

**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 Andrew Braddock

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**1**  
**Clause 7**  
**Page 3, line 14—**

*omit clause 7, substitute*

**7**      **New section 40CA**

*insert*

**40CA**      **No legal proceedings for contravention of right to a healthy environment**

- (1) Section 40C does not apply to a claim that a public authority has acted in contravention of section 40B if the contravention claimed is—
  - (a) that the public authority acted in a way that is incompatible with the human right set out in section 27C (Right to a healthy environment); or
  - (b) in making a decision, the public authority failed to give proper consideration to the human right set out in section 27C.

- (2) To remove any doubt, subsection (1) does not prevent a person making a claim in relation to another human right, even if the subject matter of the claim or part of the claim is the same, similar or related to the subject matter of a claim to which subsection (1) applies.

**Example**

A person may claim a public authority acted in a way that is incompatible with the human right set out in s 9 (Right to life) and the subject matter of the claim may include an exposure of the person to an environmental risk to their health that is life threatening.

- (3) This section expires 3 years after the day it commences.

- (4) In this section:

*public authority*—see section 40C (7).

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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—
- (a) review the operation of the amendments to this Act made by the *Human Rights (Healthy Environment) Amendment Act 2023*; and
  - (b) present a report of the review to the Legislative Assembly before the end of 3 years after this section commences.
- (2) This section expires 4 years after the day it commences.