

**SUBMISSION TO LEGAL AFFAIRS & COMMUNITY SAFETY COMMITTEE,  
PARLIAMENT HOUSE, BRISBANE 4000,  
CONCERNING PROPOSED *HUMAN RIGHTS ACT***

**From: Kurilpa Futures Campaign Group**

The Kurilpa Futures Campaign strongly supports the introduction and adoption of a Human Rights Act by the Queensland State Government, to safeguard inalienable human rights in each of the on the following five concerns.

**1. Individual rights**

In matters affecting their own interests, people should be equally entitled to the benefits of information, contribution and consideration of their concerns, irrespective of financial capacity or institutional or business affiliation. They should therefore enjoy guaranteed equal rights of democratic inclusion, consultation & participation in decision taking processes, and have rights to be informed about proposed new developments affecting their homes, neighbourhoods and the public domain in their areas. They should also have rights to have their views noted and taken into account, and be entitled to lodge objections and have them considered by legal appeal systems.

In support of these outcomes, all funding of political parties should come from the public purse and corporate and private contributions should be made illegal.

*Rationale*

*Current planning legislation authorizes proposals deemed to comply with subjective interpretations of the intended performance of their zones to be accepted as "code assessable" and thus approved and implemented without neighbours or local communities having any rights of notification, objection or appeal.*

*Current planning provisions also allow and often extend early and privileged consultation rights to incorporated business, special interest and work related groups, who may be afforded special access to political and public policy makers and framers, displacing open and equal opportunities for other affected groups and individuals.*

*This situation is exacerbated by the problematic effects of political donations to party funding, which should be replaced by exclusive funding from public sources, related to levels of electoral support. An annual grant to candidates, parties or individuals of, for instance \$20 for state organisations and \$10 for local ones for each vote cast, would result in the public funding annually of a little less than \$60 mill for state government and \$30 mill for local council candidates and parties – a generous level of political funding but within the capacity of current budgetary provisions, considering the priority that needs to be accorded to maintaining honest and responsive governance. In return, party and individual candidates*

*electoral accounts should be statutorily open to parliamentary, council and public scrutiny to ensure that this is the case.*

## **2. Rights to Shelter**

Individuals and families should be entitled to affordable and appropriately located accommodation, adequate to the maintenance of health and human contact, through provisions including those of market, public and community organisations.

### *Rationale*

*Shelter is a fundamental human necessity, which forms the basis for many other human needs such as health, nurture, family life, skills development, and socialization. Since people no longer have individual rights to provide their own shelter on freely available public land, they should be entitled to affordable accommodation adequate to maintain personal and family health and the enjoyment of human and social contact.*

## **3. Rights to a safe and healthy natural and built environment**

(With acknowledgement to Geoffrey Robertson, 2009, *The Statute of Liberty*, Sydney Random House, Pages 205-6, for the wording of this clause)

Everyone has the right:

- i) To an environment that is not harmful to their health or well being
- ii) To have that environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that:
  - a. Prevent pollution and ecological degradation;
  - b. Promote conservation and protect native flora and fauna and areas necessary to maintain biological diversity secure ecologically sustainable development and ecosystems;
  - c. Secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development;
  - d. Preserve properties and places of historic or cultural significance;
  - e. Establish a planning system that ensures encroachments upon areas of natural beauty or heritage value are not approved unless by fair, transparent and non-corrupt process, which takes that value into account.
- iii) To timely and adequate assistance in the event of fire, flood, cyclone, or other natural catastrophe

### *Rationale*

*The use made by each person or organisation of their common and shared natural environment impacts upon the use of others at all scales from the local to the global. It is therefore crucial to specify and protect the rights of all to the maintenance of natural environments capable of sustaining healthy lives.*

#### **4. Rights to an accessible environment**

All citizens should have rights to an accessible built environment where they can communicate with others and access the built form including housing, essential services, facilities and employment. This includes access to safe and affordable public transport, walking, cycling and roads and a universally designed built environment.

##### *Rationale*

Though provision is essential, access is also necessary if rights are to be current and enjoyed.

#### **5. Equal and fair rights to legal judgment and redress**

All citizens should enjoy free, fair and untrammelled access to review and redress of administrative and planning decisions affecting their interests, without fear of being burdened with heavy costs of representation for their own, or their opponent's expenses. Non-legal and totally cost free processes should be available for initial alternative dispute resolution, before recourse is made to legal systems involving rules of evidence and possibly expensive legal representation.

##### *Rationale*

*Appeals against planning decisions currently go to the Planning & Environment Court (P&EC), where very expensive legal and expert representation is currently the norm, taking average expenses of a single case into the realm of hundreds of thousands of dollars. This effectively militates against objectors, who may, at the discretion of the judge be burdened with the costs of the respondents. As a non criminal court, the conduct of the P&EC needs to be framed to ensure that it is totally costless to objectors, unless they themselves choose to hire legal representatives. Justice should be free and equally available to all.*