

Professor Graeme Samuel AC
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17 April 2020

Dear Professor Samuel,

As South Australia's Commissioner for Children and Young People, my mandate under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* is to advocate for the rights, interests and wellbeing of all children and young people in South Australia.

My advocacy is led by the voices of children and young people. These voices are the next generation of voters and leaders. Through voting, they will soon be judging present governments and leaders based on how they are managing the issues that matter to them. Since my appointment in 2017, I have spoken to thousands of children and young people about the future and about the diverse issues that they care about and worry about. Consistently, in the top 5 of their worries is the current state of the environment and how the government appears to not be taking any action on climate change.

Children and young people love going out in nature. They love parks, trees and spending time with the family in nature. It calms them, makes them happy and gives them time to live in the present and not stress about the future.

"Nature and fresh air – I've always liked going outside, [to] parks, [the] beach, being around everything that's natural and not man made and made of concrete. I like being around the colours. Everything is so bright, everything feels so fresh in your imagination but in real life ... it makes me feel like I'm escaping from everything in that moment. Nothing else bothers me. Nothing from the past.

It's just the sun and the plants."

(Young person)

Article 24 of the Convention on the Rights of the Child (CRC) states that all children have the right to live in a safe and healthy environment and to enjoy the highest possible standard of health. The CRC recognises that part of ensuring this requires that State Parties consider "the

dangers and risks of environmental pollution". The 2030 Sustainable Development Goals have also made a number of promises to ensure that society, environment, water, oceans, terrestrial ecosystems and business are managed in a sustainable way.¹

Key to children and young people's interest in the environment is their sense of justice. They recognise that poorer people, remote communities, and Indigenous peoples are most affected by climate change. At the same time, they see that they might also benefit most from the development and introduction of renewable energy technology that reduces or eliminates our need for fossil fuel.

In one consultation of 200 children and young people they majority said they felt climate change escalated poverty, partly because the world is likely to see more displaced people as the impact is felt, and partly because it will inevitably affect the world's economic, social and political conditions.²

"Poverty is, in some ways, the invisible ink in our society. We may not always see it, but that doesn't mean that it isn't there."

(Female, 15)

Many young people raised concerns about 'higher living costs' and 'food shortages' that will likely become more prevalent due to climate change. This 'scarcity' will make prices rise and place more strain on those families, children and young people who are already doing it tough. Young people connect climate change with the spread of disease and illness, representing a significant challenge for health care systems around the world.

Many young people in this consultation were concerned about the decisions or lack thereof that governments are making now, which will negatively impact on future generations. Young people are particularly interested in seeing governments, companies and farmers working more closely together now to ensure sustainable agricultural practices are used. They felt this cooperative approach would enable enough healthy food to be produced, and that it could be made more affordable and accessible to all.

¹ SDGs: 6 Ensure availability and sustainable management of water and sanitation for all; 7 Ensure access to affordable, reliable, sustainable and modern energy for all; 9 Build resilient infrastructure, promote inclusive and sustainable industrialisation and foster innovation; 11 Make cities and human settlements inclusive, safe, resilient and sustainable; 13 Take urgent action to combat climate change and its impacts; 14 Conserve and sustainably use the oceans, seas and marine resources for sustainable development; 15 Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss

² Connolly, H. Commissioner for Children and Young People, South Australia 2030 SDG Action Plan by South Australian Young People accessed at https://www.ccyp.com.au/wp-content/uploads/2020/01/2030-SDG-Action-Plan_CCYPUNYouth.pdf.

The *Environmental Protection and Biodiversity Act 1994* (the Act) has made a promise to embed “the principle of inter-generational equity – that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations”. While children and young people want to believe this promise, they are worried that the next generation will not have the same opportunities that they enjoy today.

“SA looks very nice now I would like it to stay like that for future. This is very important because when I was little I used to always go to the hills with my family on walks and bike rides. I want others to have the same opportunities as me.”
(Young person)

Children and young people are partly driven by the knowledge that they are growing up in a world that will be environmentally worse off than it was for previous generations, through no fault of their own and despite the protections that the Act is meant to provide. The State of Environment Report (2016) found that many elements of Australia’s environment are in decline. In its overview it concluded that it appeared that the government and leaders had not addressed the issues that were of concern in the previous report released in 2011. It states:

“The main pressures facing the Australian environment today are the same as in 2011: climate change, land-use change, habitat fragmentation and degradation, and invasive species. In addition, the interactions between these and other pressures are resulting in cumulative impacts, amplifying the threats faced by the Australian environment.”³

While some individual pressures on the environment have decreased, other pressures have increased, including “those associated with coal mining and the coal-seam gas industry, habitat fragmentation and degradation, invasive species, litter in our coastal and marine environments, and greater traffic volumes in our capital cities.”

The majority of children and young people I have talked to are aware this is happening. Young people are calling us to take a sharper focus to address the complex issues we face through a lens that integrates economic, social and environmental solutions. They want respect for future generations by challenging ‘short termism’ and instead sharpen thinking to ensure decision makers consider the impact that decisions will have on future generations. This can be achieved by taking a non-political approach to policy making now.

³ See Australia State of Environment Report (2016), “Overview”, Accessed at <https://soe.environment.gov.au/>

Children and young people want to be taken seriously and for leaders to ‘grow up’ and take responsibility. They do not want to be the ones to clean up the mess that has been left.

“The government needs to consider our future. They need to start having a positive impact on the environment, because at this rate, our job in the future will be to live with the impact that past generations have left on our Earth. The government needs to address things such as climate change and realise that isn’t science fiction – it’s real life and if we don’t do anything about it soon, it will be too late”
(Young person)

Most of decision makers and leaders think that their actions are good and sound, and therefore by default, protecting the interests of future generations. However, it is this thinking that has brought Australia to the place it is now – facing an uncertain future. Without the rigour of thinking about the cost/ benefits of today’s citizens vis a vis future generations laws, policies and decisions will be made to bring about favourable electoral outcomes, rather than securing Australia’s future.

Leaders need to build collective capacity for intergenerational planning through laws and policies. This involves finding ways to ensure the interests of future generations are prioritised. The Act can be recalibrated in a way which will force leaders and politicians to look beyond short termism and populism to unite competing ideologies in the sustainability space, around a commonly agreed vision for the future. In this way this country will be in a better condition for the Australian unborn children and young people to experience.

Like children and young people, many businesses also want the government to take stronger action so that they can manage the risks and capitalise on the opportunities in the transition to a net-zero emission economy. A recent survey by the Carbon Market Institute of more than 200 Australian businesses reveals 96% of those surveyed believe Australia should not delay the transition to a decarbonised economy.⁴

Business sentiment is backed by the Reserve Bank of Australia’s financial stability review. Released in October 2019, the review concluded that while climate change is not yet a significant threat to financial stability in Australia, it is becoming increasingly important for investors and institutions to actively manage carbon risk. The recent fires across the country have shown that managing carbon risk and climate change is well overdue.

⁴ Carbon Market Institute Survey at <https://carbonmarketinstitute.org/2019-cmi-survey/>

Transitioning to a green and clean economy in-line with the SDGs will not only mitigate current environmental risks, it will also address health risks, including pandemics, and ensure a strong transition to a green and clean economy. The World Health Organisation stated in 2018 that “since 1970, more than 1,500 new pathogens were discovered, of which 70% proved to be of animal origin”: a connection that deserves renewed scrutiny⁵. This has been due to factors including humans impeding on natural habitats, the increasing population and people and animal movement through countries and the treatment of animals. Many of the children and young people I have spoken to want animals to be treated more humanely and for native species to be better protected. By doing this, the risk of pandemics is also decreased.

The impacts of the ongoing Covid-19 pandemic on the present and future livelihoods, rights and wellbeing of children and young people – their education, employment and physical and mental health – are profound. As traditional ways of thinking and doing business are being questioned, there are crucial opportunities to consider the principles of equity and the long-term as well as the short-term risks, costs and benefits of environmental planning and decision-making.

Businesses, like children and young also see the connection between health and environment. There is now a global push in response to Covid-19 with a coalition of cross-party political decision-makers, business and financial leaders, trade unions, NGOs, think tankers and other stakeholders calling on governments to support and implement the establishment of Green Recovery Investment Packages to accelerate the transition towards climate neutrality and healthy ecosystems⁶. There are currently 180 signatories, including European Ministers, CEOs from some of the largest companies in the world, including PepsiCo Europe, Lego, L’Oreal, Ikea Group and Unilever and other stakeholders. This has been pushed from Europe, who are often ahead of the curve and more innovative than Australia. However, this presents an opportunity for Australia to be the country to adopt innovative and green solutions which will present a push for the economy through a new green industry and exports to places like Europe, both in the long and short term.

In this submission I will be recommending that the Act’s priorities and processes are amended to ensure that future generations are given an environment with more biodiversity, less pollutants, is more resilient and will benefit the future generations environmentally, socially and economically. I will also share some postcards from children aged 8-12 about the

⁵ World Health Organisation, *Managing impacts of epidemics: Key facts about major deadly diseases*, 2018, accessed at <https://www.who.int/emergencies/diseases/managing-epidemics-interactive.pdf>.

⁶ Business and Human Rights Resource Centre, *COVID-19 recovery plan must focus on building sustainable economy in line with European Green Deal*, EU leaders, CEOs & NGOs urge, dated 14 April 2020 accessed at https://www.business-humanrights.org/en/covid-19-recovery-plan-must-focus-on-building-sustainable-economy-in-line-with-european-green-deal-eu-leaders-ceos-ngos-urge?mc_cid=daeea35210&mc_eid=2eb49bb427

concerns and the solutions they have. Their worries about climate are real and are affecting them on a daily basis. For decision makers and politicians to simply dismiss them is not helpful and does not allay their fears.

Yours sincerely,



Helen Connolly

Commissioner for Children and Young People
Adelaide, South Australia

Recommendations

My recommendations relate to overarching themes that will address systemic issues, which are a weakness in the current Act.

1. That the Ecologically Sustainable Development (ESD) Principles be reformed and modernised

Many of the ESD Principles are framed in language that talks about minimising any environmental degradation or extinction. This is similar to any other risk mitigating practices. Instead of reducing negative impacts of environmental degradation or biodiversity, the principles should commit to positive actions that increase biodiversity and environmental resilience and sustainability. This is what children and young people are calling for: positive actions to address and reduce climate change, reduce pollution (especially plastic pollution), protection for native animals and the community having a stronger voice in decision making.

For example, the precautionary principle could be made stronger. The principle talks about taking “precautionary actions against harm that would be serious or irreversible where scientific uncertainty remains about the likelihood of harm”. This principle should be framed in positive language to ensure that no harm is done unless it is scientifically certain that there will not be serious or irreversible harm.

It is also imperative that the principle in relation to intergenerational equity is actually acted upon. It is clear that the Act has failed in relation to its “obligation to ensure that the health, diversity and productivity of the environment is maintained or enhanced for future generations.” This principle needs to be embedded into every decision that is made in relation to this Act.

The best way to do this is to embed a child’s rights assessment into any decision making process and include this process within the body of the Act. A child rights impact assessment is a tool that predicts the impact of any proposed law, policy or decision that affects children and the enjoyment of their rights. These rights include their right to a clean environment, health and a certain and hopeful future. In addition to embedding the principle of intergenerational equity, a child rights impact assessment also allows for consideration of long-term as well as short-term factors, leading to more effective and sustainable risk assessments and cost-benefit analyses.

The principles also need to be expanded to include the following:

- To protect the environment through the latest scientific research, the continuous improvement of environmental standards and using the best techniques for environmental practice;
- To strengthen resilience of the environment, biodiversity and natural systems to climate change and other human practices; and
- Non-regression principles to ensure that all goals, standards, laws, policies and protections are continuously improved.

2. That the objects of the Act become more specific

Children and young people are asking that the environment be prioritised so that their right to live fully developed lives in a safe and healthy environment is protected and respected. They understand that climate change creates uncertainties in all areas of their present and

future lives. This includes their future jobs, their health, their access to food and water, effects of increased natural disasters and the displacement of millions of people across the world. The objects of this Act need to specifically recognise what will happen if the earth continues to warm, if unsustainable practices continue to destroy the environment, and if Australia keeps using non-sustainable materials. This will mean that the principles can be given a context.

Further to this, the environment could be prioritised through an overarching object of the Act that states that the primary object is to conserve and protect Australia's environment.

In relation to secondary objects, more emphasis should be on active measures to:

- Prevent the further extinction and endangerment of animals and aim to rehabilitate habitats;
- To ensure that decision making is based on scientific evidence and is independent from political or other interests;
- Bind relevant international conventions into national and state law not only to ensure consistency in all states, but to ensure best practice;
- Embed Aboriginal and Torres Strait Islander peoples' knowledge of country, land management and stewardship; and
- Enhance education to all people on best environmental practices so they are empowered to make environmental decisions in their own backyard.

3. That an independent national scientific body is created properly resourced

The government should fund a scientific body that will have oversight of this Act and any other relevant Acts. This will ensure there is no interference that could be seen to be political in nature. This would also create transparency and build confidence in the decision making process which has been eroded in recent years due to the appearance of political interference.⁷

The body will:

- Make final decisions independent from the government and that cannot be overridden by the government, only the courts;
- Have a research arm that is resourced to do independent research on climate change, environmental and biodiversity impacts;
- Be able to provide guidelines and practices to land owners, companies and other bodies based on the latest evidence; and
- Be properly resourced in the long term (and not dependent on funding on an annual level).

4. Introducing a National Reserve Trigger

There is a strong need for greater Australian Government involvement in the protection of the National Reserve System. This can be achieved by introducing an amendment or regulation to the Act that could override state decisions that would significantly impact the environment in some way.

⁷ See, for example, The developer, the whistleblower and the minister, accessed at <https://www.abc.net.au/news/2018-12-09/the-developer-the-whistleblower-and-the-minister-toondah-harbour/10487806>.

Under existing laws, the Australian Government can only intervene to protect national parks and other protected conservation areas if there is a risk to Matters of National Environment Significance (MNES), including nationally listed threatened species, and endangered and critically endangered ecological communities. However, the concept of MNES is a political construction and doesn't reflect all nationally significant issues, including the protection of Australia's outstanding network of protected areas, collectively referred to as the National Reserve System.

The National Reserve System was established under the Convention on Biological Diversity. It is Australia's network of protected areas, conserving examples of our natural landscapes and native plants and animals for future generations. Consistent with what children and young people are asking for, the NRS currently protects 137 million hectares, more than 17% of the continent, of unique biodiversity and most significant ecological landscapes for future generations. However, despite its natural significance, the NRS has not been afforded the level of protection required to prevent actions that may destroy, damage or degrade the natural heritage values that prompted the protection of these areas in the first place.

Please circle your age

I am 8 9 10 11 12 other years old.

I go to _____ School.

Write your School's name _____

I like to ride my bmx I also like lego and soccer and footy

I want to be a Aircraft enginer

I worry about nothing

If I were the ^{king} boss of South Australia, I would... get rid of fossil fuels. Get better ^{transport} ~~than~~ spend money on eco stuff.

Finished already? Flip the page and draw! 1835

Thank you for your answers! We'll pass them on to Helen.

Draw a picture for Helen here when you're done.

solar panels

Solar pannels

Tell Helen

Helen Connolly
(The Commissioner)

Who are you and what do you care about?

Helen, The Commissioner for Children and Young People, wants to know!
Please flip the postcard over and answer a few questions.

 Commissioner
for Children &
Young People

I am 8 9 10 11 12 other years old.
I go to School.

Write your School's name

I like to kneeboard

I want to be a Shopkeeper

I worry about people that are poor and have no homes.

If I were the ^{king}boss of South Australia,
I would... Save the Great Barrier Reef, save climate change and encourage people to stop pollution, ban shooting animals, build more hospitals and ban plastic.

Finished already?

Flip the page and draw! 717

Thank you for your answers! We'll pass them on to Helen

Draw a picture for Helen here when you're done.



Tell Helen



Helen Connolly
(The Commissioner)

Who are you and what do you care about?

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 Commissioner
for Children &
Young People

Please circle your age

I am 8 9 10 11 12 other years old.

I go to _____ School.

Write your school's name _____

I like to
Listen to music, Play board games and ride my bike!

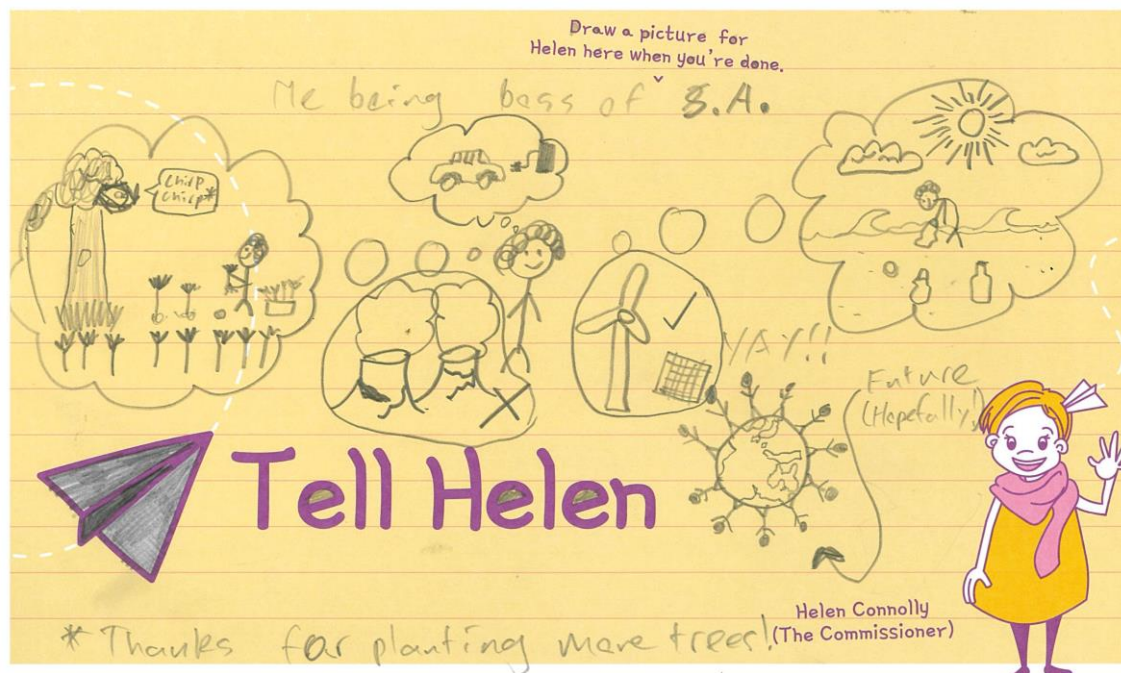
I want to
Be rich and famous, and games and ride my bike!

I worry about
Climate change and waste in the environment.

If I were the ^{king} boss of South Australia,
I would... help the environment and lower petrol use. Put down some prices so everyone can live happily in this world of ours!

Finished already?
Flip the page and draw! 4515

Thank you for your answers! We'll pass them on to Helen.



Who are you and what do you care about?

Helen, The Commissioner for Children and Young People, wants to know!
Please flip the postcard over and answer a few questions.

 Commissioner
for Children &
Young People

Please circle your age

I am 8 9 10 11 **12** other years old.
 I go to School.

Write your School's name

I like to dance and play AFL

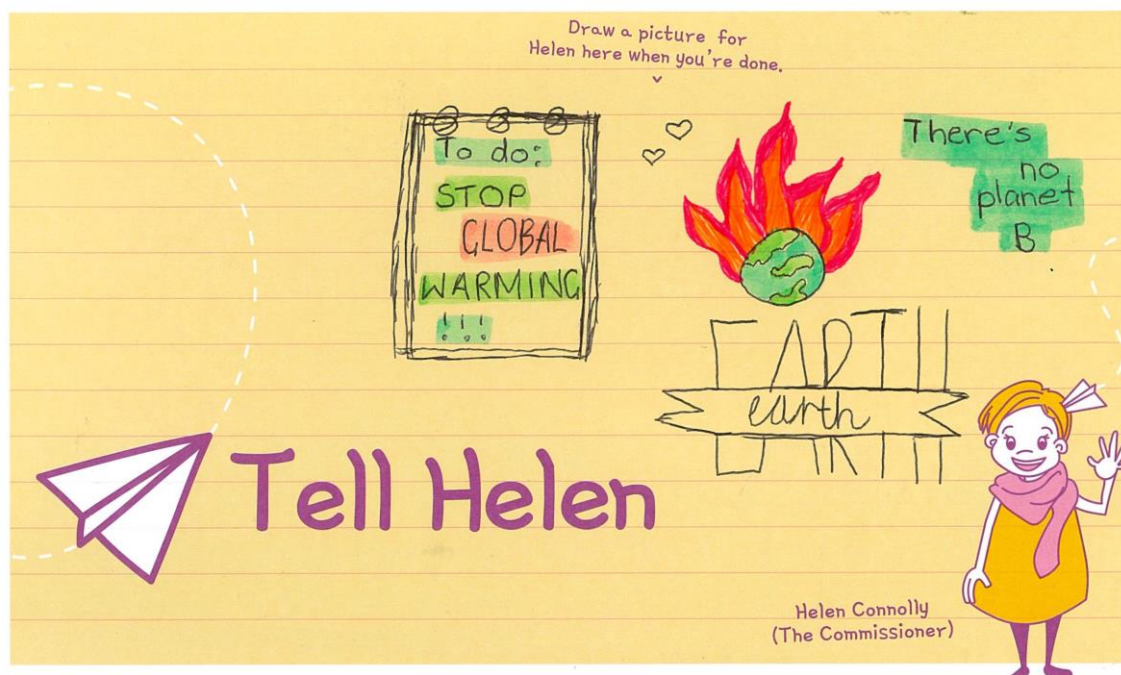
I want to become a professional dancer, footballer and interior designer.

I worry about global warming

If I were the ^{king}boss of South Australia,
 I would... campaign for global warming, i.e. stop producing plastic bags and packaging.

Finished already?
 Flip the page and draw! 4826

Thank you for your answers! We'll pass them on to Helen.



Who are you and what do you care about?

Helen, The Commissioner for Children and Young People, wants to know!
 Please flip the postcard over and answer a few questions.

 Commissioner
 Y for Children &
 Young People

Please circle your age

I am 8 9 10 11 (12) other years old.

I go to School.

Write your school's name

I like to Read, write, Draw, play and talk

I want to Explore the world, make a change and help 3rd world countries in need.

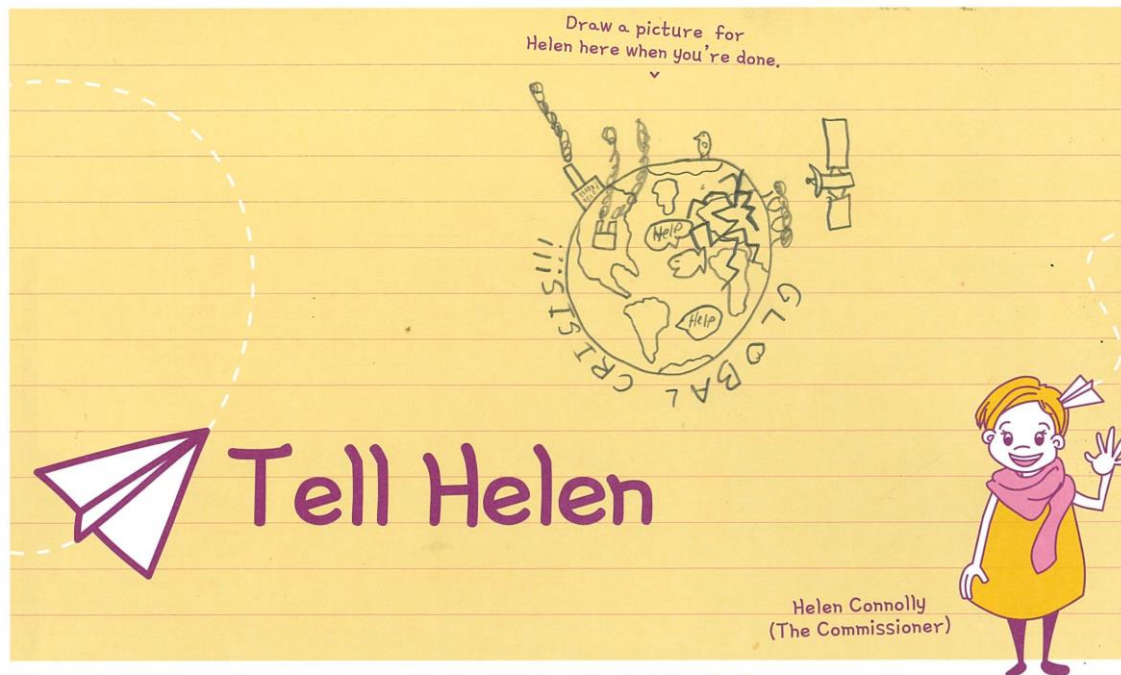
I worry about School and climate change

If I were the ^{king} boss of South Australia, I would...

use more renewable energy (solar, wind) and give homeless people a home, plant a bunch of trees and do as much as I can to reduce pollution. I would also reach out to children and families in poverty to help them.

Finished already? Flip the page and draw! 6093

Thank you for your answers! We'll pass them on to Helen.



Who are you and what do you care about?

Helen, The Commissioner for Children and Young People, wants to know!
Please flip the postcard over and answer a few questions.

 Commissioner
for Children &
Young People