

RIVER MURRAY WATERS ACT.

Act No. 3, 1923.

An Act to ratify an agreement for the variation George V,
No. 3. of the agreement entered into between the Prime Minister of the Commonwealth and the Premiers of the States of New South Wales, Victoria, and South Australia, respecting the River Murray and Lake Victoria and other waters: to amend the River Murray Waters Act, 1915, and certain other Acts; to repeal the River Murray Waters (Amendment) Act, 1920; and for purposes connected therewith. [Assented to, 26th September, 1923.]

WHEREAS on the ninth day of September, one thousand nine hundred and fourteen, the Prime Minister of the Commonwealth of Australia, acting for and on behalf of the Commonwealth, and the Premiers of the States of New South Wales, Victoria, and South Australia, acting for and on behalf of those States respectively, entered into an agreement (in this Act referred to as "the said agreement") respecting the River Murray and Lake Victoria and other waters subject to ratification by the Parliament of the Commonwealth and the Parliaments of the said States: And whereas the Parliament of the Commonwealth and the Parliaments of the said States have ratified and approved the said agreement: And whereas the Prime Minister of the Commonwealth of Australia, acting for and on behalf of the Commonwealth, and responsible Ministers of the said States, acting for and on behalf of those States respectively,

George V, respectively, have entered into an agreement (in this Act referred to as "the amending agreement") to vary the said agreement, subject to ratification by the Parliament of the Commonwealth and the Parliaments of the said States: And whereas it is desirable to ratify and approve the amending agreement: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the "River Murray Waters Act, 1923."

(2) The River Murray Waters Act, 1915, as subsequently amended, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the "River Murray Waters Act, 1915-1923."

(4) This Act shall commence on a day to be fixed by proclamation of the Governor in the Gazette.

(5) This Act shall bind the Crown.

Commence-
ment.

2. The River Murray Waters (Amendment) Act, 1920, is hereby repealed.

Crown bound.

3. The amending agreement, a copy of which is set out in section four of this Act, is by this Act ratified and approved.

Amendment of
Principal Act.
Preamble.

4. The Principal Act is amended as follows:—

(1) By omitting from the preamble the word "Schedule" and inserting in its stead the words "First Schedule";

(2) by omitting from the definition of "the agreement" in section four the word "Schedule" and inserting in its stead the words "First Schedule, as amended by the agreement, a copy of which is set out in the Second Schedule";

(3) by inserting after the word "agreement" in section five the words "a copy of which is set out in the 'First Schedule'";

(4) by omitting the heading "Schedule" and inserting in its stead the heading "First Schedule";

Sec. 4.

Amendment
of Principal
Act.

Sec. 5.

Schedule.

(5)

(5) by adding at the end thereof the following **George V,
No. 3.**

New Schedule
added.
Second
Schedule.

SECOND SCHEDULE.
THE AMENDING AGREEMENT.

AGREEMENT made the tenth day of August, one thousand nine hundred and twenty-three, between the Right Honorable Stanley Melbourne Bruce, Prime Minister of the Commonwealth of Australia, for and on behalf of the Commonwealth, of the first part, the Honorable Sir George Warburton Fuller, K.C.M.G., Premier of the State of New South Wales, for and on behalf of that State, of the second part, the Honorable Harry Sutherland Wightman Lawson, Premier of the State of Victoria, for and on behalf of that State, of the third part, and the Honorable Sir Henry Newman Barwell, K.C.M.G., Premier of the State of South Australia, for and on behalf of that State, of the fourth part.

WHEREAS on the ninth day of September, one thousand nine hundred and fourteen, an Agreement was entered into by the Prime Minister of the Commonwealth of Australia and the Premiers of the States of New South Wales, Victoria, and South Australia with regard to the economical use of the waters of the River Murray and its tributaries for irrigation and navigation, and to the reconciling of the interests of the Commonwealth and the said States, which Agreement was ratified by the Parliament of the Commonwealth of Australia and the Parliaments of the said States, and which Agreement is hereinafter referred to as the Principal Agreement :

And whereas at conferences between the Honorable Percy Gerald Stewart, Minister for Works and Railways of the Commonwealth of Australia, the Honorable Richard Thomas Ball, Minister for Public Works of the State of New South Wales, the Honorable Henry Angus, Assistant Minister for Water Supply of the State of Victoria, and the Honorable John George Bice, Chief Secretary of the State of South Australia, held on the twenty-third, twenty-fourth, and twenty-fifth days of May, one thousand nine hundred and twenty-three, certain resolutions were agreed to with a view to modifying certain of the provisions of the Principal Agreement :

Now it is hereby further agreed as follows :—

I. RATIFICATION AND ENFORCEMENT.

1. This Agreement is subject to ratification by the Parliaments ^{Ratification.} of the Commonwealth and of the States of New South Wales, Victoria, and South Australia, and shall come into effect when so ratified.

2. The Contracting Governments hereby agree to submit this ^{Submission to} Agreement for ratification to the respective Parliaments of the ^{Parliament.} Commonwealth and of the said States during the present session

B
of

**George V,
No. 3.**

**Contracting
Governments to
provide for
enforcement of
Agreement and
Acts.**

**Incorporation in
Principal
Agreement.**

Quorum.

**Responsibility
for construction.**

**Precedence of
irrigation works.**

Tolls

**Postponement
of operation of
clauses 45 to 51.**

**Arbitration
differences to be
referred.**

of any such Parliament, or if any such Parliament is not in session at the date of this Agreement then at the first session of such Parliament held after the date of this Agreement.

3. Each of the Contracting Governments so far as its jurisdiction extends and so far as it may be necessary shall provide for or secure the execution and enforcement of the provisions of this Agreement and any Acts ratifying the same.

4. On and after the date of ratification of this Agreement, the Principal Agreement shall be read and construed as if the amendments made therein by this Agreement were incorporated therein.

II. AMENDMENT OF PRINCIPAL AGREEMENT.

5. Clause six of the Principal Agreement is amended by inserting after the word "and" (first occurring) the words "subject to clause forty-four of this Agreement,"

6. Clause twenty-one of the Principal Agreement is amended—

(a) by inserting after the word "Wentworth" (first occurring) the words "(excepting the weir and lock to be constructed on the River Murray below its junction with the River Darling by the Government of New South Wales or by the Government of Victoria or by both those Governments jointly)"; and

(b) by inserting after the words "River Darling" (last occurring) the words "and one weir and lock below the said junction."

7. After clause twenty-four of the Principal Agreement the following clause is inserted:—

"24A. The construction of works provided for in this Agreement which will provide for the needs of irrigation shall have precedence over the construction of any such works which will be primarily for the requirements of navigation."

8. Clause forty-two of the Principal Agreement is amended by omitting the words "Contracting Governments in the proportions set out in clause thirty-two of this Agreement" and inserting in their stead the words "State Contracting Governments in equal proportions to be used by them towards the cost of lock-keeping and the maintenance of navigation works constructed under this Agreement."

9. Clause forty-four of the Principal Agreement is amended—

(a) by omitting the word "seven" and inserting in its stead the word "twelve"; and

(b) by adding at the end thereof the words "Until clauses forty-five to fifty-one inclusive of this Agreement take effect the Commission may from time to time determine, by a three-fourths majority, the amount of water to be allowed to pass for supply to South Australia."

10. Clause fifty-eight of the Principal Agreement is amended—

(a) by inserting after the word "business" the words "or, in the case of a question to be determined under clause forty-four of this Agreement, if the Commissioners are equally divided,"; and

(b)

(b) by inserting, after the word "Commissioners" (second **George V,** occurring), the words ", or, in the case of a question to be determined under clause forty-four of this Agreement, at least three of the Commissioners."

11. Notwithstanding anything contained in clause thirty-two of the Principal Agreement, the Commonwealth Government agrees to increase to one quarter the proportion of the cost of carrying out the works mentioned in clause twenty of the Principal Agreement to be borne by the Commonwealth Government, and for the purposes of clauses thirty-four, thirty-six, and thirty-seven of the Principal Agreement, the cost of carrying out the said works shall be deemed to be borne by the Contracting Governments in equal shares.

The provisions of this clause are agreed to by the Commonwealth Government upon the understanding that it is the intention to carry out the Principal Agreement subject to such modifications thereof as are made by this Agreement or are at any time mutually agreed upon by all the Contracting Governments.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed, and delivered by
the abovenamed STANLEY
MELBOURNE BRUCE, in the } S. M. BRUCE. (L.S.)
presence of—
P. G. STEWART.

Signed, sealed, and delivered by
the abovenamed GEORGE
WARBURTON FULLER, in the } GEORGE W. FULLER.
presence of—
R. T. BALL. (L.S.)

Signed, sealed, and delivered by the
abovenamed HARRY SUTHER-
LAND WIGHTMAN LAWSON, in } H. S. W. LAWSON. (L.S.)
the presence of—
HENRY ANGUS.

Signed, sealed, and delivered by the
abovenamed HENRY NEWMAN
BARWELL, in the presence of— } H. N. BARWELL. (L.S.)
JOHN G. BICE.