks system and that has been agreed to by the entitlement holders.
- 19.3 The headworks costs must be recovered –
- (a) on the basis of the volume of entitlements, as an access charge; or
 - (b) some other arrangement from time to time agreed between the entitlement holders.
- 19.4 Where costs are recovered through an access charge, Grampians Water's share is equal to the proportion that its bulk entitlement bears to the total volume of entitlements, determined as follows –

- (a) the total volume of entitlements consists of the volumes of entitlements given in Table 1 of Schedule 2 including any allowance for losses when the entitlements are fully met; and
 - (b) entitlements in Table 1 of Schedule 2 will be adjusted in volume by application of an exchange rate, determined by the Minister, to reflect the relative role that the headworks play in underwriting them;
 - (c) until the Minister decides otherwise, the entitlements shown in Table 1 of Schedule 2 for –
 - (i) the environment;
 - (ii) the compensation flow; and
 - (iii) recreation;will be excluded from the total volume of entitlements for the purpose of cost sharing;
 - (d) Grampians Water must pay an additional amount for any water under their entitlement in accordance with Government policy at the time.
- 19.5 Before undertaking any new or enhancement work to the headworks system under paragraph 19.2(c), the storage operator must consult with all entitlement holders likely to be affected by the works.

20. Water Resource Management Costs

- 20.1 Grampians Water must pay the resource manager a fair and reasonable share of the costs incurred by the resource manager to –
- (a) prepare water accounts for the Wimmera, Avoca, and Glenelg basins; and
 - (b) monitor whether entitlement holders in the Wimmera and Glenelg basins comply with the conditions of their bulk entitlements; and
 - (c) investigate and mediate disputes between entitlement holders in the Wimmera, Avoca and Glenelg basins; and
 - (d) investigate and deal with significant unauthorised uses of water in the Wimmera, Avoca and Glenelg basins; and
 - (e) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act –
- as estimated under sub-clause 22.3 and invoiced under clause 23.

21. Water Distribution Costs

- 21.1 Grampians Water must pay the distributor an annual charge for water taken from the distribution system in accordance with the tariff for recovering distribution costs which applies to other primary entitlement holders in the surrounding area.
- 21.2 For the purpose of this clause, distribution cost means the total annual cost of –
- (a) operating, maintaining and administering the distribution system;
 - (b) making an appropriate allowance for renewing distribution system works;
 - (c) measuring the flow of channels and pipelines; and
 - (d) meeting the cost of any new or enhancement work to the distribution system that has been agreed to by the entitlement holders.
- 21.3 The distribution tariff in clause 21.1 must be developed by the distributor jointly with Grampians Water and other entitlement holders and having regard for the following principles –
- (a) the tariff is to reflect the nature of the service and have regard for –
 - (i) the recovery of fixed costs through an access charge;
 - (ii) the recovery of variable costs through a usage charge;

- (b) for the purposes of assigning costs of assets to those that use them, the distribution system is to be disaggregated into separate entities identified by the following characteristics –
 - (i) the entities to be customer groups based around geographic and community identification;
 - (ii) the entities are to line up with discrete sections of the distribution infrastructure so that the costs of the separate entities can be reasonably easily identified; and
 - (iii) the service provided within each entity is the same;
- (c) urban authorities and rural customers should be subject to the same tariff where the same service is provided and on the same basis if possible; and
- (d) if an access fee is included for recovering fixed costs, it should be based on the full water entitlements including losses assigned in Table 1 of Schedule 2.

22. Duty to Keep Accounts and Provide Estimates

22.1 Grampians Water is not obliged to make any payment to –

- (a) the storage operator under clause 19;
- (b) the resource manager under clause 20; and
- (c) the distributor under clause 21;

unless the person to whom the payment is payable chooses to comply with the provisions of this clause relevant to that payment.

22.2 Separate accounts of all costs and payments must be kept by –

- (a) the storage operator under clause 19;
- (b) the resource manager under clause 20; and
- (c) the distributor under clause 21;

22.3 Accounts required to be kept under this clause must be made available for inspection by Grampians Water upon request.

22.4 The storage operator must, by 31 March in any year, provide entitlement holders with a detailed estimate of amounts payable in sub-clause 19.1 in the ensuing year.

22.5 The resource manager must, by 31 March in any year, provide entitlement holders with an estimate of the amounts payable in sub-clause 20.1 in the ensuing year.

22.6 The distributor must, by 31 March in any year, provide entitlement holders with a detailed estimate of amounts payable in sub-clause 21.1 in the ensuing year.

23. Billing Arrangements

Any amount payable by Grampians Water under –

- (a) clause 19 or 21 must be paid quarterly; and
- (b) clause 20 must be paid annually –

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

Dated 28 May 2004

Responsible Minister

JOHN THWAITES

Minister for Water

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

SCHEDULE 1. WIMMERA-MALLEE SYSTEM**Table 1** – Headworks system

Reservoirs	Capacity (ML)	Full supply level to Australian Height Datum (metres)
Lake Bellfield	78,550	276.50
Dock Lake	5,900	134.02
Green Lake	5,350	135.70
Lake Fyans	21,090	204.30
Lake Lonsdale	65,550	187.62
Moora Moora Reservoir	6,290	219.95
Rocklands Reservoir	348,310	195.47
Taylors Lake	35,770	146.16
Pine Lake	64,200	143.89
Toolondo Reservoir	106,600	165.93
Lake Wartook	29,360	441.69
Weirs		
Distribution Heads	NA ³	NA
First and Second Wannon Creeks weirs (3x weirs in total)	NA	NA
Fyans Creek diversion weir ¹	NA	NA
Fyans Creek weir/ Radial Gates	NA	NA
Glenorchy weir	NA	NA
Glenelg Diversion Channel Weir	NA	NA
Huddlestons weir	NA	NA
Scrubby Creek inlet (on Moora channel)	NA	NA
Sheepwash weir	NA	NA
Stewarts weir	NA	NA
Trudgeons weir	NA	NA
Transfer channels (including other weirs and associated structures)	Capacity (ML/day)	
Burnt Creek channel	600	NA
Fyans Creek Diversion channel ²		NA
Fyans Inlet channel	200	NA
Fyans Outlet channel	120	NA
Lonsdale Bypass channel	360	NA
Lonsdale-Glenorchy channel/ Main Central Inlet channel	350	NA
Lubeck Loop	245	NA
Moora channel	50	NA
Rocklands Outlet channel	625	NA
Toolondo channel	380	NA
Wimmera Inlet channel	1600	NA

Notes:

1. Diversion weir on Fyans Creek that directs the creek into its present alignment
2. The current alignment of Fyans Creek
3. NA means 'not applicable'

Table 2 – Distribution system

Reservoirs	Capacity (ML)	Full supply level to Australian Height Datum (metres)
Lake Batyo Catyo	3,450	122.24
Weirs		
Mosquito Weir	NA ¹	NA
Rich Avon Weir	NA	NA
Mt Zero channel weir/ Dad 'n Dave weir	NA	NA
Channels (including other weirs and associated structures)	Capacity (ML/day)	
Batyo Catyo Inlet Channel	600	NA
Mt Zero channel	35	NA
Distribution channel system	Various	NA

Notes

1. NA means 'not applicable'

SCHEDULE 2. SHARES OF WATER AVAILABLE**Table 1** Regulated entitlements

AVAILABLE WATER (ML) →	A	B	C	D	E	F	G	H	I	J	K	L	M
	206,290	200,690	190,250	150,430	149,240	118,370	81,830	77,870	75,200	35,180	33,960	28,950	27,680
Entitlement holder	Allocation (ML)												
Wimmera Mallee Water													
D&S supplied by channel	32,210	32,210	32,210	18,680	18,680	12,560	4,510	4,510	4,510	2,400	2,400	1,800	1,800
Distribution losses - channel system	87,830	87,830	87,830	70,960	70,960	59,080	56,950	56,950	56,950	20,000	20,000	17,000	17,000
Supply by agreement ex channel system	2,080	2,080	2,080	1,580	1,570	1,280	480	270	130	130	65	65	-
Supply by agreement ex headworks	5,000	5,000	5,000	3,800	3,770	3,080	1,150	650	310	310	155	155	-
Irrigation supplied by channel	19,000	15,200	11,400	9,500	9,500	4,750	-	-	-	-	-	-	-
Distribution losses - irrigation channel system	9,000	7,200	5,400	4,500	4,500	2,250	-	-	-	-	-	-	-
Gleneig compensation flow	3,300	3,300	3,300	3,300	3,300	3,300	3,300	50	50	50	50	50	-
Recreation	2,000	2,000	2,000	-	-	-	-	-	-	-	-	-	-
Total	160,420	154,820	149,220	112,320	112,280	86,300	66,390	62,430	61,950	22,890	22,670	19,070	18,800
Grampians Water (channel)													
Supplied direct off headworks	930	930	930	930	840	790	700	700	700	600	600	470	470
Horsham supply (into Mt Zero storage)	4,810	4,810	4,810	4,810	4,470	4,300	3,960	3,960	3,960	3,620	3,620	3,110	3,110
Supplied by channel (excl. Horsham)	4,780	4,780	4,780	4,780	4,300	4,060	3,580	3,580	3,580	3,100	3,100	2,390	2,390
Losses within (storage) works	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540
Total	13,060	13,060	13,060	13,060	12,150	11,690	10,780	10,780	10,780	9,860	9,860	8,510	8,510
Coliban Water													
Supplied by channel	290	290	290	290	260	250	220	220	220	190	190	150	150
Losses within (storage) works	160	160	160	160	160	160	160	160	160	160	160	160	160
Total	450	450	450	450	420	410	380	380	380	350	350	310	310
Gleneig Water													
Supplied direct off headworks	120	120	120	120	110	100	90	90	90	80	80	60	60
Environment													
Supplied direct off headworks	32,240	32,240	27,400	24,480	24,280	19,870	4,190	4,190	2,000	2,000	1,000	1,000	-

Table 1 notes

1. Allocations are equal to those shown in column A if the available water is greater than the amount shown in column A.
2. The allocations in column A are maximum 5-year rolling averages, while allocations in all other columns are absolute maximum amounts.

Table 2 Unregulated entitlements

Entitlement	Volume (ML)
Wimmera Mallee Water	
Unregulated licensed diverters	
- Avoca	3381
- Avon/Richardson	101
- Glenelg	48
- Wimmera	2053
Total	5583
Grampians Water	
Unregulated supply from Glenelg River for Harrow	NA ^c
Southern Rural Water	
Unregulated licensed diverters	
- Wannon	891
- Glenelg	94
Total	985
Environment	
Additional spill from Northern Mallee Pipeline savings	2450

Table 2 notes

1. The unregulated entitlements in this table are not part of the Wimmera-Mallee system bulk entitlements but are included here to complete the water allocation picture for the Wimmera and Glenelg river basins.
2. Not available – amount to be determined through bulk entitlement negotiation with Grampians Water

SCHEDULE 3. THE RESOURCES THAT COULD BE DIVERTED IN THE CURRENT ALLOCATION YEAR

The general method for determining water available to meet the entitlements in Schedule 2 is –

- Available water in month i
- = measured total volume in store at the end of month i
 - estimate of total dead storage
 - environment's carry-over volume from the previous allocation year, after allowing for the environment's share of storage losses and spills in current allocation year
 - the amount of borrowed water returned to the Minister for Environment under sub-clause 6.1(c) of the flora and fauna bulk entitlement order
 - + an estimate of harvestable inflows and pick-up from end of month i to next November
 - + the amount of water that can be taken into the Wimmera-Mallee system from the Waranga Western Channel.
 - + the measured total amount of water released from headworks from 1 November to end of month i
 - the amount of water to be retained in headworks reservoirs this allocation year to provide for a basic supply next allocation year
 - the estimated headworks system losses from end of month i to next November

SCHEDULE 4. WATER DIVERSIONS FROM THE WIMMERA-MALLEE SYSTEM

This Schedule defines how water diversions from the Wimmera River basin¹ are to be determined and reported for the purpose of the Murray-Darling Basin Cap.

The definition of diversions below is to be used in –

- determining the volume of water diverted in the Wimmera River basin in any given water year (for current, future and for historical diversion records); and
- estimating diversions in computer simulation models of river systems that have been developed to determine cap compliance.

Water year: July to June

Total diversions	= Σ Rural water authority bulk entitlements + Unregulated urban bulk entitlements + Unregulated licences
-------------------------	---

Where:

Diversion components

Rural water authority bulk entitlements	<p>= The sum of all diversions taken under Wimmera Mallee Water's bulk entitlement to supply regulated domestic and stock, irrigation, commercial, industrial, recreation lakes supply by agreement entitlements and bulk supplies to urban water authorities including any distribution system losses, based on meter readings stored on Wimmera Mallee Water's data base and estimates where unmetered.</p> <p>(Includes inter-basin transfers from the Glenelg river basin. Does not include releases made under the flora and fauna bulk entitlement and Glenelg compensation flows.)</p>
Unregulated urban bulk entitlements	<p>= The sum of all diversions taken under Grampians Water's unregulated bulk entitlements to supply towns (part Ararat, Great Western, Halls Gap, Moyston and Stawell and Wickliffe, Lake Bolac, Willaura, Buangor and Elmhurst), based on meter readings stored on Grampians Water's database and estimates where unmetered.</p>
Unregulated licences	<p>= The sum of all licensed diversions to take water for irrigation, commercial, industrial from unregulated streams in the Wimmera River valley, based on meter readings stored on the WMW database and estimates where unmetered.</p> <p>(Includes unregulated licences on the Wimmera River downstream of Glenorchy weir)</p>

¹ For the purposes of the Murray Darling Basin cap, the Wimmera River basin includes the unregulated upper Wimmera, Avon/Richardson and Avoca rivers.

SCHEDULE 5. ANNUAL AMOUNTS, OFFTAKE POINTS, TIMING OF SUPPLY AND MAXIMUM RATES OF TAKING WATER

Supply System	Nominal volume per year (ML)	Waterway/channel	Offtake Point ⁽³⁾	Time of Supply ⁽²⁾	Maximum rate (ML/d) ⁽¹⁾
Towns supplied from the headworks system					
Ararat/Great Western	1229	Lake Fyans	Lake Fyans pump station	ALL YEAR	7
Halls Gap	150	Lake Bellfield	Lake Bellfield pump station	ALL YEAR	4
Horsham	4,810	Mt Zero channel	MZ193,MZ194	ALL YEAR	25
Stawell	672	Lake Fyans	Lake Fyans pump station	ALL YEAR	6
Towns supplied from the distribution system					
Antwerp	33	Antwerp channel	AP23	JUN-NOV	3
Berrivillock	122	Berrivillock Tank channel	BIB17L	MAY-AUG	8
Beulah	290	Beulah Tank channel	BXO16,BXO17,BXO18	MAY-NOV	8
Birchip	511	Birchip Storage channel	BQB4A	APR-NOV	14
Brim	74	Craigs channel	CG96A,CG96B	AUG-DEC	5
Charlton	816	Charlton channel	CHB115	FEB-DEC	14
Clear Lake	5	Clear Lake South channel	CS45	JAN-SEP	1
Culgoa	109	Culgoa Tank channel	CUB10A,CUB14	MAY-NOV	6
Dimboola	640	Pimpinio channel	PO130	MAY-APR	9
Donaki	961	Donaki Main channel	DMB59A	MAY-DEC	31
Dooen	38	Walmer North channel	WNA	JUN-SEP	2
Glenorchy	22	Main Central Inlet channel		MAY-OCT	1
Hopetoun	690	Hopetoun channel	HO39,HO40,HO41,HO42	MAY-NOV	13
Jeparit	298	Jeparit channel	JP6,JP7,JP8	MAY-JAN	11
Jung	47	Main Western channel	MW11A	SEP-JUN	3
Lalbert	80	Wycheproof Goschen channel	WGS46A,WGS46B	APR-DEC	6
Lascelles	90	Lascelles Storage channel	LAO1A,LAO1B,	APR-NOV	9
Mamoo	120	Mamoo Storage channel	MSC2B	JUN-JAN	7
Minyip	266	Minyip Town channel	MTS8,MTS9	MAY-AUG	12
Murtoa	442	Lake Marra (LM) channel	2352	SEP-APR	2
Natimuk	164	Natimuk channel	NM217,NM218	JAN-APR	8
Noradjuha	5	Natimuk channel	NM53,NM54	JAN-SEP	2
Nullawil	72	Nullawil channel	NLB65A	MAY-NOV	3
Patchewollock	69	Patchewollock channel	PGO1,PGO2	JUL-NOV	6
Pimpinio	48	Pimpinio Spur channel	PMA	OCT-MAR	4
Quambatook	250	Quambatook channel	QKS17	APR-NOV	16
Rainbow	501	Rainbow channel	RW237,RW237A,RW234A,RW234B	APR-FEB	12
Rupanyup	215	Rupanyup High Level South channel	RL47,RL47A,RL47B	AUG-NOV	12
St Amaud	1310	Swanwater West channel	SW3A	MAY-FEB	29
Tarranyurk	13	Tarranyurk West channel	TW8	MAY-JAN	2
Warracknabeal	1100	Whitton Supply channel	WS15,WS16	MAY-DEC	29
Watchem	125	West Laen channel	WZ158	AUG-NOV	6
Woomelang	261	Woomelang channel	WXB8	APR-DEC	14
Wycheproof	704	Wycheproof West channel	WSB1A	MAY-NOV	16
Yaapeet	123	Yaapeet Storage channel	YSO1A,YSO1B	JUL-OCT	4

Notes:

1. Calculated from gradients of storage drawdown curves, Grampians Water historical data, weekly readings.
2. Derived from historical data.
3. In most cases, the offtake points are described using Wimmera Mallee Water's own internal descriptor. A more precise geographical description is a requirement of the metering plan to be prepared by the authority.
4. The amount of water taken for each individual system can be varied in accordance with sub-clause 11.1(b), provided the total water allowed (subject to the seasonal allocation) is not exceeded.

Water Act 1989

**BULK ENTITLEMENT (WIMMERA AND GLENELG RIVERS –
COLIBAN WATER) CONVERSION ORDER 2004**

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SCHEDULE 1. WIMMERA-MALLEE SYSTEM

SCHEDULE 2. SHARES OF WATER AVAILABLE

**SCHEDULE 3. THE RESOURCES THAT COULD BE DIVERTED IN THE CURRENT
ALLOCATION YEAR**

SCHEDULE 4. WATER DIVERSIONS FROM THE WIMMERA-MALLEE SYSTEM

**SCHEDULE 5. ANNUAL AMOUNTS, OFFTAKE POINTS, TIMING OF SUPPLY AND
MAXIMUM RATES OF TAKING WATER**

The Minister, under the provisions of the **Water Act 1989**, makes the following Order –

PART 1 – INTRODUCTORY STATEMENTS

1. Citation

This Order may be cited as the Bulk Entitlement (Wimmera and Glenelg Rivers – Coliban Water) Conversion Order 2004.

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**;

“**Agreement**” means the Murray Darling Basin Agreement;

“**allocation year**” means the 12 months next following 1 November;

“**Avoca basin**” means the area of land designated as Basin Number 8 in the Murray-Darling Drainage Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

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

“**cap model**” means a computer simulation model of the Wimmera-Mallee system approved by the MDBC for the purpose of monitoring compliance with the Murray-Darling Basin cap;

“**Coliban Water**” means Coliban Region Water Authority;

“**compensation flow**” means an annual amount of up to 3,300 ML allocated to Wimmera Mallee Water for the purpose of providing a nominal flow for domestic and stock use and other social and environmental purposes in the Glenelg River downstream of Rocklands Reservoir;

“**dead storage**” means the water stored in reservoirs which the storage operator deems to be inaccessible for release for consumptive use in any given allocation year;

“**Department**” means the Department supporting the Minister administering the **Water Act 1989**;

“**distribution system**” means the system of reservoirs, channels, pipelines and associated structures described in Table 2 of Schedule 1 that distribute water from the headworks system to entitlement holders;

“**distributor**” means the person appointed to operate and maintain the distribution system;

“**entitlement holder**” means a person holding a bulk entitlement under the Act for the Wimmera-Mallee system;

“**environmental flow manager**” means any person, or persons acting jointly, appointed by the Minister to undertake the functions set out in sub-clause 16.2 of the Bulk Entitlement (Wimmera and Glenelg Rivers – Flora and Fauna) Conversion Order 2004;

“**exchange rate**” means the rate, determined by the Minister, at which the reliability varies inversely to the annual entitlement;

“**Glenelg basin**” means the area of land designated as Basin Number 38 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

“headworks system” means the water supply works of the waterways, reservoirs, weirs and transfer channels included in Table 1 of Schedule 1.

“Mallee basin” means the area of land designated as Basin Number 14 in the Murray-Darling Drainage Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

“MDBC” means the Murray Darling Basin Commission, or any business division of the Commission or that Commission's assignee or delegate exercising any relevant function;

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

“Minister for Environment” means the Minister administering the **Conservation, Forests and Lands Act 1987** and includes, in relation to any provision, any person authorised by the Minister for Environment to act on behalf of the Minister for Environment in relation to that provision.

“Murray-Darling Basin cap” means the arrangements introduced by the Murray-Darling Basin Ministerial Council, effective from 1 July 1997, to cap diversions in the Murray-Darling Basin and as defined in Schedule F to the Murray-Darling Basin Agreement;

“offtake point” means any or all of the locations specified in Schedule 5 for taking water under this order;

“resource manager” means any person appointed by the Minister under section 43A of the Act to do all or any of the tasks set out in sub-clause 20.1;

“seasonal allocation” means an entitlement holder's share of the available resources from the Wimmera-Mallee system in a given allocation year;

“reliability” means the statistical probability of being able to supply a given volume of water in any allocation year;

“storage operator” means any person appointed by the Minister under section 43A of the Act to operate the headworks system, to manage or measure the flow into the headworks system or waterway, or to do all or any of them;

“system spill” means flow in the waterway other than that taken by any or all persons -

- (a) holding a bulk entitlement under the Act for the Wimmera-Mallee system; and
- (b) taking water under section 8(1) of the Act;

“waterway” means any or all of -

- (a) the Wimmera River and its tributaries upstream of a point immediately downstream of the confluence with the Mackenzie River, including any reservoirs and weirs;
- (b) the Glenelg River upstream of and including Rocklands Reservoir;
- (c) the First and Second Wannon Creeks upstream of and including the weirs;
- (d) the Avon and Richardson rivers upstream of and including Rich Avon weir; and
- (e) the Avoca River and its anabranch and tributary streams Mosquito Creek, Lalbert Creek and Tyrell Creek, upstream of and including the weirs.

“Wimmera basin” means the area of land designated as Basin Number 15 in the Murray Darling Drainage Division of the Australian Water Resources Council's Australian Continental Drainage Divisions;

“Wimmera Mallee Water” means Wimmera Mallee Rural Water Authority;

“Wimmera-Mallee system” means the waterway and headworks and distribution systems;

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

5. Water for the Environment

All the surface water resources in the Wimmera-Mallee system, except for –

- (a) a permissible annual volume declared by the Minister under section 22A of the Act;
- (b) any water allocated under Part 4 of the Act to an Authority other than the Minister for Environment; and
- (c) any water taken by persons under section 8(1) of the Act;

are available to maintain the environmental values of rivers in the Wimmera, Glenelg, Avoca and Mallee basins and other water services dependent on the environmental condition of these rivers.

PART 2 – ENTITLEMENT**6. Conversion to a Bulk Entitlement**

All of Coliban Water's entitlement to water from the Wimmera-Mallee system is converted to a bulk entitlement on the conditions set out in this Order.

7. Bulk Entitlement

- 7.1 Coliban Water may take from the Wimmera-Mallee system in any allocation year, for the purpose of supplying its water systems, Coliban Water's share, shown in the tables of Schedule 2 of the water available to meet the entitlements in Schedule 2.
- 7.2 The water available to meet the entitlements of Schedule 2 is the lower of –
 - (a) the resources that could be diverted from the Wimmera-Mallee system in the current allocation year; and
 - (b) the water allowed to the Wimmera-Mallee system under the Murray-Darling Basin cap; as determined by the storage operator in accordance with the provisions set out in Part 3.

PART 3 – WATER AVAILABLE**8. The Resources that could be Diverted in the Current Allocation Year**

- 8.1 The storage operator must, in determining seasonal allocations, make an assessment of the resources that could be –
 - (a) diverted from the Wimmera-Mallee system in the current allocation year; and
 - (b) taken into the Wimmera-Mallee system from another river basin under another entitlement or agreement with another authority;using the method outlined in Schedule 3.
- 8.2 In making the assessment in sub-clause 8.1, the storage operator must –
 - (a) reach agreement with all entitlement holders on the method used to calculate –
 - (i) the estimated harvestable inflows and pick-up;
 - (ii) the amount of water to be retained in headworks reservoirs in the current allocation year to provide for a basic supply in the next allocation year;
 - (iii) the amount held in the flora and fauna carryover account;
 - (iv) the estimates of losses; and
 - (v) the estimated dead storage; and
 - (b) make available to all entitlement holders the information used to apply the method.

9. Applying the Murray-Darling Basin Cap

- 9.1 If the volumes of water diverted each year in Victoria from the Wimmera-Mallee system as determined in accordance with Schedule 4 increase in comparison to the annual volumes that

would have been diverted under 1993/94 levels of development as estimated by the cap model, and the volume of accumulated over-runs less under-runs approaches –

(a) the limit established in the Agreement;

or, in the absence of any limit in the Agreement,

(b) a limit of 20% of the long-term average annual Wimmera-Mallee system diversions under 1993/94 levels of development, as estimated by MDBC's model –

then action must be taken in accordance with this clause.

9.2 The Wimmera-Mallee system entitlement holders must jointly recommend to the Minister such appropriate action to avoid the limit being reached as they see fit, and the Minister may approve such action, with any modifications the Minister considers necessary.

9.3 If no appropriate action is approved by the Minister under sub-clause 9.2 –

(a) If the volume of accumulated overruns less underruns reaches 15% of long-term average annual Wimmera-Mallee system diversions, in the following allocation year the water allowed to the Wimmera-Mallee system under the Murray Darling Basin cap is deemed to be:

(i) subject to sub-paragraph (ii), the resources that could be diverted by the Wimmera-Mallee system in that allocation year, less a volume equal to 7% of long-term average annual Wimmera-Mallee system diversions; and

(ii) the minimum to be the water required for allocations corresponding to 90% of full entitlements; and

(b) If the volume of accumulated overruns less underruns reaches 20% of long-term average annual Wimmera-Mallee system diversions, in the following allocation year the water allowed to the Wimmera-Mallee system under the Murray Darling Basin cap is deemed to be the same as in paragraph (a), except that the minimum in sub-paragraph (ii) is deemed to be the water required for an allocation of 80% of full entitlements.

10. Making Seasonal Allocations

10.1 In November and in each subsequent month until the maximum allocation for entitlements in Schedule 2 is reached, or at such other times as the storage operator believes it to be required, the storage operator must determine the water available to meet the entitlements in Schedule 2, and Coliban Water's share of that water in accordance with the following steps.

10.2 The storage operator must –

(a) determine the resources that could be diverted from the Wimmera-Mallee system in accordance with clause 8; and

(b) take the lower of –

(i) the resources that could be diverted from the Wimmera-Mallee system as determined in clause 8; and

(ii) the amount of water allowed to the Wimmera-Mallee system under the Murray Darling Basin cap as determined in clause 9;

to determine the water available to meet the entitlements in Schedule 2.

(c) use the amount of water available as determined in paragraph (b) to determine the seasonal allocation to Coliban Water and other entitlement holders from Table 1 of Schedule 2; and

(d) inform Coliban Water and other entitlement holders of the seasonal allocation determined under sub-clause (c), and at the same time make available the method and calculations and any other information used to determine the seasonal allocation.

10.3 The storage operator may make the first seasonal allocation as early as September if requested by one or more entitlement holders, with any water taken by an entitlement holder before November deemed to be taken within the next allocation year.

PART 4 – GENERAL CONDITIONS AND PROVISIONS**11. Taking Water**

- 11.1 Coliban Water may take water to which it is entitled under this Order at –
- (a) the offtake points and at the nominal volumes, rates and times specified in Schedule 5; or
 - (b) such other off-take points, nominal volumes, rates and times as are, at the request of Coliban Water, agreed to in writing by the storage operator or the distributor as the case may be.
- 11.2 For the purpose of clause 7, the water taken by Coliban Water is the total volume of water taken at the off-take points referred to in sub-clause 11.1.

12. Amendments

- 12.1 Schedule 2 may, in accordance with section 64G of the Act, be amended periodically by the Minister to take account of any permanent transfers or any conversions of primary entitlements, including transfers or conversions resulting from –
- (a) re-allocation of water savings from –
 - (i) the Wimmera-Mallee Pipeline Project; and
 - (ii) any other works in the headworks or distribution systems; and
 - (b) water trades.
- 12.2 The entitlement holders may jointly propose an amendment to –
- (a) any clauses in Part 3 if practical operations indicate a need for variation;
 - (b) Schedule 3 to revise the method for calculating the water available to meet the entitlements in Schedule 2 to take account of updated hydrological information or techniques; and
 - (c) Schedule 4 to revise the method for calculating the water diversions under the Murray-Darling Basin cap to take account of updated hydrological information or techniques.
 - (d) Schedule 1 and the offtake points and rates and times of taking water specified in Schedule 5, to reflect changes to the headworks and distribution system infrastructure.
- 12.3 An application made under sub-clause 12.2 must explain the reasons for the proposed amendment and the likely implications for entitlement holders.
- 12.4 The Minister may –
- (a) approve an amendment proposed under sub-clause 12.2; or
 - (b) require the entitlement holders jointly to amend the proposal; or
 - (c) at any time require the entitlement holders to make a joint proposal under sub-clause 12.2, if in the Minister's opinion, it is necessary to make an amendment of the kind referred to in sub-clause 12.2.

13. Operating Arrangements

- 13.1 Coliban Water and the distributor must use their best endeavours to agree on operational arrangements for the distribution of water under this entitlement, including –
- (a) arrangements to reduce the risk of supplying Coliban Water's towns with poor quality water; and
 - (b) arrangements to optimise the timing of supply to Coliban Water's towns through the channel system whilst maintaining distribution system efficiency.
- 13.2 If the parties have not reached agreement under sub-clause 13.1 within twelve months of the date of this Order, Coliban Water may give written notice to the other party requiring the matter to be determined in accordance with clause 15.

- 13.3 For the purpose of calculating Coliban Water's use of water against its annual entitlement and any charge under clauses 20 and 21, only water actually taken by Coliban Water must be counted.

14 The Wimmera-Mallee Pipeline Project

- 14.1 Coliban Water must make available to the Wimmera-Mallee Pipeline Project all losses identified as part of its entitlement in Schedule 2 under the terms and conditions recommended by the Wimmera-Mallee Pipeline Project and endorsed by the Minister.
- 14.2 Any losses referred to in sub-clause 14.1 that are not affected by the Wimmera-Mallee Pipeline Project remain part of the authority's entitlement.
- 14.3 The Minister may amend this Order in accordance with section 44 of the Act to make it consistent with any recommendations of the Detailed Design and Review of Business Case for the Wimmera-Mallee Pipeline Project once endorsed by the Minister.

15. Dispute Resolution

- 15.1 If any difference or dispute arises between Coliban Water, the Minister, and with their consent, any other entitlement holder, the Minister for Environment, the storage operator, 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.
- 15.2 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 President of the Institute of Arbitrators, Australia.
- 15.3 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.
- 15.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 15.5 In any difference or dispute to which the Minister is a party –
- (a) the independent expert must express the conclusion as a recommendation; and
 - (b) the Minister must consider any recommendation made under paragraph (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.
- 15.6 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.
- 15.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, are at the discretion of the independent expert.

PART 5 – MONITORING WATER TAKEN

16. Metering Program

- 16.1 Coliban Water must propose to the Minister within 12 months of the commencement of this Order, a metering program to demonstrate Coliban Water's compliance with this Order.
- 16.2 A proposal under sub-clause 16.1 must include details of any existing or proposed arrangements made by Coliban Water for any person other than Coliban Water to measure or to calculate flows.
- 16.3 The Minister may –
- (a) approve a program proposed under sub-clause 16.1; or

- (b) require Coliban Water to amend the proposed program; or
 - (c) not approve the proposed program.
- 16.4 The Minister may, at any time, require Coliban Water to –
 - (a) review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (b) propose an amended program to the Minister.
- 16.5 Coliban Water must, at its cost and in accordance with any guidelines issued from time to time by the Minister –
 - (a) implement and maintain any metering program approved by the Minister; and
 - (b) maintain metering equipment and associated measurement structures in good condition; and
 - (c) ensure that metering equipment is periodically re-calibrated; and
 - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (e) keep a record of all work undertaken under paragraphs (b), (c) and (d).
- 17. Reporting Requirements**
- 17.1 Coliban Water 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 at each of the offtake points;
 - (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 Coliban Water;
 - (d) the seasonal allocation to Coliban Water under this Order;
 - (e) the approval, amendment and implementation of the metering program approved under sub-clause 16.3;
 - (f) any change made to the reliability and the annual entitlement under Schedule 2;
 - (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 Coliban Water supply systems under this Order;
 - (i) any amendment to this Order;
 - (j) any new bulk entitlement granted to Coliban Water with respect to the Coliban Water supply systems under this Order;
 - (k) any failure by Coliban Water to comply with any provision of this Order;
 - (l) any existing or anticipated difficulties experienced by Coliban Water in complying with this Order and any remedial action taken or proposed by Coliban Water.
- 17.2 The Minister may require Coliban Water to report on all or any of the matters set out in sub-clause 17.1 –
 - (a) in writing, or in such electronic form as may be agreed between Coliban Water and the Minister; and
 - (b) within 14 days of receiving the Minister's written request or such longer period as the Minister may determine.
- 17.3 Coliban Water must, for the period of the preceding year, report in its Annual Report on each of the matters referred to in sub-clause 17.1, except paragraph (a), and with the approval of the Minister any particular failure referred to in paragraph (k).

18. Data

- 18.1 Subject to sub-clause 16.5, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by Coliban Water to comply with this Order are made available to Coliban Water.
- 18.2 Coliban Water must make available to any person data collected by or on behalf of Coliban Water for the purpose of clause 16 or 17 subject to the person paying any fair and reasonable access fee imposed by Coliban Water to cover the costs of making the data available to that person.

PART 6 – FINANCIAL OBLIGATIONS**19. Headworks Costs**

- 19.1 Coliban Water must pay a share of the headworks costs in any year, whether or not Coliban Water takes water in that year.
- 19.2 For the purposes of this clause, headworks costs means the total annual cost incurred by the storage operator of –
- (a) operating, maintaining and administering the headworks system;
 - (b) making releases from the headworks system;
 - (c) meeting the cost of any new or enhancement work to the headworks system (other than work designed to increase its yield);
 - (d) making an appropriate allowance for depreciation of works associated with the headworks system, using a depreciation method approved by the Victorian Department of Treasury and Finance;
 - (e) managing the stream gauging stations and flow meters on the waterway and transfer channels;
 - (f) implementing the program established under the Bulk Entitlement (Wimmera and Glenelg Rivers – Wimmera Mallee Water) Conversion Order 2004, to manage the environmental effects of operating the headworks system;
 - (g) meeting obligations associated with Victoria's compliance under the Murray-Darling Basin cap; and
 - (h) any other activity undertaken by the storage operator in managing the headworks system and that has been agreed to by the entitlement holders.
- 19.3 The headworks costs must be recovered –
- (a) on the basis of the volume of entitlements, as an access charge; or
 - (b) some other arrangement from time to time agreed between the entitlement holders.
- 19.4 Where costs are recovered through an access charge, Coliban Water's share is equal to the proportion that its bulk entitlement bears to the total volume of entitlements, determined as follows –
- (a) the total volume of entitlements consists of the volumes of entitlements given in Table 1 of Schedule 2 including any allowance for losses when the entitlements are fully met; and
 - (b) entitlements in Table 1 of Schedule 2 will be adjusted in volume by application of an exchange rate, determined by the Minister, to reflect the relative role that the headworks play in underwriting them;
 - (c) until the Minister decides otherwise, the entitlements shown in Table 1 of Schedule 2 for –
 - (i) the environment;
 - (ii) the compensation flow; and
 - (iii) recreation;will be excluded from the total volume of entitlements for the purpose of cost sharing;

- (d) Coliban Water must pay an additional amount for any water under their entitlement in accordance with Government policy at the time.
- 19.5 Before undertaking any new or enhancement work to the headworks system under paragraph 19.2(c), the storage operator must consult with all entitlement holders likely to be affected by the works.

20. Water Resource Management Costs

- 20.1 Coliban Water must pay the resource manager a fair and reasonable share of the costs incurred by the resource manager to –
 - (a) prepare water accounts for the Wimmera, Avoca, and Glenelg basins; and
 - (b) monitor whether entitlement holders in the Wimmera and Glenelg basins comply with the conditions of their bulk entitlements; and
 - (c) investigate and mediate disputes between entitlement holders in the Wimmera, Avoca and Glenelg basins; and
 - (d) investigate and deal with significant unauthorised uses of water in the Wimmera, Avoca and Glenelg basins; and
 - (e) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act –as estimated under sub-clause 22.3 and invoiced under clause 23.

21. Water Distribution Costs

- 21.1 Coliban Water must pay the distributor an annual charge for water taken from the distribution system in accordance with the tariff for recovering distribution costs which applies to other primary entitlement holders in the surrounding area.
- 21.2 For the purpose of this clause, distribution cost means the total annual cost of –
 - (a) operating, maintaining and administering the distribution system;
 - (b) making an appropriate allowance for renewing distribution system works;
 - (c) measuring the flow of channels and pipelines; and
 - (d) meeting the cost of any new or enhancement work to the distribution system that has been agreed to by the entitlement holders.
- 21.3 The distribution tariff in clause 21.1 must be developed by the distributor jointly with Coliban Water and other entitlement holders and having regard for the following principles –
 - (a) the tariff is to reflect the nature of the service and have regard for –
 - (i) the recovery of fixed costs through an access charge;
 - (ii) the recovery of variable costs through a usage charge;
 - (b) for the purposes of assigning costs of assets to those that use them, the distribution system is to be disaggregated into separate entities identified by the following characteristics –
 - (i) the entities to be customer groups based around geographic and community identification;
 - (ii) the entities are to line up with discrete sections of the distribution infrastructure so that the costs of the separate entities can be reasonably easily identified; and
 - (iii) the service provided within each entity is the same;
 - (c) urban authorities and rural customers should be subject to the same tariff where the same service is provided and on the same basis if possible; and

- (d) if an access fee is included for recovering fixed costs, it should be based on the full water entitlements including losses assigned in Table 1 of Schedule 2.

22. Duty to Keep Accounts and Provide Estimates

- 22.1 Coliban Water is not obliged to make any payment to –
- (a) the storage operator under clause 19;
 - (b) the resource manager under clause 20; and
 - (c) the distributor under clause 21;
- unless the person to whom the payment is payable chooses to comply with the provisions of this clause relevant to that payment.
- 22.2 Separate accounts of all costs and payments must be kept by –
- (a) the storage operator under clause 19;
 - (b) the resource manager under clause 20; and
 - (c) the distributor under clause 21.
- 22.3 Accounts required to be kept under this clause must be made available for inspection by Coliban Water upon request.
- 22.4 The storage operator must, by 31 March in any year, provide entitlement holders with a detailed estimate of amounts payable in sub-clause 19.1 in the ensuing year.
- 22.5 The resource manager must, by 31 March in any year, provide entitlement holders with an estimate of the amounts payable in sub-clause 20.1 in the ensuing year.
- 22.6 The distributor must, by 31 March in any year, provide entitlement holders with a detailed estimate of amounts payable in sub-clause 21.1 in the ensuing year.

23. Billing Arrangements

Any amount payable by Coliban Water under –

- (a) clause 19 or 21 must be paid quarterly; and
- (b) clause 20 must be paid annually –

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

Dated 28 May 2004

Responsible Minister

JOHN THWAITES

Minister for Water

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

SCHEDULE 1. WIMMERA-MALLEE SYSTEM**Table 1** – Headworks system

Reservoirs	Capacity (ML)	Full supply level to Australian Height Datum (metres)
Lake Bellfield	78,550	276.50
Dock Lake	5,900	134.02
Green Lake	5,350	135.70
Lake Fyans	21,090	204.30
Lake Lonsdale	65,550	187.62
Moora Moora Reservoir	6,290	219.95
Rocklands Reservoir	348,310	195.47
Taylors Lake	35,770	146.16
Pine Lake	64,200	143.89
Toolondo Reservoir	106,600	165.93
Lake Wartook	29,360	441.69
Weirs		
Distribution Heads	NA ³	NA
First and Second Wannon Creeks weirs (3x weirs in total)	NA	NA
Fyans Creek diversion weir ¹	NA	NA
Fyans Creek weir/ Radial Gates	NA	NA
Glenorchy weir	NA	NA
Glenelg Diversion Channel Weir	NA	NA
Huddlestons weir	NA	NA
Scrubby Creek inlet (on Moora channel)	NA	NA
Sheepwash weir	NA	NA
Stewarts weir	NA	NA
Trudgeons weir	NA	NA
Transfer channels (including other weirs and associated structures)	Capacity (ML/day)	
Burnt Creek channel	600	NA
Fyans Creek Diversion channel ²		NA
Fyans Inlet channel	200	NA
Fyans Outlet channel	120	NA
Lonsdale Bypass channel	360	NA
Lonsdale-Glenorchy channel/ Main Central Inlet channel	350	NA
Lubeck Loop	245	NA
Moora channel	50	NA
Rocklands Outlet channel	625	NA
Toolondo channel	380	NA
Wimmera Inlet channel	1600	NA

Notes

1. Diversion weir on Fyans Creek that directs the creek into its present alignment
2. The current alignment of Fyans Creek
3. NA means 'not applicable'

Table 2 – Distribution system

Reservoirs	Capacity (ML)	Full supply level to Australian Height Datum (metres)
Lake Batyo Catyo	3,450	122.24
Weirs		
Mosquito Weir	NA ¹	NA
Rich Avon Weir	NA	NA
Mt Zero channel weir/ Dad 'n Dave weir	NA	NA
Channels (including other weirs and associated structures)	Capacity (ML/day)	
Batyo Catyo Inlet Channel	600	NA
Mt Zero channel	35	NA
Distribution channel system	Various	NA

Notes

1. NA means 'not applicable'

SCHEDULE 2. SHARES OF WATER AVAILABLE**Table 1** Regulated entitlements

AVAILABLE WATER (ML) →	A	B	C	D	E	F	G	H	I	J	K	L	M
	206,290	200,690	190,250	150,430	149,240	118,370	81,830	77,870	75,200	35,180	33,960	28,950	27,680
Entitlement holder	Allocation (ML)												
Wimmera Mallee Water													
D&S supplied by channel	32,210	32,210	32,210	18,680	18,680	12,560	4,510	4,510	4,510	2,400	2,400	1,800	1,800
Distribution losses - channel system	87,830	87,830	87,830	70,960	70,960	59,080	56,950	56,950	56,950	20,000	20,000	17,000	17,000
Supply by agreement ex channel system	2,080	2,080	2,080	1,580	1,570	1,280	480	270	130	130	65	65	-
Supply by agreement ex headworks	5,000	5,000	5,000	3,800	3,770	3,080	1,150	650	310	310	155	155	-
Irrigation supplied by channel	19,000	15,200	11,400	9,500	9,500	4,750	-	-	-	-	-	-	-
Distribution losses - irrigation channel system	9,000	7,200	5,400	4,500	4,500	2,250	-	-	-	-	-	-	-
Glenelg compensation flow	3,300	3,300	3,300	3,300	3,300	3,300	3,300	50	50	50	50	50	-
Recreation	2,000	2,000	2,000	-	-	-	-	-	-	-	-	-	-
Total	160,420	154,820	149,220	112,320	112,280	86,300	66,390	62,430	61,950	22,890	22,670	19,070	18,800
Grampians Water (channel)													
Supplied direct off headworks	930	930	930	930	840	790	700	700	700	600	600	470	470
Horsham supply (into Mt Zero storage)	4,810	4,810	4,810	4,810	4,470	4,300	3,960	3,960	3,960	3,620	3,620	3,110	3,110
Supplied by channel (excl. Horsham)	4,780	4,780	4,780	4,780	4,300	4,060	3,580	3,580	3,580	3,100	3,100	2,390	2,390
Losses within (storage) works	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540
Total	13,060	13,060	13,060	13,060	12,150	11,690	10,780	10,780	10,780	9,860	9,860	8,510	8,510
Coliban Water													
Supplied by channel	290	290	290	290	260	250	220	220	220	190	190	150	150
Losses within (storage) works	160	160	160	160	160	160	160	160	160	160	160	160	160
Total	450	450	450	450	420	410	380	380	380	350	350	310	310
Glenelg Water													
Supplied direct off headworks	120	120	120	120	110	100	90	90	90	80	80	60	60
Environment													
Supplied direct off headworks	32,240	32,240	27,400	24,480	24,280	19,870	4,190	4,190	2,000	2,000	1,000	1,000	-

Table 1 notes

1. Allocations are equal to those shown in column A if the available water is greater than the amount shown in column A.
2. The allocations in column A are maximum 5-year rolling averages, while allocations in all other columns are absolute maximum amounts.

Table 2 Unregulated entitlements

Entitlement	Volume (ML)
Wimmera Mallee Water	
Unregulated licensed diverters	
- Avoca	3381
- Avon/Richardson	101
- Glenelg	48
- Wimmera	2053
Total	5583
Grampians Water	
Unregulated supply from Glenelg River for Harrow	NA ²
Southern Rural Water	
Unregulated licensed diverters	
- Wannon	891
- Glenelg	94
Total	985
Environment	
Additional spill from Northern Mallee Pipeline savings	2450

Table 2 notes

1. The unregulated entitlements in this table are not part of the Wimmera-Mallee system bulk entitlements but are included here to complete the water allocation picture for the Wimmera and Glenelg river basins.
2. Not available – amount to be determined through bulk entitlement negotiation with Grampians Water

SCHEDULE 3. THE RESOURCES THAT COULD BE DIVERTED IN THE CURRENT ALLOCATION YEAR

The general method for determining water available to meet the entitlements in Schedule 2 is –

- Available water in month i = measured total volume in store at the end of month i
- estimate of total dead storage
 - environment's carry-over volume from the previous allocation year, after allowing for the environment's share of storage losses and spills in current allocation year
 - the amount of borrowed water returned to the Minister for Environment under sub-clause 6.1(c) of the flora and fauna bulk entitlement order
 - + an estimate of harvestable inflows and pick-up from end of month i to next November
 - + the amount of water that can be taken into the Wimmera-Mallee system from the Waranga Western Channel.
 - + the measured total amount of water released from headworks from 1 November to end of month i
 - the amount of water to be retained in headworks reservoirs this allocation year to provide for a basic supply next allocation year
 - the estimated headworks system losses from end of month i to next November

SCHEDULE 4. WATER DIVERSIONS FROM THE WIMMERA-MALLEE SYSTEM

This Schedule defines how water diversions from the Wimmera River basin¹ are to be determined and reported for the purpose of the Murray-Darling Basin Cap.

The definition of diversions below is to be used in –

- determining the volume of water diverted in the Wimmera River basin in any given water year (for current, future and for historical diversion records); and
- estimating diversions in computer simulation models of river systems that have been developed to determine cap compliance.

Water year: July to June

Total diversions	= Σ Rural water authority bulk entitlements + Unregulated urban bulk entitlements + Unregulated licences
-------------------------	---

Where:

Diversion components

Rural water authority bulk entitlements	<p>= The sum of all diversions taken under Wimmera Mallee Water's bulk entitlement to supply regulated domestic and stock, irrigation, commercial, industrial, recreation lakes supply by agreement entitlements and bulk supplies to urban water authorities including any distribution system losses, based on meter readings stored on Wimmera Mallee Water's data base and estimates where unmetered.</p> <p>(Includes inter-basin transfers from the Glenelg river basin. Does not include releases made under the flora and fauna bulk entitlement and Glenelg compensation flows.)</p>
Unregulated urban bulk entitlements	<p>= The sum of all diversions taken under Grampians Water's unregulated bulk entitlements to supply towns (part Ararat , Great Western, Halls Gap, Moyston and Stawell and Wickliffe, Lake Bolac, Willaura, Buangor and Elmhurst), based on meter readings stored on Grampians Water's database and estimates where unmetered.</p>
Unregulated licences	<p>= The sum of all licensed diversions to take water for irrigation, commercial, industrial from unregulated streams in the Wimmera River valley, based on meter readings stored on the WMW database and estimates where unmetered.</p> <p>(Includes unregulated licences on the Wimmera River downstream of Glenorchy weir)</p>

¹ For the purposes of the Murray Darling Basin cap, the Wimmera River basin includes the unregulated upper Wimmera, Avon/Richardson and Avoca rivers.

**SCHEDULE 5. ANNUAL AMOUNTS, OFFTAKE POINTS, TIMING OF SUPPLY AND
MAXIMUM RATES OF TAKING WATER**

Supply system	Waterway/channel³	Offtake Point	Time of supply	Nominal volume per year (ML)¹	Maximum rate (ML/d)
Borong	Wychitella Channel	Borong Basin	Winter/ spring	35	2.0
Korong Vale and Wedderburn	Wychitella Channel	Korong Vale Basins	Winter/ spring	400	20
Wychitella	Wychitella Channel	Wychitella Basin	Winter/ spring	15	1.0

Notes

1. The amount of water taken for each individual system can be varied in accordance with sub-clause 11.1(b), provided the total water allowed (subject to the seasonal allocation) is not exceeded.

Water Act 1989

**BULK ENTITLEMENT (WIMMERA AND GLENELG RIVERS –
GLENELG WATER) CONVERSION ORDER 2004**

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SCHEDULE 1. WIMMERA-MALLEE SYSTEM

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**SCHEDULE 5. OFFTAKE POINTS, TIMING OF SUPPLY AND MAXIMUM RATES OF
TAKING WATER**

The Minister, under the provisions of the **Water Act 1989**, makes the following Order -

PART 1 – INTRODUCTORY STATEMENTS

1. Citation

This Order may be cited as the Bulk Entitlement (Wimmera and Glenelg Rivers – Glenelg Water) Conversion Order 2004.

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**;

“**Agreement**” means the Murray Darling Basin Agreement;

“**allocation year**” means the 12 months next following 1 November;

“**Avoca basin**” means the area of land designated as Basin Number 8 in the Murray-Darling Drainage Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

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

“**cap model**” means a computer simulation model of the Wimmera-Mallee system approved by the MDBC for the purpose of monitoring compliance with the Murray-Darling Basin cap;

“**compensation flow**” means an annual amount of up to 3,300 ML allocated to Wimmera Mallee Water for the purpose of providing a nominal flow for domestic and stock use and other social and environmental purposes in the Glenelg River downstream of Rocklands Reservoir;

“**dead storage**” means the water stored in reservoirs which the storage operator deems to be inaccessible for release for consumptive use in any given allocation year;

“**Department**” means the Department supporting the Minister administering the **Water Act 1989**;

“**distribution system**” means the system of reservoirs, channels, pipelines and associated structures described in Table 2 of Schedule 1 that distribute water from the headworks system to entitlement holders;

“**distributor**” means the person appointed to operate and maintain the distribution system;

“**entitlement holder**” means a person holding a bulk entitlement under the Act for the Wimmera-Mallee system;

“**environmental flow manager**” means any person, or persons acting jointly, appointed by the Minister to undertake the functions set out in sub-clause 16.2 of the Bulk Entitlement (Wimmera and Glenelg Rivers – Flora and Fauna) Conversion Order 2004;

“**exchange rate**” means the rate, determined by the Minister, at which the reliability varies inversely to the annual entitlement;

“**Glenelg basin**” means the area of land designated as Basin Number 38 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

“Glenelg Water” means Glenelg Region Water Authority;

“headworks system” means the water supply works of the waterways, reservoirs, weirs and transfer channels included in Table 1 of Schedule 1.

“Mallee basin” means the area of land designated as Basin Number 14 in the Murray-Darling Drainage Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

“MDBC” means the Murray Darling Basin Commission, or any business division of the Commission or that Commission's assignee or delegate exercising any relevant function;

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

“Minister for Environment” means the Minister administering the **Conservation, Forests and Lands Act 1987** and includes, in relation to any provision, any person authorised by the Minister for Environment to act on behalf of the Minister for Environment in relation to that provision.

“Murray-Darling Basin cap” means the arrangements introduced by the Murray-Darling Basin Ministerial Council, effective from 1 July 1997, to cap diversions in the Murray-Darling Basin and as defined in Schedule F to the Murray-Darling Basin Agreement;

“offtake point” means any or all of the locations specified in Schedule 5 for taking water under this order;

“resource manager” means any person appointed by the Minister under section 43A of the Act to do all or any of the tasks set out in sub-clause 20.1;

“seasonal allocation” means an entitlement holder's share of the available resources from the Wimmera-Mallee system in a given allocation year;

“reliability” means the statistical probability of being able to supply a given volume of water in any allocation year;

“storage operator” means any person appointed by the Minister under section 43A of the Act to operate the headworks system, to manage or measure the flow into the headworks system or waterway, or to do all or any of them;

“system spill” means flow in the waterway other than that taken by any or all persons -

- (a) holding a bulk entitlement under the Act for the Wimmera-Mallee system; and
- (b) taking water under section 8(1) of the Act;

“waterway” means any or all of -

- (a) the Wimmera River and its tributaries upstream of a point immediately downstream of the confluence with the Mackenzie River, including any reservoirs and weirs;
- (b) the Glenelg River upstream of and including Rocklands Reservoir;
- (c) the First and Second Wannon Creeks upstream of and including the weirs;
- (d) the Avon and Richardson rivers upstream of and including Rich Avon weir; and
- (e) the Avoca River and its anabranch and tributary streams Mosquito Creek, Lalbert Creek and Tyrell Creek, upstream of and including the weirs.

“Wimmera basin” means the area of land designated as Basin Number 15 in the Murray Darling Drainage Division of the Australian Water Resources Council's Australian Continental Drainage Divisions;

“Wimmera Mallee Water” means Wimmera Mallee Rural Water Authority;

“Wimmera-Mallee system” means the waterway and headworks and distribution systems;

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

5. Water for the Environment

All the surface water resources in the Wimmera-Mallee system, except for –

- (a) a permissible annual volume declared by the Minister under section 22A of the Act;
 - (b) any water allocated under Part 4 of the Act to an Authority other than the Minister for Environment; and
 - (c) any water taken by persons under section 8(1) of the Act;
- are available to maintain the environmental values of rivers in the Wimmera, Glenelg, Avoca and Mallee basins and other water services dependent on the environmental condition of these rivers.

PART 2 – ENTITLEMENT**6. Conversion to a Bulk Entitlement**

All of Glenelg Water's entitlement to water from the Wimmera-Mallee system is converted to a bulk entitlement on the conditions set out in this Order.

7. Bulk Entitlement

- 7.1 Glenelg Water may take from the Wimmera-Mallee system in any allocation year, for the purpose of supplying its water systems, Glenelg Water's share, shown in the tables of Schedule 2 of the water available to meet the entitlements in Schedule 2.
- 7.2 The water available to meet the entitlements of Schedule 2 is the lower of –
 - (a) the resources that could be diverted from the Wimmera-Mallee system in the current allocation year; and
 - (b) the water allowed to the Wimmera-Mallee system under the Murray-Darling Basin cap; as determined by the storage operator in accordance with the provisions set out in Part 3.

PART 3 – WATER AVAILABLE**8. The Resources that could be Diverted in the Current Allocation Year**

- 8.1 The storage operator must, in determining seasonal allocations, make an assessment of the resources that could be –
 - (a) diverted from the Wimmera-Mallee system in the current allocation year; and
 - (b) taken into the Wimmera-Mallee system from another river basin under another entitlement or agreement with another authority;using the method outlined in Schedule 3.
- 8.2 In making the assessment in sub-clause 8.1, the storage operator must –
 - (a) reach agreement with all entitlement holders on the method used to calculate –
 - (i) the estimated harvestable inflows and pick-up;
 - (ii) the amount of water to be retained in headworks reservoirs in the current allocation year to provide for a basic supply in the next allocation year;
 - (iii) the amount held in the flora and fauna carryover account;
 - (iv) the estimates of losses; and
 - (v) the estimated dead storage; and
 - (b) make available to all entitlement holders the information used to apply the method.

9. Applying the Murray-Darling Basin Cap

- 9.1 If the volumes of water diverted each year in Victoria from the Wimmera-Mallee system as determined in accordance with Schedule 4 increase in comparison to the annual volumes that would have been diverted under 1993/94 levels of development as estimated by the cap model, and the volume of accumulated over-runs less under-runs approaches –
- (a) the limit established in the Agreement;
 - or, in the absence of any limit in the Agreement,
 - (b) a limit of 20% of the long-term average annual Wimmera-Mallee system diversions under 1993/94 levels of development, as estimated by the cap model –
- then action must be taken in accordance with this clause.
- 9.2 The Wimmera-Mallee system entitlement holders must jointly recommend to the Minister such appropriate action to avoid the limit being reached as they see fit, and the Minister may approve such action, with any modifications the Minister considers necessary.
- 9.3 If no appropriate action is approved by the Minister under sub-clause 9.2 –
- (a) If the volume of accumulated overruns less underruns reaches 15% of long-term average annual Wimmera-Mallee system diversions, in the following allocation year the water allowed to the Wimmera-Mallee system under the Murray Darling Basin cap is deemed to be:
 - (i) subject to sub-paragraph (ii), the resources that could be diverted by the Wimmera-Mallee system in that allocation year, less a volume equal to 7% of long-term average annual Wimmera-Mallee system diversions; and
 - (ii) the minimum to be the water required for allocations corresponding to 90% of full entitlements; and
 - (b) If the volume of accumulated overruns less underruns reaches 20% of long-term average annual Wimmera-Mallee system diversions, in the following allocation year the water allowed to the Wimmera-Mallee system under the Murray Darling Basin cap is deemed to be the same as in paragraph (a), except that the minimum in sub-paragraph (ii) is deemed to be the water required for an allocation of 80% of full entitlements.

10. Making Seasonal Allocations

- 10.1 In November and in each subsequent month until the maximum allocation for entitlements in Schedule 2 is reached, or at such other times as the storage operator believes it to be required, the storage operator must determine the water available to meet the entitlements in Schedule 2, and Glenelg Water's share of that water in accordance with the following steps.
- 10.2 The storage operator must –
- (a) determine the resources that could be diverted from the Wimmera-Mallee system in accordance with clause 8; and
 - (b) take the lower of –
 - (i) the resources that could be diverted from the Wimmera-Mallee system as determined in clause 8; and
 - (ii) the amount of water allowed to the Wimmera-Mallee system under the Murray Darling Basin cap as determined in clause 9;to determine the water available to meet the entitlements in Schedule 2.
 - (c) use the amount of water available as determined in paragraph (b) to determine the seasonal allocation to Glenelg Water and other entitlement holders from Table 1 of Schedule 2; and

- (d) inform Glenelg Water and other entitlement holders of the seasonal allocation determined under sub-clause (c), and at the same time make available the method and calculations and any other information used to determine the seasonal allocation.
- 10.3 The storage operator may make the first seasonal allocation as early as September if requested by one or more entitlement holders, with any water taken by an entitlement holder before November deemed to be taken within the next allocation year.

PART 4 – GENERAL CONDITIONS AND PROVISIONS

11. Taking Water

- 11.1 Glenelg Water may take water to which it is entitled under this Order at –
 - (a) the offtake points and at the rates and times specified in Schedule 5; or
 - (b) such other off-take points, rates and times as are, at the request of Glenelg Water, agreed to in writing by the storage operator or the distributor as the case may be.
- 11.2 For the purpose of clause 7, the water taken by Glenelg Water is the total volume of water taken at the off-take points referred to in sub-clause 11.1.

12. Amendments

- 12.1 Schedule 2 may, in accordance with section 64G of the Act, be amended periodically by the Minister to take account of any permanent transfers or any conversions of primary entitlements, including transfers or conversions resulting from –
 - (a) re-allocation of water savings from –
 - (i) the Wimmera-Mallee Pipeline Project; and
 - (ii) any other works in the headworks or distribution systems; and
 - (b) water trades.
- 12.2 The entitlement holders may jointly propose an amendment to –
 - (a) any clauses in Part 3 if practical operations indicate a need for variation;
 - (b) Schedule 3 to revise the method for calculating the water available to meet the entitlements in Schedule 2 to take account of updated hydrological information or techniques; and
 - (c) Schedule 4 to revise the method for calculating the water diversions under the Murray-Darling Basin cap to take account of updated hydrological information or techniques.
 - (d) Schedule 1 and the offtake points and rates and times of taking water specified in Schedule 5, to reflect changes to the headworks and distribution system infrastructure.
- 12.3 An application made under sub-clause 12.2 must explain the reasons for the proposed amendment and the likely implications for entitlement holders.
- 12.4 The Minister may –
 - (a) approve an amendment proposed under sub-clause 12.2; or
 - (b) require the entitlement holders jointly to amend the proposal; or
 - (c) at any time require the entitlement holders to make a joint proposal under sub-clause 12.2, if in the Minister's opinion, it is necessary to make an amendment of the kind referred to in sub-clause 12.2.

13. Operating Arrangements

- 13.1 Glenelg Water and the distributor must use their best endeavours to agree on operational arrangements for the supply of water under this entitlement, including arrangements to reduce the risk of supplying Glenelg Water's towns with poor quality water.

- 13.2 If the parties have not reached agreement under sub-clause 13.1 within twelve months of the date of this Order, Glenelg Water may give written notice to the other party requiring the matter to be determined in accordance with clause 15.
- 13.3 For the purpose of calculating Glenelg Water's use of water against its annual entitlement and any charge under clause 20, only water actually taken by Glenelg Water must be counted.

14. The Wimmera-Mallee Pipeline Project

- 14.1 The Minister may amend this Order in accordance with section 44 of the Act to make it consistent with any recommendations of the Detailed Design and Review of Business Case for the Wimmera-Mallee Pipeline Project once endorsed by the Minister.

15. Dispute Resolution

- 15.1 If any difference or dispute arises between Glenelg Water, the Minister, and with their consent, any other entitlement holder, the Minister for Environment, the storage operator, 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.
- 15.2 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 President of the Institute of Arbitrators, Australia.
- 15.3 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.
- 15.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 15.5 In any difference or dispute to which the Minister is a party –
- (a) the independent expert must express the conclusion as a recommendation; and
 - (b) the Minister must consider any recommendation made under paragraph (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.
- 15.6 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.
- 15.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, are at the discretion of the independent expert.

PART 5 – MONITORING WATER TAKEN

16. Metering Program

- 16.1 Glenelg Water must propose to the Minister within 12 months of the commencement of this Order, a metering program to demonstrate Glenelg Water's compliance with this Order.
- 16.2 A proposal under sub-clause 16.1 must include details of any existing or proposed arrangements made by Glenelg Water for any person other than Glenelg Water to measure or to calculate flows.
- 16.3 The Minister may –
- (a) approve a program proposed under sub-clause 16.1; or
 - (b) require Glenelg Water to amend the proposed program; or
 - (c) not approve the proposed program.

- 16.4 The Minister may, at any time, require Glenelg Water to –
- (a) review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (b) propose an amended program to the Minister.
- 16.5 Glenelg Water must, at its cost and in accordance with any guidelines issued from time to time by the Minister –
- (a) implement and maintain any metering program approved by the Minister; and
 - (b) maintain metering equipment and associated measurement structures in good condition; and
 - (c) ensure that metering equipment is periodically re-calibrated; and
 - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (e) keep a record of all work undertaken under paragraphs (b), (c) and (d).

17. Reporting Requirements

- 17.1 Glenelg Water 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 at each of the offtake points;
 - (b) the annual amount of water taken under this entitlement at each of the offtake points;
 - (c) the amount and location of water taken under this entitlement at any other works of Glenelg Water;
 - (d) the seasonal allocation to Glenelg Water under this Order;
 - (e) the approval, amendment and implementation of the metering program approved under sub-clause 16.3;
 - (f) any change made to the reliability and the annual entitlement under Schedule 2;
 - (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 Glenelg Water supply systems under this Order;
 - (i) any amendment to this Order;
 - (j) any new bulk entitlement granted to Glenelg Water with respect to the Glenelg Water supply systems under this Order;
 - (k) any failure by Glenelg Water to comply with any provision of this Order;
 - (l) any existing or anticipated difficulties experienced by Glenelg Water in complying with this Order and any remedial action taken or proposed by Glenelg Water.
- 17.2 The Minister may require Glenelg Water to report on all or any of the matters set out in sub-clause 17.1–
- (a) in writing, or in such electronic form as may be agreed between Glenelg Water and the Minister; and
 - (b) within 14 days of receiving the Minister's written request or such longer period as the Minister may determine.
- 17.3 Glenelg Water must, for the period of the preceding year, report in its Annual Report on each of the matters referred to in sub-clause 17.1, except paragraph (a), and with the approval of the Minister any particular failure referred to in paragraph (k).

18. Data

- 18.1 Subject to sub-clause 16.5, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by Glenelg Water to comply with this Order are made available to Glenelg Water.

- 18.2 Glenelg Water must make available to any person data collected by or on behalf of Glenelg Water for the purpose of clause 16 or 17 subject to the person paying any fair and reasonable access fee imposed by Glenelg Water to cover the costs of making the data available to that person.

PART 6 – FINANCIAL OBLIGATIONS

19. Headworks Costs

- 19.1 Glenelg Water must pay a share of the headworks costs in any year, whether or not Glenelg Water takes water in that year.
- 19.2 For the purposes of this clause, headworks costs means the total annual cost incurred by the storage operator of –
- (a) operating, maintaining and administering the headworks system;
 - (b) making releases from the headworks system;
 - (c) meeting the cost of any new or enhancement work to the headworks system (other than work designed to increase its yield);
 - (d) making an appropriate allowance for depreciation of works associated with the headworks system, using a depreciation method approved by the Victorian Department of Treasury and Finance;
 - (e) managing the stream gauging stations and flow meters on the waterway and transfer channels;
 - (f) implementing the program established under the Bulk Entitlement (Wimmera and Glenelg Rivers – Wimmera Mallee Water) Conversion Order 2004, to manage the environmental effects of operating the headworks system;
 - (g) meeting obligations associated with Victoria's compliance under the Murray-Darling Basin cap; and
 - (h) any other activity undertaken by the storage operator in managing the headworks system and that has been agreed to by the entitlement holders.
- 19.3 The headworks costs must be recovered –
- (a) on the basis of the volume of entitlements, as an access charge; or
 - (b) some other arrangement from time to time agreed between the entitlement holders.
- 19.4 Where costs are recovered through an access charge, Glenelg Water's share is equal to the proportion that its bulk entitlement bears to the total volume of entitlements, determined as follows –
- (a) the total volume of entitlements consists of the volumes of entitlements given in Table 1 of Schedule 2 including any allowance for losses when the entitlements are fully met; and
 - (b) entitlements in Table 1 of Schedule 2 will be adjusted in volume by application of an exchange rate, determined by the Minister, to reflect the relative role that the headworks play in underwriting them;
 - (c) until the Minister decides otherwise, the entitlements shown in Table 1 of Schedule 2 for –
 - (i) the environment;
 - (ii) the compensation flow; and
 - (iii) recreation;will be excluded from the total volume of entitlements for the purpose of cost sharing;
 - (d) Glenelg Water must pay an additional amount for any water under their entitlement in accordance with Government policy at the time.

- 19.5 Before undertaking any new or enhancement work to the headworks system under paragraph 19.2(c), the storage operator must consult with all entitlement holders likely to be affected by the works.

20. Water Resource Management Costs

- 20.1 Glenelg Water must pay the resource manager a fair and reasonable share of the costs incurred by the resource manager to –
- (a) prepare water accounts for the Wimmera, Avoca, and Glenelg basins; and
 - (b) monitor whether entitlement holders in the Wimmera and Glenelg basins comply with the conditions of their bulk entitlements; and
 - (c) investigate and mediate disputes between entitlement holders in the Wimmera, Avoca and Glenelg basins; and
 - (d) investigate and deal with significant unauthorised uses of water in the Wimmera, Avoca and Glenelg basins; and
 - (e) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act –
- as estimated under sub-clause 21.3 and invoiced under clause 22.

21. Duty to Keep Accounts and Provide Estimates

- 21.1 Glenelg Water is not obliged to make any payment to –
- (a) the storage operator under clause 19; and
 - (b) the resource manager under clause 20;
- unless the person to whom the payment is payable chooses to comply with the provisions of this clause relevant to that payment.
- 21.2 Separate accounts of all costs and payments must be kept by –
- (a) the storage operator under clause 19; and
 - (b) the resource manager under clause 20.
- 21.3 Accounts required to be kept under this clause must be made available for inspection by Glenelg Water upon request.
- 21.4 The storage operator must, by 31 March in any year, provide entitlement holders with a detailed estimate of amounts payable in sub-clause 19.1 in the ensuing year.
- 21.5 The resource manager must, by 31 March in any year, provide entitlement holders with an estimate of the amounts payable in sub-clause 20.1 in the ensuing year.

22. Billing Arrangements

Any amount payable by Glenelg Water under –

- (a) clause 19 or 21 must be paid quarterly; and
- (b) clause 20 must be paid annually –

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

Dated 28 May 2004

Responsible Minister

JOHN THWAITES

Minister for Water

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

SCHEDULE 1. WIMMERA-MALLEE SYSTEM**Table 1 – Headworks system**

Reservoirs	Capacity (ML)	Full supply level to Australian Height Datum (metres)
Lake Bellfield	78,550	276.50
Dock Lake	5,900	134.02
Green Lake	5,350	135.70
Lake Fyans	21,090	204.30
Lake Lonsdale	65,550	187.62
Moora Moora Reservoir	6,290	219.95
Rocklands Reservoir	348,310	195.47
Taylors Lake	35,770	146.16
Pine Lake	64,200	143.89
Toolondo Reservoir	106,600	165.93
Lake Wartook	29,360	441.69
Weirs		
Distribution Heads	NA ³	NA
First and Second Wannon Creeks weirs (3x weirs in total)	NA	NA
Fyans Creek diversion weir ¹	NA	NA
Fyans Creek weir/ Radial Gates	NA	NA
Glenorchy weir	NA	NA
Glenelg Diversion Channel Weir	NA	NA
Huddlestons weir	NA	NA
Scrubby Creek inlet (on Moora channel)	NA	NA
Sheepwash weir	NA	NA
Stewarts weir	NA	NA
Trudgeons weir	NA	NA
Transfer channels (including other weirs and associated structures)	Capacity (ML/day)	
Burnt Creek channel	600	NA
Fyans Creek Diversion channel ²		NA
Fyans Inlet channel	200	NA
Fyans Outlet channel	120	NA
Lonsdale Bypass channel	360	NA
Lonsdale-Glenorchy channel/ Main Central Inlet channel	350	NA
Lubeck Loop	245	NA
Moora channel	50	NA
Rocklands Outlet channel	625	NA
Toolondo channel	380	NA
Wimmera Inlet channel	1600	NA

Notes:

1. Diversion weir on Fyans Creek that directs the creek into its present alignment
2. The current alignment of Fyans Creek
3. NA means 'not applicable'

Table 2 – Distribution system

Reservoirs	Capacity (ML)	Full supply level to Australian Height Datum (metres)
Lake Batyo Catyo	3,450	122.24
Weirs		
Mosquito Weir	NA ¹	NA
Rich Avon Weir	NA	NA
Mt Zero channel weir/ Dad 'n Dave weir	NA	NA
Channels (including other weirs and associated structures)	Capacity (ML/day)	
Batyo Catyo Inlet Channel	600	NA
Mt Zero channel	35	NA
Distribution channel system	Various	NA

Notes

1. NA means 'not applicable'

SCHEDULE 2. SHARES OF WATER AVAILABLE**Table 1** Regulated entitlements

AVAILABLE WATER (ML) →	A	B	C	D	E	F	G	H	I	J	K	L	M
	206,290	200,690	190,250	150,430	149,240	118,370	81,830	77,870	75,200	35,180	33,960	28,950	27,680
Entitlement holder	Allocation (ML)												
Wimmera Mallee Water													
D&S supplied by channel	32,210	32,210	32,210	18,680	18,680	12,560	4,510	4,510	4,510	2,400	2,400	1,800	1,800
Distribution losses - channel system	87,830	87,830	87,830	70,960	70,960	59,080	56,950	56,950	56,950	20,000	20,000	17,000	17,000
Supply by agreement ex channel system	2,080	2,080	2,080	1,580	1,570	1,280	480	270	130	130	65	65	-
Supply by agreement ex headworks	5,000	5,000	5,000	3,800	3,770	3,080	1,150	650	310	310	155	155	-
Irrigation supplied by channel	19,000	15,200	11,400	9,500	9,500	4,750	-	-	-	-	-	-	-
Distribution losses - irrigation channel system	9,000	7,200	5,400	4,500	4,500	2,250	-	-	-	-	-	-	-
Glenelg compensation flow	3,300	3,300	3,300	3,300	3,300	3,300	3,300	50	50	50	50	50	-
Recreation	2,000	2,000	2,000	-	-	-	-	-	-	-	-	-	-
Total	160,420	154,820	149,220	112,320	112,280	86,300	66,390	62,430	61,950	22,890	22,670	19,070	18,800
Grampians Water (channel)													
Supplied direct off headworks	930	930	930	930	840	790	700	700	700	600	600	470	470
Horsham supply (into Mt Zero storage)	4,810	4,810	4,810	4,810	4,470	4,300	3,960	3,960	3,960	3,620	3,620	3,110	3,110
Supplied by channel (excl. Horsham)	4,780	4,780	4,780	4,780	4,300	4,060	3,580	3,580	3,580	3,100	3,100	2,390	2,390
Losses within (storage) works	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540
Total	13,060	13,060	13,060	13,060	12,150	11,690	10,780	10,780	10,780	9,860	9,860	8,510	8,510
Coliban Water													
Supplied by channel	290	290	290	290	260	250	220	220	220	190	190	150	150
Losses within (storage) works	160	160	160	160	160	160	160	160	160	160	160	160	160
Total	450	450	450	450	420	410	380	380	380	350	350	310	310
Glenelg Water													
Supplied direct off headworks	120	120	120	120	110	100	90	90	90	80	80	60	60
Environment													
Supplied direct off headworks	32,240	32,240	27,400	24,480	24,280	19,870	4,190	4,190	2,000	2,000	1,000	1,000	-

Table 1 notes

1. Allocations are equal to those shown in column A if the available water is greater than the amount shown in column A.
2. The allocations in column A are maximum 5-year rolling averages, while allocations in all other columns are absolute maximum amounts.

Table 2 Unregulated entitlements

Entitlement	Volume (ML)
Wimmera Mallee Water	
Unregulated licensed diverters	
- Avoca	3381
- Avon/Richardson	101
- Glenelg	48
- Wimmera	2053
Total	5583
Grampians Water	
Unregulated supply from Glenelg River for Harrow	NA ²
Southern Rural Water	
Unregulated licensed diverters	
- Wannon	891
- Glenelg	94
Total	985
Environment	
Additional spill from Northern Mallee Pipeline savings	2450

Table 2 notes

1. The unregulated entitlements in this table are not part of the Wimmera-Mallee system bulk entitlements but are included here to complete the water allocation picture for the Wimmera and Glenelg river basins.
2. Not available – amount to be determined through bulk entitlement negotiation with Grampians Water

SCHEDULE 3. THE RESOURCES THAT COULD BE DIVERTED IN THE CURRENT ALLOCATION YEAR

The general method for determining water available to meet the entitlements in Schedule 2 is –

- Available water in month i = measured total volume in store at the end of month i
- estimate of total dead storage
 - environment's carry-over volume from the previous allocation year, after allowing for the environment's share of storage losses and spills in current allocation year
 - the amount of borrowed water returned to the Minister for Environment under sub-clause 6.1(c) of the flora and fauna bulk entitlement order
 - + an estimate of harvestable inflows and pick-up from end of month i to next November
 - + the amount of water that can be taken into the Wimmera-Mallee system from the Waranga Western Channel.
 - + the measured total amount of water released from headworks from 1 November to end of month i
 - the amount of water to be retained in headworks reservoirs this allocation year to provide for a basic supply next allocation year
 - the estimated headworks system losses from end of month i to next November

SCHEDULE 4. WATER DIVERSIONS FROM THE WIMMERA-MALLEE SYSTEM

This Schedule defines how water diversions from the Wimmera River basin¹ are to be determined and reported for the purpose of the Murray-Darling Basin Cap.

The definition of diversions below is to be used in –

- determining the volume of water diverted in the Wimmera River basin in any given water year (for current, future and for historical diversion records); and
- estimating diversions in computer simulation models of river systems that have been developed to determine cap compliance.

Water year: July to June

Total diversions	= Σ Rural water authority bulk entitlements + Unregulated urban bulk entitlements + Unregulated licences
-------------------------	---

Where:

Diversion components

Rural water authority bulk entitlements	<p>= The sum of all diversions taken under Wimmera Mallee Water's bulk entitlement to supply regulated domestic and stock, irrigation, commercial, industrial, recreation lakes supply by agreement entitlements and bulk supplies to urban water authorities including any distribution system losses, based on meter readings stored on Wimmera Mallee Water's data base and estimates where unmetered.</p> <p>(Includes inter-basin transfers from the Glenelg river basin. Does not include releases made under the flora and fauna bulk entitlement and Glenelg compensation flows.)</p>
Unregulated urban bulk entitlements	<p>= The sum of all diversions taken under Grampians Water's unregulated bulk entitlements to supply towns (part Ararat, Great Western, Halls Gap, Moyston and Stawell and Wickliffe, Lake Bolac, Willaura, Buangor and Elmhurst), based on meter readings stored on Grampians Water's database and estimates where unmetered.</p>
Unregulated licences	<p>= The sum of all licensed diversions to take water for irrigation, commercial, industrial from unregulated streams in the Wimmera River valley, based on meter readings stored on the WMW database and estimates where unmetered.</p> <p>(Includes unregulated licences on the Wimmera River downstream of Glenorchy weir)</p>

¹ For the purposes of the Murray Darling Basin cap, the Wimmera River basin includes the unregulated upper Wimmera, Avon/Richardson and Avoca rivers.

**SCHEDULE 5. OFFTAKE POINTS, TIMING OF SUPPLY AND MAXIMUM RATES OF
TAKING WATER**

Supply system	Waterway/channel	Offtake Point	Time of supply	Maximum rate (ML/d)
Balmoral	Rocklands Reservoir	Dam wall	Continuous	1.64

Water Act 1989

**BULK ENTITLEMENT (WIMMERA AND GLENELG RIVERS –
FLORA AND FAUNA) CONVERSION ORDER 2004**

PART 1 – INTRODUCTORY STATEMENTS

1. Citation
2. Empowering provisions
3. Commencement
4. Definitions

PART 2 – ENTITLEMENT

5. Conversion to a bulk entitlement
6. Bulk entitlement

PART 3 – WATER AVAILABLE

7. The resources that could be diverted in the current allocation year
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PART 4 – GENERAL CONDITIONS AND PROVISIONS

10. Taking water
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14. Wimmera-Mallee Pipeline Project
15. Dispute resolution
16. Environmental flow manager

PART 5 – MONITORING WATER TAKEN

17. Metering program
18. Reporting requirements
19. Data

PART 6 – FINANCIAL OBLIGATIONS

20. Headworks costs
21. Water resource management costs

SCHEDULE 1. WIMMERA-MALLEE SYSTEM

SCHEDULE 2. SHARES OF WATER AVAILABLE

**SCHEDULE 3. THE RESOURCES THAT COULD BE DIVERTED IN THE CURRENT
ALLOCATION YEAR**

SCHEDULE 4. WATER DIVERSIONS FROM THE WIMMERA-MALLEE SYSTEM

**SCHEDULE 5. OFFTAKE POINTS, TIMING AND MAXIMUM RATES OF
ENVIRONMENTAL RELEASES**

SCHEDULE 6. DEFAULT RELEASE PATTERNS

SCHEDULE 7. MANAGING THE CARRYOVER ACCOUNT

The Minister, under the provisions of the **Water Act 1989**, makes the following Order –

PART 1 – INTRODUCTORY STATEMENTS

1. Citation

This Order may be cited as the Bulk Entitlement (Wimmera and Glenelg Rivers – Flora and Fauna) Conversion Order 2003.

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**;

“**Agreement**” means the Murray Darling Basin Agreement;

“**allocation year**” means the 12 months next following 1 November;

“**Avoca basin**” means the area of land designated as Basin Number 8 in the Murray-Darling Drainage Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

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

“**cap model**” means a computer simulation model of the Wimmera-Mallee system approved by the MDBC for the purpose of monitoring compliance with the Murray-Darling Basin cap;

“**compensation flow**” means an annual amount of up to 3,300 ML allocated to Wimmera Mallee Water for the purpose of providing a nominal flow for domestic and stock use and other social and environmental purposes in the Glenelg River downstream of Rocklands Reservoir;

“**dead storage**” means the water stored in reservoirs which the storage operator deems to be inaccessible for release for consumptive use in any given allocation year;

“**Department**” means the Department supporting the Minister administering the **Water Act 1989**;

“**distribution system**” means the system of reservoirs, channels, pipelines and associated structures described in Table 2 of Schedule 1 that distribute water from the headworks system to entitlement holders;

“**distributor**” means the person appointed to operate and maintain the distribution system;

“**entitlement holder**” means a person holding a bulk entitlement under the Act for the Wimmera-Mallee system;

“**environmental flow manager**” means any person, or persons acting jointly, appointed by the Minister to undertake the functions set out in sub-clause 16.2 of this Order;

“**exchange rate**” means the rate, determined by the Minister, at which the reliability varies inversely to the annual entitlement;

“**Glenelg basin**” means the area of land designated as Basin Number 38 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

“**Grampians Water**” means Grampians Region Water Authority;

“headworks system” means the water supply works of the waterways, reservoirs, weirs and transfer channels included in Table 1 of Schedule 1.

“Mallee basin” means the area of land designated as Basin Number 14 in the Murray-Darling Drainage Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

“MDBC” means the Murray Darling Basin Commission, or any business division of the Commission or that Commission's assignee or delegate exercising any relevant function;

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

“Minister for Environment” means the Minister administering the **Conservation, Forests and Lands Act 1987** and includes, in relation to any provision, any person authorised by the Minister for Environment to act on behalf of the Minister for Environment in relation to that provision.

“Murray-Darling Basin cap” means the arrangements introduced by the Murray-Darling Basin Ministerial Council, effective from 1 July 1997, to cap diversions in the Murray-Darling Basin and as defined in Schedule F to the Murray-Darling Basin Agreement;

“offtake point” means any or all of the locations specified in Schedule 5 for taking water under this order;

“resource manager” means any person appointed by the Minister under section 43A of the Act to do all or any of the tasks set out in sub-clause 20.1;

“seasonal allocation” means an entitlement holder's share of the available resources from the Wimmera-Mallee system in a given allocation year;

“reliability” means the statistical probability of being able to supply a given volume of water in any allocation year;

“storage operator” means any person appointed by the Minister under section 43A of the Act to operate the headworks system, to manage or measure the flow into the headworks system or waterway, or to do all or any of them;

“system spill” means flow in the waterway other than that taken by any or all persons -

- (a) holding a bulk entitlement under the Act for the Wimmera-Mallee system; and
- (b) taking water under section 8(1) of the Act;

“waterway” means any or all of -

- (a) the Wimmera River and its tributaries upstream of a point immediately downstream of the confluence with the Mackenzie River, including any reservoirs and weirs;
- (b) the Glenelg River upstream of and including Rocklands Reservoir;
- (c) the First and Second Wannon Creeks upstream of and including the weirs;
- (d) the Avon and Richardson rivers upstream of and including Rich Avon weir; and
- (e) the Avoca River and its anabranch and tributary streams Mosquito Creek, Lalbert Creek and Tyrell Creek, upstream of and including the weirs.

“Wimmera basin” means the area of land designated as Basin Number 15 in the Murray Darling Drainage Division of the Australian Water Resources Council's Australian Continental Drainage Divisions;

“Wimmera Mallee Water” means Wimmera Mallee Rural Water Authority;

“Wimmera-Mallee system” means the waterway and headworks and distribution systems;

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

PART 2 – ENTITLEMENT**5. Conversion to a Bulk Entitlement**

The Minister for Environment's entitlement to water from the Wimmera-Mallee system is converted to a bulk entitlement on the conditions set out in this Order.

6. Bulk Entitlement

6.1 The Minister for Environment is entitled to –

- (a) the Minister for Environment's share as described in this bulk entitlement order, of the water available to meet the entitlements in Schedule 2;
- (b) all other surface water resources in the Wimmera-Mallee system except for –
 - (i) any permissible annual volume declared by the Minister under section 22A of the Act;
 - (ii) any water allocated under Part 4 of the Act; and
 - (iii) any water taken by persons under section 8(1) of the Act; and
- (c) a one-off amount of 5,532 ML, due when the total amount held in headworks storages next reaches 350,000 ML after the date of commencement of this Order;

for the purpose of maintaining the environmental values of rivers in the Wimmera, Glenelg, Avoca and Mallee basins and other water services dependent on the environmental condition of these rivers.

6.2 The water available to meet the entitlements of Schedule 2 is the lower of –

- (a) the resources that could be diverted from the Wimmera-Mallee system in the current allocation year; and
- (b) the water allowed to the Wimmera-Mallee system under the Murray-Darling Basin cap; as determined by the storage operator in accordance with the provisions set out in Part 3.

6.3 In addition to its entitlement in Schedule 2, the Minister for Environment is entitled to any system spill.

PART 3 – WATER AVAILABLE**7. The Resources that could be Diverted in the Current Allocation Year**

7.1 The storage operator must, in determining seasonal allocations, make an assessment of the resources that could be –

- (a) diverted from the Wimmera-Mallee system in the current allocation year; and
- (b) taken into the Wimmera-Mallee system from another river basin under another entitlement or agreement with another authority;

using the method outlined in Schedule 3.

7.2 In making the assessment in sub-clause 7.1, the storage operator must

- (a) reach agreement with all entitlement holders on the method used to calculate –
 - (i) the estimated harvestable inflows and pick-up;
 - (ii) the amount of water to be retained in headworks reservoirs in the current allocation year to provide for a basic supply in the next allocation year;
 - (iii) the amount held in the flora and fauna carryover account;
 - (iv) the estimates of losses; and
 - (v) the estimated dead storage; and
- (b) make available to all entitlement holders the information used to apply the method.

8. Applying the Murray-Darling Basin Cap

- 8.1 If the volumes of water diverted each year in Victoria from the Wimmera-Mallee system as determined in accordance with Schedule 4 increase in comparison to the annual volumes that would have been diverted under 1993/94 levels of development as estimated by the cap model, and the volume of accumulated over-runs less under-runs approaches –
- (a) the limit established in the Agreement;
- or, in the absence of any limit in the Agreement,
- (b) a limit of 20% of the long-term average annual Wimmera-Mallee system diversions under 1993/94 levels of development, as estimated by the cap model –
- then action must be taken in accordance with this clause.
- 8.2 The Wimmera-Mallee system entitlement holders must jointly recommend to the Minister such appropriate action to avoid the limit being reached as they see fit, and the Minister may approve such action, with any modifications the Minister considers necessary.
- 8.3 If no appropriate action is approved by the Minister under sub-clause 8.2 –
- (a) If the volume of accumulated overruns less underruns reaches 15% of long-term average annual Wimmera-Mallee system diversions, in the following allocation year the water allowed to the Wimmera-Mallee system under the Murray Darling Basin cap is deemed to be:
 - (i) subject to sub-paragraph (ii), the resources that could be diverted by the Wimmera-Mallee system in that allocation year, less a volume equal to 7% of long-term average annual Wimmera-Mallee system diversions; and
 - (ii) the minimum to be the water required for allocations corresponding to 90% of full entitlements; and
 - (b) If the volume of accumulated overruns less underruns reaches 20% of long-term average annual Wimmera-Mallee system diversions, in the following allocation year the water allowed to the Wimmera-Mallee system under the Murray Darling Basin cap is deemed to be the same as in paragraph (a), except that the minimum in sub-paragraph (ii) is deemed to be the water required for an allocation of 80% of full entitlements.

9. Making Seasonal Allocations

- 9.1 In November and in each subsequent month until the maximum allocation for entitlements in Schedule 2 is reached, or at such other times as the storage operator believes it to be required, the storage operator must determine the water available to meet the entitlements in Schedule 2, and the Minister for Environment's share of that water in accordance with the following steps.
- 9.2 The storage operator must –
- (a) determine the resources that could be diverted from the Wimmera-Mallee system in accordance with clause 7; and
 - (b) take the lower of –
 - (i) the resources that could be diverted from the Wimmera-Mallee system as determined in clause 7; and
 - (ii) the amount of water allowed to the Wimmera-Mallee system under the Murray Darling Basin cap as determined in clause 8;to determine the water available to meet the entitlements in Schedule 2.
 - (c) use the amount of water available as determined in paragraph (b) to determine the seasonal allocation to the Minister for Environment and to other entitlement holders from Table 1 of Schedule 2; and

- (d) inform the Minister for Environment and other entitlement holders of the seasonal allocation determined under sub-clause (c), and at the same time make available the method and calculations and any other information used to determine the seasonal allocation.
- 9.3 The storage operator may make the first seasonal allocation as early as September if requested by one or more entitlement holders, with any water taken by an entitlement holder before November deemed to be taken within the next allocation year.

PART 4 – GENERAL CONDITIONS AND PROVISIONS

10. Taking Water

- 10.1 The Minister for Environment may release water to which he or she is entitled under this Order at –
- (a) the offtake points, and at the rates and times specified in Schedule 5; or
 - (b) such other off-take points, rates and times as are, at the request of the Minister for Environment, agreed to in writing by the storage operator or the distributor as the case may be, after taking the interests of all entitlement holders into account.
- 10.2 For the purpose of clause 6, the water released by the Minister for Environment is the total volume of water taken at the off-take points referred to in sub-clause 10.1.

11. Amendments

- 11.1 Schedule 2 may, in accordance with section 64G of the Act, be amended periodically by the Minister to take account of any permanent transfers or any conversions of primary entitlements, including transfers or conversions resulting from –
- (a) re-allocation of water savings from –
 - (i) the Wimmera-Mallee Pipeline Project; and
 - (ii) any other works in the headworks or distribution systems; and
 - (b) water trades.
- 11.2 The entitlement holders may jointly propose an amendment to –
- (a) any clauses in Part 3 if practical operations indicate a need for variation;
 - (b) Schedule 3 to revise the method for calculating the water available to meet the entitlements in Schedule 2 to take account of updated hydrological information or techniques; and
 - (c) Schedule 4 to revise the method for calculating the water diversions under the Murray-Darling Basin cap to take account of updated hydrological information or techniques.
- 11.3 The Minister for Environment, after consultation with the storage operator, may propose an amendment to –
- (a) the offtake points, amounts of water, and rates of taking water specified in Schedule 5, to reflect changes in the needs of flora and fauna for water;
 - (b) the default operating plan in Schedule 6; and
 - (c) the rules for managing the carryover account in Schedule 7.
- 11.4 An application made under sub-clauses 11.2 and 11.3 must explain the reasons for the proposed amendment and the likely implications for entitlement holders.
- 11.5 The Minister may –
- (a) approve an amendment proposed under sub-clauses 11.2 and 11.3; or
 - (b) require the proponent to amend the proposal; or
 - (c) at any time require the entitlement holders to make a joint proposal under sub-clause 11.2 or the Minister for Environment to make a proposal under sub-clause 11.3, if in the Minister's opinion, it is necessary to make an amendment of the kinds referred to in sub-clauses 11.2 and 11.3.

12. Operating Plan

- 12.1 The primary objective for management of the flora and fauna entitlement is to achieve maximum benefits for biodiversity conservation in the rivers, streams and wetlands in the Wimmera and Glenelg basins affected by the Wimmera-Mallee system.
- 12.2 The distribution of the flora and fauna entitlement between the Wimmera and Glenelg basins must –
- (a) be based on the best available scientific advice on the ecological benefits of environmental releases; and
 - (b) achieve the greatest ecological benefit to the region for the flora and fauna entitlement.
- 12.3 Within six months of the start of this Order, the Minister for Environment must propose to the Minister the environmental operating plan for the release of water under this entitlement to meet the requirements of sub-clauses 12.1 and 12.2.
- 12.4 The Minister may –
- (a) approve the plan proposed under sub-clause 12.3; or
 - (b) require the Minister for Environment to amend the proposed plan; or
 - (c) not approve the proposed plan.
- 12.5 The Minister may, at any time, require the Minister for Environment to –
- (a) review the plan approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (b) propose an amended plan to the Minister.
- 12.6 The Minister for Environment must prepare the operating plan in consultation with the storage operator.
- 12.7 The operating plan may include, but is not limited to –
- (a) detailed objectives to be achieved by the flora and fauna entitlement;
 - (b) roles and responsibilities under the operating plan;
 - (c) a set of priority based flow regimes to be met from the flora and fauna entitlement after accounting for any other flows having environmental benefit that are –
 - (i) released by the storage operator under another entitlement;
 - (ii) released by the storage operator as part of routine operation of the headworks system; and
 - (iii) caused by system spills;
 - (d) the location of each release point and the associated operating constraints;
 - (e) risk management planning;
 - (f) provision for operational flexibility, including operation of the carry-over account and borrowing arrangements under clause 13;
 - (g) detailed arrangements for monitoring the ecological benefits of the flora and fauna entitlement;
 - (h) reporting arrangements;
 - (i) provision for review of the plan;
 - (j) funding arrangements for implementing the plan; and
 - (k) consultation undertaken in the development of the plan.
- 12.8 If an operating plan has not been approved by the Minister under paragraph 12.4(a), then the storage operator must release the flora and fauna entitlement in accordance with the default operating plan specified in Schedule 6.
- 12.9 The Minister may, from time to time, require the Minister for Environment to report in writing on the implementation of the operating plan approved under sub-clause 12.4.

13. Carryover Account and Borrowing Arrangements

- 13.1 The Minister for Environment may direct the storage operator to store all or part of the Minister for Environment's seasonal allocation calculated in clause 9 in the flora and fauna carryover account.
- 13.2 The rules for managing the flora and fauna carryover account are set out in Schedule 7.
- 13.3 The Minister for Environment may instruct the storage operator to release any water held in the carryover account in accordance with the annual operating plan prepared under sub-clause 12.3.
- 13.4 The Minister for Environment may borrow part of the flora and fauna entitlement for next allocation year to take in the current allocation year.
- 13.5 The rules for borrowing are set out in Schedule 7.

14. Wimmera-Mallee Pipeline Project

- 14.1 The Minister may amend this Order in accordance with section 44 of the Act to make it consistent with any recommendations of the Detailed Design and Review of Business Case for the Wimmera-Mallee Pipeline Project once endorsed by the Minister.

15. Dispute Resolution

- 15.1 If any difference or dispute arises between the Minister for Environment, the Minister, and with their consent, other entitlement holders, the storage operator, 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.
- 15.2 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 President of the Institute of Arbitrators, Australia.
- 15.3 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.
- 15.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 15.5 In any difference or dispute to which the Minister is a party –
 - (a) the independent expert must express the conclusion as a recommendation; and
 - (b) the Minister must consider any recommendation made under paragraph (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.
- 15.6 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.
- 15.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, are at the discretion of the independent expert.

16. Environmental Flow Manager

- 16.1 The Minister for Environment may appoint an environmental flow manager.
- 16.2 The environmental flow manager must act on the Minister for Environment's behalf in relation to any of the provisions of this entitlement.

PART 5 – MONITORING WATER TAKEN**17. Metering Program**

- 17.1 The Minister for Environment must propose to the Minister within 12 months of the commencement of this Order, a metering program to demonstrate the Minister for Environment's compliance with this Order.
- 17.2 A proposal under sub-clause 17.1 must include details of any existing or proposed arrangements made by the Minister for Environment for any person other than the Minister for Environment to measure or to calculate flows.
- 17.3 The Minister may –
- (a) approve a program proposed under sub-clause 17.1; or
 - (b) require the Minister for Environment to amend the proposed program; or
 - (c) not approve the proposed program.
- 17.4 The Minister may, at any time, require the Minister for Environment to –
- (a) review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (b) propose an amended program to the Minister.
- 17.5 The Minister for Environment must, at its cost and in accordance with any guidelines issued from time to time by the Minister –
- (a) implement and maintain any metering program approved by the Minister; and
 - (b) maintain metering equipment and associated measurement structures in good condition; and
 - (c) ensure that metering equipment is periodically re-calibrated; and
 - (d) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary, revised; and
 - (e) keep a record of all work undertaken under paragraphs (b), (c) and (d).

18. Reporting Requirements

- 18.1 The Minister for Environment 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 at each of the offtake points;
 - (b) the annual amount of water taken under this entitlement at each of the offtake points;
 - (c) the location of any new offtake points agreed under sub-clause 10.1 and the amount of water taken there;
 - (d) the seasonal allocation to the Minister for Environment under this Order;
 - (e) the approval, amendment and implementation of the metering program approved under sub-clause 17.3;
 - (f) any change made to the reliability and the annual entitlement under Schedule 2;
 - (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 Minister for Environment;
 - (i) any amendment to this Order;
 - (j) any new bulk entitlement granted to the Minister for Environment with respect to the Wimmera-Mallee system;
 - (k) any failure by the Minister for Environment to comply with any provision of this Order;
 - (l) any existing or anticipated difficulties experienced by the Minister for Environment in complying with this Order and any remedial action taken or proposed.

- 18.2 The Minister may require the Minister for Environment to report on all or any of the matters set out in sub-clause 18.1-
- (a) in writing, or in such electronic form as may be agreed between Minister for Environment and the Minister; and
 - (b) within 14 days of receiving the Minister's written request or such longer period as the Minister may determine.
- 18.3 The Minister for Environment must, for the period of the preceding year, ensure that his/her Department reports in its Annual Report on each of the matters referred to in sub-clause 18.1, except paragraph (a), and with the approval of the Minister any particular failure referred to in paragraph (l).
- 19. Data**
- 19.1 Subject to sub-clause 17.5, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Minister for Environment to comply with this Order are made available to Minister for Environment.
- 19.2 The Minister for Environment must make available to any person data collected by or on behalf of the Minister for Environment for the purpose of clause 17 or 18 subject to the person paying any fair and reasonable access fee imposed by the Minister for Environment to cover the costs of making the data available to that person.

PART 6 – FINANCIAL OBLIGATIONS

20. Headworks Costs

- 20.1 The Minister for Environment does not have to make any payment for headworks costs relating to this Order.

21. Water Resource Management Costs

- 21.1 The Minister for Environment does not have to make any payment for water resource management costs incurred by the resource manager to –
- (a) prepare water accounts for the Wimmera, Avoca, and Glenelg basins; and
 - (b) monitor whether entitlement holders in the Wimmera and Glenelg basins comply with the conditions of their bulk entitlements; and
 - (c) investigate and mediate disputes between entitlement holders in the Wimmera, Avoca and Glenelg basins; and
 - (d) investigate and deal with significant unauthorised uses of water in the Wimmera, Avoca and Glenelg basins; and
 - (e) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act

Dated 28 May 2004

Responsible Minister

JOHN THWAITES

Minister for Water

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

SCHEDULE 1. WIMMERA-MALLEE SYSTEM**Table 1** – Headworks system

Reservoirs	Capacity (ML)	Full supply level to Australian Height Datum (metres)
Lake Bellfield	78,550	276.50
Dock Lake	5,900	134.02
Green Lake	5,350	135.70
Lake Fyans	21,090	204.30
Lake Lonsdale	65,550	187.62
Moora Moora Reservoir	6,290	219.95
Rocklands Reservoir	348,310	195.47
Taylor's Lake	35,770	146.16
Pine Lake	64,200	143.89
Toolondo Reservoir	106,600	165.93
Lake Wartook	29,360	441.69
Weirs		
Distribution Heads	NA ³	NA
First and Second Wannon Creeks weirs (3x weirs in total)	NA	NA
Fyans Creek diversion weir ¹	NA	NA
Fyans Creek weir/ Radial Gates	NA	NA
Glenorchy weir	NA	NA
Glenelg Diversion Channel Weir	NA	NA
Huddlestons weir	NA	NA
Scrubby Creek inlet (on Moora channel)	NA	NA
Sheepwash weir	NA	NA
Stewarts weir	NA	NA
Trudgeons weir	NA	NA
Transfer channels (including other weirs and associated structures)	Capacity (ML/day)	
Burnt Creek channel	600	NA
Fyans Creek Diversion channel ²		NA
Fyans Inlet channel	200	NA
Fyans Outlet channel	120	NA
Lonsdale Bypass channel	360	NA
Lonsdale-Glenorchy channel/ Main Central Inlet channel	350	NA
Lubeck Loop	245	NA
Moora channel	50	NA
Rocklands Outlet channel	625	NA
Toolondo channel	380	NA
Wimmera Inlet channel	1600	NA

Notes

1. Diversion weir on Fyans Creek that directs the creek into its present alignment
2. The current alignment of Fyans Creek
3. NA means 'not applicable'

Table 2 – Distribution system

Reservoirs	Capacity (ML)	Full supply level to Australian Height Datum (metres)
Lake Batyo Catyo	3,450	122.24
Weirs		
Mosquito Weir	NA ¹	NA
Rich Avon Weir	NA	NA
Mt Zero channel weir/ Dad 'n Dave weir	NA	NA
Channels (including other weirs and associated structures)	Capacity (ML/day)	
Batyo Catyo Inlet Channel	600	NA
Mt Zero channel	35	NA
Distribution channel system	Various	NA

Notes

1. NA means 'not applicable'

SCHEDULE 2. SHARES OF WATER AVAILABLE**Table 1** Regulated entitlements

AVAILABLE WATER (ML) →	A	B	C	D	E	F	G	H	I	J	K	L	M
	206,290	200,690	190,250	150,430	149,240	118,370	81,830	77,870	75,200	35,180	33,960	28,950	27,680
Entitlement holder	Allocation (ML)												
Wimmera Mallee Water													
D&S supplied by channel	32,210	32,210	32,210	18,680	18,680	12,560	4,510	4,510	4,510	2,400	2,400	1,800	1,800
Distribution losses - channel system	87,830	87,830	87,830	70,960	70,960	59,080	56,950	56,950	56,950	20,000	20,000	17,000	17,000
Supply by agreement ex channel system	2,080	2,080	2,080	1,580	1,570	1,280	480	270	130	130	65	65	-
Supply by agreement ex headworks	5,000	5,000	5,000	3,800	3,770	3,080	1,150	650	310	310	155	155	-
Irrigation supplied by channel	19,000	15,200	11,400	9,500	9,500	4,750	-	-	-	-	-	-	-
Distribution losses - irrigation channel system	9,000	7,200	5,400	4,500	4,500	2,250	-	-	-	-	-	-	-
Glenelg compensation flow	3,300	3,300	3,300	3,300	3,300	3,300	3,300	50	50	50	50	50	-
Recreation	2,000	2,000	2,000	-	-	-	-	-	-	-	-	-	-
Total	160,420	154,820	149,220	112,320	112,280	86,300	66,390	62,430	61,950	22,890	22,670	19,070	18,800
Grampians Water (channel)													
Supplied direct off headworks	930	930	930	930	840	790	700	700	700	600	600	470	470
Horsham supply (into Mt Zero storage)	4,810	4,810	4,810	4,810	4,470	4,300	3,960	3,960	3,960	3,620	3,620	3,110	3,110
Supplied by channel (excl. Horsham)	4,780	4,780	4,780	4,780	4,300	4,060	3,580	3,580	3,580	3,100	3,100	2,390	2,390
Losses within (storage) works	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540
Total	13,060	13,060	13,060	13,060	12,150	11,690	10,780	10,780	10,780	9,860	9,860	8,510	8,510
Coliban Water													
Supplied by channel	290	290	290	290	260	250	220	220	220	190	190	150	150
Losses within (storage) works	160	160	160	160	160	160	160	160	160	160	160	160	160
Total	450	450	450	450	420	410	380	380	380	350	350	310	310
Glenelg Water													
Supplied direct off headworks	120	120	120	120	110	100	90	90	90	80	80	60	60
Environment													
Supplied direct off headworks	32,240	32,240	27,400	24,480	24,280	19,870	4,190	4,190	2,000	2,000	1,000	1,000	-

Table 1 notes

1. Allocations are equal to those shown in column A if the available water is greater than the amount shown in column A.
2. The allocations in column A are maximum 5-year rolling averages, while allocations in all other columns are absolute maximum amounts.

Table 2 Unregulated entitlements

Entitlement	Volume (ML)
Wimmera Mallee Water	
Unregulated licensed diverters	
- Avoca	3381
- Avon/Richardson	101
- Glenelg	48
- Wimmera	2053
Total	5583
Grampians Water	
Unregulated supply from Glenelg River for Harrow	NA ²
Southern Rural Water	
Unregulated licensed diverters	
- Wannon	891
- Glenelg	94
Total	985
Environment	
Additional spill from Northern Mallee Pipeline savings	2450

Table 2 notes

1. The unregulated entitlements in this table are not part of the Wimmera-Mallee system bulk entitlements but are included here to complete the water allocation picture for the Wimmera and Glenelg river basins.
2. Not available – amount to be determined through bulk entitlement negotiation with Grampians Water

SCHEDULE 3. THE RESOURCES THAT COULD BE DIVERTED IN THE CURRENT ALLOCATION YEAR

The general method for determining water available to meet the entitlements in Schedule 2 is –

- Available water in month i = measured total volume in store at the end of month i
- estimate of total dead storage
 - environment's carry-over volume from the previous allocation year, after allowing for the environment's share of storage losses and spills in current allocation year
 - the amount of borrowed water returned to the Minister for Environment under sub-clause 6.1(c) of the flora and fauna bulk entitlement order
 - + an estimate of harvestable inflows and pick-up from end of month i to next November
 - + the amount of water that can be taken into the Wimmera-Mallee system from the Waranga Western Channel.
 - + the measured total amount of water released from headworks from 1 November to end of month i
 - the amount of water to be retained in headworks reservoirs this allocation year to provide for a basic supply next allocation year
 - the estimated headworks system losses from end of month i to next November

SCHEDULE 4. WATER DIVERSIONS FROM THE WIMMERA-MALLEE SYSTEM

This Schedule defines how water diversions from the Wimmera River basin¹ are to be determined and reported for the purpose of the Murray-Darling Basin Cap.

The definition of diversions below is to be used in –

- determining the volume of water diverted in the Wimmera River basin in any given water year (for current, future and for historical diversion records); and
- estimating diversions in computer simulation models of river systems that have been developed to determine cap compliance.

Water year: July to June

Total diversions	= Σ Rural water authority bulk entitlements + Unregulated urban bulk entitlements + Unregulated licences
-------------------------	---

Where:

Diversion components

Rural water authority bulk entitlements	<p>= The sum of all diversions taken under Wimmera Mallee Water's bulk entitlement to supply regulated domestic and stock, irrigation, commercial, industrial, recreation lakes supply by agreement entitlements and bulk supplies to urban water authorities including any distribution system losses, based on meter readings stored on Wimmera Mallee Water's data base and estimates where unmetered.</p> <p>(Includes inter-basin transfers from the Glenelg river basin. Does not include releases made under the flora and fauna bulk entitlement and Glenelg compensation flows.)</p>
Unregulated urban bulk entitlements	<p>= The sum of all diversions taken under Grampians Water's unregulated bulk entitlements to supply towns (part Ararat , Great Western, Halls Gap, Moyston and Stawell and Wickliffe, Lake Bolac, Willaura, Buangor and Elmhurst), based on meter readings stored on Grampians Water's database and estimates where unmetered.</p>
Unregulated licences	<p>= The sum of all licensed diversions to take water for irrigation, commercial, industrial from unregulated streams in the Wimmera River valley, based on meter readings stored on the WMW database and estimates where unmetered.</p> <p>(Includes unregulated licences on the Wimmera River downstream of Glenorchy weir)</p>

¹ For the purposes of the Murray Darling Basin cap, the Wimmera River basin includes the unregulated upper Wimmera, Avon/Richardson and Avoca rivers.

SCHEDULE 5. OFFTAKE POINTS, TIMING AND MAXIMUM RATES OF ENVIRONMENTAL RELEASES

Waterway	Offtake Point	Timing of supply	Maximum rate (ML/d)
Avoca River	Mosquito Creek weir	To be determined as part of the operating plan	To be determined as part of the operating plan
Bungalally Creek	Burnt Creek		
Burnt Creek	Distribution Heads		
	Toolondo channel		
Fyans Creek	Lake Bellfield outlet		
	Fyans Creek weir		
Glenelg River	Rocklands Reservoir outlet		
	5 Mile offtake		
	12 Mile offtake		
MacKenzie River	Lake Wartook outlet		
	Dad 'n Dave weir		
	Distribution Heads		
First and Second Wannon Creeks	3 weirs		
Mt William Creek	Lake Lonsdale outlet		
	Sheepwash weir		
	Stewarts weir		
	Trudgeon weir		
Richardson River	Rich Avon weir		
Wimmera River	Glenorchy weir		
	Huddleston weir		
	Big Drop		
	Outlet from Taylors Lake channel		
Yarriambiack Creek	Weir at Wimmera Highway		

SCHEDULE 6. DEFAULT RELEASE PATTERNS**Background**

- Operational Plan needs to be developed and endorsed by the Minister by 1 November each year for the following 12 months
- It has been traditionally difficult to gain agreement on the sharing arrangements
- The release of environmental flows in some years has been significantly delayed
- Environmental flow objectives have not been met hence an increased risk on the ecology of the river systems

Default Rules

- Rules to apply when the operational plan has not been endorsed by 1 November
- Potential issue with the 1 November date as WMW make the decision on allocation on 1 November and time is needed to prepare the Operational Plan
- Release pattern for each river system can be altered by the environmental manager, in consultation with DSE and CMA (environmental/river health issues) and WMW (operational issues)
- The share of environmental water between the two river systems will be altered only on agreement between the Wimmera and Glenelg communities
- This schedule can be altered by the Minister prior to 1 November (adaptive management/monitoring could indicate that the patterns need to be altered)
- Any environmental water stored in carry-over if the total volume available is greater than the allocation for that year will not be released unless it is likely that the trigger rules for losing any available carry-over will be reached. In such cases any environmental water that would be lost shall be shared equally between the two river basins
- Any environmental water held in carry-over as a drought reserve shall be added to the total water available for that year and released according to the attached release rates

Default Release Patterns (examples provided only)

- Default rules need to cover a range of quantities of available environmental water
- Assumption that water can be delivered to both Glenelg and Wimmera rivers
- Need to define release points/environmental reaches (i.e. Wimmera River downstream of Huddlestons Weir)

If available environmental water is greater than 34,690 ML, and carry-over likely to be lost then:

- release 32,240 ML from headworks in accordance with flow pattern below except
- release a winter flush in both river systems up to the volume of water that would be potentially lost
- 50:50 share of carry-over water between Glenelg and Wimmera systems

If available environmental water is 34,690 ML, then release 32,240 ML from headworks

System	Nov (30)	Dec (31)	Jan (31)	Feb (28)	Mar (31)	Apr (30)	May (31)	Jun (30)	Jul (31)	Aug (31)	Sept (30)	Oct (31)
Glenelg	60 but 5 days at 130	30	30	30	30	30	30	30	30	45	60	60
Wimmera	60 but 5 days of 164	65	30	6 but 7 days of 16	0	6 but 7 days of 16	6 but 7 days of 16	30	60	60	60 but 5 days of 164	60 but 5 days of 164
McKenzie	5	5	5 but 7 days of zero	5 but 7 days of zero	5 but 7 days of zero	5	5	5	5 but 7 days of 37	5 but 7 days of 37	5 but 7 days of 37	5 but 7 days of 37
Burnt Creek	1	1	0	0	0	1	2	2 but 10 ML/d for 5 days	2 but 10 ML/d for 5 days	2 but 10 ML/d for 5 days	2 but 10 ML/d for 5 days	2 but 10 ML/d for 5 days
Total	4650	3131	1980	1128	1050	1372	1445	2050	3269	3734	4594	4659

If available environmental water is 15,000 ML (available from headworks), then

- Provision of minimum flows only (no significant freshes)
- Intention to provide basic habitat in 3 high priority river systems
- Monitoring has shown that Wimmera responds better to high flows early in season with lower to zero flows after late summer
- Flows for Glenelg in addition to compensation flow

System	Nov (30)	Dec (31)	Jan (31)	Feb (28)	Mar (31)	Apr (30)	May (31)	Jun (30)	Jul (31)	Aug (31)	Sept (30)	Oct (31)
Glenelg	30 but 75 for 10 days	30	30	30	30	30	30	0	0	0	0	0
Wimmera	75	65	65	30	0	0	0	0	0	0	0	0
McKenzie	5	5	5 but 7 days of zero	5 but 7 days of zero	5 but 7 days of zero	5	5	0	0	0	0	0
Total	3750	3095	3065	1785	1050	1050	1080	0	0	0	0	0

If available environmental water is less than 6000 ML (available from headworks), then

- First 600 ML to McKenzie (preference for a trickle flow rather than freshes)
- Remaining water to Glenelg
- No flow provided to the Wimmera

System	Nov (30)	Dec (31)	Jan (31)	Feb (28)	Mar (31)	Apr (30)	May (31)	Jun (30)	Jul (31)	Aug (31)	Sept (30)	Oct (31)
Glenelg	30	30	30	30	30	20	0	0	0	0	0	0
Wimmera	0	0	0	0	0	0	0	0	0	0	0	0
McKenzie	5	5	5 but 7 days of zero	5 but 7 days of zero	5 but 7 days of zero	5	0	0	0	0	0	0
Total	1050	1085	1060	955	1060	750	0	0	0	0	0	0

SCHEDULE 7. MANAGING THE CARRYOVER ACCOUNT**Objective**

The objective of any rules for managing the carryover account is to allow the Minister for Environment to manage the Flora and Fauna entitlement to achieve optimal ecological outcomes for the environment without diminishing any other entitlements.

Accounting

Water held in the carryover account is accounted for as part of the total amount of water held in headworks reservoirs and is not attributed to any one reservoir.

Releases

Release of any water held in the carryover account is to be managed as part of the operating plan.

Upper limit rule

Subject to the spill rule, there is no upper limit on the amount that can be held in the flora and fauna carryover account at any time.

Spill rule

For the purpose of this Schedule, the Wimmera-Mallee system is considered to spill when –

- (a) Rocklands Reservoir is spilling; and
- (b) the total amount held in the headworks reservoirs is at least 95% of the operational capacity of the headworks reservoirs.

If the Wimmera-Mallee system spills –

- (a) the carryover account must not be adjusted by the storage operator if the amount held is no more than 10,000 ML; or
- (b) the storage operator must reduce the carryover account by the amount of spill until the amount held is equal to 10,000 ML.

Evaporation losses

The storage operator may each allocation year reduce the amount held in the carryover account by an amount calculated by the storage operator to be a fair proportion of evaporation loss from all headworks reservoirs for the whole or part of that allocation year as the case may be.

Borrowing rule

The Minister for Environment may borrow water from the water stored in headworks reservoirs in any allocation year and at no cost, subject to –

- (a) the purpose of the borrowing is to meet environmental flow objectives in the Glenelg and or Wimmera rivers;
 - (b) the amount borrowed does not affect the security of other entitlement holders;
 - (c) the total amount held in headworks reservoirs by Wimmera Mallee Water must be more than 80% of the total capacity of the headworks reservoirs;
 - (d) the amount of water borrowed does not exceed 80% of the environment's allocation for that allocation year;
 - (e) the release arrangements for the borrowed water are included in the operating plan for that allocation year; and
 - (f) the storage operator must deduct the full borrowed amount from the Minister for Environment's allocation in the next allocation year.
-

WIMMERA-MALLEE WATER ENTITLEMENTS PROJECT

Explanatory note to the Wimmera-Mallee bulk entitlement orders

May 2004

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APPENDIX 1

Other Government Policy Requirements on Water for the Environment

APPENDIX 2

Derivation of Schedule 2

INTRODUCTION

This background has been prepared to explain the basis and intent of the Wimmera-Mallee system bulk entitlements –

Bulk Entitlement (Wimmera and Glenelg Rivers – Wimmera Mallee Water) Conversion Order 2004;

Bulk Entitlement (Wimmera and Glenelg Rivers – Grampians Water) Conversion Order 2004;

Bulk Entitlement (Wimmera and Glenelg Rivers – Coliban Water) Conversion Order 2004;

Bulk Entitlement (Wimmera and Glenelg Rivers – Glenelg Water) Conversion Order 2004;

Bulk Entitlement (Wimmera and Glenelg Rivers – Flora and Fauna) Conversion Order 2004;

Objectives

The purpose of these bulk entitlements is to convert the existing rights of authorities and the environment to water in the Wimmera-Mallee system to clearly defined entitlements, in order to –

- (a) protect the environment
- (b) protect existing rights to water
- (c) codify rules about how water will be shared in droughts
- (d) provide a basis for re-allocation of entitlements from water savings projects
- (e) provide a basis for trade of entitlements to higher value uses
- (f) implement the cap on diversions established by the Murray-Darling Basin Ministerial Council

Victorian water allocation framework

The Victorian water allocation framework is set out in the **Water Act 1989** and is designed to –

- ensure the environmental needs of the river or stream are part of any water allocation decisions;
- provide all holders of water entitlements with a clear understanding of their rights and responsibilities;
- ensure that the actions of one or a group of entitlement holders do not affect the rights of others;
- provide certainty for water users e.g. share of resources in a drought;
- enable community involvement in water resource planning and water allocations; and
- allow for entitlements to be traded to higher uses.

The framework is based on a set of legal entitlements to water in which the Crown has the right to the control and use of all groundwater and surface water in a waterway. The Minister has the ability to allocate water to authorities under bulk entitlements. Individuals are allocated rights to water by the Minister (licences for groundwater and surface water), by authorities (irrigation water rights) and also as ‘private’ rights. For the past decade, Government has been progressively converting authorities’ existing poorly-defined rights into formal bulk entitlements.

Benefits of the bulk entitlements to all stakeholders

Bulk entitlements benefit all stakeholders by providing –

- clear specification of entitlements to water in terms of the quantity and reliability and cost,
- protection from entitlements being diminished by the actions of others under the pressure of increasing needs for water and new entrants;
- a baseline against which to measure the benefits and costs of proposed changes to infrastructure or the way the system is operated;
- the framework for re-allocation of water through water markets;

- an agreed set of rules for sharing of water resources during shortages;
- for transparency in the calculation of seasonal water allocations;
- for the involvement of entitlement holders in any water resource planning activities for the Wimmera-Mallee system.

Benefits of the bulk entitlements to water authorities

Bulk entitlements benefit water authorities by providing –

- certainty about the authorities' rights to water and their obligations,
- a framework for planning for authorities' future water needs;
- for transparency in the calculation of authorities' seasonal water allocations and share of costs; and
- a clear and unambiguous framework for making water allocation decisions.

Benefits of the bulk entitlements to the environment

The Wimmera-Mallee system bulk entitlements benefit the environment by –

- (a) Ensuring that all water users in the Wimmera-Mallee system manage within their bulk entitlements.
- (b) Requiring that any proposal to increase water use is subject to the provisions in the **Water Act 1989** for a new bulk entitlement or for amendment of an existing entitlement. These provisions include a requirement for comprehensive environmental assessment.
- (c) Creating an entitlement framework which –
 - will ensure that changes to the system (for example new operating rules or re-allocation of entitlements) do not undermine the reliability of the flora and fauna entitlement; and
 - allows for future re-allocations of water savings from infrastructure changes (e.g. pipelining) to the environment and other users.
- (d) For the first time, providing a clear understanding of the environmental needs of the river through the environmental assessment undertaken as part of the Water Entitlements Project.
- (e) Clearly quantifying the 34,690 ML flora and fauna entitlement, including an equitable share of resources under all conditions of water shortages.
- (f) Providing a carry-over facility in the flora and fauna entitlement. This will allow the environmental manager to build up a drought reserve.
- (g) Providing for development of an operating plan which will allow for adaptive management of the flora and fauna entitlement to achieve optimal environmental outcomes in both the Glenelg and Wimmera rivers. The plan also allows operational releases to be harmonised with flora and fauna releases.
- (h) Establishing management arrangements for the flora and fauna entitlement
- (i) Establishing compliance arrangements for all water users including the environment.

General structure of the entitlements

There are five Wimmera-Mallee system bulk entitlements and they are all similar and interconnected. Bulk entitlement orders have been granted to –

- Wimmera Mallee Water
- Grampians Water
- Coliban Water
- Glenelg Water

- Minister for Environment – the flora and fauna (environment's) bulk entitlement

They are structured around a 'resource sharing' approach in which the available water in the system, calculated each allocation year at the end of spring, is shared between all entitlement holders using an agreed set of rules.

Each bulk entitlement order has the same general format with many common clauses and schedules but there are some important differences which are highlighted in this document.

The main difference is that only one authority is granted the right to harvest and store all water flowing into the Wimmera-Mallee system. At the same time, that authority has a complementary obligation to ensure that any harvested water is used for the benefit of all entitlement holders in accordance with their respective bulk entitlements. An additional obligation is to ensure the environmental effects of any diversion reservoirs and weirs are assessed and managed.

Given its existing role in managing and operating the system, Wimmera Mallee Water has been granted this right to harvest and store flows into the system and the associated obligations. But in most other respects, Wimmera Mallee Water's bulk entitlement order parallels those of the other entitlement holders.

The other main differences can be found in Part 4, General Conditions and Provisions, and the associated schedules where the operational aspects associated with receiving a supply are tailored to each entitlement holder. In Part 6, Financial Obligations, the flora and fauna entitlement differs from the others by having no financial obligations.

Review of bulk entitlements

The resource sharing approach was found to be the most practical given the size and complexity of the Wimmera-Mallee system, its integrated operation and the need for operational flexibility. A number of alternative approaches were considered in some detail.

- (a) Grampians Water proposed an alternative approach of capacity sharing for the Lake Wartook part of the system and this is discussed further in the section on Part 6 of these notes.
- (b) Similarly, Glenelg-Hopkins CMA and the Glenelg community expressed a clear preference for a source entitlement in Rocklands Reservoir for the Glenelg River's share of the flora and fauna entitlement. They were prepared to accept the resource sharing arrangement in the bulk entitlements subject to a review in 5 year's time which would see a source entitlement implemented.

A review of the bulk entitlements will be undertaken in the future in response to substantial changes to the system resulting from the Wimmera-Mallee Pipeline project and other major infrastructure changes. The review will be triggered by completion of the Wimmera-Mallee Pipeline but can be before then if agreed to by the Minister. The terms of reference of the review will be determined by the Minister at the time, but would include consideration of alternative approaches to defining entitlements including capacity share entitlements for individual entitlement holders. At this stage, it is not possible to pre-empt the outcome of the review, including what would be the most appropriate form of entitlements under a pipelined system.

Water for the environment

The Government's approach to managing and restoring the ecological health of Victorian rivers is set out in the Victorian River Health Strategy¹. The vision is for ecologically healthy rivers managed within healthy catchments whilst providing water for towns and efficient high value sustainable agriculture and other industries.

The Water Act requires the Minister to consider whether the needs of the environment are met before granting a bulk entitlement. The approach to meeting the environment's needs is considerably more stringent for a new bulk entitlement compared with bulk entitlement conversion where the emphasis is on securing existing entitlements. In many bulk entitlement conversions, modest improvements to environmental flow regimes can be made by fine-tuning operating rules or re-allocation of excess water to the environment. This can sometimes be achieved without causing a significant impact on the reliability of other water users, e.g. by a small reduction in the irrigation sales pool.

A different approach has been adopted to suit the unique circumstances of the Wimmera-Mallee system as discussed below.

The 1991 Wimmera-Mallee system study² concluded what had been known for some time that the Wimmera-Mallee system was unsustainable – the rivers were in a degraded condition, rural and urban water supplies had a lower reliability and quality than comparable systems elsewhere in the State and there was no spare water to return to the environment or drive economic growth in the region. Most of the water that should have been flowing in the Wimmera and Glenelg rivers or being used productively was being wasted as seepage and evaporation losses in the open channel system. The solution was for Government and community to invest in pipelining of the inefficient open channels to free up losses for re-allocation to the environment, for improving reliability, and for new development.

The Northern Mallee Pipeline Project (1991 to 2002) achieved savings of 49,500 ML from the most northerly extremity and most inefficient part of the Wimmera-Mallee channel system. The water savings made were also the cheapest to be found in the Wimmera-Mallee system. In return for its \$35 million investment, the Government re-allocated its share of the savings of 34,690 ML to the environment. Of the remaining water savings, about half was re-allocated to new development and half put back into the system to improve the reliability of existing rural and urban water users.

The cost of freeing up the remaining losses in the Wimmera-Mallee system will be more expensive. The Wimmera-Mallee Pipeline Feasibility Study (2001)³ proposed a scheme to recover the remaining channel system losses of about 100,000 ML. The detailed design and review of business case for the pipelining project is in progress and will confirm the benefits and costs.

Thus the bulk entitlement conversion process will not realise any additional water for the environment by itself. It will create the framework for re-allocation of water savings from pipelining to the environment, and provide clear rules to protect and manage the environment's entitlement. It will also provide for development of an operating plan to ensure the environment's entitlement is used to achieve the best environmental outcomes in the Wimmera and Glenelg rivers.

The Government's approach to sustainable development for the Wimmera-Mallee system, through investment in water savings projects in partnership with the local community and the establishment of bulk entitlements to define and protect all water entitlements including the environment's, is consistent with the Government's other policy requirements for provision and management of water for the environment including –

- State Environment Protection Policy (Waters of Victoria)
- Council of Australian Governments (COAG)
- The National Principles for the Provision of Water for Ecosystems
- Victoria's Biodiversity Strategy

These are briefly summarised in Appendix 1.

¹ Healthy Rivers, Healthy Communities and Regional Growth - Victorian River Health Strategy, NRE Melbourne, 2002

² Wimmera-Mallee System Study, Rural Water Commission, 1991

³ Piping the System - A Sustainable Water Management Strategy for the Wimmera-Mallee Region, 2001

Basis of conversion

The bulk entitlement project set out to convert existing loosely defined rights to water into a more precise expression of rights. As established in the previous section, the Wimmera-Mallee system is recognised as being overcommitted, with the reliabilities of supply to consumptive users, domestic and stock and irrigation in particular, being far lower than for other major water supply systems in Victoria.

This situation means that each user group is entitled to the supply it has been receiving in recent times. It is important that this principle is strictly followed, as there is no excess water in the system. Any additional water gained by one user group will be to the detriment of others.

The Wimmera-Mallee system differs in this respect from the bulk entitlement conversion process for the River Murray where the existence of the irrigation sales pool allowed some flexibility in negotiating entitlements. For example, irrigators were prepared to give up some of their sales pool entitlement to provide improved environmental flows for the river.

Without any excess water in the Wimmera-Mallee system, great care was taken with the conversion of entitlements to ensure that existing resources were shared in accordance with historical practice. For example, in the Wimmera-Mallee system, the urban authorities could claim their current five-year average annual use at the 1993/94 level of development, or the maximum five-year average annual historical use up to 1993/94, whichever use was the highest. For Murray towns, the same principle was used except that the one-year average annual use applied instead of the five-year average annual use.

The Northern Mallee Pipeline project had a major impact on the Wimmera-Mallee system between 1992 and 2002, and there was some debate about what '1993/94 level of development' meant for the purposes of defining bulk entitlements – the confusion was caused because the infrastructure was changing over this period and the water savings were being re-allocated.

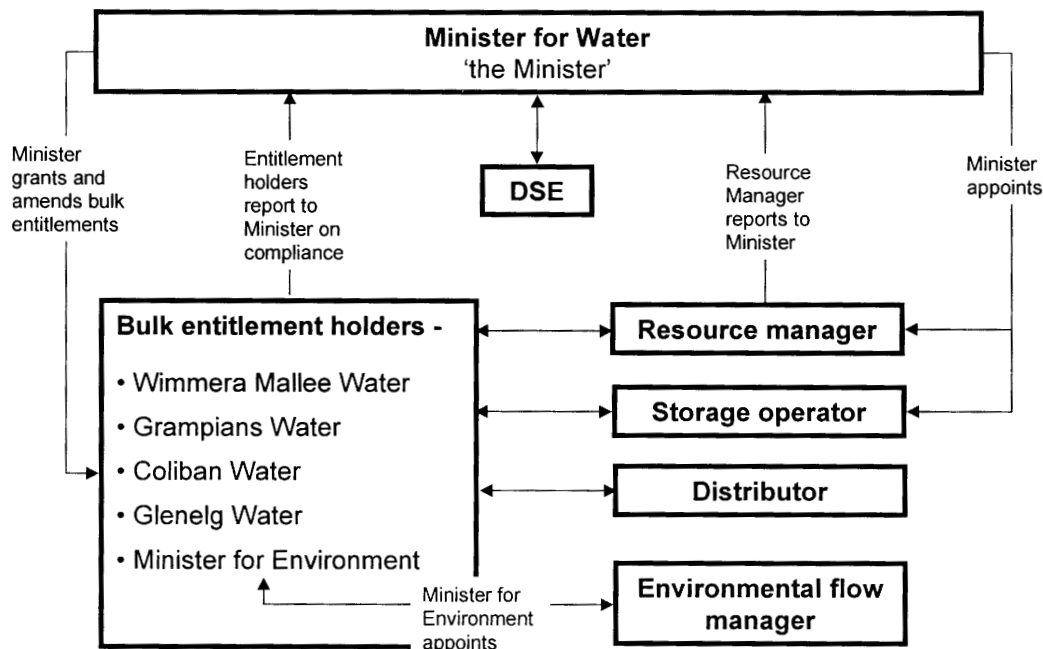
One point of view supported a literal interpretation and proposed that entitlements (volumes, reliabilities and cost shares) be defined with the infrastructure that existed in 1993/94 (Stage 1 of the Northern Mallee Pipeline completed), then retrospectively recalculating the entitlements, taking into account each subsequent stage of the Northern Mallee Pipeline.

The adopted approach took a different path and defined the entitlements at the completion of the Northern Mallee Pipeline. This approach was seen to be consistent with conversion at 1993/94 level of development because –

- the system REALM model (which defines volumetric entitlements and determines cost shares) was calibrated over the period 1990 to 2000. There was not a complete set of data to develop the model and calibrate it over an earlier period. Also, many of the restriction rules in the model have been developed only in the last few years under severe water shortages. Developing restriction rules for a pre-Stage 1 Northern Mallee Pipeline situation would have been a very hypothetical exercise;
- there has been no growth in water use over the period between 1993/94 and the completion of the Northern Mallee Pipeline. In fact, the reverse has occurred with the re-allocation of some consumptive entitlement to the environment. Any such re-allocations for consumptive use were undertaken in accordance with Wimmera Mallee Water's sale of savings policy;
- the re-allocations of water saved by pipelining were determined as part of the Federal and State funding contribution arrangements for the Northern Mallee Pipeline project and would not be affected by the bulk entitlement conversion.

Other parties referenced in the orders

Apart from the entitlement holders, a number of other parties are referenced in the bulk entitlement orders (refer Figure 1).

Figure 1 Parties referenced in the bulk entitlement orders

The Minister for Water is responsible for administering the **Water Act 1989**, and has the powers to grant bulk entitlements, approve amendments and ensure authorities comply with their bulk entitlement orders. Because of this major role, the Minister for Water is referred to in the orders as **'the Minister'**.

The Minister appoints a person to act as **resource manager** for the bulk entitlements. The resource manager's role is to act as the Minister's agent for ensuring entitlement holders comply with their entitlements. The resource manager's duties are listed in Part 6 in the clause on Water Resource Management Costs. DSE is currently preparing detailed guidelines for this role. At the time of writing, a resource manager had not been appointed for the Wimmera-Mallee entitlements.

Wimmera Mallee Water's current role is recognised in three separate entities under the bulk entitlements, as –

- an **entitlement holder** (a rural water supply authority supplying its own retail customers);
- a **storage operator** to manage and operate the headworks system and determine seasonal allocations each allocation year; and
- a **distributor** to manage and operate the distribution system.

The bulk entitlement orders distinguish between these roles because Wimmera Mallee Water, as a retail authority, is expected to act in the interests of its own customers, whereas in the roles of storage operator and distributor, Wimmera Mallee Water is expected to act in the interests of all entitlement holders. Where there is potential for a conflict of interest between these roles, the bulk entitlement orders have provide safeguards for other entitlement holders by providing for transparent decision-making.

The flora and fauna bulk entitlement order provides for the Minister for Environment to delegate responsibility for managing the entitlement to an **environmental flow manager**. This is discussed later in the document under the section *Environmental operating plan (flora and fauna c. 12)*.

Allocation year vs. reporting year

Two definitions of 'year' are used in the entitlement orders.

The **allocation year** is from 1 November to 31 October, the period over which Wimmera Mallee Water is in the practice of applying seasonal allocations. It makes an initial seasonal allocation on about 1 November when the outcome of winter/spring inflows are known. Seasonal allocations are routinely updated through to about the following June, to take advantage of changing conditions. The allocation year suits the current operating practice of running the main channel system through the period May to October.

The **reporting year** is from 1 July to 30 June which is consistent with the financial year, the Murray-Darling Basin cap compliance year and Wimmera Mallee Water's current water reporting year (refer Figure 2). Wimmera Mallee Water's current practice is to account for May's and June's water use in the following reporting year.

The distinction between the two 'years' will diminish when the Wimmera-Mallee system is pipelined and it would less confusing to revert to July to June as the year for both allocation and reporting.

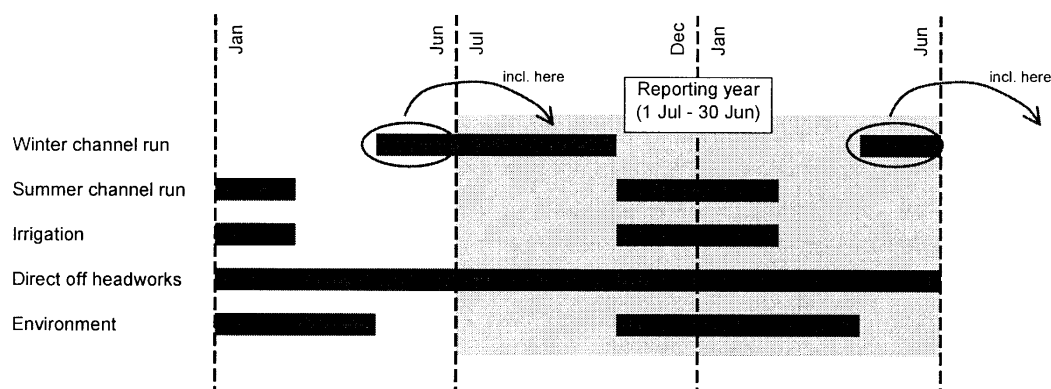


Figure 2 Reporting year

PART 2 – ENTITLEMENT

In a system such as the Wimmera-Mallee system where there are multiple users sharing limited resources, three main factors tell apart the users' bulk entitlements –

- (a) the amount of the entitlement – this is expressed in the entitlement as a share of the water resources available to the system. The procedure for determining this share is provided in Part 3 of the entitlement and explained further in this document;
- (b) the reliability of the entitlement – this is not expressed directly by the entitlement, but can be inferred from Schedule 2 of the entitlements. A more detailed explanation of reliability is given in this document – refer Part 3; and
- (c) the cost share of the entitlement – cost shares are expressed under Part 6 of the entitlement and explained in more detail under the relevant sections of this document.

Bulk entitlement (flora and fauna c.6, other orders c.7)*Wimmera Mallee Water's entitlement*

Wimmera Mallee Water's entitlement differs from the others in the Wimmera-Mallee system as it is the only authority granted the right to harvest and store all flows into the Wimmera-Mallee system.

However, this doesn't automatically give Wimmera Mallee Water the right to use all this water in its own interests. It has complementary obligation to ensure that any water harvested is used for the benefit of all entitlement holders in accordance with their respective entitlements. This right has been granted to Wimmera Mallee Water because of its existing role in managing and operating the system. (refer to information on 'storage operator' in paragraph **Other parties referenced in the orders**).

Clause 7.3 of Wimmera Mallee Water's order allows it to store water in headworks and distribution system reservoirs up to full supply level as defined in Schedule 1.

Wimmera Mallee Water's right to harvest and store all inflows is subject to it first meeting any passing flow requirements required under the flora and fauna bulk entitlement (clause 7.4).

Clause 7.4 of Wimmera Mallee Water's entitlement allows it to store all the inflow to the reservoirs, weirs, and channels listed in Schedule 1. The 'inflow to channels' refers to any flow intercepted by Wimmera Mallee Water's channels under its normal operating practices. This source is a significant contributor to Wimmera-Mallee system resources but is difficult to specify in detail because it is irregular in occurrence, distributed in nature, and not able to be measured easily. It is a current practice which reduces demands on reservoirs and stream diversions.

Clause 7.5 places an upper limit on the amount of water Wimmera Mallee Water can take from the Glenelg catchment above Rocklands Reservoir (including the impoundment) via the Rocklands Outlet and Moora channels. The estimates of diversions Wimmera-Mallee REALM model are summarised in the following table.

Channel	Modelled estimates of water taken (98 years) (ML/year)			Recorded average 1972/73 to 1982/83 (ML/year)
	maximum annual	maximum 5 year average	Long term average	
Moora and Rocklands Outlet	147,630	99,100	71,700	70,900
Moora	10,400	7,880	4,270	8,110

The model and the 10 years of recorded data shows there is considerable annual variation in the amount diverted from both channels. The maximum 5 year average amount was adopted as the upper limit because it allows Wimmera Mallee Water to continue operating the system as it does currently. The upper limits would be reviewed (and possibly modified) if metering of the Moora channel allows for a better estimate to be made of the Moora diversions in the REALM model.

Wimmera Mallee Water's is required to report on water taken from the Glenelg River under the reporting requirements of its bulk entitlement (cl. 19.1(b)).

The flora and fauna entitlement

Clause 6 of the flora and fauna bulk entitlement order allocates all water in the Wimmera-Mallee system to the environment except water allocated to consumptive users in accordance with the Water Act. A similar statement is included in Part 1, clause 5, of all the water authorities' bulk entitlement orders.

The one-off amount of 5,532 ML corresponds to allocations made in previous years in which the Minister agreed that release of part of the environment's entitlement was to be deferred until such time as the system storage next reached 350,000 ML (50% full).

PART 3 – WATER AVAILABLE

Part 3 formalises the method used by the storage operator to determine each entitlement holder's share of available resources at any time, referred to in the orders as the seasonal allocation. There are three steps for the storage operator –

- (a) estimate the water that could be diverted in the current allocation year. This is largely determined by the amount of water held in storage at the time;
- (b) adjust this amount to comply with the Murray-Darling Basin cap, if necessary. The resulting amount is the available water in the current allocation year; and
- (c) determine the seasonal allocation to each entitlement holder from the available water.

The three steps are common to all entitlements, corresponding to clauses 6, 7 and 8 in the flora and fauna bulk entitlement and clauses 7, 8 and 9 in all other bulk entitlements.

The resources that could be diverted in the current allocation year (flora and fauna c.7, other authorities c.8)

Schedule 3 describes the method to be used by the storage operator to calculate the resources that could be diverted from the Wimmera-Mallee system in any allocation year. It offers only a broad description of the method, showing the main variables to be included in the calculations. In practice the actual calculation will involve considerably more detail. The details are best left to the judgement of the storage operator acting in consultation with entitlement holders. A more precise description of the method would constrain the development of innovation and improved techniques, as well as reducing flexibility to get the best out of the system under unforeseen circumstances.

On the other hand, if the storage operator is given the freedom to exercise discretion, entitlement holders must have confidence in the calculations which determine their seasonal allocations.

The bulk entitlements have addressed the issue of striking a balance between transparency and efficient decision-making by keeping separate the storage operator's obligation to fully consult with entitlement holders, from its accountability to carry out the function efficiently.

Sub-clause 7.2/8.2 requires the storage operator to seek entitlement holders' agreement on the method used to assess the more discretionary aspects of the seasonal allocation calculations. These are listed. Sub-clause 9.2(d)/10.2(d) requires the storage operator to make available the method and calculations and other information used to determine seasonal allocations.

For example, the reserve⁴ is a discretionary variable in the calculation of the water that could be diverted in the current year. Rules for the Wimmera-Mallee system were considered in some detail by the Modelling Working Group. A set of rules was developed for the purposes of modelling reliability (refer Table 1), however the decision to set the reserve is a complex one and cannot be formally prescribed without the risk of constraining decision-making unnecessarily. Table 1 is an example of a reserve policy but is not intended to replace the discretion of the storage operator acting in consultation with entitlement holders to make a decision in the light of conditions at any given time. Whilst Table 1 was based on interpretation of past practices, Wimmera Mallee Water adopted a more conservative approach when setting the 2003/04 seasonal allocations.

Table 1 Example of reserve policy

Available water this year		Reserve for next year	
ML	Provides for allocation under Column –	ML	Provides for basic allocations under Column –
206,290	A	92,220	F
200,690	B	92,220	F
190,250	C	92,220	F
150,430	D	10,000	L
149,240	E	0	-
118,370	F	0	-
81,120	G	0	-
77,870	H	0	-
75,200	I	0	-
35,180	J	0	-
33,960	K	0	-
28,950	L	0	-
27,680	M	0	-

Applying the Murray-Darling Basin cap (flora and fauna c.8, other authorities c.9)

The storage operator is required to compare the amount of water that could be diverted from the Wimmera-Mallee system with the amount that is allowed to be taken under the Murray-Darling Basin cap. Entitlement holders are to jointly agree on action to reduce diversions if recorded usage starts to exceed the Murray-Darling Basin cap. But if no action has been approved by the Minister, sub-clause 8.3/9.3 provides a default action to be taken to reduce water use.

Several questions have been raised in relation to the application of the Murray-Darling Basin cap to the Wimmera-Mallee system.

The first question of the cap's applicability arises because the Wimmera River has no physical connection to the Murray. The Murray-Darling Basin Council has included the Wimmera-Mallee system because the objective of the cap is to achieve sustainable development of the water resources of the Murray-Darling Basin as a whole. This objective is wider than just water accounting for the flow in the River Murray itself. In this respect, the Wimmera-Mallee system is clearly part of the Murray-Darling basin.

⁴ The reserve is the amount of water to be retained in headworks reservoirs this allocation year to provide for a basic supply next allocation year.

The second question is – why are the Glenelg and Wannon rivers included in the accounting for water taken from the Wimmera-Mallee system when they are clearly not part of the Murray-Darling Basin? The reason is more to do with the practical expediency of the method adopted for metering and accounting of water taken from the Wimmera-Mallee system under the cap than any philosophical argument. The approach agreed to between Victoria and the Murray-Darling Basin Commission is to report on total volumes taken from the Wimmera-Mallee system using the method outlined in Schedule 4, but at the same time, explicitly identify all water imported into the Wimmera basin from the Wannon and Glenelg rivers.

Finally, in terms of simplifying compliance reporting, the proposed method of accounting for the Murray-Darling Basin cap is made to be consistent with the method of accounting for the bulk entitlements.

Making seasonal allocations (flora and fauna c.9, other orders c.10)

The seasonal allocation is the entitlement holder's share of resources for the allocation year (Nov. to Oct.). The storage operator determines the seasonal allocation by –

- calculating the water available as the lesser⁵ of the amount that could be diverted (clause 7 flora and fauna, clause 8 all other orders) and the amount that may be taken under the Murray-Darling Basin cap (clause 8 flora and fauna, clause 9 all other orders); then
- applying the available water to Schedule 2 to determine each primary entitlement holder's share of the available water.

The allocation year for the Wimmera-Mallee system is from 1 November to 31 October next. The initial seasonal allocation is made early in November as the available water is known about this time of year after the spring rains. This seasonal allocation is made for the next 12 months but can be updated progressively through the allocation year as conditions change.

If requested by an entitlement holder, the storage operator can make an advance seasonal allocation before November. As an example, this would enable the environmental manager to start environmental releases in the spring months when they will have the most benefit. Any water taken under an advance allocation before 1 November is deemed to be taken in the next allocation year.

As a general rule, seasonal allocations can increase throughout the allocation year if conditions improve, but do not decrease. Because of this, estimates based on forecasts of conditions for the year ahead are made with a conservative bias, and with a clear understanding of the risks involved.

It is essential that all entitlement holders be aware of the assumptions behind the allocations made by the storage operator. For this reason, the storage operator is required to make the calculations available to all entitlement holders.

Schedule 2

Schedule 2 defines each entitlement holder's share of resources (or seasonal allocation) under a range of conditions. The sharing of resources is also known by the term 'restriction rules'.

To apply Schedule 2, it is necessary to know the amount of available water. The calculation of available water is described above (see under heading **The resources that could be diverted in the current year**). Once the available water is known, the seasonal allocations can be read off the table for all entitlement holders and user groups.

If the available water is greater than or equal to than the amount shown in the far left hand column of numbers in Schedule 2, full entitlements apply (refer Example 1).

⁵ The amount of available water to be allocated has to comply with both the Murray-Darling Basin cap and the bulk entitlement caps, therefore the lesser of the two amounts must be adopted.

Example 1

Available water = 220,000 ML

Entitlement holder	Seasonal allocation (ML)
Grampians Water	13,060
Coliban Water	450
Glenelg Water	120
Wimmera Mallee Water – D&S supplied by channel	32,210
Wimmera Mallee Water – irrigation supply	19,000
Minister for Environment (flora and fauna)	32,240

If the available water falls between two columns of numbers in Schedule 2, the allocation can be determined assuming a linear proportional variation between the two columns (refer Example 2).

Example 2

Available water = 130,000 ML

Factor = $(130,000 - 118,370) / (149,240 - 118,370)$

= 0.3767

Entitlement holder	Allocation (ML)
Grampians Water	$11,690 + ((12,150 - 11,690) \times 0.3767)$ = 11,860
Coliban Water	$410 + ((420 - 410) \times 0.3767)$ = 414
Glenelg Water	$100 + ((110 - 100) \times 0.3767)$ = 104
Wimmera Mallee Water – D&S supplied by channel	$12,560 + ((18,680 - 12,560) \times 0.3767)$ = 14,865
Wimmera Mallee Water – irrigation supply	$4,750 + ((9,500 - 4,750) \times 0.3767)$ = 6,540
Minister for Environment (flora and fauna)	$19,870 + ((24,280 - 19,870) \times 0.3767)$ = 21,530

As seasonal allocation applies for the full 12 months of an allocation year, the method of calculating available water and Schedule 2 have been made applicable to any time of year.

A description of the derivation of the amounts in Schedule 2 is given in Appendix 2.

Reliability

Reliability is defined as the probability with which an entitlement can be supplied over a range of restriction levels. It is generally expressed in graphical form as a profile (refer Figure 3) and is determined by simulation modelling. Note that the modelling period extends from 1903 to 1998, and allocations for 1999 to 2003 were estimated on the basis of actual domestic and stock damfill allocations.

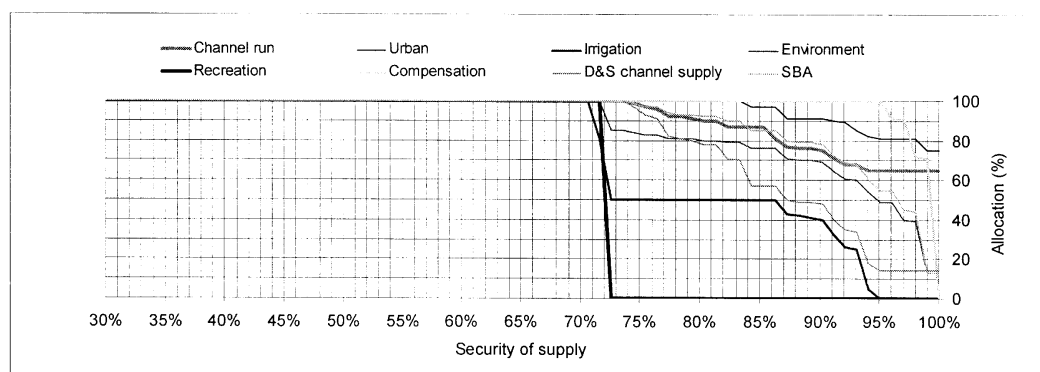


Figure 3 Reliability profile (estimated 1 November allocations for period 1903 to 2003)

For the River Murray bulk entitlements, only two products are defined, high reliability and low reliability. Irrigation water right, take-and-use licence, domestic and stock entitlement, urban and flora and fauna bulk entitlements are all the same high reliability product. This simplifies water trading substantially.

There are many different products in the Wimmera-Mallee system and these have lower reliabilities of supply than comparable entitlements on the Murray, refer Table 2.

Table 2 Probability of no restriction of entitlement (a single point on the profile of reliability)

Product	Wimmera-Mallee*	River Murray
Domestic and stock entitlement	74%	~96%
Urban entitlement	83%	~96%
Flora and fauna entitlement	72%	~96%
Irrigation entitlement	71%	~96% (water right)
Recreational lakes	72%	NA
Compensation flow	95%	NA

*estimated 1 November allocations for period 1903 to 2003

Infrastructure projects such as the Wimmera-Mallee Pipeline provides the opportunity to increase the reliability of the main products and at the same time reduce the number of products.

The reliabilities shown in Figure 3 were determined by modelling. The REALM model includes restriction policies which are based on those applied over the recent drought years. Notable features of reliabilities of supply for the Wimmera-Mallee products are –

- (a) All entitlements are defined at completion of Stage 7 of the Northern Mallee Pipeline.

- (b) The flora and fauna entitlement's reliability is fixed at pre-Northern Mallee Pipeline system reliability and does not benefit from the 7,350 ML/year saving allocated to improve the reliability of existing users⁶.
- (c) The flora and fauna entitlement's reliability is linked to the reliability of the releases from headworks to the domestic and stock channel system. This is a departure from the restriction rules applied in recent years which link flora and fauna reliability to the reliability of water delivered for domestic and stock dam fills⁷.
- (d) Similarly, the reliability of that part of the 7,460 ML of Northern Mallee Pipeline savings for new development released directly off headworks is linked to the releases from headworks to the domestic and stock channel system.

The trigger for irrigators' restrictions has been changed from the amount held in Pine Lake to the amount held in total system storage. This brings irrigators into line with all other Wimmera-Mallee user groups. The triggers have been adjusted to ensure that irrigators' reliability is not significantly altered by this change. The change was made because the Modelling Working Group could not establish an independent set of operating rules for filling Pine Lake. The state of Pine Lake, whilst having a lower priority for filling than other reservoirs, was found to depend on the state of other reservoirs. This change has substantial cost implications for irrigators – see later. This also implies that the Northern Mallee Pipeline Project savings allocated to increasing the reliability of existing users also benefits irrigators.

Northern Mallee Pipeline savings

The Northern Mallee Pipeline Project saved a total of 49,500 ML up to completion of Stage 7 in 2001. Part of the savings came from losses and part from the fact that the Northern Mallee Pipeline is now supplied from the River Murray under a separate bulk entitlement. The savings were allocated as shown in Table 3.

Table 3 Allocation of Northern Mallee Pipeline savings

Allocated to	Savings (ML)
Environment	34,690
New users	7,460
Improved reliability for existing users	7,350
Total savings	49,500

These savings consisted of water formerly harvested from various points in the Wimmera-Mallee system, including higher reliability water released from storage and lower reliability opportunistic water harvested from the Wimmera, Richardson and Avoca rivers.

The status of this number of 49,500 ML is as follows –

- it is the saving that would be made in a typical year without restrictions, rather than a long term average; and
- the actual amount of water available from the savings depends on where in the system the entitlement is taken. For example the 49,500 ML of savings applies to water taken from the channel system. It is equivalent to 46,000 ML of higher reliability entitlement taken direct off headworks plus 3,500 ML of low reliability system spills. These amounts were determined by REALM modelling.

⁶ The shares of savings 'to increase the reliability of existing users' corresponds to the consumptive users' contribution to the Northern Mallee Pipeline. Therefore it is assumed the benefits of these savings flow to consumptive users only, with the environment being the sole beneficiary of the 35 GL.

⁷ The environment's water is released directly from headworks and is not subject to channel losses. Therefore restrictions should not be the same as for D&S customers.

For these reasons, the Northern Mallee Pipeline allocations may need to be factored down to reflect the point of delivery as shown in Table 4.

Table 4 Equivalent volume of Northern Mallee Pipeline savings

Allocated to from channel system	Savings if supplied headworks (ML) (ML)	Savings if supplied taken direct from	
		High reliability	Low reliability
Environment	34,690	32,240	2,450
New users	7,460	6,930	530
Improved reliability for existing users	7,350	6,830	520
Total savings	49,500	46,000	3,500

Entitlement volumes shown in Schedule 2 reflect this adjustment. For example, the flora and fauna entitlement is less than the nominal savings volume of 34,690 ML as it is released direct from headworks. Similarly, that part of the supply by agreement entitlement supplied direct from headworks (5,000 ML of Wimmera Mallee Water's entitlement) is also factored down.

PART 4 – GENERAL CONDITIONS AND PROVISIONS

Obligations to supply primary entitlement holders (WMW c.11)

This clause applies only to Wimmera Mallee Water. As holder of the right to harvest and store inflows to the system, Wimmera Mallee Water has the complementary obligation to ensure that all primary rights holders receive their entitlement.

The primary rights holders are defined in Wimmera Mallee Water's Schedule 6 and include all the main groups of water users.

Taking water (WMW c.12, urban authorities c.11, flora and fauna c.10)

This clause allows an entitlement holder to take the entitlement at the locations, rates and times defined in Schedule 5. Schedule 5 is specific to each entitlement holder.

This clause recognises the operational constraints associated with the Wimmera-Mallee system and ensures that entitlement holders do not place unrealistic demands on the system.

At the same time, it is essential that entitlement holders have some flexibility in where and how they take their entitlement, so this clause provides for the Minister to approve other locations, rates and times.

A sub-clause confirms that the amount of water taken under each entitlement is the sum of the amounts measured at each of the offtakes. There are some differences in detail between the entitlements –

- For the purposes of accounting for the Murray-Darling Basin cap, the amount taken under Wimmera Mallee Water's entitlement excludes environmental and compensation flow releases; and
- some of Grampians Water's towns supplied direct from headworks have another supply source (within the Wimmera catchment but outside the Wimmera-Mallee system) for which Grampians Water will hold a separate bulk entitlement (Stawell and Ararat). This separate bulk entitlement (which is not completed at the time of writing) specifies a system cap which covers all sources of water. This is required because the sum of the separate site caps will be greater than the system cap. This approach does not constrain Grampians Water from maximising use from any one source provided it complies with the system cap. Sub-clause 11.3 links Grampians Water's Wimmera-Mallee system entitlement to its other entitlements.

The amount that can be taken by Grampians Water or Coliban Water at any of their Wimmera-Mallee towns can be up to the nominal amount shown in Schedule 5, provided the total amount taken for all towns does not exceed their Schedule 2 entitlement.

Obligation to supply compensation flows (WMW c.13)

This clause applies only to Wimmera Mallee Water as holder of the right to harvest and store inflows to the system. This is another example of a complementary obligation on Wimmera Mallee Water, in this case, to ensure the Glenelg compensation flow is met.

The obligation to meet compensation flows was included in Wimmera Mallee Water's entitlement rather than in the flora and fauna entitlement because the compensation flow is not strictly an environmental flow.

The nature of the Glenelg River compensation flow

The Glenelg compensation flow was established when Rocklands Reservoir was built to provide a basic flow primarily for domestic and stock users in the Glenelg river downstream of the dam as far as the next substantial tributary inflow. In practice, the flow serves dual but inter-related purposes – a basic flow for domestic and stock users and a dilution flow to maintain water quality (reduce salinity) in the river to about Harrow.

The specification of the Glenelg River compensation flow has a history of development in response to the needs of the Glenelg community. Wimmera Mallee Water's bulk entitlement order recognises the current specification which is an annual amount of 3,300 ML. In recent times, the compensation flow releases are managed in conjunction with the Glenelg River's share of the flora and fauna entitlement.

The order also recognises that the compensation flow is restrictable in situations of severe water shortage as defined in Schedule 2. Under such conditions an allocation of 50 ML is included to provide for water that is taken for water carting operations.

Operating plan for the Glenelg River compensation flow

It is the Glenelg-Hopkins CMA's responsibility to advise Wimmera Mallee Water on the location, rate and time of releases for the Glenelg River compensation flow. The order provides for the CMA to prepare an operating plan for the compensation flow. This is to be done in consultation with the storage operator to ensure the plan is operationally feasible.

The current operating strategy for the compensation flow is to release sufficient water to maintain a trickle flow of about 10 to 11 ML/day at Harrow. This strategy can be incorporated in the operating plan for the compensation flow. The release doesn't have to be restricted to the summer months.

The operating plan is an opportunity to clarify the objectives of the compensation flow entitlement and would also provide for routine updates by Glenelg-Hopkins CMA to ensure best use of the water if conditions change.

The operating plan for the compensation flow could be integrated with the operating plan for the flora and fauna entitlement in order to meet the objectives of both the environmental flows and the compensation flows for the Glenelg River.

To ensure that the compensation flow is used, the order provides for a default arrangement for release of the compensation flow in the event that Glenelg-Hopkins CMA has not provided the storage operator with the operating plan.

Environmental obligations (WMW c.14)

This clause applies only to Wimmera Mallee Water. As holder of the right to harvest and store inflows to the system, this is a further example of a complementary obligation on Wimmera Mallee Water, in this case, to assess and manage the environmental effects of operating the weirs and harvesting storages.

In this case the environmental obligations refer to the operation of weirs and reservoirs rather than the provision of environmental flows. This is about taking care over operating and maintenance practices. For example, managing rates of release from storage so as to protect river banks from slumping, managing the temperature of water released into streams from large storages if possible to minimise the impact of cold water on native fish, and avoiding water quality problems (e.g. muddying the waters) as a result of weir and reservoir maintenance.

Wimmera Mallee Water is required to prepare a program to assess and manage these environmental effects for approval by the Minister. Wimmera Mallee Water must also report on implementation of this program, the cost of which is to be borne by Wimmera Mallee Water (in effect by all entitlement holders who pay a share of the headworks costs – refer Part 6).

Amendments (WMW c.15, urban authorities c.12, flora and fauna c.11)

This clause is almost identical in all entitlements.

The purpose of the clause is to provide for an administrative process to amend entitlements where the nature of the amendment is such that –

- it is non-controversial, e.g. a water trade;
- it does not materially affect the interests of the other entitlement holders; and
- it does not require a comprehensive consultative process which would require an amendment to be processed under section 44 of the Water Act; and
- the requirements of section 44 have been met through a separate water resource planning process, e.g. the Wimmera-Mallee Pipeline Project.

This clause facilitates minor adjustments to the bulk entitlement orders and cannot be used to bypass section 44 where the above criteria for amendments are not met.

It is routine practice for the Department to ensure that all entitlement holders and the resource manager are advised of any amendments made under this clause, and in most cases to seek their comments to a proposal before the Minister's endorsement is sought.

Operating arrangements (urban authorities c.13)

This clause provides for the specific operating needs of entitlement holders.

For urban water authorities, the specific operating needs relate to water quality and the flexibility of timing of water delivered into town storages from the channel system.

Environmental operating plan (flora and fauna c.12)

The order defines the management arrangements for the flora and fauna entitlement as represented in Figure 4.

The operating plan is the means by which water is released from the flora and fauna entitlement and is the key to improving the health of the Glenelg and Wimmera rivers.

The detailed arrangements for managing the flora and fauna entitlement are to be specified in an operating plan developed outside the bulk entitlement. The flora and fauna order provides for development of the plan and sets out –

- the objectives and principles for management of the entitlement;
- the process for approval by the Minister; and
- the scope of the plan.

It also provides for the Minister for Environment's responsibilities under the order, including preparation of the plan, to be delegated to an environmental flow manager, the CMAs acting jointly (see clause 16).

Preparation of the plan may involve consultation at various levels with scientific advisers, the Department, other stakeholders, and the wider community as appropriate. The plan is expected to take some time to evolve and may be developed in a number of stages. Therefore, the order is not prescriptive on who should be consulted, except for the storage operator.

The operating plan is the framework for managing the environment's entitlement. It –

- sets detailed objectives;
- defines roles, responsibilities and delegations;
- establishes prioritised flow regimes;
- defines the process for flow sharing between the Glenelg and Wimmera river basins;
- addresses contingency planning;
- provides for operational flexibility;
- establishes a monitoring program and associated funding arrangements; and
- includes arrangements for review of the plan.

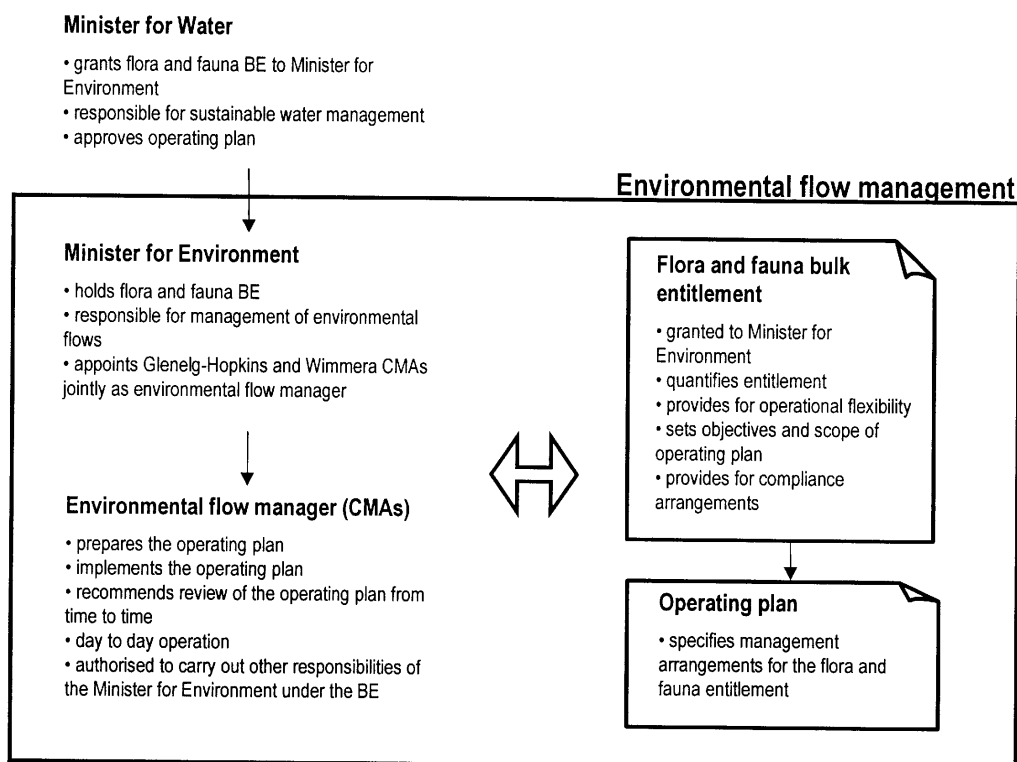


Figure 4 Management arrangements for flora and fauna entitlement

Carryover account and borrowing arrangements (flora and fauna c.13)

The carryover account provides for the environmental manager to –

- build up a reserve of unused flora and fauna entitlement to meet environmental flow objectives; and
- borrow against the following year's allocation.

The flora and fauna entitlement is the only Wimmera-Mallee entitlement to include such provisions because of the need for flexibility to meet environmental objectives. For example, the provisions could be used to accumulate a drought reserve against periods of extreme water shortage, or a large amount of water to achieve a desired flood regime in the waterways or terminal lakes.

An over-riding criteria for these provisions is that their implementation must not reduce the reliability of other entitlement holders. For this reason, a set of rules for operation of the carry-over account and the borrowing facility has been specified in Schedule 7 of the flora and fauna order. The implementation of these rules is to be included as part of the annual operating plan.

Wimmera-Mallee Pipeline Project (WMW c.16, all other orders c.14)

This clause recognises the significance of the massive changes to the Wimmera-Mallee system that will occur as a result of the Wimmera-Mallee Pipeline Project. Two important issues are addressed by this clause.

- (a) The first issue is common to Wimmera Mallee Water, Grampians Water and Coliban Water which each have losses within their own systems included as part of their entitlement (refer Schedule 2). These losses are potentially redeemable by the Wimmera-Mallee Pipeline Project.

The sub-clause requires each entitlement holder to make these losses accessible to the Wimmera-Mallee Pipeline Project. This reflects the Government's view that this is a regional project of state significance where the benefits and costs are allocated across the system as a whole, rather than being divided into sub-regions in which one group of water users benefits disproportionately because of geographic location or because it is in a position to leverage commercial advantage as a result of ownership of the losses within its entitlement.

Any such losses not affected by the Wimmera-Mallee Pipeline Project would remain part of the urban authority's entitlement.

Horsham's entitlement of 4,810 ML includes an operational loss which is returned to Potters Creek. Grampians Water, in conjunction with the distributor, should develop proposals for reducing this loss.

- (b) The second point is common to all Wimmera-Mallee entitlements. It provides for the Minister to amend the entitlements to make them consistent with any recommendations of the Final Report of the Detailed Design and Business Case for the Wimmera-Mallee Pipeline Project.

The detailed design and business case for the Wimmera-Mallee Pipeline Project may, as part of its deliberations, recommend more significant amendments to the entitlement orders than those envisaged under the 'Amendments' clause. Given that the detailed design and review of business case for the Wimmera-Mallee Pipeline Project is a major water resource planning process which is likely to conform to the requirements for an amendment process under section 44 of the Water Act, this clause allows the Minister to consider such an amendment. However, the Minister's approval to an amendment under this clause is subject to the Minister being satisfied that the requirements of section 44 are met.

Environmental flow manager (flora and fauna – c.16)

This clause provides for the Minister for Environment to appoint an environmental flow manager to act on his behalf for the purposes of the flora and fauna bulk entitlement.

The Department's intention is for the Glenelg-Hopkins and Wimmera CMAs jointly to be the environmental flow manager. The appointment would be made by letter and the delegation made formally by amending the Instrument of Delegation (**Water Act 1989**).

PART 5 – MONITORING WATER TAKEN**Metering program (urban authorities c.16, flora and fauna c.17, WMW c.18)**

This clause is the same for all entitlement holders.

The authority is accountable for metering of water taken under its entitlement. The approach taken in the entitlements is to give the authorities responsibility for developing their own metering plan which is submitted to the Minister for approval. The metering plan can be updated from time to time to reflect changed circumstances, improved techniques and updated equipment, without requiring a formal amendment to the bulk entitlement.

The Department is currently preparing guidelines for preparation of metering plans, but generally speaking they should include at least –

- location of meters
- description of individual meters

- arrangements for meter readings – timing, storage and retrieval of data
- estimated accuracy of metering, and arrangements for checking calibration
- evaluation of any estimates involved in metering
- evaluation of risks to accurate metering
- availability of back-up meters
- consistency of authority's metering plan with its reporting requirements
- cost-effectiveness of metering arrangements
- proposals to improve metering program over time

Sound metering of water taken under an entitlement is fundamental to an authority demonstrating its compliance with its entitlement. The resource manager has the responsibility to ensure that authorities' metering plans are up to date and consistent with what is on the ground.

Reporting (urban authorities c.17, flora and fauna c.18, WMW c.19)

An authority is required to report on compliance with its bulk entitlement. It does so by –

- providing information to the resource manager who reports on compliance for all entitlement holders via the basin accounts; and
- reporting in its annual report against the items listed in its entitlement.

It is also required to include any breach of the entitlement in its annual report.

PART 6 – FINANCIAL OBLIGATIONS

The broad approach to cost sharing in the Wimmera-Mallee system bulk entitlement orders has two main features –

- (a) The cost sharing arrangements are defined in the orders by a set of guiding principles rather than prescriptive formulae. These principles are applicable to the Wimmera-Mallee system in its current form, or any stage of further development up to a fully pipelined system. These principles are also consistent with the general thrust of the Council of Australian Governments' (COAG) National Water Reform Agenda and Proposals Paper for Establishing the Essential Services Commission as the Economic Regulator of the Victorian Water Industry (2002).
- (b) The flora and fauna entitlement for the Wimmera-Mallee system has no financial obligations attached to it as the provision of environmental flows and maintenance of a healthy river is part of the water authorities' business of using a natural resource to supply water in a sustainable manner and therefore undertaken at their cost.

Headworks costs (urban authorities c.19, flora and fauna c.20, WMW c.21)

The general approach adopted for sharing headworks costs for the Wimmera-Mallee system is outlined below –

- (a) Cost shares for Wimmera Mallee Water, Grampians Water, Coliban Water and Glenelg Water are based on their respective entitlements with an adjustment⁸ for reliability.
- (b) The 'system pricing' model was adopted for cost sharing of the Wimmera-Mallee headworks system. Under this model, an authority contributes towards the total cost of all those headworks which have a role in underpinning its reliability. This approach recognises that the Wimmera-Mallee headworks system covers a wide area geographically but is managed as an integrated system rather than as separate sub-systems, e.g. the operation of the eastern headworks of Bellfield, Lonsdale, Fyans and Glenorchy weir is balanced with the operation of the Western headworks.

⁸ The adjustment for reliability is the 'exchange rate' and recognises that a ML of entitlement at a higher reliability uses a greater share of the storage capacity than a ML of entitlement with a lesser reliability.

In the system pricing model, the Wimmera-Mallee headworks system is considered as a single cost centre.

The alternative is the 'basin pricing' model which separates headworks components into the different basins, each component treated as a separate cost centre. This approach could apply to the Glenelg/Wannon transfers for example, but was not adopted because it introduces considerably greater complexity for only minor benefit.

Lake Wartook was considered as a candidate for basin pricing but this approach was not supported because –

- the McKenzie River is a tributary of the Wimmera River and not a geographically separate basin;
 - while Lake Wartook provides a high reliability supply to Horsham, it also contributes to the reliability for the Wimmera-Mallee system as a whole.
- (c) Another variation of basin pricing for Lake Wartook is to introduce capacity sharing, that is, subdivide the Lake Wartook supply into two source entitlements – one for Grampians Water's high reliability supply to Horsham and less secure one for Wimmera Mallee Water to supplement the supply for the rest of the Wimmera-Mallee system. This approach is not supported because –
- (i) one or both authorities would have to surrender part of their existing reliability from Lake Wartook as there is no unique set of capacity shares which can provide both entitlement holders with the reliability they currently enjoy under current operating rules;
 - (ii) the scheme could work only if one authority was prepared to rely on water trading to maintain its reliability, a high risk proposition during water shortages; and
 - (iii) no compelling reason has been raised to introduce capacity sharing in this isolated instance.
- (d) Headworks and distribution costs have been separated. For the purposes of cost sharing, they have been separated as far upstream as possible so that only those entitlement holders who actually need the asset pay for it. In this way the true costs are readily identified when infrastructure change is required.

There was some debate over Pine Lake and whether it was a headworks or distribution asset for the purposes of cost sharing. It is not exclusively an irrigation asset as it is currently shared as 90% irrigation, 10% domestic and stock. It does not clearly fit into either category and is listed in Schedule 1 as a headworks asset because this does not change the status quo.

Pine Lake's status as a headworks asset may need to be reviewed in the future if the balance of use is changed by the Wimmera-Mallee Pipeline project.

- (e) Current arrangements identify the supply to Horsham off the Mt Zero channel as a supply from the distribution system. For cost sharing purposes, the Department developed a proposal to change its status to a supply direct from headworks because of its close proximity to Lake Wartook which means it has much in common with a supply direct from headworks. This proposal would significantly change the current cost sharing arrangements for the Wimmera-Mallee system. However, the Mt Zero channel system also supplies a significant number of domestic and stock dams (about 100 customers for 200 dams). The Department's view is that, given the cost sharing implications, there is no clear-cut case for classifying Horsham's supply as direct off-headworks, no change be made to Horsham's status as a supply from the distribution system.
- (f) Wimmera Mallee Water's entitlement includes a number of different retail customer groups which contribute to its headworks cost share –
- domestic and stock;
 - supply by agreement from the channel system;
 - supply by agreement direct from headworks; and
 - irrigation.

The Glenelg compensation flow and recreation groups are within Wimmera Mallee Water's bulk entitlement, but do not contribute to headworks costs.

In addition, Wimmera Mallee Water "owns" the distribution losses for the channel and irrigation systems and is responsible for the headworks cost contribution attributable to these distribution losses. It will recover the urban water authorities' shares of these costs through the domestic and stock and irrigation distribution cost sharing arrangements.

Wimmera Mallee Water has discretion to determine its retail customer groups' cost shares after consultation with its customers.

- (g) In the past, the irrigation supply has been treated as a separate cost centre (supplied 90% from Pine Lake, 10% from Taylors Lake). In recognising that the Wimmera-Mallee system is managed as an integrated system, the BE cost sharing principles require irrigators to contribute to the cost of headworks in proportion to their entitlement. The lower reliability of the irrigation supply is acknowledged and the BEs include a provision for cost shares to be adjusted for different reliabilities by an exchange rate. The exchange rates are based on REALM modelling and will be determined by the Department working in conjunction with the water authorities.

The Department's cost modelling indicated that the BE headworks cost sharing principles would substantially increase the irrigation cost share, but that the overall cost allocation between rural and urban authorities would not change significantly.

- (h) Headworks costs should be identified separately for the Wimmera-Mallee and River Murray water sources. These are two separate systems managed independently and with different reliabilities and cost structures so that there is no interconnection between the entitlements. This situation supports the decision to have separate source entitlements for these two sources of supply.
- (i) If they agree to do so, the storage operator and the entitlement holders can agree to a different cost sharing arrangement.

There has been discussion on the impact of future infrastructure changes on irrigation cost shares and the relevance of the cost sharing principles in the BEs.

Pipelining will return losses to the rivers so that the proportion of irrigation releases from headworks will increase relative to releases for other users. The irrigators could potentially attract an increased share of headworks costs but without receiving any benefits from the works. This is an issue which needs to be addressed as part of development of the business case for new pipelining or other infrastructure works. There are many factors which could be brought to bear on an equitable outcome for irrigators including –

- clear definition of beneficiaries of infrastructure works;
- re-calculation of exchange rates; and
- different configurations of headworks which lead to different cost sharing arrangements.

Taking these factors into account, the cost sharing implications for entitlement holders need to be transparent in the project planning and agreed to as part of the project approval.

The bulk entitlements, with their cost reflective pricing principles, provide a rigorous, but flexible, basis from which to develop equitable cost sharing arrangements for new infrastructure works.

In the event there is no agreement in respect of clause 21.3 of Wimmera Mallee Water's bulk entitlement order (cl. 19 for urban authorities), this would trigger a dispute resolution process, which, because it involves pricing of bulk water services, would fall within the regulatory functions of the Essential Services Commission.

Water resource management costs (urban authorities c.20, flora and fauna c.21, WMW c.22)

Each entitlement holder must pay a reasonable share of costs incurred by the resource manager. Guidance on sharing these costs is left for the resource manager to determine in consultation with other entitlement holders.

An authority's entitlement or the amount of water it uses in a year are not necessarily appropriate bases for proportioning costs. A basis which reflects the actual cost of reporting on compliance for each authority might be more appropriate.

Distribution costs (urban authorities c.21, WMW c.23)

The sharing of distribution costs has been separated from sharing of headworks costs. Sharing of distribution costs is seen to be not as closely tied to bulk entitlements as are headworks costs. The method of sharing distribution cost (tariff structure) should be determined by agreement between the distributor and the person receiving the service using general pricing principles established in the bulk entitlement orders.

These principles are as follows –

- (a) The authority's share of distribution costs should be in accordance with the tariff for recovering distribution costs which applies to other customers in the surrounding area.
- (b) The principles used to establish separate pricing entities include –
 - (i) they should recognise customer groups based around geography and community identification;
 - (ii) the costs of the separate identities can be reasonably well identified. They should line up with discrete sections of the distribution infrastructure; and
 - (iii) the service provided within each entity is essentially the same.

Applying these principles on separate pricing entities to the Wimmera-Mallee system lead to a number of observations –

- channel supply to summer and winter domestic and stock dams are essentially the same service – filling dams;
 - having separate distribution entities for channel and pipeline supplied areas is not necessarily automatic. The main reason the supply systems are different is the substantial Government investment in pipelining. However, the basic service is the same – a service to supply water for domestic and stock purposes;
 - irrigation is a separate service. The channels and other infrastructure used exclusively by irrigators should be assigned to this separate pricing entity; and
 - the distributor's urban and rural entitlement holders should pay the same amount where the same service is provided.
- (c) In general there should be a two-part tariff for recovery of distribution costs consisting of –
 - an access fee for recovering fixed costs; and
 - a water usage fee for recovering variable costs.

Basing the access fee on the Schedule 2 entitlements is reasonable where the system is not capacity limited.

This clause does not apply to Glenelg Water which takes its water from Rocklands Reservoir and does not use the distribution system.

APPENDIX 1

Other Government Policy Requirements on Water for the Environment

This brief summary has been taken from a draft discussion paper on the provision and management of environmental water prepared by DSE's Flora and Fauna Branch.⁹

⁹ Framework for Provision and Management of Environmental Water in Victoria - Discussion Paper, Version 2, Draft ,May 2003, DSE Flora and Fauna Branch

State Environment Protection Policy (Waters of Victoria)

This State Environment Protection Policy (SEPP) provides the legal framework for government agencies, businesses and communities to protect and rehabilitate Victoria's rivers, lakes, wetlands, estuaries, bays and oceans. The policy is made under the **Environment Protection Act 1970**. The recent variation to the policy includes the following statement on water allocations and environmental flows –

To protect aquatic ecosystems, adequate environmental flows need to be provided to waterways, wetlands, lakes and estuaries. To enable this:

- (1) relevant protection agencies, particularly relevant water authorities, the Department of Sustainability and Environment and catchment management authorities need to work with other protection agencies, businesses and communities to develop and implement measures to provide environmental flows;
- (2) no increased allocation from any river, stream, lake, wetland or estuary should be approved unless it is consistent with the **Water Act 1989** and is subject to a process which is designed to provide environmental flows;
- (3) the Department of Sustainability and Environment will work with catchment management authorities, relevant water authorities and the Environment Protection Authority to develop a program to review and periodically independently audit the provision of environmental flows and their effectiveness in protecting environmental uses.

COAG

The Council of Australian Governments (COAG) implemented a National Strategic Framework for Water Reform. Policy statements in the strategy set broad direction for water reform, including those relating to the provision of water for the environment. Key directions include –

- (i) States should give priority to formally determining allocation or entitlements to water, including allocation for the environment as a legitimate user of water.
- (ii) In allocating water to the environment, member governments would have regard to the work undertaken by ARMCANZ and ANZECC in this area.
- (iii) Environmental allocations, wherever possible, be determined on the best scientific information available.

National Principles for the Provision of Water for Ecosystems

The former Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ) and the former Australia and New Zealand Environment Conservation Council (ANZECC) developed the National Principles for the Provision of Water for Ecosystems (Commonwealth of Australia 1996). This document recognised the potential impact of river regulation and consumptive use of water on ecological values, and set principles for future management including –

- Further allocation of water for any use should be on the basis that natural ecological processes and biodiversity are sustained (Principle 6) and
- Accountabilities in all aspects of management and environmental water provisions should be transparent and clearly defined (Principle 7).

Victoria's Biodiversity Strategy

This provides a strategic framework to improve management of Victoria's biodiversity. The strategy aims to ensure that wetland water regimes are considered in the bulk water entitlement conversion and new allocation processes, that new strategies for the effective use of environmental water on floodplains are investigated and that wetland habitat is improved or maintained where environmental water is provided.

APPENDIX 2

Derivation of Schedule 2

Table A2.1 Extract from Schedule 2 – Table 1 Regulated entitlements

	A	B	C	D	E	F	G	H	I	J	K	L	M
AVAILABLE WATER (ML) →	206,290	200,690	190,250	150,430	149,240	118,370	81,830	77,870	75,200	35,180	33,960	28,950	27,680
Entitlement holder	Allocation (ML)												
Wimmera Mallee Water													
D&S supplied by channel	32,210	32,210	32,210	18,680	18,680	12,560	4,510	4,510	4,510	2,400	2,400	1,800	1,800
Distribution losses - channel system	87,830	87,830	87,830	70,960	70,960	59,080	56,950	56,950	56,950	20,000	20,000	17,000	17,000
Supply by agreement ex channel system	2,080	2,080	2,080	1,580	1,570	1,280	480	270	130	130	65	65	-
Supply by agreement ex headworks	5,000	5,000	5,000	3,800	3,770	3,080	1,150	650	310	310	155	155	-
Irrigation supplied by channel	19,000	15,200	11,400	9,500	9,500	4,750	-	-	-	-	-	-	-
Distribution losses - irrigation channel system	9,000	7,200	5,400	4,500	4,500	2,250	-	-	-	-	-	-	-
Glenside compensation flow	3,300	3,300	3,300	3,300	3,300	3,300	3,300	50	50	50	50	50	-
Recreation	2,000	2,000	2,000	-	-	-	-	-	-	-	-	-	-
Total	160,420	154,820	149,220	112,320	112,280	86,300	66,390	62,430	61,950	22,890	22,670	19,070	18,800
Grampians Water (channel)													
Supplied direct off headworks	930	930	930	930	840	790	700	700	700	600	600	470	470
Horsham supply (into Mt Zero storage)	4,810	4,810	4,810	4,810	4,470	4,300	3,960	3,960	3,960	3,620	3,620	3,110	3,110
Supplied by channel (excl. Horsham)	4,780	4,780	4,780	4,780	4,300	4,060	3,580	3,580	3,580	3,100	3,100	2,390	2,390
Losses within (storage) works	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540	2,540
Total	13,060	13,060	13,060	13,060	12,150	11,690	10,780	10,780	10,780	9,860	9,860	8,510	8,510
Coliban Water													
Supplied by channel	290	290	290	290	260	250	220	220	220	190	190	150	150
Losses within (storage) works	160	160	160	160	160	160	160	160	160	160	160	160	160
Total	450	450	450	450	420	410	380	380	380	350	350	310	310
Glenside Water													
Supplied direct off headworks	120	120	120	120	110	100	90	90	90	80	80	60	60
Environment													
Supplied direct off headworks	32,240	32,240	27,400	24,480	24,280	19,870	4,190	4,190	2,000	2,000	1,000	1,000	-

Wherever possible, the shares represent current practice. Where conditions are outside current practice, the sharing arrangements were developed after discussions within the working groups and taking into account the views of the Wimmera Mallee Water Board.

The relationship between the urban/domestic and stock and the flora and fauna/compensation flow shares is summarised in Table A2.2. Figure A2.1 shows graphically the relative size of the shares in Schedule 2. It also shows approximately, the amount of system storage required on 1 November in any year to supply the allocations at each level.

Schedule 2's Table 1 was derived in two parts, columns A to F, and then columns G to M –

- Columns A to F represent the range of normal conditions and the technically defensible link between headworks releases to the channel system and the flora and fauna allocation is maintained. Starting from unrestricted allocations in column A, restrictions are progressively applied to the different user groups.
- Columns G to M represent extreme conditions when there is only a very basic supply to domestic and stock customers and restricted supply to towns. In column M, the question was asked – “if the amount of available water is just 28,000 ML, how would it be allocated?” In this case there is just enough water for a basic supply to enable fill the town dams, with farmers having to cart water from town dams to meet their basic needs, and towns being under heavy restrictions. There is no water for any other users. The table was then built up by progressively moving left, with each column representing a new threshold condition as described in Table A2.2.

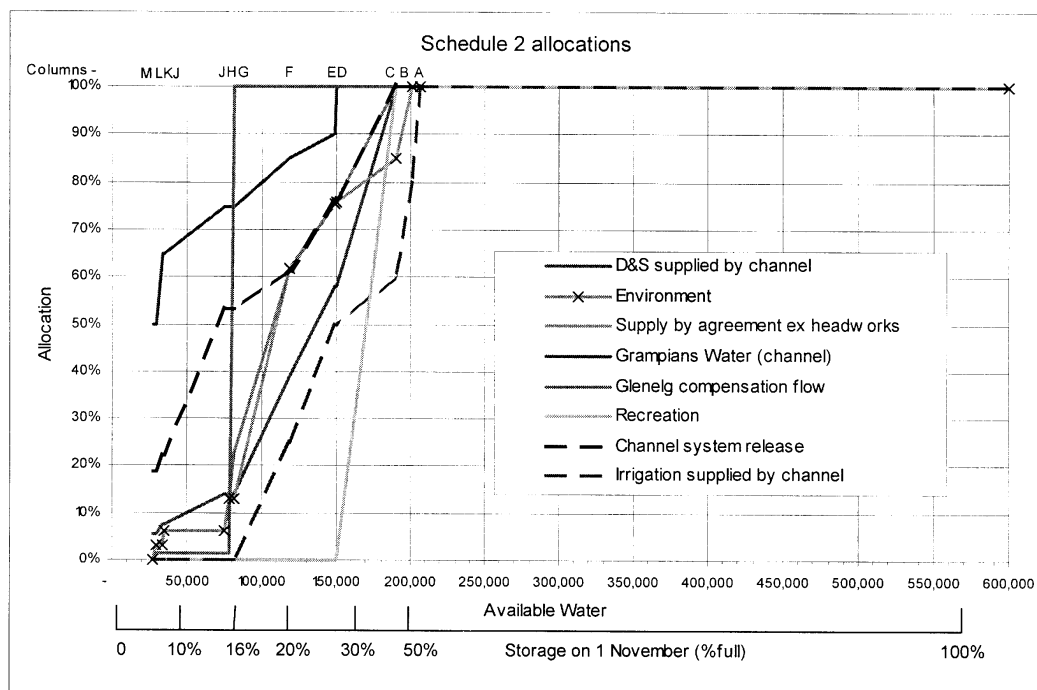
When irrigators have nil allocation, Wimmera Mallee Water's practice is to supply some irrigators with a small volume to keep permanent plantings alive. The total volume is no more than 50 ML and is to be supplied out of Wimmera Mallee Water's channel system losses, including channel system draw-down.

- The zone between columns F and G is a transition zone for the flora and fauna allocation, moving from the technically defensible formula used from columns A to F, to a more subjective approach made necessary by the extreme conditions.

Table A2.2 Derivation of Schedule 2's Table 1.

Column	Nominal supply to domestic and stock (% of dams filled)	Basis of the shares for flora and fauna, supply by agreement, and compensation flow
Zone of normal conditions – A to F		
A	100%	Full entitlement
B	100%	Full entitlement
C	100%	Flora and fauna share restricted as it is linked to pre-Northern Mallee Pipeline reliability – flora and fauna does not benefit from Northern Mallee Pipeline savings for improved security. Supply by agreement – full entitlement Full compensation flow.
D	50%	Flora and fauna – share is the same proportion as the headworks releases to the channel system Supply by agreement – same as flora and fauna Full compensation flow.
E	50%	Ditto
F	33%	Ditto
Zone of extreme conditions – G to M		
G	13% Town dams – dams filled (restricted supply) Summer D&S – one house dam filled Winter D&S – one house dam filled	From column H, the flora and fauna share remains at 13% and next 3,300 ML of available water goes to the compensation flow. Supply by agreement – same as flora and fauna Full compensation flow
H	ditto	From column I, flora and fauna share increased to 13% of its full entitlement (domestic and stock also at 13%). Compensation flow reduced to a nominal amount which allows water to be taken for domestic and stock purposes without reducing the amount available to the environment. Flora and fauna allocation – 4190 ML Supply by agreement – same proportion as flora and fauna Compensation flow – 50 ML
I	ditto	From column J, the flora and fauna share remains at nominal 2,000 ML until available water is enough for basic urban and domestic and stock supply in column I. Flora and fauna allocation – 2000 ML Supply by agreement – same proportion as flora and fauna Compensation flow – 50 ML

J	0% Town dams – dams filled (restricted supply) Summer D&S – one house dam filled Winter D&S – carting from town dams only	From column K, the next 1,000 ML of available water is allocated to flora and fauna to increase its allocation to a nominal 2,000 ML. Flora and fauna allocation - 2000 ML Supply by agreement - same proportion as flora and fauna Compensation flow - 50 ML
K	0% Town dams – dams filled (restricted supply) Summer D&S – one house dam filled Winter D&S – carting from town dams only	From column L, the flora and fauna share remains at nominal 1000 ML until available water is enough for basic urban and domestic and stock supply in column K Flora and fauna allocation - 1000 ML Supply by agreement - same proportion as flora and fauna Compensation flow - 50 ML
L	0% Town dams – dams filled (restricted supply) Summer and winter D&S – carting from town dams only	From column M, the next 1050 ML of available water is allocated to flora and fauna and compensation flow (so that water taken from the Glenelg for domestic and stock does not interfere with flora and fauna allocation) Flora and fauna allocation - 1000 ML Supply by agreement - same proportion as flora and fauna Compensation flow - 50 ML
M	0% Town dams – dams filled (restricted supply) Summer and winter D&S – carting from town dams only	The available water is sufficient to meet basic needs of urban and domestic and stock supply only. Flora and fauna allocation - nil Supply by agreement - nil Compensation flow - nil

Figure A2.1 Schedule 2 (Note – the allocations are expressed as a percentage of full entitlement)*

*Example – If the total Wimmera-Mallee system storage capacity is at 50%, then available water is about 200,000 ML and all allocations are at 100% of full entitlement, except flora and fauna at about 99%, and irrigation allocation at about 79%.

Table A2.3 Probability of being in a particular Schedule 2 column or better

Column	Probability of being in the column or better
A	71%
B	72%
C	73%
D	74%
E	86%
F	93%
G	99%
H	100%
I	*
J	*
K	*
L	*
M	*

* lowest modelled allocation for period 1903 to 2003 corresponds to column H

Planning and Environment Act 1987**BAW BAW PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C26

The Minister for Planning has approved Amendment C26 to the Baw Baw Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment implements Section 48 of the **Heritage Act 1995** by altering the planning scheme maps and the schedule to the Heritage Overlay so that HO22, included in Victorian Heritage Register, is correctly shown in the Baw Baw Planning Scheme.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Baw Baw Shire Council, Civic Place, Warragul.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987**BRIMBANK PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C49

The Minister for Planning has approved Amendment C49 to the Brimbank Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment replaces the 'Sydenham Regional Activity Centre Structure Plan, April 1999' Incorporated Document with the 'Sydenham Regional Activity Centre Structure Plan, April 1999 (Revised April 2004)' which makes minor adjustments to Plan 1 of the Incorporated Document to facilitate Stage 2 development. Updates the Schedule to the Comprehensive Development Zone and the List

of Incorporated Documents to reflect the changes.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Brimbank City Council, Keilor Office, Old Calder Highway, Keilor and Sunshine Customer Service Centre, 301 Hampshire Road, Sunshine.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987**CASEY PLANNING SCHEME**

Notice of Approval of Amendment

Amendment C48 Part 1

The Minister for Planning has approved Amendment C48 Part 1 to the Casey Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment applies the Public Acquisition Overlay 1 over part of land known as 2-6 Pound Road, Narre Warren South, 1095 Pound Road, Clyde North and 1100 Pound Road, Clyde North, to enable its acquisition for the upgrading of the intersection of Berwick-Cranbourne Road/Clyde Road, Pound Road and Grices Road.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Casey City Council, Magid Drive, Narre Warren.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987
EAST GIPPSLAND PLANNING SCHEME
Notice of Approval of Amendment
Amendment C27

The Minister for Planning has approved Amendment C27 to the East Gippsland Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment makes a number of corrections to the Planning Scheme maps as follows:

- Rezones CA 27 and 27A Section 1 – Doctors Flat, Ensay from Public Conservation and Resource Zone (PCRZ) to Rural Zone, Schedule 1 (RUZ1).
- Rezones CP156571 – Part CA 10A Princes Hwy, Bellbird – Bellbird Hotel from PCRZ to RUZ1.
- Rezones CA 140B Riley Street, Bairnsdale from PCRZ to Residential 1 Zone (R1Z).
- Rezones CA 14 and CA 14A Princes Highway, Nowa Nowa from PCRZ to RUZ1.
- Rezones 24–28 Old Marlo Road, Marlo from RUZ1 to R1Z.
- Removes the Heritage Overlay from land adjacent to the Presentation Sisters property: south-east corner of Pyke and Francis Streets, Bairnsdale (Pt 25 Francis Street).
- Renumbers the Omeo Highway and Howletts Lane from Environmental Significance Overlay (ESO) 30 to ESO 31.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the East Gippsland Shire Council, 273 Main Street, Bairnsdale.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987
EAST GIPPSLAND PLANNING SCHEME
Notice of Approval of Amendment
Amendment C34

The Minister for Planning has approved Amendment C34 to the East Gippsland Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment implements Section 48 of the **Heritage Act 1995** by:

- Introducing a new registration to the Victorian Heritage Register into the Schedule to the Heritage Overlay and maps of the East Gippsland Planning Scheme, being HO363.
- Altering the planning scheme maps and the schedule to the Heritage Overlay so that three heritage places included in Victorian Heritage Register are correctly shown in the East Gippsland Planning Scheme, being HO45, HO232 and HO241.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the East Gippsland Shire Council, 273 Main Street, Bairnsdale.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987
GREATER SHEPPARTON
PLANNING SCHEME
Notice of Approval of Amendment
Amendment C23 Part 1

The Minister for Planning has approved Amendment C23 Part 1 to the Greater Shepparton Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment amends the MSS, changes the schedules to the Floodway Overlay and Land Subject to Inundation Overlay, revises the extent of the Urban Floodway Zone, Floodway Overlay and Land Subject to Inundation Overlay in accordance with information provided under the Flood Data Transfer Project and introduces new incorporated documents in the form of Local Floodplain Development Plans for the precincts of the Lower Goulburn, Goulburn River, Broken River, Broken Creek, Honeysuckle Creek and Sevens Creek and Mosquito Depression.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne, the Department of Sustainability and Environment North Eastern regional office, 35 Sydney Road, Benalla and at the offices of the Greater Shepparton Shire Council, 90 Welsford Street, Shepparton.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987**LA TROBE PLANNING SCHEME****Notice of Approval of Amendment****Amendment C10**

The Minister for Planning has approved Amendment C10 to the La Trobe Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment incorporates the 'Extractive Industry Interest Areas Study' into the La Trobe Planning Scheme as a reference document and introduces a new associated local planning policy.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne and

at the offices of the Latrobe City Council, 34–38 Kay Street, Traralgon.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987**MORELAND PLANNING SCHEME****Notice of Approval of Amendment****Amendment C53**

The Minister for Planning has approved Amendment C53 to the Moreland Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment rezones land at 1151 Sydney Road, Fawkner comprising approximately 8,300m² from Public Use Zone 5 to Public Use Zone 7 to facilitate the development of the site for the purposes of the new 24-hour Coburg Police Station.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; Port Phillip Regional Office, 499 Ballarat Road, Sunshine; and at the offices of the Moreland City Council, Municipal Offices, 90 Bell Street, Coburg.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987**SURF COAST PLANNING SCHEME****Notice of Approval of Amendment****Amendment C10**

The Minister for Planning has approved Amendment C10 to the Surf Coast Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The amendment replaces the local policy at Clause 22.05 formerly known as “Surf Coast Design and Colours” now “Surf Coast Style and Colours”.

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne and at the offices of the Surf Coast Shire Council, Grossmans Road, Torquay.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

YARRA PLANNING SCHEME

Notice of Approval of Amendment

Amendment C54

The Minister for Planning has approved Amendment C54 to the Yarra Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment:

- Rezones land at 2-8 Bedford Street (inclusive even numbers) and 10 Perry Street, Collingwood from the Business 3 Zone to the Business 2 Zone;
- Rezones land at 15-33 Johnston Street (inclusive odd numbers), Collingwood from the Business 3 Zone to the Business 1 Zone; and,
- Includes all of the land mentioned above, except number 4 Bedford Street, in the Environmental Audit Overlay (EAO).

A copy of the Amendment can be inspected, free of charge, during office hours, at the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne and

at the offices of the Yarra City Council, Richmond Town Hall, 333 Bridge Road, Richmond.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

Planning and Environment Act 1987

EAST GIPPSLAND PLANNING SCHEME

Notice of Lapsing of Amendment

Amendment C3 Part 2

Pursuant to Section 30(1)(a) of the **Planning and Environment Act 1987**, Amendment C3 Part 2 to the East Gippsland Planning Scheme has lapsed.

The Amendment proposed to remove the Public Acquisition Overlay from land bounded by Esplanade, Carpenter Street, Church Street and Myer Street, Lakes Entrance as shown on Map 55PAO2.

The Amendment lapsed on 19 October 2002.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

ORDERS IN COUNCIL

City of Melbourne Act 2001

MELBOURNE CITY COUNCIL RATES FINANCIAL YEAR ENDING 30 JUNE 2005

Order in Council

The Governor in Council, on the recommendation of the Minister for Local Government, under section 28(2) of the **City of Melbourne Act 2001** orders that for the financial year ending 30 June 2005 the Melbourne City Council may raise any general rates by the application of a differential rate even if the Council does not use the capital improved value system of valuing land.

The Order is effective from the day on which it is gazetted.

Dated 8 June 2004

Responsible Minister
CANDY BROAD MLC
Minister for Local Government

DIANE CASEY
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:

CARLYLE – The temporary reservation by Order in Council of 27 September, 1886 of an area of 22.860 hectares, more or less, of land in Parish of Carlyle (formerly being Crown Allotment 2 of Section 15) as a site for Water Supply purposes, revoked as to part by Orders in Council of 4 November, 1940 and 20 July, 1954 so far as the balance remaining containing 22.293 hectares, more or less. – (Rs 05122)

DOOEN – The temporary reservation by Order in Council of 11 April, 1989 of an area of 24.37 hectares of land being Crown Allotment 19J, Parish of Dooen as a site for Public Recreation. – (Rs 14054)

KYNETON – The temporary reservation by Order in Council of 30 December, 1867 of an area of 8094 square metres, more or less, of land in the Township of Kyneton, (formerly town of

Kyneton being part of Section 40), Parish of Lauriston as a site for Hospital purposes, in addition to the site permanently reserved for those purposes by Order in Council of 8 July, 1867. – (Rs 5694)

KYNETON – The temporary reservation by Order in Council of 26 July, 1948 of an area of 1012 square metres, more or less, of land in the Township of Kyneton, Parish of Lauriston as a site for Hospital purposes. – (Rs 5694)

KYNETON – The temporary reservation by Order in Council of 19 July, 1977 of an area of 4102 square metres, being Crown Allotment 1, Section 40, Township of Kyneton, Parish of Lauriston as a site for Hospital purposes. – (Rs 5694)

LILLIPUT – The temporary reservation by Order in Council of 13 February, 1894 of an area of 2.266 hectares, more or less, of land in Section 1, Parish of Lilliput as a site for Supply of Gravel. (Rs 10414)

This Order is effective from the date on which it is published in the Government Gazette.

Dated 8 June 2004

Responsible Minister
MARY DELAHUNTY
Minister for Planning

DIANE CASEY
Clerk of the Executive Council

Crown Land (Reserves) Act 1978

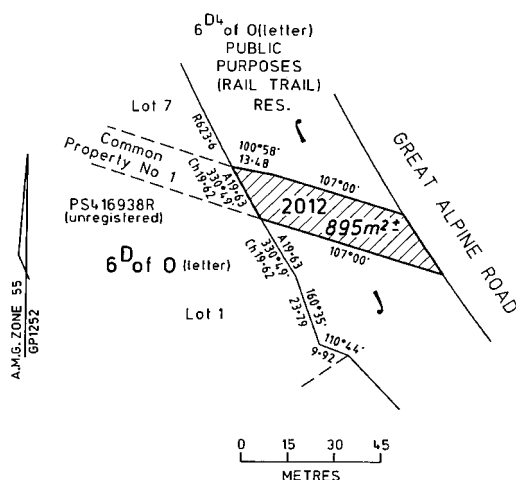
NOTICE OF INTENTION TO REVOKE TEMPORARY RESERVATIONS

The Governor in Council under section 10 of the **Crown Land (Reserves) Act 1978** gives notice of intention to revoke the following temporary reservations:

BARRABOOL – The temporary reservation by Order in Council of 25 May, 1999 of a combined area of 1867 square metres, of land being Crown Allotments 3B, 3C and 3E, Section 25, Parish of Barrabool as a site for Public Purposes (Day Program Facility), so far only as the portions containing 1286 square metres being Crown Allotments 3B and 3E, Section 25, Parish of Barrabool. – (2006597)

KEELBUNDORA – The temporary reservation by Order in Council of 14 March, 1973 of an area of 8.324 hectares of land in the Parish of Keelbundora as a site for Public Hospital purposes. – (Rs 9721)

MYRTLEFORD – The temporary reservation by Order in Council of 21 January, 1997 of an area of 14.20 hectares, more or less, of land in the Parish of Myrtleford as a site for Public Purposes (Rail Trail), so far only as the portion containing 895 square metres, more or less, as indicated by hatching on plan hereunder. – (GP1252) (Rs 1109905)



RUPANYUP – The temporary reservation by Order in Council of 28 June, 1880 of an area of 8094 square metres of land in the Parish of Rupanyup (formerly part of Crown Allotment 96) as a site for a Pound. – (Rs 5986)

RUPANYUP – The temporary reservation by Order in Council of 8 April, 1885 of an area of 1.336 hectares of land in the Parish of Rupanyup (formerly part of Crown Allotment 96) as a site for Water Supply purposes, SAVE AND EXCEPT the portion containing 4148 square metres shown as Crown Allotment 96P, Parish of Rupanyup on Original Plan No. 111000 lodged in the Central Plan Office. – (C43413)

RUPANYUP – The temporary reservation by Order in Council of 7 January, 1878 of an area of 178.06 hectares, more or less, of land in the Parish of Rupanyup (formerly Crown Allotment 96) as a site for Public purposes, revoked as to part by various Orders, so far as the balance remaining. – (Rs 6507)

WILLENABRINA - The temporary reservation by Order in Council of 4 November, 1953 of an area of 5.944 hectares, more or less, of land in the Parish of Willenabrina as a site for Water Supply purposes. – (Rs 884)

This Order is effective from the date on which it is published in the Government Gazette.

Dated 8 June 2004

Responsible Minister
MARY DELAHUNTY
Minister for Planning

DIANE CASEY
Clerk of the Executive Council

Crown Land (Reserves) Act 1978 **TEMPORARY RESERVATION** **OF CROWN LANDS**

The Governor in Council under section 4(1) of the **Crown Land (Reserves) Act 1978** temporarily reserves the following Crown lands which in his opinion are required for the purposes mentioned:—

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

CONNANGORACH – Conservation of an area of natural interest, 15.74 hectares being Crown Allotments 2001 and 2002, Parish of Connangorach as shown on Original Plan No. 122010 lodged in the Central Plan Office. – (02L4-1567)

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

DOOEN – Public Recreation, 29.24 hectares, being Crown Allotment 2002, Parish of Dooen as shown on Original Plan No. 122071 lodged in the Central Plan Office. – (Rs 14054)

This Order is effective from the date on which it is published in the Government Gazette.

Dated 8 June 2004

Responsible Minister
MARY DELAHUNTY
Minister for Planning

DIANE CASEY
Clerk of the Executive Council

State Owned Enterprises Act 1992

DECLARATION BY THE GOVERNOR IN
COUNCIL UNDER SECTION 88A(1)

Order in Council

The Governor in Council pursuant to section 88A(1) of the **State Owned Enterprises Act 1992** declares each of the following statutory corporations to be a statutory corporation to which section 88 of that Act applies:

- V/Line Passenger Corporation
- V/Line Passenger Pty Ltd
- Rolling Stock Holdings Pty Ltd
- Rolling Stock (Victoria – VL) Pty Ltd
- Rolling Stock (VL – 1) Pty Ltd
- Rolling Stock (VL – 2) Pty Ltd
- Rolling Stock (VL – 3) Pty Ltd

Dated 8 June 2004

Responsible Minister
JOHN BRUMBY MP
Treasurer

DIANE CASEY
Clerk of the Executive Council

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SUBORDINATE LEGISLATION ACT 1994 NOTICE OF MAKING OF STATUTORY RULES

Notice is hereby given under Section 17 (2) of the **Subordinate Legislation Act 1994** of the making of the following Statutory Rules:

56. *Statutory Rule:* Crimes (Confiscation) Regulations 2004
Authorising Act: Crimes Act 1958
Date of making: 8 June 2004
57. *Statutory Rule:* Confiscation (Amendment) Regulations 2004
Authorising Act: Confiscation Act 1997
Date of making: 8 June 2004
58. *Statutory Rule:* Electricity Safety (Installations) (Amendment) Regulations 2004
Authorising Act: Electricity Safety Act 1998
Date of making: 8 June 2004
59. *Statutory Rule:* Drugs, Poisons and Controlled Substances (Confiscation) Regulations 2004
Authorising Act: Drugs, Poisons and Controlled Substances Act 1981
Date of making: 8 June 2004
60. *Statutory Rule:* Child Employment Regulations 2004
Authorising Act: Child Employment Act 2003
Date of making: 8 June 2004

SUBORDINATE LEGISLATION ACT 1994 NOTICE THAT STATUTORY RULES ARE OBTAINABLE

Notice is hereby given under Section 17 (3) of the **Subordinate Legislation Act 1994** that the following Statutory Rules were first obtainable from Information Victoria, 356 Collins Street, Melbourne on the date specified:

54. *Statutory Rule:* Supreme Court (Administration and Probate) Rules 2004
Authorising Act: Supreme Court Act 1986
Administration and Probate Act 1958
Date first obtainable: 7 June 2004
Code D
55. *Statutory Rule:* Road Safety (Drivers) (Demerit Points Cancellation) Regulations 2004
Authorising Act: Road Safety Act 1986
Date first obtainable: 10 June 2004
Code A

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