



## A DIFFERENT APPROACH COMMUNITY Pty Ltd

Climate Action in Australia  
P.O. Box 1906, Geelong, 3220, Victoria  
Website: <https://adacaust.com.au>

31st May 2021

Mr A. D. Wilkie MP  
Member for Clark  
PO Box 32  
Hobart TAS 7001

Dear Mr A. D. Wilkie MP

By the end of this century, modern societies will have to transition to renewable energy because reserves of fossil fuels will be exhausted. It is the rate at which this transition happens that is in contention, a rate that will be the major issue discussed at the upcoming United Nations Climate Summit in Glasgow. Over the past month, pressures to speed up the rate of transition have been coming from many sources.

There are clearly financial pressures. The Australian Prudential Regulation Authority (APRA) has announced that it is commissioning research into the financial risks of climate change. The Director of Policy at the Investor Group on Climate Change says that "No company or investor can escape economy-wide damage from climate change," He describes climate change as a "systemic threat that left unchecked will undercut Australian economic growth and long-term investment returns." Insurance companies are rapidly adjusting their policy frameworks and financial modelling to take account of the risks.

There are also significant legal pressures. Three examples from the past month illustrate this. First, a Dutch Court has ordered Royal Dutch Shell to make a 45% reduction in its carbon emissions by 2030, based on 2019 levels. Second, the Australian Federal Court has upheld a claim that Adani cannot pump 12.5 billion litres of water from drought affected areas to run its mine in the Galilee Basin. Third, in response to a claim by a group of teenagers in Queensland, the Federal Court has ruled that the Federal Environment Minister has a duty of care to avoid harm to young people as a result of climate change. These three examples all set precedents that are likely to have wide future repercussions

There are also important issues emerging about Australia's security in the world. A new report from the Australian Strategic Policy Institute (ASPI) indicates that, until now, Australian governments have largely overlooked the security threats of rising seas, climate-related famine, extreme weather events and mass migration in South East Asia. Australia is sitting on the frontline of this vulnerable region, the report says. This relationship between climate change and global security is high on the agenda of the June Biden Leaders' Summit.

Considering the complexity of climate change issues, it is clearly dysfunctional to expect Ministers, of whatever party, to make decisions based on the specialised perspectives of their own Department and its advisors. The issues around climate change are all-pervading and need to be considered in the context of an evidence based broad overview. There is no way an aggregate of Ministerial

decisions can achieve this. Their focus is specialised and Ministers' decisions are understandably and inevitably tainted by the likely political consequences.

It is thus becoming increasingly difficult for politicians to juggle the significant pressures from all sectors of our society as well as from other countries, many of whom already have clearer policies. The danger is a floundering mish-mash of sometimes conflicting Australian policies. Urgent coordinated action is needed, especially given the recent findings of Australia's Federal Court. decisions can achieve this. Their focus is specialised and Ministers' decisions are understandably and inevitably tainted by the likely political consequences.

It is thus becoming increasingly difficult for politicians to juggle the significant pressures from all sectors of our society as well as from other countries, many of whom already have clearer policies. The danger is a floundering mish-mash of sometimes conflicting Australian policies.. The need for coordinated action is urgent, exemplified by the recent findings of the Federal Court.

### **Federal Court of Australia:**

#### **4.“ DOES THE MINISTER OWE THE CHILDREN DUTY OF CARE?”**

Para 293 “It is difficult to characterise in a single phrase the devastation that the plausible evidence presented in this proceeding forecasts for the Children. As Australian adults know their country, Australia will be lost and the World as we know it gone as well. The physical environment will be harsher, far more extreme and devastatingly brutal when angry. As for the human experience – quality of life, opportunities to partake in nature’s treasures, the capacity to grow and prosper – all will be greatly diminished. Lives will be cut short. Trauma will be far more common and good health harder to hold and maintain. None of this will be the fault of nature itself. **It will largely be inflicted by the inaction of this generation of adults, in what might fairly be described as the greatest inter-generational injustice ever inflicted by one generation of humans upon the next.”**

Para 294 “To say that the Children are vulnerable is to underestimate their predicament. However, it is not vulnerability in the abstract which is relevant for determining whether a duty of care is owed to them by the Minister. And it is”: *Stuart* at [134] (Crennan and Kiefel JJ). ” (Sharma by her litigation representative Sister Marie Brigid Arthur v Minister for the Environment [2021] FCA 560. File number VID607 of 2020)

Date of judgement: 27 May 2021

Judgement of: BROMBERG J

This is why ADAC is strongly supporting Zali Steggall's private members bill to establish an expert group charged with considering the big picture involving Australia's future policies with respect to climate change and advising government accordingly.

Kind Regards

From all at ADAC and our most concerned members.

Robert Patterson and Mike Middleton ADAC convenors