

Committee Secretary
 Legal Affairs and Community Safety Committee
 Parliament House
 George Street,
 Brisbane QLD 4000
 Email: lacsc@parliament.qld.gov.au.

Re: Human Rights Bill 2018

Dear Committee Secretary,

I welcome and appreciate the introduction of a Human Right's Bill in Queensland

I welcome the requirement for authorities to consider human rights in their decision making processes as well as including specific protections for the rights of the child, first nations peoples, health and education, and peaceful assembly. I welcome the formation of the Human Rights Commission and the broad powers given to the Commissioner as well as a mechanism for individuals to obtain redress.

However, I believe the Bill would be improved if it were to specify not only that all individuals in Queensland have human rights, but also that all individuals seeking asylum in Queensland have human rights protected under Queensland as well as international law.

I believe also that Queenslander's human rights to a safe, clean, healthy and sustainable environment should be addressed in the bill. It is timely that the United Nations Human Rights Commission Special Rapporteur, Mr. John H. Knox, has proposed 16 principles relating to human rights and the environment. I believe these principles should be incorporated into Queensland's Human Rights Bill.

Framework Principles on Human Rights and the Environment Mr John Knox (2018)
Framework principle 1 - States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights.
Framework principle 2 - States should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment.
Framework principle 3 - States should prohibit discrimination and ensure equal and effective protection against discrimination in relation to the enjoyment of a safe, clean, healthy and sustainable environment.
Framework principle 4 - States should provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence.
Framework principle 5 - States should respect and protect the rights to freedom of expression, association and peaceful assembly in relation to environmental matters.
Framework principle 6 - States should provide for education and public awareness on

environmental matters.
Framework principle 7 - States should provide public access to environmental information by collecting and disseminating information and by providing affordable, effective and timely access to information to any person upon request.
Framework principle 8 - To avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights, States should require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights.
Framework principle 9 - States should provide for and facilitate public participation in decision-making related to the environment, and take the views of the public into account in the decision-making process.
Framework principle 10 - States should provide for access to effective remedies for violations of human rights and domestic laws relating to the environment.
Framework principle 11 - States should establish and maintain substantive environmental standards that are non-discriminatory, non-retrogressive and otherwise respect, protect and fulfil human rights.
Framework principle 12 - States should ensure the effective enforcement of their environmental standards against public and private actors.
Framework principle 13 - States should cooperate with each other to establish, maintain and enforce effective international legal frameworks in order to prevent, reduce and remedy transboundary and global environmental harm that interferes with the full enjoyment of human rights.
Framework principle 14 - States should take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks and capacities.
Framework principle 15 - States should ensure that they comply with their obligations to indigenous peoples and members of traditional communities, including by:
(a) Recognizing and protecting their rights to the lands, territories and resources that they have traditionally owned, occupied or used; (b) Consulting with them and obtaining their free, prior and informed consent before relocating them or taking or approving any other measures that may affect their lands, territories or resources; (c) Respecting and protecting their traditional knowledge and practices in relation to the conservation and sustainable use of their lands, territories and resources; (d) Ensuring that they fairly and equitably share the benefits from activities relating to their lands, territories or resources.
Framework principle 16 - States should respect, protect and fulfil human rights in the actions they take to address environmental challenges and pursue sustainable development.

Yours faithfully,
Dr Geralyn McCarron



13th November 2018