

Queensland



**NEW SOUTH
WALES–QUEENSLAND
BORDER RIVERS
AMENDMENT ACT 2001**

Act No. 55 of 2001

Queensland



NEW SOUTH WALES–QUEENSLAND BORDER RIVERS AMENDMENT ACT 2001

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Queensland



New South Wales–Queensland Border Rivers Amendment Act 2001

Act No. 55 of 2001

**An Act to amend the *New South Wales–Queensland Border Rivers
Act 1946***

[Assented to 16 August 2001]

The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *New South Wales–Queensland Border Rivers Amendment Act 2001*.

2 Act amended

This Act amends the *New South Wales–Queensland Border Rivers Act 1946*.

3 Amendment of s 4 (Interpretation)

(1) Section 4, heading—

omit, insert—

‘4 Definitions’.

(2) Section 4—

insert—

‘**“third amending agreement”** means the agreement a copy of which is in schedule 4.’.

(3) Section 4, definition **“agreement”**—

insert—

‘(c) the third amending agreement.’.

4 Amendment of s 5 (Ratification of agreements)

Section 5—

insert—

‘(d) the third amending agreement.’.

5 Amendment of sch 2 (New South Wales–Queensland Border Rivers Agreement 1968)

Schedule 2, title—

omit, insert—

‘FIRST AMENDING AGREEMENT

section 4, definition “first amending agreement” ’.

6 Amendment of sch 3 (New South Wales–Queensland Border Rivers Agreement 1993)

Schedule 3, title—

omit, insert—

‘SECOND AMENDING AGREEMENT

section 4, definition “second amending agreement” ’.

7 Insertion of new sch 4

After schedule 3—

insert—

‘SCHEDULE 4

‘THIRD AMENDING AGREEMENT

section 4, definition “third amending agreement”

AN AGREEMENT made on between **THE STATE OF
NEW SOUTH WALES** and **THE STATE OF QUEENSLAND**.

WHEREAS—

- (a) an agreement was made between the States on 27 November 1946 (the **“original agreement”**) that was approved and ratified under—
 - (i) the *New South Wales–Queensland Border Rivers Act 1947* of the State of New South Wales; and
 - (ii) the *New South Wales–Queensland Border Rivers Act 1946* of the State of Queensland; and
- (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—
 - (i) the *New South Wales–Queensland Border Rivers (Amendment) Act 1968* of the State of New South Wales; and
 - (ii) the *New South Wales–Queensland Border Rivers Act Amendment Act 1968* of the State of Queensland; and
- (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—
 - (i) the *New South Wales–Queensland Border Rivers (Amendment) Act 1993* of the State of New South Wales; and
 - (ii) the *New South Wales–Queensland Border Rivers Act Amendment Act 1993* of the State of Queensland; and
- (d) the States desire to make further amendments of the original agreement as amended by the first amending agreement and the second amending agreement.

NOW IT IS AGREED as follows—

PART 1—PRINCIPAL AGREEMENT

1 Definition

In this agreement—

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

2 Binding of States

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

PART 2—RATIFICATION OF AGREEMENT

3 Ratification

(1) This agreement—

- (a) is subject to ratification by the Parliaments of the States; and
- (b) comes into effect when so ratified.

(2) Each State is to take all practicable steps to have this agreement ratified.

PART 3—AMENDMENT OF PRINCIPAL AGREEMENT

4 Amended agreement

The principal agreement is amended as set out in this agreement.

5 Amendment of clause 37 (Determination of anticipated available quantity)

Clause 37(2)—

omit subclause and insert the following new subclause.

“(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.”.

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

SIGNED SEALED AND DELIVERED

by the Honourable ROBERT JOHN CARR

the Premier of the State of New South Wales for

and on behalf of that State (but so as not to

incur any personal liability) in the presence

of:

R. CARR

(Signed)

SIGNED SEALED AND DELIVERED

by The Honourable PETER BEATTIE

the Premier of the State of Queensland for

and on behalf of that State (but so as not to

incur any personal liability) in the presence of:’.

P. BEATTIE

(Signed)

SCHEDULE**MINOR AMENDMENTS**

section 2

1 Heading before section 1—*omit, insert—***‘PART 1—PRELIMINARY’.****2 Heading after section 4—***omit, insert—***‘PART 2—AGREEMENTS’.****3 Heading after section 5A—***omit, insert—***‘PART 3—POWERS AND DUTIES OF THE
COMMISSION’.****4 Heading after section 13—***omit, insert—***‘PART 4—CONSTRUCTION AND MAINTENANCE OF
WORKS AND ACQUISITION OF LAND’.****5 Heading after section 16—***omit, insert—***‘PART 5—COMPENSATION FOR DAMAGE BY
WORKS’.**

SCHEDULE (continued)

6 Heading after section 21—

omit, insert—

**‘PART 6—REGULATIONS BY GOVERNOR IN
COUNCIL’.**

7 Section 22, heading—

omit, insert—

‘22 Regulation-making power’.

8 Section 22, ‘Governor’—

omit, insert—

‘Governor in Council’.

9 Heading after section 22—

omit, insert—

‘PART 7—MISCELLANEOUS PROVISIONS’.

10 Heading after section 23—

omit.