

- i) During the course of telephone conversations between the Firstnamed Plaintiff and Councillor Bill Hickey in or about June and July 1989 during which the Firstnamed Plaintiff raised the various representations.
- j) During the course of a joint meeting of the KSC and the KWB on 4th July 1989 at which time the Firstnamed Plaintiff addressed the assembled KSC and KWB on relevant matters including the representations.

57. (Deleted)

57A The first representations, the second, third, fourth, fifth, sixth and seventh representations (referred to collectively as "the representations"), were false and untrue. In particular:

- a) The representation as set out in subparagraph 33 b) was false and untrue for the following reasons;

- (1) The Water Agreement provided for the supply of water to land which was outside the Kyneton Waterworks District and the approval of the Governor in Council for that supply as required by S.186 of the Water Act 1958. was neither sought by KWB nor obtained by KWB.
- (2) The Water Agreement provided for the construction of certain works and the approval of the Minister for Water as required by S307AA(5) of the Water Act 1958 was neither sought by KWB nor obtained by KWB in respect to the plans and specifications for the works required and carried out under clause 2 of the Water Agreement.