

# LEGISLATIVE COUNCIL

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Read 1° 10 October 1990

*(Brought in by the Honourable B. T. Pullen)*

## A BILL

to amend the **Murray-Darling Basin Act 1982** and for other purposes.

### **Murray-Darling Basin (Amendment) Act 1990**

The Parliament of Victoria enacts as follows:

#### **1. Purpose**

5 The purpose of this Act is to approve amendments to the Murray-Darling Basin Agreement to enable the Ministerial Council to make decisions otherwise than at meetings.

#### **2. Commencement**

This Act comes into operation on a day to be proclaimed.

#### **3. Principal Act**

10 In this Act, the **Murray-Darling Basin Act 1982** is called the Principal Act.

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Section headings appear in bold italics and are not part of the Act (see **Interpretation of Legislation Act 1984**).

No. 9862.  
Amended by  
Nos 10081,  
10087,  
121/1986  
and 93/1987.

*Murray-Darling Basin (Amendment)*

**4. Approval of amending agreement**

The agreement, a copy of which is set out in section 6, is approved.

**5. Amendment of section 3**

In the definition of “Agreement” in section 3 of the Principal Act, for “as amended by the Agreement, a copy of which is set out in Schedule 2” substitute “as amended by the agreements copies of which are set out in Schedules 2 and 3”.

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**6. New Schedule 3 inserted**

After Schedule 2 to the Principal Act insert—

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**‘SCHEDULE 3**

**MURRAY-DARLING BASIN FURTHER AGREEMENT**

AN AGREEMENT made this 4th 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 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.

SIGNED by the Honourable  
ROBERT JAMES LEE  
HAWKE, Prime Minister of  
the Commonwealth of  
Australia, in the presence of—  
R D HANNA

BOB HAWKE

SIGNED by the Honourable  
NICHOLAS FRANK GREINER,  
Premier of the State of New South  
Wales, in the presence of—  
R G HUMPHRY

NICK GREINER

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

JOAN E. KIRNER

D LEWIS

s. 6

*Murray-Darling Basin (Amendment)*

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

D. J. HOPGOOD