

LEX LOCI'S TRAVELS

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An ad-hoc one-pager from The Public Land Consultancy

Lex at the Scene of the Murder



The junction of the Murray and the Ovens. Locating the State border is difficult enough without the High Court's ruling. Photo - University of Melbourne Geography faculty

One day in 1979 Alexander¹ Joseph Reed was fishing from the southern bank of the River Murray when he had the misfortune to be shot dead by Edward Donald Ward.

The ensuing case went to the High Court - not on the question of whether Ward had murdered Reed, but on the question of whether the offence had been committed in Victoria or in New South Wales.

The High Court² came to the conclusion that the boundary was the top of the bank on the southern side.

Consequently, if water levels are normal, there is a strip of dry land on the southern side of the Murray which is actually in New South Wales. The murder had therefore been in NSW, and Ward was sent off for retrial in Sydney.

The High Court, having delivered itself of this decision, conceded that it could

cause difficulties for land managers. DELWP concurred. In their 1992 Management Plan for Barmah State Park and Barmah State Forest we read:

The location of the State border therefore creates a number of difficulties for land management agencies on both sides of the river.

Management of access, camping, boat launching, lighting of fires, control of erosion and enforcement of Park regulations are some of the potential problems ...

The two states have already come to agreements for Lakes Mulwala and Hume - so people boating and fishing there aren't governed by invisible serpentine lines on the surface of the water.

But many hundreds of kilometres of frontage are viewed and managed as if they're in Victoria, when they're not.

Lex thinks we're overdue for a cross-border agreement applying to the whole length of the River.

¹ Alexander, not Alfred - as mis-reported in the High Court transcript

² High Court of Australia, Ward v the Queen (1 May 1980)

See you there! Lex Loci