

## Water Amendment (Water for the Environment Special Account) Bill 2012

*Introduced into the House of Representatives on 31 October 2012*

*Portfolio: Sustainability, Environment, Water, Population and Communities*

1.2 Further to the Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012, this bill amends the *Water Act 2007* to establish the Water for the Environment Special Account for a 10-year period from the 2014-15 financial year to acquire additional environmental water entitlement and to remove constraints on the efficient use of environmental water for the Murray-Darling Basin Plan.

1.3 The statement of compatibility notes that the Bill engages the right to an adequate standard of living and the right to health guaranteed by articles 11 and 12 of the ICESCR. It draws on General Comment No 15 on the right to water adopted by the UN Committee on Economic, Social and Cultural Rights in 2002 which stated that '[t]he human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.' (para 2). The UN Committee also noted the importance of ensuring sustainable access to water resources for agriculture in order to realise the right to adequate food (para 7) and that access to water is relevant to other rights such as the right to gain a living by work.

1.4 This bill is supplementary to the Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012, which the committee considered in its Fifth Report of 2012 did not appear to raise any human rights concerns.<sup>1</sup> The two bills were referred to the Senate Committee on Environment and Communications Legislation in October 2012. The report of the Senate Committee, issued on 19 November 2012, made no explicit reference to any human rights issues, but recommended passage of the bills.<sup>2</sup> The bills are also currently under consideration by the House Standing Committee on Regional Australia.

**1.5 The committee considers that this bill does not appear to raise any additional human rights concerns.**

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<sup>1</sup> Fifth Report of 2012, October 2012, pp 40-41.

<sup>2</sup> Senate Committee on Environment and Communications Legislation, Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012 [Provisions], Water Amendment (Water for the Environment Special Account) Bill 2012 [Provisions], Report, November 2012