



Inquiry into Annual and Financial Reports 2023–2024

Answer to question on notice

Asked by: Mr Peter Cain MLA

Addressed to: Minister for Human Rights

Reference: Attorney- General

Hearing: 19/02/2025

In relation to: Right to a Healthy Environment

Question received: 25/02/2025

Answer Due: 05/03/2025

1. What update can you provide on the new Right to a Healthy Environment since its commencement?
2. Have any complaints been brought to the Human Rights Commission regarding the Right to a Healthy Environment?
3. When will the pathway for litigation directly to the Supreme Court be made available?

Ms Tara Cheyne MLA: The answer to the Member's question is as follows:

1. The right to a clean, healthy and sustainable environment in s 27C of the *Human Rights Act 2004* will commence on 17 March 2025.
2. As the right to a healthy environment has not yet commenced, the Commission has not been able to receive complaints about whether public authorities have met their obligations under s 40B of the Human Rights Act with respect to the new right.
3. Public authorities will be required, by s 40B of the Human Rights Act, to act consistently with and give proper consideration to the right to a healthy environment from commencement.

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However, a person will be unable to start a proceeding in the Supreme Court alleging that a public authority has breached these duties, or rely on an alleged breach of these duties in other proceedings, until 1 October 2028.

Approved for circulation to the Standing Committee on Legal Affairs

Signature:



By the Minister for Human Rights, Ms. Tara Cheyne MLA

Date:

4/3/25