



# Victoria Government Gazette

No. S 169 Thursday 26 June 2008  
By Authority, Victorian Government Printer

## Water Act 1989

### BULK ENTITLEMENT (THOMSON/MACALISTER – SOUTHERN RURAL WATER) CONVERSION AMENDING NOTICE 2008

I, Philip C. Reed, as delegate of the Minister administering the **Water Act 1989** make the following Notice –

**1. Citation**

This Notice may be cited as the Bulk Entitlement (Thomson/Macalister – Southern Rural Water) Conversion Amending Notice 2008.

**2. Purpose**

The purpose of this Notice is to make such amendments to the Bulk Entitlement (Thomson/Macalister – Southern Rural Water) Conversion Order 2001 that are necessary as a consequence of the Thomson/Macalister system becoming a declared water system, the consequences of which include –

- certain rights to water being converted into new entitlements; and
- a change to the specification of the diversion limit.

**3. Authorising provisions**

This Notice is made under clause 30 of Schedule 15 of the **Water Act 1989**.

**4. Commencement**

This Notice comes into effect on 1 July 2008, being the appointed day for the declaration of the Thomson/Macalister water system as a declared water system under section 6A of the **Water Act 1989**.

**5. Definitions**

In this Notice a reference to the Order is a reference to Bulk Entitlement (Thomson/Macalister – Southern Rural Water) Conversion Order 2001 (as amended).

**6. Amendment of clause 4 Definitions**

In clause 4 of the Order –

6.1 Insert the following definitions –

- (a) ‘**seasonal determination**’ has the meaning given to it in section 3 of the Act;’;
- (b) ‘**spill entitlement**’ means water that is available under this Order but cannot be stored and is made available to holders of high reliability water shares;’;
- (c) ‘**water allocation**’ in relation to a water share, has the meaning given to it in section 3 of the Act;’;
- (d) ‘**water register**’ has the meaning given to it in section 3 of the Act;’;
- (e) ‘**water share**’ has the meaning given to it in section 3 of the Act;’;

6.2 the definition of ‘**domestic and stock allowance**’ is deleted;

6.3 the definition of ‘**exchange rate**’ is deleted;

6.4 for the definition of ‘**primary entitlements**’, substitute –

‘**primary entitlements**’ means the entitlements listed in Schedule 1;’;

6.5 the definition of ‘**Register**’ is deleted;

6.6 the definition of ‘**sales water**’ is deleted;

6.7 for the definition of ‘Thomson Basin Water Accounts’, substitute –

‘**Thomson Basin Water Accounts**’ means an annual report, required by the Minister, on compliance by entitlement holders in the Thomson River Basin with the terms of their bulk entitlements;’; and

6.8 the definition of ‘**water right**’ is deleted.

**SPECIAL**

**7. Substitution of clause 6**

For clause 6 of the Order, substitute –

**‘6. Supply of entitlements**

6.1 Subject to any restrictions in this Order, Southern Rural Water may take water from the waterway for the purposes of:

- (a) supplying the primary entitlements; and
- (b) supplying persons authorised to take water from the waterway under sections 33AI and 48KA of the Act or pursuant to a transfer under Division 1 of Part 4 of the Act.

6.2 The amount taken under sub-clause 6.1 may vary from year to year depending on climate but Southern Rural Water must:

- (a) assess its compliance with the diversion limit in accordance with Schedule 3A;
- (b) use its best endeavours to minimise the cumulative departure from the estimated long-term average annual diversion volume, as calculated in accordance with Schedule 3A; and
- (c) if the cumulative departure from the estimated long-term average annual diversion volume is calculated to be greater than +20% in accordance with Schedule 3A:
  - (i) propose actions to address this situation in accordance with Schedule 3A; and
  - (ii) if those actions have been approved by the Minister – take the actions approved by the Minister.

6.3 For the purposes of sub-clause 6.1, water taken under this Order includes water used in another water system as a result of:

- (a) a water share issued in respect of the waterway being transferred or a water allocation to such water share being assigned; and
- (b) a water allocation available under an environmental entitlement described in Schedule 1 being assigned or applied to another environmental entitlement under Division 1A of Part 4 of the Act.’

**8. Substitution of clause 7**

For clause 7 of the Order, substitute –

**‘7. Seasonal determinations and spill entitlement**

7.1 An authority making a seasonal determination under section 64GB of the Act must apply the rules in Schedule 2, which are rules for making seasonal determinations for the purposes of section 64GB of the Act.

7.2 An authority making spill entitlement available must apply the rules in Schedule 2.’

**9. Amendment of clause 8**

9.1 At the end of paragraph 8.1(b), insert ‘and’.

9.2 Paragraph 8.1(c) is deleted.

9.3 Paragraph 8.1(d) is deleted.

**10. Amendment of clause 15**

Sub-clause 15.1 is deleted.

**11. Amendment of clause 20**

After paragraph 20.1(a) of the Order, insert –

‘(aa) Compliance with the diversion limit including:

- (i) the annual target diversion volume;
- (ii) the annual measured diversion volume;
- (iii) the cumulative measured diversion volume;
- (iv) the cumulative target diversion volume;
- (v) the cumulative departure from the long term average annual diversion volume expressed in both megalitres and as a percentage;
- (vi) the method used for preparing model input files pursuant to Schedule 3A; and
- (vii) any other matters on which reporting is required under Schedule 3A'.

**12. Amendment of clause 21**

After sub-clause 21.1 of the Order, insert –

‘21.2 Southern Rural Water must pay to any authority appointed under section 64GA to be responsible for making seasonal determinations for the waterway under section 64GB a fair and reasonable proportion of the costs incurred by that authority in carrying out its functions under section 64GB of the Act.’.

**13. Substitute Schedule 1**

For Schedule 1 of the Order, substitute –

**‘SCHEDULE 1**

**Primary Entitlements**

The following entitlements are primary entitlements:

**1. Water shares issued in respect of the Thomson/Macalister water system**

- (a) High reliability water shares of 144,211 ML; and
- (b) Low reliability water shares of 68,744 ML; and
- (c) Spill entitlement of a volume to be determined by Southern Rural Water each year under Schedule 2 of this Order but not greater than 62,000 ML, to be made available as additional water allocations to the holders of high reliability water shares in accordance with Schedule 2 of this Order.

**2. Bulk entitlements in respect of the Thomson/Macalister water system**

Entitlement holder	Entitlement Order
Central Gippsland Region Water Authority	Bulk Entitlement (Thomson/Macalister Towns – Gippsland Water) Conversion Order 2005

**3. Environmental entitlements in respect of the Thomson/Macalister water system**

Entitlement holder	Entitlement Order
Nil	Nil

**4. Agreements made under s 124(7) of the Act**

581 ML.

**5. Section 51 licences subject to a condition requiring return of water**

3,375 ML.’

**14. Substitute Schedule 2**

For Schedule 2 of the Order, substitute –

**‘SCHEDULE 2****Rules for Seasonal Determinations and Spill Entitlement****1. Purpose**

The purpose of this Schedule is to provide rules for making seasonal determinations of water and allocating spill entitlement.

**2. Definitions**

In this schedule –

**‘the Authority’** means the authority appointed by the Minister under section 64GA of the Act to make seasonal determinations for the Thomson/Macalister water system under section 64GB of the Act.

**3. Seasonal determinations**

3.1 The Authority will make an initial seasonal determination for high reliability water shares at the start of the irrigation season.

3.2 The Authority will review the seasonal determination for high reliability water shares on a weekly basis, and may increase the seasonal determination up to 100%.

3.3 After 15 December and if the seasonal determination for high reliability water shares reaches 100%, the Authority will review the seasonal determination for low reliability water shares on a weekly basis, and may increase the seasonal determination for low reliability water shares up to 100%.

3.4 In making seasonal determinations, the Authority must consider:

- (a) the total volume held in the Authority’s shares of headworks storages;
- (b) the dead storage;
- (c) the estimated inflows to the headworks system for the remainder of the season that can be harvested;
- (d) other commitments on the water system for the remainder of the season including passing flow requirements and headworks and distribution losses;
- (e) any water to be retained in storage to secure a minimum supply the following year;
- (f) any water allocations carried over from the previous year;
- (g) the volume of water already allocated; and
- (h) the volume of allocated water delivered.

3.5 The Authority must:

- (a) make publicly available the procedures and assumptions it uses in making seasonal determinations;
- (b) before changing the procedures and assumptions it uses in making seasonal determinations, consult with representatives of the holders of primary entitlements about the proposed changes;
- (c) on request, demonstrate how the procedures and assumptions have been applied in making a particular seasonal determination; and
- (d) advise the Secretary of the Department of Sustainability and Environment of the procedures and assumptions it uses in making seasonal determinations and any proposals to change those procedures and assumptions.

3.6 Except where this Schedule provides otherwise, the Authority will count all water used by a holder of a high reliability water share or a low reliability water share against the allocation for that water share.

**4. Annual Spill Volume**

- 4.1 Each year, the Authority must determine the Annual Spill Volume, being the total amount of spill entitlement to be made available to holders of high reliability water shares in that year.
- 4.2 The Annual Spill Volume may not be more than 62,000 ML.

**5. Maximum Volume**

- 5.1 The Authority must determine, after consultation with its Macalister Customer Consultative Committee, the Maximum Volume of the Annual Spill Volume available to each holder of a high reliability water share.
- 5.2 The Authority must set the Maximum Volume as a percentage of all high reliability water shares.
- 5.3 In setting the Maximum Volume, the Authority must have regard to:
- (a) the patterns of use of spill entitlement in prior years;
  - (b) the patterns of use of spill entitlement anticipated that year;
  - (c) the need to comply with the Annual Spill Volume;
  - (d) the need to provide all high reliability water share holders with equitable access to spill entitlement; and
  - (e) clause 6 of this Order.

**6. Lake Glenmaggie Spill Entitlement**

- 6.1 When there is water available under this Order that cannot be stored in Lake Glenmaggie, the Authority may declare that spill entitlement is available in that part(s) of the water system where such water can be supplied or taken.
- 6.2 Subject to sub-clause 6.5, after declaring that spill entitlement is available under this clause, the Authority will count any water used previously that year by holders of high reliability water shares in that part(s) of the water system where spill entitlement is available as use of spill entitlement.
- 6.3 If the Authority has declared that spill entitlement is available in a part(s) of the water system under this clause, it must declare that spill entitlement is no longer available when there is no longer water available under this Order that cannot be stored in Lake Glenmaggie.
- 6.4 A declaration under sub-clause 6.3 that spill entitlement is no longer available in a part(s) of the water system does not preclude the Authority making a further declaration, prior to 15 December if:
- (a) further water is available under this Order that cannot be stored in Lake Glenmaggie; and
  - (b) the Authority determines that the total volume of water that is counted as spill entitlement has not reached the Annual Spill Volume.
- 6.5 The Authority will count use of water by a holder of a high reliability water share as use of spill entitlement from 1 July until the earliest of:
- (a) the holder of the high reliability water shares reaches their Maximum Volume; or
  - (b) the Authority determines that the total volume of spill entitlement used in the water system has reached the Annual Spill Volume; or
  - (c) the Authority declares that spill entitlement is no longer available in that part(s) of the system; or
  - (d) midnight on 15 December in that year.
- 6.6 All orders for water during the spilling period will be processed in the sequence that they are received.

**7. Localised Spill Entitlement**

- 7.1 If there is no declaration that spill entitlement is available in force under clause 6 of this Schedule, the Authority may declare that Localised Spill Entitlement is available in a part(s) of the water system where there is water available under this Order, other than from Lake Glenmaggie, that cannot be stored.
- 7.2 If Southern Rural Water has declared that spill entitlement is available in a part(s) of the water system under this clause, it must declare that spill entitlement is no longer available when there is no longer water available under this Order, other than from Lake Glenmaggie, that cannot be stored.
- 7.3 A declaration under this clause that spill entitlement is no longer available in a part(s) of the water system does not preclude the Authority making a further declaration, prior to 15 May if:
- (a) further water is available under this Order, other than from Lake Glenmaggie, that cannot be stored; and
  - (b) the Authority determines that the total volume of water that is counted as spill entitlement has not reached the Annual Spill Volume.
- 7.4 If the Authority has declared that Localised Spill Entitlement is available in part of the water system, the Authority will count any water used by a holder of a high reliability water share in that part of the water system as use of spill entitlement from the declaration until the earliest of:
- (a) the holder of high reliability water shares reaches their Maximum Volume; or
  - (b) the Authority determines that the total volume of spill entitlement used in the water system has reached the Annual Spill Volume; or
  - (c) the Authority declares that Localised Spill Entitlement is no longer available in that part(s) of the system; or
  - (d) midnight on 15 May in that year.
- 7.5 All orders for water during the spilling period will be processed in the sequence that they are received.'

**8. Insert new Schedule 3A**

After Schedule 3 of the Order, insert –

**‘SCHEDULE 3A****Method for Assessing Compliance against Diversion Limit****1. Purpose**

The purpose of this Schedule is to:

- (a) establish the method for determining compliance with a long term diversion limit on the volume of surface water taken by Southern Rural Water from the Thomson/Macalister system under this Order;
- (b) set down the actions to be taken by the Southern Rural Water to quantify and comply with the diversion limit; and
- (c) describe arrangements for monitoring and reporting on action to be taken by Southern Rural Water to comply with the diversion limit.

**2. Definitions**

In this Schedule –

**‘Baseline conditions’** means the level of water resource development in the Thomson/Macalister system as at 30 June 2004 determined by reference to:

- (a) the infrastructure supplying water;
- (b) the rules for allocating water and operating the Thomson/Macalister system;
- (c) the operating efficiency of the Thomson/Macalister system; and
- (d) existing entitlements to take water and the extent to which entitlements were used;

at that date.

### **3. Developing the diversion limit model**

#### **3.1 The Department will:**

- (a) in consultation with Southern Rural Water, develop a model for determining diversion limits for the Thomson/Macalister system;
- (b) document the diversion limit model including the results of tests against relevant historical data to determine the accuracy of the model in estimating the annual diversion;
- (c) arrange for an independent audit of the initial diversion limit model; and
- (d) submit the diversion limit model to the Minister for approval.

#### **3.2 The Minister may:**

- (a) approve the diversion limit model proposed under sub-clause 3.1; or
- (b) require the Department to amend the proposed diversion limit model; or
- (c) not approve the proposed diversion limit model.

### **4. Custodian of the diversion limit model**

The Department is the custodian of the diversion limit model.

### **5. Determining and assessing compliance with the diversion limit**

Each year, Southern Rural Water is to assess compliance with the diversion limit for the previous 12 month period July to June, commencing from July 2008 using the method described in steps 1 to 4.

#### **Step 1: Update model input files**

- (a) Update the model input files for the previous 12 months from July to June including inflows and irrigation and urban demands. The method for updating files is to be based on the method established in 'Thomson Macalister REALM Model Update 2007 No. 2' (Sinclair Knight Merz, June 2008), but may be modified if this would improve the estimates.
- (b) The method for preparing model input files is to be documented. The documentation forms part of the compliance reporting.

#### **Step 2: Calculate annual target diversion volume**

- (a) The annual target diversion volume for the year just ended is determined by running the approved diversion limit model from July 2008 to June of the year just ended with:
  - (i) the model input files as updated in Step 1; and
  - (ii) the storage starting volumes for Southern Rural Water's shares of Lake Glenmaggie and Thomson Reservoir equal to those recorded on 1 July 2008.
- (b) The annual target diversion volume is the sum of the volumes that would have been diverted from the Thomson/Macalister system under this Order under baseline conditions, as calculated by the model where the diversion components are –

=	The sum of all diversions to supply primary entitlements:
=	Release from Lake Glenmaggie to the Main Northern Channel
+	Release from Lake Glenmaggie to the Main Southern Channel
+	Release from Lake Glenmaggie to the Cowwarr Main Channel
+	Release from Maffra Weir to the Main Eastern Channel
-	Release from the Southern Channel to the Thomson River
	(The above releases include diversions for irrigation, system distribution losses, that part of town supplies taken from Southern Rural Water's channels, and domestic and stock water within irrigation districts.)
+	The sum of all volumes pumped to supply primary entitlements directly from:
	<ul style="list-style-type: none"> <li>● Lake Glenmaggie;</li> <li>● the Macalister River between Lake Glenmaggie and the Thomson River;</li> <li>● Thomson Reservoir;</li> <li>● the Thomson River between Thomson Reservoir and the Latrobe River; and</li> <li>● Rainbow Creek.</li> </ul>
+	Regulated urban bulk entitlements = the volumes diverted directly from the river by Gippsland Water <sup>1</sup> to supply its towns (includes Heyfield, Maffra/Stratford, Coongulla, Glenmaggie and other small towns).
-	Any credits granted to Southern Rural Water by the Minister under clause 17 of the Order.
-	The volume of any water that is returned to the water system in accordance with a condition in a licence issued under section 51 of the Act.

*Note 1: Supply to some towns is partly from channels (accounted for by Southern Rural Water) and partly from the river (accounted for by Gippsland Water).*

**Step 3: Calculate the annual measured diversion volume**

The annual measured diversion volume for the year just ended is the sum of the measured volumes taken from the system at the locations detailed in Step 2.

**Step 4: Calculate the cumulative departure from the estimated long term average annual diversion volume**

The cumulative departure from the estimated long term average annual diversion volume is –

(a) expressed as a volume:

=	The sum of the differences between the annual target diversion volume and the annual measured diversion volume from 2008/09 to date in ML
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and

(b) expressed as a percentage:

=	[The sum of the differences between the annual target diversion volume and the annual measured diversion volume from 2008/09 to date in ML] x 100	÷	[The estimated long term average annual diversion in ML]
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Where:

The estimated long term average annual diversion is the average annual modelled diversion between July 1955 and June 2004.

**6. Compliance reporting**

- 6.1 If the cumulative departure from the estimated long term average annual diversion volume is greater than + 20%, Southern Rural Water must report to the Minister by 1 November of that year on:
- (a) An analysis of the departure and the reasons for it.
  - (b) If the departure is caused mainly by an upward trend in irrigation use, Southern Rural Water must provide:
    - (i) evidence for this conclusion;
    - (ii) details of actions it will take to ensure that cumulative annual diversions are brought back into balance with the diversion limit; and
    - (iii) the period over which the cumulative annual diversions will be brought back into balance with the diversion limit.
  - (c) If the departure is caused mainly by the cumulative effect of random model uncertainty or systematic error in the model, Southern Rural Water must provide:
    - (i) evidence of the uncertainty or error; and
    - (ii) details of the action it will take to modify the model in order to reduce that uncertainty or error, including a work program for completion of the modified model.
- 6.2 The Minister may:
- (a) approve Southern Rural Water's actions proposed under sub-clause 6.1 of this schedule; or
  - (b) require Southern Rural Water to amend the proposed actions; or
  - (c) not approve the proposed actions.
- 7. Modifying the diversion limit model**
- 7.1 Southern Rural Water may propose to the Minister a modification to the diversion limit model developed under this Schedule in order to improve the model's representation of baseline conditions.
- 7.2 The proposal must include:
- (a) the reasons for the modification;
  - (b) the method used to make the modifications;
  - (c) details of the modifications;
  - (d) a comparison of the performance of the modified diversion limit model with the previous diversion limit model;
  - (e) documentation of the modified diversion limit model; and
  - (f) the report from an independent audit of the modified diversion limit model.
- 7.3 The Minister may:
- (a) approve the diversion limit model proposed under sub-clause 8.1; or
  - (b) require Southern Rural Water to amend the proposed diversion limit model; or

- (c) require Southern Rural Water to:
  - (i) review the diversion limit model approved by the Minister if, in the Minister's opinion, it is, at any time, no longer appropriate; and
  - (ii) propose a new diversion limit model to the Minister.

7.4 Southern Rural Water may recover the costs of modifying the diversion limit model from the Macalister Storage Operator.'.

Dated 24 June 2008

Delegate of Responsible Minister  
PHILIP C. REED  
Chief Executive  
Office of Water  
Department of Sustainability and Environment

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**Water Act 1989****BULK ENTITLEMENT (WERRIBEE SYSTEM – IRRIGATION)  
CONVERSION AMENDING NOTICE 2008**

I, Philip C. Reed, as delegate of the Minister administering the **Water Act 1989** make the following Notice –

**1. Citation**

This Notice may be cited as the Bulk Entitlement (Werribee System – Irrigation) Conversion Amending Notice 2008.

**2. Purpose**

The purpose of this Notice is to make such amendments to the Bulk Entitlement (Werribee System – Irrigation) Conversion Order 1997 that are necessary as a consequence of the Werribee water system becoming a declared water system, the consequences of which include certain rights to water being converted into new entitlements.

**3. Authorising provisions**

This Notice is made under clause 30 of Schedule 15 of the **Water Act 1989**.

**4. Commencement**

This Notice comes into effect on 1 July 2008, being the appointed day for the declaration of the Werribee water system as a declared water system under section 6A of the **Water Act 1989**.

**5. Definitions**

In this Notice a reference to the Order is a reference to Bulk Entitlement (Werribee System – Irrigation) Conversion Order 1997 (as amended).

**6. Amendment of clause 4 – Definitions**

In clause 4 of the Order –

6.1 Insert the following definitions –

- (a) ‘**seasonal determination**’ has the meaning given to it in section 3 of the Act;’;
- (b) ‘**water allocation**’ in relation to a water share, has the meaning given to it in section 3 of the Act;’;
- (c) ‘**water register**’ has the meaning given to it in section 3 of the Act;’;
- (d) ‘**water share**’ has the meaning given to it in section 3 of the Act;’.

6.2 the definition of ‘domestic and stock allowance’ is deleted.

6.3 the definition of ‘exchange rate’ is deleted.

6.4 the definition of ‘Register’ is deleted.

6.5 the definition of ‘sales water’ is deleted.

6.6 the definition of ‘water right’ is deleted.

6.7 for the definition of ‘Authority’, substitute –

‘**Authority**’ means the Gippsland and Southern Rural Water Corporation unless otherwise provided for in this Order;’.

6.8 for the definition of ‘**primary entitlement**’, substitute –

‘**primary entitlements**’ means the entitlements listed in Schedule 1;’.

6.9 for the definition of ‘**Werribee Basin Water Accounts**’, substitute –

‘**Werribee Basin Water Accounts**’ means an annual report, required by the Minister, on compliance by entitlement holders in the Werribee River Basin with the terms of their bulk entitlements;’.

**7. Substitution of clause 6**

For clause 6 of the Order, substitute –

**‘6. Supply of entitlements**

- 6.1 The Authority may take from the system waterway –
- (a) water up to an average annual volume of 27,040 ML over any period of five consecutive years to supply primary entitlements; and
  - (b) water to supply persons authorised to take water from the system waterway under sections 33AI and 48KA of the Act or pursuant to a transfer under Division 1 of Part 4 of the Act.
- 6.2 Subject to clause 14.2, the total regulated releases from Pykes Creek Reservoir, Melton Reservoir and the Authority’s capacity share of Lake Merrimu must not exceed an average annual volume of 32,140 ML over the same five year period.
- 6.3 For the purposes of sub-clause 6.1, water taken under this bulk entitlement includes water used in another water system as a result of –
- (a) a water share issued in respect of the system waterway being transferred or a water allocation to such water share being assigned; and
  - (b) a water allocation available under an environmental entitlement described in Schedule 1 being assigned or applied to another environmental entitlement under Division 1A of Part 4 of the Act.’

**8. Substitution of clause 7**

For clause 7 of the Order, substitute –

**‘7. Seasonal determinations**

An authority making a seasonal determination under section 64GB of the Act must apply the rules in Schedule 3, which are rules for making seasonal determinations for the purposes of section 64GB of the Act.’

**9. Amendment of clause 8**

- 9.1 In clause 8.1(a) of the Order –
- (a) paragraph (i) is deleted;
  - (b) paragraph (ii) is deleted;
  - (c) paragraph (iv) is deleted;
  - (d) paragraph (v) is deleted.
- 9.2 Clause 8.2(b) of the Order is deleted.
- 9.3 In clause 8.2(a) of the Order, paragraph (i) is deleted.

**10. Amendment of clause 10**

For the introduction of clause 10.1 of the Order, substitute –

‘In order to supply the entitlements set out in clause 6, and after meeting the passing flow requirements specified in clause 12, the Authority may take –’

**11. Amendment of clause 12**

- 11.1 For paragraph 12.2(e)(i) of the Order, substitute –  
‘10 ML/day, if the seasonal determination for low reliability water shares exceeds 60%; or’.
- 11.2 For paragraph 12.2(e)(ii) of the Order, substitute –  
‘1 ML/day averaged over any 30 day period, if the seasonal determination for low reliability water shares is equal to or less than 60%.’

**12. Amendment of clause 18**

- 12.1 For paragraph 18.1(i) of the Order, substitute –  
‘the volume of water taken for the year from the system waterway by primary entitlement holders;’.
- 12.2 For paragraph 18.1(o) of the Order, substitute –  
‘any alteration to the primary entitlements made under sub-clauses 8.2 and 8.3;’.

**13. Amendment of clause 19**

- After sub-clause 19.2 of the Order, insert –  
‘19.3 The Authority must pay to any authority appointed under section 64GA to be responsible for making seasonal determinations for the waterway under section 64GB a fair and reasonable proportion of the costs incurred by that authority in carrying out its functions under section 64GB of the Act.’.

**14. Substitution of Schedule 1**

For Schedule 1 of the Order, substitute –

**‘SCHEDULE 1  
PRIMARY ENTITLEMENTS**

**Primary Entitlements**

The following entitlements are primary entitlements:

**1. Water shares issued in respect of the Werribee water system**

- (a) High reliability water shares of 14,734 ML.  
(b) Low reliability water shares of 6,881 ML.

**2. Bulk entitlements in respect of the Werribee water system**

Entitlement holder	Entitlement Order
Western Water	Bulk Entitlement (Myrniong) Conversion Order 2004

**3. Environmental entitlements in respect of the Werribee water system**

Entitlement holder	Entitlement Order
Nil	Nil

**4. Agreements made under s 124(7) of the Act in respect of the Werribee water system**  
618 ML.’**15. Deletion of Schedule 2**

Schedule 2 of the Order is deleted.

**16. Substitution of Schedule 3**

For Schedule 3 of the Order, substitute –

**‘SCHEDULE 3  
RULES FOR SEASONAL DETERMINATIONS**

**1. Purpose**

This schedule provides rules for making seasonal determinations for primary entitlements.

**2. Definitions**

In this schedule –

‘**the Authority**’ means the authority appointed by the Minister under section 64GA of the Act to make seasonal determinations for the Werribee water system under section 64GB of the Act.

**3. High reliability water shares**

- 3.1 The Authority must review the seasonal determination for high reliability water shares on a weekly basis, and may increase the seasonal determination for high reliability water shares up to 100%.
- 3.2 In making a seasonal determination for high reliability water shares, the Authority must consider –
- (a) the total volume held in the Authority's shares of headworks storages;
  - (b) the dead storage;
  - (c) other commitments on the water system for the remainder of the season including passing flows and headworks, transmission and distribution losses;
  - (d) any water to be retained in storage to secure a minimum supply the following year;
  - (e) the volume of water already allocated;
  - (f) any water allocations carried over from the previous year; and
  - (g) the volume of allocated water delivered.

**4. Low reliability water shares**

- 4.1 The Authority must review the seasonal determination for low reliability water shares on a weekly basis, and may increase the seasonal determination for low reliability water shares up to 100%, provided that –
- (a) the seasonal determination for high reliability water shares is 100%;
  - (b) the Authority has, after consultation with representatives of the holders of primary entitlements, determined a volume of water to be set aside for the following season; and
  - (c) there is water available for allocation in excess of the volume determined under paragraph (b).
- 4.2 The Authority must base its seasonal determinations for low reliability water shares on –
- (a) the matters listed in clause 3.2 of this schedule; and
  - (b) the volume determined under clause 4.1(b) of this schedule.

**5. Procedures and assumptions**

The Authority must –

- (a) make publicly available the procedures and assumptions it uses in making seasonal determinations;
- (b) before changing the procedures and assumptions it uses in making seasonal determinations, consult with representatives of the holders of primary entitlements about the proposed changes;
- (c) on request, demonstrate how the procedures and assumptions have been applied in making a particular seasonal determination; and
- (d) advise the Secretary of the Department of Sustainability and Environment of the procedures and assumptions it uses in making seasonal determinations and any proposals to change those procedures and assumptions.'

Dated 24 June 2008

Delegate of Responsible Minister  
PHILIP C. REED  
Chief Executive  
Office of Water  
Department of Sustainability and Environment

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