



Victoria Government Gazette

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Water Act 1989

BULK ENTITLEMENT (EILDON–GOULBURN WEIR) CONVERSION FURTHER AMENDING ORDER (NO. 2) 2009

Order in Council

The Governor in Council, under the provisions of the **Water Act 1989**, makes the following Order –

1. Citation

This Order may be cited as the Bulk Entitlement (Eildon–Goulburn Weir) Conversion Further Amending Order (No. 2) 2009.

2. Preliminary

- (a) The Bulk Entitlement (Eildon–Goulburn Weir) Conversion Order 1995 (the Bulk Entitlement Order) was made by the Governor in Council on 29 August 1995 and published in the Government Gazette G35 dated 7 September 1995 at page 2367.
- (b) The Bulk Entitlement Order was then amended by Order by the Minister on 26 June 2004 and published in the Government Gazette S150 dated 29 June 2004 at page 7 to provide the Minister for Environment with a preliminary entitlement equivalent to the volume of water saved through the construction and operation of the pipelined supply of water to the Normanville Waterworks District.
- (c) The Bulk Entitlement Order was further amended by Order made by the Lieutenant-Governor as the Governor's deputy on 12 October 2004 and published in the Government Gazette G42 dated 14 October 2004 at page 2902 to incorporate the pipelined supply of water to the Normanville Waterworks District, to formalise the supply of water to the Grampians Wimmera Mallee Water Authority, and to make other minor changes.
- (d) The Bulk Entitlement Order was further amended by Order made by the Governor in Council on 13 June 2006 and published in the Government Gazette G25 dated 22 June 2006 at page 1300, primarily to incorporate outcomes from making of the Bulk Entitlement (Loddon River – Environmental Reserve) Order 2005, Bulk Entitlement (Quambatook–Grampians Wimmera–Mallee Water) Order 2006, to specify the restriction rule applicable to water supplies for the East Loddon, West Loddon and the Normanville Waterworks Districts and to make other minor changes.
- (e) The Bulk Entitlement Order was further amended by Order made by the Chief Executive of the Office of Water, as delegate of the Minister of Water, on 28 June 2007 and published in the Government Gazette G25, p. 1289 to incorporate the necessary changes as a consequence of the Goulburn System becoming a declared water system, and the consequences of which include certain rights to water being converted into new entitlements.
- (f) The Bulk Entitlement Order was further amended by Order made by the Governor in Council on 19 May 2009 and published in the Government Gazette G22 dated 28 May 2009 at page 1319, primarily to allow water savings derived from modernisation works in the Goulburn–Murray Irrigation District to be reserved for future allocation to Melbourne, irrigators and the environment in accordance with Victorian Government commitments and to update storage volumes for Lake Eildon and Waranga Basin in accordance with the most recent surveys.

SPECIAL

- (g) On 12 August 2009, pursuant to section 34(3) of the **Water Act 1989**, the Legislative Council of the Parliament of Victoria resolved to disallow the following provisions of the Order referred to in (f) above –
- (i) paragraph (a) of clause 3;
 - (ii) all definitions, except the definition for Wimmera–Mallee pipeline water saving, in paragraph (c) of clause 6;
 - (iii) clause 7;
 - (iv) clause 9; and
 - (v) the item relating to ‘Modernisation Water Savings’ in proposed new schedule 3 in clause 10.

3. Purpose

The purpose of this Order is to make such amendments to the Bulk Entitlement (Eildon–Goulburn Weir) Conversion Order 1995 (as amended) that are necessary in order to allow water savings derived from modernisation works in the Goulburn Component of the Goulburn–Murray Irrigation District to be reserved for future allocation to Melbourne, irrigators and the environment in accordance with Victorian Government commitments.

4. Empowering Provisions

This Order is made under section 44 of the **Water Act 1989**.

5. Commencement

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

6. Amendment to Clause 4

In clause 4 of the Bulk Entitlement Order insert the following definitions –

‘**Central Goulburn 123 & 4 Project**’ means the modernisation of the regulating structures and meters and remediation of channels 1, 2, 3 and 4 within the Central Goulburn Irrigation District.

‘**Modernisation water savings**’ means the water gained as a result of a permanent reduction in system operating water due to the implementation of modernisation works within the Goulburn Component of the GMID;

‘**Northern Victoria Irrigation Renewal Project**’ means the modernisation works planned and implemented by the Northern Victoria Irrigation Renewal Project entity;

‘**Victorian Government Investment component of the Shepparton Modernisation Irrigation Project**’ means a portion of the modernisation water savings – derived from the modernisation of the Shepparton Irrigation Area – that is committed to the Victorian Government, defined in the approved project business case.

7. Amendment to Clause 7

For clause 7.1 of the Bulk Entitlement Order, substitute –

‘7.1 Water taken from the waterway under this bulk entitlement must be used to supply the following primary entitlements, more fully described in Schedules 1, 2 and 3:

- (a) water shares; and
- (b) licences; and
- (c) domestic and stock supplies within the East Loddon, West Loddon and Normanville Waterworks District; and
- (d) additional supplies;
- (e) modernisation water savings; and
- (f) entitlements referred to in section 35(2), bulk entitlements granted under Division 1 or 3 of Part 4, and agreements made under section 124(7) of the Act –

in accordance with the reliability of supply and restriction policies set out in Schedule 4.’

8. Amendment to Clause 17

For clause 17.1 of the Bulk Entitlement Order, substitute –

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

- (a) the daily flow passing Eildon Pondage Weir and Goulburn Weir;
- (b) the daily flow passing McCoy Bridge gauging station;
- (c) the daily amount of water taken by the Authority from the waterway at each of the Goulburn Weir offtake channels;
- (d) the annual amount of water taken by the Authority from the waterway at each of the Goulburn Weir offtake channels;
- (e) the annual amount of water diverted from the waterway by primary entitlement holders who are –
 - (i) authorised to take water directly from the waterway; or
 - (ii) other Authorities with an entitlement referred to in section 35(2) or a bulk entitlement granted under Division 1 or 3 of Part 4 of the Act;
- (f) the daily flow into Lake Eildon and Goulburn Weir;
- (g) the amount of water in each or any of the storages mentioned in sub-clause 9.1;
- (h) any releases made to comply with the target filling arrangements set out in Schedule 5;
- (i) any credits granted under clause 14;
- (j) any temporary or permanent transfer of all or part of this bulk entitlement;
- (k) any transfer of an entitlement or assignment of water allocation under the Act;
- (l) any water released from Goulburn Weir under sub-clauses 12.3(b), (c) or (d);
- (m) any alteration to the primary entitlements set out in Schedules 1, 3 and 7 made under sub-clauses 8.2 and 8.3;
- (n) the number, amount and places of origin and destination, of transfers of primary entitlements;
- (o) the annual amount supplied to primary entitlements including the annual amount of modernisation water savings set aside each year, in accordance with Schedule 3, or any group of primary entitlements specified by the Minister;
- (p) any amendment to this bulk entitlement;
- (q) any new bulk entitlement granted to the Authority with respect to the supply of primary entitlements under this Order;
- (r) the implementation of programs approved under sub-clauses 15.3 and 16.3;
- (s) any failure by the Authority to comply with any provision of this bulk entitlement; and
- (t) 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.’

9. Amendment to Schedule 3

At the end of the table in Schedule 3 of the Bulk Entitlement Order, insert the following so that it forms part of that table –

Authority/ System Supplied and Water Savings	Supply Details
Modernisation Water Savings	<ol style="list-style-type: none"> 1. Annually reserve a volume of modernisation water savings, calculated in accordance with the calculation methods approved by the Minister for Water, for subsequent transfer to irrigators, Melbourne and the environment in accordance with the following water sharing arrangements described in item (2) and (3). 2. The first modernisation water savings, up to 75GL, achieved from the following projects to be reserved for Melbourne before June 2010: <ol style="list-style-type: none"> a) the Victorian Government Investment component of the Shepparton Modernisation Irrigation Project; b) the Central Goulburn 123 & 4 Project; and c) Northern Victoria Irrigation Renewal Project Stage 1. 3. Thereafter, and until converted to water shares, the annual modernisation water savings from the <ol style="list-style-type: none"> i) Victorian Government Investment component of the Shepparton Modernisation Irrigation Project shall be transferred to the environment; ii) Central Goulburn 123 & 4 Project; shall be transferred to the environment; iii) Northern Victoria Irrigation Renewal Project Stage 1 up to 225 GL be shared as: <ol style="list-style-type: none"> a. one-third of annual modernisation savings for irrigators in the Goulburn component of the GMID; b. one-third of annual modernisation water savings for the environment; and c. one-third of annual modernisation water savings for Melbourne; iv) Northern Victoria Irrigation Renewal Project Stage 2 will be shared based on future negotiations with the Commonwealth. 4. The authority shall record the headworks where the modernisation water savings will be reserved and the volumes that have been set aside for irrigators of the Goulburn component of the GMID, Melbourne and the environment. 5. The records of modernisation water savings must be reduced: <ol style="list-style-type: none"> a) by the amount of water that has been called upon or transferred to other users in accordance with (2) and (3); and or b) by an appropriate amount of water to account for the evaporative losses in the headworks if water remains in these accounts on the 30 June each year.

Dated 1 September 2009
Responsible Minister
GAVIN JENNINGS
Acting Minister for Water

TOBY HALLIGAN
Clerk of the Executive Council

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