



ANNO QUARTO

GEORGII V REGIS.

A.D. 1913.

No. 1118.

An Act to ratify and provide for carrying out an Agreement entered into between the Premiers of New South Wales, Victoria, and South Australia respecting storage works at Lake Victoria and certain works in, on, and near the Murray River; and for other purposes consequent thereon or incidental thereto, including certain amendments of The Murray Works Act, 1910.

[Assented to, November 20th, 1913.]

WHEREAS the Premiers of the States of New South Wales, Victoria, and South Australia have entered into the Agreement, a copy whereof is set out in the Schedule subject to the ratification thereof by the Parliaments of the said States: And whereas the said Premiers have further agreed to extend the said Agreement by including in the works described in the First Schedule thereto any other weirs and locks associated with or incidental to the storage works at Lake Victoria or the purposes of the said Agreement in and across the Murray River between the eastern boundary of South Australia and the town of Wentworth, in New South Wales: And whereas it is desirable to ratify and provide for carrying out the said Agreement as so extended: 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. This Act may be cited as “The Lake Victoria Agreement Act, 1913.” Short title.

2. This Act shall bind the Crown.

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3. (1) This

Act to bind the
Crown

The Lake Victoria Agreement Act.—1913.

Commencement.

3. (1). This Act shall come into force on a day to be fixed by proclamation by the Governor published in the *Government Gazette*.

(2) The Governor may not make such a proclamation unless he is satisfied that the Parliaments of New South Wales and Victoria have respectively passed Acts ratifying the Agreement.

Incorporation.

4. With this Act are incorporated The Murray Works Act, 1910, and any Acts incorporated therewith.

Interpretation.

5. In this Act unless inconsistent with the context or subject matter—

“The Agreement” means the agreement a copy whereof is set out in the Schedule to this Act, as extended in the manner hereinbefore recited.

“The Lake Victoria Works” means the works mentioned and described in the First Schedule to the Agreement, as extended in the manner hereinbefore recited.

Amendment of The Murray Works Act, 1910.

6. Sections 21 and 22 of The Murray Works Act, 1910, are amended by inserting after the word “damage” in the first line of each of the said sections the words “in the State of South Australia.”

Ratification of Agreement.

7. The Agreement is by this Act ratified and approved, and shall take effect from the coming into force of this Act.

Construction and maintenance sanctioned.

8. In accordance with and subject to the provisions of The Murray Works Act, 1910, the construction and maintenance of the Lake Victoria Works (in addition to the other works mentioned in the said Act), are hereby sanctioned.

Powers of Commissioner.

9. Subject to the provisions of the Agreement and The Murray Works Act, 1910, the Commissioner, for the purposes of the said or this Act or the Agreement, in addition to all other powers and authorities vested in him, may:—

(a) Exercise in the States of New South Wales and Victoria respectively, and in, on, or across the Murray River between its junction with the Darling River or the town of Wentworth, in New South Wales, and the eastern boundary of South Australia, the powers and authorities that for the purposes of works under the said Act in the State of South Australia he is authorised and entitled to exercise by Part III. of the said Act.

(b) Do whatever is necessary or expedient for the construction and maintenance and the use and enjoyment of works under The Murray Works Act, 1910, or this Act, or the Agreement.

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

DAY H. BOSANQUET, Governor.

SCHEDULE

SCHEDULE TO THIS ACT.

AGREEMENT made the fifth day of January one thousand nine hundred and twelve between the Honorable JAMES SINCLAIR MCGOWEN, Premier of New South Wales, for and on behalf of that State of the first part; the Honorable JOHN MURRAY, Premier of Victoria, for and on behalf of that State of the second part; and the Honorable JOHN VERRAN, Premier (and Commissioner of Public Works) of South Australia, for and on behalf of that State of the third part: Whereas the State of South Australia by the *Murray Works Act* 1910 authorized and empowered the Commissioner of Public Works of that State to construct and maintain in or across the Murray River (within that State) and in or through the lands riparian thereto works for damming, impounding, storing, conserving, or regulating, or otherwise utilizing or controlling the waters of the said river for the purpose of navigation, irrigation, watering stock, domestic and general supply, and in addition to such works within the State of South Australia, and for similar purposes on an agreement as herein expressed being entered into to construct and maintain with such variations, modifications, and extensions as the said Commissioner may think desirable, the storage works at Lake Victoria, in the State of New South Wales, and the works (being two weirs and locks associated with or incidental to the said storage works) in on or across the Murray River and lands riparian thereto in the said States of New South Wales and Victoria, which storage works, weirs, and locks (with regulators and other incidental works on the Murray River or the Darling River), are together referred to as the Lake Victoria Works, and are mentioned and described in the First Schedule hereto: And whereas at a conference between the Premiers of the said States held at Melbourne on the twenty-third day of January one thousand nine hundred and eleven a resolution was agreed to having for its object the construction and maintenance and the use and enjoyment (subject as herein mentioned) by the State of South Australia of the said Lake Victoria Works mentioned and described in the First Schedule hereto: And whereas it is considered that to carry such resolution into effect would conduce towards the maintenance and improvement of the flow of the Murray River and be beneficial to the said States: And whereas in order to carry the said resolution into effect it is deemed desirable that the said parties shall enter into this Agreement.

Now it is hereby agreed as follows:—

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

Ratification of Agreement.

2. The States of New South Wales and Victoria, so far as they can do so and may be necessary in pursuance of this Agreement, will authorize and facilitate the construction and maintenance and the use and enjoyment by the State of South Australia of the Lake Victoria Works mentioned and described in the First Schedule hereto.

Construction to be facilitated.

3. To the end and for the purpose mentioned in clause 2—

I. The State of New South Wales will transfer to and vest in the said State of South Australia for an estate in fee-simple subject to the conditions hereinafter expressed the lands mentioned and described in the Second Schedule hereto.

Transfer of site.

II. The States of New South Wales and Victoria respectively will, at the request and expense of the State of South Australia, acquire or resume private lands or appropriate Crown Lands and arrange for payment of compensation to any owner or occupier of any land injured or prejudicially affected by reason of the construction of the Lake Victoria Works, and will transfer to and vest in the State of South Australia the lands so acquired resumed or appropriated.

Resumption of lands.

III. The

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The Lake Victoria Agreement Act.—1913.

Powers to be conferred.

III. The States of New South Wales and Victoria respectively will authorize and enable the State of South Australia :—

- (a) To compulsorily or otherwise purchase take acquire or lease or enter occupy or use land in the said States of New South Wales and Victoria respectively.
- (b) To dam, set back, divert, drain, impound, store or release, or otherwise control the waters of or embank, narrow, widen, or deepen, cleanse, clear, scour, dredge, open, straighten, and remove obstructions from the Murray River or its banks between its junction with the Darling River and the eastern boundary of the State of South Australia.
- (c) To exercise such rights, licences, permissions, easements, privileges, powers and immunities in the said respective States or (subject to clause 10) in respect of the use, flow and control of the waters of the said Murray River as may be necessary.

The authorities and powers conferred by this clause shall be exercised in accordance with (so far as applicable) the laws for the time being of the said States respectively for the acquisition of land for public purposes or such other laws as may be found necessary for the purpose.

Power to South Australia to store water in Lake Victoria.

4. After the commencement of the Lake Victoria Works, the State of South Australia may at all times divert into the storage reservoir at Lake Victoria for impounding or storing therein the waters of the Murray River flowing at the site or sites of the offtake or offtakes for diversion into Lake Victoria.

Subject to any right at the date of this Agreement, lawfully exercisable by an occupier of land on the bank of the said Lake to use the water being in the said Lake for domestic purposes or for watering cattle or other stock or for gardens not exceeding five acres in extent used in connexion with a dwelling house and to the general right of all persons to use such water for domestic purposes or for watering cattle or other stock at places on such Lake to which at the date of this Agreement there is access by public road or reserve, the water impounded or stored in the reservoir at Lake Victoria shall cease to be deemed part of the natural volume of the Murray River, and shall as against all persons whatsoever including the Crown be the absolute property of the State of South Australia to be devoted to such uses as may be determined by such State which may at the times and in the quantities it thinks fit release such water for conveyance by the channel of the Murray River to the eastern boundary of the State of South Australia or otherwise for the purposes of the said *Murray Works Act 1910*: Provided that the State of South Australia subject to this Agreement will at the request of the State of New South Wales make provision where necessary for and permit the reasonable use of the waters of the said Lake by occupiers on the settlement of lands of a total area not exceeding 200,000 acres in the vicinity of Lake Victoria for domestic purposes and for watering their cattle and other stock: Provided also that if access to the watering places aforesaid by public road or reserve be interfered with by the construction of the said Lake Victoria Works the State of South Australia will on the request of the State of New South Wales provide such other watering places in lieu thereof as shall not interfere with the said works.

States of New South Wales and Victoria to provide for enforcement of Agreement.

5. Each of them the States of New South Wales and Victoria respectively so far as it can and may be necessary will provide for and secure the execution and enforcement within its territory of the provisions of this Agreement and the Act ratifying the same.

Works not to obstruct navigation, and not to alter course of river.

6. Any weir constructed under this Agreement shall be provided with a suitable lock (to be worked by the State of South Australia) for the navigation at all reasonable times of the Murray River and its tributaries, and, unless the plans are approved of by the States of New South Wales and Victoria, shall be such as will not so materially and injuriously raise and affect the maximum flood levels of and block the flow in the main channel of the Murray River as to divert the main volume of the said river from its true into a new course.

7. The

The Lake Victoria Agreement Act.—1913.

7. The State of South Australia will forward to the States of New South Wales and Victoria copies of any general scheme for carrying out works under this Agreement and at least one month before the commencement of construction copies of the plans showing and defining any such works.

Plans to be forwarded to New South Wales and Victoria.

8. The State of South Australia, at all reasonable times, will facilitate inspection by the States of New South Wales and Victoria of weirs and locks constructed under this Agreement, and by each of the said States of such parts of the works as are constructed within its territory.

Inspection of work by States.

9. The works constructed by and the property vested in the State of South Australia under this Agreement shall not be subject to general, special, or local taxation.

Exemption from taxation.

10. Nothing in this Agreement is intended or shall be deemed or so construed as to abridge, extend, or prejudice the right of each State party hereto or the residents therein to the reasonable use of or prejudice the public right of navigation in the waters of the Murray River and its tributaries, or shall be deemed or construed as an admission, settlement, or compromise of the claims of such States *inter se* in respect of such waters.

Agreement not to affect rights or claims.

11. The States of New South Wales and Victoria will authorize the State of South Australia to exercise in the said States respectively, so far as may be necessary for the purposes of the construction of works in South Australia under the South Australian *Murray Works Act* 1910, and the maintenance, use, and enjoyment of the said works, the powers and authorities (so far as applicable) mentioned in clause 3 of this Agreement.

Powers incidental to works in South Australia

12. In this Agreement save where inconsistent with the context—

“ Land ” includes Crown lands and buildings, messuages, tenements, and hereditaments of any tenure and any easement right or privilege in over or affecting any land ;

Interpretation.

“ Maintenance ” includes repair and improvement ;

“ River ” includes any affluent effluent creek and branch or extension of such river.

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 JAMES SINCLAIR MCGOWEN in the presence of W. A. HOLMAN.

JAS. S. MCGOWEN.

(L.S.)

Signed sealed and delivered by the above-named JOHN MURRAY in the presence of F. SHORT, J.P., Secretary to Premier, Melbourne.

J. MURRAY.

(L.S.)

Signed sealed and delivered by the above-named JOHN VERRAN in the presence of JAMES W. JONES.

JOHN VERRAN.

(L.S.)

The Lake Victoria Agreement Act.—1913.

SCHEDULES.

FIRST SCHEDULE.

A regulation reservoir, with a storage capacity of about 22½ thousand millions of cubic feet, at and about Lake Victoria, in the State of New South Wales, situated within three miles of the Murray River and about 36 miles in a direct line below the junction of the Murray River with the Darling River, and about 14 miles in a direct line above the eastern boundary of the State of South Australia, which lake covers an area of approximately 30,000 acres, and is connected with the main stream of the Murray River by the Rufus River and Frenchman's Creek.

A weir and lock in and across the Murray River about or in the neighbourhood of the junction of that main river with Frenchman's Creek.

A weir and lock in and across the Murray River about or in the neighbourhood of the junction of the Rufus River with the main river.

Regulators on or at the Lindsay River and other anabranches or creeks of the Murray River.

SECOND SCHEDULE.

That piece of land situated in the State of New South Wales and covered with water, now known as Lake Victoria, with the two watercourses known as Rufus River and Frenchman's Creek connecting the River Murray with the said lake for and throughout their entire course from the said river to the said lake, also so much of the banks and foreshores of the said lake and watercourses and of the land adjoining thereto as shall be sufficient for all purposes of access to and use and enjoyment of the said Lake Victoria works.

J M G
J. M.
J. V.