



# Victoria Government Gazette

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## Water Act 1989

### MELBOURNE WATER SUPPLY SYSTEM BULK ENTITLEMENT REPEAL ORDER 2014

I, the Honourable Peter Walsh, Minister for Water, under section 43 of the **Water Act 1989** and section 27 of the **Interpretation of Legislation Act 1984**, make the following Order.

**1. CITATION**

This Order is called the Melbourne Water Supply System Bulk Entitlement Repeal Order 2014.

**2. PURPOSE**

The purpose of this Order is to repeal all the bulk entitlement orders from the Melbourne water supply system as part of the Melbourne Bulk Entitlement Reform.

**3. AUTHORISING PROVISIONS**

This Order is made in accordance with section 43 of the **Water Act 1989** and section 27 of the **Interpretation of Legislation Act 1984**.

**4. COMMENCEMENT**

This Order comes into operation on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**5. REVOCATION OF BULK ENTITLEMENT ORDER**

The bulk entitlements in the following list:

- (a) Bulk Entitlement (Desalinated Water – City West Water Limited) Order 2010
- (b) Bulk Entitlement (Desalinated Water – South East Water Limited) Order 2010
- (c) Bulk Entitlement (Desalinated Water – Yarra Valley Water Limited) Order 2010
- (d) Bulk Entitlement (Silver and Wallaby Creeks – Melbourne Water for City West Water Limited) Conversion Order 2006
- (e) Bulk Entitlement (Silver and Wallaby Creeks – Melbourne Water for South East Water Limited) Conversion Order 2006
- (f) Bulk Entitlement (Silver and Wallaby Creeks – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2006
- (g) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for City West Water Limited) Conversion Order 2009
- (h) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for South East Water Limited) Conversion Order 2009
- (i) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2009
- (j) Transfer of Bulk Entitlement (Thomson River – Melbourne Water Corporation) Conversion Order 2001 to City West Water Limited 2006
- (k) Transfer of Bulk Entitlement (Thomson River – Melbourne Water Corporation) Conversion Order 2001 to South East Water Limited 2006
- (l) Transfer of Bulk Entitlement (Thomson River – Melbourne Water Corporation) Conversion Order 2001 to Yarra Valley Water Limited 2006
- (m) Bulk Entitlement (Yarra River – Melbourne Water for City West Water Limited) Conversion Order 2006

**SPECIAL**

- (n) Bulk Entitlement (Yarra River – Melbourne Water for South East Water Limited) Conversion Order 2006
  - (o) Bulk Entitlement (Yarra River – Melbourne Water for Yarra Valley Water Limited) Conversion Order 2006
  - (p) Bulk Entitlement (Melbourne Headworks System – Barwon Water) Order 2010
  - (q) Bulk Entitlement (Melbourne Headworks System – South Gippsland Water) Order 2010
  - (r) Bulk Entitlement (Melbourne Headworks System – Western Water) Order 2010
  - (s) Bulk Entitlement (Melbourne Headworks System – Westernport Water) Order 2010
- are hereby **repealed**.

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

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**Water Act 1989****BULK ENTITLEMENT (SILVER & WALLABY CREEKS – MELBOURNE WATER)  
ORDER 2014**

I, the Honourable Peter Walsh, Minister for Water, as the Minister administering the **Water Act 1989**, make the following Order.

**PART 1 – INTRODUCTORY STATEMENTS****1. CITATION**

This Order may be cited as the Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water) Order 2014.

**2. EMPOWERING PROVISIONS**

This Order is made under Division 1 of Part 4 of the **Water Act 1989**.

**3. COMMENCEMENT**

This Order comes into operation on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**4. DEFINITIONS**

In this Order –

‘**Act**’ means the **Water Act 1989**;

‘**Agreement**’ means the Murray-Darling Basin Agreement as contained in Schedule 1 of the **Murray-Darling Basin Act 1993**;

‘**Authority**’ means Melbourne Water Corporation;

‘**aqueduct**’ means the aqueduct running from Hellhole Weir to the Jacks Creek via Wallaby Creek Weir;

‘**baseline conditions**’ means the level of water resource development in the Melbourne headworks system as at 26 October 2006 determined by reference to:

- (i) the infrastructure supplying water;
- (ii) the rules for sharing water and operating the Melbourne headworks system;
- (iii) the operating efficiency of the Melbourne headworks system;
- (iv) bulk entitlements that were in place at the time to take and use water; and
- (v) any actual or forecast expansions in the level of water resource development in the Melbourne headworks system as agreed by the Minister;

at that date;

‘**Bulk Transfer System Operator**’ means the person who operates and maintains the Melbourne bulk transfer system;

‘**carryover**’ means the right of Primary Entitlement Holders to store unused water allocation over multiple water seasons in accordance with provisions in the primary entitlement orders listed in Schedule 1;

‘**Department**’ means the Department of Environment and Primary Industries;

‘**diversion limit**’ means an upper limit on the amount of water that can be taken from the waterway as described in clause 8;

‘**environmental flow**’ means an amount of flow referred to in the Silver & Wallaby Creeks Environmental Entitlement 2006 which the Storage Manager is obliged to pass at nominated points in the waterway;

‘**Goulburn Basin**’ means the area of land designated as Basin Number 5 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

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

‘**Greater Yarra System – Thomson River Pool**’ means water allocation that is able to be taken by a Primary Entitlement holder listed in Schedule 1;

‘**interface points**’ means the point(s) of connection that enables the Primary Entitlement holder to take water from the Melbourne bulk transfer system or Melbourne headworks system to their supply system;

‘**MDB cap**’ means the annual volume of water determined each year in accordance with Victoria’s compliance with the Murray Darling Basin cap under the Agreement;

‘**licence**’ means any licence granted under Part 4 of the Act;

‘**Melbourne bulk transfer system**’ means the system of transfer pipes and balancing storages that transports water from the Melbourne headworks system to the interface points for the Primary Entitlement Holders;

‘**Melbourne headworks system**’ means Thomson, Upper Yarra, Maroondah, O’Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project inclusive of the transfer pipeline;

‘**Melbourne Water**’ means Melbourne Water Corporation;

‘**Minister**’ means the Minister administering the Act, and in relation to a 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;

‘**other authority**’ means an authority other than the Authority, or any other person holding a bulk entitlement granted under Division 1 or 3 of Part 4 of the Act in the Yarra Basin;

‘**primary entitlement**’ means an entitlement in column B of Schedule 1;

‘**Primary Entitlement Holder**’ means a holder of a primary entitlement in column A of Schedule 1;

‘**Resource Manager**’ means a person appointed by the Minister under section 43A of the Act;

‘**seasonal determination**’ means a seasonal determination made by the Resource Manager under Schedule 3 of the primary entitlements;

‘**Silver and Wallaby headworks system**’ means the works owned by Melbourne Water to harvest water from Silver and Wallaby Creeks, including the Hellhole, Muddy, Silver Creek, Stony and Wallaby Creek weirs and the aqueduct;

‘**Storage Manager**’ Melbourne Water acting in respect of the water supply functions provided for in section 171B of the Act;

‘**System Management Rules**’ means any rules from time to time adopted for the operation of the Melbourne headworks system in accordance with clause 9;

‘**Victorian Environmental Water Holder**’ means the body established under Part 3AA of the Act;

‘**water season**’ has the same meaning as the Act;

‘**waterway**’ means the Silver Creek and Wallaby Creek and their tributaries in the Goulburn Basin including pools formed by, and immediately upstream of Melbourne Water’s weirs;

‘**year**’ means the 12 months commencing 1 July.

**PART 2 – ENTITLEMENT****5. BULK ENTITLEMENT**

- 5.1 The Authority may take from the waterway, the water resources available under the diversion limit specified in clause 8.

**6. OBLIGATIONS TO SUPPLY PRIMARY ENTITLEMENTS**

- 6.1 Water taken under this bulk entitlement must be used to supply the primary entitlements described in Schedule 1 through the Melbourne headworks system.
- 6.2 For the purposes of supplying primary entitlements in accordance with clause 6.1, the Authority may allow for water losses in the Melbourne bulk transfer system to the interface points with Primary Entitlement Holders described in Schedule 1.
- 6.3 The Authority must advise Primary Entitlement Holders each year of the volume of losses.

**7. SHARE OF FLOW**

- 7.1 Subject to clause 8, and after the Storage Manager has released water required to meet the environmental flows, the Storage Manager, may –
- (a) store all the inflow to the weirs in the headworks system; and
  - (b) take the inflow via the aqueduct;
- at the locations and rates listed in Schedule 2 and at other existing inflow points to the transfer aqueduct, for the Resource Manager to make seasonal determinations to Primary Entitlement Holders.
- 7.2 The Authority must not take, as part of this bulk entitlement, any flow of water in the waterways which is being transferred by the holder of any other bulk entitlement or licence.

**PART 3 – AVAILABLE WATER RESOURCES****8. DIVERSION LIMIT**

- 8.1 The amount of water taken in any year by the Authority under clause 5 must –
- (a) not exceed 66,000 ML in any 3 year period from the waterway; and
  - (b) must not cause average long-term diversions from the Melbourne headworks system to exceed average long-term diversions under baseline conditions;
- as determined by reference to the hydrologic model developed under sub-clause 8.3(b), unless another method is approved by the Minister.
- 8.2 The Resource Manager in consultation with the Storage Manager, Primary Entitlement Holders and Goulburn–Murray Water, must propose to the Minister within twelve months of the commencement of this Order, the method it will use to show its compliance with –
- (a) sub-clause 8.1 (b); and
  - (b) the MDB cap.
- 8.3 The method proposed in sub-clause 8.2 (a) must include –
- (a) the locations where water use is to be measured for the purpose of showing compliance with the diversion limit;
  - (b) an agreed base-line hydrologic model of the Melbourne water supply system;
  - (c) an annual diversion limit target which varies with climate and is determined by hydrologic modelling;
  - (d) continuous accounting of the difference between the diversion limit target and the recorded total use;
  - (e) the process to determine compliance with the diversion limit target; and
  - (f) provisions to ensure that water use does not exceed the diversion limit;
- unless another method is approved by the Minister.

- 8.4 The Minister may –
- (a) approve the proposal under sub-clause 8.2(a); or
  - (b) require the Authority to amend the proposal; or
  - (c) require the Authority to –
    - (i) review the method approved by the Minister if, in the Minister’s opinion, it is at any time, no longer appropriate; and
    - (ii) propose an amended method.

#### **PART 4 – GENERAL CONDITIONS AND PROVISIONS**

### **9. SYSTEM MANAGEMENT RULES**

9.1 The Authority, jointly with the Storage Manager, the Primary Entitlement Holders the Victorian Environmental Water Holder and other authorities holding bulk entitlements whose entitlements are likely to be affected by the rules, must endeavour to update rules for managing the supply of water available under this entitlement to the primary entitlements through the Melbourne headworks system.

9.2 The rules established in sub-clause 9.1 –

- (a) must be prepared by optimising the objectives of –
  - (i) maximising seasonal determinations and carryover for Primary Entitlement Holders in the Melbourne headworks system;
  - (ii) meeting dam and asset safety obligations; and
  - (iii) achieving least community cost;
- (b) may address any matters with the potential to affect this bulk entitlement, or the bulk entitlements of other authorities, including –
  - (i) water quality in the Melbourne headworks system;
  - (ii) integration of desalinated water from the Victorian Desalination Project and water savings from Goulburn-Murray Water’s Connections Project in northern Victoria;
  - (iii) the impacts of drought on Melbourne’s water supply;
  - (iv) emergency situations; and
  - (v) system losses.

9.3 If agreement under sub-clause 9.1 has not been reached within 12 months of the date of this Order, any of the parties may give written notice to the other parties requiring the matter to be determined in accordance with clause 12.

9.4 The Authority, the Storage Manager, the Primary Entitlement Holders, the Victorian Environmental Water Holder and other authorities holding bulk entitlements whose entitlements are likely to be affected by the rules, may agree to vary the management rules established under sub-clause 9.1 from time to time.

### **10. OPERATING PLAN**

10.1 The Authority must establish an Operating Plan for the purposes of operating the Melbourne headworks system to meet the requirements of the primary entitlements listed in Schedule 1.

10.2 The Operating Plan established under sub-clause 10.1 must –

- (a) be consistent with any and all rules established under clause 9;
- (b) be prepared in conjunction with the Primary Entitlement Holders, the Victorian Environmental Water Holder and any other Authorities;
- (c) be prepared annually and include forecast operating scenarios based on a range of climatic conditions;

- (d) be inclusive of multi-year outlook if required by the Minister or the Primary Entitlement Holders;
  - (e) be inclusive of any desalinated water order placed by the State of Victoria for water from the Victorian Desalination Project;
  - (f) be inclusive of any water proposed to be transferred by any of the Primary Entitlement Holders from water savings from Goulburn-Murray Water's Connections Project in northern Victoria;
  - (g) be inclusive of any emergency management arrangements in place; and
  - (h) be approved by the Primary Entitlement Holders with respect to any strategic decisions pertaining to the management of the primary entitlements.
- 10.3 In relation to the Operating Plan established under sub-clause 10.1, the Authority must –
- (a) implement the plan;
  - (b) update the plan from time to time in response to –
    - (i) changes to the assumptions on which the plan is based; and/or
    - (ii) changes to the rules established in sub-clause 9.1;
  - (c) report monthly to the Primary Entitlement Holders on the operation of the Melbourne headworks system and against the plan including any exceptions; and
  - (d) assist the Primary Entitlement Holders with any reasonable request associated with the plan.

## **11. METERING PROGRAM**

- 11.1 The Authority, in accordance with any guidelines issued from time to time by the Minister, must –
- (a) review and update from time to time any metering program approved by the Minister;
  - (b) implement and maintain any metering program approved by the Minister;
  - (c) maintain metering equipment and associated measurement structures in good condition;
  - (d) ensure that metering equipment is periodically re-calibrated;
  - (e) if rating curves are used to calculate flows, ensure that the curves are regularly checked and if necessary, revise; and
  - (f) keep a record of all work undertaken under sub-clauses 11.1 (c), (d) and (e).
- 11.2 The Minister may at any time require the Authority to –
- (a) review the program if in the Minister's opinion, it is no longer appropriate; and
  - (b) propose an amended program to the Minister.
- 11.3 Any application by the Authority to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.

## **12. DISPUTE RESOLUTION**

- 12.1 If a difference or dispute arises between the Authority, the Minister, the other Primary Entitlement Holders, the Storage Manager, the Resource Manager, and other bulk or environmental entitlement holders, or any of them, (the 'parties') concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 12.2 The notice requiring that the matter be determined by an independent arbitrator may only be given 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.

- 12.3 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators, Australia.
- 12.4 The independent arbitrator 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.
- 12.5 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 12.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent arbitrator is final and binding on the parties.
- 12.7 The Authority may request the Minister to determine the apportionment of the costs incidental to every reference, including the costs of the independent arbitrator.

#### **PART 5 – DEMONSTRATING COMPLIANCE**

##### **13. METERING PROGRAM COMPLIANCE**

- 13.1 The Authority must ensure it can demonstrate compliance with the provisions of this Order.
- 13.2 The Authority must demonstrate compliance with the metering program approved by the Minister under clause 11.

##### **14. REPORTING REQUIREMENTS**

- 14.1 The Minister may require the Authority, to report on all or any of the following –
- (a) the status of this bulk entitlement to water in the headworks system including the amount of water taken by the Primary Entitlement Holders, including;
    - (i) total inflows;
    - (ii) total storage volumes; and
    - (iii) total outflows;
  - (b) compliance with the diversion limit;
  - (c) any temporary or permanent transfer of all or part of this bulk entitlement;
  - (d) any temporary or permanent transfer of a bulk entitlement or other entitlement under the Act to the Authority, which does or may alter the flow of water in the waterway;
  - (e) any amendment to this bulk entitlement;
  - (f) volume of water made available to the Primary Entitlement Holders from seasonal determinations;
  - (g) any new bulk entitlement of water granted to the Authority;
  - (h) any failures by the Authority to comply with any provision of this bulk entitlement and any remedial action taken or proposed;
  - (i) any difficulties experienced or anticipated either by the Authority in complying with this bulk entitlement and any remedial action taken or proposed; and
  - (j) any other matters, as required by the Minister from time to time
- 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 or such longer period as the Minister may determine.



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- 14.3 The Authority must, in its Annual Report, report on each of the matters referred to in sub-clause 14.1.
- 14.4 Any report prepared by the Authority under sub-clauses 14.1 to 14.3 and 14.5 will also be made available to;
- (a) all holders of bulk entitlements listed under Schedule 1 if the reporting requirements impacts all entitlement holders; and
  - (b) to individual entitlement holders, if directly affected by the report.
- 14.5 The Resource Manager may require the Authority to report from time to time, on all or any of the matters set out in sub-clause 14.1.
- 14.6 Any report under sub-clause 14.5 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
  - (b) within such period of time as may be agreed between the Authority and the Storage Manager.

**15. DATA**

- 15.1 The Minister will endeavour 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 to any person data collected by or on behalf of the Authority for the purpose of clause 14, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department.

**SCHEDULE 1 – PRIMARY ENTITLEMENT HOLDERS**

Bulk entitlements held by authorities as Greater Yarra System – Thomson River Pool primary entitlements –

**Table 1** Entitlement Holders and Entitlements

Column A	Column B
Entitlement Holder	Primary Entitlements
City West Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – City West Water) Order 2014
South East Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – South East Water) Order 2014
Yarra Valley Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – Yarra Valley Water) Order 2014
Barwon Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – Barwon Water) Order 2014
South Gippsland Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – South Gippsland Water) Order 2014
Westernport Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – Westernport Water) Order 2014
Western Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – Western Water) Order 2014

**SCHEDULE 2 – WATER HARVESTING CAPACITY****Table 1** Weirs and transfer capacities

Weir	Transfer conduit	Transfer capacity (ML/day)	Transfer capacity (ML/month)
Hellhole weir	Aqueduct	60	NA
Muddy weir	Aqueduct	60	NA
Silver Creek weir	Aqueduct	60	NA
Stony weir	Aqueduct	60	NA
Wallaby Creek weir	Aqueduct	180	2,400

Note: NA means ‘not applicable’

**Water Act 1989****BULK ENTITLEMENT (TARAGO AND BUNYIP RIVERS – MELBOURNE WATER)  
ORDER 2014**

I, the Honourable Peter Walsh, Minister for Water, as Minister administering the **Water Act 1989**, make the following Order.

**PART 1 – INTRODUCTORY STATEMENTS****1. CITATION**

This Order may be cited as the Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water) Order 2014.

**2. EMPOWERING PROVISIONS**

This Order is made under Division 1 of Part 4 of the **Water Act 1989**.

**3. COMMENCEMENT**

This Order comes into operation on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**4. DEFINITIONS**

In this Order –

‘**Act**’ means the **Water Act 1989**;

‘**Authority**’ means Melbourne Water Corporation;

‘**Bulk Transfer System Operator**’ means the person who operates and maintains the Melbourne bulk transfer system;

‘**Bunyip Basin**’ means the area of land designated as Basin Number 28 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

‘**carryover**’ means the right of Primary Entitlement Holders to store unused water allocation over multiple water seasons in accordance with provisions in the primary entitlement orders listed in Schedule 1 Table 1 Primary Entitlement Holders with carryover;

‘**Department**’ means the Department of Environment and Primary Industries;

‘**environmental flows**’ means water described in Tarago and Bunyip Rivers Environmental Entitlement 2009;

‘**Greater Yarra System – Thomson River Pool**’ means water allocation that is able to be taken by a Primary Entitlement Holder listed in Schedule 1 Table 1;

‘**interface points**’ means the point(s) of connection that enables the Primary Entitlement Holder to take water from the Melbourne bulk transfer system or Melbourne headworks system to their supply system;

‘**licence**’ means any licence granted under Part 4 of the Act;

‘**Melbourne bulk transfer system**’ means the system of transfer pipes and balancing storages that transports water from the Melbourne headworks system to the interface points for the Primary Entitlement Holders;

‘**Melbourne headworks system**’ means Thomson, Upper Yarra, Maroondah, O’Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project inclusive of the transfer pipeline;

‘**Melbourne Water**’ means Melbourne Water Corporation;

‘**Minister**’ means the Minister administering the Act, and in relation to a 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 passing flows described in Schedule 3;

‘**primary entitlement**’ means an entitlement in column B of Schedule 1;

‘**Primary Entitlement Holder**’ means a holder of a Primary Entitlement in column A of Table 1 of Schedule 1 or Table 2 of Schedule 1;

‘**Resource Manager**’ means a person appointed by the Minister under section 43A of the Act;

‘**seasonal determination**’ means a seasonal determination made by the Resource Manager under Schedule 3 of the primary entitlements in Table 1 of Schedule 1;

‘**Storage Manager**’ means Melbourne Water acting in respect of the water supply functions provided for in section 171B of the Act ;

‘**System Management Rules**’ means any rules from time to time adopted for the operation of the Melbourne headworks system in accordance with clause 10;

‘**Tarago headworks system**’ means –

- (a) the Tarago River between Tarago Weir and Tarago Dam including the pools formed by and immediately upstream of Tarago Weir and Tarago Dam;
- (b) the pool formed by and immediately upstream of Bunyip Weir on the Bunyip River; and
- (c) the associated weirs, transfer conduits and other water supply works owned by Melbourne Water;

‘**Victorian Environmental Water Holder**’ means the body established under Part 3AA of the Act;

‘**waterway**’ means the Bunyip River and its tributaries upstream of Westernport including pools formed by, and immediately upstream of Melbourne Water’s dam and weirs;

‘**year**’ means the 12 months commencing 1 July.

## PART 2 – ENTITLEMENT

### 5. BULK ENTITLEMENT

5.1 The Authority, may take from the waterway, for the purpose of supplying primary entitlements in Schedule 1, an average annual amount of up to –

- (a) 24,950 ML at Tarago Reservoir; and
- (b) 5,560 ML at the Bunyip Weir;

over any consecutive 5 year period.

### 6. OBLIGATIONS TO SUPPLY PRIMARY ENTITLEMENTS

6.1 Water taken from the waterway under this bulk entitlement must be used to supply the primary entitlements described in Schedule 1, through the Melbourne headworks system.

6.2 For the purposes of supplying primary entitlements in accordance with clause 6.1, the Authority may allow for water losses in the Melbourne bulk transfer system to the interface points with Primary Entitlement Holders described in Schedule 1.

6.3 The Authority must advise Primary Entitlement Holders each year of the volume of losses.

### 7. SHARE OF STORAGE CAPACITY

The Authority is entitled to store water in Tarago Reservoir –

- (a) up to the reservoir capacity and full supply level listed in Table 1 of Schedule 2; less
- (b) any storage capacity reserved for the environment or other purposes under another bulk entitlement;

subject to the System Management Rules developed in accordance with sub-clause 10.1.

**8. SHARE OF FLOW**

- 8.1 After the Storage Manager has released or set aside, as the case may be, water required to meet the environmental flows and passing flows, the Authority may –
- (a) store all the inflow to the reservoir and weirs; and
  - (b) take the inflow via the transfer conduits and pumps;
- at the locations and rates listed in Schedule 2, for the Resource Manager to make seasonal determinations to Primary Entitlement Holders listed in Schedule 1 Table 1 and supply Primary Entitlement Holders listed in Schedule 1 Table 2.
- 8.2 The Authority must not take, as part of this bulk entitlement, any flow of water in the waterways which is being transferred by the holder of any other bulk entitlement or licence.

**PART 3 – GENERAL CONDITIONS AND PROVISIONS****9. PASSING FLOW OBLIGATIONS**

The Authority must direct the Storage Manager to pass the flows specified in Schedule 3, within the following operating tolerances –

- (a) the average flow on any day is to be no less than 80% of the passing flow;
- (b) the total flow over any continuous 7 day period is to be no less than the sum of the passing flows for each day over the same period; and
- (c) over any continuous 12 month period, the passing flow is to be provided 90% of the time.

**10. SYSTEM MANAGEMENT RULES**

- 10.1 The Authority, jointly with the Storage Manager, the Primary Entitlement Holders, the Victorian Environmental Water Holder and other authorities holding bulk entitlements whose entitlements are likely to be affected by the rules, must endeavour to update rules for managing the supply of water available under this entitlement to the primary entitlements through the Melbourne headworks system.
- 10.2 The rules established in sub-clause 10.1 –
- (a) must be prepared by optimising the objectives of –
    - (i) maximising seasonal determinations and carryover for Primary Entitlement Holders in the Melbourne headworks system;
    - (ii) meeting dam and asset safety obligations; and
    - (iii) achieving least community cost;
  - (b) may address any matters with the potential to affect this bulk entitlement, or the bulk entitlements of other authorities, including –
    - (i) water quality in the Melbourne headworks system;
    - (ii) integration of desalinated water from the Victorian Desalination Project and water savings from Goulburn–Murray Water’s Connections Project in northern Victoria;
    - (iii) the impacts of drought on Melbourne’s water supply;
    - (iv) emergency situations; and
    - (v) system losses.
- 10.3 If agreement under sub-clause 10.1 has not been reached within 12 months of the date of this Order, any of the parties may give written notice to the other parties requiring the matter to be determined in accordance with clause 13.
- 10.4 The Authority, the Storage Manager, the Primary Entitlement Holders, the Victorian Environmental Water Holder and other authorities holding bulk entitlements whose entitlements are likely to be affected by the rule, may agree to vary the management rules established under sub-clause 10.1 from time to time.

**11. OPERATING PLAN**

- 11.1 The Authority must establish an Operating Plan for the purposes of operating the Melbourne headworks system to meet the requirements of the primary entitlements listed in Schedule 1.
- 11.2 The Operating Plan established under sub-clause 11.1 must –
- (a) be consistent with any and all rules established under clause 10;
  - (b) be prepared in consultation with the Primary Entitlement Holders, the Victorian Environmental Water Holder and any other interested Authorities;
  - (c) be prepared annually and include forecast operating scenarios based on a range of climatic conditions;
  - (d) be inclusive of multi-year outlook, if requested by the Minister or any of the Primary Entitlement Holders;
  - (e) be inclusive of any desalinated water order placed by the State of Victoria for water from the Victorian Desalination Project;
  - (f) be inclusive of any water proposed to be transferred by any of the Primary Entitlement Holders from water savings from Goulburn-Murray Water's Connections Project in northern Victoria;
  - (g) be inclusive of any emergency management arrangements in place; and
  - (h) be approved by the Primary Entitlement Holders with respect to any strategic decisions pertaining to the management of the primary entitlements.
- 11.3 In relation to the Operating Plan established under sub-clause 11.1, the Authority must –
- (a) implement the plan;
  - (b) update the plan from time to time in response to –
    - (i) changes to the assumptions on which the plan is based; and/or
    - (ii) changes to the rules established in sub-clause 10.1;
  - (c) report monthly to the Primary Entitlement Holders on the operation of the Melbourne headworks system and against the plan including any exceptions; and
  - (d) assist the Primary Entitlement Holders with any reasonable request associated with the plan.

**12. METERING PROGRAM**

- 12.1 The Authority, in accordance with any guidelines issued from time to time by the Minister, must –
- (a) review and update from time to time any metering program approved by the Minister;
  - (b) implement and maintain any metering program approved by the Minister;
  - (c) maintain metering equipment and associated measurement structures in good condition;
  - (d) ensure that metering equipment is periodically re-calibrated;
  - (e) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary revise; and
  - (f) keep a record of all work undertaken under sub-clauses 12.1 (c), (d) and (e).
- 12.2 The Minister may at any time require the Authority to –
- (a) review the program if, in the Minister's opinion, it is no longer appropriate; and
  - (b) propose an amended program to the Minister.
- 12.3 Any application by the Authority to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.

**13. DISPUTE RESOLUTION**

- 13.1 If a difference or dispute arises between the Authority, the Minister, the other Primary Entitlement Holders, the Storage Manager, the Resource Manager, and other bulk or environmental entitlement holders, or any of them, (the 'parties') concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 13.2 The notice requiring that the matter be determined by an independent arbitrator may only be given 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.
- 13.3 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators, Australia.
- 13.4 The independent arbitrator 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.
- 13.5 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 13.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent arbitrator is final and binding on the parties.
- 13.7 The Authority may request the Minister to determine the apportionment of the costs incidental to every reference, including the costs of the independent arbitrator.

**PART 4 – DEMONSTRATING COMPLIANCE****14. METERING PROGRAM COMPLIANCE**

- 14.1 The Authority must ensure it can demonstrate compliance with the provisions of this Order.
- 14.2 The Authority must demonstrate compliance with the metering program approved by the Minister under clause 12.

**15. REPORTING REQUIREMENTS**

- 15.1 The Minister may require the Authority to report on all or any of the following -
- (a) the status of this bulk entitlement to water in the headworks system including the amount of water taken by Primary Entitlement Holders, including;
    - (i) total inflows;
    - (ii) total storage volumes; and
    - (iii) total outflows;
  - (b) compliance with the diversion limit;
  - (c) any temporary or permanent transfer of all or part of this bulk entitlement;
  - (d) any temporary or permanent transfer of a bulk entitlement or other entitlement under the Act to the Authority, which does or may alter the flow of water in the waterway;
  - (e) any amendment to this bulk entitlement;
  - (f) volume of water made available to the Primary Entitlement Holders from seasonal determinations;
  - (g) any new bulk entitlement of water granted to the Authority;
  - (h) any failures by the Authority to comply with any provision of this bulk entitlement and any remedial action taken or proposed;
  - (i) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed; and

- (j) any other matters as required by the Minister from time to time.
- 15.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 15.1 –
  - (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 or such longer period as the Minister may determine.
- 15.3 The Authority must in its Annual Report, report on each of the matters referred to in sub-clause 15.1.
- 15.4 Any report prepared by the Authority under sub-clauses 15.1 to 15.3 and 15.5 will also be made available to;
  - (a) all holders of bulk entitlements listed under Table 1 of Schedule 1 if the reporting requirements impacts all entitlement holders; and
  - (b) to individual entitlement holders, if directly affected by the report.
- 15.5 The Resource Manager may require the Authority, to report from time to time, on all or any of the matters set out in sub-clause 15.1.
- 15.6 Any report under sub-clause 15.5 must be made –
  - (a) in such form as may be agreed between the Authority, and the Resource Manager; and
  - (b) within such period of time as may be agreed between the Authority, and the Resource Manager.

**16. DATA**

- 16.1 The Minister will endeavour to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement is made available to the Authority.
- 16.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purpose of clause 15, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department.

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**SCHEDULE 1 – PRIMARY ENTITLEMENTS**

Bulk entitlements held by authorities as Greater Yarra System – Thomson River Pool primary entitlements –

**Table 1** Primary Entitlement Holders with carryover

Column A	Column B
Entitlement Holder	Primary Entitlement
City West Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – City West Water) Order 2014
South East Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – South East Water) Order 2014
Yarra Valley Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – Yarra Valley Water) Order 2014
Barwon Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – Barwon Water) Order 2014
South Gippsland Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – South Gippsland Water) Order 2014
Westernport Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – Westernport Water) Order 2014
Western Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – Western Water) Order 2014

**Table 2** Primary Entitlement Holders without carryover

Entitlement Holder	Details of entitlement
Central Gippsland Regional Water Corporation	Towns supplied by Gippsland Water from Tarago Reservoir under the Bulk Entitlement (Tarago – Gippsland Water) Conversion Order 2009
Gippsland and Southern Rural Water Corporation	Releases from Tarago Reservoir for Southern Rural Water's private diverters under the Bulk Entitlement (Tarago River – Southern Rural Water) Order 2009

**SCHEDULE 2 – WATER HARVESTING CAPACITY****Table 1** Reservoir and transfer capacities

<b>Reservoir</b>	<b>Reservoir capacity (ML)</b>	<b>Reservoir full supply level to Australian Height Datum (metres)</b>	<b>Transfer works</b>	<b>Transfer capacity (ML/day)</b>
Tarago Reservoir	37 580	157.921	Tarago – Western Port Pipeline*	90
			Tarago Pump	48
			Tarago Main Race (Tarago Pump rising main to Bunyip Main Race)	80

\* The capacity of this pipeline is constrained by the maximum capacity of the WTP

**Table 2** Weirs and transfer capacities

<b>Weir</b>	<b>Transfer works</b>	<b>Transfer capacity (ML/day)</b>
Tarago Weir	Tarago Main Race (Tarago Weir to Tarago Pump rising main)	46
Crystal Creek Weir	Tarago Main Race	46
Bunyip Weir	Bunyip Main Race (Bunyip Weir to Tarago Main Race)	40

## SCHEDULE 3 –PASSING FLOWS

<b>Waterway and offtake point</b>	<b>Passing flow</b> (all flows are minimum instantaneous values)
Neerim South Gauging station (228219):	The lesser of – (a) 5 ML/d; and (b) the flow entering the reservoir.
Tarago River at Tarago Weir	(a) May to Oct (inclusive) – (i) 20 ML/d, if the inflow to Tarago Weir is equal to or greater than 40 ML/d; or (ii) 50% of inflow if the inflow to Tarago Weir is less than 40 ML/d. (b) Nov to April (inclusive) – (i) 10 ML/d, if the inflow to Tarago Weir is equal to or greater than 20 ML/d; or (ii) 50% of inflow if the inflow to Tarago Weir is less than 20 ML/d.
Bunyip River at Bunyip Weir	(a) May to Oct (inclusive) – (i) 8ML/d, if inflow to Bunyip Weir equal to or greater than 16 ML/d, or (ii) 50% of inflow if Bunyip inflow to Weir less than 16 ML/d. (b) Nov to April (inclusive): (i) all inflow to Bunyip Weir above 6 ML/d if inflow to Bunyip Weir is equal to or greater than 12 ML/d, or (ii) 50% of inflow if Bunyip inflow to Weir is less than 12 ML/d.

**Water Act 1989****BULK ENTITLEMENT (THOMSON RIVER – MELBOURNE WATER) ORDER 2014**

I, the Honourable Peter Walsh, as Minister administering the **Water Act 1989**, make the following Order.

**PART 1 – INTRODUCTORY STATEMENTS****1. CITATION**

This Order may be cited as the Bulk Entitlement (Thomson River – Melbourne Water) Order 2014.

**2. EMPOWERING PROVISIONS**

This Order is made under Division 1 of Part 4 of the **Water Act 1989**.

**3. COMMENCEMENT**

This Order comes into operation on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**4. DEFINITIONS**

In this Instrument –

‘**Act**’ means the **Water Act 1989**;

‘**Authority**’ means Melbourne Water Corporation;

‘**baseline conditions**’ means the level of water resource development in the Melbourne headworks system as at 26 October 2006 determined by reference to:

- (i) the infrastructure supplying water;
- (ii) the rules for sharing water and operating the Melbourne headworks system;
- (iii) the operating efficiency of the Melbourne headworks system;
- (iv) bulk entitlements that were in place at the time to take and use water; and
- (v) any actual or forecast expansions in the level of water resource development in the Melbourne headworks system as agreed by the Minister;

at that date;

‘**Bulk Transfer System Operator**’ means the person who operates and maintains the Melbourne bulk transfer system;

‘**carryover**’ means the right of Primary Entitlement Holders to store unused water allocation over multiple water seasons in accordance with provisions in the primary entitlement orders listed in Schedule 1;

‘**Coopers Creek Gauging Station**’ means the stream gauging station, number 225208, located on the waterway;

‘**Department**’ means the Department of Environment and Primary Industries;

‘**diversion limit**’ means an upper limit on the amount of water that can be taken from the waterway as described in clause 9;

‘**environmental flows**’ means the flows referred to in **Bulk Entitlement (Thomson River – Environment) Order 2005**;

‘**Greater Yarra System – Thomson River Pool**’ means water allocation that is able to be taken by a Primary Entitlement Holder listed in Schedule 1;

‘**interface points**’ means the point(s) of connection that enables the Primary Entitlement Holder to take water from the Melbourne bulk transfer system or Melbourne headworks system to their supply system;

‘**Melbourne bulk transfer system**’ means the system of transfer pipes and balancing storages that transports water from the Melbourne headworks system to the interface points for the Primary Entitlement Holders;

‘**Melbourne headworks system**’ means Thomson, Upper Yarra, Maroondah, O’Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project inclusive of the transfer pipeline;

‘**Melbourne Water**’ means Melbourne Water Corporation;

‘**Minister**’ means the Minister administering the Act, and in relation to a 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;

‘**other authority**’ means an authority other than the Authority, or any other person holding a bulk entitlement granted under Division 1 or 3 of Part 4 of the Act;

‘**primary entitlement**’ means an entitlement in column B of Schedule 1;

‘**Primary Entitlement Holder**’ means the holder of a primary entitlement in column A of Schedule 1;

‘**Resource Manager**’ means a person appointed by the Minister under section 43A of the Act;

‘**Reservoir**’ means the Thomson Reservoir;

‘**seasonal determination**’ means a seasonal determination made by the Resource Manager under Schedule 3 of the primary entitlements;

‘**Storage Manager**’ means Melbourne Water acting in respect of the water supply functions provided for in section 171B of the Act;

‘**Southern Rural Water**’ means Gippsland and Southern Rural Water Authority;

‘**Southern Rural Water’s share of inflow**’ means the share of inflow provided under the Bulk Entitlement (Thomson/Macalister – Southern Rural Water) Conversion Order 2001;

‘**System Management Rules**’ means any rules from time to time adopted for the operation of the Melbourne headworks system in accordance with clause 10;

‘**Thomson Basin**’ means the area of land designated as Basin Number 25 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

‘**Victorian Environmental Water Holder**’ means the body established under Part 3AA of the Act;

‘**water season**’ has the same meaning as the Act;

‘**waterway**’ means the Thomson River between Easton Weir and Coopers Creek Gauging Station, including the pools formed by, and immediately upstream of Easton Weir, Swinger Weir and the Reservoir;

‘**year**’ means the 12 months commencing 1 July.

## PART 2 – ENTITLEMENT

### 5. Bulk Entitlement

- 5.1 The Authority may take from the waterway in any year, the water resources available under the diversion limit specified in clause 9.

### 6. OBLIGATIONS TO SUPPLY PRIMARY ENTITLEMENTS

- 6.1 Water taken under this bulk entitlement must be used to supply the primary entitlements described in Schedule 1 through the Melbourne headworks system.
- 6.2 For the purposes of supplying primary entitlements in accordance with sub-clause 6.1, the Authority may allow for water losses in the Melbourne bulk transfer system to the interface points with Primary Entitlement Holders described in Schedule 1.
- 6.3 The Authority must advise Primary Entitlement Holders each year of the volume of losses.

**7. SHARE OF STORAGE CAPACITY**

7.1 The Authority is entitled to a store up to 1,068,100 ML of water in the Reservoir subject to the System Management Rules.

**8. SHARE OF FLOW**

8.1 After the Storage Manager has released or set aside, as the case may be –

- (a) water required to meet the environmental flows; and
- (b) Southern Rural Water's share of inflow;

the Storage Manager may store all remaining inflow to the share of the Reservoir for the Resource Manager to make seasonal determinations to Primary Entitlement Holders.

8.2 The Authority must not take, as part of this entitlement, any flow of water in the waterway which is being transferred by the holder of any other bulk entitlement or licence.

**PART 3 – AVAILABLE WATER RESOURCES****9. DIVERSION LIMIT**

9.1 The amount of water taken in any year by the Authority –

- (a) may vary from year to year depending on climate;
- (b) must not exceed diversions from the waterway under baseline conditions; and
- (c) must not cause average long-term diversions from the Melbourne headworks system to exceed average long-term diversions under baseline conditions;

as determined by reference to the hydrologic model developed under sub-clause 9.3(b), unless another method is approved by the Minister.

9.2 The Authority, in consultation with the Storage Manager, the Primary Entitlement Holders and Resource Manager, must propose to the Minister within twelve months of the date on which this Order comes in to effect, the method it will use to show its compliance with sub-clause 9.1.

9.3 The method proposed in sub-clause 9.2 must include –

- (a) the locations where water use is to be measured for the purpose of showing compliance with the diversion limit;
- (b) an agreed base-line hydrologic model of the Melbourne water supply system;
- (c) an annual diversion limit target which varies with climate and is determined by hydrologic modelling;
- (d) continuous accounting of the difference between the diversion limit target and the recorded total use;
- (e) the process to determine compliance with the diversion limit target; and
- (f) provisions to ensure that water use does not exceed the diversion limit;

unless another method is approved by the Minister.

9.4 The Minister may –

- (a) approve the proposal under sub-clause 9.2; or
- (b) require the Authority to amend the proposal; or
- (c) require the Authority to –
  - (i) review the method approved by the Minister if, in the Minister's opinion, it is at any time no longer appropriate; and
  - (ii) propose an amended method.

**PART 4 – GENERAL CONDITIONS AND PROVISIONS****10. SYSTEM MANAGEMENT RULES**

- 10.1 The Authority, jointly with the Storage Manager, the Primary Entitlement Holders, the Victorian Environmental Water Holder and other authorities holding bulk entitlements whose entitlements are likely to be affected by the rules, must endeavour to update rules for managing the supply of water available under this entitlement to the primary entitlements through the Melbourne headworks system.
- 10.2 The rules established in sub-clause 10.1 –
- (a) must be prepared by optimising the objectives of –
    - (i) maximising seasonal determinations and carryover for Primary Entitlement Holders in the Melbourne headworks system;
    - (ii) meeting dam and asset safety obligations; and
    - (iii) achieving least community cost;
  - (b) may address any matters with the potential to affect this bulk entitlement, or the bulk entitlements of other authorities, including –
    - (i) water quality in the Melbourne headworks system;
    - (ii) integration of water from the Victorian Desalination Project and water savings from Goulburn–Murray Water’s Connections Project in northern Victoria;
    - (iii) the impacts of drought on Melbourne’s water supply;
    - (iv) the use of hydro electric generation facilities;
    - (v) emergency situations; and
    - (vi) system losses.
- 10.3 If agreement under sub-clause 10.1 has not been reached within 12 months of the date of this Order, any of the parties may give written notice to the other parties requiring the matter to be determined in accordance with clause 13.
- 10.4 The Authority, the Storage Manager, Primary Entitlement Holders, the Victorian Environmental Water Holder and other authorities holding bulk entitlements whose entitlements are likely to be affected by the rules, may agree to vary the management rules established under sub-clause 10.1 from time to time.

**11. OPERATING PLAN**

- 11.1 The Authority must establish an Operating Plan for the purposes of operating the Melbourne headworks system to meet the requirements of the primary entitlements listed in Schedule 1.
- 11.2 The Operating Plan established under sub-clause 11.1 must –
- (a) be consistent with any and all rules established under clause 10;
  - (b) be prepared in conjunction with the Primary Entitlement Holders, Victorian Environmental Water Holder and any other interested Authorities;
  - (c) be prepared annually and include forecast operating scenarios based on a range of climatic conditions;
  - (d) be inclusive of multi-year outlook, if required by the Minister or the Primary Entitlement Holders;
  - (e) be inclusive of any desalinated water order placed by the State of Victoria for water from the Victorian Desalination Project;
  - (f) be inclusive of any water proposed to be transferred by any of the Primary Entitlement Holders from water savings from Goulburn–Murray Water’s Connections Project in northern Victoria;
  - (g) be inclusive of any emergency management arrangements in place; and
  - (h) be approved by the Primary Entitlement Holders with respect to any strategic decisions pertaining to the management of the primary entitlements.

- 11.3 In relation to the Operating Plan established under sub-clause 11.1, the Authority must –
- (a) implement the plan;
  - (b) update the plan from time to time in response to –
    - (i) changes to the assumptions on which the plan is based; and/or
    - (ii) changes to the rules established in sub-clause 10.1;
  - (c) report monthly to the Primary Entitlement Holders on the operation of the Melbourne headworks system and against the plan including any exceptions; and
  - (d) assist the Primary Entitlement Holders with any reasonable request associated with the plan.

## 12. METERING PROGRAM

- 12.1 The Authority, in accordance with any guidelines issued from time to time by the Minister, must –
- (a) review and update from time to time any metering program approved by the Minister;
  - (b) implement and maintain any metering program approved by the Minister;
  - (c) maintain metering equipment and associated measurement structures in good condition;
  - (d) ensure that metering equipment is periodically re-calibrated;
  - (e) if rating curves are used to calculate flows, ensure that the curves are regularly checked and if necessary, revise; and
  - (f) keep a record of all work undertaken under sub-clauses 12.1(c), (d) and (e).
- 12.2 The Minister may at any time require the Authority to –
- (a) review the program if in the Minister’s opinion, it is no longer appropriate; and
  - (b) propose an amended program to the Minister.
- 12.3 Any application by the Authority to the Minister to amend to this entitlement must address any implications of the proposed amendment to the approved metering program.

## 13. DISPUTE RESOLUTION

- 13.1 If a difference or dispute arises between the Authority, the Minister, the other Primary Entitlement Holders, the Storage Manager, the Resource Manager, and other bulk or environmental entitlement holders, or any of them, (the ‘parties’) concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 13.2 The notice requiring that the matter be determined by an independent arbitrator may only be given 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.
- 13.3 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators, Australia.
- 13.4 The independent arbitrator 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.
- 13.5 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 13.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent arbitrator is final and binding on the parties.
- 13.7 The Authority may request the Minister to determine the apportionment of the costs incidental to every reference, including the costs of the independent arbitrator.



**PART 5 – DEMONSTRATING COMPLIANCE****14. METERING PROGRAM COMPLIANCE**

- 14.1 The Authority must ensure it can demonstrate compliance with the provisions of this Order.
- 14.2 The Authority must demonstrate compliance with the metering program approved by the Minister under clause 12.

**15. REPORTING REQUIREMENTS**

- 15.1 The Minister may require the Authority, to report on all or any of the following –
- (a) the status of this bulk entitlement to water in the headworks system including the amount of water taken by the Primary Entitlement Holders, including;
    - (i) total inflows;
    - (ii) total storage volumes; and
    - (iii) total outflows;
  - (b) compliance with the diversion limit;
  - (c) any temporary or permanent transfer of all or part of this bulk entitlement;
  - (d) any temporary or permanent transfer of a bulk entitlement or other entitlement under the Act to the Authority, which does or may alter the flow of water in the waterway;
  - (e) any amendment to this bulk entitlement;
  - (f) volume of water made available to Primary Entitlement Holders from seasonal determinations;
  - (g) any new bulk entitlement of water granted to the Authority;
  - (h) any failures by the Authority to comply with any provision of this bulk entitlement and any remedial action taken or proposed;
  - (i) any difficulties experienced or anticipated either by the Authority in complying with this bulk entitlement and any remedial action taken or proposed; and
  - (j) any other matters, as required by the Minister from time to time.
- 15.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 15.1 –
- (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 or such longer period as the Minister may determine.
- 15.3 The Authority must in its Annual Report, report on each of the matters referred to in sub-clause 15.1.
- 15.4 Any report prepared by the Authority under sub-clauses 15.1 to 15.3 and 15.5 will also be made available to;
- (a) all holders of bulk entitlements listed under Schedule 1 if the reporting requirements impacts all entitlement holders; and
  - (b) to individual entitlement holders, if directly affected by the report.
- 15.5 The Resource Manager may require the Authority to report from time to time, on all or any of the matters set out in sub-clause 15.1.
- 15.6 Any report under sub-clause 15.5 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
  - (b) within such period of time as may be agreed between the Authority and the Resource Manager.

**16. DATA**

- 16.1 The Minister will endeavour to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement is made available to the Authority.
- 16.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purpose of clause 15 subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department.

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**SCHEDULE 1 – PRIMARY ENTITLEMENT HOLDERS**

Bulk entitlements held by authorities as Greater Yarra System – Thomson River Pool primary entitlements –

**Table 1** Entitlement Holders and Entitlements

Column A	Column B
Entitlement Holder	Primary Entitlement
City West Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – City West Water) Order 2014
South East Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – South East Water) Order 2014
Yarra Valley Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool - Yarra Valley Water) Order 2014
Barwon Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – Barwon Water) Order 2014
South Gippsland Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – South Gippsland Water) Order 2014
Westernport Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – Westernport Water) Order 2014
Western Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – Western Water) Order 2014

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**Water Act 1989****BULK ENTITLEMENT (YARRA RIVER – MELBOURNE WATER) ORDER 2014**

I, the Honourable Peter Walsh, as Minister for Water, as Minister administering the **Water Act 1989**, make the following Order.

**PART 1 – INTRODUCTORY STATEMENTS****1. CITATION**

This Order may be cited as the Bulk Entitlement (Yarra River – Melbourne Water) Order 2014.

**2. EMPOWERING PROVISIONS**

This Order is made under Division 1 of Part 4 of the **Water Act 1989**.

**3. COMMENCEMENT**

This Order comes into operation on the day it is published in the Government Gazette or 1 July 2014 whichever is later.

**4. DEFINITIONS**

In this Order

‘**Act**’ means the **Water Act 1989**;

‘**Authority**’ means Melbourne Water Corporation;

‘**baseline conditions**’ means the level of water resource development in the Melbourne headworks system as at 26 October 2006 determined by reference to:

- (i) the infrastructure supplying water;
- (ii) the rules for sharing water and operating the Melbourne headworks system;
- (iii) the operating efficiency of the Melbourne headworks system;
- (iv) bulk entitlements that were in place at the time to take and use water; and
- (v) any actual or forecast expansions in the level of water resource development in the Melbourne headworks system as agreed by the Minister;

at that date;

‘**Bulk Transfer System Operator**’ means the person who operates and maintains the Melbourne bulk transfer system;

‘**carryover**’ means the right of Primary Entitlement Holders to store unused water allocation over multiple water seasons in accordance with provisions in the primary entitlement orders listed in Schedule 1;

‘**Department**’ means the Department of Environment and Primary Industries;

‘**diversion limit**’ means an upper limit on the amount of water that can be taken from the waterway as described in clause 9;

‘**environmental flow**’ means an amount of flow referred to in the Yarra Environmental Entitlement 2006 which the Storage Manager is obliged to pass at nominated points on the waterway(s);

‘**Greater Yarra System – Thomson River Pool**’ means water allocation that is able to be taken by a Primary Entitlement Holder listed in Schedule 1;

‘**interface points**’ means the point(s) of connection that enables the Primary Entitlement Holder to take water from the Melbourne bulk transfer system or Melbourne headworks system to their supply system;

‘**licence**’ means any licence granted under Part 4 of the Act;

‘**Melbourne bulk transfer system**’ means the system of transfer pipes and balancing storages that transports water from the Melbourne headworks system to the interface points for the Primary Entitlement Holders;

**‘Melbourne headworks system’** means Thomson, Upper Yarra, Maroondah, O’Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project inclusive of the transfer pipeline;

**‘Melbourne Water’** means Melbourne Water Corporation;

**‘Minister’** means the Minister administering the Act, and in relation to a 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;

**‘other authority’** means an authority other than the Authority, or any other person holding a bulk entitlement granted under Division 1 or 3 of Part 4 of the Act in the Yarra Basin;

**‘primary entitlement’** means an entitlement in column B of Schedule 1;

**‘Primary Entitlement Holder’** means a holder of a primary entitlement to in column A of Schedule 1;

**‘Resource Manager’** means a person appointed by the Minister under section 43A of the Act;

**‘seasonal determination’** means a seasonal determination made by the Resource Manager under Schedule 3 of the primary entitlements;

**‘Storage Manager’** means Melbourne Water acting in respect of the water supply functions provided for in section 171B of the Act;

**‘System Management Rules’** means any rules from time to time adopted for the operation of the Melbourne headworks system in accordance with clause 10;

**‘Victorian Environmental Water Holder’** means the body established under Part 3AA of the Act;

**‘water season’** has the same meaning as the Act;

**‘waterway’** means the Yarra River and its tributaries in the Basin upstream of a point downstream of the confluence of the Yarra River and the Plenty River including pools formed by, and immediately upstream of Melbourne Water’s reservoirs and weirs;

**‘Yarra Basin’** means the area of land designated as Basin Number 29 in the South East Coast Division of the Australian Water Resources Council’s Australian Continental Drainage Divisions;

**‘Yarra Environmental Entitlement’** means the Yarra Environmental Entitlement 2006;

**‘year’** means the 12 months commencing 1 July;

**‘Yering Pumps Gauging Station’** means the stream gauging station, number 229270B, located on the waterway.

## PART 2 – ENTITLEMENT

### 5. BULK ENTITLEMENT

- 5.1 The Authority may take from the waterway in any year the water resources available under the diversion limit specified in clause 9.

### 6. OBLIGATIONS TO SUPPLY PRIMARY ENTITLEMENTS

- 6.1 Water taken from the waterway under this bulk entitlement must be used to supply the primary entitlements described in Schedule 1, through the Melbourne headworks system.
- 6.2 For the purposes of supplying primary entitlements in accordance with clause 6.1, the Authority may allow for water losses in the Melbourne bulk transfer system to the interface points with Primary Entitlement Holders described in Schedule 1.
- 6.3 The Authority must advise Primary Entitlement Holders each year of the volume of losses.

**7. SHARE OF STORAGE CAPACITY**

The Authority is entitled to store water in the reservoirs set out in Table 1 of Schedule 2 –

- (a) up to the reservoir capacities and full supply levels listed in Table 1 of Schedule 2; less;
- (b) any storage capacity reserved for the environment or other purposes under another bulk entitlement.

**8. SHARE OF FLOW**

8.1 After the Storage Manager has released or set aside, as the case may be, water required to meet the environmental flows, the Authority may –

- (a) store all the inflow to the reservoirs and weirs; and
- (b) take the inflow via the transfer conduits and pumps;

at the locations and rates listed in Schedule 2 and subject to the System Management Rules established in clause 10, for the Resource Manager to make seasonal determinations to Primary Entitlement Holders.

8.2 The Authority must not take, as part of this bulk entitlement, any flow of water in the waterways which is being transferred by the holder of any other bulk entitlement or licence.

**PART 3 – AVAILABLE WATER RESOURCES****9. DIVERSION LIMIT**

9.1 The amount of water taken in any year by the Authority –

- (a) may vary from year to year depending on climate;
- (b) must not exceed diversions from the waterway under baseline conditions; and
- (c) must not cause average long-term diversions from the Melbourne headworks system to exceed average long-term diversions under baseline conditions;

as determined by reference to the hydrologic model developed under sub-clause 9.4 (b), unless another method is approved by the Minister.

9.2 The Authority must use reasonable endeavours to ensure that the method by which the water is taken complies with the recommended environmental flow regimes described in the Yarra Environmental Entitlement.

9.3 The Authority, in consultation with the Storage Manager, the Primary Entitlement Holders and the Resource Manager, must propose to the Minister within twelve months of the commencement of this Order, the method it will use to show its compliance with sub-clauses 9.1 and 9.2.

9.4 The method proposed in sub-clause 9.3 must include –

- (a) the locations where water use is to be measured for the purpose of showing compliance with the diversion limit;
- (b) an agreed base-line hydrologic model of the Melbourne water supply system;
- (c) an annual diversion limit target which varies with climate and is determined by hydrologic modelling;
- (d) continuous accounting of the difference between the diversion limit target and the recorded total use;
- (e) the process to determine compliance with the diversion limit target;
- (f) the process to determine the extent of compliance with the recommended environmental flow regime; and
- (g) provisions to ensure that water use does not exceed the diversion limit;

unless another method is approved by the Minister.

- 9.5 The Minister may –
- (a) approve the proposal under sub-clause 9.3; or
  - (b) require the Authority to amend the proposal; or
  - (c) require the Authority to –
    - (i) review the method approved by the Minister if, in the Minister’s opinion, it is at any time, no longer appropriate; and
    - (ii) propose an amended method.

#### **PART 4 – GENERAL CONDITIONS AND PROVISIONS**

### **10. SYSTEM MANAGEMENT RULES**

- 10.1 The Authority, jointly with the Storage Manager, the Primary Entitlement Holders, the Victorian Environmental Water Holder and other authorities holding bulk entitlements whose entitlements are likely to be affected by the rules, must endeavour to update rules for managing the supply of water available under this entitlement to the primary entitlements through the Melbourne headworks system.
- 10.2 The rules established in sub-clause 10.1 –
- (a) must be prepared by optimising the objectives of –
    - (i) maximising seasonal determinations and carryover for Primary Entitlement Holders in the Melbourne headworks system;
    - (ii) meeting dam and asset safety obligations; and
    - (iii) achieving least community cost;
  - (b) may address any matters with the potential to affect this bulk entitlement, or the bulk entitlements of other authorities, including –
    - (i) water quality in the Melbourne headworks system;
    - (ii) integration of desalinated water from the Victorian Desalination Project and water savings from Goulburn–Murray Water’s Connections Project in northern Victoria;
    - (iii) the impacts of drought on Melbourne’s water supply;
    - (iv) emergency situations; and
    - (v) system losses.
- 10.3 If agreement under sub-clause 10.1 has not been reached within 12 months of the date of this Order, any of the parties may give written notice to the other parties requiring the matter to be determined in accordance with clause 13.
- 10.4 The Authority, the Storage Manager, the Primary Entitlement Holders, the Victorian Environmental Water Holder and other authorities holding bulk entitlements whose entitlements are likely to be affected by the rules, may agree to vary the management rules established under sub-clause 10.1 from time to time.

### **11. OPERATING PLAN**

- 11.1 The Authority must establish an Operating Plan for the purposes of operating the Melbourne headworks system to meet the requirements of the primary entitlements listed in Schedule 1.
- 11.2 The Operating Plan established under sub-clause 11.1 must –
- (a) be consistent with any and all rules established under clause 10;
  - (b) be prepared in conjunction with the Primary Entitlement Holders, Victorian Environmental Water Holder and any other interested Authorities;
  - (c) be prepared annually and include forecast operating scenarios based on a range of climatic conditions;
  - (d) be inclusive of multi-year outlook, if required by the Minister or the Primary Entitlement Holders;

- (e) be inclusive of any desalinated water order placed by the State of Victoria for water from the Victorian Desalination Project;
  - (f) be inclusive of any water proposed to be transferred by any of the Primary Entitlement Holders from water savings from Goulburn-Murray Water's Connections Project in northern Victoria;
  - (g) be inclusive of any emergency management arrangements in place; and
  - (h) be approved by the Primary Entitlement Holders with respect to any strategic decisions pertaining to the management of the primary entitlements.
- 11.3 In relation to the Operating Plan established under sub-clause 11.1, the Authority must –
- (a) implement the plan;
  - (b) update the plan from time to time in response to –
    - (i) changes to the assumptions on which the plan is based; and/or
    - (ii) changes to the rules established in sub-clause 10.1;
  - (c) report monthly to the Primary Entitlement Holders on the operation of the Melbourne headworks system and against the plan including any exceptions; and
  - (d) assist the Primary Entitlement Holders with any reasonable request associated with the plan.

## **12. METERING PROGRAM**

- 12.1 The Authority, in accordance with any guidelines issued from time to time by the Minister, must –
- (a) review and update from time to time any metering program approved by the Minister;
  - (b) implement and maintain any metering program approved by the Minister;
  - (c) maintain metering equipment and associated measurement structures in good condition;
  - (d) ensure that metering equipment is periodically re-calibrated;
  - (e) if rating curves are used to calculate flows, ensure that the curves are regularly checked and, if necessary revise; and
  - (f) keep a record of all work undertaken under sub-clauses 12.1(c), (d) and (e).
- 12.2 The Minister may at any time require the Authority to –
- (a) review the program if in the Minister's opinion, it is no longer appropriate; and
  - (b) propose an amended program to the Minister.
- 12.3 Any application by the Authority to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.

## **13. DISPUTE RESOLUTION**

- 13.1 If a difference or dispute arises between the Authority, the Minister, the other Primary Entitlement Holders, the Storage Manager, the Resource Manager, and other bulk or environmental entitlement holders, or any of them, (the 'parties') concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 13.2 The notice requiring that the matter be determined by an independent arbitrator may only be given 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.
- 13.3 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators, Australia.

- 13.4 The independent arbitrator 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.
- 13.5 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 13.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent arbitrator is final and binding on the parties.
- 13.7 The Authority may request the Minister to determine the apportionment of the costs incidental to every reference, including the costs of the independent arbitrator.

#### **PART 5 – DEMONSTRATING COMPLIANCE**

#### **14. METERING PROGRAM COMPLIANCE**

- 14.1 The Authority must ensure it can demonstrate compliance with the provisions of this Order.
- 14.2 The Authority must demonstrate compliance with the metering program approved by the Minister under clause 12.

#### **15. REPORTING REQUIREMENTS**

- 15.1 The Minister may require the Authority, to report on all or any of the following –
  - (a) the status of this bulk entitlement to water in the headworks system including the amount of water taken by Primary Entitlement Holders, including:
    - (i) total inflows;
    - (ii) total storage volumes; and
    - (iii) total outflows;
  - (b) compliance with the diversion limit;
  - (c) any temporary or permanent transfer of all or part of this bulk entitlement;
  - (d) any temporary or permanent transfer of a bulk entitlement or other entitlement under the Act to the Authority, which does or may alter the flow of water in the waterway;
  - (e) any amendment to this bulk entitlement;
  - (f) volume of water made available to Primary Entitlement Holders from seasonal determinations;
  - (g) any new bulk entitlement of water granted to the Authority;
  - (h) any failures by the Authority to comply with any provision of this bulk entitlement and any remedial action taken or proposed;
  - (i) any difficulties experienced or anticipated either by the Authority in complying with this bulk entitlement and any remedial action taken or proposed; and
  - (j) any other matters, as required by the Minister from time to time.
- 15.2 The Minister may require the Authority to report on all or any of the matters set out in sub-clause 15.1 –
  - (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 or such longer period as the Minister may determine.
- 15.3 The Authority must, in its Annual Report, report on each of the matters referred to in sub-clause 15.1.
- 15.4 Any report prepared by the Authority under sub-clauses 15.1 to 15.3 and 15.5 will also be made available to;
  - (a) all holders of bulk entitlements listed under Schedule 1 if the reporting requirements impacts all entitlement holders; and
  - (b) to individual entitlement holders, if directly affected by the report.



- 15.5 The Resource Manager may require the Authority to report from time to time, on all or any of the matters set out in sub-clause 15.1.
- 15.6 Any report under sub-clause 15.5 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
  - (b) within such period of time as may be agreed between the Authority and the Storage Manager.

## 16. DATA

- 16.1 The Minister will endeavour 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 to any person data collected by or on behalf of the Authority for the purpose of clause 15, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department.

### SCHEDULE 1 – PRIMARY ENTITLEMENTS

Bulk entitlements held by authorities as Greater Yarra System – Thomson River Pool primary entitlements –

**Table 1** Entitlement Holders and Entitlements

Column A	Column B
Entitlement Holders	Primary Entitlements
City West Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – City West Water) Order 2014
South East Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – South East Water) Order 2014
Yarra Valley Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – Yarra Valley Water) Order 2014
Barwon Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – Barwon Water) Order 2014
South Gippsland Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – South Gippsland Water) Order 2014
Westernport Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – Westernport Water) Order 2014
Western Region Water Corporation	Bulk Entitlement (Greater Yarra System – Thomson River Pool – Western Water) Order 2014

**SCHEDULE 2 – WATER HARVESTING CAPACITY****Table 1** Reservoir and transfer capacities

<b>Reservoir</b>	<b>Reservoir capacity (ML)</b>	<b>Reservoir full supply level to Australian Height Datum (metres )</b>	<b>Transfer conduit</b>	<b>Transfer capacity (ML/day)</b>
Cardinia Reservoir	288,964	167.03	NA	
Greenvale Reservoir	27,501	167.15	NA	
Silvan Reservoir	40,581	246.50	NA	
Sugarloaf Reservoir	99,222	178.00	NA	
Yan Yean Reservoir	33,085	183.18	NA	
Maroondah Reservoir	28,199	139.44	Maroondah Aqueduct	250
O'Shannassy Reservoir	3,123	363.50	O'Shannassy Reservoir Outlet Main	550
Toorourrong Reservoir	300	227.20	Clear Water Channel	510
Upper Yarra Reservoir	204,985	366.63	Upper Yarra Aqueduct	820
			Yarra Valley Conduit	910

**Table 2** Weirs and transfer capacities

<b>Weir</b>	<b>Transfer conduit</b>	<b>Transfer capacity (ML/day)</b>
Armstrong Creek East weir	Armstrong Creek Diversion Main	300
Armstrong Creek West weir		
Coranderk weir	Coranderk Aqueduct	140
Cement Creek weir east	Cement Creek Diversion Main	70
Cement Creek weir west		
Donnelly's Creek weir	Diversion to Maroondah Aqueduct	5 <sup>1</sup>
Graceburn Creek weir	Graceburn Aqueduct	50
McMahons Creek weir	McMahons Creek Diversion Main	220
Mick's Creek weir		
Starvation Creek weir	Starvation Creek Diversion Main	120
Big Flume Creek weir		

**Note 1:** The transfer capacity can be increased to 8 ML/day if the supply from the Maroondah Aqueduct is interrupted by an emergency.

**Table 3** Pumps

<b>Water source</b>	<b>Pump</b>	<b>Pump capacity (ML/day)</b>
Yarra River	Yering Gorge Pump Station	1,185
Maroondah Aqueduct	Maroondah Aqueduct Pump	250

**Water Act 1989****BULK ENTITLEMENT (GREATER YARRA SYSTEM – THOMSON RIVER POOL  
– CITY WEST WATER) ORDER 2014**

I, the Honourable Peter Walsh, Minister for Water, as the Minister administering the **Water Act 1989**, make the following Order.

**PART 1 – INTRODUCTORY STATEMENTS****1. CITATION**

This Order may be cited as the Bulk Entitlement (Greater Yarra System – Thomson River Pool – City West Water) Order 2014.

**2. EMPOWERING PROVISIONS**

This Order is made under Division 1 of Part 4 of the **Water Act 1989**.

**3. COMMENCEMENT**

This Order comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**4. PURPOSE**

The purpose of this Order is to grant a bulk entitlement to City West Water to take and use water allocation from the Greater Yarra System – Thomson River Pool, and to be transported to the Authority's interface points by the Bulk Transfer System Operator.

**5. DEFINITIONS**

In this Order –

‘**Act**’ means the **Water Act 1989**;

‘**Authority**’ means City West Water;

‘**Barwon Water**’ means Barwon Water Corporation;

‘**Bulk Transfer System Operator**’ means the person who operates and maintains the Melbourne bulk transfer system;

‘**carryover**’ means the right of Primary Entitlement Holders to store unused water allocation over multiple water seasons, as set out in clause 9;

‘**City West Water**’ means City West Water Corporation;

‘**Department**’ means the Department of Environment and Primary Industries;

‘**entitlement volume**’ means the volume of water to which the Authority is entitled to take and use under the terms of this Order, as set out in clause 7;

‘**Gippsland Water's and Southern Rural Water's Tarago River bulk entitlements**’ means the Bulk Entitlement (Tarago River – Gippsland Water) Conversion Order 2009 and the Bulk Entitlement (Tarago River – Southern Rural Water) Conversion Order 2009;

‘**Greater Yarra System – Thomson River Pool**’ means water allocation that is able to be taken by the Authority under sub-clauses 6.1 and 8.1 of this bulk entitlement;

‘**interface points**’ means the point(s) of connection that enables the Primary Entitlement Holder to take water from the Melbourne bulk transfer system or Melbourne headworks system to their supply system;

‘**Melbourne bulk transfer system**’ means the system of transfer pipes and balancing storages that transports water from the Melbourne headworks system to the interface points for the Primary Entitlement Holders;

‘**Melbourne headworks system**’ means Thomson, Upper Yarra, Maroondah, O’Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project inclusive of the transfer pipeline;

- ‘Melbourne Water’** means Melbourne Water Corporation;
- ‘Minister’** means the Minister administering the Act and, when used in a provision in this Order, 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;
- ‘ML’** means megalitre(s);
- ‘primary entitlement’** means a bulk entitlement listed in column A of Schedule 2;
- ‘Primary Entitlement Holder’** means the holder of a primary entitlement listed in column B of Schedule 2;
- ‘Resource Manager’** means a person appointed under section 43A of the Act ;
- ‘seasonal determination’** means a seasonal determination made by the Resource Manager under Schedule 3 from the Bulk Entitlements listed in sub-clause 6.1;
- ‘South East Water’** means South East Water Corporation;
- ‘South Gippsland Water’** means South Gippsland Water Corporation;
- ‘Southern Rural Water’s Thomson River Bulk Entitlement’** means the Bulk Entitlement (Thomson/Macalister – Southern Rural Water) Conversion Order 2001;
- ‘Storage Manager’** means Melbourne Water acting in respect of the water supply functions provided for in section 171B of the Act;
- ‘System Management Rules’** means any rules from time to time adopted for the operation of the Melbourne headworks system in accordance with clause 10;
- ‘Victorian Environmental Water Holder’** means the body established under Part 3AA of the Act;
- ‘water allocation’** means the entitlement volume of water that is available to be taken by the Authority in any year under the terms of this Order, as set out in clause 8;
- ‘water season’** has the same meaning as the Act;
- ‘Western Water’** means Western Water Corporation;
- ‘Westernport Water’** means Westernport Water Corporation;
- ‘Yarra Valley Water’** means Yarra Valley Water Corporation;
- ‘year’** means the 12 month period commencing 1 July.

## PART 2 – ENTITLEMENT

### 6. GRANTING OF A BULK ENTITLEMENT

- 6.1 Subject to the conditions set out in this Order, the Authority is entitled to take and use water allocated from –
- (a) Bulk Entitlement (Yarra River – Melbourne Water) Order 2014;
  - (b) Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water) Order 2014;
  - (c) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water) Order 2014; and
  - (d) Bulk Entitlement (Thomson River – Melbourne Water) Order 2014.
- 6.2 The bulk entitlements in sub-clause 6.1 are collectively known as the Greater Yarra System – Thomson River Pool.

### 7. ENTITLEMENT VOLUME

- 7.1 The Authority is entitled to 155,227 ML, as contained in Schedule 2.

### 8. WATER ALLOCATION

- 8.1 The water allocation available to the Authority under this bulk entitlement in any year equals the volume determined in accordance with the following formula –

$$A = SD \times E$$

where A = water allocation available to the Authority

SD = seasonal determination expressed as a percentage

E = entitlement volume provided under clause 7.

- 8.2 The Resource Manager must at least monthly, make a seasonal determination for this Bulk Entitlement, in accordance with Schedule 3.
- 8.3 The seasonal determination will take effect when written notice of the decision of the Resource Manager is provided to the Authority, on the day it is made.
- 8.4 The Resource Manager must make available to the Authority, the method and calculations and any other information used to determine the seasonal determination.

## 9. CARRYOVER

- 9.1 The Authority is entitled to carryover unused water allocation from one water season to the following water season(s) for use, subject to –
- (a) usable airspace being available in the Melbourne headworks system;
  - (b) carryover water allocations not impacting the Resource Manager making additional seasonal determinations in the current water season;
  - (c) spills, or pre-releases consistent with System Management Rules to mitigate flooding risk, of water from any reservoirs in the Melbourne headworks, being proportional to the Primary Entitlement Holders share of total carryover;
  - (d) any evaporation and seepage losses on 1 July of each year agreed between the Primary Entitlement Holders, the Storage Manager and the Resource Manager from time to time; and
  - (e) any other agreed carryover rules between the Primary Entitlement Holders, the Resource Manager and the Storage Manager from time to time.

## PART 3 – GENERAL CONDITIONS AND PROVISIONS

### 10. SYSTEM MANAGEMENT RULES

- 10.1 The Authority, jointly with the Storage Manager, the other Primary Entitlement Holders, the Resource Manager and the Victorian Environmental Water Holder, must participate to update rules for managing the supply of water available under this entitlement to the Primary Entitlement Holders through the Melbourne headworks system.
- 10.2 If the Authority does not agree with the System Management Rules established by the Storage Manager, it may give written notice to the Storage Manager and/or other parties requiring the matter to be determined in accordance with clause 14.
- 10.3 The Authority, other Primary Entitlement Holders, Storage Manager, Resource Manager, or the Victorian Environmental Water Holder, may request the Storage Manager to vary the System Management Rules established from time to time.

### 11. OPERATING ARRANGEMENTS

- 11.1 The Authority must endeavour to agree with the Storage Manager and the Bulk Transfer System Operator to update operational arrangements to enable the Authority to take water under this entitlement.
- 11.2 The Operating Arrangements established under sub-clause 11.1 must address matters including, but not limited to –
- (a) consistency with the System Management Rules;
  - (b) notification of the proposed water demand forecast for the forthcoming year;
  - (c) arrangements to enable the Authority to take water at the Authority's interface points, including delivery and withdrawal arrangements;

- (d) be prepared in consultation with the other Primary Entitlement Holders, the Victorian Environmental Water Holder and any other interested parties likely to be affected by it;
  - (e) be prepared annually and include forecast operating scenarios based on a range of climatic conditions;
  - (f) be inclusive of multi-year outlook, if requested by the Minister or any of the Primary Entitlement Holders;
  - (g) be inclusive of any proposed allocation or entitlement transfers by Primary Entitlement Holders;
  - (h) arrangements for coordination and liaison between representatives of the Authority and the Bulk Transfer System Operator with regard to operational matters;
  - (i) be inclusive of emergency management arrangements;
  - (j) be approved by the Primary Entitlement Holders with respect to any strategic decisions pertaining to the management of the primary entitlements; and
  - (k) arrangements for coordination and liaison between representatives of the Authority and the Bulk Transfer System Operator with regard to operational matters.
- 11.3 If the Authority, the Storage Manager and the Bulk Transfer System Operator have not reached agreement under sub-clause 11.1 within 12 months of the date of this Order, any party may give written notice to the other parties requiring the matter to be determined in accordance with clause 14.
- 12. TAKING WATER**
- 12.1 For the purposes of clause 7 and the calculation of the volume of water taken by the Authority, the total volume of water taken shall be measured at the Authority's interface points.
- 13. METERING PROGRAM**
- 13.1 The Authority must undertake, or enter into an agreement to undertake, in accordance with any guidelines issued from time to time by the Minister –
- (a) review and update from time to time any metering program approved by the Minister;
  - (b) implement and maintain any metering program approved by the Minister;
  - (c) maintain metering equipment and associated measurement structures in good condition;
  - (d) ensure that metering equipment is periodically re-calibrated;
  - (e) if rating curves are used to calculate flows, ensure that the curves are regularly checked and if necessary, revise; and
  - (f) keep a record of all work undertaken under sub-clauses 13.1(c), (d) and (e).
- 13.2 The Minister may at any time require the Authority to –
- (a) review the program if in the Minister's opinion, it is no longer appropriate; and
  - (b) propose an amended program to the Minister.
- 13.3 Any application by the Authority to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.
- 14. DISPUTE RESOLUTION**
- 14.1 If a difference or dispute arises between the Authority, the Minister, the other Primary Entitlement Holders, the Storage Manager, the Resource Manager, and other bulk or environmental entitlement holders, or any of them, (the 'parties') concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 14.2 The notice requiring that the matter be determined by an independent arbitrator may only be given 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.

- 14.3 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators, Australia.
- 14.4 The independent arbitrator 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.
- 14.5 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 14.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent arbitrator is final and binding on the parties.
- 14.7 The Authority may request the Minister to determine the apportionment of the costs incidental to every reference, including the costs of the independent arbitrator.

#### **PART 4 – DEMONSTRATING COMPLIANCE**

#### **15. METERING PROGRAM COMPLIANCE**

- 15.1 The Authority must ensure it can demonstrate compliance with the provisions of this Order.
- 15.2 The Authority must demonstrate compliance with the metering program approved by the Minister under clause 13.

#### **16. REPORTING REQUIREMENTS**

- 16.1 The Minister may require the Authority to report on any or all of the following –
- (a) the annual amount of water taken under this bulk entitlement;
  - (b) the water allocation made available under this bulk entitlement and volume of carryover;
  - (c) compliance with the entitlement volume;
  - (a) any temporary assignment or permanent transfer of all or part of this bulk entitlement;
  - (b) the approval, amendment and implementation of the metering program approved under clause 13;
  - (c) any amendment to this bulk entitlement;
  - (d) any new bulk entitlement of water granted to the Authority;
  - (e) any failure by the Authority to comply with any provision of this bulk entitlement and any remedial action taken or proposed; and
  - (f) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 16.2 Any report under sub-clause 16.1 must be made –
- (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, or such longer period of time as the Minister may determine.
- 16.3 The Authority must in its Annual Report, report on each of the matters set out in sub-clause 16.1
- 16.4 Any report prepared by the Authority under sub-clauses 15.1 to 15.3 and 15.5 will also be made available to;
- (a) all holders of bulk entitlements listed under Schedule 1 if the reporting requirements impacts all entitlement holders; and
  - (b) to individual entitlement holders, if directly affected by the report.

- 16.5 If requested by the Resource Manager, from time to time, the Authority must report on any or all of the matters set out in sub-clause 16.1.
- 16.6 Any report under sub-clause 16.5 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
  - (b) within such period of time as may be agreed between the Authority and the Resource Manager.
- 17. DATA**
- 17.1 The Minister will endeavour to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement is made available to the Authority.
- 17.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purposes of clause 16, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department.

**SCHEDULE 1 – ENTITLEMENTS HELD BY MELBOURNE WATER CORPORATION**

<b>Bulk Entitlements</b>	<b>Available Long-term Resources per year</b>
<b>Bulk Entitlements in the Yarra River Basin</b>	<b>Up to 400,000 ML</b>
Bulk Entitlement (Yarra River – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Goulburn River Basin</b>	<b>Up to 66,000 ML every 3 years</b>
Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Tarago and Bunyip River Basins</b>	<b>Up to 30,510 ML</b>
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Thomson River Basin</b>	<b>Up to 171,800 ML</b>
Bulk Entitlement (Thomson River – Melbourne Water) Order 2014	
<b>TOTAL</b>	<b>Up to 624,310 ML</b>



**SCHEDULE 2 – PRIMARY ENTITLEMENTS**

Column A lists the primary entitlements, which are bulk entitlements for water sourced from Greater Yarra System – Thomson River Pool. Column B lists the authorities that hold these primary entitlements. Column C lists entitlement volume.

<b>A</b>	<b>B</b>	<b>C</b>
<b>Primary Entitlement</b>	<b>Primary Entitlement Holder</b>	<b>Volume ML</b>
Bulk Entitlement (Greater Yarra System – Thomson River Pool – City West Water) Order 2014	City West Water Corporation	155,227ML
Bulk Entitlement Greater Yarra System – Thomson River Pool – South East Water) Order 2014	South East Water Corporation	209,562 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Yarra Valley Water) Order 2014	Yarra Valley Water Corporation	223,271 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Barwon Water) Order 2014	Barwon Water Corporation	16,000 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – South Gippsland Water) Order 2014	South Gippsland Water Corporation	1,000 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Western Water) Order 2014	Western Water Corporation	18,250 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Westernport Water) Order 2014	Westernport Water Corporation	1,000 ML
<b>TOTAL</b>		<b>624,310 ML</b>

**SCHEDULE 3 – MAKING SEASONAL DETERMINATIONS FOR THE  
GREATER YARRA SYSTEM – THOMSON RIVER POOL**

**1. PURPOSE**

The purpose of this Schedule is to provide rules for determining the water allocation referenced in Clause 8.

**2. MAKING SEASONAL DETERMINATION**

2.1 On 1 July, and in each subsequent month until the end of the year, the Resource Manager must make seasonal determinations for the bulk entitlements listed in Schedule 2.

2.2 The seasonal determination at any time equals the percentage of water available to the bulk entitlements from the resources that can be diverted and are available for seasonal determination from the Melbourne headworks system in the current year, as shown by –

$$SD(\%) = \frac{R}{V} \times 100$$

where

SD = seasonal determination

R = the resources available for seasonal determination from the Melbourne headworks system in the current year as calculated in sub-clause 2.3 of Schedule 3

V = the sum of bulk entitlement volumes granted under the primary entitlements listed in Schedule 2

2.3 The resources available for seasonal determination from the Melbourne headworks system in the current year equals –

- A. Volume of water stored in Upper Yarra, Thomson (excluding Southern Rural Water's share of Thomson), Maroondah, O'Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs at the start of the month; minus
- B. Volume of dead storage; plus
- C. Forecast of harvestable water from the Melbourne headworks system for the remainder of the year, based on 2006/07 inflows or the worst recorded 12 months of inflows whichever is lower; plus
- D. The measured total amount of water delivered to Primary Entitlement Holders from 1 July last to the start of the month; minus
- E. The volume of water allocation carried over from previous water year(s) by the Primary Entitlement Holders, subject to clause 9 carryover rules for the Greater Yarra System – Thomson River Pool; minus
- F. The volume of transfers from the North-South Pipeline, Desalination Plant or other water systems; minus
- G. Passing flows and environmental water commitments contained in bulk and environmental entitlements; minus
- H. Volume of water set aside in Tarago Reservoir to supply Gippsland Water's and Southern Rural Water's Tarago River bulk entitlements; minus
- I. Any estimated headworks or transfer system losses for the remainder of the year.

Notes:

- 1. Each seasonal determination must be made publicly available and published on the Resource Manager's website on the day it is made.
- 2. For the purposes of complying with sub-clause 2.3 B of Schedule 3, the minimum operating levels and dead storage can be included in the System Management Rules.

3. For the avoidance of doubt, the data used in the calculations must be the most current data available and the best estimates of any values.
- 2.4 The Resource Manager must –
- (a) reach agreement with all Primary Entitlement Holders on the method used to calculate the resources available for seasonal determination under sub-clause 2.3 of Schedule 3; and
  - (b) make available to all Primary Entitlement Holders the information used to apply the method.
-

**Water Act 1989****BULK ENTITLEMENT (GREATER YARRA SYSTEM – THOMSON RIVER POOL  
– SOUTH EAST WATER) ORDER 2014**

I, the Honourable Peter Walsh, Minister for Water, as the Minister administering the **Water Act 1989**, make the following Order.

**PART 1 – INTRODUCTORY STATEMENTS****1. CITATION**

This Order may be cited as the Bulk Entitlement (Greater Yarra System – Thomson River Pool – South East Water) Order 2014.

**2. Empowering Provisions**

This Order is made under Division 1 of Part 4 of the **Water Act 1989**.

**3. Commencement**

This Order comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**4. Purpose**

The purpose of this Order is to grant a bulk entitlement to South East Water to take and use water allocation from the Greater Yarra System – Thomson River Pool, and to be transported to the Authority's interface points by the Bulk Transfer System Operator.

**5. Definitions**

In this Order –

**'Act'** means the **Water Act 1989**;

**'Authority'** means South East Water;

**'Barwon Water'** means Barwon Water Corporation;

**'Bulk Transfer System Operator'** means the person who operates and maintains the Melbourne bulk transfer system;

**'carryover'** means the right of Primary Entitlement Holders to store unused water allocation over multiple water seasons, as set out in clause 9;

**'City West Water'** means City West Water Corporation;

**'Department'** means the Department of Environment and Primary Industries;

**'entitlement volume'** means the volume of water to which the Authority is entitled to take and use under the terms of this Order, as set out in clause 7;

**'Gippsland Water's and Southern Rural Water's Tarago River bulk entitlements'** means the Bulk Entitlement (Tarago River – Gippsland Water) Conversion Order 2009 and the Bulk Entitlement (Tarago River – Southern Rural Water) Conversion Order 2009;

**'Greater Yarra System – Thomson River Pool'** means water allocation that is able to be taken by the Authority under sub-clauses 6.1 and 8.1 of this bulk entitlement;

**'interface points'** means the point(s) of connection that enables the Primary Entitlement Holder to take water from the Melbourne bulk transfer system or Melbourne headworks system to their supply system;

**'Melbourne bulk transfer system'** means the system of transfer pipes and balancing storages that transports water from the Melbourne headworks system to the interface points for the Primary Entitlement Holders;

**'Melbourne headworks system'** means Thomson, Upper Yarra, Maroondah, O'Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project inclusive of the transfer pipeline;

- ‘**Melbourne Water**’ means Melbourne Water Corporation;
- ‘**Minister**’ means the Minister administering the Act and, when used in a provision in this Order, 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;
- ‘**ML**’ means megalitre(s);
- ‘**primary entitlement**’ means a bulk entitlement listed in column A of Schedule 2;
- ‘**Primary Entitlement Holder**’ means the holder of a primary entitlement listed in column B of Schedule 2;
- ‘**Resource Manager**’ means a person appointed under section 43A of the Act ;
- ‘**seasonal determination**’ means a seasonal determination made by the Resource Manager under Schedule 3 from the Bulk Entitlements listed in sub-clause 6.1;
- ‘**South East Water**’ means South East Water Corporation;
- ‘**South Gippsland Water**’ means South Gippsland Water Corporation;
- ‘**Southern Rural Water’s Thomson River Bulk Entitlement**’ means the Bulk Entitlement (Thomson/Macalister – Southern Rural Water) Conversion Order 2001;
- ‘**Storage Manager**’ means Melbourne Water acting in respect of the water supply functions provided for in section 171B of the Act;
- ‘**System Management Rules**’ means any rules from time to time adopted for the operation of the Melbourne headworks system in accordance with clause 10;
- ‘**Victorian Environmental Water Holder**’ means the body established under Part 3AA of the Act;
- ‘**water allocation**’ means the entitlement volume of water that is available to be taken by the Authority in any year under the terms of this Order, as set out in clause 8;
- ‘**water season**’ has the same meaning as the Act;
- ‘**Western Water**’ means Western Water Corporation;
- ‘**Westernport Water**’ means Westernport Water Corporation;
- ‘**Yarra Valley Water**’ means Yarra Valley Water Corporation;
- ‘**year**’ means the 12 month period commencing 1 July.

## PART 2 – ENTITLEMENT

### 6. GRANTING OF A BULK ENTITLEMENT

- 6.1 Subject to the conditions set out in this Order, the Authority is entitled to take and use water allocated from –
- (a) Bulk Entitlement (Yarra River – Melbourne Water) Order 2014;
  - (b) Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water) Order 2014;
  - (c) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water) Order 2014; and
  - (d) Bulk Entitlement (Thomson River – Melbourne Water) Order 2014.
- 6.2 The bulk entitlements in sub-clause 6.1 are collectively known as the Greater Yarra System – Thomson River Pool.

### 7. ENTITLEMENT VOLUME

- 7.1 The Authority is entitled to 209,562 ML, as contained in Schedule 2 .

### 8. WATER ALLOCATION

- 8.1 The water allocation available to the Authority under this bulk entitlement in any year equals the volume determined in accordance with the following formula –

$$A = SD \times E$$

where A = water allocation available to the Authority

SD = seasonal determination expressed as a percentage

E = entitlement volume provided under clause 7.

- 8.2 The Resource Manager must at least monthly, make a seasonal determination for this Bulk Entitlement, in accordance with Schedule 3.
- 8.3 The seasonal determination will take effect when written notice of the decision of the Resource Manager is provided to the Authority, on the day it is made.
- 8.4 The Resource Manager must make available to the Authority, the method and calculations and any other information used to determine the seasonal determination.

## 9. CARRYOVER

- 9.1 The Authority is entitled to carryover unused water allocation from one water season to the following water season(s) for use, subject to –
- (a) usable airspace being available in the Melbourne headworks system;
  - (a) carryover water allocations not impacting the Resource Manager making additional seasonal determinations in the current water season;
  - (b) spills, or pre-releases consistent with System Management Rules to mitigate flooding risk, of water from any reservoirs in the Melbourne headworks, being proportional to the Primary Entitlement Holders share of total carryover;
  - (c) any evaporation and seepage losses on 1 July of each year agreed between the Primary Entitlement Holders, the Storage Manager and the Resource Manager from time to time; and
  - (d) any other agreed carryover rules between the Primary Entitlement Holders, the Resource Manager and the Storage Manager from time to time.

## PART 3 – GENERAL CONDITIONS AND PROVISIONS

### 10. SYSTEM MANAGEMENT RULES

- 10.1 The Authority, jointly with the Storage Manager, the other Primary Entitlement Holders, the Resource Manager and the Victorian Environmental Water Holder, must participate to update rules for managing the supply of water available under this entitlement to the Primary Entitlement Holders through the Melbourne headworks system.
- 10.2 If the Authority does not agree with the System Management Rules established by the Storage Manager, it may give written notice to the Storage Manager and/or other parties requiring the matter to be determined in accordance with clause 14.
- 10.3 The Authority, other Primary Entitlement Holders, Storage Manager, Resource Manager, or the Victorian Environmental Water Holder, may request the Storage Manager to vary the System Management Rules established from time to time.

### 11. OPERATING ARRANGEMENTS

- 11.1 The Authority must endeavour to agree with the Storage Manager and the Bulk Transfer System Operator to update operational arrangements to enable the Authority to take water under this entitlement.
- 11.2 The Operating Arrangements established under sub-clause 11.1 must address matters including, but not limited to –
- (a) consistency with the System Management Rules;
  - (b) notification of the proposed water demand forecast for the forthcoming year;
  - (c) arrangements to enable the Authority to take water at the Authority's interface points, including delivery and withdrawal arrangements;

- (d) be prepared in consultation with the other Primary Entitlement Holders, the Victorian Environmental Water Holder and any other interested parties likely to be affected by it;
  - (e) be prepared annually and include forecast operating scenarios based on a range of climatic conditions;
  - (f) be inclusive of multi-year outlook, if requested by the Minister or any of the Primary Entitlement Holders;
  - (g) be inclusive of any proposed allocation or entitlement transfers by Primary Entitlement Holders;
  - (h) arrangements for coordination and liaison between representatives of the Authority and the Bulk Transfer System Operator with regard to operational matters;
  - (i) be inclusive of emergency management arrangements;
  - (j) be approved by the Primary Entitlement Holders with respect to any strategic decisions pertaining to the management of the primary entitlements; and
  - (k) arrangements for coordination and liaison between representatives of the Authority and the Bulk Transfer System Operator with regard to operational matters.
- 11.3 If the Authority, the Storage Manager and the Bulk Transfer System Operator have not reached agreement under sub-clause 11.1 within 12 months of the date of this Order, any party may give written notice to the other parties requiring the matter to be determined in accordance with clause 14.

## **12. TAKING WATER**

- 12.1 For the purposes of clause 7 and the calculation of the volume of water taken by the Authority, the total volume of water taken shall be measured at the Authority's interface points.

## **13. METERING PROGRAM**

- 13.1 The Authority must undertake, or enter into an agreement to undertake, in accordance with any guidelines issued from time to time by the Minister –
- (a) review and update from time to time any metering program approved by the Minister;
  - (b) implement and maintain any metering program approved by the Minister;
  - (c) maintain metering equipment and associated measurement structures in good condition;
  - (d) ensure that metering equipment is periodically re-calibrated;
  - (e) if rating curves are used to calculate flows, ensure that the curves are regularly checked and if necessary, revise; and
  - (f) keep a record of all work undertaken under sub-clauses 13.1(c), (d) and (e).
- 13.2 The Minister may at any time require the Authority to –
- (a) review the program if in the Minister's opinion, it is no longer appropriate; and
  - (b) propose an amended program to the Minister.
- 13.3 Any application by the Authority to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.

## **14. DISPUTE RESOLUTION**

- 14.1 If a difference or dispute arises between the Authority, the Minister, the other Primary Entitlement Holders, the Storage Manager, the Resource Manager, and other bulk or environmental entitlement holders, or any of them, (the 'parties') concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 14.2 The notice requiring that the matter be determined by an independent arbitrator may only be given 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.

- 14.3 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators, Australia.
- 14.4 The independent arbitrator 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.
- 14.5 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 14.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent arbitrator is final and binding on the parties.
- 14.7 The Authority may request the Minister to determine the apportionment of the costs incidental to every reference, including the costs of the independent arbitrator.

#### **PART 4 – DEMONSTRATING COMPLIANCE**

#### **15. METERING PROGRAM COMPLIANCE**

- 15.1 The Authority must ensure it can demonstrate compliance with the provisions of this Order.
- 15.2 The Authority must demonstrate compliance with the metering program approved by the Minister under clause 13.

#### **16. REPORTING REQUIREMENTS**

- 16.1 The Minister may require the Authority to report on any or all of the following –
- (a) the annual amount of water taken under this bulk entitlement;
  - (b) the water allocation made available under this bulk entitlement and volume of carryover;
  - (c) compliance with the entitlement volume;
  - (d) any temporary assignment or permanent transfer of all or part of this bulk entitlement;
  - (e) the approval, amendment and implementation of the metering program approved under clause 13;
  - (f) any amendment to this bulk entitlement;
  - (g) any new bulk entitlement of water granted to the Authority;
  - (h) any failure by the Authority to comply with any provision of this bulk entitlement and any remedial action taken or proposed; and
  - (i) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 16.2 Any report under sub-clause 16.1 must be made –
- (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, or such longer period of time as the Minister may determine.
- 16.3 The Authority must in its Annual Report, report on each of the matters set out in sub-clause 16.1
- 16.4 Any report prepared by the Authority under sub-clauses 15.1 to 15.3 and 15.5 will also be made available to;
- (a) all holders of bulk entitlements listed under Schedule 1 if the reporting requirements impacts all entitlement holders; and
  - (b) to individual entitlement holders, if directly affected by the report.



- 16.5 If requested by the Resource Manager, from time to time, the Authority must report on any or all of the matters set out in sub-clause 16.1.
- 16.6 Any report under sub-clause 16.5 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
  - (b) within such period of time as may be agreed between the Authority and the Resource Manager.
- 17. DATA**
- 17.1 The Minister will endeavour to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement is made available to the Authority.
- 17.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purposes of clause 16, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department.

**SCHEDULE 1 – ENTITLEMENTS HELD BY MELBOURNE WATER CORPORATION**

<b>Bulk Entitlements</b>	<b>Available Long-term Resources per year</b>
<b>Bulk Entitlements in the Yarra River Basin</b>	<b>Up to 400,000 ML</b>
Bulk Entitlement (Yarra River – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Goulburn River Basin</b>	<b>Up to 66,000 ML every 3 years</b>
Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Tarago and Bunyip River Basins</b>	<b>Up to 30,510 ML</b>
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Thomson River Basin</b>	<b>Up to 171,800 ML</b>
Bulk Entitlement (Thomson River – Melbourne Water) Order 2014	
<b>TOTAL</b>	<b>Up to 624,310 ML</b>

**SCHEDULE 2 – PRIMARY ENTITLEMENTS**

Column A lists the primary entitlements, which are bulk entitlements for water sourced from Greater Yarra System – Thomson River Pool. Column B lists the authorities that hold these primary entitlements. Column C lists entitlement volume.

<b>A</b>	<b>B</b>	<b>C</b>
<b>Primary Entitlement</b>	<b>Primary Entitlement Holder</b>	<b>Volume ML</b>
Bulk Entitlement (Greater Yarra System – Thomson River Pool – City West Water) Order 2014	City West Water Corporation	155,227ML
Bulk Entitlement Greater Yarra System – Thomson River Pool – South East Water) Order 2014	South East Water Corporation	209,562 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Yarra Valley Water) Order 2014	Yarra Valley Water Corporation	223,271 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Barwon Water) Order 2014	Barwon Water Corporation	16,000 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – South Gippsland Water) Order 2014	South Gippsland Water Corporation	1,000 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Western Water) Order 2014	Western Water Corporation	18,250 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Westernport Water) Order 2014	Westernport Water Corporation	1,000 ML
<b>TOTAL</b>		<b>624,310 ML</b>

**SCHEDULE 3 – MAKING SEASONAL DETERMINATIONS FOR THE  
GREATER YARRA SYSTEM – THOMSON RIVER POOL**

**1. PURPOSE**

The purpose of this Schedule is to provide rules for determining the water allocation referenced in Clause 8.

**2. MAKING SEASONAL DETERMINATION**

2.1 On 1 July, and in each subsequent month until the end of the year, the Resource Manager must make seasonal determinations for the bulk entitlements listed in Schedule 2.

2.2 The seasonal determination at any time equals the percentage of water available to the bulk entitlements from the resources that can be diverted and are available for seasonal determination from the Melbourne headworks system in the current year, as shown by –

$$SD(\%) = \frac{R}{V} \times 100$$

where

SD = seasonal determination

R = the resources available for seasonal determination from the Melbourne headworks system in the current year as calculated in sub-clause 2.3 of Schedule 3

V = the sum of bulk entitlement volumes granted under the primary entitlements listed in Schedule 2

2.3 The resources available for seasonal determination from the Melbourne headworks system in the current year equals –

- A. Volume of water stored in Upper Yarra, Thomson (excluding Southern Rural Water's share of Thomson), Maroondah, O'Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs at the start of the month; minus
- B. Volume of dead storage; plus
- C. Forecast of harvestable water from the Melbourne headworks system for the remainder of the year, based on 2006/07 inflows or the worst recorded 12 months of inflows whichever is lower; plus
- D. The measured total amount of water delivered to Primary Entitlement Holders from 1 July last to the start of the month; minus
- E. The volume of water allocation carried over from previous water year(s) by the Primary Entitlement Holders, subject to clause 9 carryover rules for the Greater Yarra System – Thomson River Pool; minus
- F. The volume of transfers from the North-South Pipeline, Desalination Plant or other water systems; minus
- G. Passing flows and environmental water commitments contained in bulk and environmental entitlements; minus
- H. Volume of water set aside in Tarago Reservoir to supply Gippsland Water's and Southern Rural Water's Tarago River bulk entitlements; minus
- I. Any estimated headworks or transfer system losses for the remainder of the year.

Notes:

1. Each seasonal determination must be made publicly available and published on the Resource Manager's website on the day it is made.
2. For the purposes of complying with sub-clause 2.3 B of Schedule 3, the minimum operating levels and dead storage can be included in the System Management Rules.

3. For the avoidance of doubt, the data used in the calculations must be the most current data available and the best estimates of any values.
- 2.4 The Resource Manager must –
- (a) reach agreement with all Primary Entitlement Holders on the method used to calculate the resources available for seasonal determination under sub-clause 2.3 of Schedule 3; and
  - (b) make available to all Primary Entitlement Holders the information used to apply the method.
-

**Water Act 1989****BULK ENTITLEMENT (GREATER YARRA SYSTEM – THOMSON RIVER POOL  
– YARRA VALLEY WATER) ORDER 2014**

I, the Honourable Peter Walsh, Minister for Water, as the Minister administering the **Water Act 1989**, make the following Order.

**PART 1 – INTRODUCTORY STATEMENTS****1. CITATION**

This Order may be cited as the Bulk Entitlement (Greater Yarra System – Thomson River Pool – Yarra Valley Water) Order 2014.

**2. EMPOWERING PROVISIONS**

This Order is made under Division 1 of Part 4 of the **Water Act 1989**.

**3. COMMENCEMENT**

This Order comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**4. PURPOSE**

The purpose of this Order is to grant a bulk entitlement to Yarra Valley Water to take and use water allocation from the Greater Yarra System – Thomson River Pool, and to be transported to the Authority's interface points by the Bulk Transfer System Operator.

**5. DEFINITIONS**

In this Order –

‘**Act**’ means the **Water Act 1989**;

‘**Authority**’ means Yarra Valley Water;

‘**Barwon Water**’ means Barwon Water Corporation;

‘**Bulk Transfer System Operator**’ means the person who operates and maintains the Melbourne bulk transfer system;

‘**carryover**’ means the right of Primary Entitlement Holders to store unused water allocation over multiple water seasons, as set out in clause 9;

‘**City West Water**’ means City West Water Corporation;

‘**Department**’ means the Department of Environment and Primary Industries;

‘**entitlement volume**’ means the volume of water to which the Authority is entitled to take and use under the terms of this Order, as set out in clause 7;

‘**Gippsland Water's and Southern Rural Water's Tarago River bulk entitlements**’ means the Bulk Entitlement (Tarago River – Gippsland Water) Conversion Order 2009 and the Bulk Entitlement (Tarago River – Southern Rural Water) Conversion Order 2009;

‘**Greater Yarra System – Thomson River Pool**’ means water allocation that is able to be taken by the Authority under sub-clauses 6.1 and 8.1 of this bulk entitlement;

‘**interface points**’ means the point(s) of connection that enables the Primary Entitlement Holder to take water from the Melbourne bulk transfer system or Melbourne headworks system to their supply system;

‘**Melbourne bulk transfer system**’ means the system of transfer pipes and balancing storages that transports water from the Melbourne headworks system to the interface points for the Primary Entitlement Holders;

‘**Melbourne headworks system**’ means Thomson, Upper Yarra, Maroondah, O’Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project inclusive of the transfer pipeline;

- ‘Melbourne Water’** means Melbourne Water Corporation;
- ‘Minister’** means the Minister administering the Act and, when used in a provision in this Order, 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;
- ‘ML’** means megalitre(s);
- ‘primary entitlement’** means a bulk entitlement listed in column A of Schedule 2;
- ‘Primary Entitlement Holder’** means the holder of a primary entitlement listed in column B of Schedule 2;
- ‘Resource Manager’** means a person appointed under section 43A of the Act ;
- ‘seasonal determination’** means a seasonal determination made by the Resource Manager under Schedule 3 from the Bulk Entitlements listed in sub-clause 6.1;
- ‘South East Water’** means South East Water Corporation;
- ‘South Gippsland Water’** means South Gippsland Water Corporation;
- ‘Southern Rural Water’s Thomson River Bulk Entitlement’** means the Bulk Entitlement (Thomson/Macalister – Southern Rural Water) Conversion Order 2001;
- ‘Storage Manager’** means Melbourne Water acting in respect of the water supply functions provided for in section 171B of the Act;
- ‘System Management Rules’** means any rules from time to time adopted for the operation of the Melbourne headworks system in accordance with clause 10;
- ‘Victorian Environmental Water Holder’** means the body established under Part 3AA of the Act;
- ‘water allocation’** means the entitlement volume of water that is available to be taken by the Authority in any year under the terms of this Order, as set out in clause 8;
- ‘water season’** has the same meaning as the Act;
- ‘Western Water’** means Western Water Corporation;
- ‘Westernport Water’** means Westernport Water Corporation;
- ‘Yarra Valley Water’** means Yarra Valley Water Corporation;
- ‘year’** means the 12 month period commencing 1 July.

## PART 2 – ENTITLEMENT

### 6. GRANTING OF A BULK ENTITLEMENT

- 6.1 Subject to the conditions set out in this Order, the Authority is entitled to take and use water allocated from –
- (a) Bulk Entitlement (Yarra River – Melbourne Water) Order 2014;
  - (b) Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water) Order 2014;
  - (c) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water) Order 2014; and
  - (d) Bulk Entitlement (Thomson River – Melbourne Water) Order 2014.
- 6.2 The bulk entitlements in sub-clause 6.1 are collectively known as the Greater Yarra System – Thomson River Pool.

### 7. ENTITLEMENT VOLUME

- 7.1 The Authority is entitled to 223,271 ML, as contained in Schedule 2 .

### 8. WATER ALLOCATION

- 8.1 The water allocation available to the Authority under this bulk entitlement in any year equals the volume determined in accordance with the following formula –

$$A = SD \times E$$

where A = water allocation available to the Authority

SD = seasonal determination expressed as a percentage

E = entitlement volume provided under clause 7.

- 8.2 The Resource Manager must at least monthly, make a seasonal determination for this Bulk Entitlement, in accordance with Schedule 3.
- 8.3 The seasonal determination will take effect when written notice of the decision of the Resource Manager is provided to the Authority, on the day it is made.
- 8.4 The Resource Manager must make available to the Authority, the method and calculations and any other information used to determine the seasonal determination.

## 9. CARRYOVER

- 9.1 The Authority is entitled to carryover unused water allocation from one water season to the following water season(s) for use, subject to –
- (a) usable airspace being available in the Melbourne headworks system;
  - (b) carryover water allocations not impacting the Resource Manager making additional seasonal determinations in the current water season;
  - (c) spills, or pre-releases consistent with System Management Rules to mitigate flooding risk, of water from any reservoirs in the Melbourne headworks, being proportional to the Primary Entitlement Holders share of total carryover;
  - (d) any evaporation and seepage losses on 1 July of each year agreed between the Primary Entitlement Holders, the Storage Manager and the Resource Manager from time to time; and
  - (e) any other agreed carryover rules between the Primary Entitlement Holders, the Resource Manager and the Storage Manager from time to time.

## PART 3 – GENERAL CONDITIONS AND PROVISIONS

### 10. SYSTEM MANAGEMENT RULES

- 10.1 The Authority, jointly with the Storage Manager, the other Primary Entitlement Holders, the Resource Manager and the Victorian Environmental Water Holder, must participate to update rules for managing the supply of water available under this entitlement to the Primary Entitlement Holders through the Melbourne headworks system.
- 10.2 If the Authority does not agree with the System Management Rules established by the Storage Manager, it may give written notice to the Storage Manager and/or other parties requiring the matter to be determined in accordance with clause 14.
- 10.3 The Authority, other Primary Entitlement Holders, Storage Manager, Resource Manager, or the Victorian Environmental Water Holder, may request the Storage Manager to vary the System Management Rules established from time to time.

### 11. OPERATING ARRANGEMENTS

- 11.1 The Authority must endeavour to agree with the Storage Manager and the Bulk Transfer System Operator to update operational arrangements to enable the Authority to take water under this entitlement.
- 11.2 The Operating Arrangements established under sub-clause 11.1 must address matters including, but not limited to –
- (a) consistency with the System Management Rules;
  - (b) notification of the proposed water demand forecast for the forthcoming year;
  - (c) arrangements to enable the Authority to take water at the Authority's interface points, including delivery and withdrawal arrangements;

- (d) be prepared in consultation with the other Primary Entitlement Holders, the Victorian Environmental Water Holder and any other interested parties likely to be affected by it;
  - (e) be prepared annually and include forecast operating scenarios based on a range of climatic conditions;
  - (f) be inclusive of multi-year outlook, if requested by the Minister or any of the Primary Entitlement Holders;
  - (g) be inclusive of any proposed allocation or entitlement transfers by Primary Entitlement Holders;
  - (h) arrangements for coordination and liaison between representatives of the Authority and the Bulk Transfer System Operator with regard to operational matters;
  - (i) be inclusive of emergency management arrangements;
  - (j) be approved by the Primary Entitlement Holders with respect to any strategic decisions pertaining to the management of the primary entitlements; and
  - (k) arrangements for coordination and liaison between representatives of the Authority and the Bulk Transfer System Operator with regard to operational matters.
- 11.3 If the Authority, the Storage Manager and the Bulk Transfer System Operator have not reached agreement under sub-clause 11.1 within 12 months of the date of this Order, any party may give written notice to the other parties requiring the matter to be determined in accordance with clause 14.
- 12. TAKING WATER**
- 12.1 For the purposes of clause 7 and the calculation of the volume of water taken by the Authority, the total volume of water taken shall be measured at the Authority's interface points.
- 13. METERING PROGRAM**
- 13.1 The Authority must undertake, or enter into an agreement to undertake, in accordance with any guidelines issued from time to time by the Minister –
- (a) review and update from time to time any metering program approved by the Minister;
  - (b) implement and maintain any metering program approved by the Minister;
  - (c) maintain metering equipment and associated measurement structures in good condition;
  - (d) ensure that metering equipment is periodically re-calibrated;
  - (e) if rating curves are used to calculate flows, ensure that the curves are regularly checked and if necessary, revise; and
  - (f) keep a record of all work undertaken under sub-clauses 13.1(c), (d) and (e).
- 13.2 The Minister may at any time require the Authority to –
- (a) review the program if in the Minister's opinion, it is no longer appropriate; and
  - (b) propose an amended program to the Minister.
- 13.3 Any application by the Authority to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.
- 14. DISPUTE RESOLUTION**
- 14.1 If a difference or dispute arises between the Authority, the Minister, the other Primary Entitlement Holders, the Storage Manager, the Resource Manager, and other bulk or environmental entitlement holders, or any of them, (the 'parties') concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 14.2 The notice requiring that the matter be determined by an independent arbitrator may only be given 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.



- 14.3 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators, Australia.
- 14.4 The independent arbitrator 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.
- 14.5 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 14.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent arbitrator is final and binding on the parties.
- 14.7 The Authority may request the Minister to determine the apportionment of the costs incidental to every reference, including the costs of the independent arbitrator.

#### **PART 4 – DEMONSTRATING COMPLIANCE**

#### **15. METERING PROGRAM COMPLIANCE**

- 15.1 The Authority must ensure it can demonstrate compliance with the provisions of this Order.
- 15.2 The Authority must demonstrate compliance with the metering program approved by the Minister under clause 13.

#### **16. REPORTING REQUIREMENTS**

- 16.1 The Minister may require the Authority to report on any or all of the following –
- (a) the annual amount of water taken under this bulk entitlement;
  - (b) the water allocation made available under this bulk entitlement and volume of carryover;
  - (c) compliance with the entitlement volume;
  - (d) any temporary assignment or permanent transfer of all or part of this bulk entitlement;
  - (e) the approval, amendment and implementation of the metering program approved under clause 13;
  - (f) any amendment to this bulk entitlement;
  - (g) any new bulk entitlement of water granted to the Authority;
  - (h) any failure by the Authority to comply with any provision of this bulk entitlement and any remedial action taken or proposed; and
  - (i) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 16.2 Any report under sub-clause 16.1 must be made –
- (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, or such longer period of time as the Minister may determine.
- 16.3 The Authority must in its Annual Report, report on each of the matters set out in sub-clause 16.1
- 16.4 Any report prepared by the Authority under sub-clauses 15.1 to 15.3 and 15.5 will also be made available to;
- (a) all holders of bulk entitlements listed under Schedule 1 if the reporting requirements impacts all entitlement holders; and
  - (b) to individual entitlement holders, if directly affected by the report.

- 16.5 If requested by the Resource Manager, from time to time, the Authority must report on any or all of the matters set out in sub-clause 16.1.
- 16.6 Any report under sub-clause 16.5 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
  - (b) within such period of time as may be agreed between the Authority and the Resource Manager.
- 17. DATA**
- 17.1 The Minister will endeavour to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement is made available to the Authority.
- 17.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purposes of clause 16, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department.

**SCHEDULE 1 – ENTITLEMENTS HELD BY MELBOURNE WATER CORPORATION**

<b>Bulk Entitlements</b>	<b>Available Long-term Resources per year</b>
<b>Bulk Entitlements in the Yarra River Basin</b>	<b>Up to 400,000 ML</b>
Bulk Entitlement (Yarra River – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Goulburn River Basin</b>	<b>Up to 66,000 ML every 3 years</b>
Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Tarago and Bunyip River Basins</b>	<b>Up to 30,510 ML</b>
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Thomson River Basin</b>	<b>Up to 171,800 ML</b>
Bulk Entitlement (Thomson River – Melbourne Water) Order 2014	
<b>TOTAL</b>	<b>Up to 624,310 ML</b>

**SCHEDULE 2 – PRIMARY ENTITLEMENTS**

Column A lists the primary entitlements, which are bulk entitlements for water sourced from Greater Yarra System – Thomson River Pool. Column B lists the authorities that hold these primary entitlements. Column C lists entitlement volume.

<b>A</b>	<b>B</b>	<b>C</b>
<b>Primary Entitlement</b>	<b>Primary Entitlement Holder</b>	<b>Volume ML</b>
Bulk Entitlement (Greater Yarra System – Thomson River Pool – City West Water) Order 2014	City West Water Corporation	155,227ML
Bulk Entitlement Greater Yarra System – Thomson River Pool – South East Water) Order 2014	South East Water Corporation	209,562 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Yarra Valley Water) Order 2014	Yarra Valley Water Corporation	223,271 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Barwon Water) Order 2014	Barwon Water Corporation	16,000 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – South Gippsland Water) Order 2014	South Gippsland Water Corporation	1,000 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Western Water) Order 2014	Western Water Corporation	18,250 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Westernport Water) Order 2014	Westernport Water Corporation	1,000 ML
<b>TOTAL</b>		<b>624,310 ML</b>

**SCHEDULE 3 – MAKING SEASONAL DETERMINATIONS FOR THE  
GREATER YARRA SYSTEM – THOMSON RIVER POOL**

**1. PURPOSE**

The purpose of this Schedule is to provide rules for determining the water allocation referenced in Clause 8.

**2. MAKING SEASONAL DETERMINATION**

2.1 On 1 July, and in each subsequent month until the end of the year, the Resource Manager must make seasonal determinations for the bulk entitlements listed in Schedule 2.

2.2 The seasonal determination at any time equals the percentage of water available to the bulk entitlements from the resources that can be diverted and are available for seasonal determination from the Melbourne headworks system in the current year, as shown by –

$$SD(\%) = \frac{R}{V} \times 100$$

where

SD = seasonal determination

R = the resources available for seasonal determination from the Melbourne headworks system in the current year as calculated in sub-clause 2.3 of Schedule 3

V = the sum of bulk entitlement volumes granted under the primary entitlements listed in Schedule 2

2.3 The resources available for seasonal determination from the Melbourne headworks system in the current year equals –

- A. Volume of water stored in Upper Yarra, Thomson (excluding Southern Rural Water's share of Thomson), Maroondah, O'Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs at the start of the month; minus
- B. Volume of dead storage; plus
- C. Forecast of harvestable water from the Melbourne headworks system for the remainder of the year, based on 2006/07 inflows or the worst recorded 12 months of inflows whichever is lower; plus
- D. The measured total amount of water delivered to Primary Entitlement Holders from 1 July last to the start of the month; minus
- E. The volume of water allocation carried over from previous water year(s) by the Primary Entitlement Holders, subject to clause 9 carryover rules for the Greater Yarra System – Thomson River Pool; minus
- F. The volume of transfers from the North-South Pipeline, Desalination Plant or other water systems; minus
- G. Passing flows and environmental water commitments contained in bulk and environmental entitlements; minus
- H. Volume of water set aside in Tarago Reservoir to supply Gippsland Water's and Southern Rural Water's Tarago River bulk entitlements; minus
- I. Any estimated headworks or transfer system losses for the remainder of the year.

Notes:

1. Each seasonal determination must be made publicly available and published on the Resource Manager's website on the day it is made.
2. For the purposes of complying with sub-clause 2.3 B of Schedule 3, the minimum operating levels and dead storage can be included in the System Management Rules.

3. For the avoidance of doubt, the data used in the calculations must be the most current data available and the best estimates of any values.
- 2.4 The Resource Manager must –
- (a) reach agreement with all Primary Entitlement Holders on the method used to calculate the resources available for seasonal determination under sub-clause 2.3 of Schedule 3; and
  - (b) make available to all Primary Entitlement Holders the information used to apply the method.
-

**Water Act 1989****BULK ENTITLEMENT (GREATER YARRA SYSTEM – THOMSON RIVER POOL  
– BARWON WATER) ORDER 2014**

I, the Honourable Peter Walsh, Minister for Water, as the Minister administering the **Water Act 1989**, make the following Order.

**PART 1 – INTRODUCTORY STATEMENTS****1. CITATION**

This Order may be cited as the Bulk Entitlement (Greater Yarra System – Thomson River Pool – Barwon Water) Order 2014.

**2. EMPOWERING PROVISIONS**

This Order is made under Division 1 of Part 4 of the **Water Act 1989**.

**3. COMMENCEMENT**

This Order comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**4. PURPOSE**

The purpose of this Order is to grant a bulk entitlement to Barwon Water to take and use water allocation from the Greater Yarra System – Thomson River Pool, and to be transported to the Authority's interface points by the Bulk Transfer System Operator.

**5. DEFINITIONS**

In this Order –

**'Act'** means the **Water Act 1989**;

**'Authority'** means Barwon Water;

**'Barwon Water'** means Barwon Water Corporation;

**'Bulk Transfer System Operator'** means the person who operates and maintains the Melbourne bulk transfer system;

**'carryover'** means the right of Primary Entitlement Holders to store unused water allocation over multiple water seasons, as set out in clause 9;

**'City West Water'** means City West Water Corporation;

**'Department'** means the Department of Environment and Primary Industries;

**'entitlement volume'** means the volume of water to which the Authority is entitled to take and use under the terms of this Order, as set out in clause 7;

**'Gippsland Water's and Southern Rural Water's Tarago River bulk entitlements'** means the Bulk Entitlement (Tarago River – Gippsland Water) Conversion Order 2009 and the Bulk Entitlement (Tarago River – Southern Rural Water) Conversion Order 2009;

**'Greater Yarra System – Thomson River Pool'** means water allocation that is able to taken by the Authority under sub-clauses 6.1 and 8.1 of this bulk entitlement;

**'interface points'** means the point(s) of connection that enables the Primary Entitlement Holder to take water from the Melbourne bulk transfer system or Melbourne headworks system to their supply system;

**'Melbourne bulk transfer system'** means the system of transfer pipes and balancing storages that transports water from the Melbourne headworks system to the interface points for the Primary Entitlement Holders;

**'Melbourne headworks system'** means Thomson, Upper Yarra, Maroondah, O'Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project inclusive of the transfer pipeline;

- ‘**Melbourne Water**’ means Melbourne Water Corporation;
- ‘**Minister**’ means the Minister administering the Act and, when used in a provision in this Order, 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;
- ‘**ML**’ means megalitre(s);
- ‘**primary entitlement**’ means a bulk entitlement listed in column A of Schedule 2;
- ‘**Primary Entitlement Holder**’ means the holder of a primary entitlement listed in column B of Schedule 2;
- ‘**Resource Manager**’ means a person appointed under section 43A of the Act ;
- ‘**seasonal determination**’ means a seasonal determination made by the Resource Manager under Schedule 3 from the Bulk Entitlements listed in sub-clause 6.1;
- ‘**South East Water**’ means South East Water Corporation;
- ‘**South Gippsland Water**’ means South Gippsland Water Corporation;
- ‘**Southern Rural Water’s Thomson River Bulk Entitlement**’ means the Bulk Entitlement (Thomson/Macalister – Southern Rural Water) Conversion Order 2001;
- ‘**Storage Manager**’ means Melbourne Water acting in respect of the water supply functions provided for in section 171B of the Act;
- ‘**System Management Rules**’ means any rules from time to time adopted for the operation of the Melbourne headworks system in accordance with clause 10;
- ‘**Victorian Environmental Water Holder**’ means the body established under Part 3AA of the Act;
- ‘**water allocation**’ means the entitlement volume of water that is available to be taken by the Authority in any year under the terms of this Order, as set out in clause 8;
- ‘**water season**’ has the same meaning as the Act;
- ‘**Western Water**’ means Western Water Corporation;
- ‘**Westernport Water**’ means Westernport Water Corporation;
- ‘**Yarra Valley Water**’ means Yarra Valley Water Corporation;
- ‘**year**’ means the 12 month period commencing 1 July.

## PART 2 – ENTITLEMENT

### 6. GRANTING OF A BULK ENTITLEMENT

- 6.1 Subject to the conditions set out in this Order, the Authority is entitled to take and use water allocated from –
- Bulk Entitlement (Yarra River – Melbourne Water) Order 2014;
  - Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water) Order 2014;
  - Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water) Order 2014; and
  - Bulk Entitlement (Thomson River – Melbourne Water) Order 2014.
- 6.2 The bulk entitlements in sub-clause 6.1 are collectively known as the Greater Yarra System – Thomson River Pool.

### 7. ENTITLEMENT VOLUME

- 7.1 The Authority is entitled to 16,000 ML, as contained in Schedule 2 .

### 8. WATER ALLOCATION

- 8.1 The water allocation available to the Authority under this bulk entitlement in any year equals the volume determined in accordance with the following formula –

$$A = SD \times E$$

where A = water allocation available to the Authority

SD = seasonal determination expressed as a percentage

E = entitlement volume provided under clause 7.

- 8.2 The Resource Manager must at least monthly, make a seasonal determination for this Bulk Entitlement, in accordance with Schedule 3.
- 8.3 The seasonal determination will take effect when written notice of the decision of the Resource Manager is provided to the Authority, on the day it is made.
- 8.4 The Resource Manager must make available to the Authority, the method and calculations and any other information used to determine the seasonal determination.

## 9. CARRYOVER

- 9.1 The Authority is entitled to carryover unused water allocation from one water season to the following water season(s) for use, subject to –
- (a) usable airspace being available in the Melbourne headworks system;
  - (b) carryover water allocations not impacting the Resource Manager making additional seasonal determinations in the current water season;
  - (c) spills, or pre-releases consistent with System Management Rules to mitigate flooding risk, of water from any reservoirs in the Melbourne headworks, being proportional to the Primary Entitlement Holders share of total carryover;
  - (d) any evaporation and seepage losses on 1 July of each year agreed between the Primary Entitlement Holders, the Storage Manager and the Resource Manager from time to time; and
  - (e) any other agreed carryover rules between the Primary Entitlement Holders, the Resource Manager and the Storage Manager from time to time.

## PART 3 – GENERAL CONDITIONS AND PROVISIONS

### 10. SYSTEM MANAGEMENT RULES

- 10.1 The Authority, jointly with the Storage Manager, the other Primary Entitlement Holders, the Resource Manager and the Victorian Environmental Water Holder, must participate to update rules for managing the supply of water available under this entitlement to the Primary Entitlement Holders through the Melbourne headworks system.
- 10.2 If the Authority does not agree with the System Management Rules established by the Storage Manager, it may give written notice to the Storage Manager and/or other parties requiring the matter to be determined in accordance with clause 14.
- 10.3 The Authority, other Primary Entitlement Holders, Storage Manager, Resource Manager, or the Victorian Environmental Water Holder, may request the Storage Manager to vary the System Management Rules established from time to time.

### 11. OPERATING ARRANGEMENTS

- 11.1 The Authority must endeavour to agree with the Storage Manager and the Bulk Transfer System Operator to update operational arrangements to enable the Authority to take water under this entitlement.
- 11.2 The Operating Arrangements established under sub-clause 11.1 must address matters including, but not limited to –
- (a) consistency with the System Management Rules;
  - (b) notification of the proposed water demand forecast for the forthcoming year;
  - (c) arrangements to enable the Authority to take water at the Authority's interface points, including delivery and withdrawal arrangements;



- (d) be prepared in consultation with the other Primary Entitlement Holders, the Victorian Environmental Water Holder and any other interested parties likely to be affected by it;
  - (e) be prepared annually and include forecast operating scenarios based on a range of climatic conditions;
  - (f) be inclusive of multi-year outlook, if requested by the Minister or any of the Primary Entitlement Holders;
  - (g) be inclusive of any proposed allocation or entitlement transfers by Primary Entitlement Holders;
  - (h) arrangements for coordination and liaison between representatives of the Authority and the Bulk Transfer System Operator with regard to operational matters;
  - (i) be inclusive of emergency management arrangements;
  - (j) be approved by the Primary Entitlement Holders with respect to any strategic decisions pertaining to the management of the primary entitlements; and
  - (k) arrangements for coordination and liaison between representatives of the Authority and the Bulk Transfer System Operator with regard to operational matters.
- 11.3 If the Authority, the Storage Manager and the Bulk Transfer System Operator have not reached agreement under sub-clause 11.1 within 12 months of the date of this Order, any party may give written notice to the other parties requiring the matter to be determined in accordance with clause 14.

## **12. TAKING WATER**

- 12.1 For the purposes of clause 7 and the calculation of the volume of water taken by the Authority, the total volume of water taken shall be measured at the Authority's interface points.

## **13. METERING PROGRAM**

- 13.1 The Authority must undertake, or enter into an agreement to undertake, in accordance with any guidelines issued from time to time by the Minister –
- (a) review and update from time to time any metering program approved by the Minister;
  - (b) implement and maintain any metering program approved by the Minister;
  - (c) maintain metering equipment and associated measurement structures in good condition;
  - (d) ensure that metering equipment is periodically re-calibrated;
  - (e) if rating curves are used to calculate flows, ensure that the curves are regularly checked and if necessary, revise; and
  - (f) keep a record of all work undertaken under sub-clauses 13.1(c), (d) and (e).
- 13.2 The Minister may at any time require the Authority to –
- (a) review the program if in the Minister's opinion, it is no longer appropriate; and
  - (b) propose an amended program to the Minister.
- 13.3 Any application by the Authority to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.

## **14. DISPUTE RESOLUTION**

- 14.1 If a difference or dispute arises between the Authority, the Minister, the other Primary Entitlement Holders, the Storage Manager, the Resource Manager, and other bulk or environmental entitlement holders, or any of them, (the 'parties') concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 14.2 The notice requiring that the matter be determined by an independent arbitrator may only be given 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.

- 14.3 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators, Australia.
- 14.4 The independent arbitrator 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.
- 14.5 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 14.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent arbitrator is final and binding on the parties.
- 14.7 The Authority may request the Minister to determine the apportionment of the costs incidental to every reference, including the costs of the independent arbitrator.

#### **PART 4 – DEMONSTRATING COMPLIANCE**

#### **15. METERING PROGRAM COMPLIANCE**

- 15.1 The Authority must ensure it can demonstrate compliance with the provisions of this Order.
- 15.2 The Authority must demonstrate compliance with the metering program approved by the Minister under clause 13.

#### **16. REPORTING REQUIREMENTS**

- 16.1 The Minister may require the Authority to report on any or all of the following –
- (a) the annual amount of water taken under this bulk entitlement;
  - (b) the water allocation made available under this bulk entitlement and volume of carryover;
  - (c) compliance with the entitlement volume;
  - (d) any temporary assignment or permanent transfer of all or part of this bulk entitlement;
  - (e) the approval, amendment and implementation of the metering program approved under clause 13;
  - (f) any amendment to this bulk entitlement;
  - (g) any new bulk entitlement of water granted to the Authority;
  - (h) any failure by the Authority to comply with any provision of this bulk entitlement and any remedial action taken or proposed; and
  - (i) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 16.2 Any report under sub-clause 16.1 must be made –
- (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, or such longer period of time as the Minister may determine.
- 16.3 The Authority must in its Annual Report, report on each of the matters set out in sub-clause 16.1
- 16.4 Any report prepared by the Authority under sub-clauses 15.1 to 15.3 and 15.5 will also be made available to;
- (a) all holders of bulk entitlements listed under Schedule 1 if the reporting requirements impacts all entitlement holders; and
  - (b) to individual entitlement holders, if directly affected by the report.

- 16.5 If requested by the Resource Manager, from time to time, the Authority must report on any or all of the matters set out in sub-clause 16.1.
- 16.6 Any report under sub-clause 16.5 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
  - (b) within such period of time as may be agreed between the Authority and the Resource Manager.
- 17. DATA**
- 17.1 The Minister will endeavour to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement is made available to the Authority.
- 17.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purposes of clause 16, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department.

**SCHEDULE 1 – ENTITLEMENTS HELD BY MELBOURNE WATER CORPORATION**

<b>Bulk Entitlements</b>	<b>Available Long-term Resources per year</b>
<b>Bulk Entitlements in the Yarra River Basin</b>	<b>Up to 400,000 ML</b>
Bulk Entitlement (Yarra River – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Goulburn River Basin</b>	<b>Up to 66,000 ML every 3 years</b>
Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Tarago and Bunyip River Basins</b>	<b>Up to 30,510 ML</b>
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Thomson River Basin</b>	<b>Up to 171,800 ML</b>
Bulk Entitlement (Thomson River – Melbourne Water) Order 2014	
<b>TOTAL</b>	<b>Up to 624,310 ML</b>

**SCHEDULE 2 – PRIMARY ENTITLEMENTS**

Column A lists the primary entitlements, which are bulk entitlements for water sourced from Greater Yarra System – Thomson River Pool. Column B lists the authorities that hold these primary entitlements. Column C lists entitlement volume.

<b>A</b>	<b>B</b>	<b>C</b>
<b>Primary Entitlement</b>	<b>Primary Entitlement Holder</b>	<b>Volume ML</b>
Bulk Entitlement (Greater Yarra System – Thomson River Pool – City West Water) Order 2014	City West Water Corporation	155,227ML
Bulk Entitlement Greater Yarra System – Thomson River Pool – South East Water) Order 2014	South East Water Corporation	209,562 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Yarra Valley Water) Order 2014	Yarra Valley Water Corporation	223,271 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Barwon Water) Order 2014	Barwon Water Corporation	16,000 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – South Gippsland Water) Order 2014	South Gippsland Water Corporation	1,000 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Western Water) Order 2014	Western Water Corporation	18,250 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Westernport Water) Order 2014	Westernport Water Corporation	1,000 ML
<b>TOTAL</b>		<b>624,310 ML</b>

**SCHEDULE 3- MAKING SEASONAL DETERMINATIONS FOR THE  
GREATER YARRA SYSTEM – THOMSON RIVER POOL**

**1. PURPOSE**

The purpose of this Schedule is to provide rules for determining the water allocation referenced in Clause 8.

**2. MAKING SEASONAL DETERMINATION**

2.1 On 1 July, and in each subsequent month until the end of the year, the Resource Manager must make seasonal determinations for the bulk entitlements listed in Schedule 2.

2.2 The seasonal determination at any time equals the percentage of water available to the bulk entitlements from the resources that can be diverted and are available for seasonal determination from the Melbourne headworks system in the current year, as shown by –

$$SD(\%) = \frac{R}{V} \times 100$$

where

SD = seasonal determination

R = the resources available for seasonal determination from the Melbourne headworks system in the current year as calculated in sub-clause 2.3 of Schedule 3

V = the sum of bulk entitlement volumes granted under the primary entitlements listed in Schedule 2

2.3 The resources available for seasonal determination from the Melbourne headworks system in the current year equals –

- A. Volume of water stored in Upper Yarra, Thomson (excluding Southern Rural Water's share of Thomson), Maroondah, O'Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs at the start of the month; minus
- B. Volume of dead storage; plus
- C. Forecast of harvestable water from the Melbourne headworks system for the remainder of the year, based on 2006/07 inflows or the worst recorded 12 months of inflows whichever is lower; plus
- D. The measured total amount of water delivered to Primary Entitlement Holders from 1 July last to the start of the month; minus
- E. The volume of water allocation carried over from previous water year(s) by the Primary Entitlement Holders, subject to clause 9 carryover rules for the Greater Yarra System – Thomson River Pool; minus
- F. The volume of transfers from the North-South Pipeline, Desalination Plant or other water systems; minus
- G. Passing flows and environmental water commitments contained in bulk and environmental entitlements; minus
- H. Volume of water set aside in Tarago Reservoir to supply Gippsland Water's and Southern Rural Water's Tarago River bulk entitlements; minus
- I. Any estimated headworks or transfer system losses for the remainder of the year.

Notes:

1. Each seasonal determination must be made publicly available and published on the Resource Manager's website on the day it is made.
2. For the purposes of complying with sub-clause 2.3 B of Schedule 3, the minimum operating levels and dead storage can be included in the System Management Rules.

3. For the avoidance of doubt, the data used in the calculations must be the most current data available and the best estimates of any values.
- 2.4 The Resource Manager must –
- (a) reach agreement with all Primary Entitlement Holders on the method used to calculate the resources available for seasonal determination under sub-clause 2.3 of Schedule 3; and
  - (b) make available to all Primary Entitlement Holders the information used to apply the method.
-

**Water Act 1989****BULK ENTITLEMENT (GREATER YARRA SYSTEM – THOMSON RIVER POOL  
– SOUTH GIPPSLAND WATER) ORDER 2014**

I, the Honourable Peter Walsh, Minister for Water, as the Minister administering the **Water Act 1989**, make the following Order.

**PART 1 – INTRODUCTORY STATEMENTS****1. CITATION**

This Order may be cited as the Bulk Entitlement (Greater Yarra System – Thomson River Pool – South Gippsland Water) Order 2014.

**2. EMPOWERING PROVISIONS**

This Order is made under Division 1 of Part 4 of the **Water Act 1989**.

**3. COMMENCEMENT**

This Order comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**4. PURPOSE**

The purpose of this Order is to grant a bulk entitlement to South Gippsland Water to take and use water allocation from the Greater Yarra System – Thomson River Pool, and to be transported to the Authority's interface points by the Bulk Transfer System Operator.

**5. DEFINITIONS**

In this Order –

‘**Act**’ means the **Water Act 1989**;

‘**Authority**’ means South Gippsland Water;

‘**Barwon Water**’ means Barwon Water Corporation;

‘**Bulk Transfer System Operator**’ means the person who operates and maintains the Melbourne bulk transfer system;

‘**carryover**’ means the right of Primary Entitlement Holders to store unused water allocation over multiple water seasons, as set out in clause 9;

‘**City West Water**’ means City West Water Corporation;

‘**Department**’ means the Department of Environment and Primary Industries;

‘**entitlement volume**’ means the volume of water to which the Authority is entitled to take and use under the terms of this Order, as set out in clause 7;

‘**Gippsland Water's and Southern Rural Water's Tarago River bulk entitlements**’ means the Bulk Entitlement (Tarago River – Gippsland Water) Conversion Order 2009 and the Bulk Entitlement (Tarago River – Southern Rural Water) Conversion Order 2009;

‘**Greater Yarra System – Thomson River Pool**’ means water allocation that is able to be taken by the Authority under sub-clauses 6.1 and 8.1 of this bulk entitlement;

‘**interface points**’ means the point(s) of connection that enables the Primary Entitlement Holder to take water from the Melbourne bulk transfer system or Melbourne headworks system to their supply system;

‘**Melbourne bulk transfer system**’ means the system of transfer pipes and balancing storages that transports water from the Melbourne headworks system to the interface points for the Primary Entitlement Holders;

‘**Melbourne headworks system**’ means Thomson, Upper Yarra, Maroondah, O’Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project inclusive of the transfer pipeline;

- ‘Melbourne Water’** means Melbourne Water Corporation;
- ‘Minister’** means the Minister administering the Act and, when used in a provision in this Order, 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;
- ‘ML’** means megalitre(s);
- ‘primary entitlement’** means a bulk entitlement listed in column A of Schedule 2;
- ‘Primary Entitlement Holder’** means the holder of a primary entitlement listed in column B of Schedule 2;
- ‘Resource Manager’** means a person appointed under section 43A of the Act ;
- ‘seasonal determination’** means a seasonal determination made by the Resource Manager under Schedule 3 from the Bulk Entitlements listed in sub-clause 6.1;
- ‘South East Water’** means South East Water Corporation;
- ‘South Gippsland Water’** means South Gippsland Water Corporation;
- ‘Southern Rural Water’s Thomson River Bulk Entitlement’** means the Bulk Entitlement (Thomson/Macalister – Southern Rural Water) Conversion Order 2001;
- ‘Storage Manager’** means Melbourne Water acting in respect of the water supply functions provided for in section 171B of the Act;
- ‘System Management Rules’** means any rules from time to time adopted for the operation of the Melbourne headworks system in accordance with clause 10;
- ‘Victorian Environmental Water Holder’** means the body established under Part 3AA of the Act;
- ‘water allocation’** means the entitlement volume of water that is available to be taken by the Authority in any year under the terms of this Order, as set out in clause 8;
- ‘water season’** has the same meaning as the Act;
- ‘Western Water’** means Western Water Corporation;
- ‘Westernport Water’** means Westernport Water Corporation;
- ‘Yarra Valley Water’** means Yarra Valley Water Corporation;
- ‘year’** means the 12 month period commencing 1 July.

## PART 2 – ENTITLEMENT

### 6. GRANTING OF A BULK ENTITLEMENT

- 6.1 Subject to the conditions set out in this Order, the Authority is entitled to take and use water allocated from –
- (a) Bulk Entitlement (Yarra River – Melbourne Water) Order 2014;
  - (b) Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water) Order 2014;
  - (c) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water) Order 2014; and
  - (d) Bulk Entitlement (Thomson River – Melbourne Water) Order 2014.

- 6.2 The bulk entitlements in sub-clause 6.1 are collectively known as the Greater Yarra System – Thomson River Pool.

### 7. ENTITLEMENT VOLUME

- 7.1 The Authority is entitled to 1,000 ML, as contained in Schedule 2 .

### 8. WATER ALLOCATION

- 8.1 The water allocation available to the Authority under this bulk entitlement in any year equals the volume determined in accordance with the following formula –



$$A = SD \times E$$

where A = water allocation available to the Authority

SD = seasonal determination expressed as a percentage

E = entitlement volume provided under clause 7.

- 8.2 The Resource Manager must at least monthly, make a seasonal determination for this Bulk Entitlement, in accordance with Schedule 3.
- 8.3 The seasonal determination will take effect when written notice of the decision of the Resource Manager is provided to the Authority, on the day it is made.
- 8.4 The Resource Manager must make available to the Authority, the method and calculations and any other information used to determine the seasonal determination.

## **9. CARRYOVER**

- 9.1 The Authority is entitled to carryover unused water allocation from one water season to the following water season(s) for use, subject to –
- (a) usable airspace being available in the Melbourne headworks system;
  - (b) carryover water allocations not impacting the Resource Manager making additional seasonal determinations in the current water season;
  - (c) spills, or pre-releases consistent with System Management Rules to mitigate flooding risk, of water from any reservoirs in the Melbourne headworks, being proportional to the Primary Entitlement Holders share of total carryover;
  - (d) any evaporation and seepage losses on 1 July of each year agreed between the Primary Entitlement Holders, the Storage Manager and the Resource Manager from time to time; and
  - (e) any other agreed carryover rules between the Primary Entitlement Holders, the Resource Manager and the Storage Manager from time to time.

## **PART 3 – GENERAL CONDITIONS AND PROVISIONS**

### **10. SYSTEM MANAGEMENT RULES**

- 10.1 The Authority, jointly with the Storage Manager, the other Primary Entitlement Holders, the Resource Manager and the Victorian Environmental Water Holder, must participate to update rules for managing the supply of water available under this entitlement to the Primary Entitlement Holders through the Melbourne headworks system.
- 10.2 If the Authority does not agree with the System Management Rules established by the Storage Manager, it may give written notice to the Storage Manager and/or other parties requiring the matter to be determined in accordance with clause 14.
- 10.3 The Authority, other Primary Entitlement Holders, Storage Manager, Resource Manager, or the Victorian Environmental Water Holder, may request the Storage Manager to vary the System Management Rules established from time to time.

### **11. OPERATING ARRANGEMENTS**

- 11.1 The Authority must endeavour to agree with the Storage Manager and the Bulk Transfer System Operator to update operational arrangements to enable the Authority to take water under this entitlement.
- 11.2 The Operating Arrangements established under sub-clause 11.1 must address matters including, but not limited to –
- (a) consistency with the System Management Rules;
  - (b) notification of the proposed water demand forecast for the forthcoming year;
  - (c) arrangements to enable the Authority to take water at the Authority's interface points, including delivery and withdrawal arrangements;

- (d) be prepared in consultation with the other Primary Entitlement Holders, the Victorian Environmental Water Holder and any other interested parties likely to be affected by it;
  - (e) be prepared annually and include forecast operating scenarios based on a range of climatic conditions;
  - (f) be inclusive of multi-year outlook, if requested by the Minister or any of the Primary Entitlement Holders;
  - (g) be inclusive of any proposed allocation or entitlement transfers by Primary Entitlement Holders;
  - (h) arrangements for coordination and liaison between representatives of the Authority and the Bulk Transfer System Operator with regard to operational matters;
  - (i) be inclusive of emergency management arrangements;
  - (j) be approved by the Primary Entitlement Holders with respect to any strategic decisions pertaining to the management of the primary entitlements; and
  - (k) arrangements for coordination and liaison between representatives of the Authority and the Bulk Transfer System Operator with regard to operational matters.
- 11.3 If the Authority, the Storage Manager and the Bulk Transfer System Operator have not reached agreement under sub-clause 11.1 within 12 months of the date of this Order, any party may give written notice to the other parties requiring the matter to be determined in accordance with clause 14.
- 12. TAKING WATER**
- 12.1 For the purposes of clause 7 and the calculation of the volume of water taken by the Authority, the total volume of water taken shall be measured at the Authority's interface points.
- 13. METERING PROGRAM**
- 13.1 The Authority must undertake, or enter into an agreement to undertake, in accordance with any guidelines issued from time to time by the Minister –
- (a) review and update from time to time any metering program approved by the Minister;
  - (b) implement and maintain any metering program approved by the Minister;
  - (c) maintain metering equipment and associated measurement structures in good condition;
  - (d) ensure that metering equipment is periodically re-calibrated;
  - (e) if rating curves are used to calculate flows, ensure that the curves are regularly checked and if necessary, revise; and
  - (f) keep a record of all work undertaken under sub-clauses 13.1(c), (d) and (e).
- 13.2 The Minister may at any time require the Authority to –
- (a) review the program if in the Minister's opinion, it is no longer appropriate; and
  - (b) propose an amended program to the Minister.
- 13.3 Any application by the Authority to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.
- 14. DISPUTE RESOLUTION**
- 14.1 If a difference or dispute arises between the Authority, the Minister, the other Primary Entitlement Holders, the Storage Manager, the Resource Manager, and other bulk or environmental entitlement holders, or any of them, (the 'parties') concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 14.2 The notice requiring that the matter be determined by an independent arbitrator may only be given 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.

- 14.3 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators, Australia.
- 14.4 The independent arbitrator 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.
- 14.5 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 14.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent arbitrator is final and binding on the parties.
- 14.7 The Authority may request the Minister to determine the apportionment of the costs incidental to every reference, including the costs of the independent arbitrator.

#### **PART 4 – DEMONSTRATING COMPLIANCE**

#### **15. METERING PROGRAM COMPLIANCE**

- 15.1 The Authority must ensure it can demonstrate compliance with the provisions of this Order.
- 15.2 The Authority must demonstrate compliance with the metering program approved by the Minister under clause 13.

#### **16. REPORTING REQUIREMENTS**

- 16.1 The Minister may require the Authority to report on any or all of the following –
- (a) the annual amount of water taken under this bulk entitlement;
  - (b) the water allocation made available under this bulk entitlement and volume of carryover;
  - (c) compliance with the entitlement volume;
  - (d) any temporary assignment or permanent transfer of all or part of this bulk entitlement;
  - (e) the approval, amendment and implementation of the metering program approved under clause 13;
  - (f) any amendment to this bulk entitlement;
  - (g) any new bulk entitlement of water granted to the Authority;
  - (h) any failure by the Authority to comply with any provision of this bulk entitlement and any remedial action taken or proposed; and
  - (i) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 16.2 Any report under sub-clause 16.1 must be made –
- (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, or such longer period of time as the Minister may determine.
- 16.3 The Authority must in its Annual Report, report on each of the matters set out in sub-clause 16.1
- 16.4 Any report prepared by the Authority under sub-clauses 15.1 to 15.3 and 15.5 will also be made available to;
- (a) all holders of bulk entitlements listed under Schedule 1 if the reporting requirements impacts all entitlement holders; and
  - (b) to individual entitlement holders, if directly affected by the report.

- 16.5 If requested by the Resource Manager, from time to time, the Authority must report on any or all of the matters set out in sub-clause 16.1.
- 16.6 Any report under sub-clause 16.5 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
  - (b) within such period of time as may be agreed between the Authority and the Resource Manager.
- 17. DATA**
- 17.1 The Minister will endeavour to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement is made available to the Authority.
- 17.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purposes of clause 16, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department.

**SCHEDULE 1 – ENTITLEMENTS HELD BY MELBOURNE WATER CORPORATION**

<b>Bulk Entitlements</b>	<b>Available Long-term Resources per year</b>
<b>Bulk Entitlements in the Yarra River Basin</b>	<b>Up to 400,000 ML</b>
Bulk Entitlement (Yarra River – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Goulburn River Basin</b>	<b>Up to 66,000 ML every 3 years</b>
Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Tarago and Bunyip River Basins</b>	<b>Up to 30,510 ML</b>
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Thomson River Basin</b>	<b>Up to 171,800 ML</b>
Bulk Entitlement (Thomson River – Melbourne Water) Order 2014	
<b>TOTAL</b>	<b>Up to 624,310 ML</b>

**SCHEDULE 2 – PRIMARY ENTITLEMENTS**

Column A lists the primary entitlements, which are bulk entitlements for water sourced from Greater Yarra System – Thomson River Pool. Column B lists the authorities that hold these primary entitlements. Column C lists entitlement volume.

<b>A</b>	<b>B</b>	<b>C</b>
<b>Primary Entitlement</b>	<b>Primary Entitlement Holder</b>	<b>Volume ML</b>
Bulk Entitlement (Greater Yarra System – Thomson River Pool – City West Water) Order 2014	City West Water Corporation	155,227ML
Bulk Entitlement Greater Yarra System – Thomson River Pool – South East Water) Order 2014	South East Water Corporation	209,562 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Yarra Valley Water) Order 2014	Yarra Valley Water Corporation	223,271 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Barwon Water) Order 2014	Barwon Water Corporation	16,000 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – South Gippsland Water) Order 2014	South Gippsland Water Corporation	1,000 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Western Water) Order 2014	Western Water Corporation	18,250 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Westernport Water) Order 2014	Westernport Water Corporation	1,000 ML
<b>TOTAL</b>		<b>624,310 ML</b>

**SCHEDULE 3- MAKING SEASONAL DETERMINATIONS FOR THE GREATER YARRA SYSTEM – THOMSON RIVER POOL**

**1. PURPOSE**

The purpose of this Schedule is to provide rules for determining the water allocation referenced in Clause 8.

**2. MAKING SEASONAL DETERMINATION**

2.1 On 1 July, and in each subsequent month until the end of the year, the Resource Manager must make seasonal determinations for the bulk entitlements listed in Schedule 2.

2.2 The seasonal determination at any time equals the percentage of water available to the bulk entitlements from the resources that can be diverted and are available for seasonal determination from the Melbourne headworks system in the current year, as shown by –

$$SD(\%) = \frac{R}{V} \times 100$$

where

SD = seasonal determination

R = the resources available for seasonal determination from the Melbourne headworks system in the current year as calculated in sub-clause 2.3 of Schedule 3

V = the sum of bulk entitlement volumes granted under the primary entitlements listed in Schedule 2

2.3 The resources available for seasonal determination from the Melbourne headworks system in the current year equals –

- A. Volume of water stored in Upper Yarra, Thomson (excluding Southern Rural Water's share of Thomson), Maroondah, O'Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs at the start of the month; minus
- B. Volume of dead storage; plus
- C. Forecast of harvestable water from the Melbourne headworks system for the remainder of the year, based on 2006/07 inflows or the worst recorded 12 months of inflows whichever is lower; plus
- D. The measured total amount of water delivered to Primary Entitlement Holders from 1 July last to the start of the month; minus
- E. The volume of water allocation carried over from previous water year(s) by the Primary Entitlement Holders, subject to clause 9 carryover rules for the Greater Yarra System – Thomson River Pool; minus
- F. The volume of transfers from the North-South Pipeline, Desalination Plant or other water systems; minus
- G. Passing flows and environmental water commitments contained in bulk and environmental entitlements; minus
- H. Volume of water set aside in Tarago Reservoir to supply Gippsland Water's and Southern Rural Water's Tarago River bulk entitlements; minus
- I. Any estimated headworks or transfer system losses for the remainder of the year.

Notes:

- 1. Each seasonal determination must be made publicly available and published on the Resource Manager's website on the day it is made.
- 2. For the purposes of complying with sub-clause 2.3 B of Schedule 3, the minimum operating levels and dead storage can be included in the System Management Rules.

3. For the avoidance of doubt, the data used in the calculations must be the most current data available and the best estimates of any values.
- 2.4 The Resource Manager must –
- (a) reach agreement with all Primary Entitlement Holders on the method used to calculate the resources available for seasonal determination under sub-clause 2.3 of Schedule 3; and
  - (b) make available to all Primary Entitlement Holders the information used to apply the method.
-

**Water Act 1989****BULK ENTITLEMENT (GREATER YARRA SYSTEM – THOMSON RIVER POOL – WESTERNPORT WATER) ORDER 2014**

I, the Honourable Peter Walsh, Minister for Water, as the Minister administering the **Water Act 1989**, make the following Order.

**PART 1 – INTRODUCTORY STATEMENTS****1. CITATION**

This Order may be cited as the Bulk Entitlement (Greater Yarra System – Thomson River Pool – Westernport Water) Order 2014.

**2. EMPOWERING PROVISIONS**

This Order is made under Division 1 of Part 4 of the **Water Act 1989**.

**3. COMMENCEMENT**

This Order comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**4. PURPOSE**

The purpose of this Order is to grant a bulk entitlement to Westernport Water to take and use water allocation from the Greater Yarra System – Thomson River Pool, and to be transported to the Authority's interface points by the Bulk Transfer System Operator.

**5. DEFINITIONS**

In this Order –

**'Act'** means the **Water Act 1989**;

**'Authority'** means Westernport Water;

**'Barwon Water'** means Barwon Water Corporation;

**'Bulk Transfer System Operator'** means the person who operates and maintains the Melbourne bulk transfer system;

**'carryover'** means the right of Primary Entitlement Holders to store unused water allocation over multiple water seasons, as set out in clause 9;

**'City West Water'** means City West Water Corporation;

**'Department'** means the Department of Environment and Primary Industries;

**'entitlement volume'** means the volume of water to which the Authority is entitled to take and use under the terms of this Order, as set out in clause 7;

**'Gippsland Water's and Southern Rural Water's Tarago River bulk entitlements'** means the Bulk Entitlement (Tarago River – Gippsland Water) Conversion Order 2009 and the Bulk Entitlement (Tarago River – Southern Rural Water) Conversion Order 2009;

**'Greater Yarra System – Thomson River Pool'** means water allocation that is able to be taken by the Authority under sub-clauses 6.1 and 8.1 of this bulk entitlement;

**'interface points'** means the point(s) of connection that enables the Primary Entitlement Holder to take water from the Melbourne bulk transfer system or Melbourne headworks system to their supply system;

**'Melbourne bulk transfer system'** means the system of transfer pipes and balancing storages that transports water from the Melbourne headworks system to the interface points for the Primary Entitlement Holders;

**'Melbourne headworks system'** means Thomson, Upper Yarra, Maroondah, O'Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project inclusive of the transfer pipeline;



- ‘**Melbourne Water**’ means Melbourne Water Corporation;
- ‘**Minister**’ means the Minister administering the Act and, when used in a provision in this Order, 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;
- ‘**ML**’ means megalitre(s);
- ‘**primary entitlement**’ means a bulk entitlement listed in column A of Schedule 2;
- ‘**Primary Entitlement Holder**’ means the holder of a primary entitlement listed in column B of Schedule 2;
- ‘**Resource Manager**’ means a person appointed under section 43A of the Act ;
- ‘**seasonal determination**’ means a seasonal determination made by the Resource Manager under Schedule 3 from the Bulk Entitlements listed in sub-clause 6.1;
- ‘**South East Water**’ means South East Water Corporation;
- ‘**South Gippsland Water**’ means South Gippsland Water Corporation;
- ‘**Southern Rural Water’s Thomson River Bulk Entitlement**’ means the Bulk Entitlement (Thomson/Macalister – Southern Rural Water) Conversion Order 2001;
- ‘**Storage Manager**’ means Melbourne Water acting in respect of the water supply functions provided for in section 171B of the Act;
- ‘**System Management Rules**’ means any rules from time to time adopted for the operation of the Melbourne headworks system in accordance with clause 10;
- ‘**Victorian Environmental Water Holder**’ means the body established under Part 3AA of the Act;
- ‘**water allocation**’ means the entitlement volume of water that is available to be taken by the Authority in any year under the terms of this Order, as set out in clause 8;
- ‘**water season**’ has the same meaning as the Act;
- ‘**Western Water**’ means Western Water Corporation;
- ‘**Westernport Water**’ means Westernport Water Corporation;
- ‘**Yarra Valley Water**’ means Yarra Valley Water Corporation;
- ‘**year**’ means the 12 month period commencing 1 July.

## PART 2 – ENTITLEMENT

### 6. GRANTING OF A BULK ENTITLEMENT

- 6.1 Subject to the conditions set out in this Order, the Authority is entitled to take and use water allocated from –
- Bulk Entitlement (Yarra River – Melbourne Water) Order 2014;
  - Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water) Order 2014;
  - Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water) Order 2014; and
  - Bulk Entitlement (Thomson River – Melbourne Water) Order 2014.
- 6.2 The bulk entitlements in sub-clause 6.1 are collectively known as the Greater Yarra System – Thomson River Pool.

### 7. ENTITLEMENT VOLUME

- 7.1 The Authority is entitled to 1,000 ML, as contained in Schedule 2 .

### 8. WATER ALLOCATION

- 8.1 The water allocation available to the Authority under this bulk entitlement in any year equals the volume determined in accordance with the following formula –

$$A = SD \times E$$

where A = water allocation available to the Authority

SD = seasonal determination expressed as a percentage

E = entitlement volume provided under clause 7.

- 8.2 The Resource Manager must at least monthly, make a seasonal determination for this Bulk Entitlement, in accordance with Schedule 3.
- 8.3 The seasonal determination will take effect when written notice of the decision of the Resource Manager is provided to the Authority, on the day it is made.
- 8.4 The Resource Manager must make available to the Authority, the method and calculations and any other information used to determine the seasonal determination.

## 9. CARRYOVER

- 9.1 The Authority is entitled to carryover unused water allocation from one water season to the following water season(s) for use, subject to –
- (a) usable airspace being available in the Melbourne headworks system;
  - (b) carryover water allocations not impacting the Resource Manager making additional seasonal determinations in the current water season;
  - (c) spills, or pre-releases consistent with System Management Rules to mitigate flooding risk, of water from any reservoirs in the Melbourne headworks, being proportional to the Primary Entitlement Holders share of total carryover;
  - (d) any evaporation and seepage losses on 1 July of each year agreed between the Primary Entitlement Holders, the Storage Manager and the Resource Manager from time to time; and
  - (e) any other agreed carryover rules between the Primary Entitlement Holders, the Resource Manager and the Storage Manager from time to time.

## PART 3 – GENERAL CONDITIONS AND PROVISIONS

### 10. SYSTEM MANAGEMENT RULES

- 10.1 The Authority, jointly with the Storage Manager, the other Primary Entitlement Holders, the Resource Manager and the Victorian Environmental Water Holder, must participate to update rules for managing the supply of water available under this entitlement to the Primary Entitlement Holders through the Melbourne headworks system.
- 10.2 If the Authority does not agree with the System Management Rules established by the Storage Manager, it may give written notice to the Storage Manager and/or other parties requiring the matter to be determined in accordance with clause 14.
- 10.3 The Authority, other Primary Entitlement Holders, Storage Manager, Resource Manager, or the Victorian Environmental Water Holder, may request the Storage Manager to vary the System Management Rules established from time to time.

### 11. OPERATING ARRANGEMENTS

- 11.1 The Authority must endeavour to agree with the Storage Manager and the Bulk Transfer System Operator to update operational arrangements to enable the Authority to take water under this entitlement.
- 11.2 The Operating Arrangements established under sub-clause 11.1 must address matters including, but not limited to –
- (a) consistency with the System Management Rules;
  - (b) notification of the proposed water demand forecast for the forthcoming year;
  - (c) arrangements to enable the Authority to take water at the Authority's interface points, including delivery and withdrawal arrangements;

- (d) be prepared in consultation with the other Primary Entitlement Holders, the Victorian Environmental Water Holder and any other interested parties likely to be affected by it;
  - (e) be prepared annually and include forecast operating scenarios based on a range of climatic conditions;
  - (f) be inclusive of multi-year outlook, if requested by the Minister or any of the Primary Entitlement Holders;
  - (g) be inclusive of any proposed allocation or entitlement transfers by Primary Entitlement Holders;
  - (h) arrangements for coordination and liaison between representatives of the Authority and the Bulk Transfer System Operator with regard to operational matters;
  - (i) be inclusive of emergency management arrangements;
  - (j) be approved by the Primary Entitlement Holders with respect to any strategic decisions pertaining to the management of the primary entitlements; and
  - (k) arrangements for coordination and liaison between representatives of the Authority and the Bulk Transfer System Operator with regard to operational matters.
- 11.3 If the Authority, the Storage Manager and the Bulk Transfer System Operator have not reached agreement under sub-clause 11.1 within 12 months of the date of this Order, any party may give written notice to the other parties requiring the matter to be determined in accordance with clause 14.

## **12. TAKING WATER**

- 12.1 For the purposes of clause 7 and the calculation of the volume of water taken by the Authority, the total volume of water taken shall be measured at the Authority's interface points.

## **13. METERING PROGRAM**

- 13.1 The Authority must undertake, or enter into an agreement to undertake, in accordance with any guidelines issued from time to time by the Minister –
- (a) review and update from time to time any metering program approved by the Minister;
  - (b) implement and maintain any metering program approved by the Minister;
  - (c) maintain metering equipment and associated measurement structures in good condition;
  - (d) ensure that metering equipment is periodically re-calibrated;
  - (e) if rating curves are used to calculate flows, ensure that the curves are regularly checked and if necessary, revise; and
  - (f) keep a record of all work undertaken under sub-clauses 13.1(c), (d) and (e).
- 13.2 The Minister may at any time require the Authority to –
- (a) review the program if in the Minister's opinion, it is no longer appropriate; and
  - (b) propose an amended program to the Minister.
- 13.3 Any application by the Authority to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.

## **14. DISPUTE RESOLUTION**

- 14.1 If a difference or dispute arises between the Authority, the Minister, the other Primary Entitlement Holders, the Storage Manager, the Resource Manager, and other bulk or environmental entitlement holders, or any of them, (the 'parties') concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 14.2 The notice requiring that the matter be determined by an independent arbitrator may only be given 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.

- 14.3 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators, Australia.
- 14.4 The independent arbitrator 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.
- 14.5 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 14.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent arbitrator is final and binding on the parties.
- 14.7 The Authority may request the Minister to determine the apportionment of the costs incidental to every reference, including the costs of the independent arbitrator.

#### **PART 4 – DEMONSTRATING COMPLIANCE**

#### **15. METERING PROGRAM COMPLIANCE**

- 15.1 The Authority must ensure it can demonstrate compliance with the provisions of this Order.
- 15.2 The Authority must demonstrate compliance with the metering program approved by the Minister under clause 13.

#### **16. REPORTING REQUIREMENTS**

- 16.1 The Minister may require the Authority to report on any or all of the following –
- (a) the annual amount of water taken under this bulk entitlement;
  - (b) the water allocation made available under this bulk entitlement and volume of carryover;
  - (c) compliance with the entitlement volume;
  - (d) any temporary assignment or permanent transfer of all or part of this bulk entitlement;
  - (e) the approval, amendment and implementation of the metering program approved under clause 13;
  - (f) any amendment to this bulk entitlement;
  - (g) any new bulk entitlement of water granted to the Authority;
  - (h) any failure by the Authority to comply with any provision of this bulk entitlement and any remedial action taken or proposed; and
  - (i) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 16.2 Any report under sub-clause 16.1 must be made –
- (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, or such longer period of time as the Minister may determine.
- 16.3 The Authority must in its Annual Report, report on each of the matters set out in sub-clause 16.1
- 16.4 Any report prepared by the Authority under sub-clauses 15.1 to 15.3 and 15.5 will also be made available to;
- (a) all holders of bulk entitlements listed under Schedule 1 if the reporting requirements impacts all entitlement holders; and
  - (b) to individual entitlement holders, if directly affected by the report.

- 16.5 If requested by the Resource Manager, from time to time, the Authority must report on any or all of the matters set out in sub-clause 16.1.
- 16.6 Any report under sub-clause 16.5 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
  - (b) within such period of time as may be agreed between the Authority and the Resource Manager.
- 17. DATA**
- 17.1 The Minister will endeavour to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement is made available to the Authority.
- 17.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purposes of clause 16, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department.

**SCHEDULE 1 – ENTITLEMENTS HELD BY MELBOURNE WATER CORPORATION**

<b>Bulk Entitlements</b>	<b>Available Long-term Resources per year</b>
<b>Bulk Entitlements in the Yarra River Basin</b>	<b>Up to 400,000 ML</b>
Bulk Entitlement (Yarra River – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Goulburn River Basin</b>	<b>Up to 66,000 ML every 3 years</b>
Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Tarago and Bunyip River Basins</b>	<b>Up to 30,510 ML</b>
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Thomson River Basin</b>	<b>Up to 171,800 ML</b>
Bulk Entitlement (Thomson River – Melbourne Water) Order 2014	
<b>TOTAL</b>	<b>Up to 624,310 ML</b>

**SCHEDULE 2 – PRIMARY ENTITLEMENTS**

Column A lists the primary entitlements, which are bulk entitlements for water sourced from Greater Yarra System – Thomson River Pool. Column B lists the authorities that hold these primary entitlements. Column C lists entitlement volume.

<b>A</b>	<b>B</b>	<b>C</b>
<b>Primary Entitlement</b>	<b>Primary Entitlement Holder</b>	<b>Volume ML</b>
Bulk Entitlement (Greater Yarra System – Thomson River Pool – City West Water) Order 2014	City West Water Corporation	155,227ML
Bulk Entitlement Greater Yarra System – Thomson River Pool – South East Water) Order 2014	South East Water Corporation	209,562 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Yarra Valley Water) Order 2014	Yarra Valley Water Corporation	223,271 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Barwon Water) Order 2014	Barwon Water Corporation	16,000 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – South Gippsland Water) Order 2014	South Gippsland Water Corporation	1,000 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Western Water) Order 2014	Western Water Corporation	18,250 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Westernport Water) Order 2014	Westernport Water Corporation	1,000 ML
<b>TOTAL</b>		<b>624,310 ML</b>

**SCHEDULE 3 – MAKING SEASONAL DETERMINATIONS FOR THE  
GREATER YARRA SYSTEM – THOMSON RIVER POOL**

**1. PURPOSE**

The purpose of this Schedule is to provide rules for determining the water allocation referenced in Clause 8.

**2. MAKING SEASONAL DETERMINATION**

2.1 On 1 July, and in each subsequent month until the end of the year, the Resource Manager must make seasonal determinations for the bulk entitlements listed in Schedule 2.

2.2 The seasonal determination at any time equals the percentage of water available to the bulk entitlements from the resources that can be diverted and are available for seasonal determination from the Melbourne headworks system in the current year, as shown by –

$$SD(\%) = \frac{R}{V} \times 100$$

where

SD = seasonal determination

R = the resources available for seasonal determination from the Melbourne headworks system in the current year as calculated in sub-clause 2.3 of Schedule 3

V = the sum of bulk entitlement volumes granted under the primary entitlements listed in Schedule 2

2.3 The resources available for seasonal determination from the Melbourne headworks system in the current year equals –

- A. Volume of water stored in Upper Yarra, Thomson (excluding Southern Rural Water's share of Thomson), Maroondah, O'Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs at the start of the month; minus
- B. Volume of dead storage; plus
- C. Forecast of harvestable water from the Melbourne headworks system for the remainder of the year, based on 2006/07 inflows or the worst recorded 12 months of inflows whichever is lower; plus
- D. The measured total amount of water delivered to Primary Entitlement Holders from 1 July last to the start of the month; minus
- E. The volume of water allocation carried over from previous water year(s) by the Primary Entitlement Holders, subject to clause 9 carryover rules for the Greater Yarra System – Thomson River Pool; minus
- F. The volume of transfers from the North-South Pipeline, Desalination Plant or other water systems; minus
- G. Passing flows and environmental water commitments contained in bulk and environmental entitlements; minus
- H. Volume of water set aside in Tarago Reservoir to supply Gippsland Water's and Southern Rural Water's Tarago River bulk entitlements; minus
- I. Any estimated headworks or transfer system losses for the remainder of the year.

Notes:

1. Each seasonal determination must be made publicly available and published on the Resource Manager's website on the day it is made.
2. For the purposes of complying with sub-clause 2.3 B of Schedule 3, the minimum operating levels and dead storage can be included in the System Management Rules.

3. For the avoidance of doubt, the data used in the calculations must be the most current data available and the best estimates of any values.
- 2.4 The Resource Manager must –
- (a) reach agreement with all Primary Entitlement Holders on the method used to calculate the resources available for seasonal determination under sub-clause 2.3 of Schedule 3; and
  - (b) make available to all Primary Entitlement Holders the information used to apply the method.
-



**Water Act 1989****BULK ENTITLEMENT (GREATER YARRA SYSTEM – THOMSON RIVER POOL  
– WESTERN WATER) ORDER 2014**

I, the Honourable Peter Walsh, Minister for Water, as the Minister administering the **Water Act 1989**, make the following Order.

**PART 1 – INTRODUCTORY STATEMENTS****1. CITATION**

This Order may be cited as the Bulk Entitlement (Greater Yarra System – Thomson River Pool – Western Water) Order 2014.

**2. EMPOWERING PROVISIONS**

This Order is made under Division 1 of Part 4 of the **Water Act 1989**.

**3. COMMENCEMENT**

This Order comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**4. PURPOSE**

The purpose of this Order is to grant a bulk entitlement to Western Water to take and use water allocation from the Greater Yarra System – Thomson River Pool, and to be transported to the Authority's interface points by the Bulk Transfer System Operator.

**5. DEFINITIONS**

In this Order –

‘**Act**’ means the **Water Act 1989**;

‘**Authority**’ means Western Water;

‘**Barwon Water**’ means Barwon Water Corporation;

‘**Bulk Transfer System Operator**’ means the person who operates and maintains the Melbourne bulk transfer system;

‘**carryover**’ means the right of Primary Entitlement Holders to store unused water allocation over multiple water seasons, as set out in clause 9;

‘**City West Water**’ means City West Water Corporation;

‘**Department**’ means the Department of Environment and Primary Industries;

‘**entitlement volume**’ means the volume of water to which the Authority is entitled to take and use under the terms of this Order, as set out in clause 7;

‘**Gippsland Water's and Southern Rural Water's Tarago River bulk entitlements**’ means the Bulk Entitlement (Tarago River – Gippsland Water) Conversion Order 2009 and the Bulk Entitlement (Tarago River – Southern Rural Water) Conversion Order 2009;

‘**Greater Yarra System – Thomson River Pool**’ means water allocation that is able to be taken by the Authority under sub-clauses 6.1 and 8.1 of this bulk entitlement;

‘**interface points**’ means the point(s) of connection that enables the Primary Entitlement Holder to take water from the Melbourne bulk transfer system or Melbourne headworks system to their supply system;

‘**Melbourne bulk transfer system**’ means the system of transfer pipes and balancing storages that transports water from the Melbourne headworks system to the interface points for the Primary Entitlement Holders;

‘**Melbourne headworks system**’ means Thomson, Upper Yarra, Maroondah, O’Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project inclusive of the transfer pipeline;

- ‘Melbourne Water’** means Melbourne Water Corporation;
- ‘Minister’** means the Minister administering the Act and, when used in a provision in this Order, 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;
- ‘ML’** means megalitre(s);
- ‘primary entitlement’** means a bulk entitlement listed in column A of Schedule 2;
- ‘Primary Entitlement Holder’** means the holder of a primary entitlement listed in column B of Schedule 2;
- ‘Resource Manager’** means a person appointed under section 43A of the Act ;
- ‘seasonal determination’** means a seasonal determination made by the Resource Manager under Schedule 3 from the Bulk Entitlements listed in sub-clause 6.1;
- ‘South East Water’** means South East Water Corporation;
- ‘South Gippsland Water’** means South Gippsland Water Corporation;
- ‘Southern Rural Water’s Thomson River Bulk Entitlement’** means the Bulk Entitlement (Thomson/Macalister – Southern Rural Water) Conversion Order 2001;
- ‘Storage Manager’** means Melbourne Water acting in respect of the water supply functions provided for in section 171B of the Act;
- ‘System Management Rules’** means any rules from time to time adopted for the operation of the Melbourne headworks system in accordance with clause 10;
- ‘Victorian Environmental Water Holder’** means the body established under Part 3AA of the Act;
- ‘water allocation’** means the entitlement volume of water that is available to be taken by the Authority in any year under the terms of this Order, as set out in clause 8;
- ‘water season’** has the same meaning as the Act;
- ‘Western Water’** means Western Water Corporation;
- ‘Westernport Water’** means Westernport Water Corporation;
- ‘Yarra Valley Water’** means Yarra Valley Water Corporation;
- ‘year’** means the 12 month period commencing 1 July.

## PART 2 – ENTITLEMENT

### 6. GRANTING OF A BULK ENTITLEMENT

- 6.1 Subject to the conditions set out in this Order, the Authority is entitled to take and use water allocated from –
- (a) Bulk Entitlement (Yarra River – Melbourne Water) Order 2014;
  - (b) Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water) Order 2014;
  - (c) Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water) Order 2014; and
  - (d) Bulk Entitlement (Thomson River – Melbourne Water) Order 2014.
- 6.2 The bulk entitlements in sub-clause 6.1 are collectively known as the Greater Yarra System – Thomson River Pool.

### 7. ENTITLEMENT VOLUME

- 7.1 The Authority is entitled to 18,250 ML, as contained in Schedule 2 .

### 8. WATER ALLOCATION

- 8.1 The water allocation available to the Authority under this bulk entitlement in any year equals the volume determined in accordance with the following formula –

$$A = SD \times E$$

where A = water allocation available to the Authority

SD = seasonal determination expressed as a percentage

E = entitlement volume provided under clause 7.

- 8.2 The Resource Manager must at least monthly, make a seasonal determination for this Bulk Entitlement, in accordance with Schedule 3.
- 8.3 The seasonal determination will take effect when written notice of the decision of the Resource Manager is provided to the Authority, on the day it is made.
- 8.4 The Resource Manager must make available to the Authority, the method and calculations and any other information used to determine the seasonal determination.

## **9. CARRYOVER**

- 9.1 The Authority is entitled to carryover unused water allocation from one water season to the following water season(s) for use, subject to –
- (a) usable airspace being available in the Melbourne headworks system;
  - (b) carryover water allocations not impacting the Resource Manager making additional seasonal determinations in the current water season;
  - (c) spills, or pre-releases consistent with System Management Rules to mitigate flooding risk, of water from any reservoirs in the Melbourne headworks, being proportional to the Primary Entitlement Holders share of total carryover;
  - (d) any evaporation and seepage losses on 1 July of each year agreed between the Primary Entitlement Holders, the Storage Manager and the Resource Manager from time to time; and
  - (e) any other agreed carryover rules between the Primary Entitlement Holders, the Resource Manager and the Storage Manager from time to time.

## **PART 3 – GENERAL CONDITIONS AND PROVISIONS**

### **10. SYSTEM MANAGEMENT RULES**

- 10.1 The Authority, jointly with the Storage Manager, the other Primary Entitlement Holders, the Resource Manager and the Victorian Environmental Water Holder, must participate to update rules for managing the supply of water available under this entitlement to the Primary Entitlement Holders through the Melbourne headworks system.
- 10.2 If the Authority does not agree with the System Management Rules established by the Storage Manager, it may give written notice to the Storage Manager and/or other parties requiring the matter to be determined in accordance with clause 14.
- 10.3 The Authority, other Primary Entitlement Holders, Storage Manager, Resource Manager, or the Victorian Environmental Water Holder, may request the Storage Manager to vary the System Management Rules established from time to time.

### **11. OPERATING ARRANGEMENTS**

- 11.1 The Authority must endeavour to agree with the Storage Manager and the Bulk Transfer System Operator to update operational arrangements to enable the Authority to take water under this entitlement.
- 11.2 The Operating Arrangements established under sub-clause 11.1 must address matters including, but not limited to –
- (a) consistency with the System Management Rules;
  - (b) notification of the proposed water demand forecast for the forthcoming year;
  - (c) arrangements to enable the Authority to take water at the Authority's interface points, including delivery and withdrawal arrangements;

- (d) be prepared in consultation with the other Primary Entitlement Holders, the Victorian Environmental Water Holder and any other interested parties likely to be affected by it;
  - (e) be prepared annually and include forecast operating scenarios based on a range of climatic conditions;
  - (f) be inclusive of multi-year outlook, if requested by the Minister or any of the Primary Entitlement Holders;
  - (g) be inclusive of any proposed allocation or entitlement transfers by Primary Entitlement Holders;
  - (h) arrangements for coordination and liaison between representatives of the Authority and the Bulk Transfer System Operator with regard to operational matters;
  - (i) be inclusive of emergency management arrangements;
  - (j) be approved by the Primary Entitlement Holders with respect to any strategic decisions pertaining to the management of the primary entitlements; and
  - (k) arrangements for coordination and liaison between representatives of the Authority and the Bulk Transfer System Operator with regard to operational matters.
- 11.3 If the Authority, the Storage Manager and the Bulk Transfer System Operator have not reached agreement under sub-clause 11.1 within 12 months of the date of this Order, any party may give written notice to the other parties requiring the matter to be determined in accordance with clause 14.
- 12. TAKING WATER**
- 12.1 For the purposes of clause 7 and the calculation of the volume of water taken by the Authority, the total volume of water taken shall be measured at the Authority's interface points.
- 13. METERING PROGRAM**
- 13.1 The Authority must undertake, or enter into an agreement to undertake, in accordance with any guidelines issued from time to time by the Minister –
- (a) review and update from time to time any metering program approved by the Minister;
  - (b) implement and maintain any metering program approved by the Minister;
  - (c) maintain metering equipment and associated measurement structures in good condition;
  - (d) ensure that metering equipment is periodically re-calibrated;
  - (e) if rating curves are used to calculate flows, ensure that the curves are regularly checked and if necessary, revise; and
  - (f) keep a record of all work undertaken under sub-clauses 13.1(c), (d) and (e).
- 13.2 The Minister may at any time require the Authority to –
- (a) review the program if in the Minister's opinion, it is no longer appropriate; and
  - (b) propose an amended program to the Minister.
- 13.3 Any application by the Authority to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.
- 14. DISPUTE RESOLUTION**
- 14.1 If a difference or dispute arises between the Authority, the Minister, the other Primary Entitlement Holders, the Storage Manager, the Resource Manager, and other bulk or environmental entitlement holders, or any of them, (the 'parties') concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 14.2 The notice requiring that the matter be determined by an independent arbitrator may only be given 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.

- 14.3 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators, Australia.
- 14.4 The independent arbitrator 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.
- 14.5 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 14.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent arbitrator is final and binding on the parties.
- 14.7 The Authority may request the Minister to determine the apportionment of the costs incidental to every reference, including the costs of the independent arbitrator.

#### **PART 4 – DEMONSTRATING COMPLIANCE**

#### **15. METERING PROGRAM COMPLIANCE**

- 15.1 The Authority must ensure it can demonstrate compliance with the provisions of this Order.
- 15.2 The Authority must demonstrate compliance with the metering program approved by the Minister under clause 13.

#### **16. REPORTING REQUIREMENTS**

- 16.1 The Minister may require the Authority to report on any or all of the following –
- (a) the annual amount of water taken under this bulk entitlement;
  - (b) the water allocation made available under this bulk entitlement and volume of carryover;
  - (c) compliance with the entitlement volume;
  - (d) any temporary assignment or permanent transfer of all or part of this bulk entitlement;
  - (e) the approval, amendment and implementation of the metering program approved under clause 13;
  - (f) any amendment to this bulk entitlement;
  - (g) any new bulk entitlement of water granted to the Authority;
  - (h) any failure by the Authority to comply with any provision of this bulk entitlement and any remedial action taken or proposed; and
  - (i) any difficulties experienced or anticipated by the Authority in complying with this bulk entitlement and any remedial action taken or proposed.
- 16.2 Any report under sub-clause 16.1 must be made –
- (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, or such longer period of time as the Minister may determine.
- 16.3 The Authority must in its Annual Report, report on each of the matters set out in sub-clause 16.1
- 16.4 Any report prepared by the Authority under sub-clauses 15.1 to 15.3 and 15.5 will also be made available to;
- (a) all holders of bulk entitlements listed under Schedule 1 if the reporting requirements impacts all entitlement holders; and
  - (b) to individual entitlement holders, if directly affected by the report.

- 16.5 If requested by the Resource Manager, from time to time, the Authority must report on any or all of the matters set out in sub-clause 16.1.
- 16.6 Any report under sub-clause 16.5 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
  - (b) within such period of time as may be agreed between the Authority and the Resource Manager.
- 17. DATA**
- 17.1 The Minister will endeavour to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement is made available to the Authority.
- 17.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purposes of clause 16, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department.

**SCHEDULE 1 – ENTITLEMENTS HELD BY MELBOURNE WATER CORPORATION**

<b>Bulk Entitlements</b>	<b>Available Long-term Resources per year</b>
<b>Bulk Entitlements in the Yarra River Basin</b>	<b>Up to 400,000 ML</b>
Bulk Entitlement (Yarra River – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Goulburn River Basin</b>	<b>Up to 66,000 ML every 3 years</b>
Bulk Entitlement (Silver & Wallaby Creeks – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Tarago and Bunyip River Basins</b>	<b>Up to 30,510 ML</b>
Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water) Order 2014	
<b>Bulk Entitlements in the Thomson River Basin</b>	<b>Up to 171,800 ML</b>
Bulk Entitlement (Thomson River – Melbourne Water) Order 2014	
<b>TOTAL</b>	<b>Up to 624,310 ML</b>

**SCHEDULE 2 – PRIMARY ENTITLEMENTS**

Column A lists the primary entitlements, which are bulk entitlements for water sourced from Greater Yarra System – Thomson River Pool. Column B lists the authorities that hold these primary entitlements. Column C lists entitlement volume.

<b>A</b>	<b>B</b>	<b>C</b>
<b>Primary Entitlement</b>	<b>Primary Entitlement Holder</b>	<b>Volume ML</b>
Bulk Entitlement (Greater Yarra System – Thomson River Pool – City West Water) Order 2014	City West Water Corporation	155,227ML
Bulk Entitlement Greater Yarra System – Thomson River Pool – South East Water) Order 2014	South East Water Corporation	209,562 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Yarra Valley Water) Order 2014	Yarra Valley Water Corporation	223,271 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Barwon Water) Order 2014	Barwon Water Corporation	16,000 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – South Gippsland Water) Order 2014	South Gippsland Water Corporation	1,000 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Western Water) Order 2014	Western Water Corporation	18,250 ML
Bulk Entitlement (Greater Yarra System – Thomson River Pool – Westernport Water) Order 2014	Westernport Water Corporation	1,000 ML
<b>TOTAL</b>		<b>624,310 ML</b>

**SCHEDULE 3- MAKING SEASONAL DETERMINATIONS FOR THE  
GREATER YARRA SYSTEM – THOMSON RIVER POOL**

**1. PURPOSE**

The purpose of this Schedule is to provide rules for determining the water allocation referenced in Clause 8.

**2. MAKING SEASONAL DETERMINATION**

2.1 On 1 July, and in each subsequent month until the end of the year, the Resource Manager must make seasonal determinations for the bulk entitlements listed in Schedule 2.

2.2 The seasonal determination at any time equals the percentage of water available to the bulk entitlements from the resources that can be diverted and are available for seasonal determination from the Melbourne headworks system in the current year, as shown by –

$$SD(\%) = \frac{R}{V} \times 100$$

where

SD = seasonal determination

R = the resources available for seasonal determination from the Melbourne headworks system in the current year as calculated in sub-clause 2.3 of Schedule 3

V = the sum of bulk entitlement volumes granted under the primary entitlements listed in Schedule 2

2.3 The resources available for seasonal determination from the Melbourne headworks system in the current year equals –

- A. Volume of water stored in Upper Yarra, Thomson (excluding Southern Rural Water's share of Thomson), Maroondah, O'Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs at the start of the month; minus
- B. Volume of dead storage; plus
- C. Forecast of harvestable water from the Melbourne headworks system for the remainder of the year, based on 2006/07 inflows or the worst recorded 12 months of inflows whichever is lower; plus
- D. The measured total amount of water delivered to Primary Entitlement Holders from 1 July last to the start of the month; minus
- E. The volume of water allocation carried over from previous water year(s) by the Primary Entitlement Holders, subject to clause 9 carryover rules for the Greater Yarra System – Thomson River Pool; minus
- F. The volume of transfers from the North-South Pipeline, Desalination Plant or other water systems; minus
- G. Passing flows and environmental water commitments contained in bulk and environmental entitlements; minus
- H. Volume of water set aside in Tarago Reservoir to supply Gippsland Water's and Southern Rural Water's Tarago River bulk entitlements; minus
- I. Any estimated headworks or transfer system losses for the remainder of the year.

Notes:

- 1. Each seasonal determination must be made publicly available and published on the Resource Manager's website on the day it is made.
- 2. For the purposes of complying with sub-clause 2.3 B of Schedule 3, the minimum operating levels and dead storage can be included in the System Management Rules.



3. For the avoidance of doubt, the data used in the calculations must be the most current data available and the best estimates of any values.
- 2.4 The Resource Manager must –
- (a) reach agreement with all Primary Entitlement Holders on the method used to calculate the resources available for seasonal determination under sub-clause 2.3 of Schedule 3; and
  - (b) make available to all Primary Entitlement Holders the information used to apply the method.
-

**Water Act 1989****BULK ENTITLEMENT (DESALINATED WATER – CITY WEST WATER) ORDER 2014**

I, the Honourable Peter Walsh, Minister for Water, as Minister administering the **Water Act 1989**, make the following Order.

**PART 1 – INTRODUCTORY STATEMENTS****1. CITATION**

This Order may be cited as the Bulk Entitlement (Desalinated Water – City West Water) Order 2014.

**2. EMPOWERING PROVISIONS**

This Order is made under Division 1 of Part 4 of the **Water Act 1989**.

**3. COMMENCEMENT**

This Order comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**4. PURPOSE**

The purpose of this Order is to grant a bulk entitlement to City West Water for any water that is sourced from the Victorian Desalination Project and transported to the Melbourne headworks system via the Transfer Pipeline.

**5. DEFINITIONS**

In this Order –

‘**Act**’ means the **Water Act 1989**;

‘**Authority**’ means City West Water;

‘**Authority Desalinated Water Order Advice**’ means the portion of advice provided by the Authority, as part of the Desalinated Water Order advice made in accordance with the Water Interface Agreement and, consistent with the method approved by the Minister under sub-clause 9.5;

‘**bulk entitlement**’ means a bulk entitlement listed in column A of Schedule 1;

‘**Bulk Entitlement Holder**’ means the holder of a bulk entitlement as listed in column B of Schedule 1;

‘**Bulk Transfer System Operator**’ means a person who operates and maintains the Melbourne bulk transfer system;

‘**City West Water**’ means City West Water Corporation;

‘**delivery point**’ means a point of connection between the Transfer Pipeline and the Melbourne bulk transfer system, or a point of connection between the Transfer Pipeline and the water supply works of a Bulk Entitlement Holder or the Melbourne headworks system or interface points;

‘**Desalinated Water**’ means the treated seawater produced by the Victorian Desalination Project;

‘**Desalinated Water Order**’ means the volume of desalinated water ordered by the Minister;

‘**Desalinated Water Order Advice**’ means the recommended water order advice of the same name as defined in, and made in accordance with the processes outlined in the Water Interface Agreement, to enable fulfilment of Project Deed obligations to make a desalinated water order on 1 April of each year;

‘**interface points**’ means the point(s) of connection that enables the Bulk Entitlement Holder to take water from the Melbourne bulk transfer system or Melbourne headworks system;

‘**Melbourne bulk transfer system**’ means the system of transfer pipes and balancing storages that transports water from the Melbourne headworks system to the interface points for the Bulk Entitlement Holders;

‘**Melbourne headworks system**’ means Thomson, Upper Yarra, Maroondah, O’Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project;

‘**Melbourne Water**’ means Melbourne Water Corporation;

‘**Minister**’ means the Minister administering the Act and when used in a provision in this Order 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;

‘**ML**’ means megalitre(s);

‘**Project Deed**’ means the Victorian Desalination Project – Project Deed between the State and AquaSure Pty Ltd, dated 30 July 2009;

‘**Resource Manager**’ means a person appointed under section 43A of the Act;

‘**South East Water**’ means South East Water Corporation;

‘**Storage Manager**’ means Melbourne Water acting in respect of the water supply functions provided for in section 171B of the Act ;

‘**system management rules**’ means any rules from time to time adopted for the operation of the Melbourne headworks system in accordance with clause 9;

‘**Transfer Pipeline**’ means the water transmission pipeline between the site of the Victorian Desalination Project in the Bass Coast region and the Melbourne bulk transfer system near Cardinia Reservoir, which is to be utilised for the transportation of either Desalinated Water or water from Cardinia Reservoir in accordance with the provisions of the Project Deed;

‘**Victorian Desalination Project**’ means the construction and carrying out of the works, facilities and services and all ancillary and incidental activities associated with the development and operation of a seawater desalination plant in the Bass Coast region;

‘**Water Allocation**’ means the volume of water that is available to be taken by Bulk Entitlement Holder in any year under the terms of the Order granting the Bulk Entitlement in accordance with sub-clause 8.1;

‘**Water Interface Agreement**’ means the agreement between the Minister for Water for the State of Victoria, the Secretary to the then Department of Sustainability and Environment, and Melbourne Water Corporation dated 28 March 2012;

‘**water season**’ has the same meaning as the Act;

‘**Yarra Valley Water**’ means Yarra Valley Water Corporation;

‘**year**’ means the 12 month period commencing 1 July.

## PART 2 – ENTITLEMENT

### 6. GRANTING OF A BULK ENTITLEMENT

- 6.1 The Authority’s entitlement to Desalinated Water from the Victorian Desalination Project is granted to the Authority on the conditions set out in this Order.

### 7. BULK ENTITLEMENT VOLUMES

- 7.1 The Authority may take an average annual volume of up to 39,595 ML of Desalinated Water over any period of five consecutive years that is delivered to a delivery point to the Melbourne headworks system, under this bulk entitlement.

### 8. WATER ALLOCATION

- 8.1 The water allocation available to the Authority under this bulk entitlement in any year equals the volume determined in accordance with the following formula –

$$A = \text{Desalinated Water Order} \times \frac{\text{Authority Desalinated Water Order Advice}}{\text{Desalinated Water Order Advice}}$$

where A = water allocation available to the Authority

- 8.2 The Resource Manager will on 1 July each year allocate available water to all Bulk Entitlement Holders from the Victorian Desalination Project through a water allocation established in accordance with sub-clause 8.1.
- 8.3 The water allocation will take effect when written notice of the decision of the Resource Manager is published on the Resource Manager's website, on the day it is made.

### **PART 3 – GENERAL CONDITIONS AND PROVISIONS**

#### **9. MANAGEMENT ARRANGEMENTS**

- 9.1 The Authority jointly with the Storage Manager, the other Bulk Entitlement Holders and the Resource Manager must participate to update rules for managing the supply of water available under this entitlement to the Bulk Entitlement Holders through the Melbourne headworks system.
- 9.2 If agreement under sub-clause 9.1 has not been reached within 12 months of the date of this Order, any of the parties may give written notice to the other parties requiring the matter to be determined in accordance with clause 11.
- 9.3 The Authority, the Storage Manager, the Resource Manager or the other Bulk Entitlement Holders, may agree to vary the management arrangements established under sub-clause 9.1 from time to time.
- 9.4 The Authority together with the holders of bulk entitlements listed in Schedule 1 and the Resource Manager must within 6 months of the commencement of this Order, review and if necessary propose amendments to the Minister for making the desalinated water order advice.
- 9.5 In respect of sub-clause 9.4, the Minister may –
- (a) approve the proposal under sub-clause 9.4; or
  - (b) require the Authority to amend the proposal; or
  - (c) require the Authority to –
    - (i) review the method approved by the Minister if, in the Minister's opinion, it is at any time no longer appropriate; and
    - (ii) propose an amended method.
- 9.6 The Authority, together with the holders of bulk entitlements listed in Schedule 1 and the Resource Manager, may subsequent to sub-clause 9.4 and from time to time, review and if necessary, propose amendments to the Minister for making the desalinated water order advice.
- 9.7 The Minister may from time to time, require the Authority, together with the holders of bulk entitlements listed in Schedule 1 and the Resource Manager to review and if necessary propose amendments to the Minister for making desalinated water order advice.
- 9.8 In respect of sub-clause 9.7, the Minister may –
- (a) approve the proposal under sub-clause 9.7; or
  - (b) require the Authority to amend the proposal; or
  - (c) require the Authority to –
    - (i) review the method approved by the Minister if, in the Minister's opinion, it is, at any time no longer appropriate; and
    - (ii) propose an amended method.

**10. METERING PROGRAM**

- 10.1 The Authority must undertake, or enter into an agreement to undertake, in accordance with any guidelines issued from time to time by the Minister –
- (a) review and update from time to time any metering program approved by the Minister;
  - (b) implement and maintain any metering program approved by the Minister;
  - (c) maintain metering equipment and associated measurement structures in good condition;
  - (d) ensure that metering equipment is periodically re-calibrated;
  - (e) if rating curves are used to calculate flows, ensure that the curves are regularly checked and if necessary, revise; and
  - (f) keep a record of all work undertaken under sub-clauses 10.1(c), (d) and (e).
- 10.2 The Minister may at any time require the Authority to –
- (a) review the program if, in the Minister's opinion it is no longer appropriate; and
  - (b) propose an amended program to the Minister.
- 10.3 Any application by the Authority to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.

**11. DISPUTE RESOLUTION**

- 11.1 If a difference or dispute arises between the Authority, the Minister, the other Bulk Entitlement Holders, the Storage Manager, the Resource Manager, and other bulk or environmental entitlement holders, or any of them, (the 'parties') concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 11.2 The notice requiring that the matter be determined by an independent arbitrator may only be given 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.
- 11.3 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators, Australia.
- 11.4 The independent arbitrator 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.
- 11.5 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 11.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent arbitrator is final and binding on the parties.
- 11.7 The Authority may request the Minister to determine the apportionment of the costs incidental to every reference, including the costs of the independent arbitrator.

**PART 4 – DEMONSTRATING COMPLIANCE****12. METERING PROGRAM COMPLIANCE**

- 12.1 The Authority must ensure it can demonstrate compliance with the provisions of this Order.
- 12.2 The Authority must demonstrate compliance with a metering program approved by the Minister under clause 10.

### **13. REPORTING REQUIREMENTS**

- 13.1 The Minister may require the Authority to report on any or all of the following –
- (a) the status of this bulk entitlement, including the amount of water taken by the Authority from the Victorian Desalination Project;
  - (b) any assignment of water allocation or permanent transfer of all or part of this bulk entitlement;
  - (c) any amendment to this bulk entitlement;
  - (d) any new bulk entitlement of water granted to the Authority;
  - (e) compliance with this bulk entitlement;
  - (f) any failures by the Authority, to comply with any provision of this bulk entitlement and any remedial action taken or proposed; and
  - (g) any difficulties experienced or anticipated by the Authority, in complying with this bulk entitlement and any remedial action taken or proposed.
- 13.2 Any report under sub-clause 13.1 must be made –
- (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, or such longer period of time as the Minister may determine.
- 13.3 The Authority must in its Annual Report, report on each of the matters set out in sub-clause 13.1.
- 13.4 If requested by the Resource Manager from time to time, the Authority must report on any or all of the matters set out in sub-clause 13.1.
- 13.5 Any report under sub-clause 13.4 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
  - (b) within such period of time as may be agreed between the Authority and the Resource Manager.

### **14. DATA**

- 14.1 The Minister will endeavour to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement is made available to the Authority.
- 14.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purpose of clause 13, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department.

**SCHEDULE 1 – BULK ENTITLEMENTS**

Column A lists the entitlements, which are bulk entitlements for water sourced from the Victorian Desalination Project. Column B lists the Bulk Entitlement Holder. Column C lists the volume of bulk entitlement.

<b>Column A</b>	<b>Column B</b>	<b>Column C</b>
<b>Bulk Entitlement</b>	<b>Bulk Entitlement Holder</b>	<b>Volume of Bulk Entitlement</b>
Bulk Entitlement (Desalinated Water – City West Water) Order 2014	City West Water Corporation	39,595 ML
Bulk Entitlement (Desalinated Water – South East Water) Order 2014	South East Water Corporation	53,454 ML
Bulk Entitlement (Desalinated Water – Yarra Valley Water) Order 2014	Yarra Valley Water Corporation	56,951 ML
Total		150,000 ML

**Water Act 1989****BULK ENTITLEMENT (DESALINATED WATER – SOUTH EAST WATER) ORDER 2014**

I, the Honourable Peter Walsh, Minister for Water, as Minister administering the **Water Act 1989**, make the following Order.

**PART 1 – INTRODUCTORY STATEMENTS****1. CITATION**

This Order may be cited as the Bulk Entitlement (Desalinated Water – South East Water) Order 2014.

**2. EMPOWERING PROVISIONS**

This Order is made under Division 1 of Part 4 of the **Water Act 1989**.

**3. COMMENCEMENT**

This Order comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**4. PURPOSE**

The purpose of this Order is to grant a bulk entitlement to South East Water for any water that is sourced from the Victorian Desalination Project and transported to the Melbourne headworks system via the Transfer Pipeline.

**5. DEFINITIONS**

In this Order –

‘**Act**’ means the **Water Act 1989**;

‘**Authority**’ means South East Water ;

‘**Authority Desalinated Water Order Advice**’ means the portion of advice provided by the Authority, as part of the Desalinated Water Order advice made in accordance with the Water Interface Agreement and, consistent with the method approved by the Minister under sub-clause 9.5;

‘**bulk entitlement**’ means a bulk entitlement listed in column A of Schedule 1;

‘**Bulk Entitlement Holder**’ means the holder of a bulk entitlement as listed in column B of Schedule 1;

‘**Bulk Transfer System Operator**’ means a person who operates and maintains the Melbourne bulk transfer system;

‘**City West Water**’ means City West Water Corporation;

‘**delivery point**’ means a point of connection between the Transfer Pipeline and the Melbourne bulk transfer system, or a point of connection between the Transfer Pipeline and the water supply works of a Bulk Entitlement Holder or the Melbourne headworks system or interface points;

‘**Desalinated Water**’ means the treated seawater produced by the Victorian Desalination Project;

‘**Desalinated Water Order**’ means the volume of desalinated water ordered by the Minister;

‘**Desalinated Water Order advice**’ means the recommended water order advice of the same name as defined in, and made in accordance with the processes outlined in the Water Interface Agreement, to enable fulfilment of Project Deed obligations to make a desalinated water order on 1 April of each year;

‘**interface points**’ means the point(s) of connection that enables the Bulk Entitlement Holder to take water from the Melbourne bulk transfer system or Melbourne headworks system;

‘**Melbourne bulk transfer system**’ means the system of transfer pipes and balancing storages that transports water from the Melbourne headworks system to the interface points for the Bulk Entitlement Holders;



‘**Melbourne headworks system**’ means Thomson, Upper Yarra, Maroondah, O’Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project;

‘**Melbourne Water**’ means Melbourne Water Corporation;

‘**Minister**’ means the Minister administering the Act and when used in a provision in this Order 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;

‘**ML**’ means megalitre(s);

‘**Project Deed**’ means the Victorian Desalination Project – Project Deed between the State and AquaSure Pty Ltd, dated 30 July 2009;

‘**Resource Manager**’ means a person appointed under section 43A of the Act;

‘**South East Water**’ means South East Water Corporation;

‘**Storage Manager**’ means Melbourne Water acting in respect of the water supply functions provided for in section 171B of the Act ;

‘**system management rules**’ means any rules from time to time adopted for the operation of the Melbourne headworks system in accordance with clause 9;

‘**Transfer Pipeline**’ means the water transmission pipeline between the site of the Victorian Desalination Project in the Bass Coast region and the Melbourne bulk transfer system near Cardinia Reservoir, which is to be utilised for the transportation of either Desalinated Water or water from Cardinia Reservoir in accordance with the provisions of the Project Deed;

‘**Victorian Desalination Project**’ means the construction and carrying out of the works, facilities and services and all ancillary and incidental activities associated with the development and operation of a seawater desalination plant in the Bass Coast region;

‘**water allocation**’ means the volume of water that is available to be taken by Bulk Entitlement Holder in any year under the terms of the Order granting the Bulk Entitlement in accordance with sub-clause 8.1;

‘**Water Interface Agreement**’ means the agreement between the Minister for Water for the State of Victoria, the Secretary to the then Department of Sustainability and Environment, and Melbourne Water Corporation dated 28 March 2012;

‘**water season**’ has the same meaning as the Act;

‘**Yarra Valley Water**’ means Yarra Valley Water Corporation;

‘**year**’ means the 12 month period commencing 1 July.

## PART 2 – ENTITLEMENT

### 6. GRANTING OF A BULK ENTITLEMENT

6.1 The Authority’s entitlement to Desalinated Water from the Victorian Desalination Project is granted to the Authority on the conditions set out in this Order.

### 7. BULK ENTITLEMENT VOLUMES

7.1 The Authority may take an average annual volume of up to 53,454 ML of Desalinated Water over any period of five consecutive years that is delivered to a delivery point to the Melbourne headworks system, under this bulk entitlement.

### 8. WATER ALLOCATION

8.1 The water allocation available to the Authority under this bulk entitlement in any year equals the volume determined in accordance with the following formula –

$$A = \text{Desalinated Water Order} \times \frac{\text{Authority Desalinated Water Order Advice}}{\text{Desalinated Water Order Advice}}$$

where A = water allocation available to the Authority

- 8.2 The Resource Manager will on 1 July each year allocate available water to all Bulk Entitlement Holders from the Victorian Desalination Project through a water allocation established in accordance with sub-clause 8.1.
- 8.3 The water allocation will take effect when written notice of the decision of the Resource Manager is published on the Resource Manager's website, on the day it is made.

### **PART 3 – GENERAL CONDITIONS AND PROVISIONS**

#### **9. MANAGEMENT ARRANGEMENTS**

- 9.1 The Authority jointly with the Storage Manager, the other Bulk Entitlement Holders and the Resource Manager must participate to update rules for managing the supply of water available under this entitlement to the Bulk Entitlement Holders through the Melbourne headworks system.
- 9.2 If agreement under sub-clause 9.1 has not been reached within 12 months of the date of this Order, any of the parties may give written notice to the other parties requiring the matter to be determined in accordance with clause 11.
- 9.3 The Authority, the Storage Manager, the Resource Manager or the other Bulk Entitlement Holders, may agree to vary the management arrangements established under sub-clause 9.1 from time to time.
- 9.4 The Authority together with the holders of bulk entitlements listed in Schedule 1 and the Resource Manager must within 6 months of the commencement of this Order, review and if necessary propose amendments to the Minister for making the desalinated water order advice.
- 9.5 In respect of sub-clause 9.4, the Minister may –
- (a) approve the proposal under sub-clause 9.4; or
  - (b) require the Authority to amend the proposal; or
  - (c) require the Authority to –
    - (i) review the method approved by the Minister if, in the Minister's opinion, it is at any time no longer appropriate; and
    - (ii) propose an amended method.
- 9.6 The Authority, together with the holders of bulk entitlements listed in Schedule 1 and the Resource Manager, may subsequent to sub-clause 9.4 and from time to time, review and if necessary, propose amendments to the Minister for making the desalinated water order advice.
- 9.7 The Minister may from time to time, require the Authority, together with the holders of bulk entitlements listed in Schedule 1 and the Resource Manager to review and if necessary propose amendments to the Minister for making desalinated water order advice.
- 9.8 In respect of sub-clause 9.7, the Minister may –
- (a) approve the proposal under sub-clause 9.7; or
  - (b) require the Authority to amend the proposal; or
  - (c) require the Authority to –
    - (i) review the method approved by the Minister if, in the Minister's opinion, it is, at any time no longer appropriate; and
    - (ii) propose an amended method.

**10. METERING PROGRAM**

- 10.1 The Authority must undertake, or enter into an agreement to undertake, in accordance with any guidelines issued from time to time by the Minister –
- (a) review and update from time to time any metering program approved by the Minister;
  - (b) implement and maintain any metering program approved by the Minister;
  - (c) maintain metering equipment and associated measurement structures in good condition;
  - (d) ensure that metering equipment is periodically re-calibrated;
  - (e) if rating curves are used to calculate flows, ensure that the curves are regularly checked and if necessary, revise; and
  - (f) keep a record of all work undertaken under sub-clauses 10.1(c), (d) and (e).
- 10.2 The Minister may at any time require the Authority to –
- (a) review the program if, in the Minister's opinion it is no longer appropriate; and
  - (b) propose an amended program to the Minister.
- 10.3 Any application by the Authority to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.

**11. DISPUTE RESOLUTION**

- 11.1 If a difference or dispute arises between the Authority, the Minister, the other Bulk Entitlement Holders, the Storage Manager, the Resource Manager, and other bulk or environmental entitlement holders, or any of them, (the 'parties') concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 11.2 The notice requiring that the matter be determined by an independent arbitrator may only be given 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.
- 11.3 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators, Australia.
- 11.4 The independent arbitrator 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.
- 11.5 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 11.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent arbitrator is final and binding on the parties.
- 11.7 The Authority may request the Minister to determine the apportionment of the costs incidental to every reference, including the costs of the independent arbitrator.

**PART 4 – DEMONSTRATING COMPLIANCE****12. METERING PROGRAM COMPLIANCE**

- 12.1 The Authority must ensure it can demonstrate compliance with the provisions of this Order.
- 12.2 The Authority must demonstrate compliance with a metering program approved by the Minister under clause 10.

**13. REPORTING REQUIREMENTS**

- 13.1 The Minister may require the Authority to report on any or all of the following –
- (a) the status of this bulk entitlement, including the amount of water taken by the Authority from the Victorian Desalination Project;
  - (b) any assignment of water allocation or permanent transfer of all or part of this bulk entitlement;
  - (c) any amendment to this bulk entitlement;
  - (d) any new bulk entitlement of water granted to the Authority;
  - (e) compliance with this bulk entitlement;
  - (f) any failures by the Authority, to comply with any provision of this bulk entitlement and any remedial action taken or proposed; and
  - (g) any difficulties experienced or anticipated by the Authority, in complying with this bulk entitlement and any remedial action taken or proposed.
- 13.2 Any report under sub-clause 13.1 must be made –
- (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, or such longer period of time as the Minister may determine.
- 13.3 The Authority must in its Annual Report, report on each of the matters set out in sub-clause 13.1.
- 13.4 If requested by the Resource Manager from time to time, the Authority must report on any or all of the matters set out in sub-clause 13.1.
- 13.5 Any report under sub-clause 13.4 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
  - (b) within such period of time as may be agreed between the Authority and the Resource Manager.

**14. DATA**

- 14.1 The Minister will endeavour to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement is made available to the Authority.
- 14.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purpose of clause 13, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department.

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**SCHEDULE 1 – BULK ENTITLEMENTS**

Column A lists the entitlements, which are bulk entitlements for water sourced from the Victorian Desalination Project. Column B lists the Bulk Entitlement Holder. Column C lists the volume of bulk entitlement.

<b>Column A</b>	<b>Column B</b>	<b>Column C</b>
<b>Bulk Entitlement</b>	<b>Bulk Entitlement Holder</b>	<b>Volume of Bulk Entitlement</b>
Bulk Entitlement (Desalinated Water – City West Water) Order 2014	City West Water Corporation	39,595 ML
Bulk Entitlement (Desalinated Water – South East Water) Order 2014	South East Water Corporation	53,454 ML
Bulk Entitlement (Desalinated Water – Yarra Valley Water) Order 2014	Yarra Valley Water Corporation	56,951 ML
Total		150,000 ML

**Water Act 1989****BULK ENTITLEMENT (DESALINATED WATER – YARRA VALLEY WATER) ORDER 2014**

I, the Honourable Peter Walsh, Minister for Water, as Minister administering the **Water Act 1989**, make the following Order.

**PART 1 – INTRODUCTORY STATEMENTS****1. CITATION**

This Order may be cited as the Bulk Entitlement (Desalinated Water –Yarra Valley Water) Order 2014.

**2. EMPOWERING PROVISIONS**

This Order is made under Division 1 of Part 4 of the **Water Act 1989**.

**3. COMMENCEMENT**

This Order comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**4. PURPOSE**

The purpose of this Order is to grant a bulk entitlement to Yarra Valley Water for any water that is sourced from the Victorian Desalination Project and transported to the Melbourne headworks system via the Transfer Pipeline.

**5. DEFINITIONS**

In this Order –

‘**Act**’ means the **Water Act 1989**;

‘**Authority**’ means Yarra Valley Water ;

‘**Authority Desalinated Water Order Advice**’ means the portion of advice provided by the Authority, as part of the Desalinated Water Order advice made in accordance with the Water Interface Agreement and, consistent with the method approved by the Minister under sub-clause 9.5;

‘**bulk entitlement**’ means a bulk entitlement listed in column A of Schedule 1;

‘**Bulk Entitlement Holder**’ means the holder of a bulk entitlement as listed in column B of Schedule 1;

‘**Bulk Transfer System Operator**’ means a person who operates and maintains the Melbourne bulk transfer system;

‘**City West Water**’ means City West Water Corporation;

‘**delivery point**’ means a point of connection between the Transfer Pipeline and the Melbourne bulk transfer system, or a point of connection between the Transfer Pipeline and the water supply works of a Bulk Entitlement Holder or the Melbourne headworks system or interface points;

‘**Desalinated Water**’ means the treated seawater produced by the Victorian Desalination Project;

‘**Desalinated Water Order**’ means the volume of desalinated water ordered by the Minister;

‘**Desalinated Water Order advice**’ means the recommended water order advice of the same name as defined in, and made in accordance with the processes outlined in the Water Interface Agreement, to enable fulfilment of Project Deed obligations to make a desalinated water order on 1 April of each year;

‘**interface points**’ means the point(s) of connection that enables the Bulk Entitlement Holder to take water from the Melbourne bulk transfer system or Melbourne headworks system;

‘**Melbourne bulk transfer system**’ means the system of transfer pipes and balancing storages that transports water from the Melbourne headworks system to the interface points for the Bulk Entitlement Holders;

**‘Melbourne headworks system’** means Thomson, Upper Yarra, Maroondah, O’Shannassy, Sugarloaf, Silvan, Cardinia, Toorourrong, Yan Yean, Greenvale and Tarago Reservoirs and the associated weirs, tunnels, transfer conduits, treatment plants and associated water supply works owned by Melbourne Water, and includes the water harvested by the headworks and sourced from the Victorian Desalination Project;

**‘Melbourne Water’** means Melbourne Water Corporation;

**‘Minister’** means the Minister administering the Act and when used in a provision in this Order 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;

**‘ML’** means megalitre(s);

**‘Project Deed’** means the Victorian Desalination Project – Project Deed between the State and AquaSure Pty Ltd, dated 30 July 2009;

**‘Resource Manager’** means a person appointed under section 43A of the Act;

**‘South East Water’** means South East Water Corporation;

**‘Storage Manager’** means Melbourne Water acting in respect of the water supply functions provided for in section 171B of the Act ;

**‘system management rules’** means any rules from time to time adopted for the operation of the Melbourne headworks system in accordance with clause 9;

**‘Transfer Pipeline’** means the water transmission pipeline between the site of the Victorian Desalination Project in the Bass Coast region and the Melbourne bulk transfer system near Cardinia Reservoir, which is to be utilised for the transportation of either Desalinated Water or water from Cardinia Reservoir in accordance with the provisions of the Project Deed;

**‘Victorian Desalination Project’** means the construction and carrying out of the works, facilities and services and all ancillary and incidental activities associated with the development and operation of a seawater desalination plant in the Bass Coast region;

**‘water allocation’** means the volume of water that is available to be taken by Bulk Entitlement Holder in any year under the terms of the Order granting the Bulk Entitlement in accordance with sub-clause 8.1;

**‘Water Interface Agreement’** means the agreement between the Minister for Water for the State of Victoria, the Secretary to the then Department of Sustainability and Environment, and Melbourne Water Corporation dated 28 March 2012;

**‘water season’** has the same meaning as the Act;

**‘Yarra Valley Water’** means Yarra Valley Water Corporation;

**‘year’** means the 12 month period commencing 1 July.

## PART 2 – ENTITLEMENT

### 6. GRANTING OF A BULK ENTITLEMENT

- 6.1 The Authority’s entitlement to Desalinated Water from the Victorian Desalination Project is granted to the Authority on the conditions set out in this Order.

### 7. BULK ENTITLEMENT VOLUMES

- 7.1 The Authority may take an average annual volume of up to 56,951 ML of Desalinated Water over any period of five consecutive years that is delivered to a delivery point to the Melbourne headworks system, under this bulk entitlement.

### 8. WATER ALLOCATION

- 8.1 The water allocation available to the Authority under this bulk entitlement in any year equals the volume determined in accordance with the following formula –

$$A = \text{Desalinated Water Order} \times \frac{\text{Authority Desalinated Water Order Advice}}{\text{Desalinated Water Order Advice}}$$

where A = water allocation available to the Authority

- 8.2 The Resource Manager will on 1 July each year allocate available water to all Bulk Entitlement Holders from the Victorian Desalination Project through a water allocation established in accordance with sub-clause 8.1.
- 8.3 The water allocation will take effect when written notice of the decision of the Resource Manager is published on the Resource Manager's website, on the day it is made.

### **PART 3 – GENERAL CONDITIONS AND PROVISIONS**

#### **9. MANAGEMENT ARRANGEMENTS**

- 9.1 The Authority jointly with the Storage Manager, the other Bulk Entitlement Holders and the Resource Manager must participate to update rules for managing the supply of water available under this entitlement to the Bulk Entitlement Holders through the Melbourne headworks system.
- 9.2 If agreement under sub-clause 9.1 has not been reached within 12 months of the date of this Order, any of the parties may give written notice to the other parties requiring the matter to be determined in accordance with clause 11.
- 9.3 The Authority, the Storage Manager, the Resource Manager or the other Bulk Entitlement Holders, may agree to vary the management arrangements established under sub-clause 9.1 from time to time.
- 9.4 The Authority together with the holders of bulk entitlements listed in Schedule 1 and the Resource Manager must within 6 months of the commencement of this Order, review and if necessary propose amendments to the Minister for making the desalinated water order advice.
- 9.5 In respect of sub-clause 9.4, the Minister may –
- (a) approve the proposal under sub-clause 9.4; or
  - (b) require the Authority to amend the proposal; or
  - (c) require the Authority to –
    - (i) review the method approved by the Minister if, in the Minister's opinion, it is at any time no longer appropriate; and
    - (ii) propose an amended method.
- 9.6 The Authority, together with the holders of bulk entitlements listed in Schedule 1 and the Resource Manager, may subsequent to sub-clause 9.4 and from time to time, review and if necessary, propose amendments to the Minister for making the desalinated water order advice.
- 9.7 The Minister may from time to time, require the Authority, together with the holders of bulk entitlements listed in Schedule 1 and the Resource Manager to review and if necessary propose amendments to the Minister for making desalinated water order advice.
- 9.8 In respect of sub-clause 9.7, the Minister may –
- (a) approve the proposal under sub-clause 9.7; or
  - (b) require the Authority to amend the proposal; or
  - (c) require the Authority to –
    - (i) review the method approved by the Minister if, in the Minister's opinion, it is, at any time no longer appropriate; and
    - (ii) propose an amended method.



**10. METERING PROGRAM**

- 10.1 The Authority must undertake, or enter into an agreement to undertake, in accordance with any guidelines issued from time to time by the Minister –
- (a) review and update from time to time any metering program approved by the Minister;
  - (b) implement and maintain any metering program approved by the Minister;
  - (c) maintain metering equipment and associated measurement structures in good condition;
  - (d) ensure that metering equipment is periodically re-calibrated;
  - (e) if rating curves are used to calculate flows, ensure that the curves are regularly checked and if necessary, revise; and
  - (f) keep a record of all work undertaken under sub-clauses 10.1(c), (d) and (e).
- 10.2 The Minister may at any time require the Authority to –
- (a) review the program if, in the Minister's opinion it is no longer appropriate; and
  - (b) propose an amended program to the Minister.
- 10.3 Any application by the Authority to the Minister for amendment to this entitlement must address any implications of the proposed amendment for the approved metering program.

**11. DISPUTE RESOLUTION**

- 11.1 If a difference or dispute arises between the Authority, the Minister, the other Bulk Entitlement Holders, the Storage Manager, the Resource Manager, and other bulk or environmental entitlement holders, or any of them, (the 'parties') concerning the interpretation or application of this Order, a party may give written notice to another party requiring the matter to be determined by an independent arbitrator.
- 11.2 The notice requiring that the matter be determined by an independent arbitrator may only be given 14 days after the matter has arisen. The independent arbitrator may only commence to determine the matter a further 14 days after the giving of that notice.
- 11.3 The independent arbitrator will be either –
- (a) a person agreed to by the parties to the difference or dispute; or
  - (b) if the parties cannot agree, a person nominated by the President of the Institute of Arbitrators, Australia.
- 11.4 The independent arbitrator 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.
- 11.5 The independent arbitrator must send a copy of the conclusion and its supporting reasons to each party to the difference or dispute.
- 11.6 In any difference or dispute to which the Minister is not a party, any conclusion by an independent arbitrator is final and binding on the parties.
- 11.7 The Authority may request the Minister to determine the apportionment of the costs incidental to every reference, including the costs of the independent arbitrator.

**PART 4 – DEMONSTRATING COMPLIANCE****12. METERING PROGRAM COMPLIANCE**

- 12.1 The Authority must ensure it can demonstrate compliance with the provisions of this Order.
- 12.2 The Authority must demonstrate compliance with a metering program approved by the Minister under clause 10.

**13. REPORTING REQUIREMENTS**

- 13.1 The Minister may require the Authority to report on any or all of the following –
- (a) the status of this bulk entitlement, including the amount of water taken by the Authority from the Victorian Desalination Project;
  - (b) any assignment of water allocation or permanent transfer of all or part of this bulk entitlement;
  - (c) any amendment to this bulk entitlement;
  - (d) any new bulk entitlement of water granted to the Authority;
  - (e) compliance with this bulk entitlement;
  - (f) any failures by the Authority, to comply with any provision of this bulk entitlement and any remedial action taken or proposed; and
  - (g) any difficulties experienced or anticipated by the Authority, in complying with this bulk entitlement and any remedial action taken or proposed.
- 13.2 Any report under sub-clause 13.1 must be made –
- (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, or such longer period of time as the Minister may determine.
- 13.3 The Authority must in its Annual Report, report on each of the matters set out in sub-clause 13.1.
- 13.4 If requested by the Resource Manager from time to time, the Authority must report on any or all of the matters set out in sub-clause 13.1.
- 13.5 Any report under sub-clause 13.4 must be made –
- (a) in such form as may be agreed between the Authority and the Resource Manager; and
  - (b) within such period of time as may be agreed between the Authority and the Resource Manager.

**14. DATA**

- 14.1 The Minister will endeavour to ensure that all hydrological and other data required by the Authority to comply with this bulk entitlement is made available to the Authority.
- 14.2 The Authority must make available to any person data collected by or on behalf of the Authority for the purpose of clause 13, subject to the person paying any fair and reasonable access fee imposed by the Authority to cover the costs of making the data available to that person.

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

Note: An explanatory note that accompanies this Order is available from the Department.

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**SCHEDULE 1 – BULK ENTITLEMENTS**

Column A lists the entitlements, which are bulk entitlements for water sourced from the Victorian Desalination Project. Column B lists the Bulk Entitlement Holder. Column C lists the volume of bulk entitlement.

<b>Column A</b>	<b>Column B</b>	<b>Column C</b>
<b>Bulk Entitlement</b>	<b>Bulk Entitlement Holder</b>	<b>Volume of Bulk Entitlement</b>
Bulk Entitlement (Desalinated Water – City West Water) Order 2014	City West Water Corporation	39,595 ML
Bulk Entitlement (Desalinated Water – South East Water) Order 2014	South East Water Corporation	53,454 ML
Bulk Entitlement (Desalinated Water – Yarra Valley Water) Order 2014	Yarra Valley Water Corporation	56,951 ML
Total		150,000 ML

**Water Act 1989**  
BULK ENTITLEMENT (GOULBURN SYSTEM – CITY WEST WATER)  
AMENDMENT ORDER 2014

I, the Honourable Peter Walsh, as Minister administering the **Water Act 1989**, make the following Amendment Order –

**1. CITATION**

This Order is called the Bulk Entitlement (Goulburn System – City West Water) Amendment Order 2014.

**2. PURPOSE**

The purpose of this Order is to amend the Bulk Entitlement (Goulburn System – City West Water) Order 2012 (the Bulk Entitlement) to give effect to un-pooling the collectively held water savings by the Melbourne Retailers from Stage 1 of the G-MW Connections Project (formerly known as NVIRP).

**3. AUTHORISING PROVISION**

This Order is made in accordance with section 44 of the **Water Act 1989**.

**4. COMMENCEMENT**

This Order comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**5. CHANGE OF REFERENCE**

In Clauses 7.2, 8.3, 10.1, 10.2, 14.1, 14.1(a), 14.1(b), 14.4, 14.5(a), 14.5(b), 17.1 and 18 of the Bulk Entitlement **omit** ‘together with the holders of bulk entitlements listed in sub-clause 7.3.’

**6. AMENDMENT TO CLAUSE 6**

Clause 6 of the Bulk Entitlement is **repealed**

**7. AMENDMENT TO CLAUSE 7**

- a) Clause 7.1 of the Bulk Entitlement is **repealed**
- b) In Clause 7.2 of the Bulk Entitlement for the words –  
‘one-third’ **substitute** ‘one-ninth’
- c) Clause 7.3 of the Bulk Entitlement is **repealed**

**8. AMENDMENT TO CLAUSE 8**

- a) Clause 8.1 of the Bulk Entitlement is **repealed**
- b) Clause 8.2 of the Bulk Entitlement is **repealed**
- c) In Clause 8.3 of the Bulk Entitlement for the words –  
‘one-third’ **substitute** ‘one-ninth’
- d) In Clause 8.3 of the Bulk Entitlement for the words  
‘as verified by an Audit’ **substitute** ‘as verified by the latest Audit’

**9. AMENDMENT TO CLAUSE 9**

In Clauses 9.1, 9.2, 9.3 and 9.4 of the Bulk Entitlement for the words –  
‘sub-clause 7.3’ **substitute** ‘Schedule 1’

**10. AMENDMENT TO CLAUSE 10**

- a) In Clause 10.1 of the Bulk Entitlement after the words  
‘...the Melbourne Storage Manager and the Goulburn Storage Manager’ **insert** ‘and  
the holders of Bulk Entitlements listed in Schedule 1’

- b) In Clause 10.2 of the Bulk Entitlement after the words  
‘...the Melbourne Storage Manager’ **insert** ‘and the holders of Bulk Entitlements listed in Schedule 1’

**11. AMENDMENT TO CLAUSE 11**

Clause 11 of the Bulk Entitlement is **repealed**

**12. AMENDMENT TO CLAUSE 14**

- a) In Clauses 14.1(g) and 14.1(h), of the Bulk Entitlement **omit** ‘either’  
b) In Clauses 14.1(g), of the Bulk Entitlement **omit**  
‘or the Authority together with the holders of bulk entitlements listed in sub-clause 7.3,’  
c) In Clause 14.1(h), of the Bulk Entitlement **omit**  
‘or the Authority together with the other holders of the bulk entitlement listed in sub-clause 7.3,’

**13. AMENDMENT TO SCHEDULE 1**

For Schedule 1 of the Bulk Entitlement **substitute**

“

<b>Bulk entitlement</b>	<b>Share of resources</b>
Bulk Entitlement (Goulburn System – South East Water) Order 2012	One-ninth of the available water resources as determined under Part 2 of the bulk entitlement
Bulk Entitlement (Goulburn System – City West Water) Order 2012	One-ninth of the available water resources as determined under Part 2 of the bulk entitlement
Bulk Entitlement (Goulburn System – Yarra Valley Water) Order 2012	One-ninth of the available water resources as determined under Part 2 of the bulk entitlement.

”

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

**Water Act 1989****BULK ENTITLEMENT (GOULBURN SYSTEM – SOUTH EAST WATER)  
AMENDMENT ORDER 2014**

I, the Honourable Peter Walsh, as Minister administering the **Water Act 1989**, make the following Amendment Order –

**1. CITATION**

This Order is called the Bulk Entitlement (Goulburn System – South East Water) Amendment Order 2014.

**2. PURPOSE**

The purpose of this Order is to amend the Bulk Entitlement (Goulburn System – South East Water) Order 2012 (the Bulk Entitlement) to give effect to un-pooling the collectively held water savings by the Melbourne Retailers from Stage 1 of the G-MW Connections Project (formerly known as NVIRP).

**3. AUTHORISING PROVISION**

This Order is made in accordance with section 44 of the **Water Act 1989**.

**4. COMMENCEMENT**

This Order comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**5. CHANGE OF REFERENCE**

In Clauses 7.2, 8.3, 10.1, 10.2, 14.1, 14.1(a), 14.1(b), 14.4, 14.5(a), 14.5(b), 17.1 and 18 of the Bulk Entitlement **omit** ‘together with the holders of bulk entitlements listed in sub-clause 7.3,’

**6. AMENDMENT TO CLAUSE 6**

Clause 6 of the Bulk Entitlement is **repealed**

**7. AMENDMENT TO CLAUSE 7**

- a) Clause 7.1 of the Bulk Entitlement is **repealed**
- b) In Clause 7.2 of the Bulk Entitlement for the words –  
‘one-third’ **substitute** ‘one-ninth’
- c) Clause 7.3 of the Bulk Entitlement is **repealed**

**8. AMENDMENT TO CLAUSE 8**

- a) Clause 8.1 of the Bulk Entitlement is **repealed**
- b) Clause 8.2 of the Bulk Entitlement is **repealed**
- c) In Clause 8.3 of the Bulk Entitlement for the words –  
‘one-third’ **substitute** ‘one-ninth’
- d) In Clause 8.3 of the Bulk Entitlement for the words  
‘as verified by an Audit’ **substitute** ‘as verified by the latest Audit’

**9. AMENDMENT TO CLAUSE 9**

In Clauses 9.1, 9.2, 9.3 and 9.4 of the Bulk Entitlement for the words –  
‘sub-clause 7.3’ **substitute** ‘Schedule 1’

**10. AMENDMENT TO CLAUSE 10**

- a) In Clause 10.1 of the Bulk Entitlement after the words  
‘...the Melbourne Storage Manager and the Goulburn Storage Manager’ **insert** ‘and  
the holders of Bulk Entitlements listed in Schedule 1’
- b) In Clause 10.2 of the Bulk Entitlement after the words  
‘...the Melbourne Storage Manager’ **insert** ‘and the holders of Bulk Entitlements  
listed in Schedule 1’

**11. AMENDMENT TO CLAUSE 11**

Clause 11 of the Bulk Entitlement is **repealed**

**12. AMENDMENT TO CLAUSE 14**

- a) In Clauses 14.1(g) and 14.1(h), of the Bulk Entitlement **omit** ‘either’
- b) In Clauses 14.1(g), of the Bulk Entitlement **omit**  
‘or the Authority together with the holders of bulk entitlements listed in sub-clause 7.3,’
- c) In Clause 14.1(h), of the Bulk Entitlement **omit**  
‘or the Authority together with the other holders of the bulk entitlement listed in sub-clause 7.3,’

**13. AMENDMENT TO SCHEDULE 1**

For Schedule 1 of the Bulk Entitlement **substitute**

“

<b>Bulk entitlement</b>	<b>Share of resources</b>
Bulk Entitlement (Goulburn System – South East Water) Order 2012	One-ninth of the available water resources as determined under Part 2 of the bulk entitlement
Bulk Entitlement (Goulburn System – City West Water) Order 2012	One-ninth of the available water resources as determined under Part 2 of the bulk entitlement
Bulk Entitlement (Goulburn System – Yarra Valley Water) Order 2012	One-ninth of the available water resources as determined under Part 2 of the bulk entitlement.

”

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

**Water Act 1989****BULK ENTITLEMENT (GOULBURN SYSTEM – YARRA VALLEY WATER)  
AMENDMENT ORDER 2014**

I, the Honourable Peter Walsh, as Minister administering the **Water Act 1989**, make the following Amendment Order –

**1. CITATION**

This Order is called the Bulk Entitlement (Goulburn System – Yarra Valley Water) Amendment Order 2014.

**2. PURPOSE**

The purpose of this Order is to amend the Bulk Entitlement (Goulburn System – Yarra Valley Water) Order 2012 (the Bulk Entitlement) to give effect to un-pooling the collectively held water savings by the Melbourne Retailers from Stage 1 of the G-MW Connections Project (formerly known as NVIRP).

**3. AUTHORISING PROVISION**

This Order is made in accordance with section 44 of the **Water Act 1989**.

**4. COMMENCEMENT**

This Order comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**5. CHANGE OF REFERENCE**

In Clauses 7.2, 8.3, 10.1, 10.2, 14.1, 14.1(a), 14.1(b), 14.4, 14.5(a), 14.5(b), 17.1 and 18 of the Bulk Entitlement **omit** ‘together with the holders of bulk entitlements listed in sub-clause 7.3,’

**6. AMENDMENT TO CLAUSE 6**

Clause 6 of the Bulk Entitlement is **repealed**

**7. AMENDMENT TO CLAUSE 7**

- a) Clause 7.1 of the Bulk Entitlement is **repealed**
- b) In Clause 7.2 of the Bulk Entitlement for the words –  
‘one-third’ **substitute** ‘one-ninth’
- c) Clause 7.3 of the Bulk Entitlement is **repealed**

**8. AMENDMENT TO CLAUSE 8**

- a) Clause 8.1 of the Bulk Entitlement is **repealed**
- b) Clause 8.2 of the Bulk Entitlement is **repealed**
- c) In Clause 8.3 of the Bulk Entitlement for the words –  
‘one-third’ **substitute** ‘one-ninth’
- d) In Clause 8.3 of the Bulk Entitlement for the words  
‘as verified by an Audit’ **substitute** ‘as verified by the latest Audit’

**9. AMENDMENT TO CLAUSE 9**

In Clauses 9.1, 9.2, 9.3 and 9.4 of the Bulk Entitlement for the words –  
‘sub-clause 7.3’ **substitute** ‘Schedule 1’

**10. AMENDMENT TO CLAUSE 10**

- a) In Clause 10.1 of the Bulk Entitlement after the words  
‘...the Melbourne Storage Manager and the Goulburn Storage Manager’ **insert** ‘and  
the holders of Bulk Entitlements listed in Schedule 1’
- b) In Clause 10.2 of the Bulk Entitlement after the words  
‘...the Melbourne Storage Manager’ **insert** ‘and the holders of Bulk Entitlements  
listed in Schedule 1’



**11. AMENDMENT TO CLAUSE 11**

Clause 11 of the Bulk Entitlement is **repealed**

**12. AMENDMENT TO CLAUSE 14**

- a) In Clauses 14.1(g) and 14.1(h), of the Bulk Entitlement **omit** ‘either’
- b) In Clauses 14.1(g), of the Bulk Entitlement **omit**  
‘or the Authority together with the holders of bulk entitlements listed in sub-clause 7.3,’
- c) In Clause 14.1(h), of the Bulk Entitlement **omit**  
‘or the Authority together with the other holders of the bulk entitlement listed in sub-clause 7.3,’

**13. AMENDMENT TO SCHEDULE 1**

For Schedule 1 of the Bulk Entitlement **substitute**

“

<b>Bulk entitlement</b>	<b>Share of resources</b>
Bulk Entitlement (Goulburn System – South East Water) Order 2012	One-ninth of the available water resources as determined under Part 2 of the bulk entitlement
Bulk Entitlement (Goulburn System – City West Water) Order 2012	One-ninth of the available water resources as determined under Part 2 of the bulk entitlement
Bulk Entitlement (Goulburn System – Yarra Valley Water) Order 2012	One-ninth of the available water resources as determined under Part 2 of the bulk entitlement.

”

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

**Water Act 1989**  
BULK ENTITLEMENT (RIVER MURRAY – CITY WEST WATER)  
AMENDMENT ORDER 2014

I, the Honourable Peter Walsh, as Minister administering the **Water Act 1989**, make the following Amendment Order –

**1. CITATION**

This Order is called the Bulk Entitlement (River Murray – City West Water) Amendment Order 2014.

**2. PURPOSE**

The purpose of this Order is to amend the Bulk Entitlement (River Murray – City West Water) Order 2012 (the Bulk Entitlement) to give effect to un-pooling the collectively held water savings by the Melbourne Retailers from Stage 1 of the G-MW Connections Project (formerly known as NVIRP).

**3. AUTHORISING PROVISION**

This Order is made in accordance with section 44 of the **Water Act 1989**.

**4. COMMENCEMENT**

This Order comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**5. CHANGE OF REFERENCE**

In clauses 7.2, 8.1, 11.1, 11.4, 11.5(a), 11.5(b), 14.1 and 15 of the Bulk Entitlement **omit** ‘together with the holders of bulk entitlements listed in sub-clause 7.3,’

**6. AMENDMENT TO CLAUSE 6**

Clause 6 of the Bulk Entitlement is **repealed**

**7. AMENDMENT TO CLAUSE 7**

- a) Clause 7.1 of the Bulk Entitlement is **repealed**
- b) In Clause 7.2 of the Bulk Entitlement for the words ‘one-third’ **substitute** ‘one-ninth’
- c) Clause 7.3 of the Bulk Entitlement is **repealed**

**8. AMENDMENT TO CLAUSE 8**

- a) In Clause 8.1 of the Bulk Entitlement for the words ‘one-third’ **substitute** ‘one-ninth’
- b) In Clause 8.1 of the Bulk Entitlement for the words ‘as verified by an Audit’ **substitute** ‘as verified by the latest Audit’

**9. AMENDMENT TO CLAUSE 9**

Clause 9 of the Bulk Entitlement is **repealed**

**10. AMENDMENT TO CLAUSE 11**

- a) In clause 11.1(e) of the Bulk Entitlement **omit** ‘or the Authority together with the holders of bulk entitlements listed in sub-clause 7.3,’
- b) In Clause 11.1(f) of the Bulk Entitlement **omit** ‘or the Authority together with the other holders of bulk entitlements listed in sub-clause 7.3,’
- c) In Clauses 11.1(e) and 11.1(f) of the Bulk Entitlement **omit** ‘either’

**11. AMENDMENT TO SCHEDULE 1**For Schedule 1 of the Bulk Entitlement **substitute**

c

<b>Bulk entitlement</b>	<b>Share of resources</b>
Bulk Entitlement (River Murray – South East Water) Order 2012	One-ninth of the available water resources as determined under Part 2 of the bulk entitlement
Bulk Entitlement (River Murray – City West Water) Order 2012	One-ninth of the available water resources as determined under Part 2 of the bulk entitlement
Bulk Entitlement (River Murray - Yarra Valley Water) Order 2012	One-ninth of the available water resources as determined under Part 2 of the bulk entitlement.

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

**Water Act 1989**  
BULK ENTITLEMENT (RIVER MURRAY – SOUTH EAST WATER)  
AMENDMENT ORDER 2014

I, the Honourable Peter Walsh, as Minister administering the **Water Act 1989**, make the following Amendment Order –

**1. CITATION**

This Order is called the Bulk Entitlement (River Murray – South East Water) Amendment Order 2014.

**2. PURPOSE**

The purpose of this Order is to amend the Bulk Entitlement (River Murray – South East Water) Order 2012 (the Bulk Entitlement) to give effect to un-pooling the collectively held water savings by the Melbourne Retailers from Stage 1 of the G-MW Connections Project (formerly known as NVIRP).

**3. AUTHORISING PROVISION**

This Order is made in accordance with section 44 of the **Water Act 1989**.

**4. COMMENCEMENT**

This Order comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**5. CHANGE OF REFERENCE**

In clauses 7.2, 8.1, 11.1, 11.4, 11.5(a), 11.5(b), 14.1 and 15 of the Bulk Entitlement **omit** ‘together with the holders of bulk entitlements listed in sub-clause 7.3,’

**6. AMENDMENT TO CLAUSE 6**

Clause 6 of the Bulk Entitlement is **repealed**

**7. AMENDMENT TO CLAUSE 7**

- a) Clause 7.1 of the Bulk Entitlement is **repealed**
- b) In Clause 7.2 of the Bulk Entitlement for the words ‘one-third’ **substitute** ‘one-ninth’
- c) Clause 7.3 of the Bulk Entitlement is **repealed**

**8. AMENDMENT TO CLAUSE 8**

- a) In Clause 8.1 of the Bulk Entitlement for the words ‘one-third’ **substitute** ‘one-ninth’
- b) In Clause 8.1 of the Bulk Entitlement for the words ‘as verified by an Audit’ **substitute** ‘as verified by the latest Audit’

**9. AMENDMENT TO CLAUSE 9**

Clause 9 of the Bulk Entitlement is **repealed**

**10. AMENDMENT TO CLAUSE 11**

- a) In Clause 11.1(e) of the Bulk Entitlement **omit** ‘or the Authority together with the holders of bulk entitlements listed in sub-clause 7.3,’
- b) In Clause 11.1(f) of the Bulk Entitlement **omit** ‘or the Authority together with the other holders of bulk entitlements listed in sub-clause 7.3,’
- c) In Clauses 11.1(e) and 11.1(f) of the Bulk Entitlement **omit** ‘either’

**11. AMENDMENT TO SCHEDULE 1**For Schedule 1 of the Bulk Entitlement **substitute**

<b>Bulk entitlement</b>	<b>Share of resources</b>
Bulk Entitlement (River Murray – South East Water) Order 2012	One-ninth of the available water resources as determined under Part 2 of the bulk entitlement
Bulk Entitlement (River Murray – City West Water) Order 2012	One-ninth of the available water resources as determined under Part 2 of the bulk entitlement
Bulk Entitlement (River Murray - Yarra Valley Water) Order 2012	One-ninth of the available water resources as determined under Part 2 of the bulk entitlement.

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

**Water Act 1989****BULK ENTITLEMENT (RIVER MURRAY – YARRA VALLEY WATER)  
AMENDMENT ORDER 2014**

I, the Honourable Peter Walsh, as Minister administering the **Water Act 1989**, make the following Amendment Order –

**1. CITATION**

This Order is called the Bulk Entitlement (River Murray – Yarra Valley Water) Amendment Order 2014.

**2. PURPOSE**

The purpose of this Order is to amend the Bulk Entitlement (River Murray – Yarra Valley Water) Order 2012 (the Bulk Entitlement) to give effect to un-pooling the collectively held water savings by the Melbourne Retailers from Stage 1 of the G-MW Connections Project (formerly known as NVIRP).

**3. AUTHORISING PROVISION**

This Order is made in accordance with section 44 of the **Water Act 1989**.

**4. COMMENCEMENT**

This Order comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**5. CHANGE OF REFERENCE**

In clauses 7.2, 8.1, 11.1, 11.4, 11.5(a), 11.5(b), 14.1 and 15 of the Bulk Entitlement **omit** ‘together with the holders of bulk entitlements listed in sub-clause 7.3,’

**6. AMENDMENT TO CLAUSE 6**

Clause 6 of the Bulk Entitlement is **repealed**

**7. AMENDMENT TO CLAUSE 7**

- a) Clause 7.1 of the Bulk Entitlement is **repealed**
- b) In Clause 7.2 of the Bulk Entitlement for the words ‘one-third’ **substitute** ‘one-ninth’
- c) Clause 7.3 of the Bulk Entitlement is **repealed**

**8. AMENDMENT TO CLAUSE 8**

- a) In Clause 8.1 of the Bulk Entitlement for the words ‘one-third’ **substitute** ‘one-ninth’
- b) In Clause 8.1 of the Bulk Entitlement for the words ‘as verified by an Audit’ **substitute** ‘as verified by the latest Audit’

**9. AMENDMENT TO CLAUSE 9**

Clause 9 of the Bulk Entitlement is **repealed**

**10. AMENDMENT TO CLAUSE 11**

- a) In Clause 11.1(e) of the Bulk Entitlement **omit** ‘or the Authority together with the holders of bulk entitlements listed in sub-clause 7.3,’
- b) In Clause 11.1(f) of the Bulk Entitlement **omit** ‘or the Authority together with the other holders of bulk entitlements listed in sub-clause 7.3,’
- c) In Clauses 11.1(e) and 11.1(f) of the Bulk Entitlement **omit** ‘either’

**11. AMENDMENT TO SCHEDULE 1**For Schedule 1 of the Bulk Entitlement **substitute**

<b>Bulk entitlement</b>	<b>Share of resources</b>
Bulk Entitlement (River Murray – South East Water) Order 2012	One-ninth of the available water resources as determined under Part 2 of the bulk entitlement
Bulk Entitlement (River Murray – City West Water) Order 2012	One-ninth of the available water resources as determined under Part 2 of the bulk entitlement
Bulk Entitlement (River Murray – Yarra Valley Water) Order 2012	One-ninth of the available water resources as determined under Part 2 of the bulk entitlement.

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

**Water Act 1989**  
YARRA RIVER ENVIRONMENTAL ENTITLEMENT  
MINOR AMENDMENT 2014

I, the Honourable Peter Walsh, as Minister administering the **Water Act 1989**, make the following Instrument –

**1. CITATION**

This Instrument is called Yarra River Environmental Entitlement Minor Amendment 2014.

**2. PURPOSE**

The purpose of this Instrument is to amend the Yarra River Environmental Entitlement 2006 (the Entitlement) to give minor consequential amendments arising from the un-pooling of the Bulk Entitlements held by Melbourne Retail Corporations as part of *Melbourne's Water Future*.

**3. AUTHORISING PROVISION**

This Instrument is made in accordance with section 48K of the **Water Act 1989**.

**4. COMMENCEMENT**

This Instrument comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**5. AMENDMENTS TO CLAUSE 3**

In Clause 3 of the Entitlement –

a) **insert** the following definition

‘**“Primary Entitlement Holders”** means the Primary Entitlement Holders listed in Schedule 1 of the Bulk Entitlement (Yarra River – Melbourne Water) Order 2014;’

b) The definition of **“authorities”** is **repealed**

**6. CHANGE OF REFERENCE**

For ‘authorities’, wherever appearing in the Entitlement, **substitute** ‘Primary Entitlement Holders’.

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

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**Water Act 1989**  
TARAGO AND BUNYIP RIVERS ENVIRONMENTAL ENTITLEMENT  
MINOR AMENDMENT 2014

I, the Honourable Peter Walsh, as Minister administering the **Water Act 1989**, make the following Instrument –

**1. CITATION**

This Instrument is called the Tarago and Bunyip Rivers Environmental Entitlement Minor Amendment 2014.

**2. PURPOSE**

The purpose of this Instrument is to amend the Tarago and Bunyip Rivers Environmental Entitlement 2009 (the Entitlement) to give minor consequential amendments arising from the un-pooling of the Bulk Entitlements held by Melbourne Retail Corporations as part of *Melbourne's Water Future*.

**3. AUTHORISING PROVISION**

This Instrument is made in accordance with section 48K of the **Water Act 1989**.

**4. COMMENCEMENT**

This Instrument comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**5. AMENDMENTS TO CLAUSE 3**

In Clause 3 of the Entitlement –

a) **insert** the following definition

‘**“Melbourne Water Tarago Bulk Entitlement”** means the Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water) Order 2014;’

b) the definition of **“Melbourne bulk entitlement”** is **repealed**

**6. AMENDMENT TO CLAUSE 8**

In Clause 8(b)(ii) of the Entitlement for the words –

‘under Schedule 4 of the Melbourne bulk entitlements.’ **substitute** ‘under Schedule 3 of the Melbourne Water Tarago Bulk Entitlement’.

**7. AMENDMENT TO CLAUSE 16**

In Clause 17 of the Entitlement for the words –

‘holders of the Melbourne bulk entitlements,’ **substitute** ‘the holder of the Melbourne Water Tarago Bulk Entitlement,’

**8. AMENDMENT TO CLAUSE 17**

In Clause 18 of the Entitlement for the words –

‘holders of the Melbourne bulk entitlement,’ **substitute** ‘the holder of the Melbourne Water Tarago Bulk Entitlement’

**9. AMENDMENT TO CLAUSE 18**

In clause 19 of the Entitlement for the words –

‘holders of the Melbourne bulk entitlement,’ **substitute** ‘the holder of the Melbourne Water Tarago Bulk Entitlement’

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

**Water Act 1989****BULK ENTITLEMENT (THOMSON RIVER – ENVIRONMENT)  
MINOR AMENDMENT NOTICE 2014**

I, the Honourable Peter Walsh, as Minister administering the **Water Act 1989**, make the following Notice –

**1. CITATION**

This Notice is called the Bulk Entitlement (Thomson River – Environment) Minor Amendment Notice 2014.

**2. PURPOSE**

The purpose of this Notice is to amend the Bulk Entitlement (Thomson River – Environment) Order 2005 (the Bulk Entitlement) to give minor consequential amendments arising from the un-pooling of the Bulk Entitlements held by Melbourne Retail Corporations as part of *Melbourne's Water Future* and to fix a mistake.

**3. AUTHORISING PROVISION**

This Notice is made in accordance with section 45 of the **Water Act 1989**.

**4. COMMENCEMENT**

This Notice comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**5. AMENDMENTS TO CLAUSE 11**

a) In clause 11.2 of the Bulk Entitlement –

After the words ‘...The Water Holder’ **insert** the words ‘, after consulting the Thomson Storage Manager and other authorities,’

b) In clause 11.2(c) of the Bulk Entitlement for the words –

‘seek Southern Rural Water’s agreement’ **substitute** ‘obtain agreement of the Thomson Storage Manager and other authorities’

**6. AMENDMENT TO SCHEDULE 2**

For Schedule 2 of the Bulk Entitlement **substitute** – :

‘Surface water resources allocated in the waterway under Part 4 of the Act are described in the table below –

<b>Entitlement</b>	<b>Allocation (ML/year)</b>
Bulk Entitlement (Thomson River – Melbourne Water) Order 2014	As specified in the entitlements
Bulk Entitlement (Thomson/Macalister – Southern Rural Water) Conversion Order 2001	
Licences issued under section 51(1)(a) and (b) and section 51(1A).	As specified in the licences

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

**Water Act 1989****BULK ENTITLEMENT (TARAGO RIVER – SOUTHERN RURAL WATER)  
MINOR AMENDMENT NOTICE 2014**

I, the Honourable Peter Walsh, as Minister administering the **Water Act 1989**, make the following Notice –

**1. CITATION**

This Notice is called the Bulk Entitlement (Tarago River – Southern Rural Water) Minor Amendment Notice 2014.

**2. PURPOSE**

The purpose of this Notice is to amend the Bulk Entitlement (Tarago River – Southern Rural Water) Order 2009 (the Bulk Entitlement) to give minor consequential amendments arising from the un-pooling of the Bulk Entitlements held by Melbourne Retail Corporations as part of *Melbourne's Water Future*.

**3. AUTHORISING PROVISION**

This Notice is made in accordance with section 45 of the **Water Act 1989**.

**4. COMMENCEMENT**

This Notice comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**5. AMENDMENTS TO CLAUSE 4**

In Clause 4 of the Bulk Entitlement –

- a) **insert** the following definition  
‘**“Melbourne Water Tarago Bulk Entitlement”** means the Bulk Entitlement (Tarago and Bunyip Rivers - Melbourne Water) Order 2014;’
- b) the definition of **“Melbourne bulk entitlement holders”** is **repealed**
- c) in the definition **“reliability of supply”** for the words ‘Melbourne Bulk Entitlement Holder’ **substitute** ‘Melbourne Water Tarago Bulk Entitlement’

**6. AMENDMENT TO CLAUSE 9**

- a) In Clause 9.1 of the Bulk Entitlement for the words –  
‘the Melbourne bulk entitlements holders,’ **substitute** ‘the holder of the Melbourne Water Tarago Bulk Entitlement,’
- b) In Clause 9.2 of the Bulk Entitlement for the words –  
‘the Melbourne bulk entitlement holders,’ **substitute** ‘the holder of the Melbourne Water Tarago Bulk Entitlement’
- c) In Clause 9.3 of the Bulk Entitlement for the words –  
‘the holders of the Melbourne bulk entitlement,’ **substitute** ‘the holder of the Melbourne Water Tarago Bulk Entitlement,’

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

**Water Act 1989**  
BULK ENTITLEMENT (TARAGO RIVER – GIPPSLAND WATER)  
MINOR AMENDMENT NOTICE 2014

I, the Honourable Peter Walsh, as Minister administering the **Water Act 1989**, make the following Notice –

**1. CITATION**

This Notice is called the Bulk Entitlement (Tarago River – Gippsland Water) Minor Amendment Notice 2014.

**2. PURPOSE**

The purpose of this Notice is to amend the Bulk Entitlement (Tarago River – Gippsland Water) Order 2009 (the Bulk Entitlement) to give minor consequential amendments arising from the un-pooling of the Bulk Entitlements held by Melbourne Retail Corporations as part of *Melbourne's Water Future*.

**3. AUTHORISING PROVISION**

This Notice is made in accordance with section 45 of the **Water Act 1989**.

**4. COMMENCEMENT**

This Order comes into effect on the day it is published in the Government Gazette or 1 July 2014, whichever is later.

**5. AMENDMENTS TO CLAUSES**

In Clause 4 of the Bulk Entitlement –

a) **insert** the following definition

‘**“Melbourne Water Tarago Bulk Entitlement”** means the Bulk Entitlement (Tarago and Bunyip Rivers – Melbourne Water) Order 2014;’

b) the definition of **“Melbourne bulk entitlement holders”** is **repealed**

**6. AMENDMENT TO CLAUSE 9**

a) In Clause 9.1 of the Bulk Entitlement for the words –

‘and the holders of the Melbourne bulk entitlements,’ **substitute** ‘the holder of the Melbourne Water Tarago Bulk Entitlement,’

b) In Clause 9.2 of the Bulk Entitlement for the words –

‘the holders of the Melbourne bulk entitlements,’ **substitute** ‘the holder of the Melbourne Water Tarago Bulk Entitlement’

c) In Clause 9.3 of the Bulk Entitlement for the words –

‘the holders of the Melbourne bulk entitlement,’ **substitute** ‘the holder of the Melbourne Water Tarago Bulk Entitlement,’

Dated 26 June 2014

PETER WALSH MLA  
Minister for Water

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## **bluestar** **PRINT**

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