

RIVER MURRAY WATERS ACT AMENDMENT ACT, 1954

being

River Murray Waters Act Amendment Act, 1954, No. 47 of 1954 [Assented to 16th December, 1954]¹.

An Act to ratify and approve 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 for other purposes.

WHEREAS on the ninth day of September, nineteen 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 principal 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 principal agreement:

AND WHEREAS the said agreement has been amended by further agreements dated respectively the tenth day of August, nineteen hundred and twenty-three, the twenty-third day of July, nineteen hundred and thirty-four, and the twenty-sixth day of November, nineteen hundred and forty-eight:

AND WHEREAS the Parliaments of the Commonwealth and the Parliaments of the said States have ratified and approved the said further agreements:

AND WHEREAS the Prime Minister of the Commonwealth of Australia, acting for and on behalf of the Commonwealth, and the Premiers 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 fourth amending agreement") to vary the principal agreement as varied by the said first second and third amending 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 fourth 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 Came into operation 7th April, 1955: *Gaz.* 7th April, 1955, p.807.

Short titles.

1. (1) This Act may be cited as the "River Murray Waters Act Amendment Act, 1954".

(2) The River Murray Waters Act, 1935-1948, as amended by this Act may be cited as the "River Murray Waters Act, 1935-1954".

(3) The River Murray Waters Act, 1935-1948, is hereinafter referred to as "the principal Act".

Commence-
ment.

2. This Act shall come into force on a day to be fixed by proclamation¹.

Incorporation.

3. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Act to bind the
Crown.

4. This Act shall bind the Crown.

Ratification of
fourth amending
agreement.

5. The fourth amending agreement, a copy of which is set out in the schedule to this Act, is hereby ratified and approved.

Meaning of the
term "the
agreement".

6. Any reference to "the agreement" in the principal Act shall be construed as a reference to the agreement set out in the first schedule to the principal Act as amended by all subsequent amending agreements.

THE SCHEDULE

AGREEMENT made the second day of November, One thousand nine hundred and fifty-four BETWEEN THE RIGHT HONOURABLE ROBERT GORDON MENZIES Prime Minister of the Commonwealth of Australia for and on behalf of the Commonwealth of Australia of the first part THE HONOURABLE JOHN JOSEPH CAHILL Premier of the State of New South Wales for and on behalf of that State of the second part THE HONOURABLE JOHN CAIN Premier of the State of Victoria for and on behalf of that State of the third part and THE HONOURABLE THOMAS PLAYFORD 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 of Australia 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 in this Agreement referred to as "the Principal Agreement":

AND WHEREAS by further Agreements dated the tenth day of August, One thousand nine hundred and twenty-three, the twenty-third day of July One thousand nine hundred and thirty-four and the twenty-sixth day of November, One thousand nine hundred and forty-eight (in this Agreement respectively referred to as "the first Amending Agreement", "the second Amending Agreement" and "the third Amending Agreement") all made between the Prime Minister of the Commonwealth of Australia and the Premiers of the States of New South Wales, Victoria and South Australia certain provisions of the Principal Agreement were modified:

AND WHEREAS the first Amending Agreement, the second Amending Agreement and the third Amending Agreement were all subsequently ratified by the Parliament of the Commonwealth of Australia and by the Parliaments of the said States:

AND WHEREAS at a Conference between THE HONOURABLE WILFRED SELWYN KENT HUGHES Minister for Works of the Commonwealth of Australia THE HONOURABLE JOHN BROPHY RENSCHAW Minister for Public Works and Local Government of the State of New South Wales THE HONOURABLE AMBROSE GEORGE ENTICKNAP Minister for Conservation of the State of New South Wales THE HONOURABLE CLIVE PHILIP STONEHAM Minister for Water Supply of the State of Victoria and THE HONOURABLE MALCOLM MCINTOSH, Minister of Works of the State of South Australia held on the nineteenth day of July, One thousand nine hundred and fifty-four, certain resolutions were agreed to with a view to further modifying certain of the provisions of the

¹ Came into operation 7th April, 1955: *Gaz.* 7th April, 1955, p.807.

Principal Agreement as amended by the first Amending Agreement, the second Amending Agreement and the third Amending 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 of Australia 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 Agreement for ratification to the respective Parliaments of the Commonwealth of Australia 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 that 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 it.

4. ON and after the date of ratification of this Agreement the Principal Agreement as amended by the first Amending Agreement, the second Amending Agreement and the third Amending Agreement shall be read and construed as if the amendments made by this Agreement were incorporated in the Principal Agreement as so amended.

II. AMENDMENT OF PRINCIPAL AGREEMENT AS AMENDED BY FIRST, SECOND AND THIRD AMENDING AGREEMENTS

5. CLAUSE 20 of the Principal Agreement as amended by clause 5 of the second Amending Agreement and clause 7 of the third Amending Agreement is further amended—

(a) by omitting paragraph (i) and inserting in its stead the following paragraph:—

“(i) the provision of a storage on the upper River Murray (in this Agreement referred to as the ‘Upper Murray Storage’) with a capacity of approximately two and one-half million acre feet of water and with a roadway along the top of the containing dam;” and

(b) by inserting after paragraph (v) the following new paragraph:—

“(vi) the construction or execution of such works or work on the River Murray between Tocumwal and Echuca and on the effluents of that river between those two points as the Commission from time to time determines as necessary to prevent the loss of the regulated flow of the river.”

6. CLAUSE 32 of the Principal Agreement is omitted and the following clause is inserted in its stead:—

“32. The cost of carrying out the works mentioned in clause twenty of this Agreement is estimated at Nineteen million seven hundred and fifty thousand pounds and shall be borne by the Contracting Governments in equal shares PROVIDED ALWAYS that, in the event of a contribution or contributions being received from the Snowy Mountains Hydro-electric Authority towards the cost of the works necessary to increase the capacity of the Upper Murray Storage from approximately two million acre feet of water to approximately two and one-half million acre feet of water, that contribution or those contributions shall be applied in reduction of the amounts which would otherwise have been contributed jointly by the Contracting Governments pursuant to this clause towards the cost of the works mentioned in clause 20 of this Agreement.”

7. CLAUSE 50 of the Principal Agreement is omitted and the following clause is inserted in its stead:—

“50. After the completion of the works specified in clause 20 of this Agreement other than those specified in paragraph (vi) of that clause, the discharge from the Upper Murray Storage and the inflow to and discharge from the Lake Victoria Storage shall be regulated to provide a reserve of water in storage for use in dry years, that reserve to be fixed from time to time by, and drawn upon at the discretion of, the Commission PROVIDED THAT the quantity of water so held in reserve shall be not less than one million acre feet at any time (of which not less than two hundred thousand acre feet shall be in the Lake Victoria Storage) unless the Commission declares a period of restriction in pursuance of clause fifty-one of this Agreement in which case the said reserve may be drawn upon PROVIDED FURTHER HOWEVER that the volume in Lake Victoria may be reduced with a corresponding reduction in the combined volume in both storages at times other than periods of restriction if the Commission is satisfied that the supply to South Australia from upstream will be sufficient to ensure that the full allocation to that State can be met until the thirtieth day of June next ensuing and that there will be a combined reserve at that date of one million acre feet including not less than two hundred thousand acre feet in the Lake Victoria Storage.”

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 }
ROBERT GORDON MENZIES in the presence of: } ROBERT MENZIES.
G. S. YEEND }

SIGNED SEALED AND DELIVERED by the abovenamed
JOHN JOSEPH CAHILL in the presence of:
W. A. GLEESON } J. J. CAHILL.

SIGNED SEALED AND DELIVERED by the said JOHN
CAIN in the presence of:
L. R. EAST } JOHN CAIN.

SIGNED SEALED AND DELIVERED by the said THOMAS
PLAYFORD in the presence of:
L. F. LODER } T. PLAYFORD.
