Environmental Defenders Office

Submission to the Independent Review of the *Human Rights Act 2019* (Qld)

5 July 2024

About EDO

EDO is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our reputation is built on:

Successful environmental outcomes using the law. With over 30 years' experience in environmental law, EDO has a proven track record in achieving positive environmental outcomes for the community.

Broad environmental expertise. EDO is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.

Independent and accessible services. As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

Environmental Defenders Office is a legal centre dedicated to protecting the environment.

www.edo.org.au

Submitted to:

Professor Susan Harris Rimmer
Independent Reviewer of the *Human Rights Act 2019* (Qld)
By email only: admin@humanrightsreview.qld.gov.au

For further information on this submission, please contact:

Revel Pointon
Managing Lawyer – Southern and Central Queensland
T: 0424 313 627
E: revel.pointon@edo.org.au

Jayme Cooper
Solicitor – Coal and Human Rights
E: jayme.cooper@edo.org.au

Acknowledgement of Country

The EDO recognises and pays respect to the First Nations peoples of the lands, seas and rivers of Australia. We pay our respects to the First Nations Elders past, present and emerging, and aspire to learn from traditional knowledges and customs that exist from and within First Laws so that together, we can protect our environment and First Nations cultural heritage through both First and Western laws. We recognise that First Nations Countries were never ceded and express our remorse for the injustices and inequities that have been and continue to be endured by the First Nations of Australia and the Torres Strait Islands since the beginning of colonisation.

EDO recognises self-determination as a person's right to freely determine their own political status and freely pursue their economic, social and cultural development. EDO respects all First Nations' right to be self-determined, which extends to recognising the many different First Nations within Australia and the Torres Strait Islands, as well as the multitude of languages, cultures, protocols and First Laws.

First Laws are the laws that existed prior to colonisation and continue to exist today within all First Nations. It refers to the learning and transmission of customs, traditions, kinship and heritage. First Laws are a way of living and interacting with Country that balances human needs and environmental needs to ensure the environment and ecosystems that nurture, support, and sustain human life are also nurtured, supported, and sustained. Country is sacred and spiritual, with culture, First Laws, spirituality, social obligations and kinship all stemming from relationships to and with the land.

A note on Language

We acknowledge there is a legacy of writing about First Nations peoples without seeking guidance about terminology. We also acknowledge that where possible, specificity is more respectful. For the purpose of this submission, we have chosen to use the term 'First Nations peoples'. We acknowledge that not all First Nations peoples will identify with that term and that they may instead identify using other terms or with their immediate community or language group.

The role of EDO

EDO is a non-Indigenous community legal centre that works alongside First Nations peoples around Australia and the Torres Strait Islands in their efforts to protect their Countries and cultural heritage from damage and destruction.

EDO has and continues to work with First Nations clients who have interacted with western laws, including litigation and engaging in western law reform processes.

Out of respect for First Nations self-determination, EDO has provided high-level key recommendations for western law reform to empower First Nations to protect their Countries and cultural heritage. These high-level recommendations comply with Australia's obligations under international law and provide respectful and effective protection of First Nations' Countries and cultural heritage.

Executive Summary

The Environmental Defenders Office Ltd (**EDO**) welcomes the opportunity to contribute to the independent review of the *Human Rights Act 2019* (Qld) (**HRA**). We thank you for accepting and considering our submission.

In our experience, the enactment and implementation of the HRA has generally helped build a culture of human rights in the Queensland public sector, embedding human rights as a key consideration in discretionary administrative decision-making related to the environment.

In addition to the obligations imposed on public entities under the framework, the HRA has become an important tool of statutory interpretation, adding an additional dimension to the nature and scope of the public interest criterion which is often a key feature of environmental administrative decision-making.

On behalf of our clients, EDO has been a strong advocate for the incorporation of human rights discourse into public environmental decision-making in Queensland. Our work is underpinned by an environmental justice and human rights framework. EDO recognises that the human rights of certain people and communities are disproportionately impacted by environmental harm, including the impacts of climate change. Ultimately, achieving the objects of the HRA including protecting and promoting human rights is interconnected and dependent on Queensland maintaining a safe climate and healthy environment.

Since the enactment of the HRA, EDO has represented clients in several landmark decisions of the Queensland Land Court, which have contributed to the ongoing dialogue about the nature, meaning and scope of human rights protected in Queensland. To demonstrate the positive impact of the framework, we firstly provide a brief overview of the key decisions and their impact on embedding a culture of human rights in the Queensland public sector in relation to environmental decision-making including in policy development.

To continue to build on the successes of the framework, we make the following recommendations for your consideration to continue to build on the framework:

Summary of Recommendations

1. The existing provisions of the HRA should at minimum be maintained.
2. The HRA should include a new substantive right to a healthy environment, along with necessary procedural rights.
3. The HRA should include a standalone cause of action and remedies
4. Greater consistency in applying human rights considerations to decisions is required

1. The existing provisions of the HRA should at minimum be maintained

The current version of the HRA has provided for positive outcomes for the consideration of how climate change impacts the human rights of Queenslanders, particularly First Nations, and the protection of these rights. At minimum, the existing provisions should be maintained to ensure these human rights continue to be protected.

EDO has represented Youth Verdict (**YV**) and the Bimblebox Alliance (**TBA**) in several landmark decisions of Queensland Land Court which have contributed to the ongoing dialogue about the nature, meaning and scope of human rights protected in Queensland including:

- *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors* [2020] QLC 33 (**Waratah no.1**);
- *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 5)* [2022] QLC 4 (**Waratah no.5**); and
- *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6)* [2022] QLC 21 (**Waratah no.6**).

We provide a brief overview of the significance of the Land Court's decisions and final recommendation as relevant to the HRA below.

What is the significance of Waratah no.1?

In Waratah no.1, Waratah Coal brought an interlocutory application to strike out YV and TBA's objections, including several human rights grounds which alleged that any approval of Waratah's proposed Galilee Coal Project (**proposed Project**) would be unlawful for the purposes of s 58(1) of the HRA.

In their Objections, YV and TBA alleged that any approval of the Proposed Project would limit several human rights protected by the HRA including:

(1) right to life (s 16), right to property (s 24(2)), First Nations right to culture (s 28), rights of children (s 26(2)) and the right to equality before the law (s 15(2)-(4)) due to the project's contribution to climate change via its greenhouse gas emissions; and
(2) right to property (24(2)) and right to privacy and home (s 25(a)) due to the Project's localised impacts on the Bimblebox Nature Refuge.

YV and TBA argued successfully that the Land Court was a public entity when conducting a mining objection hearing because the Court acts in an administrative capacity. The Land Court dismissed the strike out application, finding that the Court as a public entity was bound by the obligations imposed by s 58(1) of the HRA because making a recommendation on the approval of the Proposed Project's mining lease application and associated environmental authority application was an act or a decision within the meaning of the HRA. As such, it was not beyond the jurisdiction of the Court to entertain human rights issues.

Importantly, the Court affirmed that if s 58(1) of the HRA applies to the Court in its administrative function there need be no mover to raise human rights because the provision requires the Court to properly considered human rights engaged by the recommendation and not to act or make a decision that is not compatible with the human rights protected by the HRA.

The Land Court has subsequently followed this finding in a number of mining objection hearings, considering human rights and their obligations under s 58(1) of the HRA where objectors had not raised human rights grounds, including in *Cement Australia (Exploration) Pty Ltd & Anor v East End Mine Action Group Inc & Anor (No 5)* [2021] QLC 32; *New Acland Coal Pty Ltd v Oakey Coal Action Alliance Inc. & Ors (No 2)* [2021] QLC 44 and *BHP Coal Pty Ltd & Ors v Chief Executive, Department of Environment, Science and Innovation* [2024] QLC 7.

What is the significance of Waratah no.5?

In Waratah No.5, YV and TBA applied to the Court for orders regarding:

- the adoption of a First Nations Protocol; and
- for the Court to take on Country evidence from four First Nations witnesses on Erub Island (Darney Island) and Poruma Island (Coconut Island) in the Torres Strait and Gimuy (Cairns).[1]

In deciding whether the application should be granted, the Court said that s 28(2)(a) of the HRA was engaged because it was a decision about the arrangements for taking evidence from First Nations witnesses who described the cultural protocols that would be expected to be observed in the giving of traditional knowledge and culture.[2]

The Court said that refusing the First Nations witnesses requests would limit their ability to enjoy and maintain their cultural heritage, specifically how traditional knowledge is imparted.[3] If confined to their written statements, the First Nations witnesses could not observe cultural protocols.[4] Furthermore, the witnesses proposed to give evidence in the presence of people who have the collective authority to speak about matters of place and culture which is consistent with s 28 of the HRA, which frames cultural rights in collective terms.[5]

While the First Nations witnesses had filed written statements of the impacts that climate change was having on their ability to practice their culture and care for country, the then President Kingham said that in her experience written evidence from a First Nations witnesses was a poor substitute for oral evidence given on country and in the company of those with cultural authority.[6]

In making the orders sought by YV and TBA, the Court would receive the best evidence from the First Nation witnesses and it would not impose an unreasonable and disproportionate burden on the parties or the Court.[7]

While the Court did not adopt the Cultural Protocol drafted by YV, following the Court's decision, the parties agreed to a number of orders relevant to on Country evidence from First Nations Witnesses' including that:

---

[1] *Waratah Coal No.5* at [4].
[2] *Waratah Coal No.5* [22].
[3] *Waratah Coal No.5* at [22].
[4] *Waratah Coal No.5* at [22].
[5] *Waratah Coal No.5* at [35].
[6] *Waratah Coal No.5* [38].
[7] *Waratah Coal No.5* at [41], [43].

- evidence can be given by way of song, dance and story telling;
- evidence can be given as a group, with community or other family members;
- evidence may be restricted to certain persons hearing that evidence in accordance with cultural practices; and
- First Nations names, place names and culturally appropriate use of names and pronouns will be used by the parties who were also required to consult with the witnesses regarding the appropriate spelling of any First Nations words.

Since Waratah no.5, we understand the Land Court may be considering implementing a practice direction in relation to the procedures and rules for the Court taking on country evidence.

What is the significance of Waratah no.6 ?

In accordance with the above orders made post Waratah no.5, during the mining objection hearing, the Court and the parties traveled to Erub Island (Darney Island) and Poruma Island (Coconut Island) in the Torres Strait and Gimuy (Cairns)[8] to receive on Country evidence about the impacts of climate change on each witnesses' culture.

During the hearing, the Court and the parties also participated in the first Welcome to Country in the Land Court's history.

In the Land Court's recommendation to the ultimate decision-makers on the mining lease application and associated environmental authority for the proposed Project, the Court found that it was bound by the HRA,[9] and that it could take human rights into account as a matter relevant to the public interest criterion under the *Mineral Resources Act 1989* (Qld) (**MRA**) and *Environment Protection Act 1994* (Qld) (**EPA**). President Kingham said that the proportionality test under the HRA added an additional dimension to the public interest criterion under the MRA and the EPA.[10]

The Court found that six human rights were engaged and limited by the impacts of the Project, being:

(a) right to life (s 16),
(b) First Nations' cultural rights (s 28),
(c) right to non-discrimination (s 15(2)),
(d) rights of children (s 26),
(e) right to property (s 24),and
(f) right to privacy and home (s 25).

All six rights were engaged and limited by the impacts on Queensland due to the proposed Project's contribution to climate change via its greenhouse gas emissions, and property and privacy rights were engaged by the local impacts on the Bimblebox Nature Refuge.

Waratah contended for an interpretation of 'limit' that is founded in causation tests. The Court rejected that construction, noting that its role is administrative and 'forward looking' in

[8] *Waratah No.5* at [4].
[9] *Waratah No.1*.
[10] *Waratah No.6* at [42]-[43].

anticipating the possible impacts of a project (direct and indirect), rather than being about attributing liability.[11]

With respect to climate change, the Court:

(a) accepted that combustion emissions are sufficiently connected to the applications as to constitute a limit to human rights,[12] and found that the limitations of those rights by the Project were not reasonably and demonstrably justified in a free and democratic society under s 13(1) of the HRA.[13] In determining whether the limitations were justified, the Court found the importance of preserving the human rights engaged, taking into account the nature and extent of the limitations,[14] weighed more heavily in the balance[15] than the economic benefits of and energy security provided by the Project;[16] and
(b) found that there was a clear and pressing threat to the right to life that is now experienced by people in Queensland and would only be exacerbated by increasing emissions to which the Project would make a material contribution.[17]

In respect of cultural rights under s 28, the Court:

(a) considered the importance of the rights against the backdrop of systematic dispossession and destruction of culture;[18]
(b) acknowledged the First Nations witnesses' active commitment to and participation in caring for Country, and the significance of that to the protection afforded by s 28(2)(e) of the HRA;[19] and
(c) concluded that the evidence put forward by the First Nations witnesses demonstrates climate change will have a profound impact on cultural rights, including risking the survival of culture.[20]

While President Kingham's decision in Waratah no.6 is not binding, the Department of Environment, Science and Innovation has recently adopted a new policy, the Greenhouse Gas Emissions Guideline (**GHG guideline**) which provides that:

- in addition to the assessment requirements under the EPA, the administrative authority must also consider its obligations under the HRA when making environmental assessment decisions; and
- human rights protected under the HRA may be engaged as a result of GHG emissions now and into the future including the right to life, First Nations cultural rights, rights of children, right to property and privacy and the right to enjoy human rights equally.[21]

As such, the recommendation in Waratah no.6 has prompted DESI to embed the consideration of human rights into its assessment guidelines, particularly where a proposed project, if approved

[11] *Waratah No.6* at [1320]-[1329].
[12] *Waratah No.6* at [1346] and [1352].
[13] *Waratah No.6* at [1703].
[14] HRA s 13(2)(f).
[15] HRA s 13(2)(g).
[16] *Waratah No.6*, broadly at [1655] and specifically at [1513] (right to life), [1566] (First Nations' cultural rights), [1602] (rights of children), [1602] (right to property), [1633] (right to privacy and home), [1649] (right to non-discrimination).
[17] *Waratah No.6* at [1505].
[18] *Waratah No.6* at [1537].
[19] *Waratah No.6* at [1557].
[20] *Waratah No.6* at [1565].
[21] DESI, Greenhouse Gas Emissions Guideline (2024), p.21.

will emit GHG emissions, which in Waratah no.6 was found to engage and limit human rights protected by the HRA.

Recommendation 2: The HRA should include a new substantive right to a healthy environment, along with necessary procedural rights

Environmental harm disproportionately impacts overburdened people and communities in Queensland. Those most at risk including First Nations, culturally and linguistically diverse, older and younger Queenslanders and people living with disability are often least responsible for environmental harm. It is time to enshrine in the HRA the right of all Queenslanders to live in a clean, healthy and sustainable environment.

The protection and promotion of all human rights is ultimately dependent on a healthy environment. The independent review of the HRA represents a significant opportunity for the Queensland government to better protect the environment, which includes ecosystems and their constituent parts, including people and communities.[22] Enshrining the right into the HRA will place people and communities at the heart of environmental protection, which is consistent with our current environmental laws,[23] while recognising the many benefits of Queensland's unique environment for the enjoyment of human rights.

Since the enactment of the HRA, on 28 July 2022, the United Nations General Assembly in a landmark resolution reaffirmed recognition of the human right to a clean, healthy and sustainable environment,[24] after this right was explicitly recognised by the UN Human Rights Council in October 2021.[25] The resolution passed with an overwhelming majority, with Australia voting in favour with another 160 UN Member States. As a consequence, the right to a healthy environment is now universally recognised as a human right that is important for the enjoyment of other human rights. The right to a healthy environment is recognised in law by more than 80 percent of nations.

Queensland should include a new substantive right to a clean, healthy and sustainable environment in Part 2 of the HRA, following in the footsteps of the Australian Capital Territory, who enshrined the right into the *Human Rights Act 2004* (ACT) after the passing of the *Human Rights (Healthy Environment) Amendment Bill 2023* (ACT). However, EDO is of the view that the approach the ACT took in characterising the right as an economic, social and cultural right does not fully reflect that a right to a healthy environment is a precondition to the enjoyment of many of the civil and political rights protected under Part 1, Division 1 of the HRA. As such, if the right is legislated, it should be included in its own Division in Part 2 of the HRA.

In support of our submission, we attach EDO's report on a Right to a Healthy Environment (**Attachment A**) which sets out the need and importance of recognising the right in law. The paper

[22] *Environmental Protection Act 1994* (Qld) (**EPA**) s 8(a).
[23] such as the EPA.
[24] UN General Assembly, The human right to a clean, healthy and sustainable environment, UN Doc. A/RES/76/300 (28 July 2022) (UNGA Resolution 76/300).
[25] UN HRC, The Human Right to a Clean, Healthy and Sustainable Environment, GA Res 48/13, UN Doc A/HRC/48/13 (18 October 2021) (HRC Resolution 48/13).

includes a foreword by the UN Special Rapporteur on Human Rights and the Environment Dr David Boyd. We also set out below the principles that should be considered in the drafting process of any substantive right.

How should the right to a healthy environment be drafted?

EDO strongly supports the inclusion of a broad, principled right that will evolve and develop consistently with international law.

The right should adopt the language of the United Nations General Assembly Resolution that everyone has a right to a clean, healthy and sustainable environment.

In recognising the right to a healthy environment, Queensland should also recognise that it is not just our current generations who should enjoy this right, future generations of Queenslanders, our children and grandchildren, also have a right to their environment remaining healthy. This recognition is also demonstrated in the Commonwealth Government's National Strategy for Ecologically Sustainable Development. Through this recognition, we will ensure that the decisions we make today will not compromise the health of the environment over the long or short term.

The right to a healthy environment has been defined by Special Rapporteur on human rights and the environment (**Special Rapporteur**) as comprising of six substantive elements:

- clean air;[26]
- safe climate;[27]
- access to safe water and adequate sanitation;[28]
- healthy biodiversity and ecosystems;[29]
- toxic free environments in which to live, work, study and play;[30] and
- healthy and sustainably produced food.[31]

Necessary procedural rights must also be enshrined to fully implement protection of the right

The Special Rapporteur has also recognised that the substantive elements of the right must be accompanied by corresponding procedural elements, without which it is not possible to achieve recognition of substantive rights.[32] These are:

- the right to information,
- the right to participate in decision-making; and
- access to justice.

---

[26] David R Boyd, Special Rapporteur on Human Rights and the Environment, Issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, UN Doc A/HRC/40/55 (8 January 2019).
[27] David R Boyd, Special Rapporteur on Human Rights and the Environment, Human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, UN Doc A/74/161 (15 July 2019).
[28] David R Boyd, Special Rapporteur on Human Rights and the Environment, Human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, UN Doc A/74/161 (15 July 2019).
[29] David R Boyd, Special Rapporteur on Human Rights and the Environment, Human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, UN Doc A/75/161 (15 July 2020).
[30] David R Boyd, Special Rapporteur on Human Rights and the Environment, The right to a clean, healthy and sustainable environment: non-toxic environment, UN Doc A/HRC/49/53 (12 January 2022).
[31] David R Boyd, Special Rapporteur on Human Rights and the Environment, Human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, UN Doc A/76/179 (19 July 2021).
[32] David R Boyd, Special Rapporteur on Human Rights and the Environment, Right to a Healthy Environment: Good Practices, UN DOC A/HRC/43/53 (30 December 2019), pp.5-8.

While there are rights under Queensland laws to access information, and for the public to participate in decision making, existing procedural rights need stronger protection in the HRA. This might be achieved by including a standalone procedural right to information or right to participation in government decision-making.

Through our work assisting clients in accessing information using these laws it has become clear that effectiveness of these rights is proportionate to the willingness of the government of the day to promote transparency and accountability in governance. By their nature, laws providing for access to information must have caveats to ensure that confidential information is not released. Under a government that is unsympathetic to the rights of the community to access information, these caveats can be easily used to deny access in a way that far exceeds the required level of discretion.

Further, while our laws do frequently provide for public participation in decision making, there is no overriding law or policy which declares that this is a right that we as a society recognise and protect. These rights can therefore be eroded or removed at the whim of the politics of the time, with little recourse other than consistently re-opening the discussion as to the need for these rights to exist. This is a drain on the resources of community groups, as well as of government. Queensland would benefit greatly for the discussion to be put to rest, and these rights to be enshrined in the HRA.

Recommendation 3: The HRA should include a standalone direct cause of action

EDO supports the inclusion of a standalone direct cause of action being included in the HRA and for the Court to have discretionary powers to award compensation.

Unlike Queensland and Victoria, the Australian Capital Territory's *Human Rights Act 2004* (ACT) (**ACT HRA**) provides individuals with a standalone right to bring a claim for alleged breaches of their human rights. Specifically, s 40C of the ACT HRA allows a person who alleges that they are a 'victim' of the alleged human rights breach to seek relief from the ACT Supreme Court if they believe a public authority has acted in a way that is incompatible with human rights. Furthermore, a person has one year after the date of the complaint to commence proceedings.

Currently, under the HRA, individuals do not have a standalone right to bring a claim for an alleged breach of the Act rather they must "piggy-back" a cause of action onto a primary claim of unlawfulness under s 59 of the HRA, such as a judicial review application. A person can seek the same relief or remedy in relation to a ground of unlawfulness arising under s 58 of the HRA as the primary cause of action. While a human rights claim can still be successful if the primary cause of action fails, a person is not entitled to damages or compensation.

In the Second Reading Speech, the Attorney-General and Minister for Justice said that the 'piggy-back' "…reflects a sensible and measured approach to introducing a human rights framework into the Queensland public sector landscape." The Attorney-General explained that:

> This approach is consistent with the Victorian charter and the dialogue model adopted by the bill, which promotes discussion, awareness raising and education to **encourage compliance with human rights rather than a strong enforcement and compliance model**. It is also consistent with

> the position the Palaszczuk government took to the people of Queensland. I also note that the committee considered this was in keeping with the dialogue model utilised by the bill and that the bill provides a **sufficiently effective mechanism to address grievances** (**our emphasis**).[33]

The dialogue approach may have been a sensible and measured approach to introducing the HRA, but in practice this makes it harder for those seeking to bring a human rights claim, adding a layer of unnecessary technicality to the process and hindering the full realisation of the Acts purpose.

The current 'piggy back' mechanism in the HRA means that the limitation dates in practice are much shorter in Queensland compared to the Australian Capital Territory. For example, if the primary cause of action is judicial review commenced under the *Judicial Review Act 1991*(Qld) (**JR Act**) then a person would need to file their application, which includes their human rights claim, 28 days after the decision is made, if reasons are provided or 28 days after the reasons are given to the person unless leave is granted by the Court.[34]

Providing for a standalone cause of action under the HRA for seeking to protect human rights in Court ensures that there is a stronger incentive to address grievances or repercussions for public entities subject to the HRA currently. Furthermore, we recommend consideration be given to whether compensation should be made available to those who have had their rights breached and suffered harm or damage as a result. Other frameworks such as the *Racial Discrimination Act 1975* (Qld) do provide for compensation if a claim is successful.

What are the benefits of a standalone cause of action?

- **Improved Access to Justice**:
  A standalone right would allow individuals to directly bring claims for breaches of the Human Rights Act, which could lead to more straightforward and accessible legal processes. This would empower individuals to seek redress without needing to navigate complex procedural hurdles.
- **Enhanced Accountability of Public Entities**
  Public authorities would be more accountable for their actions if individuals could bring direct claims against them. This could lead to improved compliance with human rights standards and better protection for individuals' rights.
- **Strong Precedent in the ACT**
  The *ACT Act* provides a useful model, demonstrating that a standalone right can be effectively integrated into a human rights framework. The ACT's experience shows that such a mechanism can work in practice and provide valuable lessons for implementation in Queensland
- **Alignment with International Standards**
  Providing a standalone right to bring claims aligns with international human rights norms, which often emphasise the importance of accessible and effective remedies for rights violations. This could enhance Queensland's reputation and commitment to upholding human rights.

---

[33] *Debate of the Bill in Parliament 26 February 2019 – Transcript*, 376
(see: https://www.parliament.qld.gov.au/Work-of-Committees/Inquiries/Inquiry-Details?id=3643).
[34] *Judicial Review Act 1991* (Qld) s 26.

Recommendation 3: Supporting consistency in decision-makers discharging their obligations under the HRA needs improvement

The EDO has witnessed substantial variation in the approaches of public entities when applying the HRA to their decisions, demonstrated through reasons provided for these decisions under the JR Act or in decision briefs on development decisions. It appears more training and possibly templates would be beneficial to all staff in decision making roles in public entities on what a satisfactory and appropriate application of the HRA is for decisions, to ensure fulsome and meaningful implementation of the HRA in public entity decisions. This should hopefully lead to more awareness also of the HRA and therefore maximise the potential of the HRA to fully achieve its purpose.

Thank you again for considering EDO's submissions. We will gladly provide more information or clarification of any point as desired.