
Water and Sewerage Fees and Charges (Christmas Island) Determination 2013

FRLI: F2013L01207

Portfolio: Infrastructure and Regional Development

Tabled: House of Representatives and Senate, 12 November 2013

Water and Sewerage Fees and Charges (Cocos(Keeling) Islands) Determination 2013

FRLI: F2013L01216

Portfolio: Infrastructure and Regional Development

Tabled: House of Representatives and Senate, 12 November 2013

Summary of committee view

2.250 The committee seeks clarification as to whether the power to restrict access to water is compatible with human rights, in particular the right to an adequate standard of living and the right to water.

Overview

2.251 Each instrument sets out the annual fees and charges for water and sewerage services on the Indian Ocean Territories of Christmas Island and Cocos (Keeling) Islands from 1 July 2013 to 30 June 2014.

2.252 Fees and charges for water and sewerage services are based on those charged in Western Australia.

Compatibility with human rights

Statement of compatibility

2.253 Each of the instruments is accompanied by a statement of compatibility that states that the instrument does not engage any human rights, and is therefore compatible with human rights.

Committee view on compatibility

2.254 The committee considers that the instrument raises issues of concern which are not addressed in the statement of compatibility. The committee's concerns are set out below.

Right to an adequate standard of living - right to water

2.255 Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) requires that Australia ensure the availability, adequacy and accessibility of food, water and housing for all people in Australia in providing an adequate standard of living.

2.256 The UN Committee on Economic, Social and Cultural Rights has stated that '[t]he human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.'¹⁸⁷ The right to water also includes the protection against arbitrary and unlawful disconnection of water and access to a minimum amount of safe drinking water to sustain life and health.

2.257 Section 10 of both of these instruments includes the power to restrict a person's water service if there are any outstanding fees or charges. It is not apparent what options are available to review or appeal such decisions or whether any hardship provisions are in place.

2.258 The committee intends to write to the Minister for Infrastructure and Regional Development to seek clarification as to whether the power to restrict access to water is compatible with human rights, in particular the right to an adequate standard of living and the right to water in article 11 of ICESCR.

187 UN Committee on Economic, Social and Cultural Rights, *General Comment No 15: The right to water*, (2002), para 2.