**State Observation Bore Network – Access Authority**

**Section 33A Water Act 1989**

Pursuant to section 33A of the Water Act 1989, the Minister for Water is empowered to enter on Crown land on which a State Observation Bore is located for the purpose of carrying out observations (including taking water samples).

The applicant has requested the Minister to authorise it to access the bores identified in Schedule 1 on the basis that it carry out observations and that the data collected might be shared between it and the Minister.

This access authority records the basis upon which the Minister grants the authority.

**Defined terms**:

**“SOBN Access Application Form”** refers to the form of application attached as Schedule 1 to this Access Authority

**“Applicant”** means the person referred to as applicant in the attached SOBN Access Application Form.

**“Bore”** means State Observation Bore

**“DELWP”** means the Department of Environment, Land, Water and Planning.

**“DELWP Contract Manager**” means the person referred to in Schedule 1.

**“Minister”** means the Minister for Water.

**“RWA”** means Water Authority within the meaning of the Water Act 1989.

**“State Observation Bore”** has the same meaning as given to the term in the Water Act 1989.

**Procedures**

1. Activities at each Bore, such as sampling, testing, analysis and taking measurements are to be undertaken in accordance with accepted standards and guidelines, including the *EPA Groundwater Sampling Guideline*, and the *DELWP Groundwater Monitoring Procedure*. A copy of these guidelines is available on the website.
2. The individuals undertaking the work must either be experienced in undertaking the type of work described in the SOBN Access Application Form, or under the supervision of a person who is suitably experienced.
3. Any equipment that will be placed in a Bore must be decontaminated beforehand.

**External Supervision**

1. DELWP may require any activity associated with the proposed work to be observed by a DELWP appointed Contractor, and may recover the cost of such supervision from the applicant.

**Security**

1. Any keys provided to the applicant for access to a Bore are the property of DELWP, and are not to be copied, and are to be returned at the completion of the work.
2. At all times, the Bore is to be in a secure condition (i.e. locked), when not under the direct observation of a representative of the applicant.

**Data**

1. A copy of all data collected as a result of the approved access is to be provided to the DELWP Contract Manager in the excel format described in Schedule 2 within two weeks of measurement. DELWP needs to be advised if this timeline is not able to be met.
2. The Minister has the free and unfettered use of data provided to DELWP under this Access Authority.
3. Data collected under this Access Authority by students of an academic institution for an approved course of study, shall not be supplied to another party or used for commercial gain.
4. In any report, paper or project where the data that is used is obtained under this Access Authority, shall include the following statement– “The author acknowledges DELWPs contribution to the project through providing access to bores in the Victorian State Observation Bore Network.”

**Bore Condition and Liability**

1. Use of the Bore(s) is solely at the risk of the Applicant and DELWP makes no representation about the condition of any Bore.
2. DELWP assumes no responsibility for flushing the Bore prior to access, or for any samples or test results that might be non-representative due to the condition of the Bore.
3. Any issues with the condition of the Bore observed on arrival at the site are to be reported to the DELWP Contract Manager.
4. Any damage to the Bore or surrounds during the approved access period must be reported to the DELWP Contract Manager. This includes any damage to the Bore surface fittings, marker posts, immediate surrounds, bore casing or Bore screens.
5. Any entry of foreign material or contaminants to the Bore, or loss of equipment in the Bore, must be reported to the DELWP Contract Manager.
6. The Applicant is solely liable for all costs, payments and charges associated with the repair, restoration, refurbishment or replacement of a Bore, that is a consequence of access provided under this Authority.
7. The Applicant assumes all liability for any damage to persons, property or environment that occurs as a result of access provided under this Authority.

**Other permissions**

1. Access is permitted to the Bore(s), for the period(s) and purpose(s) referred to in the SOBN Access Application Form.
2. The issue of this Access Authority does not remove the responsibility of the Applicant to obtain any other relevant permissions and permits to access the area of the Bore, and to undertake the proposed activities at the site.
3. On request, the Applicant is to provide DELWP with documentary evidence of such approvals, and DELWP may refuse access if evidence of relevant approvals cannot be provided.

**Timing**

1. Access is only permitted in the approved access period.
2. Access must fit in with the ongoing requirements for any DELWP and RWA monitoring activities at the relevant Bore (s).

**Removal of Access Approval**

1. This Access Authority is issued pursuant to the Minister’s powers under section 33A. It creates no formal right of access in the applicant. The Minister may, at any time and for any reason, withdraw the Access Authority and in that event will advise the Applicant in writing of such a withdrawal as soon as possible.