



‘The Act defines the ‘River Murray’ very broadly, reflecting the importance of the River to the community as a whole’



Government of South Australia

Department of Water, Land and
Biodiversity Conservation

RIVER MURRAY ACT 2003 - OVERVIEW

Fact sheet 35



IN BRIEF

The River Murray Act 2003 (the Act) came into operation on 24 November 2003. It is part of the South Australian Government's commitment to improve the state of the River Murray.

The Act aims to protect, restore and enhance the River and its natural resources (including water, soil, ecosystems and heritage associated

with the River). It also aims to ensure that the River and natural resources are used and managed in a sustainable way.

The Act imposes a 'duty of care' on all people to ensure that their actions do not cause harm to the River. It also gives the Minister for the River Murray the power to place conditions on certain applications to undertake activities near the River.

The River Murray Act 2003 also made changes to many other South Australian Acts that apply to the River Murray. Most of the changes mean that the administrators of those Acts need to consider the health of the River when exercising their powers and functions. In some cases, administrators will have to obtain the Minister's approval before issuing licences or other authorisations that relate to the River.

WHAT ELSE DOES THE ACT SAY?

The Objects of the Act are:

- a. to ensure that all reasonable and practicable measures are taken to protect, restore and enhance the River Murray in recognition of its critical importance to the South Australian community and its unique value from environmental, economic and social perspectives and to give special acknowledgement to the need to ensure that the use and management of the River Murray sustains the physical, economic and social well being of the people of the State and facilitates the economic development of the State; and
- b. to provide mechanisms to ensure that any development or activities that may affect the River Murray are undertaken in a way that provides the greatest benefit to, or protection of, the River Murray
- c. while at the same time providing for the economic, social and physical well being of the community; and
- d. to provide mechanisms so that development and activities that are unacceptable in view of their adverse effects on the River Murray are prevented from proceeding, regulated or brought to an end; and
- e. to promote the principles of ecologically sustainable development in relation to the use and management of the River Murray; and
- f. to ensure that proper weight is given to the significance and well being of the River Murray when legislative plans and strategies are being developed or implemented; and
- g. to respect the interests and aspirations of indigenous peoples with an association with the River Murray and to give due recognition to the ability of those

indigenous people to make a significant contribution to the promotion of the principles of ecologically sustainable development in relation to the use and management of the River Murray; and

- g. to respect the interests and views of other people within the community with an association with the River Murray and to give due recognition to the ability of those people to make a significant contribution to the promotion of the principles of ecologically sustainable development in relation to the use and management of the River Murray; and
- h. otherwise to ensure the future health, and to recognise the importance, of the River Murray.

The Act also sets out a list of Objectives for a Healthy River Murray (the 'ORMs'). The ORM's describe some of the improvements being sought for the River. The ORM's are grouped into themes of River Health, Environmental Flows, Water Quality, and the Human Dimension. They include things like:

- restoring the floodplains and wetlands,
- maintaining ecologically significant elements of the natural flow regime, and
- improving water quality to a level that sustains ecological processes, environmental values and productive capacity.

The Act defines the 'River Murray' very broadly, reflecting the importance of the River to the community as a whole. For the purposes of the Act, the River Murray is:

- the River Murray system the main stem and all anabranches, tributaries wetlands and flood plains; and
- the natural resources of the

River Murray, being:

- » soil, water, air, vegetation, animals and ecosystems connected or associated with the River Murray system; and
- » cultural heritage and natural heritage, and amenity and geological values associated or connected with the River Murray system, and minerals and other substances and facilities administered under any of the Mining Acts, to the extent that activities undertaken in relation to them may have an impact on the River.

The main changes made by the Act are:

- There is a new 'duty of care' not to harm the River. The duty can be enforced through River Murray Orders issued by the Minister or delegated officers.
- The Minister's approval is required for certain types of authorisations which are granted under other Acts. (At the moment, these include certain development applications under the Development Act 1993, certain mining applications, and some river permits under the Harbors and Navigation Act 1993. The list will be added to over the next 12 months as implementation of the River Murray Act 2003 is phased in.)
- The agreement of the Minister is required for certain types of statutory plans (for example, changes to councils' Development Plans as well as other planning tools like native vegetation guidelines and national park management plans).
- The Minister can enter management agreements

with landowners in order to assist projects like wetlands management and other conservation programs on private land. The Minister also has other powers to undertake works and measures to benefit the River.

- The Natural Resources Parliamentary Committee has been established. Part of its role will be to consider the Minister's regular reports on the administration of the Act and the health of the River.
- The Government has the power to make new regulations in future, to control activities that might harm the River.

The Act has also made changes to a number of other Acts, mainly those that have the potential to have a significant impact on the River. The Acts are referred to as the 'related operational Acts'.

Most of the changes to the related operational Acts require administrators to:

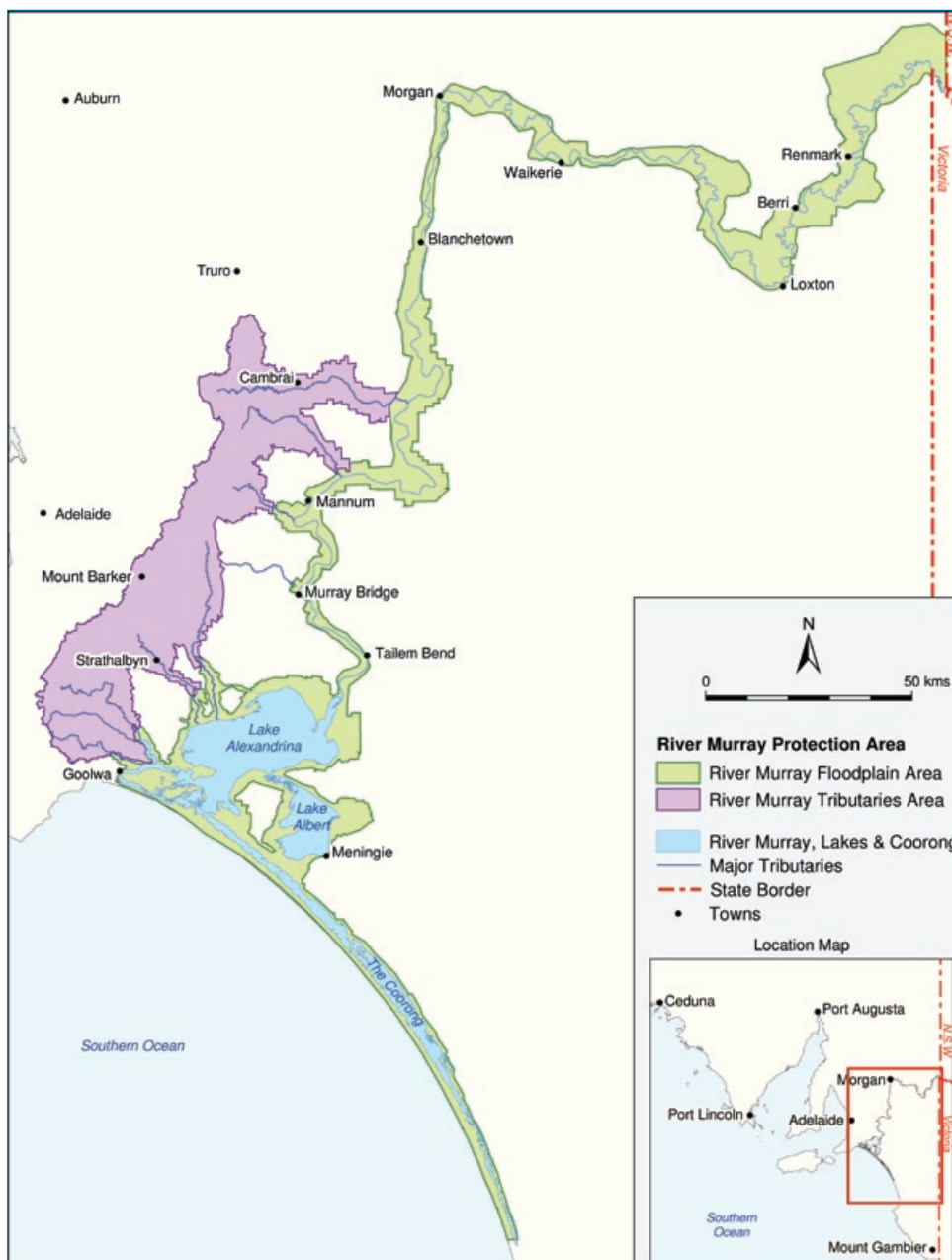
- consider the needs of the River, and seek to further the objects and ORM's of the River Murray Act 2003, when carrying out functions that might affect the River;
- refer specified statutory planning instruments that may have an impact on the River to the Minister for the River Murray (for example, Plan Amendment Reports under the Development Act 1993); and
- refer certain applications for licences or permits to the Minister for the River Murray before granting them. The Minister has the power to make directions as to the approval (or refusal) of the application and the imposition of appropriate conditions to protect the River. At the moment for example, certain applications for

mining activities, and some development applications, are forwarded to the Minister for direction as to appropriate conditions, before they can be granted. In most cases, applications only need to be referred where they fall within a River Murray Protection Area (see over page).

The Intergovernmental Agreement on Murray-Darling Basin Reform 2008 has set in place the central role of the Commonwealth Water Act 2007 in providing for the sustainable management of the Basin as a whole. The Water Act is not a 'related operational Act' for the purposes of the River Murray Act. However, its implementation can be expected to give significant support to achieving the objects and objectives of the River Murray Act.

River Murray Protection Areas are used to designate the area in which applications for certain types of licences and permits must be referred to the Minister for direction before being granted.

Two River Murray Protection Areas have been established by Regulation: the River Murray Floodplain Area and the River Murray Tributaries Area (See Map). Detailed maps depicting the RMPAs can be viewed at the Lands Title Office as GRO 440/2003.



Where to get further information?

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(Footnotes)

1. The related operational Acts are: the Aquaculture Act 2001, Coast Protection Act 1972, Crown Lands Act 1929, Development Act 1993, Environment Protection Act 1993, Fisheries Management Act 2007, Harbors and Navigation Act 1993, Heritage Act 1993, Historic Shipwrecks Act 1981, Mining Act 1971, National Parks and Wildlife Act 1972, Native Vegetation Act 1991, Opal Mining Act 1995, Petroleum Act 2000, Soil Conservation and Land Care Act 1989, South Eastern Water Conservation and Drainage Act 1982, and the Natural Resources Management Act 2004.

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