

2022 Child Rights Progress Report on the Environment

South Australia's progress on recommendations made
by the UN Committee on the Rights of the Child



About the CCYP

The [South Australian Commissioner for Children and Young People](#) is an independent position, established under the [Children and Young People \(Oversight and Advocacy Bodies\) Act 2016](#) (OAB Act). This legislation was introduced to the South Australian Parliament in response to the [Child Protection Systems Royal Commission 2014](#).

The Commission promotes and advocates for the rights, development and wellbeing of all children and young people in South Australia and seeks to change laws, policies, systems and practice to uphold children's rights.

The work of the Commissioner for Children and Young People is guided by the [United Nations Convention on the Rights of the Child](#) (UNCRC); the core international treaty established in 1989 to which Australia is a signatory. This important agreement sets out the civil, political, economic, social, and cultural rights of children around the world.

The Commissioner aims to ensure that as a part of the Australian Commonwealth, South Australia enacts its international obligations under this Convention.

Each year the Commissioner produces a series of Child Rights Progress reports measuring South Australia's progress against recommendations made by the UN Committee on the Rights of the Child (the Committee).

This year's progress reports include:

- Child Health
- Child Justice
- Child Protection
- Disability
- Education
- Environment
- Physical Punishment



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Background

The UNCRC was the first international Convention to acknowledge that children have rights and that these rights should be protected. Australia ratified the UNCRC in 1990 and South Australia's OAB Act states that all governmental authorities must seek to give effect to the UNCRC. The Convention sets minimum standards and obligations for the protection of children and young people's rights, including their rights to have access to justice, education, health care and social services. All children have the right to have a say on all matters that affect them and for their views to be taken seriously. In making decisions about children their best interests should be the primary concern, as well as their right to be safe and to be free from discrimination.

Every five years, the Australian Government reports to the Committee to explain how Australia is faring in relation to child's rights. This means that the State must provide feedback on how they have fulfilled their obligations under the Convention in the areas over which they have responsibility such as crime, child protection, and health.

In response to Australia's fifth and sixth periodic reports, the Committee highlighted key areas of concern and made recommendations to ensure our governments at both the Federal and State levels, fulfil their obligations under the Convention. One of the Committee's main areas of concern requiring urgent attention is the environment.

The impact of climate change on children's rights

This is the Commissioner's second progress report on children's rights in relation to the environment and climate change.

South Australian children and young people consistently raise concerns about climate change in the context of conversations about poverty, health, education and transport.¹ This highlights the significant impacts of climate change on children and young people's daily lives, the people, places and animals they care about, and how they feel about the future.

Key to children and young people's concern about natural disasters and the future of the environment is their sense of justice. They recognise that climate change heightens social and economic inequalities and disproportionately impacts vulnerable people and communities.

South Australian children and young people describe feeling invisible, ignored, and 'cut off' from information and decision-making at school, in their community and across levels of government. There is also limited information made by and for children and young people about climate change-related risks, impacts and solutions, including what positive action is already being taken or what opportunities are available to them to contribute to these efforts.

This lack of information and influence undermines children and young people's trust in adults and institutions and exacerbates climate anxiety, particularly when there are few mechanisms to support children and young people's participation in decision-making.

Climate change adversely impacts a range of children's rights and presents as both a threat to their future and as a problem that is 'beyond their sphere of influence'. The United Nations Committee on the Rights of the Child has emphasised the 'undeniable impact' that the effects of climate change have on children's rights, including their rights to life, survival and development, non-discrimination, health, education and an adequate standard of living.²

In the Committee's Concluding Observations on Australia's most recent periodic reports, the Committee raised particular concerns in relation to:

- Australia's 'insufficient progress' on the emissions reductions targets set out in international agreements; and
- the government's response to protests led by Australian children and young people calling on the government to protect the environment, demonstrated disrespect 'from those in authority' for the rights of children to express their views (as per Article 12 of the UNCRC).

In October 2021, the UN Committee ruled that a State party can be held responsible for the negative impact of its carbon emissions on the rights of children, both within and outside its territory.³

In late 2022, the UN Committee published a first draft of General Comment on Children's Rights and the Environment with a Special Focus on Climate Change (General Comment No. 26), which will be finalised in 2023 following a second round of consultations with children globally.⁴

South Australia's climate change, environment, and emergency management policy frameworks

Responsibility for the environment is shared between the Commonwealth, state, and local governments in Australia. The Commonwealth is responsible for ratifying international treaties and can pass laws giving effect to such conventions, whereas South Australia has passed legislation that 'limits the status of international treaties to that of non-binding policy documents only'.⁵

The State has passed several laws that affect the environment, including the *Environment Protection Act 1993 (SA)*, the *Native Vegetation Act 1991 (SA)*, the *Planning, Development, and Infrastructure Act 2016 (SA)* and the *Landscape South Australia Act 2019 (SA)*.

The main Commonwealth environment legislation is the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. In 2022, the *Climate Change Act (Cth)* passed both houses of parliament.

Released in December 2019, Directions for a Climate Smart South Australia set the South Australian government's agenda for 'low emissions jobs and growth' and 'net zero emissions by 2050'.

The Climate Change Action Plan 2021–2025 released in December 2020, sets out 68 government-led actions to deliver the Directions for a Climate Smart South Australia and drive progress towards emissions reduction goals.⁶ Some key initiatives include South Australia's Hydrogen Action Plan and Electric Vehicle Action Plan, which aim to drive the uptake of electric vehicles by 2025.

The Climate Change Science and Knowledge Plan identifies the critical knowledge needed to inform risk assessment, mitigation, planning, and adaptation responses, including those identified in the Climate Change Adaptation Framework for South Australia.

South Australia's *Climate Change and Greenhouse Emissions Reduction Act 2007* (the Act) sets targets to achieve a reduction in greenhouse gas emissions, promote renewable sources of energy, and 'facilitate the early development of policies and programs to address climate change'.

The Premier's Climate Change Council was established under this Act to provide independent advice to the Minister for Environment and Water on climate change adaptation, energy efficiency, establishment and achievement of targets, and the impacts of climate change on business and community. The Council also consults with businesses, the environment sector, and the wider community about issues relating to climate change.

Each year the Department for Environment and Water publishes a set of 38 Trend and Condition Report Cards on the health of South Australia's natural environment over time. South Australia's independent environment protection regulator, the Environment Protection Authority (EPA), also releases a State of the Environment Report for South Australia at least every five years. These reports provide an assessment of our efforts to deal with significant environmental issues, and the South Australian government is required to respond to recommendations contained in each of these reports.

As for emergency and disaster management, the South Australian Fire and Emergency Services Commission (SAFECOM) works with the South Australian Country and Metropolitan Fire Services (CFS and MFS) as well as the State Emergency Service (SES) to lead emergency management planning across the state. This includes coordinating the implementation of recommendations from reviews and reports that have been made, such as the Ministerial Review of Bushfire Management in South Australia.

SAFECOM also led the development of the Stronger Together, South Australia's Disaster Resilience Strategy 2019–2024, which provides a foundation for State and local government, businesses, and the non-government and community sectors, to collectively strengthen the resilience of South Australians to survive, adapt and grow, no matter what happens'.⁷

There is also a National Strategy for Disaster Resilience that was endorsed by the Commonwealth and State governments in 2011 following the 'Black Saturday' fires in 2009, and the more recent National Disaster Risk Reduction Framework. Neither of these national frameworks mention children or young people.⁸

South Australia's progress on the latest recommendations made by the UN Committee in relation to the environment



No evidence that the UN Committee's recommendation is being addressed



Some evidence that the UN Committee's recommendation is being addressed



Clear evidence that the UN Committee's recommendation is being addressed

Current Status

To ensure that children's views are taken into account in developing policies and programs addressing climate change, the environment and disaster risk management, and to increase children's awareness and preparedness for climate change and natural disasters.

Focus Area 3 of *Stronger Together: South Australia's disaster resilience strategy 2019–2024* is 'children and young people actively engaged in reducing their risks and increasing their self-reliance'. As reported in the 2021 Child Rights Progress Report, several projects have been funded and delivered in line with this Focus Area that seek to increase children's awareness, preparedness and resilience for disasters, including:

- the Disaster Resilience Innovation Challenges for Schools (pilot) with high school students;
- Leave it to Z – Involving children and young people in emergency management; and
- Empowering SA Guides and Scouts to 'help build the resilience of their communities', including through a co-designed app.⁹

South Australia's 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'.¹⁰

A number of positive climate change education resources, programs and partnerships have been developed over recent years and continue to be implemented in schools across South Australia. They include Green Adelaide's Climate Ready schools program; the Climate Clever schools sustainability program; the Bushfire Kids Connect program; the Wipe Out Waste program; and the Cooling the Schools initiative.

However, without a substantive climate change education curriculum, or consistent policy frameworks at a state or national level, climate change education is often vested in the goodwill of individual 'champions' and there are inconsistent opportunities across year levels and subjects, particularly between primary school years and secondary school years.

Many initiatives related to disaster preparedness in the community tend to focus on primary school aged children rather than teenagers. The Commissioner is aware of work underway that aims to address this gap and will monitor progress in future reports.

The Youth Environment Council of South Australia provides young people with a voice and opportunities to take action through environmental projects in their school or local community. Local youth councils advise local councils on a range of matters, including those related to sustainability and climate change.

However despite some progress towards more consistent disaster resilience education, there is limited information made directly by and for children about both:

- climate change-related risks, impacts and issues, including disaster awareness and preparedness; and
- what action is being taken and what more can be done to mitigate risks and support present and future generations (by government and non-government organisations at a local, state, national and global level).

Provision of child-friendly, age-appropriate information is not only key to ensuring accountability and trust, but also to ensuring children’s meaningful participation. It would also address the UN Committee’s following recommendation in relation to the ‘General principle’ of ‘Respect for the views of the child’ (as per Article 12 of the UNCRC):

That State parties ‘Develop toolkits for holding public consultations with children on issues that affect them, including on climate change and the environment’.¹¹

To promptly take measures to reduce its emissions of greenhouse gases by establishing targets and deadlines to phase out the domestic use and export of coal and to accelerate the transition to renewable energy, including by committing to meeting 100 per cent of its electricity needs with renewable energy.

In May 2022, South Australia’s Parliament passed a motion to declare a ‘climate emergency’ and to ‘commit to restoring a safe climate by transforming the economy to zero net emissions’.¹² To achieve this South Australia has committed to the following emissions reduction targets:

- net zero emissions by 2050
- reduction in net emissions by more than 50 per cent by 2030 (from 2005 levels); and
- 100 per cent net renewable energy generation by 2030.

While these commitments are set out in policy and the Government’s Climate Change Action Plan 2021–25, they are not enshrined in legislation. The legislated emissions reduction and renewable electricity targets set out in South Australia’s *Climate Change and Emissions Reduction Act (SA) 2007* have not been updated to reflect current commitments, even though some of the targets set out in the Act were met in 2013–2014.¹³

In 2021, the former Minister for Environment and Water introduced a bill to amend the Act to update the State’s emissions reduction and renewable electricity targets. The now Shadow Minister for the Environment re-introduced the Bill to the House of Assembly in 2022. At the time of writing, this Bill has not progressed beyond second reading debate.

In 2022, Australia’s federal parliament passed the *Climate Change Act 2022 (Cth)*, which legislates national targets of reducing emissions by at least 43% by 2030 and net zero emissions by 2050.¹⁴

Consistent with South Australia’s policy target of achieving 100% net renewable energy by 2030, more than 60% of South Australia’s power supply currently comes from renewable energy.¹⁵

- **No evidence** that the UN Committee’s recommendation is being addressed
- **Some evidence** that the UN Committee’s recommendation is being addressed
- **Clear evidence** that the UN Committee’s recommendation is being addressed



While it is promising that South Australia's electricity emissions are reducing, emissions in sectors other than electricity are projected to increase or plateau at best. Although the state's total emissions are decreasing, transport emissions are increasing.

South Australia's Electric Vehicle Action Plan was developed under the former government, and the current government has committed to contributing to the National Electric Vehicle Strategy, which is led by Federal Minister for Climate Change and Energy. This is in addition to several state-based initiatives, including:

- 7,000 electric vehicle purchase subsidies of \$3,000 and a three-year registration fee exemption; and
- funding for the first state-wide electric vehicle rapid charging network, which will comprise 536 chargers across 140 charging stations in 52 rural, regional and metropolitan service locations, and is expected to be finalised by early 2024.

The *Motor Vehicles (Electric Vehicle Levy) Amendment Act 2021* legislated for a road user charge on electric vehicles that would commence in 2027 or once electric vehicles made up 30% of new vehicle sales in South Australia.

The Labor government introduced a Bill to repeal the Act on the basis that the levy would discourage electric vehicle uptake and equate to 'a disincentive in a policy area we want to incentivise'.¹⁶ The Repeal Bill passed the House of Assembly in early November 2022.

Other progress made since COP26 in November 2021 and during COP27 in November 2022 include:

- The State government has established the Office of Hydrogen Power South Australia to oversee the design and delivery of the 'Hydrogen Jobs Plan'. In the 2022–23 State Budget, the government committed \$593 million to build a green hydrogen power station and storage facility near Whyalla by 2025.¹⁷
- South Australia's largest battery storage project to date – the 225MW Battery Energy Storage System (BESS) at Gould Creek – is still scheduled for completion in 2023, is expected to power 40,000 homes during peak hour.
- At COP27, South Australia's Deputy Premier and Minister for Climate Change signed the Net Zero Emissions Policy Forum joining agreement, which brings together subnational jurisdictions with a focus on 'practical collaboration and immediate actions' to accelerate governments' progress towards emissions reduction goals.

Endnotes

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- 2 United Nations Human Rights Office of the High Commissioner, A/HRC/35/13. Climate change and the full and effective enjoyment of the rights of the child. Available at <https://www.ohchr.org/Documents/Issues/ClimateChange/RightsChild/ChildrenOnePager.pdf> and <https://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/RightsChild.aspx>.

■ **No evidence** that the UN Committee's recommendation is being addressed

■ **Some evidence** that the UN Committee's recommendation is being addressed

■ **Clear evidence** that the UN Committee's recommendation is being addressed

- 3 United Nations Office of the High Commissioner for Human Rights, 11 October 2021. 'UN Child Rights Committee rules that countries bear cross-border responsibility for harmful impact of climate change'. Available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27644&LangID=E>.
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- 12 Parliament of South Australia, Hansard. 31 May 2022. Legislative Council. Available at <https://hansardsearch.parliament.sa.gov.au/daily/uh/2022-05-31/38>.
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