

25 October 2021

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Mr. Francisco Calí Tzay

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Dear Mr Boyd, Mr Calí Tzay and Mr Quinn

**Human rights harms of the Australian government's Nationally Determined Contribution and inaction on climate change**

1. Environmental Justice Australia (EJA) is grateful to submit this complaint on behalf of five young people living in Australia. We are writing to respectfully request that as Special Rapporteurs on human rights and the environment, on the rights of Indigenous peoples and on the rights of persons with disabilities, you consider the grievances contained in this communication and do all in your power to give effect to the complainants' requests.

## The Complainants

2. EJA is a leading public interest legal organisation. Our lawyers act on behalf of people and community organisations to safeguard health, to protect forests, rivers and wildlife, and to tackle climate change.
3. We make this complaint on behalf of:
  - a. **Shylicia McKiernan** – a 24 year old Kulkalaig woman from Kulkalgal Nation, Zenadth Kes (the Torres Strait), living on Wurundjeri land. Shylicia looks forward to a world where everyone can come together and become the community we need to be to properly create a sustainable world that is just for everyone. However, as her statement (**Annexure A**) describes, Shylicia’s and her community’s experience with sea level rise has had devastating impacts on their home island, Masig;
  - b. **Adrien Edward** – a 15 year old high school student, currently in year 10. Adrien lives on Wurundjeri country in Melbourne. As they detail in their statement (**Annexure B**) Adrien enjoys reading, script writing and painting, and hopes for a safe and secure future where they can follow their passion to become a filmmaker. As a disabled person, Adrien has already and will continue to face climate-related harms unless the government addresses the level of disproportionate harms on disabled people;
  - c. **Chris Black** – a 14 year old high school student, currently in year 10. Chris lives on Gadigal and Guringai land in Sydney. In his statement (**Annexure C**), Chris details his hopes to become a scientist when he grows up so he can help the environment and people, and continue to build a healthy future for his and all generations to come. He has mental health issues and disabilities including climate change-induced anxiety, which he knows puts him at a higher risk of climate-related harm than some other people;
  - d. **Ethan Lyons** – a 15 year old Wiradjuri teen, living on the Country of the Gandangara (Gadigal) people of the Eora Nation, in Sydney. Ethan is proud to have such a large and supportive mob from all across Country, and hopes to share and spread his passion for culture around the world one day. As detailed in his statement (**Annexure D**) though, Ethan has Type 1 diabetes and is already seeing how bushfires, floods and droughts caused by climate change is hurting his and other First Nations peoples’ connection to Country.

- e. **Leila Mangos** – a 18 year old high school student, currently in Year 12. Leila lives on Darkinjung land on the Central Coast, in New South Wales. In her statement (**Annexure E**), Leila shares her hopes for a future where she feels safe, secure and is pursuing her passions. Leila describes her experience with climate-induced anxiety and depression, and how she feels that climate change has prevented her from living as a child.

Together, the **Complainants**.

4. The Complainants would like to express that although this communication is made on behalf of them, the rights-based harms outlined in this complaint are and will continue to affect all children across Australia. The Complainants would also like to note that the terms ‘First Nations’ and ‘disabled people’ have been used in this complaint on their instructions.
5. Short statements containing the evidence of the Complainants are enclosed at **Annexures A to Annexure E**.

## Executive Summary

Australia’s Nationally Determined Contribution, its current conduct and harm to the human rights of young people in Australia

6. On 8 October 2021, and in a landmark move, the United Nations (**UN**) Human Rights Council recognised that the right to a clean, healthy and sustainable environment is a human right.<sup>1</sup> The UN High Commissioner for Human Rights, Michelle Bachelete, introduced the session stating that, “a safe, clean, healthy and sustainable environment is the foundation of human life” and called on States to take “ambitious action”.<sup>2</sup>
7. Under the Paris Agreement too, Australia is explicitly required to adopt a greenhouse gas reduction target, known as a “Nationally Determined Contribution” (**NDC**), which reflects “its highest possible ambition.”<sup>3</sup> Despite this, and the explicit recognition that climate change is a human rights issue, Australia’s conduct remains tied to harmful inaction and its inadequate 2030 emissions reduction target as reflected in its NDC.
8. The human rights consequences of this costly inaction, and the Australian government’s facilitation of soaring emissions, are already being felt across Australia. Extreme bushfires, heat waves, sea level rises, coral bleaching and freak hailstorms are only some examples of climate-induced events people in Australia are experiencing. Young people are particularly vulnerable and exposed to these life-threatening events, and will continue to be disproportionately harmed as global warming intensifies. Even more exposed are young First Nations people and young

disabled people who are already suffering and will suffer even more acutely as continuing climate change exacerbates existing inequalities and directly undermines their health and cultural rights. Each of the Complainants face this terrifying reality and the infringement of their fundamental rights, including the rights to life, education and health, by virtue of Australia's conduct and inaction.

9. In this complaint, we detail the harms being experienced by the Complainants as well as their well-justified fears of future harm, including significant mental health issues, damage to and forced disconnection with important cultural sites and Country, the impeded ability to attend school, as well as inability to leave their homes and corresponding alleged human rights violations. The Complainants assert the Australian government is in breach of the Paris Agreement and multiple United Nations (**UN**) instruments, including but not limited to the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, and United Nations Declaration on the Rights of Indigenous Peoples. They respectfully request your urgent intervention to:

a. Seek explanation from the Australian State regarding:

- i. How the Australian State's current inaction on climate change and its first and second NDCs are consistent with its human rights obligations to the Complainants and to young people in Australia, especially young people from First Nations communities and disabled people;
- ii. How its current conduct is compatible with the human rights of young Australians and a 1.5 degree pathway, in light of:
  1. the Intergovernmental Panel on Climate Change Sixth Assessment Report;
  2. the 2021 International Energy Agency Roadmap;
  3. the 2021 International Energy Agency World Economic Outlook; and
  4. its continued approval and pursuit of new gas and coal extraction projects across Australia including major gas exploration in the Beetaloo basin; and
- iii. How its current NDC decision-making has involved young people in Australia who are and will continue to feel the acute impacts of climate harms and the State's decision-making, and whether the State will establish a permanent forum to take advice from young people from impacted communities about the lived reality of climate inaction.

b. Urge the Australian State to, without delay, set a 2030 target that is consistent with its human rights obligations to young people in Australia and to the Complainants.

## Australia's Nationally Determined Contribution

10. In 2015, the Australian government announced its first NDC pursuant to its obligations under the Paris Agreement.<sup>4</sup> The government committed to reducing greenhouse gas emissions (**GHGEs**) by 26 to 28 percent below 2005 levels by 2030 (**First NDC**).<sup>5</sup> Despite years of widespread criticism that this reduction target was insufficient, on 31 December 2020 and at the midpoint of severe bushfires in south-eastern Australia, fuelled by anthropogenic climate change (**Black Summer bushfires**),<sup>6</sup> the Federal Government decided against raising its ambition. It simply recommunicated its First NDC (**Second NDC**) in an utter failure to comply with the Paris Agreement and numerous UN Conventions.<sup>7</sup>
11. The stark reality of climate change and its widespread, rapid and intensifying risks to the world has been underscored by the IPCC when it released its Sixth Assessment Report in August 2021. The report found that unless there are immediate, rapid and large-scale reductions in GHGEs, limiting warming to close to 1.5°C or even 2°C will be beyond reach.<sup>8</sup> Similarly, in their ground-breaking report released in May 2021, the International Energy Agency (**IEA**) highlighted the path to net zero by 2050 (and therefore a sustainable future) was narrow, and to reach it requires all governments to significantly strengthen their ambition and ensure that ambition is implemented.
12. The Australian government's Second NDC flies in the face of this science, is grossly inadequate to limit warming to 1.5°C by 2030 (even by the standard of Australia's own Climate Change Authority)<sup>9</sup> and does not represent Australia's fair share of global emissions reductions. The Complainants raise their view that the First and Second NDCs and Australia's conduct consistent with these NDCs undermines their rights under multiple instruments, as detailed below.
13. Climate Action Tracker data shows that if all countries were to follow Australia's approach, warming could reach over 3°C and up to 4°C.<sup>10</sup> Recent research predicts that limiting global warming to 1.5°C compared with warming levels associated with current pledges, nearly halves the additional exposure of newborns to extreme heat waves, and reduces the exposure to crop failures, droughts and river floods by about a third.<sup>11</sup> The Australian government must drastically raise ambition – the inadequacy of the Second NDC is an affront to all people in Australia, but especially young people in Australia who are acutely exposed to climate harms as rising GHGEs continues unabated. We detail this, and the Complainants' personal experiences of this, below.

## Australia's NDC Decision and harm to all young people in Australia

Current harms to young people in Australia at 1.2°C

14. In 2020, it was estimated that current warming had already reached 1.2°C above pre-industrial levels.<sup>12</sup> The IPCC has predicted with a high degree of confidence that Australian land areas have warmed by around 1.4°C.<sup>13</sup> Even at this level of warming, acute and chronic harms of climate change are threatening our planet and communities. Illustratively, the Black Summer fires caused 33 direct deaths, killed or displaced nearly 3 billion native animals and estimates of the national financial impacts were over \$10 billion.<sup>14</sup> The Great Barrier Reef has suffered three major bleaching events in recent years,<sup>15</sup> and hailstorms lasting only a few minutes caused more than \$1 billion in damage in Queensland in October 2020.<sup>16</sup> Meanwhile we are seeing more frequent, longer and intense heatwaves,<sup>17</sup> more intense heavy rainfall and flooding,<sup>18</sup> ecosystems on the verge of collapse,<sup>19</sup> and significant erosion from sea level rise.<sup>20</sup>
15. It is now well-acknowledged that children are some of the most vulnerable to climate threats and these catastrophic and deeply distressing events are disproportionately harming young people in Australia. The Office of the UN High Commissioner for Human Rights (**OHCHR**) has stated,

“Children are disproportionately impacted by climate change due to [childrens’] unique metabolism, physiology and developmental needs. The negative impacts of climate change, including the increasing frequency and intensity of natural disasters, changing precipitation patterns, food and water shortages, and the increased transmission of communicable diseases, threaten the enjoyment by children of their rights to health, life, food, water and sanitation, education, housing, culture, and development, among others. Climate change heightens existing social and economic inequalities, intensifies poverty and reverses progress towards improvement in children’s well-being.”<sup>21</sup>

(Emphasis added)

16. Studies undertaken after extreme weather events are illustrative of these comments. Studies show that after natural disasters, such as the Black Summer bushfires, children may be exceptionally disempowered as access to education is undermined if school facilities are destroyed, teachers are not available or children are relocated.<sup>22</sup> The studies state the disruption to education acts as a multiplier to the original event reducing mental health and well-being for years after the original event.<sup>23</sup>

17. The right to access education is undermined too by the chronic impacts of climate change which are already being felt.<sup>24</sup> Complainant, Adrien Edward, is 15 years old and lives on Wurundjeri land in Melbourne.<sup>25</sup> Adrien has sensory issues and chronic pain which are exacerbated by extremes of cold and heat. The impact of heatwaves on Adrien’s sensory issues, and the effects of colder winters on Adrien’s chronic pain has impeded their ability to attend school. When there is bushfire smoke around, too, Adrien has trouble breathing and their sensory issues mean they have to stay inside, and cannot attend school. As they explain, in their personal statement (**Annexure B**):

“All of this heavily impacts my ability to leave the house, get education and travel which then negatively impacts my mental health. This also makes me really angry.”

18. As with other rights protected by the Convention on the Rights of the Child, the right to education is not indivisible but linked to all other fundamental rights.<sup>26</sup> It is designed to “strengthen the child’s capacity to enjoy the full range of human rights”, including the rights to life, health and development.<sup>27</sup> Undermining a single right has a domino effect on other rights. The Australian government must act and take serious, genuine and immediate action on climate change to ensure all children’s rights are guaranteed and able to be fully realised.

19. Each of the Complainants’ experience with current climate harms and their devastating effects on their current and future rights, including to their right to education and the highest attainable standard of health are detailed further in their personal statements enclosed at **Annexures A** to **E**. The Complainants raise these current harms to identify their current experiences, but also as clear indications of the intensifying and expanding future harms they will face in a lifetime determined by the current material conduct and inaction of Australia, including actions consistent with its inadequate First and Second NDCs.

Future harms to all young people in Australia in a 2°C and 3°C future

20. In 2021, the Climate Action Tracker released data showing that current Paris Agreement pledges and targets puts the world on a pathway to reach 2.4°C by the end of the century.<sup>28</sup> This is significantly higher than current 1.2°C warming and the Paris Agreement target of 1.5°C. Similar analysis released by the IEA in their 2021 World Energy Outlook (**WEO**) found that current pledges, if implemented, would lead to global average temperature rise of 2.1°C by the end of the century, but the temperature trend would not have stabilised.<sup>29</sup> Further, Australia’s pledge in the context of the other global pledges, would only result in less than 20% of the emissions

reductions by 2030 which are necessary to reach net zero by 2050.<sup>30</sup> Indeed, the 2021 Climate Transparency report found that Australia's 2030 domestic emissions reduction target is consistent with 4°C warming if all other countries followed suit, rating Australia's emissions targets overall as "highly insufficient".<sup>31</sup>

21. In their Sixth Assessment Report released in August this year, the IPCC considered the risks of global warming rising above 1.5°C. It projected that heatwaves, droughts and floods will be more widespread across Australasia at 2°C, and even more widespread and/or pronounced for higher levels of warming.<sup>32</sup> With respect to heatwaves, droughts and floods at least, the OHCHR states that globally, children will suffer exceptionally. It highlights:

- a. As heatwaves increase in duration and intensity, children may suffer from heat rash, heat-related cramps, exhaustion, renal disease, respiratory illness, stroke and death as bodies adapt at a slower rate to changes in heat;<sup>33</sup>
- b. Droughts are expected to intensify thereby reducing access to water, agriculture and economic activities which accordingly increases the risk of malnutrition, child labour and domestic violence;<sup>34</sup> and
- c. The increase in occurrence and severity of flooding will see the incidence of waterborne disease rise – by 2030, it is projected that climate change will result in 48,000 additional deaths from diarrhoeal disease in children under 15.<sup>35</sup>

22. With respect to children in Australia, the evidence relied upon in *Sharma & Others v Minister for the Environment* [2021] FCA 560 suggests impacts on children in Australia are no less than severe than the global experience. For example:

- a. Dr Meyricke, an actuary and member of the Institute of Actuaries Climate Change Working Group, opined that even with effective adaptation and risk mitigation there will still be excess mortality in future for individuals currently under 18 years of age from heatwaves in Australia.<sup>36</sup>
- b. Professor Capon, Director and Professor of Planetary Health at Monash University, stated that the effects of prolonged droughts in Australia caused by reduced levels of soil moisture, declines in agricultural productivity, and declines in rural incomes has and will have the flow on effect of mental illness, including rising levels of



depression.<sup>37</sup> In his judgement, his Honour Justice Bromberg accepted this evidence, and found that a recognisable psychiatric injury as a result of a climate change induced drought was reasonably foreseeable for current Australian children whose lives will be affected by drought.<sup>38</sup>

- c. In terms of economic loss, Dr Mallon, a physical risk analysis expert and Director at Climate Risk Pty Ltd and XDI Pty Ltd, stated that today's children can on average expect to lose between \$41,000 and \$85,000 of family wealth due to climate driven corrections in the property market.<sup>39</sup> This loss accounts for elevated and increasing risk of about 750,000 dwellings exposed to flooding, coastal inundation, forest fire and subsidence.<sup>40</sup> These figures were to be considered conservative, as they did not include the southerly movement of cyclones.<sup>41</sup>

23. As his Honour Justice Bromberg stated,

"It is difficult to characterise in a single phrase the devastation that the plausible evidence in this proceeding forecasts for the Children [Plaintiffs]. ... the human experience – quality of life, opportunities to partake in nature's treasures, the capacity to grow and prosper – all will be greatly diminished ... It will be inflicted by the inaction of this generation of adults, in what might fairly be described as the greatest inter-generational injustice ever inflicted by one generation of humans upon the next."<sup>42</sup>

(Emphasis added)

24. Other studies confirm catastrophic risk exposures to young people in Australia at 3°C level of warming. Heatwaves in parts of Australia are projected to become twice as likely (seven per year) and last twice as long (16 days on average) when compared to 1.5°C warming.<sup>43</sup> Human mortality and morbidity is expected to increase.<sup>44</sup> Water and food availability, quality and security will be significantly compromised, with the consequences including broad public health harms, undermining various industries reliant on water supplies (for example, agriculture) and contributing to regional instability and conflict.<sup>45</sup> A recent study found that a 6 year old in 2020 will experience twice as many bushfires and tropical cyclones, three times more river floods, four times more crop failures, five times more droughts, and 36 times more heatwaves compared to a person born in 1960.<sup>46</sup> Each of these harms severely compromise multiple rights of the Complainants, including the rights to life, to attain the highest attainable standard of health and to an adequate standard of living.<sup>47</sup>

25. In addition to physiological risks, young people in Australia will continue to grapple with mental health issues as they mourn ecological losses and human harms, and carry legitimate fear for the future.<sup>48</sup> Given their age, children have little power to limit climate harms, making them more vulnerable to climate anxiety and potentially exacerbating pre-existing mental health problems.<sup>49</sup> For each of the Complainants, current devastation and the fears they have for the future are already impacting their mental health. Chris Black is 14 years old and lives on Gadigal and Guringai land in Sydney.<sup>50</sup> Chris has Autism, obsessive compulsive disorder and other disabilities which puts him at higher risk of climate harms. Chris also experiences climate-induced anxiety which is so severe that it manifests in physical pain. As he describes in his personal statement (**Annexure C**): “It can lead to really bad chest pains, a sore tummy, and trouble breathing”. Sometimes the pain is so severe that Chris cannot move. Leila Mangos is 18 years old and lives on Darkinjung land on the Central Coast, in New South Wales.<sup>51</sup> Leila also experiences climate-induced anxiety and depression, and explains that she feels as though climate change has prevented her from living as a child. Leila also describes how she feels pressure to dedicate time and energy to climate activism, rather than her other passions which do not carry such a heavy personal toll.
26. The right to the highest attainable standard of health is guaranteed by article 24 of the Convention on the Rights of a Child.<sup>52</sup> The Committee on the Rights of the Child has stated that health is “a state of complete physical mental and social well-being and not merely the absence of disease or infirmity”, and that States must “put children’s health concerns at the centre of their climate change adaptation and mitigation strategies”.<sup>53</sup> In considering a recent petition to the UN brought on behalf of 16 children (**Sacchi Petition**), some of whom are suffering from climate-induced mental harms, the Committee acknowledged these harms and stated that children are “particularly impacted by the effects of climate change, both in terms of the manner in which they experience such effects as well as the potential of climate change to affect them throughout their lifetime, in particular if immediate action is not taken” (Emphasis added).<sup>54</sup> Accordingly, “states have heightened obligations to protect children from foreseeable harm”.<sup>55</sup>
27. Rather than heeding to heightened obligations though, the Australian government is threatening the current and future health of young people in Australia, by ignoring the principle of intergenerational equity, and remaining stubborn on its insufficient and non-compliant NDC.
28. The potential rights violations by the Australian government extend beyond the right to health. Current climate projections and the life-threatening risks they pose to young people in Australia, will (if they have not already) infringe nearly all of their fundamental economic, social and health rights including the rights to life, family relations, adequate standard of living, education, freedom

from any form of violence or exploitation and recreation and play,<sup>56</sup> and the right to a clean, healthy and sustainable environment recognised by the Human Rights Council on 8 October 2021.<sup>57</sup> If the Australian State continues its current conduct, including actions consistent with its NDCs, the potential infringements of these international obligations will necessarily intensify.

29. For further detail concerning each of the Complainants' concerns regarding future climate harms, please see **Annexure A – Annexure E**.

### Harm to young First Nations people in Australia

30. Current climate harms, and the threat of widespread and intensified risks, exposes the cultural rights of young First Nations people in Australia. As Mibu Fischer, a Quandamooka woman and saltwater scientist, has stated,

“It’s not just the food sources, resources, culture and connections to Country ...the changes to the physical environment for First Nations people globally also impacts our ability to contribute to our economy, it impacts our wellbeing and our health - particularly our mental health. It is adding an additional obstacle to already marginalised communities.”<sup>58</sup>

31. International bodies have recognised the centrality of natural resources to the right to enjoy culture. The Inter-American Court has stated, “[T]he close ties of indigenous people with the land must be recognized and understood as the fundamental basis of their cultures, their spiritual life, their integrity, and their economic survival.”<sup>59</sup> Ethan Lyons is 15 years old and a Wiradjuri teen from Sydney, although his family is originally from Narrandera.<sup>60</sup> Ethan is proud of his culture, but can already see that extreme events are hurting First Nations peoples' connection to Country. Ethan states in his personal statement (**Annexure D**):

“To me, connection to Country is everything. Country is not just the land but kinship, the Dreamtime, food and cultural practices – these all make up Country. When land is destroyed, it is disconnecting. Seeing bushfires destroy the land is disconnecting.”

32. Torres Strait communities situated on low-lying islands are particularly exposed to sea level rise, storm surge and flooding impacts,<sup>61</sup> with some raising concerns that they will see their islands disappear within their lifetimes.<sup>62</sup> Shylicia McKiernan is a Kulkalaig woman from Kulkalgal Nation, Zenadth Kes (the Torres Strait). She is currently living on Wurundjeri land but her family is originally from the low-lying island, Masig. For Shylicia the experience of rising sea levels is very anxiety-inducing.<sup>63</sup> Shylicia's great-grandparents moved away from their home, Masig, due to

rising sea levels. She says it is terrible to think you could be displaced in your own country. As Shylcia explains in her statement (**Annexure A**):

“Knowing the impacts of climate change threaten the survival of Masig overwhelms me. Even though I didn’t grow up there it doesn’t hurt any less thinking my family’s home island could be lost. Our songlines and culture is deeply connected to the island so it is really upsetting.”

33. In addition, evidence shows that in the Torres Strait, changes to temperature and rainfall have affected the range of mosquito species for dengue,<sup>64</sup> drought conditions will impact water security and cyclones are projected to become more intense.<sup>65</sup> For communities living in the Torres Strait the direct and indirect impacts of these events will be aggravated due to their remote location with limited healthcare and economic resources, and higher burden of pre-existing health conditions.<sup>66</sup>
34. This experience is not limited to the Torres Strait. Throughout Australia climate change has and will continue to exacerbate the recognised social, health and economic inequalities between First Nations people in Australia and non-First Nations people in Australia.<sup>67</sup> Research and evidence regarding the impact of the Black Summer bushfires on First Nations people in NSW and Victoria provided to the Australian government’s Royal Commission Inquiry into Natural Disasters (authors of which include Euahlayi man and academic Bhamie Williamson) highlights that:
  - a. at the time of the fires one quarter of all Indigenous peoples in NSW and Victoria were directly affected by the bushfires; and
  - b. 1 in 10 children living in bushfire affected areas were Indigenous with over 36% of the total Indigenous population in fire-affected areas being less than 15 years old.<sup>68</sup>
35. The authors stated that these figures highlight and should lead to concerns regarding the diverse and unique effects on First Nations children from those bushfires, including trauma, health and access to education and housing.<sup>69</sup> When the Black Summer bushfires hit NSW, Ethan Lyons saw the firsthand impacts of bushfire smoke on people in his community, and how their health conditions put them at greater risk.<sup>70</sup> Ethan also had uncles who were fighting fires in the Illawarra region. In his personal statement (**Annexure D**), Ethan has described how scary this experience was, especially as his family were unable to keep in steady and regular contact with his uncles.

36. The Complainants assert that the material contribution of Australia to these present and ongoing climate harms violate, and will continue to violate, young First Nations peoples' rights to enjoy their culture and take part in cultural life breaching multiple human rights instruments including: the Convention on the Rights of the Child (**CRC**); the International Covenant on Economic, Social and Cultural Rights (**ICESCR**); the International Covenant on Civil and Political Rights (**ICCPR**); the Universal Declaration of Human Rights (**UDHR**); and the United Nations Declaration on the Rights of Indigenous Peoples (**UNDRIP**).<sup>71</sup> The Australian government has either ratified or supports each of these instruments, and has an international obligation to act on climate and protect these rights.<sup>72</sup>

### Harm to young disabled people

37. The Complainants also identify the disproportionate harm of Australia's contribution to climate change on young disabled people. Disabled people, and especially those with intersecting factors related to age, gender, and culture, will experience the direct and indirect impacts of climate change differently and more severely than others.<sup>73</sup> The OHCHR has stated the harms are broad-reaching and severe, for example: adverse impacts of climate change exacerbate environmental and institutional barriers to access to health and healthcare for disabled people, and as the harms of climate change undermine educational and vocational opportunities, young disabled people are likely to suffer disproportionately.<sup>74</sup> Research shows that for disabled people, natural disasters can and will mean loss of power for life sustaining equipment, transportation challenges meaning people have to evacuate without equipment they use and need, and no place to go because evacuation information and environments are inaccessible.<sup>75</sup>

38. The exposure to aggravated risk is already being experienced. For example, the Victorian Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability identified that during the Black Summer Bushfires disabled people were more at risk during the fires as evacuation plans, communications and information broadcast were inadequate and/or inaccessible.<sup>76</sup> Eleanor Beidatsch, a disability and environmental rights activist, has stated that when a wild winter storm hit her home on the south coast of Western Australia, her life was placed in jeopardy.<sup>77</sup> Eleanor relies on respirators for life support and when the storm hit and caused power outages, she was left with a finite supply of power to the respirators.<sup>78</sup> In their personal statement (**Annexure B**), Adrien Edward explains they have already experienced that in times of crisis, such as COVID-19, when there is a large burden on hospitals, adjustments which are critical for the health of disabled people are not available, and that attention also drifts to

abled people.<sup>79</sup> They identify that the disruption caused by extreme weather events will, in the same way, cause their health to be placed at risk and de-prioritised.

39. Research too shows there will be direct impacts of climate change on people with diabetes.<sup>80</sup> Studies show that in hotter temperatures, dehydration and heatstroke increases morbidity and mortality in people with diabetes.<sup>81</sup> They are also predisposed to cardiovascular events during heat waves and higher mortality from heart attack on days of high air pollution.<sup>82</sup> Extreme weather events can leave people with no access to care or essential medicines, such as insulin.<sup>83</sup> This has both short-term and long-term impacts on this condition. Ethan Lyons has said he has always been aware that he is at greater risk due to his Type 1 diabetes, understanding that should he be stuck in an extreme weather event his ability to access insulin, and other essential supplies, will be impeded.<sup>84</sup>
40. The current and future harms facing disabled people breaches fundamental freedoms and rights enshrined under the ICCPR, ICESCR, CRC, UDHR and the Convention on the Rights of Person with Disabilities (**CRDP**).<sup>85</sup> The rights include, but are not limited to, the rights to life, education, and highest attainable standard of healthcare.<sup>86</sup> The Australian government is obliged under the CDRP to “take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.”<sup>87</sup> The Complainants assert that Australia’s current climate-related targets and actions, including the Second NDC, are inconsistent with the rights of disabled people.

## Australia’s NDC recommunication and inconsistency with its legal obligations

### The Paris Agreement

41. Australia became a signatory to and ratified the Paris Agreement in 2016.<sup>88</sup> Despite this, the Australian government is failing to meet the obligations it imposes. Article 4(3) of the Paris Agreement requires parties’ NDC to:

“...represent a progression beyond the Party’s then current NDC and reflect its highest possible ambition.”<sup>89</sup> (Emphasis added)

As outlined in paragraphs 10 - 12 above, however, the Second NDC is not a progression beyond the First NDC, and it does not reflect the highest possible ambition of the Australian government.

42. The Paris Agreement goes beyond imposing science-based obligations on party States, to encouraging States to take inclusive and rights-based action. The preamble acknowledges that:

“...climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.”<sup>90</sup>

43. Despite this, the Australian government is not currently respecting, promoting or considering the obligations and rights outlined. If the First NDC was not already, the Second NDC is an abdication of the Australian government’s obligations under the Paris Agreement.

#### International Human Rights Law

44. In addition to and by virtue of breaching the Paris Agreement, through failing to take meaningful and inclusive action on climate change, and by setting and conducting itself in line with the First and Second NDCs, the Australian government is also likely in breach of several international human rights instruments.

45. The inextricable link between human rights, climate change and State’s obligations is now well-acknowledged. In 2019, five UN bodies released a joint statement confirming that climate change poses “significant risks to the enjoyment of human rights” with “the risk of harm... particularly high [for] women, children, persons with disabilities, indigenous peoples and persons living in rural areas”.<sup>91</sup> The bodies asserted that accordingly States “must adopt and implement policies aimed at reducing emissions which reflect the highest possible ambition [and] foster climate resilience”.<sup>92</sup> It is a stance echoed by the Committee on Economic, Social and Cultural Rights, and the Special Rapporteur on Human Rights and the Environment.<sup>93</sup> Further, in their recent response to the Sacchi Petition, the Committee on the Rights of the Child confirmed that,

“while climate change and the subsequent environmental damage and impact on human rights it causes is a global issue... State parties will carry individual responsibility for their own acts or omissions in relation to climate change and their contribution to it.”<sup>94</sup>

(Emphasis added)

46. As outlined in this complaint, the rights of the Complainants and all young people in Australia are protected under numerous UN Conventions such as the CRC, ICESCR, ICCPR and the CRPD. Australia has ratified each of these instruments, voluntarily accepting its obligations to respect these rights.<sup>95</sup> Despite this, the Australian government has likely breached and will continue to breach each of these instruments through inaction on climate change, and ignoring the present and future threat of intergenerational injustices to young people in Australia.
47. If Australia wishes to make a concerted effort to uphold the human rights of people in Australia, as required by its international human rights obligations, the Australian government must revise its NDC to reflect its highest possible ambition, its fair share and the latest climate science.

### Request for redress and comment from the Australian government

48. The Complainants respectfully seek your urgent intervention to:
- a. Seek explanation from the Australian State regarding:
    - i. How the Australian State's current inaction on climate change and its First and Second NDC is consistent with its human rights obligations to the Complainants and to young people in Australia, especially young people from First Nations communities and disabled people;
    - ii. How its current conduct is compatible with the human rights of young Australians and a 1.5 degree pathway, in light of:
      1. the IPCC Sixth Assessment Report;
      2. the 2021 IEA Roadmap;
      3. the 2021 IEA World Economic Outlook; and
      4. its continued approval and pursuit of new gas and coal extraction projects across Australia including major gas exploration in the Beetaloo basin;
    - iii. How its current NDC decision-making has involved young people in Australia who are and will continue to feel the acute impacts of climate harms and the State's decision-making, and whether the State will establish a permanent forum to take advice from young people from impacted communities about the lived reality of climate inaction.
  - b. Urge the Australian State to, without delay, set a 2030 target that is consistent with its human rights obligations to young people in Australia and to the Complainants.



If you have any queries or would like further information regarding this complaint or any issues raised therein, please do not hesitate to contact Nicola Rivers or Elizabeth McKinnon, co-CEOs at EJA, at [CEOs@envirojustice.org.au](mailto:CEOs@envirojustice.org.au) or on +613 8341 3112.

Yours faithfully

Handwritten signatures of Nicola Rivers and Elizabeth McKinnon. The signature on the left is 'NR' and the one on the right is 'EMK'.

Nicola Rivers and Elizabeth McKinnon | Co-CEOs

[CEOs@envirojustice.org.au](mailto:CEOs@envirojustice.org.au)

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- <sup>1</sup> Human Rights Council (HRC), 48/13, *Human right to a safe, clean, healthy and sustainable environment*, A/HRC/48/L.23/Rev.1, 8 October 2021.
- <sup>2</sup> Michelle Bachelet (UN High Commissioner for Human Rights), 'Environmental crisis: High Commissioner calls for leadership by Human Rights Council member states', (Speech, Human Rights Council, 48<sup>th</sup> sess, 13 September 2021) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27443>.
- <sup>3</sup> Paris Agreement, 2016, opened for signature 22 April 2016 ATS 24 (entered into force 4 November 2016) (**Paris Agreement**) art 4(4).
- <sup>4</sup> Ibid.
- <sup>5</sup> Australian government, *Australia's Nationally Determined Communication: Communication 2020* (31 December 2020), [https://www4.unfccc.int/sites/NDCStaging/pages/Party.aspx?party=AUS\\_](https://www4.unfccc.int/sites/NDCStaging/pages/Party.aspx?party=AUS_)
- <sup>6</sup> Geert Jan van Oldenborgh et al., Attribution of the Australian bushfire risk to anthropogenic climate change, *Nat. Hazards Earth Syst. Sci.*, (2021) 21, 941-960 <https://doi.org/10.5194/nhess-21-941-2021>.
- <sup>7</sup> Alleged violations are considered in paragraphs 41 - 47 of this complaint.
- <sup>8</sup> Intergovernmental Panel on Climate Change (IPCC), *IPCC Sixth Assessment Report: Headline Statements from the Summary for Policymakers* (2021). [https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC\\_AR6\\_WGI\\_Headline\\_Statements.pdf](https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Headline_Statements.pdf); IPCC, *IPCC Sixth Assessment Report* (2021) <https://www.ipcc.ch/report/ar6/wg1/#FullReport>.
- <sup>9</sup> Australian government Climate Change Authority, *Final report on Australia's future emissions reduction targets* (2 July 2015) 6. <http://climatechangeauthority.gov.au/sites/prod.climatechangeauthority.gov.au/files/Finalreport-Australias-future-emissions-reduction-targets.pdf>.
- <sup>10</sup> Climate Action Tracker, *Australia*, (as at 13 October 2021) <https://climateactiontracker.org/countries/australia/>.
- <sup>11</sup> Wim Thierry, et al., *Intergenerational inequities in exposure to climate extremes*, (2021) *Science* 3 10.1126/science.abi7339.
- <sup>12</sup> World Meteorological Organization (WMO), *State of the Global Climate 2020 (WMO-No. 1264)*, (21 April 2021) <https://public.wmo.int/en/our-mandate/climate/wmo-statement-state-of-global-climate>.
- <sup>13</sup> IPCC, *IPCC Sixth Assessment Report: Regional Fact Sheet – Australasia*, (2021) [https://www.ipcc.ch/report/ar6/wg1/downloads/factsheets/IPCC\\_AR6\\_WGI\\_Regional\\_Fact\\_Sheet\\_Australasia.pdf](https://www.ipcc.ch/report/ar6/wg1/downloads/factsheets/IPCC_AR6_WGI_Regional_Fact_Sheet_Australasia.pdf).
- <sup>14</sup> Commonwealth government, Royal Commission into National Natural Disaster Arrangements, *Final Report*, (28 October 2020) 5 <https://naturaldisaster.royalcommission.gov.au/node/7786>.
- <sup>15</sup> Tiffany H. Morrison, et al., *Advancing coral reef governance into the Anthropocene* (2020) 2(1) *One Earth*, 64-74, <https://doi.org/10.1016/j.oneear.2019.12.014>.
- <sup>16</sup> Insurance Council of Australia, *Insurance Catastrophe Resilience Report: 2020-2021*, 8, [https://insurancecouncil.com.au/wp-content/uploads/2021/09/ICA008\\_CatastropheReport\\_6.5\\_FA1\\_online.pdf](https://insurancecouncil.com.au/wp-content/uploads/2021/09/ICA008_CatastropheReport_6.5_FA1_online.pdf).
- <sup>17</sup> Will Steffen and Simon Bradshaw, Climate Council, *Hitting Home: The Compounding Costs of Climate Inaction* (27 January 2021) 5 <https://www.climatecouncil.org.au/resources/hitting-home-compounding-costs-climate-inaction/>.
- <sup>18</sup> CSIRO and Australian government Bureau of Meteorology (BOM), *State of the Climate 2020* (16 November 2020) 8, <http://www.bom.gov.au/state-of-the-climate/documents/State-of-the-Climite-2020.pdf>.
- <sup>19</sup> Steffen and Bradshaw, above n 17, 47.
- <sup>20</sup> Will Steffen, et al., Climate Council, *Aim High, Go Fast: Why Emissions Need to Plummet this Decade* (15 April 2021) 33, <https://www.climatecouncil.org.au/resources/net-zero-emissions-plummet-decade/>.
- <sup>21</sup> Office of the United Nations High Commissioners for Human Rights (OHCHR), *Climate change and the full and effective enjoyment of the rights of the child* (May 2017), <https://www.ohchr.org/Documents/Issues/ClimateChange/RightsChild/ChildrenOnePager.pdf>.
- <sup>22</sup> Michael Casserly, Double jeopardy: Public education in New Orleans before and after the storm (2006) in Chester Hartman and Gregory Squires, 'There is no such thing as a natural disaster; race, class and Hurricane Katrina' (Routledge, New York) 197-214 cited in Lisa Gibbs, et al., Delayed Disaster Impacts on Academic Performance of Primary School Children (2019) *Child Development* 90(4) 1402-1412, 1402-1403 <https://doi.org/10.1111/cdev.13200>.
- <sup>23</sup> George Bonanno, et al., Weighing the costs of disaster: Consequences, risks, and resilience in individuals, families, and communities (2010) *Psychological Science in the Public Interest*, 11, 1-49 [doi:10.1177/1529100610387086](https://doi.org/10.1177/1529100610387086); Richard Bryant, et al., Longitudinal study of changing psychological outcomes

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following the Victorian Black Saturday bushfires, (2017) *Australian and New Zealand Journal of Psychiatry*, 52, 542-551 <https://doi.org/10.1177/0004867417714337>; Richard Bryant, et al., Psychological out-comes following the Victorian Black Saturday bushfires (2014) *Australian and New Zealand Journal of Psychiatry*, 48, 634–643 <https://doi.org/10.1177/0004867414534476> cited in Lisa Gibbs, et al., Delayed Disaster Impacts on Academic Performance of Primary School Children (2019) *Child Development* 90(4) 1402-1412, 1402-1403 <https://doi.org/10.1111/cdev.13200>.

<sup>24</sup> The right to education is guaranteed by article 28 of the Convention of the Rights of a Child. Convention on the Rights of the Child 1989, (resolution 44/25), opened for signature 20 November 1989, entered into force 2 September 1990 (CRC).

<sup>25</sup> See, Annexure B.

<sup>26</sup> UN Committee on the Rights of the Child, *General comment No. 1: The Aims of Education (article 29) (2001)*, 17 April 2001, CRC/GC/2001/1, 26<sup>th</sup> sess, para 14, available at: [https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/a\)GeneralCommentNo1TheAimsofEducation\(article29\)\(2001\).aspx](https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/a)GeneralCommentNo1TheAimsofEducation(article29)(2001).aspx); see, also, UNICEF, *Child rights and human rights explained*, <https://www.unicef.org/child-rights-convention/children-human-rights-explained>.

<sup>27</sup> Ibid para 2.

<sup>28</sup> Climate Action Tracker, *Warming Projections Global Update (May 2021)* [https://climateactiontracker.org/documents/853/CAT\\_2021-05-04\\_Briefing\\_Global-Update\\_Climate-Summit-Momentum.pdf](https://climateactiontracker.org/documents/853/CAT_2021-05-04_Briefing_Global-Update_Climate-Summit-Momentum.pdf); Climate Transparency, *Climate Transparency Report: Australia*, (2021) 15 <https://www.climate-transparency.org/wp-content/uploads/2021/10/CT2021Australia.pdf>.

<sup>29</sup> IEA, *World Energy Outlook (13 October 2021)* <https://iea.blob.core.windows.net/assets/88dec0c7-3a11-4d3b-99dc-8323ebfb388b/WorldEnergyOutlook2021.pdf>.

<sup>30</sup> Ibid.

<sup>31</sup> Climate Transparency, above n 28: Climate Transparency’s Climate Action Tracker’s overall rating, ‘combines the several, separately rated elements, of policies and actions, domestic and internationally supported targets, ‘fair-share target’ and the country’s contribution to climate finance’ at 15.

<sup>32</sup> IPCC, above n 13, See, also, Steffen and Bradshaw, above n 17, 32-37.

<sup>33</sup> See, for example, Johns Hopkins Medicine, *Heat-related illnesses (heat cramps, heat exhaustion, heat stroke)*,

[www.hopkinsmedicine.org/healthlibrary/conditions/pediatrics/heatrelated\\_illnesses\\_heat\\_cramps\\_heat\\_exhaustion\\_heat\\_stroke\\_90,P01611/](http://www.hopkinsmedicine.org/healthlibrary/conditions/pediatrics/heatrelated_illnesses_heat_cramps_heat_exhaustion_heat_stroke_90,P01611/) cited in OHCHR, *Analytical study on the relationship between climate change and the full and effective enjoyment of the rights of the child*, UN Human Rights Council, 35<sup>th</sup> sess, UN Doc. A/HRC/35/13 (4 May 2017).

<sup>34</sup> Kathleen Beegle, Rajeev H. Dehejia and Roberta Gatti, Child labor and agricultural shocks, (2006) *Journal of Development Economics*, 81(1); OHCHR, *Analytical study on the relationship between climate change and the full and effective enjoyment of the rights of the child*, UN Human Rights Council, 35<sup>th</sup> sess, UN Doc. A/HRC/35/13 (4 May 2017).

<sup>35</sup> WHO, *Quantitative Risk Assessment of the Effects of Climate Change on Selected Causes of Death, 2030s and 2050s (Geneva, 2014)*, 80 cited in OHCHR, *Analytical study on the relationship between climate change and the full and effective enjoyment of the rights of the child*, UN Human Rights Council, 35<sup>th</sup> sess, UN Doc. A/HRC/35/13 (4 May 2017).

<sup>36</sup> *Sharma & Others v Minister for the Environment* [2021] FCA 560 [219].

<sup>37</sup> Ibid [244]. Bromberg J also relied on a report authored by Dr Meyricke and Professor Rafal Chomik that referred to two studies in 2018 which found that climate change is likely to drive longer, harsher and more frequent droughts in parts of Australia, and the negative impacts of drought on mental health of those living in remote and regional communities is widely evidenced. Ramona Meyricke and Rafal Chomik, ‘The Impact of climate change on mortality and retirement incomes in Australia’ (2019) Actuaries Institute, <https://actuaries.asn.au/Library/Opinion/2019/TheDialogue10ClimateWEBLres.pdf>.

<sup>38</sup> *Sharma*, above n 36, [245].

<sup>39</sup> Ibid [292].

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Trancosco, et al., Heatwaves intensification in Australia: A consistent trajectory across past, present and future” *Science of the Total Environment* (2020) 742, <https://doi.org/10.1016/j.scitotenv.2020.140521> 9. The authors predict these figures for parts of Queensland. At page 9: ‘In a 1.5 °C warmer world, heatwaves would occur about 3 times per year with events lasting 7.5 days on average. With 2.0 °C of global warming, heatwaves events would occur at least 4 times/year, lasting 10 days on average. In a 3.0 °C warmer world, heatwaves would happen as often as 7 times per year, with these events lasting 16 days on average (Fig. 7a).

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Interestingly, sub-tropical regions seem to be more impacted by heatwave number and duration if the world reach 3.0 °C above pre-industrial levels.'

<sup>44</sup> Australian Academy of Science, *The risks to Australia of a 3°C warmer world*, (March 2021) 51-52, <https://www.science.org.au/files/userfiles/support/reports-and-plans/2021/risks-australia-three-deg-warmer-world-report.pdf>.

<sup>45</sup> Ibid.

<sup>46</sup> Thierry, above n 11, 2.

<sup>47</sup> See, eg, CRC arts 6, 24, 27.

<sup>48</sup> Susie E. L. Burke, et al., "The Psychological Effects of Climate Change on Children," *Current Psychiatry Reports* (2019)20(35) 2: '[C]hildren exposed to EWE disasters and the ensuing family stress [19], disruptions to social support networks, and displacement are at risk of developing PTSD and other mental health problems like depression, anxiety, phobias and panic, sleep disorders, attachment disorders, and substance abuse. . . In addition to diagnosable mental health problems, other psychological effects of traumatic experiences in climate-related disasters and their ensuing disruptions can include negative impacts on children's capacity to regulate emotions, increased cognitive deficits, learning problems, behavioral problems, adjustment problems, impaired language development, and an undermining of academic performance. Sustained and repeated stressful early-life events, likely in the context of climate change, can also create a predisposition to adverse mental health outcomes later in life' cited in Sacchi, et al. v. Argentina, et al. Petition (23 September 2019) (**Sacchi Petition**) [94] available at: [http://climatecasechart.com/climate-change-litigation/wp-content/uploads/sites/16/non-us-case-documents/2019/20190923\\_Communication-No.-1042019-Argentina-Communication-No.-1052019-Brazil-Communication-No.-1062019-France-Communication-No.-1072019-Germany-Communication-No.-1082019-Turkey\\_petition.pdf](http://climatecasechart.com/climate-change-litigation/wp-content/uploads/sites/16/non-us-case-documents/2019/20190923_Communication-No.-1042019-Argentina-Communication-No.-1052019-Brazil-Communication-No.-1062019-France-Communication-No.-1072019-Germany-Communication-No.-1082019-Turkey_petition.pdf).

<sup>49</sup> Ibid; Elizabeth Marks, et al., *Young People's Voices on Climate Anxiety, Government Betrayal and Moral Injury: A Global Phenomenon*, (2021) (Pre-print) <http://dx.doi.org/10.2139/ssrn.3918955>.

<sup>50</sup> See, Annexure C.

<sup>51</sup> See, Annexure E.

<sup>52</sup> CRC art 24.

<sup>53</sup> UN Committee on the Rights of the Child, *General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24)*, 17 April 2013, CRC/C/GC/15 4, 50.

<sup>54</sup> Committee on the Rights of the Child, Decision adopted by the Committee on the Rights of the Child under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in respect of Communication No. 104/2019, 8 October 2021, CRC/C/88/D/104/2019.

<sup>55</sup> Ibid.

<sup>56</sup> CRC arts 3, 6, 9, 10, 16, 24, 27, 28, 30, 31, 32, 34, 36; UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, (**ICESCR**) arts 11, 12, 13; UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171 (**ICCPR**) arts 1, 3, 5, 6, 12, 17; UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III) (**UDHR**) arts 1, 2, 3, 12, 13, 25, 26.

<sup>57</sup> HRC, above n 1.

<sup>58</sup> Mibu Fischer quoted in Climate Council, *First Nations Climate Justice: Written summary of the online public panel* (June 2021) 4 <https://emergencyleadersforclimateaction.org.au/wp-content/uploads/2021/07/First-Nations-Climate-Justice-panel-Climate-Council.pdf?plt=2.2.1.1.0>.

<sup>59</sup> *Mayagna (Sumo) Awas Tingni Community v. Nicaragua*, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 79, p 149 (Aug. 31, 2001) (Awas Tingni). See, also, UN HRC comments regarding the importance of natural resources to the right culture in UN Human Rights Committee, *Bernard Ominayak and the Lubicon Lake Band v. Canada*, Communication No. 167/1984, U.N. Doc. CCPR/C/38/D/167/1984 (Mar. 26, 1990) (Lubicon Lake Band).

<sup>60</sup> See, Annexure D.

<sup>61</sup> Torres Strait Regional Authority, *Climate change and the Torres Strait* (as at 9 March 2021), <https://www.tsra.gov.au/the-tsra/programmes/env-mgt-program/adapting-to-climate-change>.

<sup>62</sup> ClientEarth, *Torres Strait Islander group submits response in historic climate case* (30 September 2020), <https://www.clientearth.org/latest/latest-updates/news/torres-strait-islander-group-submits-response-in-historic-climate-case/>.

<sup>63</sup> See, Annexure A.

<sup>64</sup> Nina Hall, et al., Climate change and infectious diseases in Australia's Torres Strait Islands, *Aust NZ J Public Health* (2021) 45 122-128, 124-125 <https://pubmed.ncbi.nlm.nih.gov/33522674/>.

<sup>65</sup> Torres Strait Regional Authority, *Torres Strait Climate Change and Health – First Pass Risk Assessment Thursday Island* (2018) 24 <https://onlinelibrary.wiley.com/doi/epdf/10.1111/1753-6405.13073> cited in Nina

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Hall, et al., Climate change and infectious diseases in Australia's Torres Strait Islands, *Aust NZ J Public Health* (2021) 45 122-128, 122 <https://pubmed.ncbi.nlm.nih.gov/33522674/>.

<sup>66</sup> Hall, above n 64, 124-125.

<sup>67</sup> Special Rapporteur on the rights of indigenous peoples (Victoria Tauli Corpuz), Report of the Special Rapporteur on the rights of indigenous peoples, 15 September 2017, A/HRC/36/46 304.

<sup>68</sup> Bhiemie Williamson, Jessica Weir and Francis Markham, Submission to Royal Commission into National Natural Disaster Arrangements (28 April 2020) 4 <https://naturaldisaster.royalcommission.gov.au/system/files/submission/NND.001.00969.pdf> citing B Williamson, J Weir and F Markham, Aboriginal peoples and the response to the 2019–2020 bushfires, (2020) Working Paper No. 134/2020, *Centre for Aboriginal Economic Policy Research* 3,5 <https://doi.org/10.25911/5e7882623186c>.

<sup>69</sup> Ibid.

<sup>70</sup> Annexure D.

<sup>71</sup> ICESCR arts 1, 15; ICCPR art 1, 27; UDHR arts 2, 22, 25 and 27; CRC arts 2, 23, 24, 27, 30-31; see, generally, UNDRIP.

<sup>72</sup> Australia ratified ICCPR on 13 August 1980; ICESCR on 10 December 1975; CRC on 17 December 1990, and the Australian government states it 'supports UNDRIP as a non-legally binding instrument' and while stating that 'as an original signatory to the UNDRIP. We have been a leading proponent of its consistent and comprehensive implementation': see OHCHR, *Status of Ratification Interactive Dashboard*, <https://indicators.ohchr.org/>; Australian government, *International human rights system*, accessed on 17 September 2021 at [https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/international-human-rights-system#:~:text=Australia%20is%20a%20party%20to,Civil%20and%20Political%20Rights%20\(ICCP&text=the%20International%20Convention%20on%20the,of%20Discrimination%20against%20Women%20\(CEDAW\);](https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/international-human-rights-system#:~:text=Australia%20is%20a%20party%20to,Civil%20and%20Political%20Rights%20(ICCP&text=the%20International%20Convention%20on%20the,of%20Discrimination%20against%20Women%20(CEDAW);) Australian government Department of Foreign Affairs and Trade, *Our commitment to human rights*, accessed on 17 September 2021 at <https://www.dfat.gov.au/international-relations/themes/human-rights/Pages/human-rights>.

<sup>73</sup> OHCHR, *Analytical study on the promotion and protection of the rights of persons with disabilities in the context of climate change*, A/HRC/44/30 (20 April 2020), p. 3, <https://undocs.org/A/HRC/44/30>; Nada Al-Nashif (UN Deputy High Commissioner for Human Rights) 'Panel discussion on the rights of persons with disabilities in the context of climate change' (Speech, Human Rights Council 44<sup>th</sup> Session, 8 July 2020) <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26052&LangID=E>.

<sup>74</sup> Ibid paras 4, 6, 7.

<sup>75</sup> Michelle Villeneuve et al., Applying a person-centred capability framework to inform targeted action on Disability Inclusive Disaster Risk Reduction, *International Journal of Disaster Risk Reduction* (2021) 52 <https://doi.org/10.1016/j.ijdrr.2020.101979>.

<sup>76</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Issues Paper: Emergency Planning and Response*, (15 April 2020) <https://disability.royalcommission.gov.au/system/files/2020-07/Issues%20paper%20-%20Emergency%20Planning%20and%20Response.pdf> citing People with Disability Australia, *People with disability must be part of bushfire plans and recovery*, (15 January 2020) <https://pwd.org.au/media-release-people-with-disability-must-be-part-of-bushfire-plans-and-recovery/>.

<sup>77</sup> Eleanor Beidatsch, *Climate change threatens the life of people with disabilities* (Independent Australia, 5 July 2021) <https://independentaustralia.net/environment/environment-display/climate-change-threatens-the-lives-of-people-with-disabilities>.

<sup>78</sup> Ibid.

<sup>79</sup> Annexure B.

<sup>80</sup> International Diabetes Federation, *Diabetes and Climate Change Report*, (2012) <https://ncdalliance.org/sites/default/files/rfiles/IDF%20Diabetes%20and%20Climate%20Change%20Policy%20Report.pdf>.

<sup>81</sup> Ibid citing Michael A McGeekin and Maria Mirabelli, Potential impacts of climate variability and change in temperature-related morbidity, *Environmental Health Perspectives*, *Harvard School of Public Health, Effects of temperature patterns on long term mortality* (2001) 109 Harvard School of Public Health, <http://www.hsph.harvard.edu/news/pressreleases/2012-releases/summer-temperaturevariability-mortality-risk.html>; Semenze et al., Excess hospital admissions during the July 1995 Heat Wave in Chicago, *Am J Prev Med*, (1999) 16(4); Antonella Zanobetti and Joel Schwartz, Cardiovascular damage by airborne particles: are diabetics more susceptible?, *Epidemiology*, (2002) 13(5).

<sup>82</sup> Ibid.

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<sup>83</sup> Vivian Fonseca et al., *Impact of a Natural Disaster on Diabetes: Exacerbation of disparities and long-term consequences*, (2009) 32(9) <https://doi.org/10.2337/dc09-0670>.

<sup>84</sup> Annexure D.

<sup>85</sup> ICCPR art 6, ICESCR arts 11, 12, 13, 15; CRC arts 6, 16, 23, 24, 27, 28, 31, 32; UDHR arts 3, 12, 24, 25, 26, 27; CDRP arts 4, 5, 6, 7, 10, 11, 19, 24, 25, 28, 30.

<sup>86</sup> ICCPR art 6, ICESCR arts 12, 13; CRC arts 6, 17, 28; UDHR arts 3, 25, 26; CDRP arts 7(1), 10, 24, 25.

<sup>87</sup> CDRP art 7.

<sup>88</sup> Australia became a signatory to the Paris Agreement on 22 April 2016 and ratified the Paris Agreement on 9 November 2016: United Nations Treaty Collection, *Chapter XXVII Environment 7d. Paris Agreement*, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVII-7-d&chapter=27&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-7-d&chapter=27&clang=_en).

<sup>89</sup> Paris Agreement art 4(4).

<sup>90</sup> *Ibid* Preamble, 4.

<sup>91</sup> OHCHR, *Five UN human rights treaty bodies issue a joint statement on human rights and climate change* (16 September 2019), para 3 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24998>.

<sup>92</sup> *Ibid* para 1 under the heading “States’ Human Rights Obligations”.

<sup>93</sup> Committee on Economic, Social and Cultural Rights (**CESCR**), *Climate change and the International Covenant on Economic, Social and Cultural Rights*, E/C.12/2018/1 (31 October 2018), para 4, <https://undocs.org/en/E/C.12/2018/1>; Special Rapporteur on human rights and the environment (David Boyd), *Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*, A/74/161 (15 July 2019), <https://undocs.org/en/A/74/161>.

<sup>94</sup> Sacchi Response, above n 48, para 10.8.

## Annexure A – Statement of Shylicia McKiernan

Name: Shylicia McKiernan  
Occupation: Student and Community Fundraiser  
Date: 22 October 2021

I, Shylicia McKiernan, complainant, state as follows:

1. My name is Shylicia McKiernan. I am 24 years old. I am a Kulkalaig woman from Kulkalgal Nation, Zenadth Kes (the Torres Strait). I am currently living on Wurundjeri land.
2. I am currently in my second year of university, studying Urban and Regional planning. The appeal of this degree for me was that I could help design and create spaces to help people get everything they need out of that space. So they can fulfil their rights. They don't have to leave their Local Government Area to get everything they need – whether that be to access health services, green spaces, or blue spaces. I like things to have a plan, and things to work. As well, I would like to theoretically and literally, help build a bridge between the planning industry and First Nations people – there currently is little to no First Nations representation and people in that sector.
3. In addition to studying, I am a Community Fundraiser and part of the National Leaders team at Seed. Seed is Australia's first Indigenous-led Youth Climate Network. It is a not-for-profit run by First Nations people for First Nations people to fight for climate justice and First Nations justice.
4. Although I became actively involved with Seed this year, I have been involved with them for a few years. I have been involved with the climate movement for about 8 or 9 years. I have been involved in activist spaces, rallies, protests and stuff like that.
5. In my spare time, I enjoy doing lots of different activities. I have a pet dog, so I spend a lot of time at parks and exploring different green spaces. I really enjoy gardening. I am also really getting into arts and crafts – I crochet a bit and sew things for myself. I like cooking too.
6. In the future, I am really hopeful that we can all come together, that people can come together to connect and become the community that we need to be to properly create a sustainable world that is just for everyone. As anxious as I get about climate change, I am really hopeful and believe can we achieve that. Everything I am doing is to do what I can to help make that happen. I couldn't go to sleep at night if I wasn't doing everything in my ability to make the world a safe place for everyone, a world where everyone can be who they want to be.

### **Lived experience with climate harms**

7. I do not think I am not a climate change expert, however, I have learnt a lot about climate change through my lived experience. I have always lived on the coast and as a young person witnessed environmental and weather changes. They were really noticeable to me even when I was really little. For a while before knowing the term 'climate change' or knowing what it meant, I didn't really understand why the weather was changing. I didn't understand why it was happening. But I could see it was.
8. As a Kulkalaig woman, the island my family is from is one of the outer islands – it is called Masig. A few generations before myself, my great-grandparents actually left the island and moved closer to the mainland. The reason my great-grandparents moved really was that sea levels were rising and that was noticeable even at that time. I now know this is climate change. After some more generations, some of my family moved closer again into the mainland. My family knows about climate change as they have experienced it and how it impacts First Nations people. This was well before environmentalism came into the picture.
9. This is really hard for me. My great-grandparents moved for us, but then there is a disconnection I have with Masig itself. It just goes to show how climate change has impacted me, and how First Nations people have been reading the signs well before the science was there. This makes me proud but it can also be quite upsetting.

### **Future harms associated with climate change**

10. Although I am hopeful for the future, I still feel anxious about it.
11. This anxiety is because my family's island is a low-lying island and has been seeing the impacts of climate change for a long time. The thought of more of my family being displaced from our home is heart-breaking. It is terrible to think you could be displaced living in your own country.
12. Knowing the impacts of climate change threaten the survival of Masig overwhelms me. Even though I didn't grow up there it doesn't hurt any less thinking my family's home island could be lost. Our songlines and culture is deeply connected to the island so it is really upsetting.
13. I am also anxious about seeing the inaction from government and society. It is anxiety-inducing seeing the perspectives some people still have. Something like littering is still so common yet it has such a huge impact.



14. It is 2021 now. 2030 isn't that far away. On the individual and local level there are some people doing some great things, but it isn't enough. Everything makes a difference but right now, what we need is action from our governments.

**Australian government inaction on catastrophic climate harms**

15. I really want the Australian government to take climate change serious. It is for all of our futures and for future generations to come. I don't understand their ignorance.

16. I would like them to make new commitments on climate change. I don't want them to allow any new coal, oil or gas projects.

17. I want politicians to go into First Nations communities across the country. There are so many Aboriginal and Torres Strait Islander communities across Australia that are seeing and feeling the harshest impacts of climate change. Politicians have never spent enough time with and in First Nations communities to truly understand what is best for us. I imagine it is the same with other vulnerable groups, like people with disabilities.

18. This is a democracy. The government is meant to represent all of us. All of us are hurting and will hurt. But the government isn't. That is messed up. I want to see proper representation.

I confirm the contents of this statements are a true and correct record of my evidence.

Shylicia McKiernan

Name



22 October 2021

Signature

Date

## Annexure B – Statement of Adrien Edward

Name: Adrien Edward  
Occupation: Student  
Date: 22 October 2021

I, Adrien Edward, high school student and complainant, state as follows:

1. My name is Adrien Edward. I am 15 years old and currently in year 10. I live on Wurundjeri country in Melbourne.
2. In my spare time I like to read, script write and paint. In the future, I hope to go into education policy or filmmaking. At the moment, I am heading towards filmmaking.

### **My experience with the climate crisis**

3. I know that a key cause of climate change is our use of fossil fuels. It is caused by lots of things – electricity use, farming, travel and fast fashion. I think a lot can be tied back to industrialisation.
4. I know that climate change is causing extreme temperatures – it is causing both hotter summers and colder winters.
5. I am a disabled person. I have Autism, chronic pain and chronic fatigue. I have sensory issues and chronic pain which are exacerbated by extremes of cold and heat. During the warmer summers we have been experiencing, my sensory issues meant that I struggled to attend school. In the colder winters, my joint pain gets worse. Both of these have impacted my ability to get to school.
6. I do not live close to fire prone areas but I do live in areas that get a lot of bushfire smoke. When there is bushfire smoke around, I have trouble breathing and have had to wear a mask outdoors. My sensory issues means I have to tape up my windows and stay inside. My agoraphobia becomes worse when I cannot leave the house, and leaves me stuck inside.
7. All of this heavily impacts my ability to leave the house, get education and travel which then negatively impacts my mental health. This also makes me really angry. The government has an unwillingness to address the level of disproportionate harms on disabled people, especially when there are global crises. It is unfair that we are harmed more just because they can't and don't consider us.

**Future harms associated with climate change**

- 8. I have large worries about future climate change harms, and that the current harms I am experiencing will be exacerbated. I worry I will struggle to continue my education and find work. I have found that even now, missing so much school in childhood has caught up with me.
- 9. I worry that I will struggle to find employment due to lack of stability. If there is a heatwave, I probably won't be able to go into work. That means struggling with money. If I struggle with money, then I won't be able to have the things I need to live and the options to pursue my dreams and to make films or be part of educational policy like I would love to.
- 10. With my disabilities, I need an air conditioner, medication and need to pay medical bills. If there is a huge crisis, my medical care will possibly be seen as less important and I worry the disruption caused by extreme weather events will cause my health to be further at risk. We have seen with COVID-19, when there is a large burden on hospitals, attention drifts to abled people. There are high climate risks for disabled people.

**Government inaction on climate change**

- 11. I think the government's response on climate change has been pitiful. The Australian government needs to act on climate change. It needs to set a net zero target for a deadline scientists deem to be safe. It needs to listen to scientists and set goals the scientists say are safe. It needs to consider and listen to people who aren't just able-bodied white people. We need to move towards renewables. It is necessary for our survival.

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Name		
	Adrien Edward	22/10/2021
Signature	<i>Adrien</i>	Date

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## Annexure C – Statement of Chris Black

Name: Christopher Black

Occupation: Student

Date: \_\_ October 2021

I, Christopher Black, high school student and complainant, state as follows:

1. My name is Christopher, but most of my friends call me Chris. I am 14 years old and am currently in year 8. I live on Gadigal and Guringai land in Sydney.
2. My favourite subject at school is science. I would really like to be a scientist when I grow up. I would like to be a scientist that is doing work to help the environment and people, potentially an environmental scientist or a marine biologist but I am not sure yet.
3. In my spare time, I like music and making music. I like to ride my bike, hang out with my friends and be in nature. I really like photographing nature and going on bushwalks.

### Motivations for becoming involved with climate justice

4. I have been involved with climate advocacy for a while. I have previously helped clean up beaches, and have recently become involved with School Strike for Climate.
5. One of the reasons I became involved with climate advocacy was because, earlier this year, my family and I got caught in Cyclone Seroja when we were on holidays in Kalbarri. We had to be evacuated from the hotel and when we returned to hotel, it had been completely demolished by the cyclone.
6. If we had stayed in our hotel I worry about what could have happened. We may not be dead, but we could definitely have been injured. We had to be evacuated out by plane to Perth because the roads were so badly damaged.
7. It was a huge cyclone and I could see the devastation it caused for the local communities. I remember reading that 70% of buildings in Kalbarri were destroyed. I know that to go on a holiday is a privileged thing to be able to do.
8. I know the cyclone happened because of climate change. The reason so many buildings were destroyed was because those buildings weren't built for cyclones as cyclones usually happen further

north. It was really intense and it represents the impact of the climate crisis on rural communities. It has really driven me to get involved with the climate crisis, because it's only going to get worse.

### **Impacts on my mental health and disabilities**

9. I have some mental health issues and disabilities. I know that having a disability puts me at a higher risk of climate-related harm than some other people. I know that it automatically puts me at a higher level of risk when extreme weather events mean that my access to medication and to my support services can be interrupted.
10. I have Autism and obsessive compulsive disorder (**OCD**) and other disabilities which put me at this higher risk. For me, my OCD is more presenting in the 'O' and means I latch onto an idea. This can be climate change, for example.
11. I also have a condition which means that I don't absorb vitamins from food in the same way as other people. I take 10 to 12 tablets daily for this, to help me stay healthy and build my strength.
12. As I explain more below, I already know that climate change hurts my mental health.
13. I have an anxiety condition which is triggered by climate change and the climate crisis and causes me harm now. My anxiety is more severe and different to what some other people may experience. Sometimes my symptoms are extreme and it can spiral. It manifests in physical symptoms and can lead to having really bad chest pains, a sore tummy or general anxiety. Sometimes I am in such serious pain that the way I deal with my symptoms is to lie down on my bed and I am not able to move.
14. My anxiety can be triggered by certain events. The Black Summer bushfires and the consequences of it are an example of this.
15. My grandparents and other members of my family own a house in the Blue Mountains. We visit the house often and it is a very special place for our family. I know I am lucky to have this house for our family to visit and stay at.
16. During the Black Summer bushfires, this house was almost burnt down. The fire came within about 100 metres of the house. With my anxiety, I jump to the worst case scenario, and catastrophise events. At the time, I kept thinking what would have happened if the house had burnt down, and what if we had been at the house. We could have lost things that are important to us and we could have died. The thing is, the catastrophe was real. People who live in the area did lose their homes. Thinking about this, and how climate will get worse, causes me a great deal of anxiety and fear regarding the climate crisis.

### Future harms associated with climate change

17. The impacts of climate change can be predicted, but no one truly knows what is going to happen completely. We know there will be more fires, more floods, animals and plants will become extinct but we don't really know the full impact. I think there will be things that come up in the future that we can't predict.
18. For me, my anxiety will get worse as the climate crisis gets worse, more tummy aches, more feeling like I am not breathing. I worry I may not be as good at a job compared with someone who is not constantly worried about climate change.
19. I am worried about my physical health too, as I get older.
20. I might be affected disproportionately, but I also worry the harm to other young people my age as we all get older.

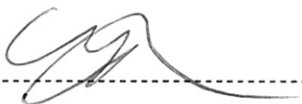
### Australian government inaction on catastrophic climate harms

21. I am very annoyed that the Australia government doesn't have any solid actions on climate change.
22. It astounds me how long they can continue to ignore the climate crisis.
23. My demands for the Australian government would be to fund no new oil, gas and coal and to set a real and achievable net zero goal by 2050. I want a just transition, a just and proper transition for all workers moving from fossil fuel industries into renewable industries. I want to build up our economy so that it is not dependent on coal and gas. We could easily be a renewable energy powerhouse - we have lots of sun and wind, and we have lots of ocean territory which would be good for hydroelectricity and hydro-wind power. The government is ignoring the opportunities we have.

I confirm the contents of this statements are a true and correct record of my evidence.

Christopher Black

Name



Signature

22/10/21

Date

## Annexure D – Statement of Ethan Lyons

Name: Ethan Lyons  
Occupation: Student  
Date: 21 October 2021

I, Ethan Lyons, high school student and complainant, state as follows:

1. My name is Ethan Lyons. I am 15 years old. I am a Wiradjuri teen from Sydney, although my family is originally from Narrandera. I am proud to have such a large and supportive mob from all across Country. I live on the Country of the Gandagara (Gadigal) people of the Eora Nation, in Sydney.
2. I enjoy painting, and am very into the history and practice of my culture's art.
3. When I am older, I want to go to university but I am not sure what I would like to study yet. I know that I would like to help and work with people though and share my passion for culture around the world. Journalism has always sparked my interest and with that comes learning – something I love to do.
4. I also want to travel. I would like to travel outside Australia, but also within Australia to see more of and embrace my culture.
5. I have Type 1 Diabetes. I have always known that I am at more of a disadvantage because of this. I know that having health vulnerabilities will put me at higher risk as the climate crisis worsens. I understand that, for example, during an extreme weather event it may become harder to get the supplies I need such as insulin.

### **Climate justice advocacy**

6. I have been involved in activism for 3 years, but have only formally become involved with School Strike for Climate (**SS4C**) this year.
7. I think it is important there is First Nations representation in SS4C and the broader climate movement. I think including people in the climate movement who have lived experience and who have directly seen the effects of climate change is vital.
8. It is vital, too, to recognise the importance of intersectionality in the climate movement. It is important for the movement to work on including and representing intersectional experience, and I think that it is something that I strive to do.



### **Experience with Bushfire Risk**

9. I live in south-western Sydney where there is a greater bushfire risk. During the Black Summer bushfires, we didn't have to evacuate but it was really scary knowing we were at greater risk.
10. The smoke was unbelievable. I know that it puts people with health issues at greater risk. In the area I live, there is a large concentration of vulnerable older folks and I have six siblings all with health conditions. I was very worried about them.
11. I have uncles who live in the Illawarra region, and who were fighting fires. It was really scary and my whole family was feeling very stressed because we were unable to keep in steady and regular contact with my uncles.
12. I am scared about what will happen when fires come to south-western Sydney and what could happen to my home or to me because of the smoke.

### **Climate harms and culture**

13. Already I can see that bushfires, floods and droughts caused by climate change are destroying the land. One important way we have connection to Country and culture, is through land. These events are therefore hurting our connection to Country. To me, connection to Country is everything. Country is not just the land but kinship, the Dreamtime, food and cultural practices – these all make up Country.
14. When land is destroyed, it is disconnecting. Seeing bushfires destroy the land is disconnecting. You can't have that connection to land in the way ancestors had. We cannot understand the connection to culture through the land, waters and skies as well as our ancestors could.
15. When you lose your land, family disconnects, dreaming disconnects and these connections undermine that greater relationship with your culture. When you lose your sense of Country it has a holistic effect, one which determines your understanding of culture. Inevitably, it begins to diminish your culture even more.
16. I am really worried about the future of my culture as a result of climate change. Climate change puts culture on the line and it is scary to know it could be lost. That is why being involved with the climate movement is important to me because you want to protect country, community and culture as much as you can.
17. I know the climate crisis is going to impact the generations to come. The intergenerational trauma that my mob has faced is enough already, but now we face the trauma of losing connection to Country and

culture as a result of climate change. It is so worrying knowing that future generations will experience a more complex form of intergenerational trauma, which is so intricate and formed of many factors.

**Australian government inaction on catastrophic climate harms**

- 18. I think the Australian government's inaction on catastrophic climate change is hypocritical and it is a total violation of rights of Australian people, especially those who have been disproportionately impacted.
- 19. We have seen horrific bushfires, the what-seems-to-be endless droughts and a rise in temperatures. It is clear the Australian government is not prioritising climate change. The government is valuing profit over people, and it is clear that Australians are not in their best interest.
- 20. We have First Nations people who have already been impacted enough by the Australian political system. As the politicians who pride themselves on their contributions to First Nations communities, they still cannot address and take effective action on climate change. The Government's failure to act to drastically cut greenhouse gas emissions is harming Australian First Nations communities, and undermining the big and small ways that we practice our culture.

I confirm the contents of this statements are a true and correct record of my evidence.

Ethan Lyons

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Name



21st October 2021

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Signature

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Date

## Annexure E – Statement of Leila Mangos

Name: Leila Mangos  
Occupation: Student  
Date: 22 October 2021

I, Leila Mangos, high school student and complainant, state as follows:

1. My name is Leila Mangos. I live on Darkinjung land on the Central Coast, in New South Wales.
2. I am 18 years old and currently in Year 12. I am a huge artist and in my spare time, I paint a lot, sketch a lot, love creative writing, and love reading (too much). Anything creative, or musical, is a great outlet for me.
3. I hope that my future is one in which I feel safe, secure and am pursuing my passions, such as pursuing art or influencing social change on the issues that are important to me. I hope that our future world is more empathetic and that we've achieved progression on topics of environmental and social justice.
4. I also spend a lot of my spare time in the activism space. I attended my first climate strike in March 2019.
5. Since I discovered climate change, my anxiety surrounding what it would mean for my future was an isolating and solitary experience. After my first strike though, I joined the School Strike for Climate (**SS4C**) movement, which made me realise how broadly my worries were shared. There was not initially a working group on the Central Coast so I started one with a few others in my area. Our first strikes started off small (only a few people), but then grew to larger groups when thousands of people showed up.
6. I am a member of the New South Wales Youth Advisory Council (**YAC**). YAC is a youth advisory body that advises government on policy concerning young people. Usually it concerns issues such as education, mental health and something environment-related.

### Experience with climate harms

7. I remember first learning about human impacts on our climate and environment when I was in grade 4. I was shocked. I have also learnt about climate change at high school, and now I stay up-to-date with climate news through information online.

8. I feel lucky and privileged to have not had any firsthand experience with climate-related natural disasters. However, I have had significant experience with the mental health repercussions of impending climate doom. I have struggled with depression or anxiety induced by the knowledge that the planet I live on has an expiry date. These experiences with mental illness have prevented me from attending school regularly, have resulted in the need for psychological therapy and are the reason I feel as though I must dedicate my energy to climate advocacy.
9. According to climate science, climate change will be irreversible by 2030. I will only be 26, and my life will have barely begun. We're told time and time again that we will be the generation that will save the planet, and youth globally feel the pressure from our own leaders to address an issue that we have no capacity to influence change on.
10. This has led to extreme feelings of hopelessness and anxiety surrounding what my future will hold, and, unfortunately, an overall and ongoing depressive outlook on everyday life and our overall purpose as a species with a destructive future.

#### **Concerns regarding my future**

11. Climate change has prevented me from living as a child. As someone who loves and is passionate about many topics, such as literature and the arts, my childhood ambition was to pursue a creative career. However I've felt pressure from a young age that I must dedicate my time and energy to activism and ultimately pursue a career in which I can influence change on justice issues.
12. I do not feel like I can pursue something I love doing and that is beneficial for me as an individual, whilst the planet and my future are at risk. Now, I feel as though I have to pursue a career in politics or another significant change-making position. I feel this responsibility to address the climate crisis, like I don't have a choice.
13. I want to pursue a career in politics, or another significant position in which I can influence change. I feel the responsibility to address the climate crisis, because it concerns my entire future, whereas the world's current leaders have the luxury of ignoring the issue and passing down the catastrophic consequences onto future generations. I believe this is unjust and a violation of my rights as a young person and as a human being, and that the government should feel the responsibility to safeguard the future of all youth in Australia and youth around the world in the same that way I do.

#### **Australian government inaction on catastrophic climate harms**

14. My climate-induced anxiety comes from the knowledge of the consequences of humanity's treatment of the planet as an infinite pool of resources.
15. I understand that the future consequences of this will be droughts, flooding, rising sea levels in the Torres Strait and coastlines, and bushfires all throughout our dry, hot country. I know that with these natural disasters will come food, water and resource shortages for our exponentially growing population. I can't understand how the magnitude of what is at stake surrounding the future of our planet can correlate with the lack of action we are seeing from our government.
16. No government wants to take on the responsibility of serious climate action, however I believe our current governments and leaders have a duty to adequately address climate change, which will mean restructuring the way we, as a society and as an economy exist, and live off the planet - from transitioning to renewable energy sources, to dealing with waste, to reforestation - in order to safeguard the future of all young people, both in Australia and globally.
17. Additionally, as a democratic society, the Australian Government must act upon the desire of Australians. With regular protests for adequate climate action occurring in Australia since 2018, with tens of thousands of attendees at each protest (300 000+ on 20th Sept 2019), the desire of Australians, particularly Australian youth, is climate action in accordance with the United Nations Sustainable Development Goals and the UN Paris Agreement.

I confirm the contents of this statements are a true and correct record of my evidence.

Leila Mangos

Name



22/10/21

Signature

Date