Submission on the Charter of Human Rights and Responsibilities

To:
Scrutiny of Acts and Regulations Committee
Parliament House
Spring Street
East Melbourne Vic 3002

From: Wendy Radford
On behalf of BDEC

7th June 2011

Acknowledgement
BDEC acknowledges the Indigenous Nations of Victoria, and in particular the Jaara of the Kulin Nation, as the traditional owners of Victoria’s lands and waters. We acknowledge that they have, as yet, received no compensation or land in response to the loss of their homelands.

Submission
Bendigo and District Environment Council unanimously passed a motion at their meeting held at 85 Mundy Street, Bendigo on 6/6/11 to endorse the submission prepared by Action for Aboriginal Rights, Bendigo to this committee.

BDEC here argues that the environment itself should be accorded the right to exist, as the basis of all life on this planet. Hence, we assert that there is a need to add to the Charter of Human Rights and Responsibilities the right of the natural environment in all its diversity to exist and reproduce so that its life maintaining ecosystems can function effectively thus providing us with the essential foundation for future sustainability in all of its forms. We assert that the community has a responsibility to safeguard the environment in order to pass on a healthy environment to following generations.

The need for the addition to the Charter of the Right of the natural environment

'It is a fundamental truth inherent to the real world we live in that society is a part of, and dependant on, the natural environment, while the economy is part of society and therefore dependent on both the society and the natural environment (Australia, State of the Environment, 1996, Executive Summary, p.15). It follows from this that the protection of the natural environment is crucial to the very existence of our society including its economy and all of the human rights, including the very basic right to clean air, clean water, food and shelter, that the Charter is at present designed to protect. Because biodiversity is the measure of the health and resilience of the natural environment and its ecosystems, effective legal protection of Victoria’s biodiversity is

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crucial to the achievement of ecological sustainability without which no other form of social sustainability is achievable.¹

Our experience in 35 years of environmental work in and around Bendigo is that the law does not safeguard the health of the environment. Where they exist, Victorian laws are weak, or are not monitored or enforced. The protection of waterways, wetlands and the native vegetation, which sustains them, is just one very important example of this. Our waterways are notoriously depleted and degraded.

The Native Vegetation Framework is insufficient to protect native vegetation and the weakening of the act by this new “Native Vegetation Exchange Trial” shows that, unrestricted by overarching Rights legislation, governments will cave in to the forces of “development” and treat the environment as a fungible entity. The environment is not a piece of the profit puzzle. To treat it as such is unrealistic, and will lead to the undermining of our economy and communities.

The central ethical principle behind ecologically sustainable development is equity and particularly intergenerational equity (Sharon Beder, Costing the Earth). One way to work towards this intergenerational equity is to give the environment its own right to exist, and in that way give this and future generations a legal tool with which to fight for a healthy environment for humans to exist within.

Conclusion
We urge you to include in the Charter the Rights of the Natural Environment.

As Savinien de Cyrano de Bergerac wrote in Etats et empires de la lune in 1656:

The insufferable arrogance of human beings to think that Nature was made solely for their benefit, as if it was conceivable that the sun had been set afire merely to ripen men’s apples and head their cabbages.

Please use your influence in 2011 to right this insufferable arrogance, as we argue both for the natural environment itself, and for all we humans who depend upon it.

Stuart Fraser
Convenor, Bendigo and District Environment Council

Wendy Radford
Secretary, Bendigo and District Environment Council

¹ Pelczynski, S. Action for Aboriginal Rights, Bendigo p.2 Submission on Charter of Human Rights and Responsibilities

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