**RIVER MURRAY WATERS ACT AMENDMENT BILL 1958**

**House of Assembly, 8 October 1958, pages 1131-3**

Second reading

**The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer)—**I move—

*That this Bill be now read a second time.* This Bill ratifies the amending River Murray Waters Agreement by which the claim of this State to a share of the Snowy Mountains water is accepted by the other parties to the agreement. The agreement was signed on the 11th of last month and was the result of nearly three years’ difficult and complicated negotiations between South Australia on the one hand and the Commonwealth, Victoria and New South Wales on the other. It was early in 1956 that the Government first learned that New South Wales and Victoria proposed to share between themselves the water which could be diverted into the Murray from the Snowy River by the Snowy Mountain Authority, and that South Australia was to be excluded from any share in this water.

The Government immediately took the matter up with the Commonwealth. On February 27, 1956, we wrote to the Prime Minister pointing out that the Snowy Mountains project had been financed from revenue and that South Australia as a contributor would expect to receive a fair share of the water. We asked to be allowed to see the draft agreement before it was signed. This request, though reiterated from time to time, was consistently refused. It was not until the Snowy Mountains agreement was signed more than 18 months later that South Australia received a copy of it. The agreement confirmed the information which the Government had previously received. It provided that the Snowy Mountains waters were to be shared equally between New South Wales and Victoria. It also provided that the River Tooma, one of the tributaries above the Hume reservoir whose waters had to be taken into account in working out South Australia’s share in a time of restriction, was to be diverted from the river by the Snowy Mountains Authority without any provision for compensating South Australia for loss of its share of this water.

From the outset of the negotiations South Australia has claimed that if Snowy Mountains water is diverted into the Murray above Albury it will become part of the Murray and must be taken into account in working out South Australia’s allocation of water in a time of restriction. The Crown Solicitor, Mr. Chamberlain, strongly held this view and he was supported by Mr. D. I. Menzies, Q.C., recently appointed as a Justice of the High Court. The Parliamentary Draftsman also advised the Government to the same effect. Sir Garfield Barwick, however, who was retained by the Commonwealth, took the opposite view. He advised that New South Wales or Victoria could put water into the Murray River anywhere and take it out lower down. They could, as it were, use the Murray River as an instrument for storing, transporting and delivering an independently owned volume of water not really forming part of the river.

It is not necessary for me now to tell again the long story of the correspondence, inspections and conferences which took place in an endeavour by the parties to the Snowy Mountains scheme to satisfy the South Australian Government that it was not prejudicially affected by the Snowy Mountains Agreement. All that I need say is that two years elapsed without any satisfactory proposals being made for assuring to us a share of the Snowy River water; and the Government finally decided that it had no alternative but to commence an action in the High Court. Instructions were given to the Crown Solicitor and on April 17 of this year a writ was issued. We claimed a declaration of South Australia’s right to a share of the Snowy River water and other remedies, the decision of which would raise the issue whether the Snowy Mountains scheme was constitutional.

After the issue of the writ negotiations and conferences continued and finally New South Wales and Victoria conceded the justice of the claims made by South Australia, and agreed to define our rights by the only effective method, that is, by an amendment of the River Murray Waters Agreement. They asked, however, that when the agreement was being amended the existing provisions dealing with the allocation of the Murray waters in periods of restriction should be rescinded by mutual consent and that a new code of rules on this subject should be agreed to for the purpose of removing legal doubts and clarifying the rights of the parties. The South Australian Government had no objection to this. It was, indeed, a modest price to pay for the recognition and declaration of the rights which we were seeking to establish.

The agreement, therefore, which is in the schedule to the Bill is a fairly long document because it re-writes the whole of clause 51 of the River Murray Waters Agreement, *i.e.,* the clause dealing with periods of restriction. The principal new matters in the clause can, however, be shortly stated.

The definition of “Murray water” in sub- clause (5) makes it clear that any waters coming into the River Murray and its tributaries above Albury by means of the permanent works of the Snowy Mountains Authority will be taken into account in working out the allocations of all the States, including South Australia, in a period of restriction.

It provides that until the works of the Snowy Mountains Authority enable water diverted from the Tooma River to be replaced by Snowy River water, the amount of water diverted from the Tooma by the Snowy Mountains works will be debited against New South Wales and Victoria and will be taken into account as Murray River waters for the purpose of working out South Australia’s allotment in a period of restriction.

The definition of “Murray water” makes clear a point about which there was previously some doubt, namely:—That all the tributaries of the Murray River above Albury have to be taken into account in working out South Australia’s allocation in a period of restriction.

The clause contains a complete redraft of the provisions of the River Murray Waters Agreement which deal with the allocation of water in a time of restriction. An important benefit to South Australia in this clause is that our right to a definite allocation of water for losses by evaporation, percolation, lockages and dilution between Lake Victoria and the Murray mouth is recognized. It is provided that in times of restriction the allowance for such losses will be separately computed and will be allowed to pass to South Australia in addition to the water allocated for use.

At the request of New South Wales and Victoria their rights in respect of tributaries below Albury are set out in the amending agreement in greater detail than previously. Under the principal agreement both of these States retain their right to the waters of their tributaries below Albury during a period of restriction, and if either State permits a tributary to run into the Murray, it is entitled to take out the amount so contributed in addition to its normal share. It may be that in future this right will be more important to New South Wales and Victoria than it has been in the past because of works being done for storing water in the tributaries, and they are anxious that the provision dealing with tributaries should be stated again in a form more acceptable to them. I do not think that the re-statement makes any difference to the substance of the provision which merely says that if a State puts into the River Murray water which it need not have contributed, it can take out a corresponding amount at any point.

The formula by which the amount of Murray River water available for use is divided among the States is not altered. It will still be in the proportion of approximately 5, 5, 3, but, as a result of including the Snowy Mountains water in the amount to which the formula is applied, South Australia will, of course, receive a much larger quantity in a period of restriction. In normal years also the Snowy River waters will greatly increase the volume of. water flowing into South Australia and thus assist in flushing the river without adding materially to the flood danger.

It is, however, in a period of restriction that the greatest benefits will accrue, and on this subject I will quote some paragraphs from a report made by the Engineer-in-Chief, Mr. Dridan, who is the representative of this State on the River Murray Waters Commission:—

South Australia would receive approximately the following quantities of water for use during a year similar to 1914-15:—

*(а)* Without Snowy water, 337,000 acre feet.

(b) With Snowy water, 453,000 acre feet.

These figures assume that there would be no restrictions from May to September inclusive and that restrictions would apply from October to April inclusive. The figures indicate a benefit to South Australia of 116,000 acre feet and this represents the actual benefit during the irrigation season, *i.e.,* October to April inclusive.

Considering the irrigation season only, the position would be:—

*(а)* Without Snowy water, 203,000 acre feet.

(b) With Snowy water, 319,000 acre feet.

Therefore, the Snowy River would have the effect of increasing the quantity available for use by South Australia during the irrigation season (which is also the season of maximum demand for other purposes) from 203,000 acre feet to 319,000 acre feet—an increase of 116 000 acre feet or 57%. South Australia’s present usage of water from the Murray during the irrigation period in a drought year is approximately 190,000 acre feet. If we are assured of 319,000 acre feet in a drought year (irrigation season), I am of the opinion that development could be placed somewhat in excess of this amount on the assumption that a 10% cut could be made in a drought year if necessary. This would mean that South Australia’s use of Murray water during the October-April period could be placed on the basis of 354,000 acre feet in a normal year.

Speaking in broad terms an assurance of a share of Snowy River water would mean that South Australia could double its present usage of River Murray water without running any risk of serious shortages during a year of drought.

Further local reservoirs could be developed to add to the supply to Adelaide and nearby localities, these being the raising of Mt. Bold, a new reservoir on the Onkaparinga and a new reservoir on the Torrens. Between them these new sources should add about 6,000 million gallons a year to the assured annual water resources, *i.e.,* sufficient to meet the needs of a population of 150,000 people. This does not include South Para (completed) or Myponga (under construction). In addition to meeting the needs of the new oil refinery these reservoirs will meet the needs of 120,000 people.

From what I have said it will be clear that, when this agreement is ratified by all the Parliaments concerned, the claims which South Australia has made and insisted on continuously for nearly three years will be effectively granted, to the substantial benefit of the State.

Mr. O’HALLORAN secured the adjournment of the debate

**RIVER MURRAY WATERS ACT AMENDMENT BILL.**

**Legislative Assembly,, 14 October 1958, pages1189-92**

Adjourned debate on second reading.

(Continued from October 8. Page 1133.)

Mr. O’HALLORAN (Leader of the Opposition)—This is another of the Bills to which the Opposition offers no objection. I shall not discuss its provisions at length but will briefly consider some of its historical background. Members will recall that when the recent agreement was formulated and it was suggested that it would be submitted to the Federal Parliament and to the Parliaments of New South Wales and Victoria, South Australia was denied the right to see it until it had been signed. I was one of many who protested vigorously on behalf of the Opposition at the peremptory way South Australia was being treated, particularly by the Federal Government. Subsequently the agreement was signed and a stage was reached when it became necessary for this State to issue a writ in order to protect its undoubted rights. That move by the Government had the Opposition’s unanimous support and I am pleased that as a result of that rather extreme step, which the Liberal Government of this State had to take to secure elementary justice from the Liberal Government of the Commonwealth, an agreement has been signed which does protect South Aus­tralia’s interests.

Mr. BYWATERS (Murray)—I shall not speak for long on this matter because I do not oppose the Bill. However, it is a pity we had to resort to such extreme action to secure our rghts. South Australians are taxpayers and areentitled to their fair share of River Murray Waters. Although at the moment South Australia is not making full use of the water available to it under the previous agreement, the time will come when we shall have to make further use of the Murray. I can visualize the time when there will be close and intense cultivation all along the Murray.

I read in the press at the weekend that vegetable growers were being forced from the metropolitan area because of the high cost of land. It is quite clear to all sensible people that the logical place for vegetable production is adjacent to the Murray and with our increasing population it will become necessary to make further use of the waters of this great river. As primary producers it is our duty to see that other countries are provided with food and I believe that adjacent to the Murray suitable food can be grown. The Government had the full support of the Opposition in protecting the State’s rights. However, it is a pity that the Federal Government did not provide for our rights and obviate the necessity for our taking such drastic steps.

Mr. Fred Walsh—What did the Liberal senators do?

Mr. BYWATERS—They did not see fit to support their own State. According to my reading of the agreement it will provide additional water to South Australia only in times of drought and New South Wales and Victoria will get the bulk of the water. I believe the time will come when we may have to ask for more. Although various authorities have stated that we are only using one-third of our present allocation I believe that before very long—and probably under a Labor Government—South Australia may need more.

The Hon. D. N. Brookman—You are only making a political speech.

Mr. BYWATERS—I am not, because I firmly believe the time will come when we will make more use of the Murray than at present.

Mr. HAMBOUR (Light)—I support the second reading and take this opportunity of congratulating the Government, the Premier and the officers concerned on introducing this Bill, which represents a satisfactory solution of the difficulties that arose over the agreement. It will have some impact on that part of my district which fronts the Murray. In the last 12 months the development along the River Murray frontage has been tremendous and I hope it will continue to the stage when there is no river frontage available for further development. Many people today are availing themselves of the river for producing food for storage. People with dry areas secure a small acreage on the river frontage which they plant to lucerne to provide reserve fodder in dry years.

I am sure that the people in other parts of the State are not fully aware of the value that can be obtained from utilizing the areas adjacent to the Murray. Only last week agreement was reached whereby seven motor pumps, with capacities of 40 to 80 horsepower, will be put in and used solely for irrigation purposes and the Electricity Trust has tried to expedite the extension of lines to satisfy the wants of the primary producers. This legislation will give the primary producers an assurance of water in times of need and I am sure the people in my district who are affected will be delighted.

Mr. KING (Chaffey)—I support the second reading and join with those members who have congratulated the Premier of South Australia on the battle he put up to have the agreement revised and presented in its present form. I believe that the Liberal senators in the Federal sphere adopted the proper attitude when this matter was before the Federal Parliament because of the assurances they had been given —assurances which were honoured by later events—that the Government would make necessary amendments.

Mr. O’Halloran—Why didn’t the Government give those assurances to the South Australian Government ?

Mr. KING—The Liberal senators conducted their discussions with the Prime Minister. I remind honourable members that the initiative in taking action to secure our rights was taken by the South Australian Government and that the Labor senators were merely trying to get on the band wagon and stir up trouble to make political capital from it. However, this agreement fully justifies the attitude taken by the Liberal senators and by the South Australian Government. It has the unqualified support of the people of South Australia, particularly those on the River Murray. I do not think it is generally realized that our only perennial stream of any magnitude is the River Murray, which runs for 400 miles through this State. Apart from irrigation it has proved to be a veritable lifeline for industry, something upon which the present development of this State has grown and upon which the future development must depend. One has only to refer to the Morgan- Whyalla pipeline, which has meant so much to people in various parts of the State. The Adelaide-Mannum pipeline saved the day for city people when water restrictions were imminent. Now we have interconnected systems, which share the water coming through the pipeline. I understand that of the 8,000 miles of main serving South Australia, 6,000 miles carry River Murray water. About 90 per cent of our population depends wholly or partly on the water that is pumped over the Mount Lofty ranges to a height of 1,500ft. or more. We must remember that our present water supplies, apart from the River Murray, are based on streams that flow intermittently. Through threats of restrictions we have been warned of what can happen in a dry year. The quantity of water to come to us under the agreement has made the position safe. It is obvious from the facts and figures I have given that the future of South Australia is closely bound up with the future of the River Murray.

Mr. Stephens—What is to happen if we have too much water?

Mr. KING—We hope that future control will help to alleviate any flood danger. I doubt whether any means devised by man could have regulated materially the conditions that preceded the 1956 flood, but much could be done by reafforestation in the catchment areas, and there could be similar measures.

Mr. Stephens—Could we not divert some of the water so as to avoid floods?

Mr. KING—Not under those flood conditions, but perhaps when there is not so much water in the river. The average annual increase in water consumption over the last 11 years has been nearly 8 per cent, which means that the demand on water reticulation schemes and storages will continue to grow. We must remember that the River Murray is not an inexhaustible source of supply. Its watershed and tributary systems cover one- seventh of the eastern part of the continent which is subject to drought, and under those conditions the flow of water drops to about one-tenth of the normal flow. It is unfortunate that when that happens, in South Australia we have periods of poor precipitation or droughts. The greatest demand on the River Murray water will come at the same time as the quantity of water coming from the eastern watershed is at its lowest. Therefore, we must keep a close watch on our water resources and make the best use of what we have. This water from the River Murray must be lifted over the Mount Lofty range on its way to Adelaide and it means a huge expense, but it must be faced by the people who require the water. If we take a long view, we must realize that at the rate of progress in Adelaide, which under a capable Liberal Administration must continue at an ever-increasing rate, the water pumped over the Mount Lofty range will be at the cost of irrigation for food production. It could possibly limit the capacity to grow food under pasture, produce more fruit and increase the number of livestock. At present there are 18,000 acres of land under irrigation on the Murray flats and in the higher areas.

Mr. Hambour pointed out that we have a large area of land awaiting development, and as the population of the State grows the demands on our food resources will continue to rise. The time is not far distant when we shall be consuming most of our production and then we shall have competition between the primary industries, and the industrial and domestic needs of the population. It is obvious that capital works must be planned ahead many years if South Australia is to have the water required in the future. There will be movements of population and we cannot tell where new industries will be established. Two years ago we could not have envisaged steelworks at Whyalla or an oil refinery in the Noarlunga area. Obviously these plants will need much River Murray water, and then there will be other industries requiring water. There will be a great demand on our water resources. We shall be able to take the maximum quantity set out in the agreement, but after that we shall have to share the water that is available. I am told that if the present trend continues by 1975 the State’s present water consumption will have doubled, which means that the probable diversion of water from the River Murray will amount to 475,000 acre feet. We will then be up to our full capacity and consideration will have to be given to utilizing the Murray Valley, which has a drop of only 2in. per mile from the eastern border to the sea, for holding water instead of allowing it to run out to sea. It is obvious that the future development of the State will depend in dry years on the quantity of water coming from the River Murray and we must remember that the general pattern on the main watershed is identical with that in South Australia. We must remember also that our maximum requirements of water from the River Murray will be at the time when the flow is at its lowest. It is essential that we get all the water we can under the agreement and we must look forward to impounding water in the Murray Valley.

At present we have the Hume Reservoir, where the storage has been increased by 2,000,000 acre feet, and there has also been a storage increase at Lake Victoria. The Goolwa barrage has protected the lower Murray waters from salinity, and now we have a Bill that will ensure our getting an equitable proportion of the water under the River Murray Waters Agreement. The Bill will also iron out some anomalies that have existed for some time. The future will tell the story. We live in an arid country. In the drier parts we have a colossal evaporation. It is between six and seven feet per annum even in my area. In the drafting of the agreement the losses provided for evaporation and drainage are almost equal to the quantity of water available for consumption. The Premier achieved what he set out to do, and it was to regulate the quantity of water as between the various States. Concessions have been given and concessions have been gained. We are extremely fortunate in South Australia that the matter has been brought to a successful conclusion and I heartily support the second reading.

Mr. STEPHENS (Port Adelaide)—I support the Bill and congratulate the Government on its fight to gain justice for South Australia against efforts by the Commonwealth and other States to prevent our getting the water to which we are entitled. Members have spoken about the benefits to be obtained through having more water available, but in years gone by the water we have had has not been properly regulated. Floods have caused enormous damage and we have allowed the excess water to run into the sea. I asked the Premier whether there was anything in the agreement to protect people against a flood similar to the one we had a few years ago, and he said that floods would still be possible. The Government should do its best to prevent another flood disaster.

I am sure members who represent the river districts have not forgotten what happened. The Premier told us that more damage was likely to occur in any future floods, yet nothing has been done to prevent it. I suggested to this House that some water could be diverted from the upper reaches through some of the dry areas, where it could be conserved. Some members said this was impossible, but a prominent engineer said it could be done quite easily. In Western Australia, water is pumped from Perth to Kalgoorlie. The newspapers criticized the engineer in charge of the scheme, saying that it would never be a success, but it was and it has done a great deal of good. In view of the Western Australian experience, it is obvious that what I suggested is possible. I would like to see something done along those lines at the earliest possible moment because I would not like to see a repetition of the disastrous floods. Although I support the Bill, I regret that the Government has done nothing to prevent future floods.

Mr. LAUCKE (Barossa)—I express keen pleasure at the satisfactory outcome of the negotiations that have assured to the State an adequate supply of water from the Murray. Water is indeed vital to South Australia. As only 10 per cent of our lands have an assured rainfall we depend largely on reticulated water, especially as many of our arid areas have not suitable catchments. As we shall have an assured water supply from the Murray, our future is very much brighter than it could possibly have been, particularly in times of drought, when we need water most. What we have taken from the Murray thus far indicates the importance of Murray water to us. Last year, when 14,825,000,000 gallons were pumped through the Mannum-Adelaide pipeline, no restrictions were necessary in the metropolitan area. In addition 960,000,000 gallons came through the Warren, which serves the lower north. Those amounts of water are greater than the capacity of all this State’s reservoirs, and they indicate just how important Murray water is to us. As our population grows, this water will assume greater importance to our welfare. Whilst in the past we have gained much from the Murray and the huge reticulation schemes that spread so many miles over the dry parts of our State, and which are amongst our proudest boasts, but for the efforts of the Premier, supported by the Opposition, we would not have the happy outcome of the matter now before us. I have much pleasure in supporting the second reading of this Bill.

Bill read a second time and taken through its remaining stages.