**Authorised Version No. 014**  
**Murray-Darling Basin Act 1993**  
No. 39 of 1993  
Authorised Version incorporating amendments as at 4 October 2012

### TABLE OF PROVISIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PART 1—PRELIMINARY</strong></td>
<td></td>
</tr>
<tr>
<td>1 Purpose</td>
<td>1</td>
</tr>
<tr>
<td>2 Commencement</td>
<td>1</td>
</tr>
<tr>
<td>3 Definitions</td>
<td>1</td>
</tr>
<tr>
<td>4 Act to bind Crown</td>
<td>3</td>
</tr>
<tr>
<td><strong>PART 2—STATE MEMBER OF BASIN OFFICIALS COMMITTEE</strong></td>
<td>4</td>
</tr>
<tr>
<td>5 Appointment of member</td>
<td>4</td>
</tr>
<tr>
<td>6 Acting member of the Committee</td>
<td>4</td>
</tr>
<tr>
<td>7 Period of appointment</td>
<td>5</td>
</tr>
<tr>
<td>8 Standing obligation to disclose interests</td>
<td>6</td>
</tr>
<tr>
<td>9 Obligation to disclose interest before considering a particular matter</td>
<td>6</td>
</tr>
<tr>
<td>10, 11 Repealed</td>
<td>4</td>
</tr>
<tr>
<td><strong>PART 3—THE COMMISSION AND ITS OPERATIONS</strong></td>
<td>8</td>
</tr>
<tr>
<td>12–15 Repealed</td>
<td>8</td>
</tr>
<tr>
<td>16 Construction of works</td>
<td>8</td>
</tr>
<tr>
<td>17 Acquisition of land</td>
<td>8</td>
</tr>
<tr>
<td>18 Construction powers of relevant water authority</td>
<td>9</td>
</tr>
<tr>
<td>19 Powers to dispose of certain lands</td>
<td>9</td>
</tr>
<tr>
<td>20 Powers, liabilities and immunities under Water Act 1989</td>
<td>9</td>
</tr>
<tr>
<td>21 Crown land</td>
<td>9</td>
</tr>
<tr>
<td>22 Management of Crown land</td>
<td>10</td>
</tr>
<tr>
<td>23 Repealed</td>
<td>11</td>
</tr>
<tr>
<td><strong>PART 4—GENERAL</strong></td>
<td>11</td>
</tr>
<tr>
<td>24 Repealed</td>
<td>11</td>
</tr>
<tr>
<td>25 Appropriation</td>
<td>11</td>
</tr>
<tr>
<td>26 Exemption from taxes and charges</td>
<td>11</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>27</td>
<td>Repealed 11</td>
</tr>
<tr>
<td>28</td>
<td>Certain documents to be laid before Parliament 11</td>
</tr>
<tr>
<td>29</td>
<td>Repealed 12</td>
</tr>
<tr>
<td>30</td>
<td>Penalty for injuring works 12</td>
</tr>
<tr>
<td>31</td>
<td>Repealed 12</td>
</tr>
<tr>
<td>32</td>
<td>Regulations 12</td>
</tr>
<tr>
<td>33</td>
<td>Repealed 12</td>
</tr>
</tbody>
</table>

**SCHEDULES 1, 2—Repealed** 13

**ENDNOTES** 14

1. General Information 14
2. Table of Amendments 15
3. Explanatory Details 16
The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1 Purpose

The purpose of this Act is to provide for carrying out an agreement entered into between the Commonwealth, New South Wales, Victoria, Queensland, South Australia and the Australian Capital Territory with regard to the water, land and other environmental resources of the Murray-Darling Basin.

2 Commencement

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

3 Definitions

(1) In this Act—

Agreement means the Murray-Darling Basin Agreement (a copy of which is set out in Schedule 1 to the Water Act 2007 of the Commonwealth), as in force from time to time;
Authority means the Murray-Darling Basin Authority established under the Water Act 2007 of the Commonwealth;

Basin Officials Committee means the Committee established under Part IV of the Agreement;

former agreement means—

(a) the Agreement approved under this Act as in force before the commencement of Part 3 of the Water (Commonwealth Powers) Act 2008 and any amendments to that Agreement agreed to by the Ministerial Council
under that Agreement before that commencement; and

(b) any agreement that constituted a former Agreement under the Agreement specified in paragraph (a);

relevant water authority means the body declared by the Minister by notice published in the Government Gazette to be the relevant water authority for the purposes of this Act;

* * * * *

State Minister means the Minister who is the member of the Murray-Darling Basin Ministerial Council, established under the Agreement, who represents the State;

works means works constructed under a former Agreement or constructed, or to be constructed, under the Agreement.

(2) Words used in this Act have the same respective meanings as in the Agreement.

4 Act to bind Crown

This Act binds the Crown in right of Victoria and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.
PART 2—STATE MEMBER OF BASIN OFFICIALS COMMITTEE

5 Appointment of member

(1) The Minister may, under and in accordance with the Agreement, appoint an individual as the member of the Basin Officials Committee representing the State.

(2) The member's appointment is not invalidated merely because of a defect or irregularity in connection with the appointment.

6 Acting member of the Committee

(1) The Minister may, in accordance with the Agreement, appoint an individual to act as the member of the Basin Officials Committee representing the State.

(2) An individual's appointment under subsection (1) to act as a member of the Committee—

(a) does not cease to have effect merely because the member's appointment ceases to have effect; and

(b) if that member is replaced by the appointment of another member, continues in effect in relation to the new member.
(3) An individual appointed to act as a member of the Committee may act as, and perform the functions and exercise the powers of, the member—

(a) during a vacancy in the office of the member, whether or not an appointment has previously been made to the office; or

(b) during any period, or during any periods, when the member—

(i) is absent from duty or Australia; or

(ii) is, for any reason, unable to attend a meeting of the Committee; or

(iii) is, for any reason, unable to perform the duties of the office.

(4) Anything done by or in relation to an individual purporting to act under an appointment is not invalid merely because—

(a) the occasion for the appointment had not arisen; or

(b) there was a defect or irregularity in connection with the appointment; or

(c) the appointment had ceased to have effect; or

(d) the occasion to act had not arisen or had ceased.

7 Period of appointment

The member of the Committee appointed for the State and any acting member of the Committee appointed for the State—

(a) holds office for the period specified in the member's or acting member's instrument of appointment, which must not be more than 5 years; and
(b) holds office on the conditions specified in the instrument of appointment; and

(c) is eligible for re-appointment at the end of the period of his or her appointment.

8 Standing obligation to disclose interests

(1) The member of the Committee appointed for the State (including an acting member appointed for the State) must disclose any interest the member has if that interest could conflict with the proper performance of the functions of the member's office.

(2) Disclosure is required whether or not there is any particular matter under consideration that gives rise to an actual conflict of interest.

(3) The disclosure must be by written notice given to the Chair of the Committee. The notice must be given as soon as practicable after the member becomes aware of the potential for conflict of interest.

(4) Subsection (1) applies to interests—

(a) whether direct or indirect, and whether or not pecuniary; and

(b) whether acquired before or after the member's appointment.

9 Obligation to disclose interest before considering a particular matter

(1) If—

(a) the member of the Committee appointed for the State (including any acting member appointed for the State) has an interest in a matter being considered or about to be considered by the Committee; and
(b) the interest is an interest that could conflict with the proper performance of the functions of the member's office, as those functions give the member a role in deciding the matter—

the member must disclose the nature of the interest to a meeting of the Committee.

(2) The disclosure must be made as soon as possible after the relevant facts have come to the member's knowledge.

(3) The disclosure must be recorded in the minutes of the meeting of the Committee.

(4) Subsection (1) applies to interests—

(a) whether direct or indirect, and whether or not pecuniary; and

(b) whether acquired before or after the member's appointment.
16 Construction of works

Subject to this Act and the Agreement—

(a) the construction, maintenance, operation and control in the State of any works; and

(b) the carrying out of any of the operations referred to in the Agreement; and

(c) the implementation of any of the measures referred to in the Agreement—

are authorised.

17 Acquisition of land

(1) The relevant water authority, by or on behalf of the Government of the State, may acquire, whether compulsorily or otherwise, any land necessary for—

(a) the construction, maintenance, operation and control of the works; or

(b) the protection of those works; or

(c) securing or improving the water to be supplied from those works or the quality or purity of that water.

(2) The Land Acquisition and Compensation Act 1986 applies to this Act and for that purpose—

(a) this Act is the special Act; and

(b) the relevant water authority is the Authority.

(3) Section 157 of the Water Act 1989 applies, with any necessary alterations, to claims for compensation under this Act.
18 Construction powers of relevant water authority

The relevant water authority may, in accordance with this Act and the Agreement—

(a) construct, maintain, operate and control any works; and

(b) carry out operations referred to in the Agreement; and

(c) implement measures referred to in the Agreement.

19 Powers to dispose of certain lands

The relevant water authority—

(a) may dispose of any lands acquired under section 17 that are no longer required for the purpose for which they were acquired; or

(b) grant a lease of any lands acquired under section 17 for purposes, including recreational purposes, consistent with the purpose for which the lands were acquired.

20 Powers, liabilities and immunities under Water Act 1989

For the purpose of carrying out its powers under sections 16, 17, 18 and 19, the relevant water authority has and may exercise the powers, authorities and privileges conferred on it by the Water Act 1989.

21 Crown land

(1) The Governor in Council, in accordance with the Crown Land (Reserves) Act 1978, may by Order published in the Government Gazette reserve by a general or particular description either temporarily or permanently any Crown lands which, in the opinion of the Governor in Council, are required by the purposes of the Agreement.
(2) Land reserved under subsection (1) may be used and occupied for the purposes of the Agreement by or on behalf of a contracting Government.

22 Management of Crown land

(1) The Governor in Council may, on the recommendation of the Minister and the Minister administering the Conservation, Forests and Lands Act 1987, by Order published in the Government Gazette, declare that the Crown land specified in the Order is, subject to any conditions specified in the Order, placed under the management and control of the relevant water authority for the purposes of this Act and the Agreement.

(2) The Governor in Council may, at any time and without compensation, by Order published in the Government Gazette, resume any Crown land specified in the Order that was by an Order under subsection (1) placed under the management and control of the relevant water authority by Order under subsection (1) and that is required for any public purpose or for any public highway.

(3) The relevant water authority may, at any time, subject to the approval of the Governor in Council, surrender to the Crown any Crown land that was, by an Order under subsection (1) placed under the management and control of the relevant water authority.

(4) Any Crown land that is surrendered under subsection (3) becomes, by virtue of that surrender, unalienated Crown land.

* * * * * * *
PART 4—GENERAL

25 Appropriation

All money required to be provided by the State under the Agreement is to be provided out of money appropriated by the Parliament for that purpose.

26 Exemption from taxes and charges

No rate, tax, charge or fee is payable under an Act or subordinate instrument—

(b) in respect of any works; or

(c) in respect of any property used or held by a Contracting Government or a relevant water authority for the purposes of any works.

28 Certain documents to be laid before Parliament

The Minister must cause a copy of—

(a) each annual report of the Authority received by the State Minister under section 214 of the Water Act 2007 of the Commonwealth; and
(b) each amendment of the Agreement that takes effect under the terms of the Agreement—to be laid before each House of Parliament without delay.

30 Penalty for injuring works

A person must not unlawfully and maliciously destroy or damage or attempt to destroy or damage any works constructed or operated under this Act or the Agreement.

Penalty: 1000 penalty units or imprisonment for 10 years.

32 Regulations

(1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.

(2) Regulations under subsection (1) may prescribe penalties not exceeding 10 penalty units for a first offence or 20 penalty units for a second or subsequent offence against the regulations.
Murray-Darling Basin Act 1993
No. 39 of 1993

Sch. 1

Sch. re-numbered as Sch. 1 by No. 21/2003 s. 5, repealed by No. 75/2008 s. 20.

Sch. 2
inserted by No. 21/2003 s. 6, repealed by No. 75/2008 s. 20.
1. General Information

*Minister's second reading speech—*

*Legislative Assembly: 1 April 1993*

*Legislative Council: 29 April 1993*

The long title for the Bill for this Act was "A Bill to approve and provide for carrying out an agreement entered into between the Commonwealth, New South Wales, Victoria and South Australia with regard to the water, land and other environmental resources of the Murray-Darling Basin, and for other purposes."

*Constitution Act 1975:*

*Section 85(5) statement:*

*Legislative Assembly: 8 April 1993*

*Legislative Council: 29 April 1993*

*Absolute majorities:*

*Legislative Assembly: 28 April 1993*

*Legislative Council: 13 May 1993*

The *Murray-Darling Basin Act 1993* was assented to on 1 June 1993 and came into operation on 6 October 1993: Special Gazette (No. 73) 6 October 1993 page 1.
2. **Table of Amendments**

This Version incorporates amendments made to the *Murray-Darling Basin Act 1993* by Acts and subordinate instruments.

<table>
<thead>
<tr>
<th>Statute</th>
<th>Assent Date</th>
<th>Commencement Date</th>
<th>Current State</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Statute Law Revision Act 2000, No. 74/2000</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assent Date:</td>
<td>21.11.00</td>
<td>S. 3(Sch. 1 item 85) on 22.11.00: s. 2(1)</td>
<td>This information relates only to the provisions amending the Murray-Darling Basin Act 1993</td>
</tr>
<tr>
<td>Murray-Darling Basin (Amendment) Act 2003, No. 21/2003</td>
<td>13.5.03</td>
<td>1.7.03: Government Gazette 26.6.03 p. 1548</td>
<td>All of Act in operation</td>
</tr>
<tr>
<td><strong>Public Administration Act 2004, No. 108/2004</strong></td>
<td>21.12.04</td>
<td>S. 117(1)(Sch. 3 item 138) on 5.4.05: Government Gazette 31.3.05 p. 602</td>
<td>This information relates only to the provision/s amending the Murray-Darling Basin Act 1993</td>
</tr>
<tr>
<td><strong>Water (Commonwealth Powers) Act 2008, No. 75/2008</strong></td>
<td>4.12.08</td>
<td>Ss 8–20 on 15.12.08: Special Gazette (No. 358) 11.12.08 p. 1</td>
<td>This information relates only to the provision/s amending the Murray-Darling Basin Act 1993</td>
</tr>
</tbody>
</table>
3. Explanatory Details

No entries at date of publication.