**RIVER MURRAY WATERS BILL 1983**

**Legislative Assembly, 15 December 1982, pages 195-6**

Second reading

**The Hon. J.W. SLATER (Minister of Water Resources)** obtained leave and introduced a Bill for an Act to approve and provide for carrying out an agreement entered into between the Prime Minister of the Commonwealth of Australia and the Premiers of the States of New South Wales, Victoria and South Australia with respect to the Murray River and other waters; to repeal the River Murray Waters Act, 1935-1971; and for other purposes. Read a first time.

The Hon. J.W. SLATER: I move: That this Bill be now read a second time. I am pleased to present this Bill, which is the culmination of initiatives undertaken by the Hon. Des Corcoran when Minister of Works in a former Labor Administration. The purpose of the Bill is to ratify a new River Murray Waters Agreement between the Governments of the Commonwealth and of South Australia, New South Wales and Victoria. By 1973 the Government of the day recognised that attempts to achieve improved mutually beneficial management of the Murray River by effecting minor amendments to the existing agreement or by the adoption of agreed informal practices, especially in respect of increasing water quality problems, was no longer appropriate. On the advice of Mr Corcoran the then Premier, Mr Don Dunstan, called for a meeting of Heads of Government to address the problem. Such a meeting was held in March 1973, when a working group was established to completely review the existing agreement. A steering committee of responsible Ministers received the recommendation of the working group in 1975. These recommendations proposed that the River Murray Commission be given additional powers to take account of a range of matters concerned with water quality in its management of the river. The four Governments involved agreed that, pending further consideration of the agreement, the commission should generally operate as if it had the proposed additional powers.

The commission was also asked to review the agreement to determine necessary amendments to improve its operation. The first draft of a revised agreement was submitted by the commission in May 1978. Negotiations between the Governments on the principles of a new agreement were then commenced. It is pleasing to note that these negotiations were continued by the previous Government and that the negotiations reached fruition in October 1981, when a meeting of Heads of Government agreed on the matters to be included.

The agreement appended to this Bill is in accordance with the principles accepted at that meeting and endorsed by this Government. The Bill therefore is the same as that introduced by my predecessor before Parliament was prorogued. When considering the fact that it is now nine years since Mr Corcoran first proposed the negotiation of a new River Murray Waters Agreement, it is of interest to note the history of the establishment of the first such agreement. I seek leave to have the remainder of the explanation inserted in Hansard without my reading it. Leave granted.

Remainder of Explanation

The first formal negotiations between the States in respect of the management of the Murray River commenced with a convention in 1863. Attempts to come to some mutually acceptable and beneficial agreement between 1863 and 1906 were, however, singularly unsuccessful. During that period there were three conventions, three conferences of Premiers, one convention proposed which did not eventuate, mountains of correspondence generated, three royal commissions (one in each of the three States), and an agreement signed by the three Premiers in 1906, in relation to the locking of the river and the allocation of water, which was never ratified by any of the State Parliaments.

 Between 1906 and 1913, negotiations between the States continued mainly through correspondence, and Victoria established yet another royal commission. Finally, in December 1982 1913, the basis for a formal agreement, just 50 years after the first convention called for that purpose, was accepted. The River Murray Waters Agreement was signed by the Prime Minister and the three Premiers on 9 September 1914 and ratified by the four Parliaments in 1915. This agreement established a works programme and a formula for cost sharing, established a water-sharing formula, including an entitlement for South Australia, confirmed the rights of New South Wales and Victoria to use the water in their tributaries, and created the River Murray Commission with narrow powers to implement the water-sharing provisions.

Notwithstanding the limited powers accorded the commission, much was achieved over the following 60 years. Between 1922 and 1939, 13 locks were constructed on the river (six within South Australia) and the Murray mouth barrages were completed in 1940. The new agreement, which this Bill seeks to ratify, is a great improvement on the former agreement. The most significant additions, particularly for South Australia, are the new initiatives included in Part IV which set out provisions for water quality accounting and control. The principal initiatives in this Part provide power for the Commission to:

 • consider any or all relevant water management objectives, including water quality, in the investigation, planning and operation of works;

 • monitor water quality;

 • co-ordinate studies concerning water quality in the River Murray;

 • recommend water quality standards for adoption by the States; • make recommendations to any Government agency or tribunal on any matter which may affect the quantity or quality of River Murray waters;

 • make representations to any Government agency concerning any proposal which may significantly affect the flow, use, control or quality of River Murray waters;

 • have regard to the possible effects of its decisions on any river or water management objectives when exercising its powers under the agreement.

The new agreement, therefore, for the first time, requires the commission to take account of water quality in its management of the Murray River. To South Australia this is a major advance. The ability to set and work towards water quality objectives will enable this State to proceed with confidence with its internal programmes for the better management and use of its water resources. In the long term the combination of commission and State water quality management should enhance the quality of Murray River water in South Australia to the benefit of all users. In the context of the long and difficult negotiations, commencing in 1863 and more recently in 1973, and of the acceptance by the Commonwealth and the three States of this greatly improved agreement, it is most gratifying to submit this Bill for consideration by the House.

Clause 1 is formal. Clause 2 provides for the Act to come into operation on proclamation. Clause 3 contains the interpretative provisions required for the purpose of the ratifying Act. Clause 4 provides that the Act binds the Crown. Clause 5 provides for approval of the agreement. Clauses 6, 7 and 8 provide for the appointment and conditions of office of the South Australian Commissioner and Deputy Commissioner. Clause 9 empowers the commission to exercise the powers conferred by the agreement and enables the Supreme Court to make orders for the enforcement of decisions and orders of the commission.

Clause 10 enables the Commissioners and authorised persons to enter land for the purposes of the agreement. Clause 11 authorises the construction, maintenance, operation and control in South Australia of the works contemplated by the agreement and the carrying out of operations contemplated by the agreement. Clause 12 authorises and requires the Minister to carry out the obligations of the State under the agreement. It also authorises other contracting Governments and constructing authorities to carry out works and operations contemplated by the agreement in South Australia. Clause 13 confers a power of compulsory acquisition for purposes related to the agreement. Clause 14 empowers the Governor to grant interests in or over Crown lands for the purposes of the agreement. Clause 15 empowers the charging of tolls in respect of boats passing through locks.

Clause 16 provides for the payments required of the State under the agreement to be made out of moneys provided by Parliament. Clause 17 exempts works carried out under the agreement and property held for those works from State taxation. Clause 18 is an evidentiary provision. Clause 19 provides for the laying of reports before Parliament. Clause 20 confers jurisdiction on the Supreme Court in respect of the commission. Clause 21 makes malicious damage of works constructed under the agreement an indictable offence, punishable by up to 10 years imprisonment. Clause 22 is a regulation-making power. Clause 23 provides for the repeal of the present River Murray Waters Act and contains a transitional provision in respect of the present Commissioner and Deputy Commissioner.

The Hon. P.B. ARNOLD secured the adjournment of the debate.