

Climate Change Amendment (Duty of Care and Intergenerational Climate Equity) Bill 2023

Climate and Health Alliance submission

November 2023

About the Climate and Health Alliance

The Climate and Health Alliance (CAHA) is a national charity and the peak body on climate change and health in Australia. CAHA is an alliance of organisations (Appendix) within the health sector working together to raise awareness about the health risks of climate change and the health benefits of emissions reductions. The membership of CAHA includes a broad cross-section of health sector stakeholders representing healthcare professionals from a range of disciplines, as well as healthcare service providers, institutions, academics, researchers, and consumers.

Acknowledgement

The Climate and Health Alliance recognises Aboriginal and Torres Strait Islander People as the traditional custodians of the land on which we live and work, and acknowledge that sovereignty of the land we call Australia has never been ceded. We commit to listening to and learning from Aboriginal and Torres Strait Islander people about how we can better reflect Indigenous ways of being and knowing in our work.

Why a Duty of Care Matters

2023 is now predicted to be the [hottest year on record](#). As we continue to break dangerous climate records, the United Nations (UN) has warned that the era of global warming has ended, and the era of [‘global boiling’](#) has begun.

Climate change [directly impacts human health](#), and increases both demand for health services and the stress on the [people and institutions providing those services](#). It is also clear that action on climate change is hugely [beneficial for social, environmental, cultural and economic outcomes](#). However, these benefits can only be achieved with urgent and decisive action, coupled with the government policy and funding to execute it.

In Australia, we are fortunate to have the wealth of knowledge and resources necessary to meet the challenge of climate change head-on. A [healthy, regenerative and just future](#) is not just possible, it is scientifically, economically, culturally, socially and technologically feasible. By making the right choices now, we can create a future which benefits everyone, including future generations.

For over a decade, the Climate and Health Alliance (CAHA), its members, and its allies in the health and environment sectors have been advocating for a national approach to climate and health. In order for meaningful, lasting change to occur, coordination on a Commonwealth level and supported by State and Territory jurisdictions, that is reinforced through regulation and legislation, is crucial.

As such, CAHA welcomes the proposed Climate Change Amendment (Duty of Care and Intergenerational Climate Equity) Bill 2023 (the Bill).

The Bill seeks to amend the Climate Change Act 2022 to require decision makers to consider the wellbeing of current and future children when making decisions that are likely to contribute to climate change, including decisions that will increase scope 1, 2 or 3 emissions. This amendment aligns with CAHA's previous support of the [Measuring What Matters Framework](#) and the [National Health and Climate Strategy](#), with the ambition to improve wellbeing outcomes for current and future generations through innovative policy approaches, legislation and regulation.

As has been highlighted in the [Explanatory Memorandum](#) of the Bill, climate change has serious impacts on human health and wellbeing. Despite the irrefutable evidence linking climate change and human health, there is no legislative mechanism requiring the Commonwealth Government to imbed the health and wellbeing of current and future generations into policy making. This is a fundamental flaw in the legal obligations under which ministers have authority to act. It is crucial this gap is addressed urgently and ambitiously if the worst impacts of climate change on human health and wellbeing are to be avoided.

The Bill proposes two statutory duties on decision-makers:

“Where significant decisions are likely to directly or indirectly result in substantial greenhouse gas emissions, the decision maker:

1. Must consider the likely impact of the emissions on the health and wellbeing of current and future Australian children and consider their health and wellbeing as the paramount consideration; and,
2. In the case of decisions involving the exploration or extraction of coal, oil or gas, the decision maker is prevented from making decisions where the resulting greenhouse

gas emissions are likely to pose a material risk of harm to the health and wellbeing of current and future Australian children.”

These duties will do four important things:

1. Create a new duty for decision-makers to consider the health and wellbeing of current and future generations when making ‘significant decisions’ (i.e. those of public interest).
2. Prohibit decisions that would support more fossil fuel mining or exploration, or which would lead to levels of greenhouse emissions that would pose a wellbeing risk to current and future generations.
3. Promote intergenerational equity in government decision-making.
4. Provide a legislative mechanism through which Measuring What Matters could succeed.

Due to this alignment, CAHA is in full support of these Amendments, and are pleased to contribute a submission to the Commonwealth Environment and Communications Legislation Committee (the Committee) on this important issue.

To support the work of the Committee, our submission outlines best evidence on the links between climate change and human health and how through a focus on the wellbeing of current and future generations, Australia can build a healthier future.

We also make the following recommendations to further strengthen the Bill:

1. Include the requirement to use [Health Impact Assessment](#) methodology, with a particular focus on health and wellbeing of current and future generations, when making a decision under relevant Acts.
2. Include a timeline for a ‘duty of care’ within the Act that recognises and defines environmental sustainability and government responsibility.

We thank the Committee for their work, and welcome the opportunity to provide further evidence and support to the Inquiry.

For more information, please contact:

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Linking climate change and human health

Climate change is affecting the health of people living in Australia directly and indirectly [by impacting the physical, natural, and social systems](#) on which wellbeing depends.

The Australian population has seen a rise in injuries, illness, displacement, and deaths caused by extreme weather events. Incremental climatic changes such as increases in temperature have a significant impact on excess ambulance demand, hospital admissions and mortality in [several sites across Australia](#). Bushfires [affect population health](#) through direct exposure to fire, exposure to bushfire smoke, and the trauma associated with proximity to a fire front and loss of home or business and associated forced relocation. As a result, it is crucial that local, state, territory and Commonwealth governments act urgently and decisively to mitigate and adapt to the realities of climate change and its impacts on human health and wellbeing.

Why we must act

The current health impacts of climate change in Australia





Extreme weather events

Heatwaves, storms, floods and fires are increasing in Australia and will worsen leading to illness, loss of life and livelihoods, and increasing pressure on our health services.

These events are increasing the risk and incidence of climate-related mental illness and stress



Infectious diseases

Through biodiversity loss and a warmer climate, the range and prevalence of vector-borne and zoonotic diseases is increasing, threatening a larger proportion of the Australian population.



Sea level rise

Coastal inundation from sea level rise threatens food production, health, homes, livelihoods, and culture. Sea level rise also compounds other threats to the availability and quality of fresh water.



Pollution and aeroallergens

Burning coal, oil and gas creates harmful local air pollution, estimated to cost Australia \$5.3 billion pa.

Droughts and heatwaves contribute to dust storms and bushfires, both additional sources of harmful air pollution.

Rising temperatures increase ground level ozone and aeroallergens, aggravating allergic and respiratory conditions, and amplifying the toxic effect of other air pollutants.

Pollution of our waterways, soil and water is also a major health risk. This is occurring from the overuse of toxic chemicals & plastics and other pollutants.



Food and water security

Changing weather patterns associated with climate change are impacting agriculture, fisheries, and water supply, jeopardising rural livelihoods and endangering Australia's food and water security.

Populations at greater risk

Vulnerable populations suffer disproportionately from the adverse health impacts of climate change, with people with pre-existing medical conditions, older people, young, disabled, socioeconomically disadvantaged and Indigenous Australians particularly vulnerable.

Women in particular are disproportionately impacted by climate change, as long-standing social, cultural and economic gender inequalities are exacerbated by climate-related hazards.

Hotter temperatures are also putting outdoor and manual labourers at increased risk of heat-related illnesses, work accidents and death, while the extreme weather events are increasing occupational risks and demands on emergency services.

Figure 1: [‘Why we must act’](#) - submission to the Department of Health and Aged Care on the National Health and Climate Strategy, Climate and Health Alliance

The Intergovernmental Panel on Climate Change (IPCC) [Sixth Assessment report](#) identifies 11 categories of diseases and health outcomes that are influenced by climate change, or are “climate-sensitive”. The IPCC’s report includes discussion around the increase in mental health issues associated both directly and indirectly with climate change, as well as the impacts of displacement, associated with the climate crisis and the increased burden this places on disadvantaged groups. According to the [World Health Organization](#), between 2030 and 2050, climate change is expected to cause approximately 250 000 additional deaths per year, from undernutrition, malaria, diarrhoea and heat stress alone.

In Australia, First Nations people are amongst those most affected by climate change and [these inequalities are anticipated to worsen as climate-related health risks increase](#).

The MJA–Lancet Countdown on health and climate change provides an annual assessment on how Australia is responding to the health impacts of climate change. The report focuses on indicators in five domains: climate change impacts, exposures and vulnerability; adaptation, planning and resilience for health; mitigation actions and health co-benefits; economics and finance; and public and political engagement. The most recent reports from [2021](#) and [2022](#) highlight the extent to which Australia is unprepared and paying the price for decades of inaction.

CAHA’s [‘Real, Urgent and Now’](#) report reveals that the voices of healthcare professionals are clear and consistent: they are concerned about climate change and view it as an issue of human health, the consequences of which are already being seen in practices around Australia.

CAHA and Monash University produced a [comprehensive review](#) of current policy, practice and evidence relating to sustainable healthcare. This review gives an insight into national and international examples of actions and strategies being implemented within healthcare systems to respond to the impacts of climate change and reduce carbon and environmental footprint. CAHA, Monash University and Melbourne University also produced a [report for the Royal Australasian College of Physicians](#) on the impact of climate change on Australia’s healthcare system. The report offers insights on the policy landscape, how systems are responding to the threat of climate change, an analysis of climate policy and an economic analysis.

More information regarding climate action and policy in Australia can be found in the [Australian Health Leadership on Climate Action Policy Outlook](#) assembled by CAHA. For an in-depth look at what life might look like in Australia as a result of climate action, and inaction, [‘Australia in 2030: Possible Alternative Futures’](#) is the result of a futures thinking project, bringing together over 100 thought leaders from multiple disciplines to collectively imagine the future.

Existing frameworks that support wellbeing of current and future generations

The Climate and Health Alliance supports the recent launch of Australia's first of the Measuring What Matters Framework (the Framework) as a mechanism through which the health of current and future generations can be safeguarded in the context of a warming planet.

The United Nations has recently recognised that children, including all future children, have [the right to a clean and healthy environment](#). Higher climate-sensitivity is observed in [children and youth populations](#) compared to adult populations, with climate change threatening children's rights to education, health, safety, protection from violence, and an adequate standard of living, among others. [The Maastricht Principles](#) highlight the importance of the obligation to respect the human rights of future generations, including sustainable and equitable enjoyment of natural resources, nature or ecosystems necessary for the enjoyment of their rights to life, health, and an adequate standard of living. The impact of climate change on health is predicted to impact future generations to an unprecedented degree never before experienced by previous generations, calling for a need to mitigate harm.

Several countries have also developed ways to measure progress and wellbeing, including [Wales](#), [New Zealand](#) and [Canada](#). In addition to the Commonwealth Framework, the Australian Capital Territory has developed the [ACT Wellbeing Framework](#), consisting of 12 key areas that impact on the quality of life of Canberrans. The government of Victoria has established the [Victorian public health and wellbeing outcomes framework](#), while the [City of Adelaide](#) is monitoring a set of wellbeing indicators. Beyond governments, there is also a rich pool of Australian expertise to draw from in this area, including the [Australian National Development Index](#), [New Economy Network of Australia](#), [The George Institute for Global Health](#), [VicHealth](#), and the [Centre for Policy Development](#).

Unfortunately, while the Framework is crucial to development of wellbeing policy in Australia, there is no legislative mechanism through which to enforce its implementation. The proposed focus of the Bill will be an important step to legislating the wellbeing of current and future generations.

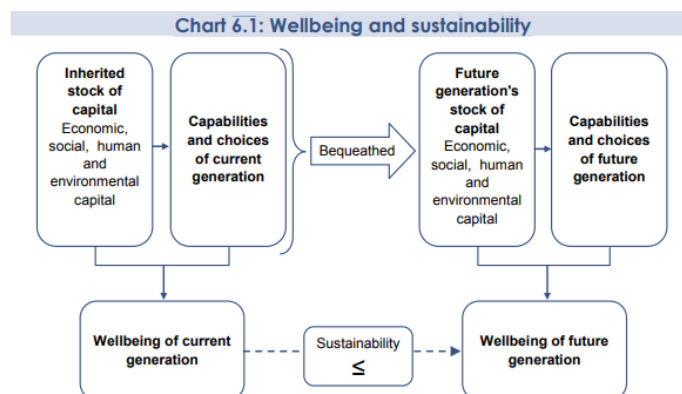


Figure 2. Chart 6.1: Wellbeing and Sustainability, Commonwealth Treasury, Intergenerational Report 2010

Appendix 1: Members of the Climate and Health Alliance

As at November 2023

