



Australian Land
Conservation Alliance

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c/o Secretariat
Committee on Community Services
Legislative Assembly
NSW Parliament House
6 Macquarie Street
Sydney NSW 2000
Online submission
Cc: communityservices@parliament.nsw.gov.au

26 June 2026

Dear Secretariat,

RE: Submission to the Inquiry into the *Human Rights Bill 2025*

The Australian Land Conservation Alliance (ALCA) welcomes the opportunity to provide a submission to the NSW Parliament's Legislative Assembly Committee on Community Services Inquiry into the *Human Rights Bill 2025*.

ALCA is Australia's peak body for land conservation. we represent organisations that work to conserve, manage, and restore nature on privately managed land. The conservation efforts of our 22 member organisations have influenced over 9.3% of Australia with more than 4,000 landholders; we have over 70,000 supporters and our combined annual turnover exceeds \$400 million.

Our submission focuses on section 44 of the Bill – Right to a healthy environment.

Please note that ALCA is happy for this submission to be published in full.

Recommendations

1. That a right to a healthy environment be retained in the *Human Rights Bill 2025*.
2. That section 44 – *Right to a healthy environment* be redrafted to be a positive right (a 'right to'), rather than a negative right (a 'right not to be subject to').

This is because:

- Positive rights ('a right to') are a simpler legal construction that are easier for ordinary people to understand what their rights are;
- Humans in NSW already have an implied right to "*not be subject to unlawful pollution...*" as that pollution is, by definition, already not lawful, and so this is not substantially a new right; and
- A negative right ('a right not to be subject to') is not as substantive a human right;
- The Australian Capital Territory, as the trailblazing jurisdiction in Australia for including a *Right to a healthy environment* within its *Human*

Rights Act 2004 [reproduced in Appendix 1, for comparison, below], adopts the positive right approach; and

- International law on the right to a health environment – specifically, both the resolutions from the United Nations Human Rights Council in 2021 (A/HRC/RES/48/13¹) and the United Nations General Assembly in 2022 (A/RES/76/300²) – adopt the positive right approach – it would be helpful for the NSW Government to be consistent with international law (as the ACT is).
3. That section 44 – *Right to a healthy environment* be redrafted as per the Appendix below (overleaf).

Thank you again for the opportunity to provide submission to the Inquiry into the *Human Rights Bill 2025*.

Australian Land Conservation Alliance

¹ <https://undocs.org/A/HRC/RES/48/13>

² <https://undocs.org/A/RES/76/300>

Appendix: Recommended draft NSW clause, and ACT clause for comparison

NSW clause – recommended amendments

ALCA recommends that the clause on the right to a healthy environment (s44 of the Bill) be redrafted as follows [amendments in **bold**]:

44 Right to a healthy environment

(1) Every individual has the right to ~~an environment that does not produce adverse health consequences in the following respects~~ **a clean, healthy and sustainable environment, including —**

(a) every individual has the right ~~not to be subject to unlawful pollution of clean~~ **air, water and soil, and**

(b) every individual has the right to access safe and uncontaminated water, and nutritionally safe food.

(2) No unjustified retrogressive measures should be taken in relation to this right.

(3) No individual should be subject to discrimination regarding the realisation of this right.

The ACT clause

As a comparison, this is the Australian Capital Territory's approach (s27C, Right to a healthy environment, *Human Rights Act 2004*; see <https://www.legislation.act.gov.au/a/2004-5>):

27C Right to a healthy environment

(1) Everyone has the right to a clean, healthy and sustainable environment.

(2) Everyone is entitled to enjoy this right without discrimination.

Note 1 Section 28 sets out what must be considered in deciding whether a limit on rights is reasonable.

Note 2 Aboriginal and Torres Strait Islander peoples hold distinct cultural rights in relation to the land and waters and other resources (see s 27 (2) (b)).

About the Australian Land Conservation Alliance

The Australian Land Conservation Alliance is the Australia's peak body for land conservation, and represents organisations that work to protect, steward and restore nature on private and non-government managed land. We represent our members and supporters to grow the impact, capacity, and influence of private land conservation to achieve a healthy and resilient Australia.

Our twenty-two members are:

- Arid Recovery
- Australian Wildlife Conservancy
- Biodiversity Conservation Trust NSW
- Biodiversity Legacy
- Bush Heritage Australia
- EcoGipps
- GreenCollar
- Greening Australia
- Landcare Australia
- Nari Nari Tribal Council
- National Landcare Network
- Nature Foundation
- North Australian Indigenous Land and Sea Management Alliance
- NRM Regions Australia
- Odonata
- Queensland Trust for Nature
- Rainforest Rescue
- South Endeavour Trust
- Tasmanian Land Conservancy
- The Nature Conservancy Australia
- Trust for Nature (Victoria)
- Wildlife Bank
- World Wildlife Fund - Australia

ALCA member land conservation efforts have influenced over 9.3% of Australia with more than 4,000 landholders. We have over 70,000 supporters and our combined annual turnover exceeds \$400 million. Together ALCA and our members address the most pressing land conservation issues across the country by restoring endangered ecosystems, building the protected area estate, tackling invasive species, expanding private conservation finance, and funding and using nature-based solutions to mitigate climate change.

Through their active land management, ALCA member organisations are deeply embedded in rural communities and economies, providing jobs, securing significant regional investment, and safeguarding remaining native habitat, with its many positive spill-over effects for community, wellbeing, and food security. We seek to demonstrate the role and value of private land conservation as a cornerstone of the Australian economy.

Some ALCA members are statutory entities; the views expressed in this submission do not necessarily represent the views of the Government administering those statutory entities.