HOW-TO GUIDE: MAKE A SUBMISSION TO THE DUTY OF CARE INQUIRY

CONTEXT:
The Federal Parliament, for the first time, is considering a Bill to implement a *duty of care* to young people to take our health and wellbeing into account when making decisions that could impact the climate. This Bill is before the Senate Committee on Environment and Communications for inquiry.

And you have a chance to **make your voice heard** in this important conversation, by making a submission to the inquiry.

HOW TO STRUCTURE YOUR SUBMISSION:
We want your submissions to be unique, not drafted from a template. This is because the Senate is more likely to read and actually be influenced by a submission that is written with genuine care and desire to protect the people and places we all love, rather than a hundred generic submissions.

- **Start by introducing yourself.** Who are you, and why is this issue important enough to you for you to spend time writing a submission to the Federal Parliament? Are you from an organisation whose work is relevant to the protection of the climate and environment for future generations? Are you a concerned parent who wishes to leave a safe and secure environment for your children? Are you a young person who feels anxiety at the prospect of a future with more frequent and severe climate disasters? Have you lived through climate disaster? Tell the parliament your story.

- **Tell us why you think this bill is important.** You can use some of the information we've provided about what this Bill will actually do. Why is that important to you? Talk about the importance of stopping new coal and gas projects and developments for current and future generations.

- **Urge the parliament to support this bill.**

- **Your submission is likely to be published on the inquiry webpage with your name. If you don't want your submission to be published, you should say so.**

SOME KEY MESSAGES TO INCLUDE IN YOUR SUBMISSION:
It's really important that you take these key points and put them in your own words.

- **We know climate change will hit current and future generations the worst.** Rising global temperatures and extreme weather events threaten the stability of our futures, as we face a lifetime of increased climate disaster such as heat waves, wildfires, and floods. The consequences of climate change will compound existing challenges of food and housing insecurity, and disrupt education due to weather-related school closures.

- **The government has a responsibility to avert the worst impacts of climate change, and to stop approving new coal and gas developments.** Australia is the third largest exporter of fossil fuels, and is continuing to open new fossil fuel projects. By continuing to greenlight these, the government is opening the floodgates to the climate crisis. The choice to not just continue, but to increase the mining and exportation of fossil fuels is an irresponsible one that will contribute to incremental warming, causing increasing climate harm.

- **What we do in parliament now will shape years and years of our future - these decisions are crucial.** The government has the ability to demonstrate its commitment to ending the climate wars hand in hand with young people, by adopting this bill and upholding their duty as elected representatives to hand over a future to coming generations that is safe and liveable.

- **This bill fills a significant gap in Australian law.** 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. They should, and this bill ensures that they will.

WHAT THIS BILL COULD ACTUALLY DO:
Right now, there is no clear obligation in Australia's legislation for Ministers and other government decision-makers to take into account the potential impacts of the climate crisis on children's wellbeing – either now or into the future.

This proposed law would change that. In particular, it would do three key things.

1. The Bill would create 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 - for example, decisions about whether or not to approve new coal mines, or to use public money to fund new fossil fuel infrastructure.

2. The Bill would prohibit decisions that would support more fossil fuel mining or exploration, or which would lead to levels of greenhouse gas emissions that would pose a real risk of harm to children's health and wellbeing.

3. The Bill would promote intergenerational equity in government decision-making.

WHAT IS THE PURPOSE OF THE BILL?
The aim of the proposed law is to help make sure that when the Australian government makes decisions which could worsen the climate crisis, it is required to consider the impacts of worsening climate change on future generations of Australians.

In particular, the 'object', or purpose, of the Bill is to ensure that these decisions are fair, considering that even though in some circumstances there might be some benefits for the present-day Australian community, there would also be significant negative impacts for future generations of people living in Australia. This concept is called 'intergenerational equity', and it is about ensuring that temporary, short-term benefits – like the royalties from a

new coal mine approval – are properly balanced against the very serious and potentially permanent longer-term impacts of the fossil fuel-driven climate crisis.

How would the Bill work?

If the new Bill is made into law, when Ministers and other government decision-makers are making certain decisions, they would need to consider the physical, emotional, cultural and spiritual health of present-day and future generations of children in Australia, and the impacts of the climate crisis on these children and young people.

In some cases, government decision-makers covered by this new duty would also be prohibited from making decisions that are likely to result in levels of greenhouse gas emissions posing a real risk of harm to children's health and wellbeing, or which would support more fossil fuel mining or exploration.

This would be the first time a law in Australia explicitly prevents the government from making the kind of decisions that are currently fuelling the climate crisis.

What kinds of Government decisions would the Bill apply to?

The duty would apply to specific decisions made under certain laws relevant to Australia's role in the climate crisis. The threshold for the duty to apply is whether the outcome of the decision is likely to lead to over 100,000 tonnes of greenhouse gas emissions. It doesn't matter whether the emissions would be created in Australia or overseas, as long as they are likely to result from the decision. This is because each additional tonne of greenhouse gas pollution makes the climate crisis worse, no matter where it is created.

Decisions that could be covered by the new duty include:

- The decision to approve a 'proposed action' under Australia's national environment law (known as the 'EPBC Act'), including new coal or gas developments – for example, new coal mines and coal mine extensions proposed in Central Queensland and NSW.

- The decision to approve offshore oil, gas or carbon capture and storage projects under the law covering offshore developments – for example, the Scarborough gas field off WA.

- Decisions under legislation about public funding and loans for infrastructure projects – for example, funding to fossil fuel companies for gas industry infrastructure in the NT.

As well as considering the potential impacts on the health and wellbeing of children, the decision-maker must consider whether the emissions resulting from their decision would make it harder for Australia to achieve its emissions reduction targets.

MAKE YOUR SUBMISSION!
Upload your submission at the webpage here.
https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications/DutyofCareBill **or email it to ec.sen@aph.gov.au**

IF YOU NEED HELP OR HAVE QUESTIONS ABOUT MAKING A SUBMISSION

If you have trouble making your submission, have a question, or want to talk about the inquiry, please call the Environment and Communications Committee's secretariat on +61 2 6722 3526, or email on ec.sen@aph.gov.au