

Australian Capital Territory  
Legislative Assembly

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**Human Rights (Healthy Environment)  
Amendment Bill 2023**

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Amendments to be moved by the Minister for Human Rights

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**1**  
**Proposed new clause 7A**  
**Page 4, line 9—**

*insert*

**7A**      **New section 40C (8)**

*insert*

(8) Subsections (5A), (5B) and this subsection expire on 1 October 2028.

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**2**  
**Clause 8**  
**Page 4, line 10—**

*omit clause 8, substitute*

**8**      **New section 43**

*insert*

**43**      **Review of amendments made by Human Rights (Healthy Environment) Amendment Act 2023**

(1) The Minister must review the operation of the amendments to this Act made by the *Human Rights (Healthy Environment) Amendment Act 2023*.

- (2) In undertaking the review, the Minister must—
- (a) consider the categorisation of the human right set out in section 27C as an economic, social and cultural right; and
  - (b) evaluate the prohibition under section 40C (5A) on a person starting a proceeding or relying on their rights in relation to a claim that a public authority has acted in contravention of section 40B if the contravention claimed is—
    - (i) that the public authority acted in a way that is incompatible with the human right set out in section 27C; or
    - (ii) in making a decision, the public authority failed to give proper consideration to the human right set out in section 27C; and
  - (c) despite section 40C (8)—consider whether the prohibition under section 40C (5A) remains appropriate.
- (3) The Minister must—
- (a) begin the review not later than 1 October 2027; and
  - (b) present a report of the review to the Legislative Assembly as soon as practicable after the report is completed.
- (4) This section expires on 1 October 2028.
- (5) In this section:
- public authority***—see section 40C (7).
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