



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Peter Cain MLA (Chair), Dr Marisa Paterson (Deputy Chair), Mr Andrew Braddock MLA

Submission Cover Sheet

Inquiry into Human Rights (Healthy Environment) Amendment Bill 2023

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The Secretariat

Inquiry into the Human Rights (Healthy Environment) Amendment Bill 2023

Standing Committee on Justice and Community Safety,

ACT Legislative Assembly, GPO Box 1020, Canberra ACT 2601

Dear Secretariat

Inquiry into the Human Rights (Healthy Environment) Amendment Bill 2023

Thank you for the opportunity to make a brief submission to this inquiry.

By way of background Advocacy for Inclusion incorporating People with Disabilities ACT is an independent organisation delivering reputable national systemic advocacy informed by our experience in individual advocacy and community and government consultation. We provide dedicated individual and self-advocacy services, training, information and resources in the ACT.

As a Disabled People's Organisation, the majority of our organisation, including our Board of Management, staff and members, are people with disabilities. Advocacy for Inclusion speaks with the authority of lived experience. It is strongly committed to advancing opportunities for the insights, experiences and opinions of people with disabilities to be heard and acknowledged.

Advocacy for Inclusion operates under a human rights framework. We uphold the principles of the United Nations Convention on the Rights of Persons with Disabilities and strive to promote and advance the human rights and inclusion of people with disabilities in the community. Advocacy for Inclusion is a declared public authority under the Human Rights Act 2004.

Advocacy for Inclusion supports the Right to a Healthy environment being included within the ACT Human Rights Act. We offer the following broadly supportive remarks.

The Right to a Healthy Environment supports the exercise of rights under the UN Convention on the Rights of People with Disabilities. Specifically these include, Article 9 – Accessibility, Article 10 – Right to life, Article 11 – Situations of risk and humanitarian emergencies, Article 19 – Living independently and being included in the community and Article 20 – Personal mobility.

People with disability are vulnerable to the impacts of climate change and are often the first to feel its effects and the last people to be supported through climate change events. Following Hurricane Katrina people with disabilities were late to be evacuated and then were left on the tops of buildings.

Some people with disabilities also experience climate pressures such as extremes of heat and cold more than other people.

For people with disabilities the right to a healthy environment encompasses being able to safely access housing, work, education, community facilities and spaces and places free from dangerous pollutants, pests, mould, diseases and other threats to health.

The exercise and interpretation of the Right to a Healthy Environment should ensure it is not be traded off against other rights. In considering actions to implement the right AFI believes they should meet tests of fairness, effectiveness and equity within a just transition framework.

For instance, for AFI a just transition means that those with the most responsibility for waste and emissions should shoulder a proportionate level of reduction effort and the costs, inconvenience and pressure of waste reduction efforts should not fall disproportionately on those with the least capacity to meet them

People with disabilities are invested in the reliability of energy supply including people on home ventilation, users of CPAP and other machines and to change personal communication and transport equipment. Some people with disabilities use older cars (or other older equipment) due to poverty or inaccessible design so emissions measures and changes to energy policy must also be nuanced and balanced. Governments should work with manufacturers to ensure that industry standards, procurement and other levers encourage access and environmentally friendly product lines.

AFI believes that more work is needed to understand and develop appropriate responses for people disabilities to climate change which reconciles our additional vulnerability to climate change events with a just transition approach that recognises that climate mitigations, such as waste reduction measures, fall heavily on some groups of people with access needs.



We have suggested a work program in this area to government and would also be happy to discuss this submission at the inquiry. Our contact is Craig Wallace, Head of Policy [REDACTED]

Regards

(sent by email)

Nicolas Lawler
Chief Executive Officer
Advocacy for Inclusion
29 November 2023

