

14 April 2016

The Research Director  
Legal Affairs and Community Safety Committee  
Parliament House  
Brisbane QLD 4000

Thank you for the opportunity to comment on the possibility of enacting Human Rights legislation in Queensland.

I have been involved in town planning issues in my area since the mid-1980s. I consider it to be an area of great amenity with lots of green spaces, both private and public, and many large old trees. I am seeing some disastrous town planning developments in my area where whole blocks are taken up by large houses and what little private green space is left is covered with concrete and bitumen. Large trees, which provide homes for native birds and animals, are being knocked down to allow these developments to proceed.

On the other hand, I am also seeing large blocks cut up to allow the construction of small lot houses with separate granny flats all contained on one lot. One lovely old block in a character housing area has now been stuffed with four of these types of dwellings.

I support the idea of a Queensland Human Rights Act but it must include the right for "peaceful enjoyment of possessions" to protect the amenity and privacy of ordinary people.

This will hopefully encourage amendment of planning processes whereby code assessable developments are not publicly notifiable and people do not know what is happening in the area until the bulldozers roll up. We know that developers argue that people can have a say in what happens to their neighbourhood through the development of planning schemes so that code assessable developments can then be automatically approved. This situation does not apply to us as we don't have a neighbourhood plan to protect the character of our suburb.

The Human Rights Act should include the similar provisions to the European Convention of Human Rights which protects people's amenity and privacy for their households by including the following:

*"Article 1 of Protocol No. 1 of the European Convention on Human Rights states: Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law."*

I also support those recommendations developed by the Queensland Environmental Defenders' Office with a few amendments:

- *“Through introducing a human right to healthy ecosystems, the government will be required to consider in a more fulsome way how proposed legislation or policy might impact on people, including the ecosystems those people are dependent on for their livelihoods or health.*
- *By including a human right for consideration of the impacts of Climate Change to be at the forefront when governments are making decisions which involve the preservation and maintenance of healthy and sustainable ecosystems at a State and national level.*
- *By providing a requirement for the consideration up front of the impact a proposed project, law or policy might have on the human right to healthy ecosystems, there is less chance that litigation might be undertaken to challenge that project, law or policy on the basis of the impacts to the right to healthy ecosystems.*
- *By including a right for the protection of cultural heritage buildings and places as a means of retaining connections with our social and cultural history.*
- *Too often the rights of more marginalised Queenslanders are not given as strong a weight as the rights of others; for example, rural Queenslanders, including indigenous people, frequently suffer impacts to their air and water quality which would not be allowed to occur in urban Queensland. A Human Rights Act would help to address this imbalance in the concern for the ecosystem needs of marginalised people versus those in cities.*
- *A Human Rights Act would help to ensure that the Government gives appropriate consideration to the rights of all Queenslanders to transparency and accountability in governance, through ensuring rights such as the right to access to information, such as monitoring data, or the right to have your concern's heard with respect to development proposals that might affect you.”*

I think that a Human Rights Act if adopted would improve the drafting of legislation, and the development of policies which affect in particular planning and environment legislation and decision making. We think a Human Rights Act would ensure that we are all treated with dignity, equality, fairness and respect when we are involved in or dealing with public administration processes.

Yours sincerely



Frances Fisher

There may be amenity and privacy issues to be considered with this development.

