

Environmental Justice Australia

Additional information in relation to a question asked to EJA by Senator Davey on the use of recovered water (the 450GL) to underpin Adelaide's water supply (Page 46 of the draft transcript):

1. The Act provides for regard to be had to the fact that the Commonwealth and Basin States have agreed that 'critical human water needs' are to be prioritised in use of Basin water resources, for those communities dependent on them.
2. Additionally, the Act and the Basin Plan set out detailed amounts and arrangements concerning allocation of Basin water resources of critical human water needs. For South Australia that amount is 204GL per water accounting period. Adelaide is not separately specified. 'Conveyance water', being the amount of water necessary to provide for critical human water needs, is set at 1596 GL/water accounting period under the Basin Plan.
3. The prioritisation of critical human water needs under s 86A arguably applies throughout the Basin but specific measures apply to meeting those needs in the 'River Murray system'. Conveyance water provisions apply only in the River Murray system. Similarly, targets intended to avoid certain levels of salinisation of water for critical human water needs apply to that system only: see Basin Plan s 11.05.
4. Critical human water needs include water for human consumption: s 86A(2)(a). It may be assumed that Adelaide's water supply as a matter of fact comprises a substantial volume of that South Australia allocation.
5. Under s 86AA of the Act the object of providing for the 450GL is enhanced environmental outcomes and specifically that amount is to be available for 'environmental use'.
6. The Act therefore contains arrangements that establish a priority for critical human needs to be met (including Adelaide's drinking water supply for example), which is set out in detail in relation to the River Murray system, out of the Basin water resources as a whole. The 450GL at issue in the present bill (and referred to in s 86AA) is confined to environmental uses. As to whether in practice there could be a situation where Basin water resources were so depleted that the volume quarantined in effect for South Australia, including conveyance water, would necessarily require use of the 450GL referred to in s 86AA is beyond my knowledge or expertise.