

# 2023 Child Rights Progress Report on the Environment

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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 Commissioner 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 comprise:

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

Data reported in the data tables are the most accurate available at the time of writing.



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## Areas of concern include:

- Disproportionate impacts of climate change on the rights of present and future generations of children and young people
- Few mechanisms to support children and young people's participation in climate-related policy and decision-making, including legislative reviews and consultation processes.
- A lack of mandated curriculum and policy to support the delivery of consistent and substantive education on climate change or disaster resilience to children and young people.
- Key emissions reduction targets are not yet enshrined in legislation, despite having been already outlined in policy.
- Amendments to the *Summary Offences Act 1953* (SA) include significant increases to the penalties for obstructing a public place, which have the potential to impact on children and young people who take climate action.

## Background

The UN Convention on the Rights of the Child (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 *Children and Young People (Oversight and Advocacy Bodies) Act 2016* (OAB Act) states that all government 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 UNCRC Committee to explain how Australia is fulfilling its obligations in relation to child rights. In response to Australia's fifth and sixth periodic reports, the Committee highlighted key areas of concern and made recommendations to ensure 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 third progress report on children's rights in relation to the environment and climate change.

South Australian children and young people consistently raise concerns about the environment and climate change, including in the context of conversations about poverty, health, education and transport.<sup>1</sup> This highlights the significant impact climate change is having on children's and young people's daily lives and how they feel about the environment and their future. For many children and young people, key to their concern is their sense of justice. They recognise that climate change heightens social and economic inequalities and disproportionately impacts vulnerable people and communities.

There is 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, and what opportunities are available to them to contribute to these efforts. A lack of information and feelings of powerlessness undermine children's and young people's trust in adults and institutions and exacerbates their climate anxiety. There are also few mechanisms to support their participation in policy and decision-making as it relates to the impact of climate change on the environment and on their lives.

The United Nations Committee on the Rights of the Child (the Committee) has emphasised the undeniable impact climate change is having on children's rights, including their right to life, non-discrimination, health, education, play, and access to an adequate standard of living. In August 2023, the Committee published General Comment No. 26 on Children's Rights and the Environment with a Special Focus on Climate Change. It provides comprehensive guidance on the obligations all States that are signatories to the UNCRC have in relation to protection of the environment. The General Comment highlights that a 'clean, healthy and sustainable environment is both a human right in itself and necessary for the full enjoyment of a broad range of children's rights'.<sup>2</sup>

Beyond responsibility for protecting children's rights from immediate harm, General Comment No. 26 also outlines the fact that States 'bear responsibility for foreseeable environment-related threats arising as a result of their acts or omissions now'.<sup>3</sup> The guidance recognises children as 'agents of change' and highlights the need for States to consider children's views in environmental decision-making as well as highlighting the critical role education plays in preparing children to take action.<sup>4</sup> The General Comment itself is informed by a comprehensive consultation process that engaged thousands of children globally.

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

- Australia's insufficient progress on the emissions reduction targets set out in international agreements; and
- the 'disrespect from those in authority' for the rights of children to express their views (Article 12 of the UNCRC), evident in government responses to protests led by Australian children and young people.

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.<sup>5</sup> Nevertheless, in March 2022, the full Australian Federal Court overturned an earlier decision that had ruled that the Federal Environment Minister had a duty of care to take reasonable care when exercising functions under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) to protect children and young people from climate harm.<sup>6</sup> Despite ultimately overturning the 2021 decision, the full Federal Court upheld the earlier finding of fact that the risk of harm from climate change to children remains. The court also clarified that this decision provides the option for children to pursue similar proceedings in the future.

On 3 August 2023, the Senate referred the Climate Change Amendment (Duty of Care and Intergenerational Climate Equity) Bill 2023 to the Environment and Communications Legislation Committee for inquiry and reporting upon by 1 February 2024. The Duty of Care Bill seeks to amend the *Climate Change Act 2022* (Cth) to require decision makers to consider the wellbeing of current and future children when making certain decisions likely to contribute to climate change.

According to the 2023 Global Climate Litigation Report, Australia has the highest number of climate litigation cases per capita globally, defined as cases that 'raise material issues of law or fact relating to climate change mitigation, adaptation, or the science of climate change'.<sup>7</sup> The report notes that children and young people play a leading role in these cases, many of which demonstrate links between human rights and the impact of climate change.

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

Responsibility for the environment is shared between federal, state and local governments. The Federal Government is responsible for ratifying international treaties and can pass laws giving effect to such conventions. While Australia is party to the Paris Agreement, South Australia has passed State legislation that 'limits the status of international treaties to that of non-binding policy documents only'.<sup>8</sup>

The main federal environment legislation is the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). In addition, the *Climate Change Act* (Cth) came into effect in September 2022. It sets out Australia's greenhouse gas emissions reduction targets and provides for annual climate change statements.

South Australia has passed several laws relating to 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). These laws are administered by a range of state departments and agencies. Local councils also have some environmental responsibilities, including rubbish collection, recycling and local development approvals.

The priority actions the South Australian government is taking to tackle climate change are outlined in two key documents: *South Australia – Responding to Climate Change*, and *South Australian Climate Change Actions*, released in 2022.<sup>9</sup> These actions build on those outlined in policies that were released under the former

State government, including Directions for a Climate Smart South Australia, the Climate Change Science and Knowledge Plan, and the Climate Change Action Plan 2021–2025.

Some key commitments include delivering South Australia's Hydrogen Jobs Plan, supporting the uptake of low and zero emissions vehicles, and developing a more circular economy, which includes the implementation of South Australia's Waste Strategy 2020–2025 and South Australia's Food Waste Strategy.

South Australia's *Climate Change and Greenhouse Emissions Reduction Act 2007* sets targets to reduce greenhouse gas emissions, promotes renewable sources of energy, and provides for measures to address climate change and 'achieve a sustainable future of the State'.<sup>10</sup> 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 achieving of targets, and the impacts of climate change on business and community.

South Australia's independent environment protection regulator, the Environment Protection Authority (EPA), releases a State of the Environment Report (SOER) for South Australia at least every five years. These reports provide an assessment of the current state of South Australia's environment, including trends and key pressures. It includes details of the efforts and opportunities available to better protect and improve the environment. The South Australian government is required to respond to the report's recommendations. The Department for Environment and Water also publishes a set of Trend and Condition Report Cards, with the most recent report cards published in 2020.

The *Emergency Management Act 2004 (SA)* provides the legal framework and governance for emergency management across the state. This legislation establishes the State Emergency Management Committee whose functions include preparing and reviewing the State Emergency Management Plan (SEMP).

The South Australian Fire and Emergency Services Commission (SAFECOM) works with the South Australian Country (CFS) and Metropolitan Fire Services (MFS) as well as the State Emergency Service (SES) to provide emergency management planning across the state. SAFECOM led the development of 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'.<sup>11</sup>

While states and territories have primary responsibility for emergency management, the Federal Government supports state responses through the Australian Defence Force and National Emergency Management Authority (NEMA). The National Disaster Risk Reduction Framework outlines a coordinated approach to reducing disaster risk, and the National Strategy for Disaster Resilience sets out a national resilience-based approach to disaster management. Neither of these national frameworks mention children or young people, despite being guided by the Sendai Framework for Disaster Risk Reduction 2015–2030 (Sendai Framework) to seek 'engagement from all of society'.<sup>12</sup>

Some welcome developments in 2023 include:

- The third round of the South Australian Disaster Risk Reduction Grants, which support children and young people's participation, engagement, and resilience in efforts to prepare for and respond to emergencies and environmental disasters.
- Increasing the proportion of South Australia's electricity generation that comes from renewable energy in line with the target of achieving 100% net renewable energy generation by 2030.
- The launch of the Local Government Net Zero Accelerate Program to help local councils meet South Australia's emissions reduction goals.

## 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.

As noted in previous reports, Focus Area 3 of Stronger Together: South Australia's Disaster Resilience Strategy 2019–2024, is 'children and young people actively engaged in reducing their risk and increasing their self-reliance'.<sup>13</sup>

In the 2022–2023 financial year, the third round of the South Australian Disaster Risk Reduction Grants were awarded. The following projects received funding and will support children and young people of diverse ages and backgrounds, from across different regions of the State as follows:

- Youth In Emergencies Development Program: A two-year collaboration between Australian Red Cross, Commissioner for Children and Young People, local government, and emergency management agencies, aimed at creating 'a diverse community of informed young change-makers in the emergency preparedness landscape, to provide leadership and influence future policy and practice'.
- Children and Young People in Emergency Service Organisations Project: A collaboration between agencies that include the CFS, Australian Red Cross, and Army Cadets, to 'co-design a program with current cadets and volunteers to modernise the approach and ensure young people are engaged, valued, trained, and wanting to transition to adult volunteers'.
- School Community Disaster Risk Reduction Project: Funding support for the Growing with Gratitude resilience program and Bushfire Kids Connect program in collaboration with digital technology educators Makers Empire, to expand on successful programs and develop a 'ground-breaking disaster risk reduction program that utilises the latest 3D technology for young people'.<sup>14</sup>

The Commissioner is represented on the State Emergency Committee's Resilience Recovery and Engagement Sub Committee to raise the voices of children and young people.

In 2023, the federal Department for Home Affairs and NEMA released a Discussion Paper on options for building emergency response capabilities at the national level as an alternative to utilising the Australian Defence Force (ADF).<sup>15</sup> The 2023 Defence Strategic Review found that the ADF is 'not structured or appropriately equipped to act as a domestic disaster recovery agency ... in any sustainable way', particularly as major climate events and crises become more frequent and more severe.<sup>16</sup> The insights gathered will inform policy and advice to government, including the delivery of the National Defence Strategy in 2024. The Commissioner's submission recommended that decision makers meaningfully involve children and young people in preparing and responding to emergencies in line with the Sendai Framework.<sup>17</sup>

The Stronger Together strategy recommends a consistent approach to disaster resilience education. The revised Australian Curriculum includes more references to climate change than it did previously. However, this is not mandatory and there are no policy frameworks at a state or national level to guide the consistent delivery of substantive curriculum-aligned climate change education across all education sectors. As such, climate change education is often dependent on the goodwill of individual schools or educators, and there is inconsistency across year levels and subjects.<sup>18</sup> As noted in previous reports, several programs and resources focused on climate change and sustainability have been implemented in schools across South Australia, including Green Adelaide's Climate Ready Schools program, the ClimateClever initiative, and the Wipe Out Waste program.

Provision of child and youth-friendly information about climate change-related risks, impacts, and solutions, is not only key to ensuring accountability and trust, but also to ensuring children's meaningful participation. The UN Committee on the Rights of the Child has recommended that state parties 'develop toolkits for holding public consultations with children on issues that affect them, including on climate change and the environment'.<sup>19</sup>

Such toolkits have not been developed by the South Australian government. However, in 2023 the Conservation Council and South Australians for Climate Action have been hosting state-wide community conversations on climate change. The Department for Environment and Water (DEW) is sponsoring this project. A Community Climate Panel met in May 2023, to identify key emissions reduction activities, with their ideas incorporated into a Conversation Guide. The Panel was selected to be broadly representative of the South Australian community in terms of age and gender, with 12% of panellists under 24 years of age. Although the Host Kit encourages hosts to invite people of 'different ages', there are no specific references made to the value and importance of engaging with children and young people.<sup>20</sup>

Released in 2023, the Consultation Paper to inform the development of South Australia's Youth Action Plan 2023–2026, includes a 'potential action' to 'introduce direct mechanisms for young people to influence environment and climate change policy, and to provide advice to the Minister for Climate, Environment and Water'.<sup>21</sup> Future progress reports will monitor whether this action is incorporated into the final plan. While the Premier's Climate Change Council has a 'youth' member, they are over the age of 18.

The Environment Protection Authority (EPA) commissioned an independent review of the State of the Environment reporting (SOER) process, following its completion in 2018. The next SOER will be published in December 2023, following consultation and engagement with stakeholders throughout 2022 and 2023. The independent review made recommendations to enhance the stakeholder engagement process and determine if the legislative provisions are 'fit-for-purpose'. However, the review and previous SOERs have not acknowledged children and young people as being key stakeholders whose input should therefore be sought.<sup>22</sup>

In May 2023, within days of a protest outside an annual oil and gas conference held in Adelaide, South Australia's Parliament passed the Summary Offences (Obstruction of Public Places) Amendment Bill. These amendments came into effect on 1 June 2023.

- **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



They significantly increase penalties for directly and indirectly obstructing a public place. Civil society groups and lawyers, including the Human Rights Law Centre, have raised concerns that these legislative changes undermine human rights such as freedom of expression, association and peaceful assembly (Articles 12, 13 and 15 of the UNCRC) including for young people who are protesting.<sup>23</sup>

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.

As per General Comment No. 26, States not only have immediate obligations under the UNCRC in relation to the environment, but they also bear responsibility for foreseeable environment-related harms that arise as a result of their acts or omissions in the present.

The South Australian government has committed to the following emissions reduction targets:

- Achieving net zero emissions by 2050.
- Reducing net emissions by more than 50% by 2030 (from 2005 levels).
- Achieving 100% net renewable energy generation by 2030.

As reported in 2022, although these targets are set out in policy, they are not enshrined in legislation. The current State government has committed support for reviewing and amending legislation to ‘update greenhouse gas emissions targets and strengthen climate action’.<sup>24</sup> However, at the time of writing, the Climate Change and Greenhouse Emissions Reduction (Targets) Amendment Bill 2022 had not progressed beyond the second reading of November 2022.<sup>25</sup> The targets set out in South Australia’s *Climate Change and Greenhouse Emissions Reduction Act 2007* have not been updated since commencement of the Act in 2007, despite some of the targets having been met in 2013–2014.<sup>26</sup>

Relevant legislative updates in 2023 include the following:

- Passing of the Environment Protection (Objects of Act and Board Attributes) Amendment Bill 2023 in both houses of South Australia’s Parliament, which clarifies that the Objects of the Act will include a requirement to ensure all measures to enhance and protect the environment have regard to ‘the need for climate change adaptation and climate change mitigation’.<sup>27</sup>
- Passing of the Statutes Amendment (National Energy Laws) (Emissions Reduction Objectives) Bill, arising from the National Energy Transformation Partnership, which integrates emissions reduction objectives into national energy laws.<sup>28</sup>
- Introduction of the Hydrogen and Renewable Energy Bill in September 2023, which seeks to establish a licencing and regulatory system for large-scale hydrogen and renewable energy projects in South Australia. The State government committed \$1.1 million in the 2023–2024 Budget to facilitate development of this Act and support delivery of the State government’s Hydrogen Jobs Plan.

The proportion of South Australia’s electricity generation that comes from renewable energy continues to increase year on year, accounting for 75% of generation between October 2022 and October 2023.<sup>29</sup> There is also promising progress being made toward achieving the State government policy target of 100% net renewable energy generation by 2030.

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Transport remains the largest source of emissions, largely from road transport. The State government's Climate Change Actions document outlines several objectives to address this, including to 'align transport and urban planning with low emissions transport outcomes' and 'increase the use of public transport and active travel'. In February 2023, the Motor Vehicles (Electric Vehicle Levy) Amendment Repeal Bill was passed in the Upper House. The Bill seeks to encourage the uptake of electric vehicles by abolishing the electric vehicle levy that was introduced by the former state government. Construction of the state-wide electric vehicle charging network commenced in 2022, and is expected to be finalised by early 2024.

According to the 2023 Benchmarking Adelaide report, Adelaide has the lowest proportion of people living in walkable neighbourhoods when compared to similar sized cities around the world.<sup>30</sup> In 2023, the state government released discussion papers seeking feedback to inform the development of the next Greater Adelaide Regional Plan (GARP) and the 20-Year State Infrastructure Strategy. The Commissioner will monitor the extent to which these policies support public, active and low emissions transport outcomes and report on this in future child right's progress reports.

The Local Government Net Zero Accelerate program was launched in July 2023 by the South Australian Local Government Association and the Department for Environment and Water. The initiative will support participating councils to take action to reduce emissions.

The Independent Review of the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) concluded in 2020. The review found that the EPBC Act is 'not fit for current and future environmental challenges, including climate change'.<sup>31</sup> In December 2022, and in response to the Independent Review, the Federal Government released the Nature Positive Plan, which outlines proposed reforms to Australia's environmental laws. In late 2022, the first Annual Climate Change Statement to Parliament, as required by the *Climate Change Act 2022* (Cth), was also published by the Federal Government. The Annual Statement reports on progress made towards reaching greenhouse gas emissions reduction targets, climate change policy, and risks from the impacts of climate change. While these documents refer to 'future generations' neither document makes any specific mention of children and young people.

Updates on several initiatives mentioned in the 2022 progress report include the following:

- The Government remains committed to building a hydrogen power plant near Whyalla. In September 2023, the South Australian and Federal governments finalised an agreement to develop the Port Bonython Hydrogen Hub.
- The Battery Energy Storage System at Gould Creek, which was previously expected to be completed in 2023, is now scheduled for completion 2026.
- There have been no public updates in relation to the Net Zero Emissions Policy Forum agreement, other than a Ministerial Leadership Group communique that was published in July 2022.

## Endnotes

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