

MURRAY-DARLING BASIN (AMENDMENT) ACT 1991 No. 5

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS

MURRAY-DARLING BASIN (AMENDMENT) ACT 1991 No. 5

NEW SOUTH WALES



Act No. 5, 1991

An Act to approve an agreement for the amendment of the River Murray Waters Agreement and to amend the Murray-Darling Basin Act 1983 as a consequence of the making of that agreement. [Assented to 22 April 1991]

Murray-Darling Basin (Amendment) 1991

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Murray-Darling Basin (Amendment) Act 1991.

Commencement

2 This Act commences on a day to be appointed by proclamation.

Approval of Amending Agreement

3. The Murray-Darling Basin Further Agreement, a copy of which is contained in Schedule 1 (2), is approved.

Amendment of Murray-Darling Basin Act 1983 No. 86

4 The Murray-Darling Basin Act 1983 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 4)

(1) Section 4 (**Definitions**):

From section 4 (1) , omit the definition of "the Agreement", insert instead:

“the Agreement” means the River Murray Waters Agreement, a copy of which is set out in Schedule 1 , as amended by the following Agreements:

- (a) the Murray-Darling Basin Agreement, a copy of which is set out in Schedule 1A;
- (b) the Murray-Darling Basin Further Agreement, a copy of which is set out in Schedule 1B;

(2) Schedule 1B:

After Schedule 1 A , insert

**SCHEDULE 1B—MURRAY-DARLING
BASIN FURTHER AGREEMENT**

(Sec. 4 (1))

AN AGREEMENT made this 4th day of October One thousand nine hundred and ninety

SCHEDULE 1 - AMENDMENTS - *continued*

BETWEEN

THE COMMONWEALTH OF AUSTRALIA (“the Commonwealth”) of the first part,
THE STATE OF NEW SOUTH WALES of the second part,
THE STATE OF VICTORIA of the third part, and
THE STATE OF SOUTH AUSTRALIA of the fourth part.

WHEREAS the Commonwealth, New South Wales, Victorian and South Australian Governments wish to amend the Agreement made between the parties on 1 October 1982, as amended by the Murray-Darling Basin Agreement made on 30 October 1987 (which Agreement as so amended is herein called “the principal agreement”), in order to enable the Ministerial Council established thereunder to make decisions otherwise than at duly convened meetings.

NOW IT IS HEREBY AGREED by and between the parties to this Agreement as follows:

1. Unless the contrary intention appears, expressions used in this Agreement have the same meanings as in the principal agreement.

2. (1) This Agreement, other than this clause, is subject to approval by the Parliaments of the Commonwealth and of the States of New South Wales, Victoria and South Australia and comes into effect when so approved.

(2) The Commonwealth, New South Wales, Victorian and South Australian Governments will submit this Agreement for approval to their respective Parliaments as soon as practicable after the Agreement is made.

(3) A further approval of the Parliaments is not required if another State becomes a party to the Agreement in accordance with clause 117A of the principal agreement.

3. The following clause shall be inserted before clause 7F of the principal agreement -

SCHEDULE1 - AMENDMENTS - *continued*

“7EA (1) A decision of the Ministerial Council may be made other than at a meeting of the Ministerial Council if made in accordance with this clause.

(2) If -

(a) the text of a proposed resolution is sent or given in writing by facsimile or other transmission by an officer of the Commission authorised by the Ministerial Council to a Minister nominated under clause 7G or if that Minister is unavailable a Minister for the same Contracting Government authorised for the purpose by the Minister so nominated; and

(b) such Minister approves the proposed resolution and notifies that officer in writing sent or given by facsimile or other transmission,

the proposed resolution is approved by the Minister.

(3) When a Minister from each Contracting Government has approved a resolution in accordance with sub-clause (2) the resolution shall be deemed to have become a decision of the Ministerial Council at the date and time the last of those Ministers has approved the resolution.

(4) Any decision of the Ministerial Council made in accordance with this clause, must be recorded by an officer of the Commission authorised by the Ministerial Council and a copy of the decision sent to each member of the Ministerial Council within 21 days after the decision is made.

(5) The record made pursuant to sub-clause (4) shall be confirmed at the next meeting of the Ministerial Council.”

IN WITNESS WHEREOF this Agreement has been respectively signed for and on behalf of the parties hereto on the day and year first above-written.

SCHEDULE 1 - AMENDMENTS - *continued*

SIGNED by the Honourable
ROBERT JAMES LEE
HAWKE, Prime Minister of the Commonwealth of Australia, in
the presence of - BOB HAWKE

ROBERT DAVID HANNA

SIGNED by the Honourable
NICHOLAS FRANK
GREINER, Premier of the State of New South Wales, in the
presence of - NICK GREINER

RICHARD GEORGE
HUMPHRY

SIGNED by the Honourable
JOAN ELIZABETH KIRNER
Premier of the State of Victoria, in the presence of - JOAN E KIRNER

DAVID ROBERT
ESSINGTON LEWIS

SIGNED by the Honourable
DONALD JACK HOPGOOD
Acting Premier of the State of South Australia, in the presence
of - D. J. HOPGOOD
ANN LAMBERT

*[Minister's second reading speech made in -
Legislative Assembly on 28 February 1991
Legislative Council on 11 April 1991]*