



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

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Introduction

Lung Foundation Australia welcomes and strongly supports the Climate Change Amendment (Duty of Care and Intergenerational Climate Equity) Bill 2023 and the importance of this Bill to protect the health of children now and into the future. The new increased scope of the Bill acknowledges the impact of environmental pollution and current activities which are causing harm to the environment and the health and wellbeing of children. Tackling and adapting to climate change requires significant co-ordination, collaboration, and action from all government sectors and importantly these actions must be guided by the principle of ensuring the protection of human health and safeguarding the environment now and into the future. Now is the time to implement a health in all policies approach noting the important intersection between health and the environment in which we live, work and play. This Bill acknowledges the relationship between health and the environment and crucially takes a forward-looking approach to safeguard the health and wellbeing of future generations.

Climate change is increasing the intensity and frequency of natural disasters, causing extreme rainfall, heatwaves and droughts which can modify the transmission of food and water borne disease as well as zoonotic infectious disease, having a large impact on human health.ⁱ Human health and development rely on a healthy environment and currently about one quarter of all death and disease burden worldwide is a result of known, avoidable environmental risks.ⁱⁱ One of the largest risks to health is air pollution with more than 90% of the world's population breathing polluted air. In Australia it is estimated that 2600 people die from air pollution each year, demonstrating the urgent need to do more to achieve clean air in Australia.ⁱⁱⁱ In 2023, the World Meteorological Organisation released a new report finding it is likely that the global surface temperature will exceed 1.5°C above preindustrial levels for at least one year between 2023 and 2027 is likely.^{iv} This new research continues to demonstrate the ongoing need to address climate change and importantly that we are already living with the impacts of climate change. The relationship between environment and health has long existed, however in the face of climate change the impacts are becoming more prominent, increasing the need for further government action to protect public health.

About Lung Foundation

Lung Foundation Australia (LFA) is the only national charity and leading peak-body dedicated to supporting anyone with a lung disease including lung cancer. For over 31 years we have been the trusted national point-of-call for patients, their families, carers, health professionals and the general community on lung health. There are over 30 different types of lung disease currently impacting 1 in 3 Australians. Our mission is to improve lung health and reduce the impact of lung disease for all Australians. We will continue working to ensure lung health is a priority for all, from promoting lung health and early diagnosis, advocating for policy change and research investment, raising awareness about the symptoms and prevalence of lung disease and championing equitable access to treatment and care. As a patient representative charity, we have partnered with patients, health professionals, researchers, medical organisations and the Australian community to drive reform in the delivery of health services in Australia to benefit more than 7 million Australians impacted by lung disease and lung cancer.

Air pollution and the Health of Australians

Climate change and lung health

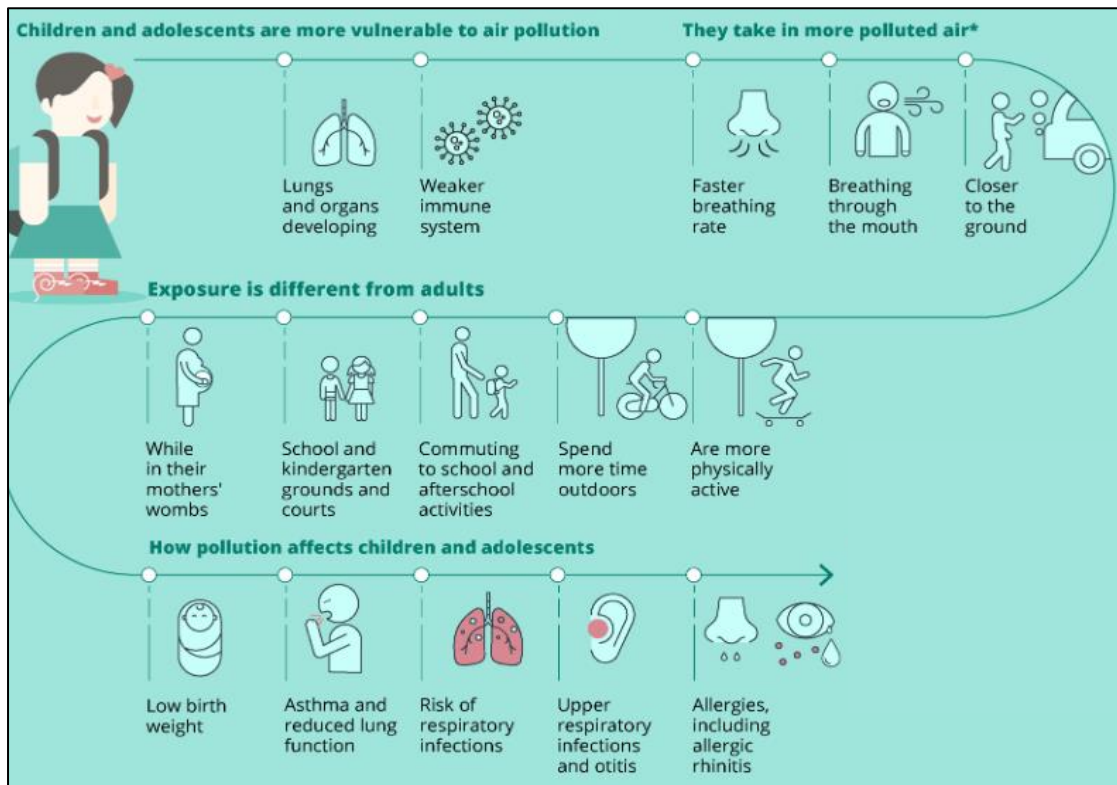
Over the past 60 years, the effects from global climate change have impacted Australia. Climate change is causing an increase in average temperatures resulting in more hot weather and shifting rainfall patterns.^v Climate change is associated with respiratory symptoms and decreased lung function which is caused when exposed to air pollutants such as particulate matter.^{vi} Climate change particularly increases the level of particulate matter in the atmosphere and such increases in air pollution and exposure can pose a threat to lung function.^{vii} Furthermore, warmer temperatures associated with climate change increases exposure towards respiratory allergens and pollutants with poor quality leading to respiratory allergies and asthma.^{viii} Vulnerable populations, such as the 1 in 3 Australians living with a lung disease, experience worse health impacts in the face of climate change, compared to the general community. Those living with a lung disease are prone to worsening of respiratory symptoms and exacerbations of lung conditions when exposed to air pollution. Research has also shown an increase in hospital admission for children with asthma during cool seasons due to high concentrations of pollutants such as PM_{2.5}, NO₂, PM₁₀ and pollen.^{ix} Climate change is decreasing the air quality in Australia and impacting the lung health of Australians, which is of particular concern for those living with a pre-existing lung disease.

Infant (prenatal & birth)

In Australia, current air quality standards are insufficient in preventing and reducing air pollution and leaving many vulnerable. Air pollution can cause a risk of babies being smaller during pregnancy known as small for gestation age (SGA).^x Additionally, exposure to high levels of CO and NO₂ concentrations throughout the second and third trimester of pregnancy, can result in adverse effects on the birth weight of babies.^{xi} Air pollution has also been linked with an increased risk of pre-term birth.^{xii} All of these can lead to different health problems later in life and despite strong epidemiological data, the biological mechanisms are not fully understood for most of the pre-natal risks of air pollution.^{xiii} There is less evidence however, PM has further been linked to an increased risk of spontaneous abortion and still births.^{xiv}

Children

Following birth air pollution increases the risk of adverse health outcomes for children. Children and adolescents are particularly vulnerable to air pollution due to a range of factors including their exposure sources (Refer to figure 1).^{xv} Air pollution can increase the risk of respiratory infections including lower respiratory infections, pneumonia, upper respiratory conditions and otitis media.^{xvi} In children, short term exposure can exacerbate allergies, eczema and conjunctivitis, whilst those with pre-existing lung conditions including children with asthma are further likely to experience worsening of symptoms.^{xvii}

Figure 1: The impact of air pollution for children

European Environment Agency 2023, Air pollution and children's health, <https://www.eea.europa.eu/publications/air-pollution-and-childrens-health>

National response to climate change

Climate change is causing widespread impacts on our environment at an accelerated rate, and these damaging effects will undoubtedly impact the health of all. The concern and need for action to slow down climate change led to the formation of an international legally binding treaty, the Paris Agreement, on the 4th of November 2016.^{xviii} The agreement, signed on by 194 parties, is a commitment made to reduce emissions and work in collaboration to adapt to the impacts of climate change.^{xix} Australia is a party to the Paris Agreement and works to achieve the two primary goals of; holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit temperature increase to 1.5°C.^{xx} Australia has legislated new targets in the Climate Change Act 2022, aiming to reduce greenhouse gas emissions by 43% below 2005 levels by 2030 and keep Australia on track to reach net zero emissions by 2050.^{xxi} The new target set in 2022, increases reduction targets by 15% below previous goals, demonstrating an increased response and effort by the Australian Government.^{xxii} However, research has shown that Australia has more to do to meet the current pledge and further, the current targets set are insufficient in with keeping global warming to 1.5°C.^{xxiii}

In 2023, Australia released its first ever national wellbeing framework better understand what matters most to Australians and to build a healthy, secure, sustainable, cohesive, and prosperous Australia for everyone.^{xxiv} This framework acknowledges health throughout life with indicators for life expectancy, mental health and prevalence of chronic conditions.^{xxv} Further the creation of a sustainable environment by reducing emissions, improving air quality, protecting environmental areas and biological diversity, and reducing waste.^{xxvi} Further, the National Preventive Health Strategy 2021-2030, identifies climate change as a significant issue and aims to ensure that by

2030 evidence-based approaches are developed and implemented to identify, address and mitigate the impacts of climate change on the health system.^{xxvii}

Environmental Health Internationally

In 2020, the World Health Organisation developed the WHO global strategy on health, environment and climate change to provide a way forward on how the world and its community need to respond to environmental health risks and challenges until 2030.^{xxviii} Importantly, the strategy notes that we have known avoidable environmental risks and climate change is increasingly affecting people's health and wellbeing.^{xxix} Further, we note one of the strategic objectives which remains of importance in Australia is cross-sectoral action to act on determinants of health in all policies and in all sectors.^{xxx}

Right to a healthy environment

In 2022 the United Nations declared that everyone has a right to a healthy environment, calling for member states to step up efforts to ensure their people have access to a clean, healthy and sustainable environment.^{xxxi} Whilst this is not legally binding, this once again demonstrates the importance of our environment for our health now and into the future. The ACT Government are progressing legislation to include a right to a health environment in the Human Rights Act 2004, noting that Australia does not have a national charter of human rights.^{xxxii} This is an important step in which the Government would have an obligation to take further positive measures to improve the enjoyment of the right and to not take steps backwards that would reduce the protection of the right.^{xxxiii}

General comment No. 26 on children's rights and the environment

We further highlight general comment no.26 from the committee on the Rights of the Child from the United Nations Convention on the Rights of the Child. The comment from the Committee emphasises the need to address adverse impacts of climate change and the enjoyment of children's rights, whilst clarifying obligations of States to address environmental harm and climate change.^{xxxiv} Under the Convention article 3 identifies the best interest of the child and that the best interests of the child shall be a primary consideration in the adoption and implementation of environmental decisions including policies, regulations and strategies. We note that to determine the best interests of the child an assessment of the specific circumstances that place children at unique risk should be undertaken to not only protect against environmental harm but wellbeing and development. We urge the Bill and subsequent actions to reflect key aspects of the general comment including but not limited to:

- Item 20. The right to life is threatened by environmental degradation including climate change and positive measures should be taken to protect children from premature death that may be caused by acts and omissions.
- Item 24. Younger children being susceptible to environmental hazards due to their unique activity patterns, behaviours and physiology.
- Item 37 - Item 44 Right to the highest standard of health.
 - Item 38 – Environmental pollution is a major threat to children's health however in many countries' pollution is overlooked and its impact is underestimated.
 - Item 39 – Climate change, biodiversity loss and the degradation often interact and exacerbate existing health disparities for example concentrations of air pollutants that stunt lung development and exacerbate respiratory conditions.

Sustainable Development Goals

The United Nations Sustainable Development Goals (SDG) address poverty, inequity, environmental degradation and promote sustainable development worldwide through 17 interconnected goals.^{xxxv} Clean air significantly impacts several goals including direct contribution to SDG 3 (good health and well-being), and SDG 7 (affordable and clean energy) and indirectly contributes to SDG 2 (zero hunger), SDG 4 (quality education), SDG 5 (gender equality), SDG 8 (decent work and economic growth), SDG 10 (reduced inequalities), SDG 11 (sustainable cities and communities), SDG 12 (responsible consumption and production), SDG 13 (climate action), and SDG 15 (life on land).^{xxxvi} The breadth of positive impact resulting from addressing air pollution cannot be understated and clean air is said to be a catalyst for driving progress on Agenda 2030.^{xxxvii}

International Response

Internationally, the importance of protecting future generations is beginning to be acknowledged with legislation and policy changes for future generations being made in Portugal, Gibraltar, Canda and United Kingdom. In 2016, Wales first adopted such legislation which embedded the protection of future generations into legislation under the Wellbeing of Future Generations Act.^{xxxviii} The Act requires public bodies in Wales to consider the long-term impact of their decisions, to work better with people, communities and each other and to prevent persistent problems including health inequalities and climate change.^{xxxix}

Climate Change Amendment Bill

Lung Foundation Australia strongly support the proposed Bill to promote intergenerational equity and ensure decisions made now and into the future consider the health and wellbeing of current and future children. Greenhouse gas emissions contributing to climate change are having a significant impact on the health of the environment and subsequently health of humans around the world. We need strong action and reform such as this Amendment Bill to ensure that health is a priority and reduce avoidable death and disease in Australia.

The Bill is a real example of addressing health in all policies, recognising the complex intersections between the environment and health. The cross-sectoral action to act on determinants of health in all policies means that policies across sectors will systematically consider health perspectives and evidence, and ultimately health co-benefits of environmental protection will result. In 2023, Australia began drafting the first National Health and Climate Strategy, recognising the relationship between climate and health, and increasingly the connection between climate policy and public health policy.^{xi} The strategy will outline important opportunities to address the health impacts of climate change and links to public health. Additionally, it will play a pivotal role in guiding future policy reform and national priorities and actions into the near future. With the release of the Strategy due in December 2023, we need strong actions such as this Bill to effectively improve and safeguard the wellbeing and health of all Australians. This proposed Bill plays an important role in creating a society in which Australians can thrive.

Lung Foundation Australia hope the Bill progresses as soon as possible and recognise that it will mark as an important step into acknowledging and addressing the links between our health and the environment. It is pivotal that Australia takes greater action to protect public health from the impacts of climate change and safeguard future generations by protecting the environment. If you would like to discuss future please contact Paige Preston, General Manager of Policy, Advocacy and Prevention at paigep@lungfoundation.com.au

Yours sincerely,

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