

Feedback on the Report on the Review of the *Climate Change and Greenhouse Emissions Reduction Act 2007*

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Introduction

Thank you for the opportunity to provide feedback on the draft 2021 Report on the Review of the *Climate Change and Greenhouse Emissions Reduction Act 2007* (SA).

As South Australia's Commissioner for Children and Young People, my mandate is to promote and advocate for the rights, interests and wellbeing of all children and young people in South Australia, with regard to those who are vulnerable or whose voices are not usually heard.

I am writing to highlight the need to acknowledge the disproportionate effects of climate change on children and young people's rights and lives, and to provide them with information and opportunities to understand and participate in decision-making processes related to South Australia's climate change policy. This should be integral to any legislative reviews this government makes.

Since 2017, I have heard from thousands of children and young people across the state about the issues affecting their lives and what matters most to them. Climate change and concerns about the current and future state of the environment are consistently raised in the top 5 issues children and young people care about and worry about.

"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"

Children and young people are growing up in a time that has been described by scientists as a global 'climate emergency' and 'climate disaster'. They read news stories and reports like the Intergovernmental Panel on Climate Change (IPCC) Reports, and they see images and video footage of extreme weather events, air pollution, rising sea levels and loss of biodiversity in places both close to home and on the other side of the world.

Many children and young people across South Australia are living in communities directly affected by natural disasters and dramatic events, including bushfires, droughts, and heatwaves. Regardless of where they live, children and young people are regularly exposed to the reality of climate change, either through their lived experience or through various media channels.

They understand what all of this means for the people, places, and animals they care about, and they link this to human action, as well as inaction. There is a real sense of despair and frustration among many children and young people about what they see as a lack of action being taken to protect the environment and mitigate the impacts of climate change.

There is a real sense of fear among young people that adults and leaders are leaving it 'too late' to do anything about climate change and that it will be left to them to bear the brunt and 'clean up' the previous generations' mess.

“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”

“If I were the boss of South Australia, I would... Actually do something about the environment instead of lying and putting pressure on my generation”

– 12 year old

On the one hand, this despair and frustration among young people reflects the grim reality and mounting scientific evidence highlighting the critical need for urgent climate action. At the same time, evidence indicates that some of the significant effects of climate change can be mitigated or reversed with significant policy redirection and reinvestment. Yet this message, and information about what positive action is already being taken to progress climate action, rarely gets to young people.

Further, despite the impacts of climate change on their lives and rights, there are no mechanisms to support children and young people’s participation in decision-making. This not only undermines their trust and confidence in adult leaders and institutions in the present; it also impacts their hopes for the future.

Background and summary of recommendations

Australia is signatory to several international laws and standards that recognise the interdependence between human rights and a healthy environment. A 2020 Report by the Office of the UN High Commissioner for Human Rights (OHCHR) highlighted that ensuring a healthy environment is fundamental to realising children’s rights and requires prioritising children’s best interests ‘in all environmental management and climate action decisions’.ⁱ

Issues related to climate change come up in conversations on a range of topics, about poverty, health, education, and transport, highlighting significant concern about its impact on their daily lives and fundamental rights, including the rights to life, survival and development, non-discrimination, health and an adequate standard of living.

Key to children and young people’s interest in the environment is their sense of justice, particularly their awareness that climate change disproportionately affects those who are already marginalised and heightens social and economic inequalities.

As adults and leaders, we must do more to ensure children and young people are provided with opportunities, information, and support to participate in decision-making processes that inform South Australia’s climate policy.

The draft 2021 Report summarises key policy developments during the reporting period. However, it is surprising that there were ‘no additional legislative measures considered necessary’ or matters deemed relevant to the Review, particularly considering that the legislated targets in this Act were set over a decade ago.

Since the last Review of the Act, the 2018 State of the Environment South Australia Report highlighted the need to regularly review and adapt policy given that the ‘impacts of a warming climate are more extreme than expected just a decade or two ago’.ⁱⁱ The South

Australian government's own policy Directions acknowledge that 'there is an imperative and opportunity to do more'.

Given that it is likely that new evidence, as well as new disasters and dramatic events, are likely to continue to emerge during the next reporting period, the 2021 Report would benefit from a greater focus on what is planned to ensure South Australia remains on track.

I recommend the following to ensure the 2021 Review of the Act recognises the rights of children and young people and gives proper weight to the 'equity considerations' set out in the Principles of the Act:

- 1. Include provisions in the Act to require greater consultation with children and young people in the development and review of climate policy and legislation.**
- 2. Support children and young people's informed participation through the provision of age-appropriate information and education.**
- 3. Consider the need for additional legislative change in light of developments over the last decade, including whether:**
 - a) Reports prepared under the Act should focus specifically on intergenerational equity and the impact on vulnerable communities and the rights and wellbeing of children in South Australia; and**
 - b) The current targets are still appropriate.**

These recommendations are in line with recommendations from the OHCHR and the United Nations Committee on the Rights of the Child in its periodic review of Australia's progress to implement the CRC.^{iii iv}

Thank you again for the opportunity to comment on the review of the Act. If you have any questions or would like to discuss anything in further detail, please feel free to contact my office at any time.

Yours sincerely,



Helen Connolly
Commissioner for Children and Young People SA

1. Include provisions in the Act to require greater consultation with children and young people in the development and review of climate policy and legislation.

I note the Objects of the Act include ‘to encourage and facilitate business and community consultation and early action with respect to issues surrounding climate change’ (s3(1)(g)). I also note that Reviews conducted under s21 of the Act require consultation with the Premier’s Climate Change Council and ‘other relevant business, environment and community groups and organisations’.

There is scope to strengthen these provisions to specifically acknowledge the need to consult with children and young people in child-friendly and meaningful ways. This is key to fostering trust, confidence and hope would require the provision of information to children and young people (see Recommendation 2).

A 2021 Infrastructure Australia report on ‘infrastructure resilience’ in the face of climate change and pandemics identified the need for ‘inclusive decision-making’ to ‘build trust at a community level’.^v This is also consistent with the UN Committee on the Rights of the Child’s recommendation in its concluding observations on Australia’s progress against implementing the CRC that State authorities:

Ensure that children’s views are taken into account in developing policies and programmes addressing climate change, the environment and disaster risk management, and increase children’s awareness and preparedness for climate change and natural disasters.^{vi}

2. Support children and young people’s informed participation through the provision of age-appropriate information and education.

The South Australian government’s existing climate change policy framework, including the *Climate Change Action Plan 2021-2025* and the *Climate Science and Knowledge Plan*, recognises the importance of providing ‘high-quality and accessible climate change science and information’ and support for communities to ‘build resilience and adapt’.

There are opportunities to build on this with specific age-appropriate information for children and young people. This is key to ensure children and young people can participate meaningfully as per recommendation 1.

This information should cover both:

- Climate change-related risks, impacts and issues; and
- What action is being taken and what more can be done – by government and non-government organisations and businesses at a state, national and international level – to mitigate risks, adapt and support present and future generations.

This is not only key to ensuring accountability and trust, but also consistent with the United Nations Committee on the Rights of the Child recommendation that Australia develop toolkits for consultations with children on issues affecting their lives, including the environment and climate change.

3. Consider the need for additional legislative change in light of developments over the last decade, including whether:

- a) Reports prepared under s7 and s21 of the Act should focus specifically on intergenerational equity and the impact on vulnerable communities and the rights and wellbeing of children in South Australia; and**
- b) The current targets are still appropriate.**

Given the evidence of climate change over the last decade and the disproportionate impacts of climate change on children and young people, I recommend further consideration of additional legislative change.

This includes incorporation of provisions to require monitoring and reporting on the impacts on the rights of children and young people and the impacts on vulnerable communities specifically. This would give proper weight to ‘equity considerations’, set out in the Principles of the Act, and could include:

- requiring the Minister to disclose and justify the impact of policy developments on children and young people today and future generations;
- Require the Reports prepared under s7 (specifically s7(2)(j))^{vii} and s21 to report on any identified, assessed or expected future impacts of climate change on the rights and wellbeing of children and young people, and vulnerable communities.

An ongoing series of reports by the Grattan Institute released in August 2021 are outlining sector-specific policies to ensure we can achieve net zero emissions by 2050 but recognises this is a ‘tough target’ that ‘requires an unprecedented pace of asset replacement and renewal’.^{viii}

It is promising that electricity emissions are reducing, and this is testament to South Australia’s progress against the electricity generation and consumption targets to date.

However, emissions in other sectors are projected to increase or plateau at best. South Australia’s latest State of the Environment Report noted that while the state’s ‘total emissions’ are decreasing, transport emissions are increasing. I note South Australia’s Electric Vehicle Action Plan and the development of related legislation is a welcome step in transport emissions reduction.

However, I recommend further review and consideration of the current targets with regard to Grattan Institute’s recommendations, including the need for stronger sector-specific action. For example, if certain targets were met in 2013-14, could we and should we be aiming for better?

ⁱ United Nations Office of the High Commissioner for Human Rights, 3 January 2020. Realising Children's Rights through a Healthy Environment, Available at <https://www.ohchr.org/EN/NewsEvents/Pages/child-rights-environment.aspx>.

ⁱⁱ Environment Protection Authority, South Australia. 'State of the Environment Report 2018', Available at <https://www.epa.sa.gov.au/soe-2018>.

ⁱⁱⁱ Committee on the Rights of the Child (2019), Concluding observations on the combined fifth and sixth periodic reports of Australia, [CRC/C/AUS/CO/5-6](https://www.unhcr.org/refugees/crc/c/aus/co/5-6). In its concluding observations, the Committee recommended that Australia:

a. Ensure that children's views are taken into account in developing policies and programmes addressing climate change, the environment and disaster risk management, and increase children's awareness and preparedness for climate change and natural disasters; and

b. Promptly take measures to reduce its emissions of greenhouse gases, establishing targets and deadlines to phase out the domestic use of coal and its export, and accelerate the transition to renewable energy, including by committing to achieve 100 per cent renewable energy in the electricity sector.

^{iv} UN Office of the High Commissioner for Human Rights, 2017. The relationship between climate change and the full and effective enjoyment of the rights of the child, Available at <https://undocs.org/en/A/HRC/35/13>. The OHCHR recommended:

57. A child-rights based approach to climate change requires all relevant actors to take steps to ensure children's rights policy coherence, empower children to participate in climate policymaking, guarantee children access to remedies for climate harm, better understand the impacts of climate change on children and mobilize adequate resources for child rights-based climate action. When pursuing these objectives, the particular needs of those children most vulnerable to climate change and its impacts must be taken into account.

^v Infrastructure Australia, August 2021. A Pathway to Infrastructure Resilience. Advisory Paper 1: Opportunities for systemic change. Available at <https://www.infrastructureaustralia.gov.au/sites/default/files/2021-08/Advisory%20Paper%201%20-%20A%20pathway%20to%20Infrastructure%20Resilience%20FINAL.pdf>.

^{vi} Committee on the Rights of the Child (2019), Concluding observations on the combined fifth and sixth periodic reports of Australia, [CRC/C/AUS/CO/5-6](https://www.unhcr.org/refugees/crc/c/aus/co/5-6).

^{vii} s7(2)(j): 'information on any relevant rates, trends or impacts associated with climate change, with particular reference to any identified or assessed impacts of climate change on South Australia or any expected future impacts of climate change that have emerged or become increasingly relevant during the reporting period'.

^{viii} Grattan Institute, Tony Wood, Alison Reeve and James Ha, 2021. Towards Net Zero: Practical policies to reduce transport emissions. Available at <https://grattan.edu.au/report/towards-net-zero-practical-policies-to-reduce-transport-emissions/>.