



Victoria Government Gazette

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GENERAL

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As from 26 August 2004

The last Special Gazette was No. 184 dated 23 August 2004.

The last Periodical Gazette was No. 1 dated 17 June 2004.

How To Submit Copy

- See our webpage www.craftpress.com.au
 - or contact our office on 9926 1233
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-

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).
-

PRIVATE ADVERTISEMENTS**Land Act 1958**

Notice is hereby given that the San Remo Fisherman's Co-operative Society Limited has applied for a lease pursuant to Section 134 of the **Land Act 1958** for a term of twenty-one (21) years in respect of Allotment 1J, Section A, Parish of Woolamai and shown on OP105068A lodged in the Central Plan Office, containing 1094m², as a site for fish freezing works and associated retail activities.

Ref. No. 1202906.

DISSOLUTION OF PARTNERSHIP**Partnership Act 1958**

Take notice that the partnership previously subsisting between Kelvin Boyd ("retiring partner"), Bradley Noel Reid, Susan Joy Prestney, Jonathan James McLeod, Gilson John Levy and Gary James Douglas ("continuing partners"), which traded under the style or firm of Boyd Partners carrying on business as accountants, auditors and advisers at Level 10, 600 St Kilda Road, Melbourne, Victoria, was dissolved on 1 April 2004. The continuing partners will continue to trade as Boyd Partners and will be solely responsible for all liabilities and debts owing by Boyd Partners as and from 1 April 2004.

PONTE EARLE HARRICK, lawyers,
Level 4, 406 Collins Street, Melbourne, Victoria.

HENRY FRANK WELLINGTON (also known as Harry Frank Wellington), late of Rosebud Private Nursing Home, 8-16 Capel Avenue, Rosebud West, Victoria, real estate investor, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 16 September 2003, are required by Denyse Anne Embrey of 43 Heales Street, Dromana, Victoria, one of the administrators, to send particulars to her by 2 November 2004 after which date the administrators may convey or distribute the assets having regard only to the claims of which they then have notice.

Re: DAVID BRUCE McNAIR, late of 159 East Street, Narrandera, New South Wales 2700, hotel employee, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died between 16 and 17 November 2003, are required by the trustee, Ruth Andrea Neilson of 5/22 Crowley Road, Healesville, Victoria, cleaner, sister, to send particulars to the trustee by 25 October 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

G.A. BLACK & CO., solicitors,
222 Maroondah Highway, Healesville 3777.

DONALD DOUGLAS HONEYMAN, late of 9 Melrose Avenue, Highton, Victoria, investor, 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 the legal personal representative, Darren Charles Merrett, to send particulars to him care of Harwood Andrews, lawyers, of 70 Gheringhap Street, Geelong by 26 October 2004 after which date the legal personal representative may convey or distribute the assets having regard only to the claims of which the legal personal representative then has notice.

HARWOOD ANDREWS, lawyers,
70 Gheringhap Street, Geelong 3220.

EDWINA TERESA BRIDE, deceased, late of Unit 1, 46 Adam Street, Burnley, administrator.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 29 June 2002, are required by the trustee, Winsome Mary Gottschalk of 17 Budge Street, Noble Park, Victoria, to send particulars to her care of John Blanch, solicitor, 3rd Floor, 12 Collins Street, Melbourne 3000 by 29 October 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which she then has notice.

Dated 26 August 2004

JOHN BLANCH, solicitor,
12 Collins Street, Melbourne 3000.

Creditors, next-of-kin or others having claims in respect of the estate of EDNA MAY COSTELLO, late of St Winifred, 41 Coppin Street, East Malvern, pensioner, deceased, who died on 13 June 1999, are to send particulars of their claims to the executor care of the undermentioned solicitors by 28 October 2004 after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

JOHN KEATING & ASSOCIATES, solicitors,
191 Greville Street, Prahran 3181.

Creditors, next-of-kin or others having claims in respect of the estate of JOYCE EVELYN VAN PRAAGH, late of 26 Eastbourne Street, Windsor, widow, deceased, who died on 11 August 2003, are to send particulars of their claims to the executor care of the undermentioned solicitors by 28 October 2004 after which date the executor will distribute the assets having regard only to the claims of which the executor then has notice.

JOHN KEATING & ASSOCIATES, solicitors,
191 Greville Street, Prahran 3181.

Creditors, next-of-kin and others having claims in respect of the Will of MICHAEL TIMOTHY BYRNES, late of Unit 12, 20 Laurence Avenue, Airport West, Victoria, retired, deceased, who died on 14 July 2004, are requested to send particulars of their claims to the executor, Patrick Joseph Byrnes, care of the undermentioned legal practitioner by 27 October 2004 after which date he will distribute the assets having regard only as to the claims of which he then has notice.

JOHN STEWART, legal practitioner,
290 Racecourse Road, Newmarket.

Creditors, next-of-kin and others having claims in respect of the estate of DOROTHY FLORA AGNES CLYDE, late of 854A Centre Road, East Bentleigh, Victoria, widow, deceased, who died on 18 July 2004, are required by the executor, namely Ian Alfred Clyde of 10 Lily Street, Bentleigh, Victoria, to send particulars of such claims to the solicitors acting for the said executor, namely Kelly & Chapman, 300 Centre Road, Bentleigh, by 1 November 2004 after

which date the said executor may convey or distribute the assets of the deceased having regard only to claims of which he or his solicitors then have notice.

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

Creditors, next-of-kin and others having claims in respect of the estate of ALAN GEOFFREY KENT, late of 11 Myers Court, Hoppers Crossing, Victoria, gentleman, retired, deceased, who died on 18 July 2004, are required by the executor, namely David Ivo Chapman of 300 Centre Road, Bentleigh, Victoria, solicitor, to send particulars of such claims to the solicitors acting for the said executor, namely Kelly & Chapman of 300 Centre Road, Bentleigh, aforesaid, by 29 October 2004 after which date the said executor may convey or distribute the assets of the deceased having regard only to claims of which he or his solicitors then have notice.

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

Creditors, next-of-kin and others having claims in respect of the estate of LIONEL WILLIAM TAVNER, late of 11 Washington Street, Traralgon, Victoria, retired Electricity Commission employee, deceased, who died on 20 July 2004, are to send their claims to the trustee, Valerie Patricia Tavner of 11 Washington Street, Traralgon, Victoria, care of the below-mentioned solicitors by 27 October 2004 after which date she will distribute the assets of the deceased having regard only to the claims of which she then has notice.

LITTLETON HACKFORD, solicitors,
Law Chambers,
115–119 Hotham Street, Traralgon, Vic. 3844.

Creditors, next-of-kin and others having claims in respect of the estate of ZINAIDA WISSMER, late of Latrobe Valley Village Hostel, Ollerton Avenue, Moe, Victoria, home duties, deceased, who died on 23 June 2004, are to send their claims to the trustees, Eduard Wissmer of 76 Southwell Avenue, Newborough, Victoria, William Wissmer of Flat 1, 266 Coker Street, Rockhampton North, Queensland, and

Harry Wissmer of 72 Queen Street, Rosedale, Victoria, care of the below-mentioned solicitors by 24 October 2004 after which date they will distribute the assets of the deceased having regard only to the claims of which they then have notice.

LITTLETON HACKFORD, solicitors,
"Law Chambers",
115-119 Hotham Street, Traralgon Vic. 3844.

Re: Estate of EILEEN MURRAY, late of 109 Hedderwick Street, Essendon, in the State of Victoria.

Creditors, next-of-kin and others having claim in respect of the estate of the above deceased, who died at Parkville on 10 December 2003, are required by the executors and trustees of the said deceased, Edward Henry Murray, Maxwell Lewis Murray and Marian Joy Whitton, all care of McNab McNab & Starke, 21 Keilor Road, Essendon, to send particulars to them by 28 October 2004, after which date the trustees may convey or distribute the assets having regard only to the claims of which they then have notice.

McNAB McNAB & STARKE, solicitors,
21 Keilor Road, Essendon 3040.
Telephone: 9379 2819

LORNA JULIA MILLER, late of Bindaree Retirement Centre, Highett Street, Mansfield, Victoria, widow.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 March 2004, are required by the applicants for grant of representation in the estate, Kieran Robin Scholes-Miller of 5 Lanier Street, North Croydon, Victoria and Bambi Elizabeth Scholes-Miller of 1/42 Russell Crescent, Doncaster East, Victoria, to send particulars to them at the office of the undermentioned firm of solicitors by 26 November 2004 after which date the applicants for grant of representation may convey and distribute the assets having regard only to the claims of which they then have notice.

MAL. RYAN & GLEN,
solicitors for the applicants,
9 High Street, Mansfield 3722.

FLORENCE VINCENT O'HALLORAN, late of Buckland House, Loch Street, Mansfield, Victoria, retired.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 30 March 2004, are required by the applicants for grant of representation in the estate, John Patrick O'Halloran and Eileen Nonetta O'Halloran, both of 7 Davies Street, Mansfield and Michael John O'Halloran of 245 Old Tolmie Road, Mansfield, to send particulars to them at the office of the undermentioned firm of solicitors by 2 November 2004 after which date the applicants for grant of representation may convey or distribute the assets having regard only to the claims of which they then have notice.

MAL. RYAN & GLEN,
solicitors for the applicants,
9 High Street, Mansfield 3722.

Re: MAXWELL CASSIDY, late of 22 Mondstadt Avenue, East St Kilda, Victoria, retired engineer, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 17 April 2004, are required by the trustee, Perpetual Trustees Victoria Limited of 360 Collins Street, Melbourne, Victoria, to send particulars to the trustee by 25 October 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MADDOCKS, lawyers,
140 William Street, Melbourne 3000.

Re: SARAH DOWNES CHOMLEY, late of 213 Village Baxter, 8 Robinsons Road, Baxter, Victoria, retired solicitor, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 11 May 2004, are required by the trustee, Perpetual Trustees Victoria Limited of 360 Collins Street, Melbourne, Victoria, to send particulars to the trustee by 25 October 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MADDOCKS, lawyers,
140 William Street, Melbourne 3000.

Re: PETER HENRY DEBRETT, late of Carnsworth Nursing Home, 10 A'Beckett Street, Kew, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 20 April 2004, are required by the trustee, Perpetual Trustees Consolidated Limited (in the Will called National Mutual Trustees Limited) of 360 Collins Street, Melbourne, Victoria, to send particulars to the trustee by 25 October 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MADDOCKS, lawyers,
140 William Street, Melbourne 3000.

Re: BRUCE JAMES FAY (commonly known as Peter Fay), late of Unit 68, "Kingston Green", 62 Cavanagh Street, Cheltenham, retired, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 15 April 2004, are required by the trustee, Perpetual Trustees Victoria Limited of 360 Collins Street, Melbourne, Victoria, to send particulars to the trustee by 25 October 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MADDOCKS, lawyers,
140 William Street, Melbourne 3000.

Re: DOROTHY ELAINE HAWORTH, late of Apartment 206, "Menziess Malvern", 1286 High Street, Malvern, Victoria, widow, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 May 2004, are required by the trustee, Perpetual Trustees Victoria Limited of 360 Collins Street, Melbourne, Victoria, trustee company, to send particulars to the trustee by 25 October 2004 after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee has notice.

MADDOCKS, lawyers,
140 William Street, Melbourne 3000.

Re: MARJORIE SMITH, late of 41 Gordon Street, Orbost, Victoria, retired.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 19 May 2004, are required by Bronwen Di Bari of 15 Tarra Street, Orbost, Victoria, the executor appointed in the Will, to send particulars of any such claim to the solicitors referred to below so that such particulars are received by such solicitors on or prior to 29 October 2004 after which date the executors may convey or distribute the assets having regard only to the claims of which they then have notice.

MOSLEY & PALMER, solicitors,
PO Box 243, Orbost 3888.

Re: FREDA ROSE BARNES, late of 256 Station Street, Edithvale, Victoria, retired, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 27 January 2004, are required to send particulars of their claim to the executor, Dawn Chadwick, care of the undermentioned solicitors by 31 October 2004 after which date the executor will convey or distribute the assets having regard only to the claims of which she then has notice.

ROMEO & ASSOCIATES, solicitors,
1215 Glen Huntly Road, Glen Huntly 3163.

SAVA STEFANOVIC, late of 3 Third Street, Hepburn Springs, Victoria, pensioner, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 7 April 2004, are required by the administrator, Vera Stefanovic, to send particulars of their claims to her care of the undermentioned solicitor by 10 November 2004 after which date she will convey or distribute the assets, having regard only to the claims of which she then has notice.

SRETEN TRAKILOVIC, barrister & solicitor,
Unit 1, 3 Ronald Street, Dandenong 3175.

Re: HELENE HAMPTON, late of 87 David Street North, Knoxfield, Victoria, pensioner, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 8 May 2004, are required to send particulars of their claims to the executors, Kirk

Derrick Hampton and Monique Helene Hampton, care of 1/77-79 Station Street, Ferntree Gully, on or before 25 October 2004 after which date the executors may convey or distribute the assets having regard only to the claims of which they then have notice.

TONY O'BRIEN & ASSOCIATES,
legal practitioners,
1/77-79 Station Street, Ferntree Gully.

Re: MARY ELLEN CARROLL (known as Nell), late of Sheraton Nursing Home, Frankston, Victoria, retired gentlewoman, deceased.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 28 April 2004, are required to send particulars of their claims to the executrix, Ellen Jean White, care of 1/77-79 Station Street, Ferntree Gully, on or before 25 October 2004 after which date the executrix may convey or distribute the assets having regard only to the claims of which she then has notice.

TONY O'BRIEN & ASSOCIATES,
legal practitioners,
1/77-79 Station Street, Ferntree Gully.

JOHN GLEESON, late of Muntoona, 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 12 August 1951, are required by the trustee, Perpetual Trustees Consolidated Limited of 39 Hunter Street, Sydney, NSW 2000, to send particulars to it by 26 October 2004 after which date the trustee may convey or distribute the assets having regard only to the claims of which it then has notice.

Dated 26 August 2004
TRESSCOX, lawyers,
Level 9, 469 La Trobe Street, Melbourne.

MILDRED HILTON, late of Glenferrie Nursing Home, 31 Chrystobel Crescent, Hawthorn, in the State of Victoria, spinster.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 18 December 1980, are required by the trustee, Perpetual Trustees Consolidated

Limited of 39 Hunter Street, Sydney, NSW 2000, to send particulars to it by 26 October 2004 after which date the trustee may convey or distribute the assets having regard only to the claims of which it then has notice.

Dated 26 August 2004
TRESSCOX, lawyers,
Level 9, 469 La Trobe Street, Melbourne.

GORDON STUART RUSSELL, late of Broughtonlea Residential Aged Care Facility, 9-17 Broughton Road, Surrey Hills, Victoria, retired company manager, deceased. Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 5 May 2004, are required by Trust Company of Australia Limited, ACN 004 027 749, of 151 Rathdowne Street, South Carlton, Victoria, one of the executors, to send particulars to it by 2 November 2004 after which date the executors may convey or distribute the assets having regard only to the claims of which they then have notice.

TRUST COMPANY OF AUSTRALIA LTD,
151 Rathdowne Street, South Carlton.

Re: DANIEL GEOFFREY HARRISON, late of 6 Jaques Grove, Forest Hill, Victoria.

Creditors, next-of-kin and others having claims in respect of the estate of the deceased, who died on 12 June 2004, are required to send particulars of their claims to the executor, care of Estate Administration Services, GPO Box 6099, Halifax Street, Adelaide, South Australia 5000 by 26 November 2004 after which date the executor may convey or distribute the assets having regard only to the claims of which they may then have notice.

WILLS & PROBATE VICTORIA, lawyers,
Level 5, 360 Little Bourke Street, Melbourne.

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>
ANZ CUSTODIAN SERVICES			
	\$		
Bank of Nova Scotia Jamaica Ltd, Savannah La Mar, Jamaica, West Indies	22,632.34	Cheque	04/06/03
Bank of Nova Scotia Jamaica Ltd, Sub-A/C H. & R. Wagner, Savannah La Mar, Jamaica, West Indies	22,643.07	"	"
04230 CONTACT: QUOC HUYNH – ANZ NOMINEES LTD, PHONE: (03) 9273 2607.			

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>
AXA AUSTRALIA			
	\$		
Yuling Wang, 9–6 Cecil Street, Ashfield, NSW	287.64	Cheque	07/08/01
Gillian Firth, PO Box 12, Wembley, WA	921.22	"	22/05/02
04160 CONTACT: RENUKA PRASAD, PHONE: (03) 9287 3369.			

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>
CLEMENTS & CO.			
	\$		
Accis Pty Ltd, C/- Anthony and Julie Clarke, 512 City Road, South Melbourne	500.00	Cheque	17/10/02
04254 CONTACT: JULIE ROBINSON, PHONE: (03) 9809 4033.			

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>
HOCKING STUART REAL ESTATE			
	\$		
Property Essentials, PO Box 108, Port Melbourne	574.58	Cheque	18/12/99
Property Essentials, PO Box 108, Port Melbourne	1,688.01	"	"

04255

CONTACT: BILL PASPALIARIS, PHONE: (03) 9670 3550.

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>
HOCKING STUART (MELBOURNE) PTY LTD			
	\$		
Sir Chi Ching, C/- Mr Laurence Teck, 1/3 Hudson Street, Caulfield North	105.00	Cheque	18/02/98
Mr Jacque Jeannot, 60 Blake Street, Reservoir	900.78	"	20/05/99
Kursat Sezai & Maria Fillippone, 20 Brees Road, East Keilor	568.44	"	29/05/01
Kwong Yiu Chung, 10/259 Domain Road, South Yarra	701.00	"	12/12/01
Kwong Yiu Chung, 10/259 Domain Road, South Yarra	328.48	"	19/02/03
Rani Hedge, Level 44, Grosvenor Philip Tower, Farrah Place, Sydney, NSW	100.00	"	09/12/99
Residential Tenancies Bond Authority, Locked Bag No. 3040, GPO Melbourne	1,192.00	"	12/10/98
Body Corporate Guardians, 649 St Kilda Road, Melbourne	175.25	"	30/10/01

04253

CONTACT: BILL PASPALIARIS, PHONE: (03) 9670 3550.

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>
REAL XCHANGE LAWYERS (formerly AMERENAS)			
	\$		
Paul Kevan Tilbury, 12/501 Wilson Street, Darlington, NSW	662.32	Cheque	22/02/01

04262

CONTACT: MARY AMERENA, PHONE: (03) 9667 6024.

PROCLAMATIONS

Accident Compensation and Transport Accident Acts (Amendment) Act 2003

PROCLAMATION OF COMMENCEMENT

I, John Landy, Governor of Victoria, with the advice of the Executive Council and under section 2 of the **Accident Compensation and Transport Accident Acts (Amendment) Act 2003**, fix 1 September 2004 as the day on which sections 6 and 13 and Parts 3 and 5 of that Act come into operation.

Given under my hand and the seal of Victoria on 24th August 2004.

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

ROB HULLS
Minister for WorkCover

Act 1958, proclaim that the Second Schedule is altered by removing the item relating to "Women's and Children's Health" and inserting in its place the following items:

- "The Royal Children's Hospital.....1
- The Royal Women's Hospital.....1".

This order is to have effect from the date of publication in the Government Gazette.

Given under my hand and the seal of Victoria on 24th August 2004.

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

BRONWYN PIKE
Minister for Health

Cancer Act 1958

PROCLAMATION OF ALTERATION OF SECOND SCHEDULE

I, John Landy, Governor of Victoria, with the advice of the Executive Council and on the recommendation of the Anti-Cancer Council of Victoria and under section 6(1A) of the **Cancer Act 1958**, proclaim that the Second Schedule is altered by inserting after the item relating to "The Royal College of Pathologists of Australasia" the following item:

"DENOMINATIONAL HOSPITALS
St Vincent's Hospital (Melbourne) Limited.....1."

This order is to have effect from the date of publication in the Government Gazette.

Given under my hand and the seal of Victoria on 24th August 2004.

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

BRONWYN PIKE
Minister for Health

Cancer Act 1958

PROCLAMATION OF ALTERATION OF SECOND SCHEDULE

I, John Landy, Governor of Victoria, with the advice of the Executive Council and on the recommendation of the Anti-Cancer Council of Victoria and under section 6(1A) of the **Cancer**

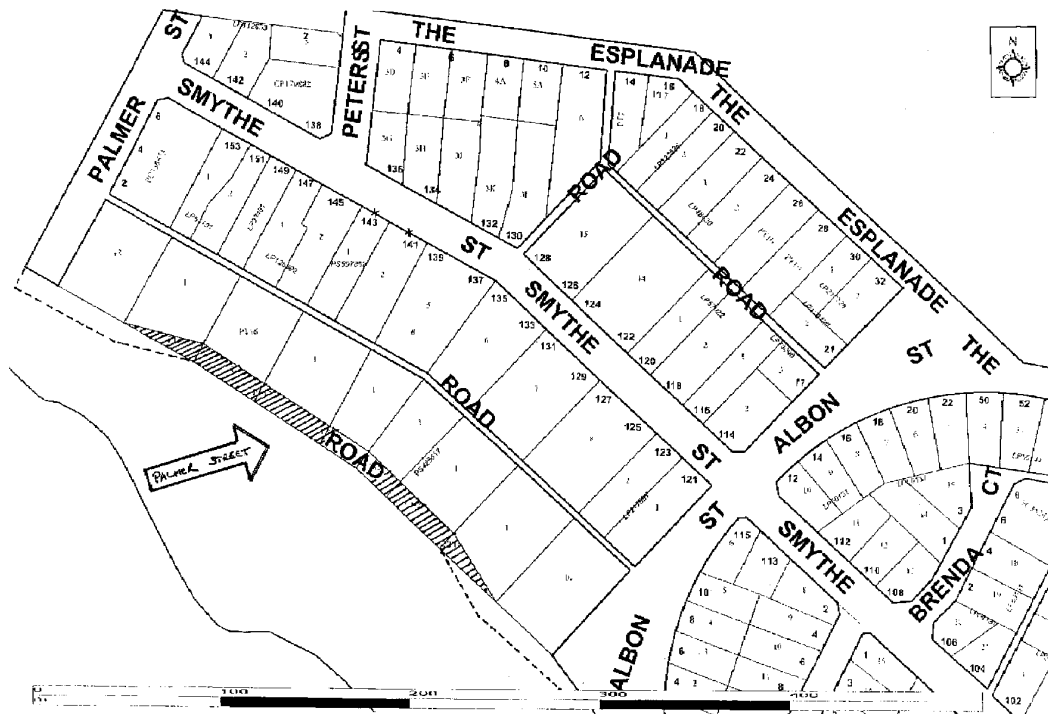
GOVERNMENT AND OUTER BUDGET SECTOR AGENCIES NOTICES

BASS COAST SHIRE COUNCIL

Declaration of Public Highway – Corinella

Under Section 204(1) of the **Local Government Act 1989** the Bass Coast Shire Council at its Ordinary Meeting held on 18 August 2004 formed the opinion that the road shown hatched on the plan below is required to be opened to the public as a right and declared the road to be a public highway for the purposes of the Act on and from the date of publication of this notice in the Government Gazette.

In addition Council has officially named this road as Palmer Street.



ALLAN BAWDEN
Chief Executive Officer

CARDINIA SHIRE COUNCIL

Meeting Procedure Local Law

Notice is hereby given that the Cardinia Shire Council at its meeting held on 16 August 2004 made Local Law No. 8 "Meeting Procedure Local Law".

The purposes and general purport of the Local Law are to:

- regulate the proceedings at meetings of the Council and special and advisory committees of the Council;
- set out a procedure for electing the Mayor;
- regulate the use of the common seal or any device resembling the common seal as required by the **Local Government Act 1989**;
- repeal Local Law No. 5 "Meeting Procedure Local Law"; and
- make provision for related administrative procedures.

Copies of the Local Law and the accompanying guidelines are available for inspection at, and can be obtained from, the Cardinia Shire Council Offices, Henty Way, Pakenham.

The Local Law is to commence on and from 1 September 2004.

DON WELSH
Chief Executive Officer

MOONEE VALLEY CITY COUNCIL

Road Discontinuance

At its meeting on 17 August 2004 and acting under clause 3 of schedule 10 to the **Local Government Act 1989**, Moonee Valley City Council resolved to discontinue the road in Kensington, shown hatched on the plan below.

The road is to be sold subject to any right, power or interest held by City West Water in the road, in connection with any drains or pipes under the control of that authority in or near the road.

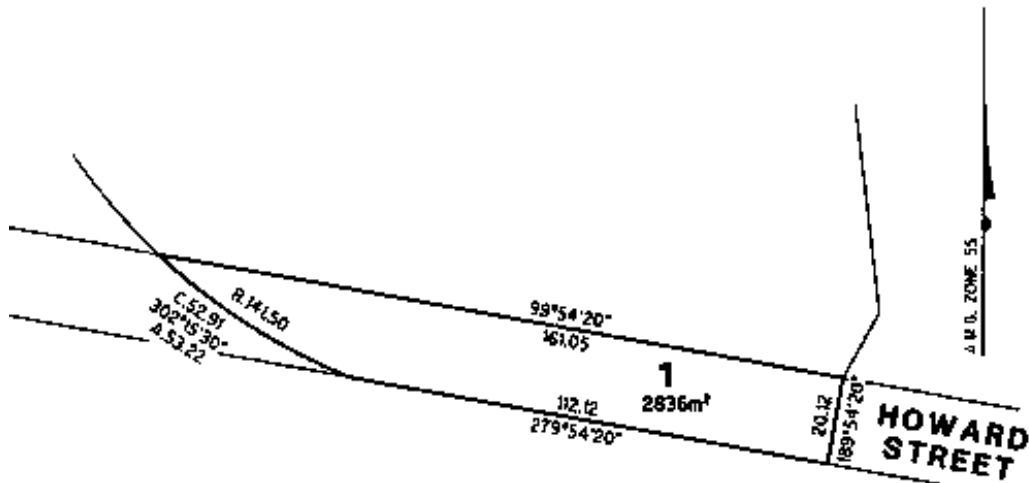


PETER BLACK
Chief Executive

CITY OF WODONGA

Road Discontinuance

Council at a special meeting held on 5 January 2004 resolved pursuant to the provision of Section 206 and Clause 3 of Schedule 10 of the **Local Government Act 1989** to discontinue the section of Howard Street, Wodonga shown as Lot 1 on the attached plan.



PETER MARSHALL
Chief Executive Officer



Notice is hereby given that at a meeting of the Moorabool Shire Council held on 23 June 2004, Council resolved that dogs may now be exercised off lead at any time at the following locations: Peppertree Park, Bacchus Marsh; Federation Park, Bacchus Marsh; reserve adjacent to the Lerderberg River, Bacchus Marsh (from Pump shed to the bridge); reserve on the western side of Links Road behind houses in Pamela Court, Darley; Telford Park, Darley; Caledonia Park, Ballan; Road East Recreation Reserve, Mt Egerton; Lyndhurst Street Public Park and Water Reserve, Gordon; Parkers Road Reserve, Lal Lal; the vacant land at the south-east corner of the Dunnstown Recreation Reserve.

Dogs may be exercised off lead after 4.30pm Monday to Friday and on Saturday and Sunday, only when the reserves are not in use for designated public sporting events, training and/or special events as designated from time to time by the committee of management, at the following locations: Mason Lane; Blackwood Recreation Reserve; Myrning Recreation Reserve.

Dogs may be exercised off lead at the following locations only when the reserves are not in use for designated public sports training and/or special events as designated from time to time by the committee of management: Bungaree-Creswick Road Reserve; Ormond Road/Western Highway Recreation Reserve, Wallace.

R. DOBRZYNSKI
Chief Executive Officer

HUME CITY COUNCIL

Notice of Intention to Make a Road Management Plan

In accordance with the provisions of the **Road Management Act 2004**, Hume City Council gives notice of its intention to make a Road Management Plan and invites public submissions on the Draft Road Management Plan.

The purpose of the Road Management Plan is to identify and set the responsibility for road users and the levels of service for management and maintenance of assets within the road reserve, subject to the available Council funds.

Documents are available for inspection in either the Broadmeadows Office, 1079 Pascoe Vale Road, the Sunbury Office, 36 Macedon Street, or the Craigieburn Office, 59 Craigieburn Road West. Copies can be obtained by visiting our website at www.hume.vic.gov.au.

Questions regarding the Draft Road Management Plan may be referred to Mr. Neil Allen, General Manager Asset Development on 9205 2211.

Submissions in writing addressed "Hume City Council – Road Management Plan", PO Box 119, Broadmeadows, Victoria 3047 must be received by Council not later than 4:00 pm on 1 October 2004.

Late submissions will not be accepted.

DARRELL TRELOAR
Chief Executive Officer

Planning and Environment Act 1987

BOROONDARA PLANNING SCHEME

Notice of Amendment to a Planning Scheme
Amendment C45

The City of Boroondara has prepared Amendment C45 to the Boroondara Planning Scheme.

The land affected by the Amendment is 41 Culliton Road, Camberwell.

The Amendment proposes to rezone the subject land from Public Park and Recreation Zone to Residential 1 Zone.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: the Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; or the Strategic Planning Department, City of Boroondara, First Floor, 8 Inglesby Road, Camberwell.

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 Boroondara City Council, being the planning authority for this Amendment.

The closing date for submissions is Monday 27 September 2004. A submission must be sent to the City of Boroondara, Strategic Planning Department, Private Bag 1, Camberwell 3124.

FIONA BANKS
Manager Strategic Planning

Planning and Environment Act 1987

CARDINIA PLANNING SCHEME

Notice of Preparation of Amendment
Amendment C47

The Cardinia Shire Council has prepared Amendment C47 to the Cardinia Planning Scheme.

The land affected by the Amendment is L1 PS5006930, 280 Westernport Road and LA PS500693C, Westernport Road, Lang Lang.

The Amendment proposes to rezone land from a Rural Zone to a Low Density Residential Zone and include a Schedule with a 2 hectare minimum lot size to allow the subdivision of the land.

You may inspect the Amendment, any documents that support the Amendment and the explanatory report about the Amendment at the following locations: Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne; Department of Sustainability and Environment, South East Metropolitan Regional Office, VicRoads Building, Level 2, 12 Lakeside Drive, East Burwood; and Cardinia Shire Council, Municipal Offices, Henty Way, Pakenham.

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 27 September 2004. A submission must be sent to: Rita Miletic, Strategic Planner, Cardinia Shire Council, PO Box 7, Pakenham, Vic. 3810.

Signature for the Planning Authority



Planning and Environment Act 1987

YARRA PLANNING SCHEME

Notice of Preparation of Amendment

Amendment C71

The City of Yarra has prepared Amendment C71 to the Yarra Planning Scheme.

The Amendment affects:

All areas of the municipality of the City of Yarra.

The Amendment proposes to:

Insert a new local policy (Bicycle Facilities) at Clause 22.11 of the Yarra Planning Scheme.

The purpose of the Amendment is to:

Provide for the establishment of bicycle parking and storage facilities in new and renovated dwellings, residential buildings and other residential uses, and to provide for the establishment of "end-of-trip" facilities such as showers and change rooms, as well as bicycle storage in retail, commercial and industrial development.

The Amendment and associated documentation can be inspected at: Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne, 3000; City of Yarra, Richmond Town Hall, Town Planning Counter, 333 Bridge Road, Richmond 3121; City of Yarra, Collingwood Town Hall, Front Reception Desk, 140 Hoddle Street, Abbotsford 3067; and municipal libraries located at 415 Church Street, Richmond; 240 St Georges Road, North Fitzroy; 11 Stanton Street, Abbotsford; 128 Moor Street, Fitzroy; and 667 Rathdowne Street, North Carlton.

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

The Amendment documentation may be viewed on Council's website: www.yarracity.vic.gov.au/environment/planning/.

Any person who may be affected by the Amendment may make a submission to the planning authority. The closing date for submissions is 27 September 2004.

Submissions regarding the Amendment must be in writing and sent to: Gary Dew, Strategic Planning, Yarra City Council, 333 Bridge Road, Richmond 3121.

JANE HOMEWOOD
Manager Urban Planning

Planning and Environment Act 1987

NORTHERN GRAMPIANS

PLANNING SCHEME

Notice of Amendment

Amendment C4

The Northern Grampians Shire Council has prepared Amendment C4 to the Northern Grampians Planning Scheme. The planning authority for this Amendment is the Northern Grampians Shire Council.

The Amendment seeks the re-zoning of land from Public Use Zone, Schedule 3—Health & Community Uses (PUZ3) to a combination of Business 2 Zone (B2Z) and Industrial 1 Zone (IN1Z); and the introduction of a Design & Development Overlay (DDO3), applies the Heritage Overlay to a portion of the land and amends the Schedule to the Heritage Overlay to include identified individual heritage places.

The Amendment can be inspected free of charge, during office hours at: Northern Grampians Shire Council, Town Hall, Main Street, Stawell 3380; Department of Sustainability and Environment, Planning Information Centre, Upper Plaza, Nauru House, 80 Collins Street, Melbourne 3000; and Department of Sustainability and Environment, South West Region, 402–406 Mair Street, Ballarat 3350.

Any person may make a written submission on the Amendment. Submissions must be sent to: Strategic Planning Co-ordinator, Northern Grampians Shire Council, PO Box 580, Stawell, 3380.

Submissions must be received by Monday 27 September 2004.

PETER ELLIOTT
Acting Chief Executive Officer

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 29 October 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.

ALSOPE, Nancy Isobella, late of Epping Private Nursing Home, 30 Epping Road, Epping, pensioner, and who died on 19 June 2004.

BERRY, Cheral May, also known as Elsa May Berry, late of 532 Nicholson Street, Fitzroy North, pensioner, and who died on 21 April 2004.

BONGAILAS, Joseph, late of Grandel SRS, 44 Park Crescent, Fairfield, Victoria, pensioner, and who died on 4 August 2004.

BRAY, Ronald, late of 2 Kiloran Avenue, Kilsyth, pensioner, and who died on 26 June 2004.

DEANS, Jean Mearthur, also known as Jean Howie Deans, late of 29 Faussett Street, Albert Park, Victoria 3206, retired, and who died on 15 June 2004.

DELLORA, Ida Gwendolyn, late of 2 Mellor Court, Wendouree, Victoria, home duties and who died on 18 May 2004.

FARAGHER, Dulcie May, late of 67 Oakleigh Road, Carnegie, and who died on 11 April 2003.

FOX, Jean Marjory, late of 130 Mickleham Road, Tullamarine, Victoria, pensioner, and who died on 6 August 2004.

HOLDER, Leslie Llewellyn, late of Unit 1, 31 Clarinda Street, Somerville, retired, and who died on 28 May 2004.

NEVILLE, Douglas William, late of 5 Garden Street, Box Hill, retired and who died on 26 February 2004.

SUBASA, Maria, also known as Marija Subasa, late of 15 Southbourne Avenue, Dandenong South, and who died on 3 June 2004.

SUCHECKI, Mikolaj, late of Flat 118/49 Union Street, Prahran, Victoria, 3181, retired, and who died on 11 May 2004.

WRIGHT, Myrtle Iris, formerly of Oakview Lodge, 305 Carlisle Street, Balaclava, but late of 2/193 Grange Road, Glenhuntly, Victoria, 3163, retired, and who died on 21 September 2002.

Dated 20 August 2004

LAURIE TAYLOR
Estate Manager
State Trustees Limited

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:—

RAYMOND LLEWELYN DAVIES, late of 6/16 McCracken Avenue, Northcote, Victoria, retired, deceased intestate, who died on 12 February 2004.

JOHN GILL, late of 19 Banool Road, Surrey Hills, Victoria, retired, deceased, who died on 25 February 2004 leaving a Will dated 10 November 1997.

FRANCIS RAE McPHEE, late of Unit 2, 57 Glen Iris Road, Glen Iris, Victoria, deceased intestate, who died on 20 March 2004.

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 2 November 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.

EXEMPTION

Application No. A224/2004

The Victorian Civil and Administrative Tribunal has considered an application pursuant to Section 83 of the **Equal Opportunity Act 1995** by City of Yarra – Recreation & Open Space Unit for exemption from Sections 13, 42, 65, 100 and 195 of that Act. The application for exemption is to enable the applicant to engage in the specified conduct.

In this exemption “specified conduct” means to hold a women only swimming program on 2 Saturdays in each month at the Collingwood Leisure Centre, outside normal opening hours; to staff that centre with women only when that program is being conducted; and to advertise these services.

Upon reading the material submitted in support of the application and upon hearing submissions from Sarah Campbell and for the Reasons for Decision given by the Tribunal on 23 August 2004, the Tribunal is satisfied that it is appropriate to grant an exemption from Sections 13, 42, 65, 100 and 195 of the Act to

enable the applicant to engage in the specified conduct.

The Tribunal hereby grants an exemption to the applicant from the operation of Sections 13, 42, 65, 100 and 195 of the **Equal Opportunity Act 1995** to enable the applicant to engage in the specified conduct.

This exemption is to remain in force from 25 September 2004 until 31 March 2005.

Dated 23 August 2004

C. McKENZIE
Deputy President

Adoption Act 1984

Under the functions and powers assigned to me by the Secretary to the Department of Human Services under Section 10(2) of the **Community Services Act 1970** in relation to Section 5 of the **Adoption Act 1984**.

I, Carolyn Gale, revoke the following person under section 5(1) and Section 5(2) of the Adoption Act as approved counsellor for the purposes of Section 87 of the Adoption Act.

Carrie Quigley

Dated 17 August 2004

CAROLYN GALE
Manager, Community Care
Southern Metropolitan Region

Adoption Act 1984

Under the functions and powers assigned to me by the Secretary to the Department of Human Services under Section 10(2) of the **Community Services Act 1970** in relation to Section 5 of the **Adoption Act 1984**.

I, Carolyn Gale, approve the following persons under Section 5(1) and Section 5(2) of the Adoption Act as approved counsellors for the purposes of Section 87 of the Adoption Act.

Katrina Molino

Lisa D'Acri

Dated 17 August 2004

CAROLYN GALE
Manager, Community Care
Southern Metropolitan Region

Children's Services Act 1996

NOTICE OF EXEMPTION

Under section 6 of the **Children's Services Act 1996** ("the Act"), the Minister for

Community Services hereby declares that the Edenhope Children's Service, Licence number 10244 ("the service") is exempt from the qualified staff members requirement as set out in regulation 24 of the Children's Services Regulations 1998.

This exemption is granted subject to the conditions that the proprietor must ensure that:

1. whenever children are being cared for or educated by the service, the number of staff members as set out in Regulation 24 are caring for or educating the children;
2. no more than one nominated staff member is employed in place of qualified staff; and
3. the nominated staff member is undertaking a course to attain a post-secondary early childhood qualification recognised under regulation 25.

This exemption remains in force until 30 June 2005.

Dated 5 August 2004

HON SHERRYL GARBUTT MP
Minister for Community Services

Financial Management Act 1994

VICTORIAN GOVERNMENT PURCHASING BOARD

Supply Policies

In accordance with Section 54L(3) of the **Financial Management Act 1994**, notice is given of the following revised supply policy made by the Victorian Government Purchasing Board (VGPB) which is to come into effect on and from 1 September 2004.

Quotations and Public Tender Policies

Public Tender for Purchases >\$100,000

The above policies may be viewed on the Victorian Government Purchasing Board website www.vgpb.vic.gov.au.

BRUCE HARTNETT
Chairperson

Victorian Government Purchasing Board

Road Safety Act 1986

APPROVED WHEEL CHAINS

Regulation 903 (d) of the Road Safety (Vehicles) Regulations 1999 requires certain vehicles operating in hazardous areas to have wheel chains of a design approved by the Corporation that are in good condition and that

are capable of being attached to the outer drive wheels of the vehicle.

For the purposes of this regulation, wheel chains:

- with a diamond or similar pattern consisting of sections of chain diagonally across the tread surface which may include transverse and or longitudinal sections; and,
- with markings on a suitable section of the fastener or on a tag securely fitted near the attachment area identifying the size tyre or tyres the chain may be fitted to.

are approved wheel chains.

ERIC HOWARD
General Manager – Road Safety

State Superannuation Act 1988

INTERIM CREDITING RATE FOR STATE SUPERANNUATION FUND FROM 20 AUGUST 2004

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 6.9% to be applied as an interim crediting rate on exits on or after 20 August 2004.

PETER J. WYATT
Chief Financial Officer

Subordinate Legislation Act 1994

NOTICE OF DECISION

Proposed Intellectually Disabled Persons' Services (Fees) Regulations 2004

I, Sherryl Garbutt, Minister for Community Services, give notice under section 12 of the **Subordinate Legislation Act 1994** that the proposed Intellectually Disabled Persons' Services (Fees) Regulations 2004 have been the subject of a regulatory impact statement.

Public comments and submissions were invited as required by section 11(1) of the Act. Twenty submissions were received.

I have decided that the proposed Intellectually Disabled Persons' Services (Fees)

Regulations 2004 should be made without amendments.

HON SHERRYL GARBUTT MP
Minister for Community Services

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 29 September 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 23 September 2004.

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

Lawrence R. Squires. Application for variation of conditions of tow truck licence number TOW073, which authorises the licensed vehicle to be managed, controlled and operated from a depot situated at 11 Greaves Street, Dandenong, to change the depot address to 1591 South Gippsland Highway, Cranbourne.

Dated 26 August 2004

STEVE STANKO
Director

Transport Act 1983

TOW TRUCK DIRECTORATE OF VICTORIA

Tow Truck Application

Notice is hereby given that the following applications will be considered by the Licensing Authority after 29 September 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 23 September 2004.

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

Iain Finlayson. Application for variation of conditions of tow truck licence number TOW646 which authorises the licensed vehicle to be managed, controlled and operated from a depot situated at 33–35 Franklyn Street, Huntingdale, 3166, to change the depot address to 30 Abbott Road, Hallam, 3803.

Balwyn Body Works Pty Ltd. Application for variation of conditions of tow truck licence TOW591 which authorises the licensed vehicle to be managed, controlled and operated from a depot situated at 33–35 Franklyn Street, Huntingdale, 3166, to change the depot address to 341 Johnston Street, Abbotsford, 3067.

Dated 26 August 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 29 September 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 23 September 2004.

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

Ann Fassoulis. Application for variation of conditions of tow truck licence number TOW676, which authorises the licensed vehicle to be managed, controlled and operated from a depot situated at 340 Nicholson Street, Fitzroy, to change the depot address to 58–62 Enterprise Avenue, Berwick.

Dated 26 August 2004

STEVE STANKO
Director

Victorian Institute of Teaching Act 2001

**NOTIFICATION CANCELLING
REGISTRATION OF A TEACHER**

Pursuant to section 25 of the **Victorian Institute of Teaching Act 2001** the Victorian Institute of Teaching must disqualify a registered teacher from teaching and cancel their

registration where that person has been convicted or found guilty at anytime in Victoria or elsewhere, of a sexual offence.

On 30 November 1992 DAVID EDWIN RAPSON (DOB: 30 July 1953) was found guilty of a sexual offence in Victoria under section 44(1) of the **Crimes Act 1958** (Vic).

On 28 June 1993 DAVID EDWIN RAPSON (DOB: 30 July 1953) was found guilty of a sexual offence in Victoria under section 42 and section 44(1) of the **Crimes Act 1958** (Vic).

On 18 August 2004 DAVID EDWIN RAPSON was disqualified from teaching and his registration as a teacher in Victoria was cancelled from 31 December 2002.

Dated 19 August 2004

JANET SHERRY
Chairperson
Disciplinary Proceedings Committee
Victorian Institute of Teaching

Victorian Institute of Teaching Act 2001

**NOTIFICATION CANCELLING
REGISTRATION OF A TEACHER**

Pursuant to section 25 of the **Victorian Institute of Teaching Act 2001** the Victorian Institute of Teaching must disqualify a registered teacher from teaching and cancel their registration where that person has been convicted or found guilty at anytime in Victoria or elsewhere, of a sexual offence.

On 12 December 1994 FRANK (FRANCIS) GERARD KLEP (DOB: 3 October 1943) was found guilty of a sexual offence in Victoria under section 42 of the **Crimes Act 1958** (Vic).

On 18 August 2004 FRANK (FRANCIS) GERARD KLEP was disqualified from teaching and his registration as a teacher in Victoria was cancelled from 31 December 2002.

Dated 19 August 2004

JANET SHERRY
Chairperson
Disciplinary Proceedings Committee
Victorian Institute of Teaching

Land Acquisition and Compensation Act 1986

FORM 7 S.21
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Minister for Planning declares that by this notice she acquires the following interests in

the land in Certificates of Title Volume 10814 Folios 925, 926 & 927, and Volume 704 Folio 636, being Crown Allotments 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 16 & 16A, Section G4, Happy Valley Road, Parish of Castlemaine.

Interests Acquired: All freehold and other interests.

Responses should be sent to the Senior Property Manager – Land Acquisitions, Department of Sustainability and Environment, Locked Bag 3000, Box Hill, Vic. 3128.

Dated 26 August 2004

Published with the authority,
and for and on behalf of,
the Minister for Planning

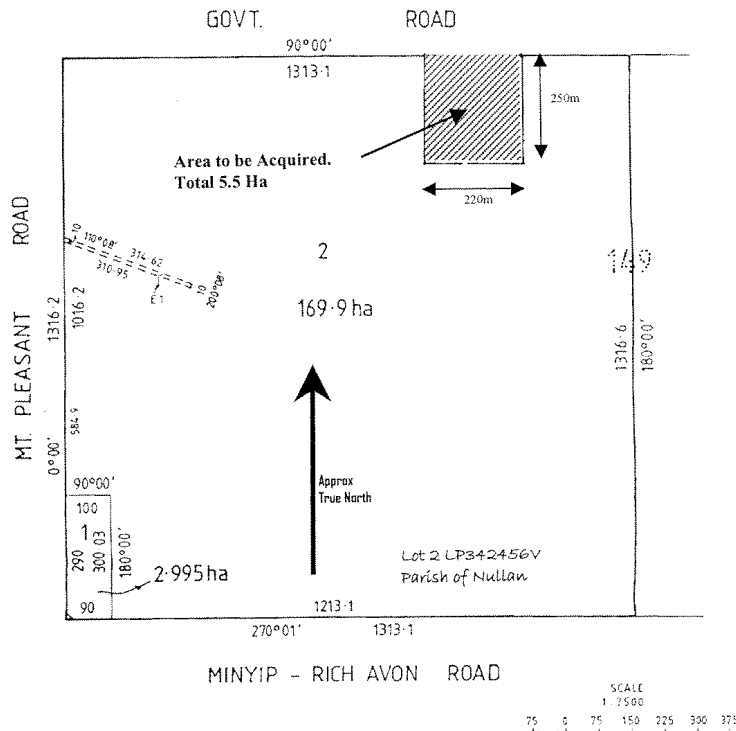
Land Acquisition and Compensation Act 1986
FORM 7

S.21
Reg. 16

Notice of Acquisition

Compulsory Acquisition of Interest in Land

The Grampians Wimmera Mallee Water Authority declares that by this notice it acquires the following interest in the land described as part of Lot 2, LP342456V, Parish of Nullan, comprising approx. 55,000 square metres and being land described in Certificate of Title Volume 10259, Folio 980.



Interest Acquired: That of Michael Francis Tobin and Jennifer Maree Tobin and all other interests.

Published with the authority of Grampians Wimmera Mallee Water Authority for and on behalf of the Grampians Wimmera Mallee Water Authority.

JOHN MARTIN
Chief Executive Officer (Interim)

Agricultural Industry Development Act 1990

NORTHERN VICTORIAN FRESH TOMATO INDUSTRY DEVELOPMENT ORDER

Citation

1. This Order may be cited as the Northern Victorian Fresh Tomato Industry Development Order 2004.

Order made under the Agricultural Industry Development Act 1990

2. This Order is made under Part 2 of the **Agricultural Industry Development Act 1990**.

Purposes of Order

3. The purposes of this Order are to set up a Committee to –
 - (a) carry out or fund research into the breeding, production, handling or marketing of fresh tomatoes; and
 - (b) facilitate domestic and export marketing of fresh tomatoes.

Definitions

4. In this Order
 - “**Act**” means the **Agricultural Industry Development Act 1990**.
 - “**Committee**” means the Northern Victorian Fresh Tomato Industry Development Committee.
 - “**Container**” means a new fibreboard, fibreboard composite or styrene foam container of 10 kilogram capacity for the packaging of fresh tomatoes.
 - “**Fresh tomatoes**” means tomatoes grown or produced for sale for fresh consumption.
 - “**Grower**” means –
 - (a) a person by whom, or on whose behalf, fresh tomatoes are commercially grown or produced in the production area for sale; and
 - (b) where fresh tomatoes are commercially grown or produced in the production area for sale by a partnership or under a share farming agreement, the partnership or the parties to that agreement – but does not include a person engaged as a employee on wages, a salary or piece work rates.
 - “**Minister**” means the Minister administering the Act.
 - “**Packaging manufacturers**” means all manufacturers or suppliers of cartons used by northern Victorian tomato growers for the sale of fresh tomatoes.
 - “**Production area**” means the areas within the Shires of Campaspe, Greater Bendigo, Greater Shepparton, Loddon, Moira and Strathbogie.

Term of Order

5. This Order commences on the day of the date of its publication in the Government Gazette and remains in force for four years from that date.

Establishment of Committee

6. There shall be a “Northern Victorian Fresh Tomato Industry Development Committee”, which shall be the successor in law of the Committee established by the Northern Victorian Fresh Tomato Industry Development Order 1999.

Members

7. The Committee shall consist of seven members appointed by the Minister being –
 - (a) four voting grower members nominated by the Northern Victorian Fresh Tomato Growers’ Association or any other relevant body that, in the opinion of the Minister, has replaced that body; and

- (b) two voting non-grower members nominated by the Northern Victorian Fresh Tomato Growers' Association, or any other relevant body that in the opinion of the Minister has replaced that body, who possess specialist expertise appropriate to the needs of the fresh tomato industry in the fields of industry development, business administration, marketing or promotion; and
- (c) one voting member nominated by the Secretary of the Department of Primary Industries Victoria.

Chairperson

8. The voting members of the Committee must elect a voting member of the Committee to be Chairperson of the Committee for a period of 12 months. The Chairperson must not be an office bearer of the Northern Victorian Fresh Tomato Growers' Association.

Functions of Committee

9. The Committee may –
- (a) carry out or fund research into the breeding, production, handling or marketing of fresh tomatoes and advise growers about research findings; and
 - (b) facilitate the domestic and export marketing of fresh tomatoes grown in the production area.

Powers of Committee

10. The Committee may –
- (a) impose a charge on all growers for services it provides;
 - (b) delegate any of its powers, duties or functions (other than the power of delegation) to an employee of the Committee;
 - (c) exempt by written notice, either conditionally or unconditionally, a person or class of persons from compliance with some or all of the requirements of this Order.

Plan of Operation

11. In developing the Plan of Operations required under section 45 of the Act, the Committee must have regard to any plans or priorities which have been adopted by the Northern Victorian Fresh Tomato Growers' Association.

Charge Imposed by Committee

12. A charge for services provided by the Committee is payable by growers at the point and time of purchase of containers from packaging manufacturers, and is to be collected by packaging manufacturers by arrangement with and on behalf of the Committee.
13. The first charge imposed by the Committee shall be at the uniform rate of three cents per container and shall remain in force until the end of the financial year during which it was imposed.
14. The charge is to be forwarded by the carton manufacturers to the Committee as soon as practicable after each annual tomato harvest.
15. A charge imposed by the Committee must not at any time during the term of the Order exceed the rate of five cents per container.

Voting

16. Voting at the 2004 poll on the question of the continuation of the Order, as well as voting at General Meetings shall be on the following weighted basis: growers shall be allocated one vote for each 100,000 (or part thereof) containers purchased in the previous financial year, subject to no grower having more than four votes in total. A grower who grew or produced fresh tomatoes for sale in the preceding year is eligible to vote.

Meetings

17. The Committee must hold an Annual General Meeting in each financial year.

Financial Year

18. The financial year of the Committee is the period from 1 July to 30 June.

Penalty for Contravening the Order

19. A person who fails to comply with the requirement of Clause 14 relating to the payment of a charge imposed by the Committee contravenes this Order and is liable to a penalty not exceeding 20 penalty units. One penalty unit is currently \$100.

Dated 12 August 2004

BOB CAMERON
Minister for Agriculture

Agricultural Industry Development Act 1990
MURRAY VALLEY WINE GRAPE INDUSTRY DEVELOPMENT
(EXTRA-TERRITORIAL) ORDER

Citation

1. This Order may be cited as the Murray Valley Wine Grape Industry Development (Extra-territorial) Order 2004.

Extra-territorial Application of the Order

2. This Order applies extra-territorially to the production area of New South Wales.

Order made under the Agricultural Industry Development Act 1990

3. This Order is made under Part 2 of the **Agricultural Industry Development Act 1990**.

Purpose of Order

4. The purpose of this Order is to set up a Committee to collect and administer charges applied to wine grape growers for specified industry functions.

Revocation

5. The Murray Valley Wine Grape Industry Development (Victoria) Order 2003 published in the Government Gazette on (30 October 2003) is revoked.

Definitions

6. In this Order:

“**Act**” means the **Agricultural Industry Development Act 1990**;

“**Committee**” means the Murray Valley Wine Grape Industry Development Committee;

“**Corresponding Act**” means the **Agricultural Industry Services Act 1998 (NSW)**;

“**Minister**” means the Minister administering the Act;

“**Production area**” means the areas within the Rural Cities of Mildura and Swan Hill, and the Shire of Gannawarra excluding the former Shire of Cohuna in Victoria, and the Local Government Areas of Wentworth, Balranald and Wakool in New South Wales;

“**Wine grape grower**” means a person, including a partnership, share farming agreement or company, who grows or produces wine grapes in the production area for delivery to wineries, but does not include:

- (a) wineries;
- (b) non-profit public institutions, charitable organisations and community groups; and
- (c) employees of wine grape growers;

“**Wine grapes**” means any variety of grapes grown in the production area and used or intended to be used for processing into wine, must, juice or wine spirit;

“**Wineries**” means all wineries which accept wine grapes from growers in the production area, for use in wine, must, juice or wine spirit production.

Term of Order

7. This Order comes into operation on the day it becomes a recognised Order under the corresponding Act and remains in force for four years from that date. It is renewable for a further period, not exceeding four years, subject to a poll in accordance with the Act.

Establishment of the Committee

8. There will be a "Murray Valley Wine Grape Industry Development Committee", which will be the successor in law of the Committee established by the Murray Valley Wine Grape Industry Development (Victoria) Order 2003 and the Committee established by the Agricultural Industry Services (Murray Valley (NSW) Wine Grape Industry Development Committee) Regulation 1999.

Functions of the Committee

9. The Committee functions are to:
- (a) support region-specific viticultural research where alternative funding is not available;
 - (b) support technology transfer to improve adoption of best practice vineyard management;
 - (c) obtain, analyse and disseminate market information relevant to the market for wine grapes grown in the production area.

Powers of the Committee

10. The Committee may:
- (a) impose a charge on wine grape growers for services it provides;
 - (b) delegate any of its functions or powers (other than the power of delegation) to an employee of the Committee;
 - (c) exempt by written notice, either conditionally or unconditionally, a person or class of persons from compliance with some or all of the requirements of this Order.

Members

11. The Committee must consist of members appointed by the Minister, being –
- (a) five grower members from the production area appointed from a panel of at least six persons nominated by the Victorian and Murray Valley Wine Grape Growers' Council or any other relevant body that in the opinion of the Minister has replaced that body; and
 - (b) two non-grower members appointed from a panel of at least three persons nominated by the Victorian and Murray Valley Wine Grape Growers' Council or any other relevant body that in the opinion of the Minister has replaced that body, who possess specialist expertise appropriate to the needs of the wine grape industry in the fields of marketing, industry development or business administration; and
 - (c) one member nominated by the Secretary of the Department of Primary Industries (Victoria) who possess appropriate marketing, policy or industry experience.
 - (d) one member nominated by the Director General of NSW Agriculture who possesses appropriate marketing, policy or industry experience.

Chairperson

12. The members of the Committee must elect a member of the Committee to be Chairperson of the Committee for a period of 12 months.

Charge Imposed by Committee

13. (a) A charge is payable by wine grape growers at the point and time of sale of wine grapes and is collected by wineries by arrangement with and on behalf of the Committee.

- (b) The first charge imposed by the Committee will be \$1.00 per tonne and shall apply to all wine grapes supplied to wineries in financial year 2004/2005 unless varied in accordance with clause 14 (a) of this Order or Division 3 of Part 3 of the Act.
- (c) The charge imposed by the Committee must not exceed the rate of \$1.50 per tonne for the term of the Order.
- (d) The charge is payable to the Committee prior to 7th July each year.

Distribution of Proceeds of Charge

14. The Committee must apply the proceeds of a charge in accordance with its functions and any funding priorities set out in the Plan of Operation of the Committee.

Meetings

15. (a) The Committee must hold an Annual Meeting in each financial year at which time any variation to a charge must be considered and voted on by growers.
- (b) At the Annual Meeting the Chairperson of the Committee must report to wine grape growers on the operation and finances of the Committee during the previous 12 months.
- (c) The timing of all meetings of the Committee, including the Annual Meeting, is at the discretion of the Committee.

Financial Year

16. The financial year of the Committee is the period from 1 July to 30 June.

Plan of Operations

17. The Committee must within the first 12 months of its operation submit to the Minister a Plan of Operations, which includes the aims and objectives of the Committee's activities during the term of the Order.
18. The Plan of Operations must be developed in consultation with all sectors of the wine grape industry in the production area and must be published by the Committee and made available to all wine grape growers.

Voting

19. (a) Voting at a poll shall be on the basis of one vote for each of the following:
- (i) Individual Producer;
 - (ii) Company;
 - (iii) Partnership;
 - (iv) Share farming agreement.
- (b) For the purpose of voting at a future poll on the question of the continuation of the Order, a wine grape grower producing wine grapes in the preceding year, is eligible to vote.
- (c) Voting at general meetings in accordance with Division 3 of Part 3 of the Act or section 39A of the Act, shall be on the basis of one vote for each producer.

Penalty for Contravening the Order

20. A wine grape grower who fails to comply with the requirements of Clause 13 relating to the payment of a charge imposed by the Committee contravenes this Order and is liable to a penalty not exceeding 20 penalty units. One penalty unit is currently \$100.

Dated 16 August 2004

BOB CAMERON
Minister for Agriculture

Water Act 1989

BULK ENTITLEMENT (WOODEND) CONVERSION ORDER 2004

I, John Thwaites, as Minister administering the **Water Act 1989**, make the following Order –

1. CITATION

This Order may be cited as the Bulk Entitlement (Woodend) 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**;

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

“**Authority**” means the Western Region Water Authority;

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

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

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

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

“**passing flow**” means the flow in a waterway immediately downstream of the relevant diversion works;

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

- (a) prepare the Campaspe Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Campaspe Basin comply with the conditions of their bulk entitlements; and
- (c) investigate and mediate disputes between entitlement holders in the Campaspe Basin; and
- (d) investigate and deal with significant unauthorised uses of water in the Campaspe Basin; 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;

“**Victorian Storage Operator**” means the person appointed by the Minister to be responsible for water storage and supply costs in the Murray Basin.

“**specified point A**” means immediately upstream of Falls Creek Weir on Falls Creek;

“**specified point B**” means immediately upstream of Smokers Creek Weir on Smokers Creek;

“**specified point C**” means immediately upstream of the Campaspe Reservoir on the Campaspe River;

“**specified point D**” means a point on the outlet pipe immediately downstream of Reservoir B;

“storages” means –

- (a) Campaspe Reservoir located on the Campaspe River; and
- (b) Reservoir B; and
- (c) Reservoir C;

“waterways” means –

- (a) Campaspe River; and
- (b) Falls Creek; and
- (c) Smokers Creek; and
- (d) Kavanaghs Spring; and
- (e) Barbours Spring;

“weir” means –

- (a) Falls Creek Weir located on Falls Creek; or
- (b) Smokers Creek Weir located on Smokers Creek;

“year” means the 12 months commencing 1 July.

5. CONVERSION TO A BULK ENTITLEMENT

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

6. BULK ENTITLEMENT

- 6.1 The Authority may, in any year, take up to a total of 470 ML of water from the waterways, at a maximum rate not exceeding –
 - (a) 3.5 ML/day from Campaspe Reservoir; and
 - (b) 1.2 ML/day from Falls Creek Weir; and
 - (c) 1.2 ML/day from Smokers Creek Weir –subject to the flow sharing arrangements specified in clause 8.
- 6.2 Subject to sub-clause 6.1, the Authority may, in any year, take up to –
 - (a) 470 ML of water from Campaspe Reservoir; and
 - (b) a total of 332 ML of water from Falls Creek, Smokers Creek, Barbours Spring and Kavanaghs Spring, measured at specified point D.
- 6.3 The Minister may vary the daily rates specified under sub-clause 6.1 to the extent necessary to carry out any transfer of some or all of this bulk entitlement which may be authorised under Division 1, Part 4 of the Act.

7. SHARE OF CAPACITY

The Authority is entitled to all water at any time stored in each storage, up to the full capacity of –

- (a) Campaspe Reservoir, up to 225 ML at full supply level of 561.00 metres Australian Height Datum; and
- (b) Reservoir B, up to 26.5 ML at full supply level of 639.50 metres Australian Height Datum; and
- (c) Reservoir C, up to 97 ML at full supply level of 633.50 metres Australian Height Datum –

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

8. SHARE OF FLOW

- 8.1 The Authority may –
 - (a) store all of the inflow to Campaspe Reservoir when it is below full supply level; and

- (b) take all flow from Barbours Spring and Kavanaghs Spring; and
 - (c) divert all flow passing each weir up to the rate specified in sub-clause 6.1 – subject to the provision of the passing flow specified in clause 9.
- 8.2 The Authority must not take, as part of its bulk entitlement, any flow of water in the system waterways which is being transferred by the holder of –
- (a) any other bulk entitlement or licence held by another person; or
 - (b) any licence –
- to a transferee pursuant to the Act.
- 8.3 The passing flow arrangements set out in clause 9 apply unless changes, recommended as part of a streamflow management plan for the Campaspe River above Lake Eppalock, are accepted by the Authority and approved by the Minister. The Authority must participate in good faith in developing and negotiating any changes. Any change, approved as part of this process, would require amendment of clause 9.

9. PASSING FLOW

The Authority must provide the following minimum passing flow at –

- (a) Falls Creek Weir, calculated as follows:
 - (i) when $0 < F_F < 0.1$ ML/day,
the minimum passing flow = F_F ; and
 - (ii) when $F_F > 0.1$ ML/day,
the minimum passing flow = 0.1 ML/day.
- (b) Smokers Creek Weir, calculated as follows:
 - (i) when $0 < F_S < 0.1$ ML/day,
the minimum passing flow = F_S ; and
 - (ii) when $F_S > 0.1$ ML/day,
the minimum passing flow = 0.1 ML/day.
- (c) Campaspe Reservoir, calculated as follows:
 - (i) when $0 < F_C < 1$ ML/day,
the minimum passing flow = F_C ; and
 - (ii) when $F_C > 1$ ML/day,
the minimum passing flow = 1 ML/day.
 - (iii) when F_C does not exceed 450 ML in the previous 8 month period, the minimum passing flow = 0 ML/day.

where –

“ F_F ”, “ F_S ” and “ F_C ” means the flow past specified point A, B and C, respectively, less any water being transferred under clause 8.2.

10. RELEASES

Subject to clauses 6, 8 and 9, the Authority may operate Campaspe Reservoir and make releases from it as it sees fit, in order to satisfy its annual entitlement.

11. MAKING ALLOWANCES

- 11.1 In calculating water available to the Authority under this bulk entitlement at any point downstream of Campaspe Reservoir or a weir, allowance must be made for –
- (a) any losses of water incurred between that point and Campaspe Reservoir or a weir; and

- (b) the time taken by the flow to reach that point from Campaspe Reservoir or the weir.
- 11.2 If the Authority proposes to take water under this entitlement from a point other than Campaspe Reservoir or a weir, it must first –
- (a) propose to the Minister –
 - (i) fair, reasonable and representative means for calculating the allowances required by sub-clause 11.1; and
 - (ii) details of the proposed point and amount of the extraction; and
 - (b) ascertain and provide to the Minister any operational requirements of the Resource Manager; and
 - (c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.
- 11.3 The Minister may –
- (a) approve a proposal made under sub-clause 11.2; or
 - (b) require the Authority to amend the proposal; and
 - (c) require the Authority –
 - (i) to review all or part of any proposal approved by the Minister if, in the Minister's opinion, it is, at any time, no longer fair, reasonable or representative; and
 - (ii) to make an amended proposal to the Minister.
- 11.4 The Authority must –
- (a) advise the Resource Manager in writing within 14 days of any proposal approved by the Minister under sub-clause 11.3; and
 - (b) provide the Resource Manager with such other information concerning the proposed diversion as the Resource Manager may, from time to time, require.

12. ENVIRONMENTAL OBLIGATIONS

- 12.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a program to manage the environmental effects of the Authority's works to take water under this bulk entitlement which includes –
- (a) impacts on the bed and banks of each waterway in the vicinity of the Authority's works; and
 - (b) operational practices to remove silt from works; and
 - (c) operational practices to manage the water quality in works on each waterway.
- 12.2 The Minister may –
- (a) approve the program proposed under sub-clause 12.1; or
 - (b) require the Authority to amend the proposed program; and
 - (c) require the Authority –
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.
- 12.3 The Authority, must at its cost –
- (a) implement the approved program; and
 - (b) keep a record of all work undertaken under paragraph (a).

13. METERING PROGRAM

- 13.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a metering program to determine –
- (a) the flow past each specified point; and
 - (b) the passing flows at Campaspe Reservoir and the weirs; and
 - (c) the amount of water taken by the Authority under this bulk entitlement, including –
 - (i) the daily amounts taken from Falls Creek, Smokers Creek, the specified point D and Campaspe Reservoir; and
 - (ii) the annual amounts taken from Falls Creek, Smokers Creek, Barbours Spring and Kavanaghs Spring, measured at the specified point D and Campaspe Reservoir; and
 - (d) the amount of water in Campaspe Reservoir –
- for the purpose of assessing whether or not the Authority complies with this bulk entitlement.
- 13.2 The Minister may –
- (a) approve the program proposed under sub-clause 13.1; or
 - (b) require the Authority to amend the proposed program; and
 - (c) require the Authority –
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.
- 13.3 The Authority must, at its cost, and in accordance with any guidelines issued from time to time by the Minister –
- (a) implement and maintain the approved metering program; and
 - (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically recalibrated and, if rating curves are used to calculate flows, ensure that the curves are regularly checked, and if necessary, revised; and
 - (c) keep a record of all work undertaken under paragraph (b).

14. REPORTING REQUIREMENTS

- 14.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:
- (a) the flow past each specified point; and
 - (b) the passing flows; and
 - (c) the daily amount of water taken by the Authority under this bulk entitlement from Falls Creek, Smokers Creek and the specified point D and Campaspe Reservoir; and
 - (d) the water level and amount of water stored in Campaspe Reservoir; and
 - (e) the annual amount of water taken by the Authority under this bulk entitlement from Falls Creek, Smokers Creek, Barbours Spring and Kavanaghs Spring, measured at the specified point D and Campaspe Reservoir; and
 - (f) the approval, amendment and implementation of programs and proposals under clauses 11, 12 and 13;
 - (g) any temporary or permanent transfer of all or part of this bulk entitlement;

- (h) any bulk entitlement or licence in respect of the waterway temporarily or permanently transferred to the Authority with respect to the Woodend Water Supply System;
 - (i) any amendment to this bulk entitlement;
 - (j) any new bulk entitlement granted to the Authority with respect to the Woodend Water Supply System;
 - (k) any failure by the Authority to comply with any provision of this bulk entitlement;
 - (l) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 14.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 14.1 –
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister's written request
- 14.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 14.1, except –
- (a) paragraphs (a) to (d) of sub-clause 14.1; and
 - (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 14.1.
- 14.4 The Resource Manager may require the Authority to report to it, from time to time, on all or any of the matters set out in sub-clause 14.1.
- 14.5 Any report under sub-clause 14.4 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
 - (b) unless the Authority and the Resource Manager agree otherwise –
 - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in paragraphs (a) to (d) of sub-clause 14.1; or
 - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (e) to (l) of sub-clause 14.1.

15. WATER RESOURCE MANAGEMENT COSTS

- 15.1 Subject to sub-clause 17.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to –
- (a) prepare the Campaspe Basin Water Accounts; and
 - (b) monitor whether entitlement holders in the Campaspe Basin comply with the conditions of their bulk entitlements; and
 - (c) investigate and mediate disputes between entitlement holders in the Campaspe Basin; and
 - (d) investigate and deal with significant unauthorised uses of water in the Campaspe Basin; 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.
- 15.2 The proportion of the costs referred to in sub-clause 15.1 is to be determined by the Resource Manager under sub-clause 16.3.

16. SALINITY MANAGEMENT COSTS

- 16.1 The Authority must pay to the Victorian Storage Operator, a portion of the cost of salinity mitigation schemes along the River Murray operated by Victoria, commensurate with the extent to which the Authority and its customers contribute to the need for these schemes.

17. DUTY TO KEEP ACCOUNTS AND FIX PROPORTIONS

- 17.1 The Authority is not obliged to make any payment to the Resource Manager, under clause 15 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.
- 17.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to sub-clause 15.1.
- 17.3 The Resource Manager must, by 1 February in any year, determine for the Authority, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 15.1, and provide the Authority with estimates of the amount payable.
- 17.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

18. DUTY TO MAKE PAYMENTS

Any amount payable by the Authority under clause 15 must be paid in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and Resource Manager agree otherwise.

19. DATA

- 19.1 Subject to sub-clause 13.1, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.
- 19.2 The Authority must make available data collected for the purpose of the metering program and reporting under sub-clauses 13.1 and 14.1 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

20. DISPUTE RESOLUTION

- 20.1 If any difference or dispute arises between the Authority, the Minister and, with its consent, the Resource Manager, or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.
- 20.2 The independent expert will be either –
- (a) a person agreed on by the parties to the difference or dispute; or
 - (b) if those parties cannot agree, a person nominated by the Minister.
- 20.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
- 20.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 20.5
- (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.
 - (b) The Minister must consider any recommendation made under paragraph (a) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.

- 20.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 20.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Dated 30 July 2004

JOHN THWAITES
Minister administering the **Water Act 1989**

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

Water Act 1989

BULK ENTITLEMENT (MACEDON AND MOUNT MACEDON) CONVERSION ORDER 2004

I, John Thwaites, as Minister administering the **Water Act 1989**, make the following Order –

1. CITATION

This Order may be cited as the Bulk Entitlement (Macedon and Mount Macedon) 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**;

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

“**Anzac Road Gauging Station**” means the stream gauging station, number 230231 located on Willimigongon Creek at Anzac Road;

“**Authority**” means the Western Region Water Authority;

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

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

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

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

“**passing flow**” means the flows in Railway Creek immediately downstream of Frank Mann Reservoir and in Willimigongon Creek downstream of Willimigongon Reservoir where Anzac Road crosses the creek;

“**pipeline**” means the pipeline transferring water from all the storages to Rosslynne Reservoir via Slaty Creek;

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

- (a) prepare the Maribyrnong Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Maribyrnong Basin comply with the conditions of their bulk entitlements; and
- (c) investigate and mediate disputes between entitlement holders in the Maribyrnong Basin; and
- (d) investigate and deal with significant unauthorised uses of water in the Maribyrnong Basin; 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;

“Riddells Creek Gauging Station” means the stream gauging station, number 230204 located on Riddells Creek;

“specified point A” means a point on Railway Creek immediately upstream of the tail water of the Kitty English Reservoir full supply level of 545.0 metres (AHD);

“specified point B” means a point on Willimigongon Creek immediately upstream of the tail water of Orde Hill Reservoir;

“storages” means –

- (a) Kitty English Reservoir located on Railway Creek; and
- (b) Frank Mann Reservoir located on Railway Creek; and
- (c) Andersons Reservoir located on Turritable Creek; and
- (d) McDonalds Reservoir located on Turritable Creek; and
- (e) Orde Hill Reservoir located on Willimigongon Creek; and
- (f) Willimigongon Reservoir located on Willimigongon Creek;

“waterways” means –

- (a) Bawden Road Spring; and
- (b) Railway Creek; and
- (c) Turritable Creek; and
- (d) Willimigongon Creek;

“weir” means Gillespies weir located on Turritable Creek;

“year” means the 12 months commencing 1 July.

5. **CONVERSION TO A BULK ENTITLEMENT**

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

6. **BULK ENTITLEMENT**

- 6.1 The Authority may take a share of flow from the waterways up to 873 ML in any one year and up to 3225 ML in any consecutive five-year period from the waterways, at a rate not exceeding –
- (a) a total of 1.7 ML/day from Andersons Reservoir and McDonalds Reservoir; and
 - (a) a total of 2.0 ML/day from Orde Hill Reservoir and Willimigongon Reservoir; and
 - (c) a total of 2.0 ML/day from Kitty English Reservoir and Frank Mann Reservoir; and
 - (d) 0.8 ML/day from the weir; and

- (e) 5.0 ML/day from all the waterways via the pipeline during the months May to November inclusive, providing the volume of water in the storages is greater than 60% of total capacity and the flow in Riddells Creek, as recorded at Riddells Creek gauging station, is greater than 10 ML/day in May and 30 ML/day in November –

subject to the flow sharing and passing flow arrangements specified in clauses 8 and 9.

- 6.2 Subject to sub-clause 6.1, the Authority may, in any year, take up to –
 - (a) a total of 131 ML from Andersons Reservoir and McDonalds Reservoir; and
 - (b) a total of 422 ML from Orde Hill Reservoir and Willimigongon Reservoir; and
 - (c) a total of 327 ML from Kitty English Reservoir and Frank Mann Reservoir, and
 - (d) a total of 80 ML from Gillespies Weir, and
 - (e) a total of 35 ML from Bawden Spring.
- 6.3 The Minister may vary the rates specified under sub-clause 6.1 to the extent necessary to carry out any transfer of some or all of this bulk entitlement, which may be authorised under Division 1, Part 4 of the Act.

7. SHARE OF CAPACITY

- 7.1 The Authority is entitled to all water at any time stored in each storage, up to the full capacity of –
 - (a) Kitty English Reservoir, up to 65 ML at full supply level of 545.00 metres Australian Height Datum; and
 - (b) Frank Mann Reservoir, up to 65 ML at full supply level of 534.90 metres Australian Height Datum; and
 - (c) Anderson Reservoir, up to 23 ML at full supply level of 889.60 metres Australian Height Datum; and
 - (d) McDonalds Reservoir, up to 82 ML at full supply level of 872.60 metres Australian Height Datum; and
 - (e) Orde Hill Reservoir, up to 250 ML at full supply level of 708.60 metres Australian Height Datum; and
 - (f) Willimigongon Reservoir, up to 25 ML at full supply level of 664.80 metres Australian Height Datum –but may not use or transfer any more than its annual entitlement in any year.

8. SHARE OF FLOW

- 8.1 The Authority, after the provision of any passing flow specified in clause 9, may –
 - (a) store all of the inflow to a storage when it is below full supply level; and
 - (b) divert all flow passing the weir up to the rate specified in paragraph 6.1(d); and
 - (c) divert all flow from Bawden Road Spring.
- 8.2 The Authority must not take, as part of its bulk entitlement, any flow of water in the system waterways which is being transferred by the holder of –
 - (a) any other bulk entitlement or licence held by another person; or
 - (b) any licence –to a transferee pursuant to the Act.

- 8.3 The passing flow arrangements set out in clause 9 apply unless changes recommended as part of a streamflow management plan, are accepted by the Authority and approved by the Minister. The Authority must participate in good faith in developing and negotiating any changes. Any change, approved as part of this process, would require amendment of clause 9.

9. PASSING FLOW

- 9.1 The Authority must provide the following minimum passing flow at Frank Mann Reservoir, calculated as follows:

- (a) when $0 < F_R \leq 0.2$ ML/day,
the minimum passing flow = F_R ; and,
(b) when $0.2 < F_R$ ML/day,
the minimum passing flow = 0.2 ML/day.

where –

“ F_R ” means the flow past the specified point A, less any water being transferred under sub-clause 8.2.

- 9.2 The Authority must provide the following minimum passing flow at the Anzac Road Gauging Station, calculated as follows:

- (a) when $0 < F_A \leq 0.7$ ML/day,
the minimum passing flow = F_A ; and,
(b) when $F_A > 0.7$ ML/day
the minimum passing flow = 0.7 ML/day

where –

“ F_A ” means the flow past the specified point B, less any water being transferred under sub-clause 8.2.

10. RELEASES

Subject to clauses 6 and 8, the Authority may operate the storages and make releases from them as it sees fit, in order to satisfy its annual entitlement.

11. MAKING ALLOWANCES

- 11.1 In calculating water available to the Authority under this bulk entitlement at any point downstream of a storage or the weir, allowance must be made for –

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

- 11.2 If the Authority proposes to take water under this entitlement from a point other than a storage or the weir, it must first –

- (a) propose to the Minister –
(i) fair, reasonable and representative means for calculating the allowances required by sub-clause 11.1; and
(ii) details of the proposed point and amount of the extraction; and
(b) ascertain and provide to the Minister any operational requirements of the Resource Manager; and
(c) satisfy the Minister that the proposal will have no impact on any other bulk entitlement or licence held by another person.

- 11.3 The Minister may –

- (a) approve a proposal made under sub-clause 11.2; or
(b) require the Authority to amend the proposal; and
(c) require the Authority –

- (i) to review all or part of any proposal approved by the Minister if, in the Minister's opinion, it is, at any time, no longer fair, reasonable or representative; and
 - (ii) to make an amended proposal to the Minister.
- 11.4 The Authority must –
 - (a) advise the Resource Manager in writing within 14 days of any proposal approved by the Minister under sub-clause 11.3; and
 - (b) provide the Resource Manager with such other information concerning the proposed diversion as the Resource Manager may, from time to time, require.

12. ENVIRONMENTAL OBLIGATIONS

- 12.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a program to manage the environmental effects of the Authority's works to take water under this bulk entitlement which includes –
 - (a) impacts on the bed and banks of each waterway in the vicinity of the Authority's works; and
 - (b) operational practices to remove silt from works; and
 - (c) operational practices to manage the water quality in works on each waterway; and
 - (d) operational rules for the controlled releases of water from each storage to its waterway; and
 - (e) operational rules for managing flood flows through each storage.
- 12.2 The Minister may –
 - (a) approve the program proposed under sub-clause 12.1; or
 - (b) require the Authority to amend the proposed program; and
 - (c) require the Authority –
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.
- 12.3 The Authority, must at its cost –
 - (a) implement the approved program; and
 - (b) keep a record of all work undertaken under paragraph (a).

13. METERING PROGRAM

- 13.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a metering program to determine –
 - (a) the flow past the specified points A and B; and
 - (b) the passing flows; and
 - (c) the amount of water taken by the Authority under this bulk entitlement, including the daily and annual amounts taken from each storage and the weir; and
 - (d) the amount of water in each storage –
for the purpose of assessing whether or not the Authority complies with this bulk entitlement.

- 13.2 The Minister may –
- (a) approve the program proposed under sub-clause 13.1; or
 - (b) require the Authority to amend the proposed program; and
 - (c) require the Authority –
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.
- 13.3 The Authority must, at its cost, and in accordance with any guidelines issued from time to time by the Minister –
- (a) implement and maintain the approved metering program; and
 - (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, if rating curves are used to calculate flows, ensure that the curves are regularly checked, and if necessary, revised; and
 - (c) keep a record of all work undertaken under paragraph (b).

14 REPORTING REQUIREMENTS

- 14.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:
- (a) the flow past the specified point; and
 - (b) the passing flow; and
 - (c) the daily amount of water taken by the Authority under this bulk entitlement from each storage, the weir and the pipeline; and
 - (d) the daily water level and amount of water stored in each storage; and
 - (e) the annual amount of water taken by the Authority under this bulk entitlement, including the annual amount taken from each storage, the weir and the pipeline; and
 - (f) the approval, amendment and implementation of programs and proposals under clauses 11, 12 and 13;
 - (g) any temporary or permanent transfer of all or part of this bulk entitlement;
 - (h) any bulk entitlement or licence in respect of the system waterways temporarily or permanently transferred to the Authority with respect to the Macedon and Mount Macedon Water Supply System;
 - (i) any amendment to this bulk entitlement;
 - (j) any new bulk entitlement granted to the Authority with respect to the Macedon and Mount Macedon Water Supply System;
 - (k) any failure by the Authority to comply with any provision of this bulk entitlement;
 - (l) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 14.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 14.1 –
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister's written request.
- 14.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 14.1, except –

- (a) paragraphs (a) to (d) of sub-clause 14.1; and
 - (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 14.1.
- 14.4 The Resource Manager may require the Authority to report to it, from time to time, on all or any of the matters set out in sub-clause 14.1.
- 14.5 Any report under sub-clause 14.4 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
 - (b) unless the Authority and the Resource Manager agree otherwise –
 - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in paragraphs (a) to (d) of sub-clause 14.1; or
 - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (e) to (l) of sub-clause 14.1.

15. WATER RESOURCE MANAGEMENT COSTS

- 15.1 Subject to sub-clause 16.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to –
- (a) prepare the Maribyrnong Basin Water Accounts; and
 - (b) monitor whether entitlement holders in the Maribyrnong Basin comply with the conditions of their bulk entitlements; and
 - (c) investigate and mediate disputes between entitlement holders in the Maribyrnong Basin; and
 - (d) investigate and deal with significant unauthorised uses of water in the Maribyrnong Basin; 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.
- 15.2 The proportion of the costs referred to in sub-clause 15.1 is to be determined by the Resource Manager under sub-clause 16.3.

16. DUTY TO KEEP ACCOUNTS AND FIX PROPORTIONS

- 16.1 The Authority is not obliged to make any payment to the Resource Manager, under clause 15 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.
- 16.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to sub-clause 15.1.
- 16.3 The Resource Manager must, by 1 February in any year, determine for the Authority, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 15.1.
- 16.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

17. DUTY TO MAKE PAYMENTS

Any amount payable by the Authority under clause 15 must be paid in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and Resource Manager agree otherwise.

18. DATA

- 18.1 Subject to sub-clause 13.1, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.

- 18.2 The Authority must make available data collected for the purpose of the metering program and reporting under sub-clauses 13.1 and 14.1 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

19. DISPUTE RESOLUTION

- 19.1 If any difference or dispute arises between the Authority, the Minister and, with its consent, the Resource Manager, or any of them (the “parties”) concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.
- 19.2 The independent expert will be either –
- (a) a person agreed on by the parties to the difference or dispute; or
 - (b) if those parties cannot agree, a person nominated by the Minister.
- 19.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
- 19.4 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 19.5 (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.
- (a) The Minister must consider any recommendation made under paragraph (a) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.
- 19.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 19.7 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Dated 30 July 2004

JOHN THWAITES
Minister administering the **Water Act 1989**

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

Water Act 1989

BULK ENTITLEMENT (MYRNIONG) CONVERSION ORDER 2004

I, John Thwaites, as Minister administering the **Water Act 1989**, make the following Order –

1. CITATION

This Order may be cited as the Bulk Entitlement (Myrniong) 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**;

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

“**Authority**” means the Western Region Water Authority;

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

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

“**Headworks System**” means –

(a) the water supply works of Upper Werribee Weir and associated diversion tunnel, Pykes Creek Reservoir, Lerderberg Weir and diversion tunnel, Goodman Weir and diversion tunnel, Lake Merrimu and Melton Reservoir;

(b) the System waterways;

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

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

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

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

(a) prepare the Werribee Basin Accounts; and

(b) monitor whether entitlement holders in the Werribee Basin comply with the conditions of their bulk entitlements; and

(c) investigate and mediate disputes between entitlement holders in the Werribee Basin; and

(d) investigate and deal with significant unauthorised uses of water in the Werribee Basin; 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;

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

“**specified point**” means the location on Pykes Creek Reservoir at which the Authority's raw water pumping station is located;

“**system source cost**” means the total annual cost of –

(a) operating, maintaining and administering; and

(b) making an appropriate allowance for renewing works; and

(c) protecting the quality of the resource –

of the Headworks System, except system delivery costs;

“**system waterways**” means the Werribee River downstream of the Upper Werribee Weir, Pykes Creek downstream of Pykes Creek Reservoir, Goodman Creek downstream of Goodman Weir and Coimadai Creek downstream of Lake Merrimu including the pools formed by, and immediately upstream of, the respective dams or weirs;

“waterway” means Pykes Creek;

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

“Werribee Entitlement Holder” means the holder of the Bulk Entitlement (Werribee System – Irrigation) Conversion Order 1995;

“year” means the 12 months commencing 1 July.

5. **CONVERSION TO A BULK ENTITLEMENT**

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

6. **BULK ENTITLEMENT**

6.1 Subject to sub-clause 7.3 and clause 8, the Authority may take up to 58 ML of water from the waterway at the specified point in any year, at a rate not exceeding 0.47 ML/day, with the security of supply specified in sub-clause 7.1.

6.2 Subject to section 46 of the Act, this bulk entitlement may be transferred –

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

6.3 The Minister may vary the maximum rate of extraction specified under sub-clause 6.1 for the purpose of making any transfer of this bulk entitlement authorised under section 46 of the Act.

7. **SECURITY OF SUPPLY**

7.1 The entitlement specified in sub-clause 6.1 has a security of supply of 97%.

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

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

7.4 If the Minister grants the application, the Minister –

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

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

8. **RESTRICTION OF SUPPLY**

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

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

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

where –

R = the Authority's restricted annual entitlement.

A = the annual entitlement.

Ve = the total inflow of water to Pykes Creek Reservoir in the 24 months preceding the first day of the month on which the Werribee Entitlement Holder decides to restrict the entitlement under sub-clause 8.1, as calculated by the Operator.

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

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

(a) if $Ve \geq Vi$, revoke the restrictions for that year; or

(b) if $Ve < Vi$, amend the restricted annual entitlement to an amount which is the greater of –

(i) $A \times (Ve \div Vi)$ and

(ii) the amount determined for January under sub-clause 8.2.

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

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

9. TAKING WATER AT OTHER WORKS OF THE AUTHORITY

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

9.2 The Authority may take water under this entitlement to temporarily supply any other water supply system for which the Authority holds a bulk entitlement, subject to the prior agreement of the Werribee Entitlement Holder if water is to be taken from any of the system waterways.

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

10. SUPPLY OF WATER

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

10.2 If the Authority and the Werribee Entitlement Holder have not reached agreement under sub-clause 10.1 within twelve months of the date of this Order, either party may give written notice to the other party requiring the matter to be determined in accordance with clause 17.

11. METERING PROGRAM

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

- (a) the amount of water taken by the Authority under this bulk entitlement; and
 - (b) all water referred to in paragraph (a) which is returned to the waterway or the channel system for the use or trade by the Authority under clause 9 – for the purpose of assessing whether or not the Authority complies with this bulk entitlement.
 - 11.2. The metering program prepared under sub-clause 11.1 must include details of any agreement between the Authority and any other person for measuring and calculating of in-stream flows.
 - 11.3. The Minister may –
 - (a) approve the program proposed under sub-clause 11.1; or
 - (b) require the Authority to amend the proposed program; and
 - (c) require the Authority –
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.
 - 11.4. The Authority must, at its cost, and in accordance with any guidelines issued from time to time by the Minister –
 - (a) implement and maintain the approved metering program; and
 - (b) operate and maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated, and
 - (c) keep a record of all work undertaken under paragraph (b).
- 12. REPORTING REQUIREMENTS**
- 12.1. The Authority may be required to report on all or any of the following matters, as provided in this clause:
 - (a) the daily amount of water taken under this entitlement;
 - (b) the annual amount of water taken under this entitlement;
 - (c) the amount and location of water taken under this entitlement at any other works of the Authority;
 - (d) the amount of water returned under clause 11 and subsequently either taken or traded, or both of them;
 - (e) the approval, amendment and implementation of the metering program approved under sub-clause 11.3;
 - (f) any change made in the security of supply and annual entitlement under sub-clause 7.3;
 - (g) any temporary or permanent transfer of all or part of this bulk entitlement;
 - (h) any bulk entitlement or licence waterway temporarily or permanently transferred to the Authority for the Myrniong Water Supply System;
 - (i) any amendment to this bulk entitlement;
 - (j) any new bulk entitlement granted to the Authority with respect to the Myrniong Water Supply System;
 - (k) any failure by the Authority to comply with any provision of this bulk entitlement;
 - (l) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.

- 12.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 12.1 –
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister's written request.
- 12.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 12.1, except –
- (a) paragraphs (a) of sub-clause 12.1; and
 - (b) with the approval of the Minister, any particular failure referred to in paragraph (k) of sub-clause 12.1.
- 12.4 The Resource Manager and/or the Werribee Entitlement Holder may require the Authority to report, from time to time, on all or any of the matters set out in sub-clause 12.1.
- 12.5 Any report under sub-clause 12.4 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
 - (b) unless the Authority and the Resource Manager agree otherwise -
 - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in paragraphs (a) to (d) of sub-clause 12.1; or
 - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (e) to (l) of sub-clause 12.1.

13. WATER RESOURCE MANAGEMENT COSTS

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

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

where –

- C_s = the source charge
- A = the annual entitlement
- E = the exchange rate that converts the security of supply of the annual entitlement to a security of supply of 97%.
- Y = the average annual amount of water that can be supplied by the Werribee Entitlement Holder at a security of supply of 97% from the Headworks System.
- S = the system source costs estimated by the Operator for the year for which the charge was calculated.
- R = return to Headworks System equity holders for the year for which the charge is calculated.

- 13.2 The charge must be paid by the Authority, whether or not its annual entitlement is restricted in any year under clause 8.
- 13.3 Subject to clause 14.1 the Authority must pay the Resource Manager a proportion of the costs of preparing annual Werribee Basin Water Accounts.

14. DUTY TO KEEP ACCOUNTS AND FIX PROPORTIONS

- 14.1 The Authority is not obliged to make any payment to the Werribee Entitlement Holder and the Resource Manager under clause 13 unless either one chooses to comply with the provisions of this clause relevant to that payment.
- 14.2 Separate accounts of all costs and payments must be kept by the Werribee Entitlement Holder and the Resource Manager in respect to clause 13.

14.3 The Resource Manager must, by 1 February in any year, determine for the Authority, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 13.3, and provide the Authority with estimates of the amount payable.

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

15. DUTY TO MAKE PAYMENTS

15.1 Any amount payable by the Authority under clause 13 must be paid in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and Werribee Entitlement Holder or Resource Manager agree otherwise.

16. DATA

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

16.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 11 and 12 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

17. DISPUTE RESOLUTION

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

17.2 The independent expert will be either –

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

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

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

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

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

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

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

Dated 30 July 2004

JOHN THWAITES
Minister administering the **Water Act 1989**

Note: This Order is a delivery entitlement associated with the source Bulk Entitlement (Werribee System – Irrigation) Conversion Order 1995. An explanatory note accompanying the source Bulk Entitlement (Werribee System – Irrigation) Conversion Order 1995 is available from the Department of Sustainability and Environment.

Water Act 1989**BULK ENTITLEMENT (GISBORNE – BARRINGO CREEK) CONVERSION ORDER 2004**

I, John Thwaites, as Minister administering the **Water Act 1989**, make the following Order –

1. CITATION

This Order may be cited as the Bulk Entitlement (Gisborne – Barringo Creek) 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**;

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

“**Authority**” means the Western Region Water Authority;

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

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

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

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

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

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

- (a) prepare the Maribyrnong Basin Water Accounts; and
- (b) monitor whether entitlement holders in the Maribyrnong Basin comply with the conditions of their bulk entitlements; and
- (c) investigate and mediate disputes between entitlement holders in the Maribyrnong Basin; and
- (d) investigate and deal with significant unauthorised uses of water in the Maribyrnong Basin; 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;

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

“**waterway**” means the Barringo Creek;

“**weir**” means the Gisborne diversion weir located on the waterway;

“**year**” means the 12 months commencing 1 July.

5. CONVERSION TO A BULK ENTITLEMENT

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

6. BULK ENTITLEMENT

The Authority may take a share of flow in the waterway specified in clause 7, up to a total of 585 ML in any one year and up to 1600 ML in any consecutive five-year period during the months June to October inclusive.

7. SHARE OF FLOW

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

- (a) from June to October:
 - when $0 < F \leq 0.4$ ML/day,
E = 0, and
 - when $0.4 < F \leq 6.4$ ML/day,
E = $0.67 \times (F - 0.4)$ ML/day, and
 - when $F > 6.4$ ML/day,
E = 4.0 ML/day, and

- (b) from November to May
None.

where –

“E” means the Authority's entitlement; and

“F” means the flow past the specified point less any amount of water being transferred under sub-clause 7.3.

7.2 The flow sharing arrangements set out in sub-clause 7.1 apply unless changes recommended as part of a streamflow management plan are accepted by the Authority and approved by the Minister.

The Authority must participate in good faith in developing and negotiating any changes. Any change, approved as part of this process, would require amendment of sub-clause 7.1.

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

- (a) any other bulk entitlement or licence held by another person; or
- (b) any licence –
to a transferee pursuant to the Act.

8. MAKING ALLOWANCES

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

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

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

- (a) propose to the Minister –
 - (i) fair, reasonable and representative means for calculating the allowances required by sub-clause 8.1; and
 - (ii) details of the proposed location and amount of the extraction; and
- (a) ascertain and provide the Minister with any operational requirements of the Resource Manager; and

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

8.3 The Minister may –

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

8.4 The Authority must –

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

9. ENVIRONMENTAL OBLIGATIONS

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

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

9.2 The Minister may –

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

9.3 The Authority, must at its cost –

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

10. METERING PROGRAM

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

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

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

- 10.3 The Minister may –
- (a) approve the program proposed under sub-clause 10.1; or
 - (b) require the Authority to amend the proposed program; and
 - (c) require the Authority –
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.
- 10.4 The Authority must, at its cost, and in accordance with any guidelines issued from time to time by the Minister –
- (a) implement and maintain the approved metering program; and
 - (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, if rating curves are used to calculate flows, ensure that these curves are regularly checked and if necessary revised; and
 - (c) keep a record of all work undertaken under paragraph (b).

11. REPORTING REQUIREMENTS

- 11.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:
- (a) the flow in the waterway at the specified point;
 - (b) the passing flow;
 - (c) the daily amount of water taken under this bulk entitlement;
 - (d) the approval, amendment and implementation of programs and proposals under clauses 8, 9 and 10;
 - (e) the annual amount of water taken under this bulk entitlement;
 - (f) any temporary or permanent transfer of all or part of this bulk entitlement;
 - (g) any bulk entitlement or licence in respect of the waterway temporarily or permanently transferred to the Authority with respect to the Gisborne Water Supply System;
 - (h) any amendment to this bulk entitlement;
 - (i) any new bulk entitlement granted to the Authority with respect to the Gisborne Water Supply System;
 - (j) any failure by the Authority to comply with any provision of this bulk entitlement;
 - (k) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 11.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 11.1 –
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister's written request.
- 11.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 11.1, except –
- (a) paragraphs (a), (b) and (c) of sub-clause 11.1; and
 - (b) with the approval of the Minister, any particular failure referred to in paragraph (j) of sub-clause 11.1.

- 11.4 The Resource Manager may require the Authority to report to it, from time to time, on all or any of the matters set out in sub-clause 11.1.
- 11.5 Any report under sub-clause 11.4 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
 - (b) unless the Authority and the Resource Manager agree otherwise –
 - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in paragraphs (a) to (c) of sub-clause 11.1; or
 - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (d) to (k) of sub-clause 11.1.

12. WATER RESOURCE MANAGEMENT COSTS

- 12.1 Subject to sub-clause 13.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to –
- (a) prepare the Maribyrnong Basin Water Accounts; and
 - (b) monitor whether entitlement holders in the Maribyrnong Basin comply with the conditions of their bulk entitlements; and
 - (c) investigate and mediate disputes between entitlement holders in the Maribyrnong Basin; and
 - (d) investigate and deal with significant unauthorised uses of water in the Maribyrnong Basin; 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.
- 12.2 The proportion of the costs referred to in sub-clause 12.1 is to be determined by the Resource Manager under sub-clause 13.3.

13. DUTY TO KEEP ACCOUNTS AND FIX PROPORTIONS

- 13.1 The Authority is not obliged to make any payment to the Resource Manager, under clause 12 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.
- 13.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to sub-clause 12.1.
- 13.3 The Resource Manager must, by 1 February in any year, determine for the Authority, for the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 12.1, and provide the Authority with estimates of the amount payable.
- 13.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

14. DUTY TO MAKE PAYMENTS

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

15. DATA

- 15.1 Subject to sub-clause 10.1, the Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority.
- 15.2 The Authority must make available data collected for the purpose of the metering program and reporting under sub-clauses 10.1 and 11.1 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

16. DISPUTE RESOLUTION

- 16.3 If any difference or dispute arises between the Authority, the Minister and, with its consent, the Resource Manager, or any of them (the “parties”) concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.
- 16.4 The independent expert will be either –
- (a) a person agreed on by the parties to the difference or dispute; or
 - (b) if those parties cannot agree, a person nominated by the Minister.
- 16.5 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
- 16.6 The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 16.7 (a) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.
(b) The Minister must consider any recommendation made under paragraph (a) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.
- 16.8 In any difference or dispute to which the Minister is not a party, any conclusion by an independent expert is final and binding on the parties.
- 16.9 The apportionment of the costs of and incidental to every reference, including the costs of the independent expert, shall be at the discretion of the independent expert.

Dated 30 July 2004

JOHN THWAITES
Minister administering the **Water Act 1989**

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

Water Act 1989**BULK ENTITLEMENT (LEXTON) CONVERSION ORDER 2004**

I, John Thwaites, as Minister administering the **Water Act 1989**, make the following Order –

1. CITATION

This Order may be cited as the Bulk Entitlement (Lexton) 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**;

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

“**Authority**” means the Central Highlands Region Water Authority;

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

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

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

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

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

“**system**” means Lexton Reservoir and associated reservoir bypass channels and diversion pipeline to the treatment plant and service basin;

“**Victorian Storage Operator**” means the person appointed by the Minister to be responsible for water storage and supply costs in the Murray Basin;

“**year**” means the 12 months commencing 1 July.

5. **CONVERSION TO A BULK ENTITLEMENT**

All of the Authority’s entitlement to water from the system is converted to a bulk entitlement on the conditions set out in this Order.

6. **BULK ENTITLEMENT**

- 6.1 The Authority may take up to 45 ML of water from the system in any year, at a rate not exceeding 0.45 ML/day from Lexton Reservoir;
- 6.2 Subject to Division 1, Part 4 of the Act, this bulk entitlement may be transferred –
 - (a) temporarily or permanently;
 - (b) in whole or in part;
 - (c) for any purpose, including an in-stream use of water.
- 6.3 The Minister may vary the maximum rate of extraction specified under sub-clause 6.1 for the purpose of making any transfer of this bulk entitlement authorised under Division 1, Part 4 of the Act.

7. **SHARE OF FLOW**

- 7.1 The Authority may take up to 100% of the flow into Lexton Reservoir up to the maximum diversion rates specified in sub-clause 6.1 and except for any flow being transferred by the holder of –
 - (a) any other bulk entitlement or licence held by another person, or
 - (b) any licence –to a transferee pursuant to the Act.
- 7.2 The flow sharing arrangement set out in sub-clause 7.2 applies, unless changes recommended as part of a stream flow management plan are accepted by the

Authority and approved by the Minister. The Authority will participate in good faith in developing the stream flow management plan and negotiating any changes to flow sharing arrangements. Any change approved as part of this process would require amendment of this bulk entitlement.

8. SHARE OF CAPACITY

8.1 The capacity of Lexton Reservoir is a maximum of 135 ML at full supply level of 373 metres Australian Height Datum.

8.2 The Authority is entitled to –

(a) 100% of capacity of Lexton Reservoir; and

(b) all water stored in Lexton Reservoir –

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

9. MAKING ALLOWANCES

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

(a) any losses from the waterways downstream of the system; and

(b) the time taken by the flow to reach that point from the system.

9.2 If the Authority proposes to take water under this entitlement from a point other than specified in sub-clause 6.1, it must first –

(a) propose to the Minister –

(i) fair, reasonable and representative means for calculating the allowances required by sub-clause 9.1; and

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

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

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

9.3 The Minister may –

(a) approve all or any means proposed under sub-clause 9.2; or

(b) require the Authority to amend all or any means proposed; and

(c) require the Authority –

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

(ii) to propose amended means to the Minister.

9.4 The Authority must –

(a) advise the Resource Manager in writing within 14 days of any proposal approved by the Minister under sub-clause 9.3; and

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

10. ENVIRONMENTAL OBLIGATIONS

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

(a) impacts on the bed and banks of waterways in the vicinity of the system works;

- (b) operational practices to remove silt from works in the system;
 - (c) operational practices to manage the water quality in system works on a waterway;
 - (d) operational rules for the controlled releases from works to a waterway; and
 - (e) operational rules for management of flood flows through the system.
- 10.2 The Minister may –
- (a) approve the program proposed under sub-clause 10.1; or
 - (b) require the Authority to amend the proposed program; and
 - (c) require the Authority –
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.
- 10.3 The Authority must at its cost –
- (a) implement the approved program;
 - (b) keep a record of all work undertaken under paragraph (a).

11. METERING PROGRAM

- 11.1 The Authority must propose to the Minister, within 12 months of the date of this Order, a metering program to determine –
- (a) the amount of water taken by the Authority under this bulk entitlement from Lexton Reservoir; and
 - (b) the amount of water in Lexton Reservoir;
- for the purpose of assessing whether or not the Authority complies with this bulk entitlement .
- 11.2 The Minister may –
- (a) approve the program proposed under sub-clause 11.1; or
 - (b) require the Authority to amend the proposed program; and
 - (c) require the Authority –
 - (i) to review the program approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
 - (ii) to propose an amended program to the Minister.
- 11.3 The Authority must at its cost, and in accordance with any guidelines issued from time to time by the Minister –
- (a) implement the approved metering program; and
 - (b) maintain metering equipment and associated measurement structures in good condition, ensure that metering equipment is periodically re-calibrated and, where rating curves are used to calculate flows, ensure that these curves are regularly checked and updated; and
 - (c) keep a record of all work undertaken under paragraph (b).

12. REPORTING REQUIREMENTS

- 12.1 The Authority may be required to report on all or any of the following matters, as provided in this clause:
- (a) the daily amount of water taken under this bulk entitlement;
 - (b) the water level and amount of water stored in Lexton Reservoir;
 - (c) the annual amount of water taken under this bulk entitlement;

- (d) the approval, amendment and implementation of programs under clauses 10 and 11;
 - (e) any temporary or permanent transfer of all or part of this bulk entitlement;
 - (f) any bulk entitlement or licence temporarily or permanently transferred to the Authority with respect to the Lexton Water Supply System;
 - (g) any amendment to this bulk entitlement;
 - (h) any new bulk entitlement granted to the Authority with respect to the Lexton Water Supply System;
 - (i) any failure by the Authority to comply with any provision of this bulk entitlement;
 - (j) any existing or anticipated difficulties experienced by the Authority in complying with this bulk entitlement and any remedial action taken or proposed by the Authority.
- 12.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 12.1 –
- (a) in writing, or in such electronic form as may be agreed between the Authority and the Minister; and
 - (b) within 14 days of receiving the Minister's written request.
- 12.3 The Authority must, for the period of the preceding year, report in its Annual Report on each of the matters set out in sub-clause 12.1, except –
- (a) paragraphs (a) and (b) of sub-clause 12.1; and
 - (b) with the approval of the Minister, any particular failure referred to in paragraph (i) of sub-clause 12.1.
- 12.4 The Resource Manager may require the Authority to report to it, from time to time, on all or any of the matters set out in sub-clause 12.1.
- 12.5 Any report under sub-clause 12.4 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
 - (b) unless the Authority and the Resource Manager agree otherwise –
 - (i) within 24 hours of the Authority receiving a request for a report on any matter set out in paragraphs (a) to (c) of sub-clause 12.1; or
 - (ii) within 14 days of the Authority receiving a request for a report on any matter set out in paragraphs (d) to (k) of sub-clause 12.1.
- 13. WATER RESOURCE MANAGEMENT COSTS**
- 13.1 Subject to sub-clause 14.1, the Authority must pay the Resource Manager a fair and reasonable proportion of the costs incurred by the Resource Manager to –
- (a) prepare the Loddon Basin Water Accounts; and
 - (b) monitor whether entitlement holders in the Loddon Basin comply with the conditions of their bulk entitlements; and
 - (c) direct the release of any water set aside for maintaining water quality in the Loddon Basin; and
 - (d) investigate and mediate disputes between entitlement holders in the Loddon Basin; and
 - (e) investigate and deal with significant unauthorised uses of water in the Loddon Basin; and
 - (f) supervise the qualification of any rights to water made by the Minister during periods of declared water shortage under section 13 of the Act.
- 13.2 The proportion of the costs referred to in sub-clause 13.1 is to be determined by the Resource Manager under sub-clause 14.3.

14. DUTY TO KEEP ACCOUNTS AND FIX PROPORTIONS

- 14.1 The Authority is not obliged to make any payment to the Resource Manager, under clause 13 unless the Resource Manager chooses to comply with the provisions of this clause relevant to that payment.
- 14.2 Separate accounts of all costs and payments must be kept by the Resource Manager in respect to sub-clause 13.1.
- 14.3 The Resource Manager must, by 1 February in any year, determine, in respect of the ensuing year, a fair and reasonable proportion of the costs referred to in sub-clause 13.1.
- 14.4 Accounts required to be kept under this clause must be made available for inspection by the Authority upon request.

15. SALINITY MANAGEMENT COSTS

The Authority must pay to the Victorian Storage Operator, a portion of the cost of salinity mitigation schemes along the River Murray operated by Victoria, commensurate with the extent to which the Authority and its customers contribute to the need for these schemes.

16. DUTY TO MAKE PAYMENTS

Any amount payable by the Authority under clause 13 must be paid in arrears, within 28 days of the Authority receiving an invoice, unless the Authority and the person to whom the amount is payable agree otherwise.

17. DATA

- 17.1 The Minister will use the Minister's best endeavours to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement are made available to the Authority, free of charge.
- 17.2 The Authority must make available data collected for the purpose of the metering program and reporting under clauses 11 and 12 to any person, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available.

18. DISPUTE RESOLUTION

- 18.1 If any difference or dispute arises between the Authority, the Minister and, with its consent, the Resource Manager, or any of them (the "parties") concerning the interpretation or application of this Order, which is not resolved within 14 days of it arising, any party may give written notice to the others requiring the matter to be determined by an independent expert, if it is not otherwise resolved, within 14 days of that notice.
- 18.2 The independent expert will be either –
 - (a) a person agreed on by the parties to the difference or dispute; or
 - (b) if those parties cannot agree, a person nominated by the Minister.
- 18.3 The independent expert must reach a conclusion on the matter within 30 days of it being referred, but has power to extend the period for reaching a conclusion on the matter by a further 30 days.
- 18.4
 - (a) The independent expert must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
 - (b) In any difference or dispute to which the Minister is a party, the independent expert must express the conclusion as a recommendation.
 - (c) The Minister must consider any recommendation made under paragraph 18.4(b) before deciding to give a direction under section 307 or to take any other action under the Act in relation to the difference or dispute.

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

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

Dated 22 July 2004

JOHN THWAITES
Minister administering the **Water Act 1989**

Note: An explanatory note accompanies this Order.

Planning and Environment Act 1987
VICTORIA PLANNING PROVISIONS
Notice of Approval of Amendment
Amendment VC26

The Minister for Planning has approved Amendment VC26 to the Victoria Planning Provisions and all planning schemes in Victoria except the Port of Melbourne Planning Scheme.

The Amendment comes into operation on the date this notice is published in the Government Gazette.

The Amendment:

- removes a reference to Minister's Direction No. 5 Gippsland Lakes Strategy in Clause 15.01–3 of the SPPF;
- implements the recommendations of the Live Music Task Force in Clause 15.05–2 Noise Abatement of the SPPF;
- removes anomalies in the Residential 1, Residential 2, Mixed Use and Township Zones that allow a dwelling to be constructed or extended on common property;
- removes anomalies in the Business 1, Business 2 and Business 5 Zones that allow an application for a dwelling on common property not to be accompanied by a neighbourhood and site description and design response;
- makes consequential changes arising from the **Transport Legislation (Miscellaneous Amendments) Act 2004** to the City Link Project Overlay and schedules to the Design and Development Overlay in the Melbourne, Port Phillip, Stonnington and Yarra Planning Schemes;
- restores changes to Clause 52.05 – Advertising signs, made in Amendment VC13, which were amended in error in Amendment VC19;
- makes consequential changes in Clauses 52.05, 52.18, 52.29 and 66.02 arising from the repeal of the **Transport Act 1983** and the coming into operation of the **Road Management Act 2004**;
- ensures that the ResCode provisions of Clause 55 apply to a dwelling constructed or extended on common property;
- removes an anomaly in Clause 62.02 that allows an existing dwelling to be internally altered and converted into multiple dwellings;
- relocates the list of incorporated documents that are common to all planning schemes from the schedules to Clause 81 in planning schemes to Clause 81 in the VPP for administrative efficiency;
- makes reference in the amended Clause 81 to updated versions of the Septic Tank Code of Practice, the Code of Practice for Telecommunications Facilities in Victoria, AS 2890.1–1993 Parking Facilities part 1: Off-street car parking, and Concrete Pavement Design for Residential Streets incorporated documents.

A copy of 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 3000; Department of Sustainability and Environment, Port Phillip Region – Burwood, Level 2, 12 Lakeside Drive, East Burwood 3151; Department of Sustainability and Environment, Port Phillip Region – Sunshine, Ground Level, 499 Ballarat Road, Sunshine 3020; Department of Sustainability and Environment, North East Region, 35 Sydney Road, Benalla 3672; Department of Sustainability and Environment, Gippsland Region, 71 Hotham Street, Traralgon 3844; Department of Sustainability and Environment, North West Region, 1 Taylor Street, Epsom 3551; Department of Sustainability and Environment, South West Region – Geelong, 4th Floor, State Government Offices, corner of Fenwick and Little Malop Streets, Geelong 3220; Department of Sustainability and Environment, South West Region – Ballarat, 88 Learmonth Road, Wendouree 3355; and all municipal council offices in Victoria.

PAUL JEROME
Deputy Secretary
Built Environment
Department of Sustainability
and Environment

ORDERS IN 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:

ARCADIA – The temporary reservation by Order in Council of 17 July, 1876 of an area of 21.008 hectares, more or less, of land in the Parish of Arcadia (formerly being Crown Allotments 57B and 58B) as a site for Watering purposes. – (C70548).

BOROONDARA – The temporary reservation by Order in Council of 7 April, 1937 of an area of 964 square metres, more or less, of land in the Parish of Boroondara, in two separate portions, (formerly part of Crown Portion 65, City of Hawthorn), as a site for Police and Court House purposes. – (Rs 4673).

CONGUPNA – The temporary reservation by Order in Council of 25 August, 1879 of an area of 7.173 hectares of land in Section B, Parish of Congupna as a site for Watering purposes. – (Rs 6222).

CONGUPNA – The temporary reservation by Order in Council of 22 June, 1982 of an area of 7034 square metres of land being Crown Allotments 15F, 15G and 15H, Section B, Parish of Congupna as a site for Water Supply. – (Rs 6222).

CURRAWA – The temporary reservation by Order in Council of 21 May, 1884 of an area of 19.425 hectares, more or less, of land in the Parish of Currawa (formerly portion of Crown Allotment 73) as a site for affording Access to Water, revoked as to part by Order in Council of 2 February, 1904 so far as the balance remaining containing 18.211 hectares, more or less. – (Rs 4599).

CURRAWA – The temporary reservation by Order in Council of 27 April, 1880 of an area of 9.308 hectares, more or less, of land in the Parish of Currawa (formerly portion of Original Allotments 79 and 80) as a site for Watering purposes. – (Rs 501).

DIAMOND CREEK – The temporary reservation by Order in Council of 14 July, 1879

of an area of 3642 square metres of land in Section 14, Township of Diamond Creek, Parish of Nillumbik (formerly Crown Allotments 3 and 4, Section 14, At Nillumbik, Parish of Nillumbik) as a site for Police purposes, revoked as to part by Orders in Council of 18 July, 1995 and 15 April, 1998, so far as the balance remaining containing 1014 square metres, more or less. – (Rs 5681).

This Order is effective from the date on which it is published in the Government Gazette.

Dated 24 August 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 CITY OF BALLARAT

BALLARAT – Public purposes, being Crown Allotment 16C, Section 4, Parish of Ballarat as shown coloured red on plan LEGL./03-091 lodged in the Central Plan Office;

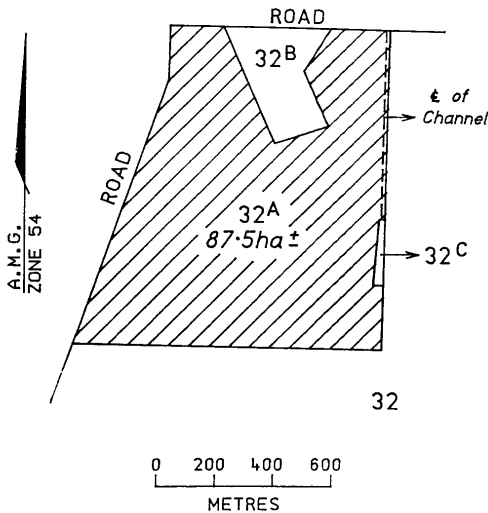
BALLARAT and **BALLARAT NORTH** – Public purposes, being Crown Allotments 4A and 4B, Section A2 and Crown Allotment 6A, Section A3, Township of Ballarat and Crown Allotment 11A, Section 8, Crown Allotments 1G, 2E and 3D, Section 9, Crown Allotment 9F, Section 12 and Crown Allotments 5A and 11C Section 14, Township of Ballarat North as shown coloured red on plan LEGL./03-092 lodged in the Central Plan Office; and

BALLARAT EAST – Public purposes, being Crown Allotment 20D, Section B4, Crown Allotments 1C, 7B, 11A, and 23H, Section D4, Crown Allotments 29, 29A and 29B, Section J2,

Crown Allotment 58, Section K, Crown Allotment 20D, Section L, Crown Allotments 5A, Section Q, Crown Allotments 7B, 14C, and 20A, Section R, Crown Allotment 28B, Section T, Crown Allotment 22A Section U, Crown Allotment 10A, Section 38, Crown Allotments 16A and 18C, Section 43, Crown Allotment 1B, Section 48, Crown Allotments 3A and 10A, Section 49, Crown Allotment 6A, Section 50, Crown Allotment 7A, Section 71, Crown Allotment 10A, Section 82, Crown Allotment 24S, Section 100, Crown Allotments 19A, 19B, 19C and 19D, Section 101, Crown Allotment 11C, Section 118, Crown Allotments 7A and 8A, Section 122, Crown Allotment 9A Section 123, Crown Allotment 9C and 10A, Section 210, Crown Allotment 3A, Section 212, Crown Allotment 8B, Section 219, Crown Allotment 2A, Section 220, Crown Allotments 5B and 17A, Section 222 Crown Allotment 7A, Section 223 and Crown Allotment 9A, Section 224, Township of Ballarat East as shown coloured red on plan LEGL./04-225 lodged in the Central Plan Office.

MUNICIPAL DISTRICT OF THE MILDURA RURAL CITY COUNCIL

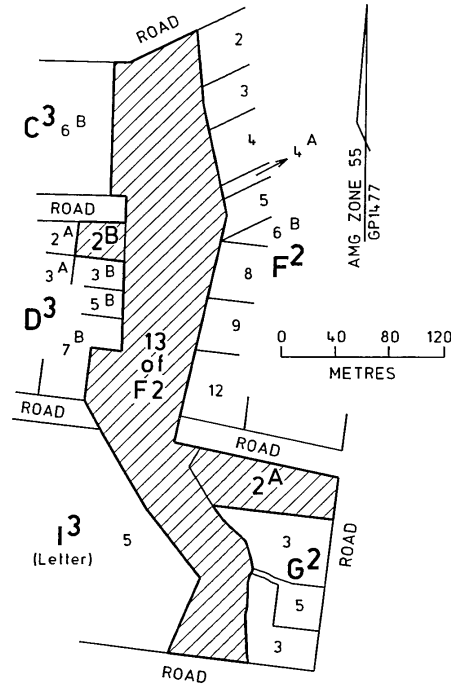
BARING – Conservation of an area of natural interest, 87.5 hectares, more or less, being Crown Allotment 32A, Parish of Baring as indicated by hatching on plan hereunder.– (B784[5]) – (01/2011969).



MUNICIPAL DISTRICT OF THE HEPBURN SHIRE COUNCIL

COMOORA – Public Recreation, combined area 3.34 hectares, more or less, being Crown Allotment 2B, Section D3, Crown Allotment 13,

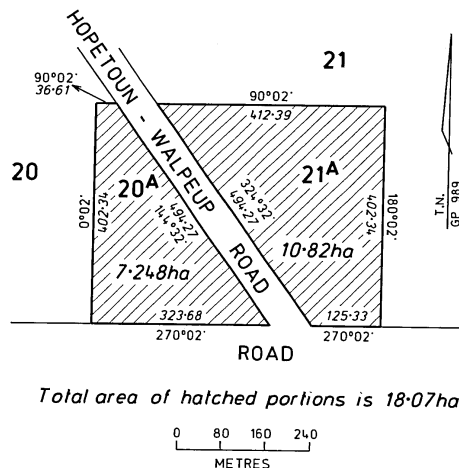
Section F2 and Crown Allotment 2A, Section G2, Township of Comoora, Parish of Wombat as indicated by hatching on plan hereunder. – (GP1477) – (2013781).



TOTAL AREA OF HATCHED PORTIONS IS 3.34ha±

MUNICIPAL DISTRICT OF THE MILDURA RURAL CITY COUNCIL

WALPEUP – Conservation of an area of natural interest, combined area 18.07 hectares being Crown Allotments 20A and 21A, Parish of Walpeup as indicated by hatching on plan hereunder. – (GP989) – (01/2013871).



Total area of hatched portions is 18.07ha

MUNICIPAL DISTRICT OF THE
WARRNAMBOOL CITY COUNCIL

WARRNAMBOOL – Public Recreation, 1257 square metres being Crown Allotment 187, Township of Warrnambool, Parish of Wangoom as shown on Certified Plan No. 107322 lodged in the Central Plan Office of the Department of Sustainability and Environment. – (Rs 283).

This Order is effective from the date on which it is published in the Government Gazette.

Dated 24 August 2004

Responsible Minister
MARY DELAHUNTY
Minister for Planning

DIANE CASEY
Clerk of the Executive Council

Crown Land (Reserves) Act 1978

DISSOLUTION OF INCORPORATED
COMMITTEE OF MANAGEMENT
LONGWARRY

The Governor in Council under Section 14A(7) of the **Crown Land (Reserves) Act 1978** dissolves the “Longwarry Recreation (Tennis) Reserve Committee of Management Incorporated” constituted by Order in Council of 17 December 1996 (vide Government Gazette of 19 December 1996 – page 3325). – (Rs 10341).

This Order is effective from the date on which it is published in the Government Gazette.

Dated 24 August 2004

Responsible Minister
MARY DELAHUNTY
Minister for Planning

DIANE CASEY
Clerk of the Executive Council

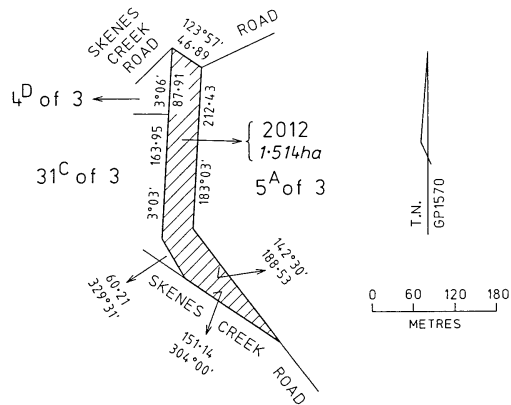
Land Act 1958

CLOSURE OF UNUSED ROAD

The Governor in Council under section 349 of the **Land Act 1958** and with the concurrence in writing of the municipality in which the road is situated and the owners of land adjoining the road closes the following unused road:

MUNICIPAL DISTRICT OF THE
COLAC OTWAY SHIRE COUNCIL

KRAMBRUK – The road in the Parish of Krambruk being Crown Allotment 2012 as indicated by hatching on plan hereunder. – (GP1570) – (L2-4760).



This Order is effective from the date on which it is published in the Government Gazette.

Dated 24 August 2004

Responsible Minister
MARY DELAHUNTY
Minister for Planning

DIANE CASEY
Clerk of the Executive Council

Crown Land (Reserves) Act 1978

REVOCATION OF TEMPORARY
RESERVATION

Order in Council

The Governor in Council under section 10 of the **Crown Land (Reserves) Act 1978** revokes the following temporary reservation:

MELBOURNE – The temporary reservation by Order in Council of 22 April, 1936 of an area of 2.833 hectares, more or less, of land in the City of Melbourne, Parish of Melbourne North as a site for Public Purposes, revoked as to part by Orders in Council of 28 February, 1950 and 30 September, 1950 and further revoked as to parts pursuant the **Melbourne City Link Act, 1995** so far only as the portion containing 1.170 hectares, more or less, shown as Crown Allotment 2043, City of Melbourne, Parish of Melbourne North on Plan LEGL./04-027 lodged in the Central Plan Office. – (Rs 4551).

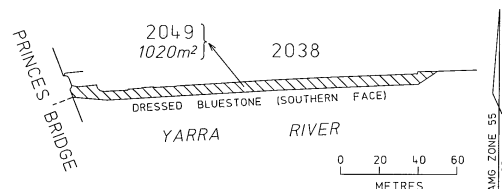
This Order is effective from the date on which it is published in the Government Gazette.

Dated 24 August 2004

Responsible Minister
 MARY DELAHUNTY
 Minister for Planning

DIANE CASEY
 Clerk of the Executive Council

City of Melbourne, Parish of Melbourne North as indicated by hatching on plan hereunder. – (GP1482) – (12/L12-0940).



Crown Land (Reserves) Act 1978

TEMPORARY RESERVATION
 OF CROWN LAND

Order in Council

The Governor in Council under section 4(1) of the **Crown Land (Reserves) Act 1978** temporarily reserves the following Crown land which in his opinion are required for the purpose mentioned:–

MUNICIPAL DISTRICT OF THE
 CITY OF MELBOURNE

MELBOURNE – Public Recreation, 7.584 hectares, being Crown Allotment 2038, City of Melbourne, Parish of Melbourne North as shown on Plan No. LEGL./04-028 lodged in the Central Plan Office. – (12/L12-0940).

This Order is effective from the date on which it is published in the Government Gazette.

Dated 24 August 2004

Responsible Minister
 MARY DELAHUNTY
 Minister for Planning

DIANE CASEY
 Clerk of the Executive Council

This Order is effective from the date on which it is published in the Government Gazette.

Dated 24 August 2004

Responsible Minister
 MARY DELAHUNTY
 Minister for Planning

DIANE CASEY
 Clerk of the Executive Council

Crown Land (Reserves) Act 1978

TEMPORARY RESERVATION
 OF CROWN LAND

The Governor in Council under section 4(1) of the **Crown Land (Reserves) Act 1978** temporarily reserves the following Crown land which in his opinion is required for the purpose mentioned:–

MUNICIPAL DISTRICT OF THE
 GREATER SHEPPARTON CITY COUNCIL

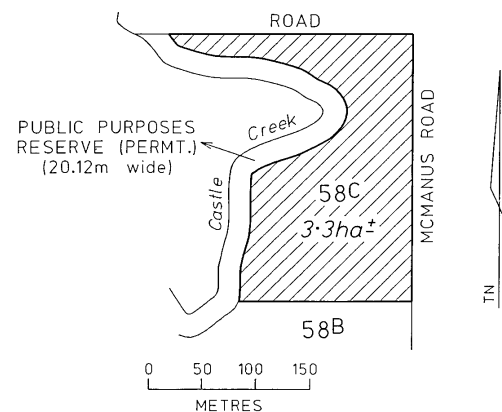
ARCADIA – Conservation of an area of natural interest, 3.3 hectares, more or less, being Crown Allotment 58C, Parish of Arcadia, County of Moira as indicated by hatching on plan hereunder. – (GP 1567) – (0804484).

Crown Land (Reserves) Act 1978
 TEMPORARY RESERVATION OF CROWN
 LAND – PRINCES WHARF

Order in Council

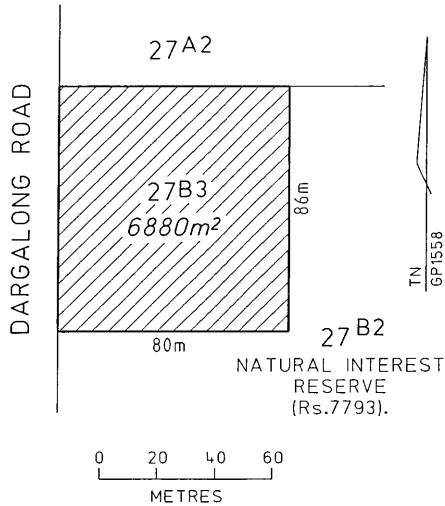
The Governor in Council under section 4(1) of the **Crown Land (Reserves) Act 1978** temporarily reserves the following Crown land which in his opinion is required for the purpose mentioned:–

MELBOURNE – Wharf purposes, 1020 square metres, being Crown Allotment 2049,

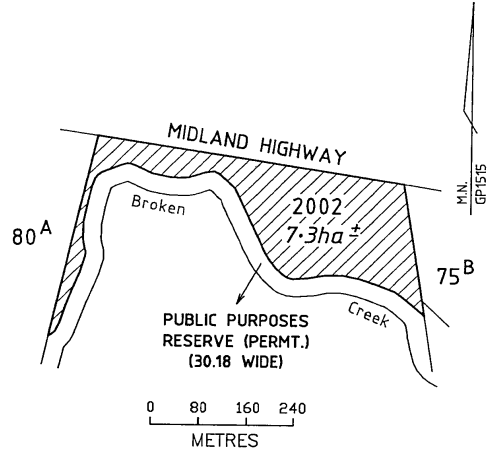


**MUNICIPAL DISTRICT OF THE
GREATER SHEPPARTON CITY COUNCIL**

BUNGANAIL – Conservation of an area of natural interest, 6880 square metres, being Crown Allotment 27B3, Parish of Bunganail, County of Moira as indicated by hatching on plan hereunder. – (GP 1558) – (0802773).

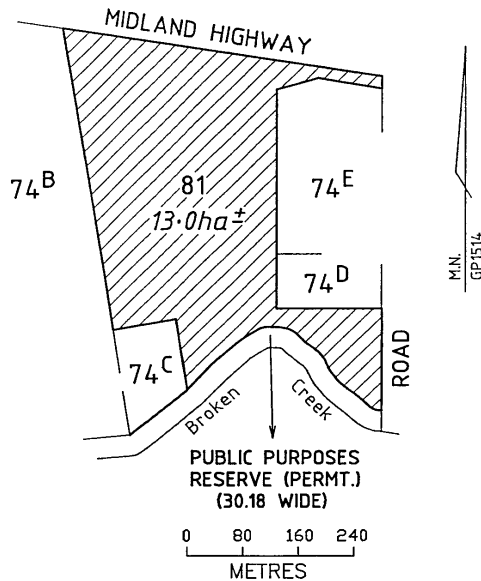


County of Moira as indicated by hatching on plan hereunder. – (GP 1515) – (0802308).



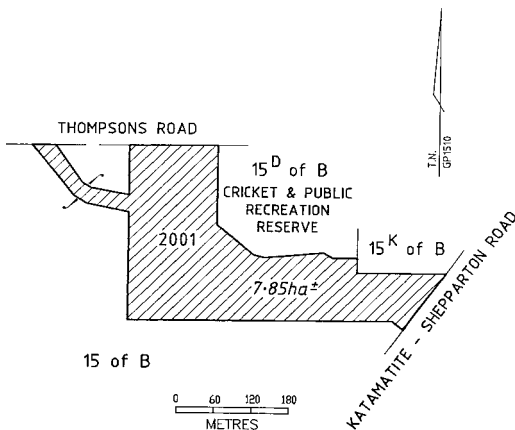
**MUNICIPAL DISTRICT OF THE
GREATER SHEPPARTON CITY COUNCIL**

CURRAWA – Conservation of an area of natural interest, 13.0 hectares, more or less, being Crown Allotment 81, Parish of Currawa, County of Moira as indicated by hatching on plan hereunder. – (GP 1514) – (0804599).



**MUNICIPAL DISTRICT OF THE
GREATER SHEPPARTON CITY COUNCIL**

CONGUPNA – Conservation of an area of natural interest, 7.85 hectares, more or less, being Crown Allotment 2001, Parish of Congupna, County of Moira as indicated by hatching on plan hereunder. – (GP 1510) – (0802688).



**MUNICIPAL DISTRICT OF THE
GREATER SHEPPARTON CITY COUNCIL**

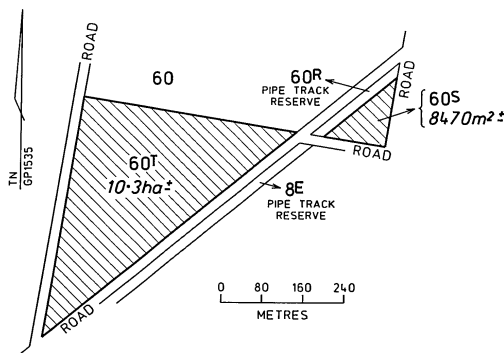
CURRAWA – Conservation of an area of natural interest, 7.3 hectares, more or less, being Crown Allotment 2002, Parish of Currawa,

**MUNICIPAL DISTRICT OF THE
GREATER SHEPPARTON CITY COUNCIL**

GOWANGARDIE – Conservation of an area of natural interest, 20.14 hectares, being Crown Allotment 41F, Parish of Gowangardie, County of Moira as shown on Certified Plan No.111927 lodged in the Central Plan Office. – (L7/5726).

MUNICIPAL DISTRICT OF THE
NORTHERN GRAMPIANS SHIRE
COUNCIL

ILLAWARRA – Conservation of an area of natural interest, total area 11.14 hectares, more or less, being Crown Allotments 60S and 60T, Parish of Illawarra, County of Borung as indicated by hatching on plan hereunder. – (GP 1535) – (0207176).



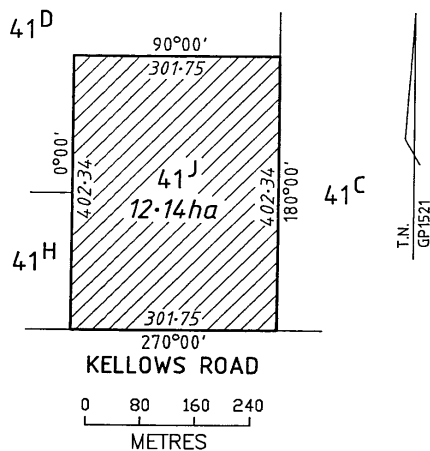
Total area of hatched portions is 11.14ha±

MUNICIPAL DISTRICT OF THE
STRATHBOGIE SHIRE COUNCIL

MITCHELL – Conservation of an area of natural interest, 10 hectares, more or less, being Crown Allotment 16B, Section A, Parish of Mitchell, County of Dalhousie as shown on Certified Plan No.110381 lodged in the Central Plan Office. – (0610674).

MUNICIPAL DISTRICT OF THE
GREATER SHEPPARTON CITY COUNCIL

PINE LODGE – Conservation of an area of natural interest, 12.14 hectares, being Crown Allotment 41J, Parish of Pine Lodge, County of Moira as indicated by hatching on plan hereunder. – (GP 1521) – (0804638).



This Order is effective from the date on which it is published in the Government Gazette.

Dated 24 August 2004
Responsible Minister
MARY DELAHUNTY
Minister for Planning

DIANE CASEY
Clerk of the Executive Council

Crown Land (Reserves) Act 1978
Interpretation of Legislation Act 1984
AMENDMENT OF
TEMPORARY RESERVATIONS

The Governor in Council, under Section 4(1) of the **Crown Land (Reserves) Act 1978** and Section 27 of the **Interpretation of Legislation Act 1984** amends:–

BRIDGEWATER – the Order in Council made on 11 October 1875 and published in the Government Gazette on 15 October 1875 – page 1968 of the temporary reservation of an area of land (10.12 hectares, more or less), being Crown allotment 130, Parish of Bridgewater, County of Bendigo as a site for Watering purposes by the deletion of the words “Site for Watering purposes” and the substitution therefor of the words “Conservation of an area of natural interest”. – 0609749.

GOWANGARDIE – the Order in Council made on 17 May 1887 and published in the Government Gazette on 20 May 1887 – page 1331 of the temporary reservation of an area of land (12.88 hectares), in the Parish of Gowangardie, County of Moira as a site for Water Supply purposes by the deletion of the words “Site for Water Supply purposes” and the substitution therefor of the words “Conservation of an area of natural interest”. – 0802941 (GP 1560).

LEICHARDT – the Order in Council made on 6 February 1899 and published in the Government Gazette on 10 February 1899 – page 632 of the temporary reservation of an area of land (5.0308 hectares), being part of Crown allotment 6A, Parish of Leichardt, County of Bendigo as a site for Watering purposes by the deletion of the words “Site for Watering purposes” and the substitution therefor of the words “Conservation of an area of natural interest”. – 06L6-10961.

TCHUTERR – the Order in Council made on 9 August, 1881 and published in the Government Gazette on 12 August, 1881 – page 2339 of the temporary reservation of an area of land (4.0469 hectares), being Crown Allotment 30J, Section B, Parish of Tchuterr, County of Gladstone as a site for the Water Supply by the deletion of the words “Site for Water supply purposes” and the substitution therefor of the words “Conservation of an area of natural interest” – 0607496.

This Order is effective from the date on which it is published in the Government Gazette.

Dated 24 August 2004

Responsible Minister
MARY DELAHUNTY
Minister for Planning

DIANE CASEY
Clerk of the Executive Council

**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:

107. *Statutory Rule:* Intellectually Disabled Persons' Services (Fees) Regulations 2004
Authorising Act: Intellectually Disabled Persons' Services Act 1986
Date of making: 24 August 2004
108. *Statutory Rule:* Corrections (Victims Register) Regulations 2004
Authorising Act: Corrections Act 1986
Date of making: 24 August 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:

106. *Statutory Rule:* Fisheries (Miscellaneous Amendments) Regulations 2004
Authorising Act: Fisheries Act 1995
Date first obtainable: 26 August 2004
Code C

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