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ELIZABETHAE II REGINAE

A.D. 1990

No. 84 of 1990

An Act to approve an agreement for amendment of the agreement between the Commonwealth, New South Wales, Victoria and South Australia with respect to the Murray-Darling Basin; and to amend the Murray-Darling Basin Act, 1983.

[Assented to 20 December 1990]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Murray-Darling Basin Act Amendment Act, 1990*.
- (2) The *Murray-Darling Basin Act, 1983*, is referred to in this Act as “the principal Act”.

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Approval of amending agreement

3. The amending agreement (set out in the schedule inserted into the principal Act by section 5) is approved.

Interpretation

4. Section 3 of the principal Act is amended by striking out from the definition of “the Agreement” in subsection (1) “as amended by the agreement, a copy of which is set out in the second schedule” and substituting “as amended by two subsequent agreements, copies of which are set out in the second and third schedules”.

Insertion of third schedule

5. The following schedule is inserted after the second schedule of the principal Act:

THIRD SCHEDULE

AN AGREEMENT made this fourth day of October One thousand nine hundred and ninety 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—

"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 subclause (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 subclause (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 abovementioned.

SIGNED by the Honourable ROBERT JAMES LEE HAWKE, Prime Minister of the Commonwealth of Australia, in the presence of: ROBERT DAVID HANNA

} BOB HAWKE

SIGNED by the Honourable NICHOLAS FRANK GREINER, Premier of the State of New South Wales, in the presence of: RICHARD GEORGE HUMPHRY

} NICK GREINER

SIGNED by the Honourable JOAN ELIZABETH KIRNER, Premier of the State of Victoria, in the presence of: DAVID ROBERT ESSINGTON LEWIS

} JOAN KIRNER

SIGNED by the Honourable DONALD JACK HOPGOOD, Acting Premier of the State of South Australia, in the presence of: ANN LAMBERT

} DON HOPGOOD

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor