

From: Commissioner for Children and Young People
Sent: Monday, 21 March 2022 4:27 PM
To: [All Members of Parliament]
Subject: Tasmanian Climate Change (State Action) Amendment Bill 2021

Ref:
Our Ref: 888B

21 March 2022

[Member of Parliament]
By email: [Email address]

Dear [Member of Parliament]

Re: Tasmanian Climate Change (State Action) Amendment Bill 2021

I am writing to all members of the Tasmanian Parliament to draw to your attention my views on the Climate Change (State Action) Amendment Bill 2021 (the Bill).

In my [submission to the Independent Review of the *Climate Change \(State Action\) Act 2008* and submission in response to the consultation draft of the Bill](#), I emphasised the importance of acknowledging the relationship between climate change and children's rights and wellbeing. In particular, I emphasised the importance of recognising the intergenerational principle, acknowledging the impact of climate change on future generations of Tasmanians, and the child participation principle, including the right of children and young people to be heard in climate policy decision-making processes.

In addition to the submissions mentioned above, I have facilitated the views of children and young people involved in the CCYP Ambassador Program into the consultation process to inform the Independent Review. This included an online meeting between CCYP Ambassadors and the Premier for which I am most grateful.

My advocacy to date has resulted in some pleasing adjustments to the Bill as tabled, including the addition of references to the impacts of climate change on future generations in the Objects of the Act, the requirement for climate change action plans to be published in formats that are accessible to a broad range of the community, including children and young people; and requiring that the impact of climate change on future generations is taken into account in the development of state-wide climate change risk assessments. In my view, these adjustments have significantly strengthened the Bill and have recognised the intergenerational child rights principle, through increasing political accountability to children and future generations for the mitigation and/or reversal of climate change, and its effects on current and future generations.

However, in my view, the Bill as tabled fails to adequately recognise the principle of child participation. For example, proposed section s5A(4)(e) does not currently list children and young

people among those groups with whom consultations must be conducted and whose views must be taken into account by the Minister when developing climate change action plans. The Bill lists relevant business, industry, scientific, environmental and community bodies, local government and the Tasmanian community as groups with whom consultation must occur. However, there is no express requirement for the Minister to consult with children and young people in their own right.

As I noted in my submission on the draft Bill, to appropriately acknowledge the participation principle, the Act must explicitly acknowledge the right of children and young people (ie those Tasmanians who have not yet attained the age of 18), individually and as a group, to be heard and to participate in decision-making processes for climate policy, including in the development of action plans. In my view, simply presuming that children and young people will be consulted as part of broader consultation with the 'Tasmanian community' (as the Bill currently does), will not ensure their participation. I note the Minister for Climate Change, the Hon Peter Gutwein MP has a strong personal commitment to hearing the views of children and young people on this issue, however this commitment may not be enduring without a legislative requirement that future Ministers, or indeed Governments follow this strong lead.

It appears to me that this issue could easily be rectified by adding children and young people as a category in proposed s.5A(4)(e) (see Clause 6 of the Bill as tabled).

Further, in the Objects of the Act, children and young people have not been listed among the groups with whom a consultative partnership approach should be supported. Again, this could easily be rectified by adding explicit reference to children and young people in proposed s.4(e) (see Clause 5 of the Bill as tabled).

Finally, consideration could also be given to including children and young people as a specific group to be consulted in the context of the independent four-yearly reviews of the *Climate Change (State Action) Act 2008*. See Clause 8 of the Bill as tabled which proposes to amend s18 of the Act.

As the Intergovernmental Panel on Climate Change's Sixth Assessment Report, *Climate Change 2022: Impacts, Adaptation and Vulnerability* demonstrates, our state's response to climate change remains gravely important to the children and young people of Tasmania. Please see [here](#) for a link to a copy of the Overarching Frequently Asked Questions and Answers recently published by the IPCC which explain how climate change will affect the lives of today's children tomorrow.

As Commissioner, I would like to see embedded in the Bill a firm commitment to the rights and wellbeing of the children and young people of Tasmania, particularly through recognising and upholding their right to participate in climate policy decisions. This would also align with the Tasmanian Government's acknowledgement of the importance of the environment and climate change to child and youth wellbeing as part of Tasmania's Child and Youth Wellbeing Strategy - *It Takes a Tasmanian Village*. Environmental concerns are cross cutting and important to all domains of the Tasmanian Child and Youth Wellbeing Framework, including children and young people being able to express their environmental views (the Participating domain).^[1]

Consistent with my obligation to act independently and impartially, and to carry out my role according to the principle that the wellbeing and best interests of children and young people are paramount, I wanted to inform all members of the Tasmanian Parliament as to my views set out above ahead of the Bill's passage through the Parliament.

I wish you well on your return to the Parliamentary year for 2022 and would welcome a further opportunity for discussion.

Regards,

A handwritten signature in black ink, appearing to read 'L McLean', written in a cursive style.

Leanne McLean

Commissioner for Children and Young People

cc *The Hon Peter Gutwein MP, Minister for Climate Change*

^[1] [Tasmania's Child and Youth Wellbeing Strategy - It Takes a Tasmanian Village 2021](#)