

23 November 2023

Committee Secretary
 Senate Environment and Communications Committees
 PO Box 6100
 Parliament House
 Canberra ACT 2600

Re: Senate Select Committees on Environment and Communication inquiry into the Climate Change Amendment (Duty of Care and Intergenerational Climate Equity) Bill 2023

Dear Committee Secretary,

UNICEF Australia welcomes the opportunity to provide a submission to the Senate Select Committees on Environment and Communications inquiry into the *Climate Change Amendment (Duty of Care and Intergenerational Climate Equity) Bill 2023* ('Duty of Care' Bill). UNICEF Australia supports the intent, purpose, and approach taken in the Duty of Care Bill. It is an important step in safeguarding the health, wellbeing, and rights of current and future children in the face of the worsening impacts of climate change and disasters. We outline the broad reasons behind our support below, and offer a small number of minor recommendations that we believe will strengthen the Bill overall.

The climate crisis is changing childhood:

The climate crisis is the defining global challenge of our time. Atmospheric concentrations of carbon dioxide (CO₂) are higher than at any time in the last two million years, and in recent decades, global warming has happened at a rate that is unprecedented in at least the last two thousand years.¹ The Intergovernmental Panel on Climate Change (IPCC) affirms that human activities are causing climate change, and that human influence is making extreme climate events more frequent and severe.² The science is crystal clear about the outsized role that fossil fuel extraction and usage play in global warming.

Children are highly exposed to the impacts of climate change today. As we know, climate change affects some children more than others. Globally, approximately 1 billion children live in countries that are at an 'extremely high-risk' from the impacts of climate change.³ Children born in the Asia-Pacific region experience six times more frequent climate-related disasters than their grandparents. Children in Australia are also similarly exposed. A child born in Australia in 2023 will experience four times as many heatwaves, three times as many droughts, and 1.5 times as many bushfires and river floods than a child born in Australia in 1960.⁴

Children's unique vulnerability to the impacts of climate change fundamentally stems from the fact that they are not 'little adults' – they are at a much earlier stage of physiological and cognitive development, and therefore less equipped to deal with climate-related shocks and stresses.⁵ For example:

- Children are more likely to be physically or psychologically harmed in a sudden onset natural hazard than adults because their organs, muscles, and brains are less developed, and therefore less resilient to impacts.⁶
- Children are more likely to face health complications due to temperature extremes, and the effects of shocks such as heatwaves, as they are less able to regulate body temperature.⁷
- Children are more likely to experience severe symptoms from vector-borne diseases and respiratory illnesses such as asthma, which can be linked to air pollution, including from greenhouse gas emissions.⁸
- More than 88% of diseases attributable to climate change occur in children younger than five years of age.⁹

These vulnerabilities are not limited to more extreme or prevalent physical health impacts. A significant number of children experience 'climate anxiety.' A 2021 UNICEF survey found that 84% of young Australians included were extremely, very, or

¹ UNFCCC, Intergovernmental Panel on Climate Change (IPCC) Working Group 1 Sixth Assessment Report, <<https://www.ipcc.ch/report/ar6/wg1/>>
² Ibid.
³ UNICEF, Children's Climate Risk Index (CCRI), 2021, < [UNICEF-climate-crisis-child-rights-crisis.pdf](#)>
⁴ Save the Children, Born into the Climate Crisis: Why we must act now to secure children's rights, 2021, < [Born into the Climate Crisis: Why we must act now to secure children's rights | Save the Children's Resource Centre](#)>
⁵ UNICEF, "Over the tipping point," 2023, < [Over the tipping point report.pdf \(unicef.org\)](#)>, Pg. 20.
⁶ Center for Disease Control (CDC), "How are children different from adults?," < [How are Children Different from Adults? | CDC](#)>
⁷ Ibid.
⁸ UNICEF UK, "A breath of toxic air: How unsafe levels of air pollution puts UK children in danger," 2018, < [Microsoft Word - A breath of toxic air - Unicef UK research paper - June 2018.docx](#)>
⁹ UNICEF, Over The Tipping Point, 2023 < [Over the tipping point report.pdf \(unicef.org\)](#)> Pg. 20.

moderately worried about climate change, with almost half of those surveyed feeling distressed to the extent that it was affecting their daily functioning.¹⁰

Sudden and slow onset natural hazards also disrupt key social service systems that children rely on, affecting access to early childhood education and care (ECEC), primary and secondary education, health care and secure livelihoods. Indeed, floods, bushfires, storms, heatwaves, droughts, and other climate-related natural hazards intersect with other social and economic challenges and exacerbate situations of chronic poverty, forced displacement and homelessness, domestic and family violence. Our recent 'Recovery Needs Assessments' conducted in communities impacted by unnaturally intense and severe floods across Northern New South Wales (NSW), Southeast Queensland, and the remote Fitzroy Valley in Western Australia, all affirm these impacts. As a 2023 UNICEF report shows, climate change is a risk multiplier and a risk generator, with very specific impacts on children and young people.¹¹

Current and future children have a right to a safe, healthy, and sustainable environment:

Governments and other stakeholders have a broad responsibility to protect children from the impacts of climate change and prevent its worst impacts from unfolding in the coming decades. This is not just a matter of principle; it is increasingly a matter of authoritative international legal opinion. In 2023, the United Nations Committee on the Rights of the Child ('the Committee') released *General Comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change* (General Comment 26), which reaffirms children's right to a clean, healthy, and sustainable environment. It also explains the necessity of this right for the full enjoyment of a broad range of other rights including the right to survival and development, health, an adequate standard of living, adequate housing, food security, and the right to education.¹² General Comment 26 also provides authoritative and substantive guidance to State Parties on how to uphold children's right to a clean, healthy, and sustainable environment, including by addressing the impacts of climate change, and recognizing children themselves as agents of change action.¹³ The Committee specifically calls on States to:¹⁴

- Mitigate greenhouse gas emissions in line with their human rights obligations (para 95);
- Indicate how their mitigation objectives and measures respect, protect, and fulfil children's rights under the Convention (para 98a);
- Enhance mitigation measures in light of their different national circumstances in a manner that protects children's rights to the maximum possible extent (para 98b).

In short, General Comment 26 makes clear the link between greenhouse gas emissions, mitigation efforts, and the rights, health and wellbeing of children in the climate crisis.

Importantly, the Duty of Care Bill emphasizes the health and wellbeing of future children, an approach which aligns closely with guidance offered in General Comment 26. Fundamentally, the principle of intergenerational equity speaks to the reality that children and young people are least responsible for climate change but will bear the brunt of its impacts in the future. The Committee recognizes this principle of intergenerational equity and the interests of future generations, making it clear that "States bear responsibility for foreseeable environment-related threats arising because of their acts or omissions now, including those whose implications may not be clear for years or decades."¹⁵ As we know, there is a significant and ever-growing body of evidence linking greenhouse gas emissions to long-term climate impacts which in turn cause specific harms or threats to children and young people, including to future generations.

The socio-economic dividend to considering children's health and wellbeing:

Australia has adopted more ambitious climate mitigation policies in recent years, including by legislating a new emissions reduction target of 43% by 2030, and net-zero by 2050. The Government has also introduced measures to accelerate Australia's transition to an economy and society powered by renewable energy sources, including by committing to achieve 82% use of renewables in the electricity grid by 2030, by investing in an offshore wind industry, and by creating new renewable energy zones.¹⁶ This transformation is billed as Australia's most significant economic opportunity in a long time, with the potential to become a renewable energy superpower and reap the dividends that come with production and export.

¹⁰ UNICEF Innocenti Report Card 17, Places and Spaces: Environments and children's wellbeing, 2022, < [RC17-EN Places-and-Spaces Environments-and-childrens-well-being Report-Card-17.pdf \(unicef-irc.org\)](#)>

¹¹ UNICEF, "Over the tipping point," 2023, < [Over the tipping point report.pdf \(unicef.org\)](#)>, Pg. 24

¹² CRC/C/GC/26 General comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change, Para 8.

¹³ Ibid.

¹⁴ Ibid, Paras 95, 98a, and 98b.

¹⁵ CRC/C/GC/26 General comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change, Para 11.

¹⁶ Department of Climate Change Energy, the Environment, and Water (DCCEEW), "Australia's emissions projects 2022," < [Australia's emissions projections 2022 - DCCEEW](#)>

By the same token, there are significant dividends to be had by phasing out fossil fuels and thereby removing the economic and social costs of their extraction and use in the short and long-run. The Intergenerational Report (IGR) 2023 shows that by 2062-63, sweltering temperatures fanned by global warming will cost the economy up to \$423 billion, reduce the nation's crop yields, and leave taxpayers footing the bill for more expensive climate-induced disasters.

Assuming a level of causality between fossil fuel emissions, climate-related shocks and hazards, and resultant negative impacts on children's health, access to ECEC, access to quality education, and opportunities for sustainable livelihoods, there is an economic case to be made for ensuring continuity and quality in these child-critical social services, including by phasing out fossil fuels (mitigation) and embedding resilience to climate-related natural hazards within these social service sectors (adaptation). There is widespread evidence of the compelling return on investment in children's healthy development. For example, we know that for every \$1 spent on ensuring quality, sustained early childhood development, the return on investment can be as high as \$13.¹⁷ High-quality, uninterrupted childcare has been shown to increase employment chances by up to 19 per cent and earning income by up to \$30,000.¹⁸ Failing to act however can reduce a child's earnings as an adult by up to 25 per cent.¹⁹ Failing to consider the causal links between ongoing fossil fuel extraction and use and climate-related impacts on the quality, continuity, and predictability of crucial sectors such as ECEC, will have significant long-term socio-economic costs on children and on Australian society too.

Child and youth voice and perspectives in climate decision-making:

A child's right to be heard is enshrined both in the Convention of the Rights of the Child (CRC) (Article 12) and is extensively discussed in General Comment 26 (Section D). In practice, despite the clear and significant impacts of climate change on the health, wellbeing, and rights of children and young people, they do not believe that decision-makers adequately listen to their perspectives on climate policymaking. Nine out of ten young people believe that they have a right to a healthy environment, whereas 74% believe that the Federal Government should do more to address the problem.²⁰ One recent national survey found that only 13% of young Australians felt that they were listened to by political leaders on climate change issues.²¹ As the National Child and Youth Statement (NCYS) emanating from the Australian Local Conference of Youth (LCOY) notes, children and young people also want to be heard – they want to governments to demonstrate that they are acting on young people's views and perspectives and highlight ways in which children and young people can hold them to account.²² Without being able to vote, children have very few modalities to hold governments to account.

In the absence of such mechanisms, modalities such as the Duty of Care Bill, which seek to embed and institutionalise considerations of the health, wellbeing, and child rights in particular kinds of climate-related decision-making, are even more important. It is unsurprising then that the Duty of Care Bill campaign is led by young people from across Australia and has been referenced in the National Child and Youth Statement (NCYS).

Recommendations:

1. The Duty of Care Bill imposes two duties to 'consider' the health and wellbeing of children in Australia when making decisions contributing to climate change. It is important to **identify the means by which such considerations should occur**. There are many different options available in this regard. To provide a couple examples:
 - o The Australian Human Rights Commission (AHRC), with UNICEF Australia's support, has recently developed A Child Rights Impact Assessment (CRIA) tool, which will help governments and service providers assess how children's rights and wellbeing will be affected by new laws and policies.²³ The tool is an 18-question checklist which can be used to measure the impact of any new laws or policies on the wellbeing of Australian children and families and determine whether the proposed laws and policies support their best interests. The CRIA could feasibly be modified and employed for each individual significant decision, and its findings disclosed on the public record. The CRIA aligns with measures enshrined in the CRC and in General Comment 26, which notes that "all proposed environment-related legislation, policies, projects, regulations, budgets, and decisions, and those already in force require vigorous children's rights impact assessments in accordance with Article 3(1) of the Convention."²⁴

¹⁷ UNICEF, *Early Moments Matter for every child* (Report, September 2017) https://www.unicef.org/media/48886/file/UNICEF_Early_Moments_Matter_for_Every_Child-ENG.pdf

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Australian Conservation Foundation, "Young Australians want the right to a healthy environment enshrined in law, 2023, < [Young Australians want the right to a healthy environment enshrined in law - Australian Conservation Foundation \(acf.org.au\)](https://www.acf.org.au/young-australians-want-the-right-to-a-healthy-environment-enshrined-in-law)>

²¹ Australian Institute for Disaster Resilience (AIDR) et al, "Our World Our Say," 2021, <youth-survey-report_2020-08-12_v1-2.pdf (worldvision.com.au),>

²² Australian LCOY 2023, "National Child and Youth Statement," <[Australian Local Conference of Youth \(unicef.org.au\)](https://www.unicef.org/australia/national-child-and-youth-statement)>

²³ Australian Human Rights Commission (AHRC), "Safeguarding children: using a child rights impact assessment to improve our laws and policies," <[Children's Commissioner urges governments to monitor child rights \(unicef.org.au\)](https://www.unicef.org/australia/safeguarding-children)>

²⁴ CRC/C/GC/26 General comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change, Para 75.

- A complimentary approach to operationalizing ‘consideration’ could be to mandate public consultations with affected children and young people before a decision is made. Such an approach may be considered unduly time-consuming and unfeasible considering the volume of decisions that need to be made across at least six Acts. However, a variation of such an approach would constitute best practice child and youth participation in climate policymaking and ensure the voices and perspectives of children and young people in-context, including for example in rural or remote First Nations communities, are considered.
2. The Duty of Care Bill should **include specific mechanisms to consider the distinct or additional health and wellbeing impacts of climate change on particularly disadvantaged groups of children**. Climate change affects some children more than others. Children and families with lower incomes, lower levels of education and employment, and with poorer access to specialist health services in rural and remote areas have fewer resources at hand. They lose more when facing climate shocks, hazards and stresses and face a longer and more complex road to recovery. Similarly, children who have experienced individualised or systemic persecution, deprivation, or neglect, including First Nations children, face significant additional challenges that place them at a disadvantage when it comes to coping or responding to climate change. Indeed, General Comment 26 notes that “as rights holders, children are entitled to protection from infringements of their rights stemming from environmental harm, in taking such an approach, particular attention is paid to multiple barriers faced by children in disadvantaged situations in enjoying and claiming these rights.”²⁵
- One possible approach to considering health and wellbeing impacts on First Nations children, for example, is an assessment underpinned by the Social and Emotional Wellbeing Framework (SEWB), which takes a ‘holistic view of health recognising connection to land, sea, cultural, spirituality, as well as social, historical, and political factors, as crucial to understand impacts to Aboriginal health and wellbeing.’²⁶ Similar frameworks would be available for use and modification with other groups of children facing disadvantage.
3. The Duty of Care Bill should **include an expanded and holistic definition of health and wellbeing** to account for the multiple and often intersecting ways in which children and young people are directly and indirectly impacted by climate change. Currently the Bill defines health and wellbeing as inclusive of emotional, cultural, and spiritual health and wellbeing. This definition excludes the significant direct physical and mental health impacts of climate change on children and young people, thereby inherently weakening the basis upon which any decisions in the best interests of children and young people may otherwise be made.
- One approach to tracking, measuring, and conceptualising children’s wellbeing holistically is through the use of the Australian Children’s Wellbeing Index, developed by UNICEF Australia and the Australian Research Alliance for Children and Youth (ARACY).²⁷ Data in the Index is organised using the Nest, Australia’s evidence-based framework for child and youth wellbeing. The Nest was developed in consultation with over 4000 experts and children, young people, and families about what they need to thrive, and aligns with key articles of the Convention on the Rights of the Child (CRC). The Nest presents holistic wellbeing as six interdependent domains.²⁸ A child or young person needs to be doing well in all six domains to thrive. Wellbeing is therefore seen as a holistic term with domains sitting within it.

UNICEF Australia would welcome the opportunity to provide further, detailed evidence relating to the content of our submission and the Duty of Care Bill at a verbal hearing. We look forward to hearing from you.

Warm regards,

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 UNICEF Australia

²⁵ CRC/C/GC/26 General comment No. 26 (2023) on children’s rights and the environment, with a special focus on climate change, Paras 7 and 8.

²⁶ Australian Institute of Health and Welfare, “The Social and Emotional Wellbeing Framework,” < [Social & emotional wellbeing - AIHW Indigenous MHSPC](#)>

²⁷ UNICEF Australia and ARACY, “The Australian Children’s Wellbeing Index, 2022,” < [The wellbeing of Australia’s children | UNICEF Australia](#)>

²⁸ ARACY, “The Nest: A National Plan for Child and Youth Wellbeing,” 2013, < [The Nest - Australian Research Alliance for Children and Youth \(ARACY\)](#)>