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Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100, Parliament House
Canberra ACT 2600

23/11/2023

RE: Climate Change Amendment (Duty of Care and Intergenerational Climate Equity) Bill 2023

The Public Health Association of Australia (PHAA) is recognised as the principal non-government organisation for public health in Australia working to promote the health and well-being for all. PHAA seeks to drive better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.

PHAA welcomes the proposed amendments to the *Climate Change Act 2022* (the Act).

We are beginning to experience the effects of climate change at 1.2°C warming.⁽¹⁾ In just the last few years, we have witnessed tens of thousands of deaths globally due to heat, floods, fires and drought.⁽²⁻⁶⁾

Yet current climate policies from around the world have us on a trajectory to hit 2.7°C warming by the end of this century.⁽⁷⁾ To those born in the 20th century (currently all politicians in the Australian Parliament), 2100 may seem unimaginable. For children born today and in the coming decades, the year 2100 at 2.7°C warming will be their reality. Every climate and environmental decision must be made for the children of today and tomorrow.

Legislating a duty of care to the children of Australia in the Act would ensure our international commitment to protecting the rights of the child is met, it would mean children are given a voice in decisions that will affect them and it would also fill a key gap in the environmental and climate decision making process, which at this point, fails to consider the health impacts of climate change and environmental degradation.

International commitment

Australia has been a signatory to the Convention on the Rights of the Child since 1990. Article six of the Convention stipulates that, 'States Parties shall ensure to the maximum extent possible the survival and development of the child.'⁽⁸⁾

Children experience stress caused by disasters more acutely than adults, they also feel more pessimistic, afraid and depressed about their future and climate change than adults do.⁽⁹⁾ Alongside serious mental health implications is the unshakable reality that many children born today may not be able to survive and/or healthily develop in the regions they were born into.⁽¹⁰⁾ Increasingly hot days prevent children from playing outside and learning in the classroom, and disasters interrupt their education, destroy their homes and expose them to higher risks of disease and injury.^(6,11,12) As a result, parts of Australia will become unliveable.⁽¹⁰⁾ The proposed amendments mean that this potential reality is taken seriously.

Right to be heard

A Duty of Care would also ensure that children, who are among the most vulnerable populations groups, have a voice in legislation that affects their futures.

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Children are gravely concerned about climate change. In 2023, after 16,331 contributions from children from 121 countries, the UN released [General Comment No.26](#) on children's rights and the environment with a special focus on climate change as part of the Convention on the Rights of the Child (to which we are party). This Comment makes clear that, decisions which degrade the environment and contribute to worsening climate change violate the rights of the child.

It is the role of parliamentarians to represent the concerns of all their constituents. Children are in a difficult position when it comes to representation as they are largely excluded from the democratic process, and yet consist of almost 20 per cent of the Australian population.⁽¹³⁾ Legislating a purposeful consideration of children into the decision making process and preventing projects that will be harmful to their survival, development and future prosperity may bridge the representation gap on an issue which is of the highest importance to them.

Health impact gap

There are currently no mandatory legislative provisions that ensure short- and long-term impacts from environmental degradation and climate change on human health are considered before approval is given to new developments. Environmental Impact Assessments, the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC), the *Climate Change Act 2022*, and Health Impact Assessments do not fulfill this much needed precautionary function.

A clear example of this gap in assessing health and climate impact is the fossil fuel expansion at the Middle Arm Industrial Precinct in Darwin, which has still had no Health Impact Assessment, no climate impact assessment, nor did the project's original Environmental Impact Assessment referral intend to measure the effect of airborne pollution on the health of local populations,⁽¹⁴⁾ despite the obvious risk of the facility's proximity to densely populated areas.

Environmental and climate legislation is failing to protect the health and development of Australia's children. Along with this Bill, we strongly encourage sweeping reforms to the EPBC to ensure that any projects which depend on fossil fuels or are fossil fuel projects, have their full life cycle (including stranded asset), health, climate, environmental and cultural impacts assessed, and it must consider the cumulative impacts of many different projects being approved over time.

For all these reasons PHAA therefore wholeheartedly supports to the Duty of Care Bill.

Please do not hesitate to contact us should you require additional information or have any queries in relation to this submission.

Yours Sincerely,



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