



Greenpeace Australia Pacific Limited

ABN: 61 002 643 852 • www.greenpeace.org.au
2C Hayes Road, Rosebery, NSW 2018 • P: 1800 815 151

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

22 November 2023

Dear Committee Secretary,

Submission on the Duty of Care Bill

I am writing on behalf of Greenpeace Australia Pacific (GPAP) to support the Duty of Care Bill currently under consideration by the Senate, which imposes a statutory duty on decision makers to factor in the climate impact of decisions on the health and well-being of young people.

GPAP campaigns for an earth capable of nurturing life in all of its magnificent diversity—this includes our unique flora and fauna as well as the people for whom Australia is, and will be, home in coming decades.

As the CEO of GPAP and the father of two young children who are part of the coming generation that will be worse-hit by climate change impacts, I support legislating the obligation for elected leaders to consider the well-being of children and future generations when making decisions that could affect the climate—consideration that is generally woefully absent today.

Young people are on the frontlines of climate change and current laws are failing them.

The impacts of climate change are here now, and they are affecting virtually every aspect of life as we know it. Worsening extreme weather including more intense and frequent droughts, bushfires and heatwaves, as well as more severe floods and storms, have acute and adverse consequences on our safety, physical and mental health, insurance costs, housing security, and our national economy, among other things. Worse, though, is yet to come. Global temperature is now 1.1°C above pre-industrial levels, and scientific consensus is that the global community will struggle to keep long-term warming to below 1.5°C—the threshold to avoid catastrophic climate impacts without radical, urgent action.

It is young people who will have to face the consequences of worsening climate impacts, including even more dangerous extreme weather, food and water scarcity and ecosystem collapse. Climate change is also an acute threat magnifier and multiplier, literally making worse and more acute virtually every serious problem and challenge faced by human beings—with particularly cruel implications for young people.

While the Intergovernmental Panel on Climate Change warned in its Synthesis Report released in March this year that “the choices made in the next few years will play a critical role in deciding our future and that of generations to come”, the lawmakers in charge of making these choices currently have no legal obligation to take into account the potential impacts of the climate crisis on children’s wellbeing – either now or into the future.

The case of *Sharma v Minister for the Environment* identified that key decision makers do not have to consider the impact their decisions have on children and future generations. The trial judge described this dynamic as the ‘greatest inter-generational injustice ever inflicted by one generation of humans upon the next’ - a description that was in no way displaced by the full court’s finding as a matter of law. I respectfully agree with his honour’s characterisation.

The ability of current decision makers to simply ignore the consequences of their decisions in matters relating to climate change on children of today and future generations, constitutes nothing less short of a moral abyss within our democracy. It is this chasm which makes possible such short-termist policy decisions - such as the approval of new coal, oil, and gas projects—that are locking in future harm to young people. This egregious failure of government also inevitably entails an incipient crisis of democratic legitimacy as young people are forced to ponder why they should respect a system that is so manifestly failing to secure the conditions for their future safety, security and flourishing.

Protecting the safety of citizens is the primary obligation of the state and the government should be held responsible for protecting the future well-being of its people and the patrimony of the nation which enables that security.

Decision makers *should* have to consider the impact of their decisions on children and future generations in every aspect of policymaking, but especially in the case of an existential, long-term crisis such as climate change.

Decisions made today, such as the opening of new coal, oil, and gas reserves, will hugely exacerbate the catastrophic climate consequences we are already experiencing today. This is a matter of overwhelming knowledge.

For instance, Woodside’s Burrup Hub project, which plans to open up new gas fields and extend the life of existing gas infrastructure, is under consideration by Environment Minister Tanya Plibersek right now. It is Australia’s most climate polluting fossil fuel proposal, generating 6.1 billion tonnes of greenhouse gas emissions – 12 times Australia’s annual emissions. If it goes ahead, it would contribute to driving devastating consequences for the world that all children today—including my own—will grow up in; but the Environment Minister has no statutory obligation to factor this truth into her decision-making.

It is unconscionable that decision-makers do not have to consider the consequences of approving new fossil fuels beyond immediate political and economic considerations and that without factoring in the rights and needs of the future generations who will inherit the consequences of these decisions.

The proposed Duty of Care bill will bridge the current moral abyss in Australian law and democracy by creating a new duty for decision makers to consider the health and wellbeing of current and future children in Australia when they are making decisions that could worsen the climate crisis. It is crucial that the bill would effectively prevent decisions that pose a real risk of harm to our children’s health and well-being, such as approving new fossil fuel developments.



In the pursuit of intergenerational justice, moral and ethical obligations and our shared love for our children, I urge you to pass this bill into law.

Yours faithfully

David Ritter
Chief Executive Officer