

First print



New South Wales

# **New South Wales—Queensland Border Rivers Amendment Bill 2001**

## **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

### **Overview of Bill**

The object of this Bill is to amend the *New South Wales—Queensland Border Rivers Act 1947* so as to ratify and approve an agreement that has been entered into between the Premiers of New South Wales and Queensland and that amends an existing agreement concerning certain border rivers and water sources. The effect of the amending agreement is to replace the system of annual accounting that is used in relation to the sharing of water between New South Wales and Queensland with a system of continuous accounting.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent.

**Clause 3** is a formal provision giving effect to the amendments to the *New South Wales—Queensland Border Rivers Act 1947* set out in Schedule 1.

## Schedule 1 Amendments

**Schedule 1 [4]** inserts the text of an amending agreement (referred to in the Bill as the *Third Amending Agreement*) into a supplementary Schedule at the end of the Act. The agreement substitutes a provision of an existing agreement relating to border rivers and water sources so as to replace the system of annual accounting that is used in relation to the sharing of water between New South Wales and Queensland with a system of continuous accounting.

**Schedule 1 [3]** amends section 5 (Ratification of agreements) so as to extend the operation of that section to the Third Amending Agreement, so indicating Parliament's ratification and approval of that Agreement.

**Schedule 1 [1] and [2]** make consequential amendments to section 4 (Definitions).

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New South Wales

# New South Wales—Queensland Border Rivers Amendment Bill 2001

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New South Wales

# **New South Wales—Queensland Border Rivers Amendment Bill 2001**

No. , 2001

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## **A Bill for**

An Act to amend the *New South Wales—Queensland Border Rivers Act 1947* so as to ratify and approve an agreement that has been entered into between the Premiers of New South Wales and Queensland and that amends an existing agreement concerning certain border rivers and water sources.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>New South Wales—Queensland Border Rivers Amendment Act 2001</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent.	6
<b>3 Amendment of New South Wales—Queensland Border Rivers Act 1947 No 10</b>	7 8
The <i>New South Wales—Queensland Border Rivers Act 1947</i> is amended as set out in Schedule 1.	9 10

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<b>Schedule 1</b>	<b>Amendments</b>	1
	(Section 3)	2
<b>[1]</b>	<b>Section 4 Definitions</b>	3
	Omit “and the Second Amending Agreement” from the definition of <i>Agreement</i> .	4
	Insert instead “, the Second Amending Agreement and the Third Amending Agreement”.	5
		6
		7
<b>[2]</b>	<b>Section 4</b>	8
	Insert in alphabetical order:	9
	<i>Third Amending Agreement</i> means the agreement of which a copy is set out in the Third Supplementary Schedule to this Act.	10
		11
		12
<b>[3]</b>	<b>Section 5 Ratification of agreements</b>	13
	Omit “and the Second Amending Agreement” wherever occurring.	14
	Insert instead “, the Second Amending Agreement and the Third Amending Agreement”.	15
		16
<b>[4]</b>	<b>Third Supplementary Schedule</b>	17
	Insert after the Second Supplementary Schedule:	18
	<b>Third Supplementary Schedule</b>	19
	(Section 4)	20
	AN AGREEMENT made on	21
	THE STATE OF NEW SOUTH WALES and THE STATE OF	22
	QUEENSLAND.	23
	WHEREAS -	24
	(a) an agreement was made between the States on 27 November 1946 (the “original agreement”) that was approved and ratified under -	25
		26

- (i) the *New South Wales - Queensland Border Rivers Act 1947* of the State of New South Wales; and 1  
2
- (ii) the *New South Wales - Queensland Border Rivers Act 1946* of the State of Queensland; and 3  
4
- (b) an agreement amending the original agreement was made between the States on 4 November 1968 (the “first amending agreement”) that was approved and ratified under - 5  
6  
7
- (i) the *New South Wales - Queensland Border Rivers (Amendment) Act 1968* of the State of New South Wales; and 8  
9
- (ii) the *New South Wales - Queensland Border Rivers Act Amendment Act 1968* of the State of Queensland; and 10  
11
- (c) an agreement amending the original agreement as amended by the first amending agreement was made between the States on 15 March 1993 (the “second amending agreement”) that was approved and ratified under - 12  
13  
14  
15
- (i) the *New South Wales - Queensland Border Rivers (Amendment) Act 1993* of the State of New South Wales; and 16  
17
- (ii) the *New South Wales - Queensland Border Rivers Act Amendment Act 1993* of the State of Queensland; and 18  
19
- (d) the States desire to make further amendments of the original agreement as amended by the first amending agreement and second amending agreement. 20  
21  
22
- NOW IT IS AGREED as follows - 23

PART 1 - PRINCIPAL AGREEMENT 24

1. Definition 25

In this agreement - 26

“principal agreement” means the original agreement as amended by the first amending agreement and the second amending agreement. 27  
28

2. Binding of States 29

The principal agreement continues to bind the States subject to the amendments of the principal agreement made by this agreement. 30  
31

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<b>PART 2 - RATIFICATION OF AGREEMENT</b>		1
3.	<b>Ratification</b>	2
	(1) This agreement -	3
	(a) is subject to ratification by the Parliaments of the States;	4
	and	5
	(b) comes into effect when so ratified.	6
	(2) Each State is to take all practicable steps to have this agreement ratified.	7 8
<b>PART 3 - AMENDMENT OF PRINCIPAL AGREEMENT</b>		9
4.	<b>Amended Agreement</b>	10
	The principal agreement is amended as set out in this agreement.	11
5.	<b>Amendment of clause 37 (Determination of anticipated available quantity) - Clause 37 (2):</b>	12 13
	omit subclause and insert the following new subclause.	14
	“(2) In determining the supply of water a party hereto is, for any complete year, entitled, the Commission may allocate to that party any part of the supply of water to which that party was entitled in respect of any previous period of time and which was not expended by that party.”	15 16 17 18 19



New South Wales—Queensland Border Rivers Amendment Bill 2001

Schedule 1 Amendments

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IN WITNESS WHEREOF the Premiers of the States of New South Wales 1  
and Queensland have hereunto set their hands the day and year first 2  
hereinbefore written 3

SIGNED SEALED and Delivered by the 4  
Honourable ROBERT JOHN CARR the 5  
Premier of the State of New South Wales 6  
for and on behalf of that State (but so as 7  
not to incur any personal liability) in the 8  
presence of: 9

ROBERT JOHN CARR

SIGNED SEALED and Delivered by the 10  
Honourable PETER BEATTIE the 11  
Premier of the State of Queensland for 12  
and on behalf of that State (but so as not 13  
to incur any personal liability) in the 14  
presence of: 15

PETER BEATTIE