



ANNO DECIMO QUARTO

GEORGII V REGIS.

A. D. 1923.

No. 1568.

An Act to ratify an Agreement for the further Variation 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, and to amend the River Murray Waters Acts, 1915 to 1920.

[Assented to, November 14th, 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: Preamble. 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 certain responsible Ministers of the said States, acting for and on behalf of those States 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 Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "River Murray Waters Amendment Act, 1923." Short titles.
(2) The

River Murray Waters Amendment Act.—1923.

(2) The River Murray Waters Acts, 1915 to 1920, and this Act may be cited together as the "River Murray Waters Acts, 1915 to 1923."

No. 1186 of 1915.

(3) The River Murray Waters Act, 1915, is hereinafter referred to as "the principal Act."

Incorporation with other Acts.

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act.

Commencement of Act.

3. This Act shall commence on a day to be fixed by proclamation.

Act to bind the Crown.

4. This Act shall bind the Crown.

Repeal of Act 1450, 1920.

5. The River Murray Waters Acts Amendment Act, 1920, is hereby repealed.

Ratification of amending agreement.

6. The Amending Agreement, a copy of which is set out in section 11 of this Act, is by this Act ratified and approved.

Amendment of Preamble to principal Act.

7. The Preamble to the principal Act is further amended by omitting the word "Schedule" and inserting in its stead the words "First Schedule."

Amendment of principal Act, s. 4. Definitions.

8. Section 4 of the principal Act is further amended by omitting from the definition of "The Agreement" therein 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."

Amendment of principal Act, s. 7. Ratification of agreement.

9. Section 7 of the principal Act is further amended by inserting after the word "Agreement" the passage, "a copy of which is set out in the First Schedule."

Amendment of principal Act. Schedule.

10. The Schedule to the principal Act is further amended by omitting the heading "The Schedule" and inserting in its stead the heading "The First Schedule."

Amendment of principal Act. Second Schedule.

11. The principal Act is amended by adding at the end thereof the following Schedule :—

THE 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

River Murray Waters Amendment Act.—1923.

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 of the Commonwealth and of the States of New South Wales Victoria and South Australia; and shall come into effect when so ratified.

Ratification.

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

Submission to Parliament.

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.

Contracting Governments to provide for enforcement of Agreement and Acts.

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.

Incorporation in Principal Agreement.

II.—Amendment of Principal Agreement.

5. Clause 6 of the Principal Agreement is amended by inserting after the word "and" (first occurring) the words "subject to clause 44 of this Agreement."

Quorum.

6. Clause 21 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

Responsibility for construction.

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

7. After clause 24 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."

Precedence of irrigation works.

8. Clause 42 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."

Tolls.

9. Clause

River Murray Waters Amendment Act.—1923.

Postponement of
operation of clauses
45 to 51.

9. Clause 44 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."

Arbitration.

Differences to be
referred.

10. Clause 58 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 44 of this Agreement if the Commissioners are equally divided,"; and

(b) by inserting after the word "Commissioners" (second occurring) the words "or in the case of a question to be determined under clause 44 of this Agreement at least three of the Commissioners."

Share of the
Commonwealth in
cost of works.

11. Notwithstanding anything contained in clause 32 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 20 of the Principal Agreement to be borne by the Commonwealth Government and for the purposes of clauses 34, 36 and 37 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 above-named
STANLEY MELBOURNE BRUCE, in the
presence of—
P. G. STEWART. } S. M. BRUCE (L.S.)

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

Signed sealed and delivered by the above-named
HARRY SUTHERLAND WHIGHTMAN LAWSON,
in the presence of—
HENRY ANGUS. } H. S. W. LAWSON (L.S.)

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

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

TOM BRIDGES, Governor.