

2024 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 Commissioner for Children and Young People

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.



2024 Child Rights Progress Report on the Environment



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

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 peoples participation in climate-related policy and decision-making, including legislative reviews and consultation processes.
- 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 not yet enshrined in South Australia's legislation, despite having been already outlined in policy.
- Australian Senate's rejection of the Climate Change Amendment (Duty of Care and Intergenerational Equity) Bill 2023, which would have required decision makers to consider the health and wellbeing of current and future children when making decisions likely to contribute to climate change.
- Failure to substantially reform federal environmental laws in line with commitments following the independent review of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

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 Commonwealth 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 fourth 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.¹ This highlights the significant impact climate change is having on children's and young people's daily lives and how they feel about the 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 are few mechanisms to support the participation of children and young people in policy and decision-making as it relates to the impact of climate change on the environment and on their lives. There is also limited information made by and for children and young people about climate change-related risks, impacts and solutions, including what action is already being taken, and what opportunities are available to them to contribute to these efforts. A lack of information undermines children's and young people's trust in adults and institutions and exacerbates their climate anxiety.

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 of all State parties that are signatories to the UNCRC 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'.²

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'.³ 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.⁴ 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 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.⁵

In March 2022, Australia's Full Federal Court overturned an earlier decision that had ruled that the Federal Environment Minister had a duty of care to protect children and young people from climate harm when exercising functions under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).⁶ 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.

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

In June 2024, the Senate Committee released the inquiry report, which noted 'several positive aspects of the bill' but ultimately recommended that the Duty of Care Bill *not* be passed.⁷ Noting the government is already implementing 'important reforms', the Senate Committee did not consider the bill 'fit for purpose or that it would effectively achieve its stated aim'. This was despite overwhelming support for the intent of the Bill expressed throughout the inquiry. Of the 403 submissions to the inquiry, only one opposed the Bill outright.

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'.⁸ 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 Australian 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'.⁹

The main federal environment legislation is the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Following the independent review of this Act, the Australian Government released the Nature Positive Plan in 2022, which outlined commitments to reform Australia's environmental laws. 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 2022.¹⁰ These actions build on those outlined in policies that were released under the former State government (the Marshall Liberal 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'.¹¹ The Premier's Climate Change Council was established in 2008 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 2023.¹²

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'.¹³

While states and territories have primary responsibility for emergency management, the Australian 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) which requires 'all-of-society engagement and partnership'.¹⁴

Some welcome developments in 2024 include:

- the launch of several programs funded by the South Australian Disaster Risk Reduction Grants, which support children and young people's participation and leadership in emergency preparedness projects and emergency services organisations; and
- funding for the implementation of South Australia's *Hydrogen and Renewable Energy Act 2023*.

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.

South Australian disaster preparedness and awareness initiatives

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'.¹⁵ The Commissioner continues to be represented on the State Emergency Committee's Resilience Recovery and Engagement Sub Committee to raise the voices of children and young people.

Several child and youth focused projects received funding in the 2022–23 round of South Australian Disaster Risk Reduction Grants progressed in 2024, including:

- Youth in Emergencies Development Program, launched in February 2024, which is a collaboration between the Australian Red Cross, Commissioner for Children and Young people, Country Fire Service SA, and Duke of Edinburgh International Awards. The program supports students in years 9 to 12 learn about the impacts of emergencies and disasters and develop skills to prepare for them, including through design of local resilience-building and preparedness projects.¹⁶
- SAFECOM's children and young people in emergency services organisations project, which seeks to increase the recruitment and retention of young cadets and volunteers in emergency services. According to South Australia's Budget for 2024–25, finalising this project is one of SAFECOM's targets for the next financial year, alongside delivering the final report on the Stronger Together strategy and commencing 'a future resilience strategy taking a systems approach'.¹⁷

In the 2023–24 financial year, the fourth round of the South Australian Disaster Risk Reduction Grants were awarded.¹⁸ The most recent round of approved projects has a less explicit focus on supporting children and young people compared to previous rounds. Nevertheless, several broader projects are likely to recognise and benefit children and young people, including the review of the People at Risk Emergencies Framework. The Commissioner is contributing to this review, which is being led by the South Australian Council of Social Service and Australian Red Cross, in consultation with health, emergency management and community services.¹⁹

Federal disaster preparedness and awareness initiatives

The second round of the Australian Government's Disaster Ready Fund for projects in 2024–25 were announced in August 2024. This includes funding for an Enhancing Youth Resilience project in South Australia, which will teach first aid skills in regional and remote primary schools and 'ascertain the relevance of the program in the disaster resilience context'.²⁰

The Naturally Brave program also received Disaster Ready Funding and will be delivered in 20 schools across Adelaide and the Eyre Peninsula in 2025. The program is designed to promote awareness of disasters and encourage resilience and empathy among primary school students, and is a collaboration between Growing with Gratitude, Bushfire Kids Connect and Makers Empire.²¹

In August 2024, the Senate Select Committee on Australia's Disaster Resilience tabled the final report of an inquiry into Australia's preparedness, response and recovery workforce models, as well as alternative models to disaster recovery. While the Committee's report does not mention children specifically, it does recommend that the Australian Government 'consider ways to incentivise young Australians to participate in volunteer organisations that provide support for disaster response and recovery'.²² This follows the release of a discussion paper on Alternative Commonwealth Capabilities to Crisis Response by the federal Department for Home Affairs in August 2023. As noted in the 2023 progress report, the Commissioner made a submission recommending that decision makers meaningfully involve children and young people in emergency preparation and response.²³

Disaster resilience education

The Stronger Together strategy recommends a consistent approach to disaster resilience education. The revised Australian Curriculum includes more references to climate change than previous versions, and 'sustainability' is a cross-curriculum priority. The Australian Institute for Disaster Resilience has mapped disaster resilience education to version 9.0 of the Australian Curriculum.²⁴ Several programs and resources focused on climate change and sustainability continue to be implemented in schools across South Australia, including Green Adelaide's Climate Ready Schools program and the Wipe Out Waste program.

Despite these initiatives, there continues to be no state or national policy framework guiding the consistent delivery of substantive climate change and/or disaster resilience education across all school sectors. Neither are there any oversight mechanisms to monitor delivery of this curriculum. As such, this education is often dependent on the goodwill of individual schools or educators and is likely to be delivered with inconsistency across schools, year levels and subjects.

Children and young people's views in policy development

There are few mechanisms for children and young people to influence environment and climate change policy. South Australia's Youth Environment Council is an annual program delivered by Green Adelaide to support students in Years 7 to 11 to pursue school or community based environment and sustainability projects. Although the Premier's Climate Change Council has a 'youth member' they are over 18 years of age. The federal Department of Climate Change, Energy, the Environment and Water sought applications for a new Youth Advisory Council in August 2024, but membership is only open to 18 to 30-year-olds.

The 2023 progress report noted that the Consultation Paper to inform South Australia's next Youth Action Plan included 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'.

At the time of writing, the Youth Action Plan has not yet been finalised.

The UN Committee on the Rights of the Child has recommended that state parties 'develop toolkits for holding public consultations with children and young people on issues that affect them, including on climate change and the environment'.²⁵ The South Australian Government is yet to develop such toolkits. However, as reported in 2023, the Department for Environment and Water provided funding for the Conservation Council and South Australians for Climate Action to host state-wide community conversations on climate change.

The final report on these consultations was published in mid-2024 and seeks to assist the South Australian Government 'in understanding the views of the community' and inform strategies to meet emissions reduction targets.²⁶ Although the Conversation Guides and Host Kits developed throughout the 2023 process did not specifically refer to engaging with children and young people, the final report includes 'community specific summary reports' including one dedicated to young South Australians.²⁷ This report was informed by advice from the Commissioner as well as young people's direct involvement in the community conversations.

South Australia's State of the Environment Report 2023 was published in December 2023 and officially launched in March 2024. The report includes reporting on 'liveability' for the first time, recognising the importance of the environment to health and wellbeing.²⁸ However, the report does not specifically mention children and young people or consider their views.

The National Health and Climate Strategy was released in December 2023 and outlines a 'whole-of-government plan to address the health and wellbeing impacts of climate change and address the contribution of the health system to climate change'.²⁹ The Strategy acknowledges that infants, children and young people will disproportionately experience the adverse health impacts of climate change. SA Health released a draft Climate Change Framework for public consultation in May 2024, setting out a vision for a 'climate resilient health system'.³⁰ The Commissioner made a submission highlighting the impact of climate change on children and young people's health, the need to engage children and young people and to develop an overarching plan for children and young people's health.³¹

Consultation to inform the independent review of South Australia's *Single-use and Other Plastic Products (Waste Avoidance) Act 2020* was open between August and October 2024.³² The Commissioner provided a submission on behalf of the South Australian Student Representative Council (SA SRC). The Commissioner recommended that the review focus on school canteens as an important setting where reusable food and beverage containers be introduced and provided the review with the SA SRC Greening our Canteens campaign position brief.³³ Green Industries SA will be summarising the findings of the Review and preparing a report for the Deputy Premier in December 2024.

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 because of their acts or omissions in the present.

State emissions reduction targets and legislation

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 2030.³⁴

At the time of writing, these targets have not yet been enshrined in legislation. As reported in 2022 and 2023 progress reports, 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 2013–14.³⁵ The previous attempt to legislate these targets – the *Climate Change and Greenhouse Emissions Reduction (Targets) Amendment Bill 2023* – lapsed at the end of the 2023 parliamentary sitting year.

A new bill – the *Climate Change and Greenhouse Emissions Reduction (Miscellaneous) Amendment Bill 2024* – was introduced to the South Australian Parliament on 29 August 2024. This Bill passed the House of Assembly on 15 October 2024 and was read a second time in the Legislative Council on 17 October 2024.³⁶

Renewable energy

Previous progress reports have noted that the proportion of South Australia's electricity generation coming from renewable energy has been increasing year on year. This proportion was 74.9% between October 2023 and October 2024, remaining steady with the previous year at 75% between October 2022 and 2023.³⁷

The 2024–25 South Australian State Budget provides \$4.1 million over four years for the implementation of the *Hydrogen and Renewable Energy Act 2023*, which came into effect in July 2024.³⁸ South Australia's Hydrogen Jobs Plan secured development approval in August 2024 to build a renewable hydrogen power plant near Whyalla by 2026, with site works expected to begin in late 2024.³⁹

The Local Government Net Zero Accelerate Program was officially launched in January 2024, led by the Local Government Association and supported by funding from the Department for Environment and Water.⁴⁰ The trial is equipping 15 local councils across South Australia to identify and report on their carbon emissions profile and act to reduce emissions in line with a best practice guide.⁴¹

Transport and infrastructure policy developments

Transport remains the largest source of emissions. The most recent report on the operation of the *Climate Change and Greenhouse Emissions Reduction Act 2007* was released in December 2023 and highlights that 'more effort will be needed to address major sources of emissions across a range of sectors including transport,

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manufacturing industries and construction, agriculture and industrial processes.⁴² The delivery of the statewide electric vehicle charging network progressed in 2024, with over 530 charging points across 140 sites in 52 metropolitan, regional and rural locations.⁴³

As reported in 2023, Adelaide has the lowest proportion of people living in walkable neighbourhoods when compared to similar sized cities around the world.⁴⁴ It is significant that public and active transport was the most frequently raised topic across submissions received from public and community advocacy groups in relation to South Australia's 20-Year State Infrastructure Strategy.⁴⁵ The Strategy is expected to be presented to the South Australian Government in March 2025.

In September 2024, the State Planning Commission released a draft Greater Adelaide Regional Plan for consultation, along with a report summarising engagement from the stage 1 consultations undertaken throughout 2023.⁴⁶ Summaries of the youth workshop and youth survey highlighted the importance of affordable public transport and prioritising the environment and action on climate change.⁴⁷ The final Greater Adelaide Regional Plan is expected to be released in the first quarter of 2025.

Federal emissions reduction targets and legislation

At the federal level, the Climate Change Authority's second Annual Progress Report found that 'Australia is not yet on track to meet its 2030 emissions reduction target' as set out in the *Climate Change Act 2022* (Cth).⁴⁸ In May 2024, the Australian Government released Australia's Future Gas Strategy, which outlines 'how gas will support our economy's transition to net zero'.⁴⁹ This strategy has been criticised by environmental and climate groups for being likely to lead to more, rather than less emissions.⁵⁰

Under the United Nations Framework Convention on Climate Change (UNFCCC) and Paris Agreement reporting frameworks, countries only report on domestic emissions rather than fossil fuel exports. It is significant that a 2024 examination found that Australia's global fossil fuel carbon footprint is three times larger than its domestic footprint with close to 80% of Australia's total fossil fuel footprint in 2022 due to exported carbon.⁵¹ The government's focus on maintaining high levels of fossil fuel exports appear to be 'completely inconsistent' with international commitments to reduce emissions.⁵²

The second Annual Climate Change Statement for 2023 does not reference children and young people other than with a vague mention to support 'young Australians' to reskill and upskill in the 'clean energy workforce'.⁵³

In June 2024, the Senate Environment and Communications Legislation Committee rejected the Climate Change Amendment (Duty of Care and Intergenerational Climate Equity) Bill 2023, which would have required decision makers to consider the health and wellbeing of future generations when making decisions likely to contribute to climate change.⁵⁴

In 2024, the Australian Government continued consulting on reforms to Australia's environmental laws set out in the Nature Positive Plan. The independent review of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (the EPBC Act) concluded in 2020, found that Australia's environmental legislation is 'outdated and

requires fundamental reform'.⁵⁵ The Australian Government's response to this review – the Nature Positive Plan – indicated that a new legislative package would be introduced into Parliament before the end of 2023.

According to the federal Department of Climate Change, Energy, the Environment and Water, 'Stage 1' of these reforms was considered 'completed' at the end of 2023 and included establishing the Nature Repair Market and expanding the water trigger.⁵⁶ While the 2024–25 Federal Budget provides funding to progress Stage 2 and 3 reforms, the government has not provided a timeline or any detail regarding delivery of Stage 3. Many stakeholders and advocates have criticised the government's delayed and staged approach to reform along with a lack of transparency and calls for accountability for 'failure to progress the full reform agenda'.⁵⁷

The following Bills did not pass the Senate in 2024 after the Prime Minister withdrew from negotiations, under pressure from the mining industry:

- Nature Positive (Environment Protection Australia) Bill 2024.
- Nature Positive (Environment Information Australia) Bill 2024.
- Nature Positive (Environmental Law Amendments and Transitional Provisions) Bill 2024.⁵⁸

The Senate Environment and Communications Legislation Committee's report on the above Bills noted significant concerns from submitters that the newly established institutions would be left to administer 'largely unchanged' and 'fundamentally broken' legislation without broader and immediate reforms to the EPBC Act.⁵⁹

Endnotes

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