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# Fact Sheet

## RIVER MURRAY ACT 2003 –

### Referrals

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#### IN BRIEF

The *River Murray Act 2003* (the Act) came into operation on 24 November 2003. 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, in order to support environmental, social and economic values.

One way in which the Act helps to protect and restore the River is through a system of ‘referral’.

Under the referral system, the Minister responsible for the administration of the Act (the Minister) has the power to review applications for certain types of activities. This means that you might need approval of the Minister before undertaking an activity that could have an impact on the River.



## WHAT ELSE DO I NEED TO KNOW ABOUT REFERRALS?

### How will I know if I need the Minister's approval?

If you want to undertake an activity for which you need a permit, licence or development approval from the Government or your local council, and that activity is being undertaken in or near the River, it is possible that the Government agency or Council responsible will first have to refer your application to the Minister.

You do not need to make the referral to the Minister yourself. The relevant Government agency or Council to which you are making your application will do this for you. You will be required to pay a prescribed referral fee in addition to the fees payable to your council or other authority.

### What sorts of applications are referred to the Minister?

At present, the referral system applies to certain applications made under the:

- *Harbors and Navigation Act 1993* eg. large boating events
- *Development Act 1993* eg. building, subdivision and other forms of development - the specific types of development that need to be referred are set out in the *Development Regulations 1993*
- *Fisheries Management Act 2007* eg. fishing licences and permits
- *Petroleum and Geothermal Energy Act 2000* eg. Statements of Environmental Objectives, and
- any Mining Act eg. mining leases where the activity would take place in the River itself, or within a River Murray Protection Area (RMPA).

The Department for Water, on behalf of the Minister, provides a one-stop-shop service for Planning Authorities. Through this process, applications may be passed on to agencies administering other related Acts and input received will be used in the preparation of referral responses.

### Where are the River Murray protection areas?

Two River Murray Protection Areas have been established by Regulation: the River Murray Floodplain Area and the River Murray Tributaries Area (See Map).

In general terms, the River Murray Floodplain Area takes in the main stem of the River Murray to the 1956 flood level, plus approximately 500 metres or to the nearest road. The River Murray Tributaries Area takes in the tributaries of the River, and includes their catchment areas.

Detailed maps depicting the RMPAs can be viewed at the Lands Title Office as GRO 440/2003. Local councils within the RMPAs also have copies of the maps.

### What can the Minister do when an application is referred?

When an application is referred under the *Development Act 1993* or *Harbors and Navigation Act 1993*, the Minister has the power to direct that conditions be imposed on the activity so that the River is protected.

Where the impact on the River would be significant, and cannot be offset by conditions, the Minister can direct that the application be refused.



The authority responsible for granting the licence or permit must comply with the Minister's directions. You can appeal against a condition imposed at the Minister's direction, or against a refusal of the application, if the legislation under which you applied for the licence or permit includes appeal rights. This differs amongst different Acts.

### What will the Minister take into account when an application is referred?

The intention of the referral system is to protect the River from the adverse impacts of activities. When considering a referred application, the Minister must seek to further the Objects of the Act and the Objectives for a Healthy River Murray.

The Minister will take into account:

- the extent to which the activity may affect the River
- actual or potential cumulative impacts (this means taking into account the extent to which similar activities are or may be undertaken that might have a collective effect on the River)
- the views of other bodies, where relevant
- the terms or requirements of the Murray Darling Basin Agreement 1993, and
- relevant policies (including policies formally published by the Minister).

### Footnotes

The Objectives for a Healthy River Murray are set out in section seven of the Act. There are 15, grouped into themes of river health, environmental flows, water quality and the human dimension.

## FOR FURTHER INFORMATION

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