RIVER MURRAY WATERS ACT AMENDMENT BILL 1971

House of Assembly, 2 March 1971, page 3660

Second reading

**The Hon. D. A. DUNSTAN (Premier and Treasurer)** obtained leave and introduced a Bill for an Act to ratify and approve an agreement for the further variation of the agreement entered into between the Prime Minister of the Commonwealth and the Premiers of the States of New South Wales, Victoria and South Australia respecting the River Murray and Lake Victoria and other waters, and for other purposes. Read a first time.

The Hon. D. A. DUNSTAN: I move:

*That this Bill be now read a second time.*

It is, with some important exceptions, textually similar to a measure that was introduced in this House on April 28 last year by the Premier of the day. In summary, it proposes the ratification and approval, but on this occasion with a vital reservation, of an agreement entered into by the then Premier with the Premiers of Victoria and New South Wales and the Prime Minister of the Commonwealth. Honourable members will recall that that agreement was the subject of a detailed explanation and not inconsiderable debate at that time. For present purposes it is sufficient to say that it purports to amend the principal agreement of 1914 relating to the Murray River waters that has, to the present time, been amended six times. In substance, the amendments proposed by the agreement set out in the schedule to this Bill fall into these three classes:

1. a number of necessary machinery amendments to the 1914 agreement as amended, with which I suggest nobody can quarrel;
2. a series of provisions relating to the construction of the Dartmouth reservoir and the sharing of the waters that will be available following that construction; again, these proposals should receive wide support; and
3. a provision that has the effect of giving any one of the contracting parties the ability to prevent, for all time, the continuance of work on the Chowilla reservoir. It is, of course, to this most obnoxious provision that the present Government, and apparently the people of this State, have the strongest objection.

From the outset of its taking office, the Government indicated to the Commonwealth Government and the Governments of the other States concerned that it was prepared to proceed immediately with the necessary planning work on the construction of the Dartmouth dam. The Commonwealth and the other States, however, refused to proceed until the agreement in the form rejected by this Parliament and the people of South Australia at an election was approved by us, thereby making it a condition of any further work at Dartmouth that we should forgo our rights to Chowilla, in the existing agreement.

The Government has put forward compromise proposals previously to try to break this deadlock, only to be told by the Commonwealth Government and the other States that they would accept no compromise whatever. We have had various statements from the leaders of the other States, particularly Sir Henry Bolte, to the effect that the Dartmouth dam is in danger. Sir Henry has even said that he has now appropriated, for other purposes, moneys he appropriated for work this year on Dartmouth. As the moneys he could have appropriated this year for Dartmouth were very small indeed, this is simply grandstanding.

The fact is that both New South Wales and Victoria are over-committed in relation to existing water rights, and settlers in both areas badly need the construction of the Dartmouth dam. More recently it has been suggested that the reason why money cannot be expended on the Dartmouth dam is that South Australia is being obdurate. No attempt whatever has been made to break the deadlock by the Commonwealth Government or the other States. On this occasion, South Australia makes one further attempt to do so; that is, we will ratify so much of the proposed amending agreement as relates to the Dartmouth dam and the consequential amendments to rights to Murray River water that arise from its construction, and we will make appropriation of the necessary moneys for this purpose so there can be no suggestion whatever that we are holding up work on the Dartmouth dam. It could legally proceed according to the law of this State immediately this measure came into operation. We do not, however, propose to approve that part of the agreement that disposes of this State’s rights in the Chowilla dam, and that would therefore necessarily remain under the existing law of this and other States and of the Commonwealth.

It may be suggested that the only way to ratify an agreement is to do it in total or not at all. In fact, that is not necessarily so, since the form of this agreement and the legislation enacted elsewhere and previously proposed here in relation to it do not, in fact, enact it in law and do not make it an agreement that could be sued upon. Therefore, the Parliaments, in their ratification, have done nothing more, in effect, than note the proposed amending agreement. Therefore, what Parliament here is being asked to do is note approval of so much of it as we can agree upon and give the necessary Parliamentary authority for the expenditure of money. The existing agreement, however, does remain justiciable, and the Government believes that it is important that that continue.

This Bill, then, gives effect to the Government’s intention to go as far as it possibly can to remove the impasse that has developed in relation to the construction of the Dartmouth reservoir, while conforming to its consistently held policy, endorsed by the electors of this State, that Chowilla must not be irretrievably lost to obtain Dartmouth. The manner in which the intention of the Government is given effect to will be apparent from a consideration of the Bill.

Clauses 1 to 5 are formal. By clause 6(1), the agreement is ratified and approved subject to the reservation contained in subclause (2). Subclause (2) provides that the ratification and approval shall not extend to the ratification and approval of a specified passage in clause 13 of the agreement, this being the provision that, in the opinion of the Government, would lose Chowilla to the State. Clause 7, when considered alongside clause 9, gives a clear indication of the extent to which the Government is prepared to commit itself in its endeavours to resolve the situation. Specifically, the Government seeks authority to do all things necessary to carry out the agreement as ratified and approved; that is, to the extent that it is. In support of this desire it seeks, at clause 9, an advance appropriation to ensure that the necessary funds will be available to give full effect to its intentions.

Clause 8 provides for certain supplemental matters, and in this regard, I refer honourable members to the second schedule to the Bill, which sets out what the Government believes are essential amendments to the agreement. These amendments are, I consider, self-explanatory. In this clause, when read with clause 9, the Government has indicated that it is prepared to commit itself in advance, administratively as well as financially, to carrying out the agreement as amended, should the other contracting Governments agree to these amendments. The first schedule to the Bill sets out the text of the agreement, which, as I have mentioned, was the subject of a detailed examination on the last occasion that it was considered by the House. Accordingly, I do not intend to comment further on it at this stage. The second schedule sets out the proposed amendments to the agreement, and was adverted to in relation to clause 8.

Mr. HALL secured the adjournment of the debate.