
COMPLAINT TO THE SPECIAL RAPPORTEUR ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE CONTEXT OF CLIMATE CHANGE

Made on behalf of nine young Australians

ATTICUS [REDACTED] (13 years old); CHRISTOPHER BLACK (18 years old);
CONNOR WRIGHT (27 years old); ELIZA EVERS (21 years old),
MADELINE MCSHANE (23 years old), MAYA FARMER (19 years old), RUBY FOX (21
years old); YEHANSA DAHANAYAKE (16 years old), ZHANĀE DODD (28 years old)
(the **Complainants**)

against

Australia

1 April 2025

ACKNOWLEDGEMENT OF COUNTRY

In submitting this complaint, we acknowledge the Traditional Custodians of the lands on which we live, work and play. Lands which were forcibly taken from Aboriginal and Torres Strait Islander people, the first peoples of Australia. As the world's oldest surviving culture, Aboriginal and Torres Strait Islander people have lived on and cared on their land or 'country' for more than 60,000 years.¹ We acknowledge and pay respect to Elders past and present and pay tribute to the vital role that First Nations people play in caring for Country across Australia: there can be no climate justice without First Nations justice.

COMPLAINANTS' LEGAL REPRESENTATIVES

Environmental Justice Australia is a leading non-profit public interest legal organisation in Australia. Our lawyers act on behalf of people and community organisations to support First Nations fighting for country and culture, to protect forests, rivers and wildlife and to address climate change.

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Ms. Elisa Morgera
Special Rapporteur on climate change
By Email and Special Procedures Submission Online Form

Dear Ms Morgera

Environmental Justice Australia (**EJA**) is grateful to submit this complaint to you on behalf of nine young people aged between 13 and 28 (the **Complainants**) from each state and territory across Australia. The Complainants seek the intervention of the Special Rapporteur to address Australia's failure to protect their human rights through its acts and omissions that amount to insufficient and ineffective climate action.

I. EXECUTIVE SUMMARY

This complaint details the serious and life-altering climate harms that are currently being experienced by the Complainants: a group of young Australians that includes children, First Nations people, people of colour, disabled people and young people from rural and remote communities. As a group, these Complainants come from or live in every state and territory in Australia.

The complaint alleges that Australia is violating its responsibility to protect the human rights of the Complainants by failing to take sufficiently ambitious action to mitigate the effects of climate change on the Complainants, in relation to activities within Australia's jurisdiction or control resulting in anthropogenic greenhouse gas (**GHG**) emissions that fuel climate change. This includes Australia's active pursuit of policies that have resulted in, and will continue to cause, increased GHG emissions, thereby exacerbating climate change and foreseeably worsening the harms experienced by the Complainants.²

As the following sections of this complaint explain:

- A. Climate change is severely impacting each of the Complainants' lives, amounting to multiple and intersecting breaches of human rights (see paras [1]-[12]; see further **Annexures A and B**).³ Each of the Complainants has provided a personal statement (enclosed at **Annexure B**) setting out how climate change is exposing them to life-threatening dangers, deeply disrupting their daily activities, harming their health and intensifying their emotional distress about their futures. For the First Nations complainants, climate change is threatening their 60,000-year-old cultures.

The magnitude of the climate change harms that the Complainants will suffer over their lifetimes depends largely on the emissions pathway and climate consequences of States' decisions that are being made now. Among the multitude of human rights violations that arise in this context, the Complainants draw your attention to their rights to life, health,

culture, and a healthy environment, their rights as children and their right to an effective remedy. **Annexure A** to this complaint details the threat that fossil-fuel driven climate change poses to each of the Complainants' human rights, with reference to the evidence given in their personal statements, which comprise **Annexure B**.

- B. Australia has obligations under international human rights law to protect the Complainants' human rights from interference, including from environmental harm caused by climate change (see paras [13]-[27]). Critically, Australia has an obligation to take measures to protect against conduct that causes climate change by adopting and implementing policies aimed at mitigating and reducing GHG emissions – both domestic and exported emissions – and discontinuing subsidies which promote ongoing fossil fuel use and expansion.⁴ It also has separate obligations as a party to the UN Framework Convention on Climate Change (UNFCCC) and the Paris Agreement as part of a global response aimed at stabilising the concentration of GHG emissions and preventing dangerous anthropogenic climate change.
- C. Australia has engaged and is engaging in a course of conduct (defined below at [32] as the **Relevant Conduct**) in direct contravention of its obligations under international human rights law, the UNFCCC and the Paris Agreement. This includes:
- i. Australia's failure to set a 2030 Nationally Determined Contribution (NDC) target which aligns with best available science and which protects the Complainants from future climate harms. Australia's current NDC target is consistent with warming over 2°C and up to 3°C, not 1.5°C or below,⁵ and its 2030 NDC is "at the least stringent end of what would be a fair share of global effort."⁶
 - ii. Australia's ongoing promotion, subsidisation and expansion of its fossil fuel industry, including vast coal and gas exports up to and beyond 2050, notwithstanding the overwhelming scientific consensus of the need to rapidly phase out fossil fuels and limit global warming to 1.5°C.⁷ Based on Australia's current plans for ongoing fossil fuel expansion, its projected emissions from fossil fuel exports alone between 2024 to 2035 are estimated to consume around 7.5% of the remaining global carbon budget on a 1.5°C pathway⁸. This increases to 9.1% when considering Australia's emissions from both domestic and exported sources.⁹ Given that Australia's population is approximately 0.33% of the world's total,¹⁰ its GHG contribution to the carbon budget is grossly disproportionate.
 - iii. Australia's failure to ensure that people and communities who are impacted by climate change have access to effective remedies which allow them to seek redress for climate harms and to adapt to the climate crisis.

- D. Without any domestic pathways to seek redress for Australia’s violations of their human rights, the Complainants urgently turn to the Special Rapporteur to act on the allegations presented in this complaint.

II. THE COMPLAINANTS’ REQUESTS TO THE SPECIAL RAPPORTEUR

Australia’s Relevant Conduct is contributing harm to the Complainants’ livelihoods, health and cultures and will continue to do so as the climate crisis intensifies. Without any domestic pathways to seek redress for Australia’s violations of their human rights, the Complainants respectfully request that the Special Rapporteur sends a Communication to Australia which:

- i. Draws Australia’s attention to the climate harms being experienced by the Complainants to which its Relevant Conduct is contributing.
- ii. Seeks an explanation from Australia as to how its Relevant Conduct is consistent with its obligations under international human rights law.
- iii. Asks Australia to investigate and address the alleged violations by consulting with the Complainants and other young Australians, and reporting on results and planned remedial action.
- iv. Urges Australia to, without delay: (1) end the continuation and expansion of its fossil fuel industry, (2) rapidly phase out the production and export of fossil fuels, (3) immediately cease the subsidisation of the fossil fuel industry, and (4) set 2030 and 2035 NDC targets and robust climate policies that are consistent with best available science and its obligations under international human rights law.

The Complainants also respectfully request that the Special Rapporteur:

- i. Meet directly with the Complainants to discuss their personal experiences of climate change and the purpose and contents of the Complaint.
- ii. Visit Australia so that the Special Rapporteur may see firsthand how climate change is affecting the Complainants, their communities, culture and homes.

III. THE COMPLAINT

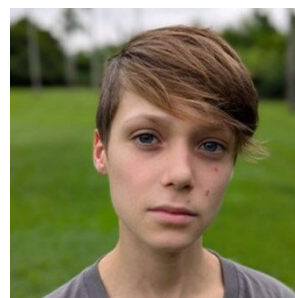
A. Climate change is causing significant interference in the Complainants’ everyday lives, and further limitations of their rights due to climate change are inevitable

1. This section of the complaint:
 - i. briefly introduces the Complainants and summarises the threats that climate change poses to their human rights. **Annexure A** to this complaint provides further details of these threats, with reference to the evidence given in the Complainants’ personal statements that comprise **Annexure B**;

- ii. explains the current state of Australia’s climate and the intersection of climate change with Australia’s violent colonial legacy, to demonstrate the compounding threat that climate change poses to the Complainants, especially the First Nations Complainants.
2. This complaint is submitted to the Special Rapporteur following a record-breaking Australian summer, where temperatures exceeded more than 2°C above average.¹¹ The summer also brought bushfires, droughts, extreme storms and floods across the country including, in some parts, in the space of a month. It was a time which deeply disrupted the Complainants’ daily activities and intensified their anxieties about how climate change will harm their lives, health, culture and futures.¹²
3. The Complainants’ personal statements present a small snapshot of what it is like to be growing up in Australia during the era of “global boiling”,¹³ making it very clear that they are part of a generation whose future is being defined by the devastating impacts of a warming world. The Complainants’ statements also reflect one of the great injustices of the climate crisis: young people who have had no role in causing climate change are suffering most from its consequences.

The Complainants: A Brief Introduction

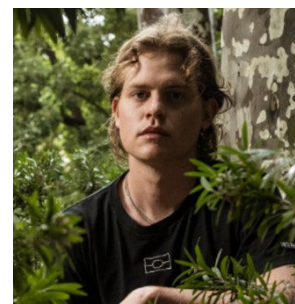
Atticus is 13 years old and lives on Larrakia Country in Darwin, Northern Territory. He is in early high school and loves making art and going birdwatching with his family. Atticus is distressed by the environmental destruction caused by climate change, including loss of habitats and animal life. His respiratory illness and eczema will worsen in a heating planet. He does not believe that governments are listening to children or acting in his best interests in environmental decision-making.



Chris is 18 years old, living on Gadigal and Guringai Country in Sydney, New South Wales. Chris is in his final year at school, which he is completing remotely to accommodate for his disabilities and pursue his climate activism. Chris survived the deadly Cyclone Seroja in 2021 which unusually hit a southern part of Western Australia while he was on holidays. Chris is aware that his disabilities mean that he is more at risk of harm during extreme weather events and natural disasters which are likely to increase in severity and frequency with climate change. Chris’ anxiety condition, which manifests physically and emotionally, is triggered by news and thinking about climate change.



Connor is a 27 year old Larrakia man from Darwin, Northern Territory. He grew up on Larrakia Country in Darwin for the first 17 years of his life and then moved to Melbourne (Wurundjeri country) to attend university. Connor is currently undertaking a Masters in Climate Change and Policy and has worked as an environmental consultant. Connor’s culture as a First Nations man is being degraded by climate change. Larrakia cultural practice is inherently linked to certain climatic conditions which are now rapidly changing, such as Balnba gulugi bigarrkm, which is the big rain coming time. Knowledge of climate change impacts on his own culture and the rest of the world is deeply stressful and affects his wellbeing. Connor has asthma which is exacerbated by a heating climate and climate-fuelled disasters such as the 2019/2020 Black Summer bushfires.



Eliza is 21 years old living on Ngunnawal Country in Canberra, ACT. Since the age of 16, Eliza has had significant health challenges and has been diagnosed with Chronic Fatigue Syndrome (CFS), Postural orthostatic tachycardia syndrome (POTS) and New Daily Persistent Headache Disorder (NDPH). Her conditions are incurable, and her treatment focusses on making her life as comfortable and pain-free as possible. Eliza's conditions, especially POTS, make her particularly vulnerable to extreme heat, which causes pain and extreme fatigue. When this occurs, she is unable to leave the house and sometimes her bed for days and weeks on end. Eliza is concerned about her ability to endure rising temperatures and climate-fuelled natural disasters, particularly because her POTS symptoms also include fainting.



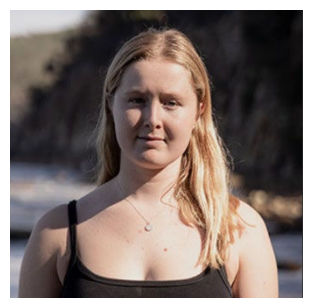
Madeline is 23 years old and grew up on Barnjarla Country in Port Lincoln, South Australia and now lives in Nipaluna, Hobart, Tasmania. Maddie works as a campaigner in Lutruwita/Tasmania. Her fear about impending climate collapse has brought on a state of distress which substantially impairs her overall psychological outlook on life. Maddie has decided against having children because she believes that a safe future is not possible for younger generations with current foreseeable climate change impacts. Having lived in South Australia for most of her life, Maddie has experienced intense heatwaves as well as the Millennium Drought which started in 1996 and ended in mid-2010.¹⁴ In 2024, Maddie relocated to Tasmania, concerned that water insecurity, drought and extreme heatwaves made her home in South Australia unliveable now and in the future. Maddie has survived a bushfire in Tasmania, a place which is experiencing more intense and frequent bushfires due to climate change.¹⁵



Maya is 19 years old and grew up on Gumbaynggirr Country in Sawtell, New South Wales. She moved to Melbourne (Wurundjeri Woi-wurrung country) for her university studies last year. Maya is deeply involved in the environmental and climate movement: as a former school striker and organiser, Australian Youth Climate Coalition organiser, podcaster, university youth advisory committee member and youth delegate at COP29. Maya lived through a supercell hailstorm which damaged hundreds of homes and local infrastructure in Sawtell in 2021.¹⁶ Maya experiences anxiety which is caused by the existential threat of climate change and is further fuelled by the Australian government's inaction on climate change.



Ruby is a 21 year old marine scientist from the small coastal town of Margaret River (Wadandi Boodja Country). Her lifelong passion and love for the ocean inspired her to study marine science. Ruby moved to Lutruwita/Tasmania 3 years ago for her studies. Throughout her life, Ruby has experienced recurrent heatwaves and has seen once vibrant and lively reef ecosystems transformed into graveyards caused by coral bleaching events and cyclones, leaving her devastated. Ruby has been evacuated from two bushfires, including fires on Kangaroo Island in 2016.¹⁷ Ruby experiences anxiety from the existential threat of climate change and is considering not having children because she fears climate change is making the world too unsafe to raise children.



Yehansa is 16 years old and a passionate climate advocate and researcher living on Wallumedgal Country, Sydney, New South Wales. She is currently in high school and migrated to Australia from Sri Lanka as a baby. Yehansa experiences eco-anxiety from the existential threat of climate change and has experienced burnout from the climate advocacy and research she has been doing to seek stronger action on climate change. She is also stressed about the impacts on her family in Sri Lanka who are especially vulnerable to climate change, as well as rising heat in her communities. She feels like the Australian government is not listening to children, despite the right of children to be heard on the world they will inherit, and is not acting in children's best interests by failing to prioritise climate change concerns and solutions when making environmental decisions, such as by continuing to support the extraction and export of fossil fuels. She believes young people have the skills and solutions needed to fight for a better, stronger and more equitable world, and believes it is the responsibility of the government to listen and act on behalf of these growing youth voices!



Zhanāe is a 28 year old proud Aboriginal woman coming from the Ghungalu, Wadja, Kaanju, Birri and Wiri and Wungun people belonging to the Gurubil skingroup. She lives on Darumbal country in Rockhampton, located in Central Queensland. Zhanāe is a dancer, plays guitar, loves spending time outside and is a trailblazing leader in the renewable energy sector. Zhanāe lived through the Fitzroy River floods in 2011,¹⁸ the fifth highest river peak since records began.¹⁹ In 2015 she was working as a journalist and reported on Cyclone Marcia, a category 5 cyclone that brought category 2 winds through where Zhanāe was living.²⁰ Zhanāe's life, spirituality, and identity are deeply intertwined with her country. She has seen firsthand how the devastating impacts of climate change have altered her country and threatened her cultural heritage. Climate change is changing how her people read and understand country as the environmental indicators and patterns are shifting, and cultural wisdom now has no answers. Zhanāe also has POTS and temporarily relocated to a cooler climate but cultural factors saw her return to Australia to be closer to country and family. Zhanāe is weighing up the decision whether to have children when she views Australia's climate future as unsafe.



The state of Australia's climate: climate impacts are already observable across Australia

4. Australia is divided into 6 states and 2 territories²¹ and covers a range of climate zones that support tropical rainforests, the world's largest coral reef systems, immense deserts and alpine environments.²² Against the backdrop of these varied climatic zones, Australia regularly experiences extreme heat waves, extended droughts, floods, tropical cyclones and storms – sometimes, all at once.²³ Australia's extreme weather will increase and intensify with every fraction of a degree of warming.²⁴
5. The Australian climate has already warmed by an average of 1.51°C since national records began in 1910.²⁵ The Intergovernmental Panel on Climate Change (IPCC) projects that with ongoing warming, Australia will experience more hot days and fewer cold days, more extreme fire weather, increased drought frequency, increased heavy rainfall intensity, a greater proportion of severe cyclones, further sea level rise and ocean warming and acidification.²⁶

6. The impacts of climate change are often inter-connected and – as the Complainants’ personal statements illustrate – disproportionately impact young people, First Nations people, people living with disabilities, women and people living in rural and remote communities.²⁷ For some of the Complainants, the climate harms they have already experienced are irreversible.²⁸ With ongoing warming, the Complainants, other young people in Australia and future generations will be exposed to climate extremes which will severely impact all aspects of their lives.²⁹
7. For children like Atticus, Chris and Yehansa, the threat of climate change has dominated their childhood, threatening their lives and causing them overwhelming anxiety about their future.³⁰ Effects of climate change have also damaged the physical and psychological health of all the Complainants.³¹ In particular, rising temperatures and intensifying heatwaves threaten the health and wellbeing of Eliza and Zhanāe, who both live with POTS, significantly reducing their ability to carry out daily activities.³² Zhanāe also carries with her the added fear that she will have to relocate away from her ancestral home to a cooler climate to manage her POTS, in the process losing her connection to country.³³ The Complainants have identified that the places they live in and cherish are being destroyed or becoming uninhabitable before their eyes.³⁴
8. As Australia’s climate continues to warm, the Complainants know that only deep and immediate reductions in GHG emissions will avert the most devastating threats that climate change poses to their lives. They also know that their futures are heavily reliant on decisive action being taken by all countries to rapidly decarbonise, especially by major emitters like Australia. Ruby states that if she could yell at those in power, and if they would listen, she would tell them, “This is an emergency and you must act now. We pledged to never surpass 1.5 degrees of warming. We failed. It’s time to change tack. It’s our life, it’s our children’s lives. Do it for us.”³⁵

Australia’s climate obligations must account for its violent colonial history, especially as climate change threatens the survival of Indigenous communities worldwide

9. The impacts of climate change on Australia are inseparable from the ongoing effects of the invasion of Australia in 1788 and subsequent colonisation.³⁶ Aboriginal and Torres Strait Islander Peoples have lived on and managed their own ancestral lands or ‘country’ on the Australian continent since time immemorial. As the world’s oldest living cultures, Aboriginal and Torres Strait Islander peoples have survived and adapted to climate change over millennia.³⁷ A healthy country is critical to the physical, spiritual, social and cultural wellbeing of Aboriginal and Torres Strait Islander peoples.³⁸
10. Colonisation violently disrupted Aboriginal and Torres Strait Islander communities and their culture, society and economy. Mass killings, removal of children and the displacement of Aboriginal and Torres Strait Islander people from their traditional lands led to widespread loss of life, intergenerational trauma, and the destruction of cultural knowledge and practices.³⁹ The Australian government has not entered any treaties with First Nations

peoples or paid reparations, and only around 8.5% of Australia's land mass has been returned to Traditional Owners in the form of land rights.⁴⁰ Studies of Australian history demonstrate that the brutality of ongoing invasion and colonisation fits the United Nations definition of genocide in several ways.⁴¹

11. There is a long history of Aboriginal and Torres-Strait Islander Peoples advocating for the recognition and restoration of their environmental and land rights and for the right to participate in decisions that impact them. This complaint includes evidence from two young Aboriginal people, Zhanāe Dodd and Connor Wright, who have joined this complaint to advocate for the protection of their rights and culture because of the direct and foreseeable harms they have and will experience from climate change.
12. Colonisation has exacerbated and compounded the impacts that climate change has on First Nations people.⁴² As Zhanāe states: "the inaction of the Australian government on climate change is impacting the lifespan of our country, the wellbeing of our country, the longevity of our country." Connor likens government inaction on climate change to a secondary form of colonisation: destroying his culture and all Indigenous cultures globally.⁴³

B. Australia has binding obligations to take rapid and effective mitigation measures to protect human rights from climate change

13. Climate change is a global crisis of such magnitude and pervasiveness that the conduct which contributes to it threatens a wide range of human rights protected under international law. Further, the world is close to surpassing 'tipping points' or thresholds, beyond which more serious and irreversible impacts are likely even if temperatures are brought back down at a later time.⁴⁴
14. Australia has comprehensive positive obligations to respect, protect and fulfil all human rights – including the rights to life, health, culture, and a healthy environment, the rights of children, and the right to an effective remedy – recognised in the international human rights instruments to which it is a party. These human rights instruments include:
 - i. the Universal Declaration of Human Rights.⁴⁵
 - ii. the Charter of the United Nations, including the right to self-determination,⁴⁶ and the subsequent interpretive practice under it.
 - iii. the International Covenant on Civil and Political Rights.
 - iv. the International Covenant on Economic, Social and Cultural Rights.
 - v. the Convention on the Rights of the Child.
15. Australia is also subject to separate obligations arising from the UNFCCC and the Paris Agreement.⁴⁷
16. These obligations are binding on Australia and, as set out at Part C below, Australia's engagement in the Relevant Conduct is in direct contravention of these obligations.

Australia's obligations under international human rights law in the context of climate change

17. In accordance with its human rights obligations, Australia must respect and ensure the protection of human rights to all individuals within its territory or subject to its jurisdiction,⁴⁸ including protecting human rights from the foreseeable acts of private actors who are within Australia's effective control,⁴⁹ and provide an effective remedy as a form of redress⁵⁰ to address the underlying causes of the conduct and prevent recurrence.⁵¹
18. In the context of climate change, there is a broad consensus across human rights institutions that States have positive obligations to protect the enjoyment of rights from harms caused by climate change,⁵² and that a failure to take measures to prevent foreseeable harm to human rights caused by climate change could constitute a violation of States' human rights obligations.⁵³
19. Overwhelmingly, the existing jurisprudence makes it clear that States have obligations to, among other things:
 - i. Take measures to protect against conduct that causes climate change by adopting and implementing policies aimed at mitigating climate change, including by reducing both domestic and exported GHG emissions to the highest possible ambition and discontinuing subsidies that promote ongoing fossil fuel use and expansion.⁵⁴ There is now an overwhelming scientific consensus that no new fossil fuel projects are necessary under a future pathway that limits global warming to 1.5°C.⁵⁵ Both the Committee on Economic, Social and Cultural Rights and the Human Rights Council Advisory Committee (**HRCAC**) have clarified that mitigation, in accordance with the best available science, should lead to absolute emission reductions through the phasing out of fossil fuel production and use.⁵⁶ As the HRCAC puts it: "the main way for States to be human rights compliant is to rapidly phase out fossil fuels."⁵⁷
 - ii. Take "all appropriate measures" to avert foreseeable threats, like adverse climate change impacts, to the realisation of human rights, including by putting in place legislative and administrative frameworks to minimise threats to the right to life.⁵⁸ These measures must aim to effectively prevent harm not only to the environment but also to human health⁵⁹ and to those most vulnerable to climate change including children,⁶⁰ women,⁶¹ people living with disabilities⁶² and First Nations people.⁶³
 - iii. Ensure that mitigation measures and environmental decisions protect against continuing and worsening violations of children's rights.⁶⁴ The Committee on the Rights of the Child (**CRC**) has stated that States should ensure that the best interests of the child are a primary consideration when adopting and implementing mitigation measures and environmental decisions.⁶⁵ The CRC further notes that States "should take into account the possibility that environmental decisions that seem reasonable individually and on a shorter timescale can become unreasonable in aggregate and when

considering the full harm that they will cause to children throughout their life courses.”⁶⁶

- vi. Enhance international cooperation by strengthening and implementing policies “based on human rights” in light of the adverse effects of climate change and consistent with national and international efforts to combat climate change.⁶⁷ The Office of the High Commissioner for Human Rights has stated that international cooperation to combat climate change is a human rights obligation with its central objective being the realisation of human rights.⁶⁸
 - vii. Provide effective remedies for violations of human rights caused by climate change.⁶⁹ In *Daniel Billy et al. v. Australia*, the Human Rights Committee emphasised that Australia’s breach of its obligations under the ICCPR by failing to address climate change enlivened an obligation to “provide the authors with an effective remedy.”⁷⁰
 - viii. Ensure the full and effective participation of Indigenous peoples, people with disabilities and children in environmental decision making and the implementation of climate policies.⁷¹ In the case of children, this includes the right to be heard – the CRC has stated that “[c]hildren’s voices are a powerful global force for environmental protection”⁷² and States must ensure that age-appropriate, safe and accessible mechanisms are in place for children’s views.⁷³
20. It is irrelevant that Australia is not solely responsible for the climate crisis or the harms that climate change has caused the Complainants. Australia’s obligations to protect the human rights of the Complainants are not limited to threats that can be said to be exclusively caused by or attributable to it. Australia has an obligation to exercise due diligence in protecting the human rights of the Complainants (and all other people) against interference and deprivations caused by business enterprises or other entities, including when such harm is caused by multiple actors.⁷⁴

Australia’s obligations under the Paris Agreement

21. Australia’s obligations under the UNFCCC and the Paris Agreement are separate – though complementary – to its international human rights obligations. The UNFCCC and the Paris Agreement reflect the international community’s commitment to limiting global temperature rise to avert the worst impacts of climate change. To realise the objectives of the UNFCCC and the Paris Agreement, parties commit to taking action to mitigate climate change through the reduction of GHG emissions in line with best available science and with progressively increasing ambition.
22. The commitment made under the Paris Agreement – for countries to hold the increase in global average temperature to well below 2°C above pre-industrial levels and pursue efforts to limit it to 1.5°C – is significant; global scientific consensus indicates that limiting warming to below 1.5°C will significantly reduce the risks, adverse impacts, and related losses and

damages from climate change and, conversely, failing to do so will lead to increasingly frequent and dangerous extreme weather events and unsafe conditions.⁷⁵

23. In accordance with its obligations under the Paris Agreement, Australia must:

- i. prepare, communicate and maintain successive “nationally determined contributions” (NDC).⁷⁶ The NDC must:
 - a. be “ambitious” and reflect Australia’s “highest possible ambition.”⁷⁷
 - b. reflect Australia’s common but differentiated responsibilities and national circumstances as a contributor to the climate crisis and a wealthy and developed country.⁷⁸
 - c. align with the global temperature goals set out in Article 2.⁷⁹
 - d. be progressively ambitious and communicated at least every 5 years.⁸⁰
- ii. pursue domestic measures that are intended to and are aimed at achieving the objectives of its NDC.⁸¹
- iii. “take the lead” as a developed country by undertaking economy-wide absolute emission reduction targets. This includes a requirement that Australia should act in accordance with the principle of equity and common but differentiated responsibilities and enhance its mitigation efforts in a way which reflects its different national circumstances.⁸²

24. The global temperature goals of the Paris Agreement are a floor rather than a ceiling for parties to strive towards when reducing emissions. Even if global warming is kept at 1.5°C, the planet will still face significant climate impacts,⁸³ including increased risks to health, livelihoods, food security, water supply, human security and economic growth of people and communities.⁸⁴

25. As such, compliance with the Paris Agreement alone does not guarantee compliance with international human rights obligations. States must also ensure that they uphold their human rights obligations when taking climate action.

Australia’s climate mitigation actions must reflect its “fair share”

26. Australia’s climate mitigation measures must also reflect its heightened responsibility as a major emitter and a developed country. Developed countries like Australia bear greater responsibility because they have far exceeded their ‘fair share’ level of emissions for decades⁸⁵ and have greater capabilities to undertake mitigation. Australia has been specifically identified by the United Nations Environment Programme (UNEP) as one of a small number of higher income countries that needs to rapidly reduce fossil fuel production to achieve an equitable phase-out on a 1.5°C-aligned emissions pathway.⁸⁶ Having already exceeded its fair share of emissions,⁸⁷ Australia bears a heightened responsibility to ensure that its emissions reduction measures rapidly phase out of fossil fuels.⁸⁸

27. Accordingly, on the Complainants' submission, Australia's international obligations require it to refrain from promoting, subsidising and authorising the continuation and expansion of fossil fuel production, and to regulate and phase out fossil fuel production in a manner that reflects its particular obligations as a major emitter and which are consistent with contributing to global cooperation on climate change and with protecting the human rights of people across the globe, including the Complainants.

C. Australia's actions are worsening climate change and contributing to violations of the human rights of the Complainants

Overview of the Relevant Conduct by Australia

28. The scientific consensus on the causes and impacts of climate change is clear: "anthropogenic emissions of greenhouse gases are unequivocally the dominant cause of global warming...[and] human-induced climate change, including more frequent and intense extreme events, has caused widespread adverse impacts and related losses and damages to nature and people."⁸⁹
29. Notwithstanding the scientific evidence around the importance of rapidly phasing out fossil fuels and limiting global warming to 1.5°C,⁹⁰ Australia continues to approve, plan for and subsidise the expansion of its domestic and export fossil fuel industry.⁹¹ This will increase Australia's emissions beyond 2050 and cause substantially more harm to the Complainants.
30. Evidence of the Complainants' experience of climate change impacts is captured in their personal statements at **Annexure B** and the key human rights violations caused by climate change are summarised at **Annexure A**. These annexures very clearly show that climate change has and is negatively impacting the Complainants' lives, health and culture – amounting to multiple and intersecting violations of their human rights as a result of climate change.
31. Despite its obligations under international human rights law, the UNFCCC and the Paris Agreement, Australia has contributed to – and is still perpetuating –the climate crisis, knowing that it endangers the Complainants and many others' human rights. Australia continues to promote and subsidise fossil fuels, contributing to hazardous levels of GHG emissions within and outside Australia – violating the rights of the Complainants in the process.
32. The **Relevant Conduct** at the heart of Australia's violations is as follows:
- i. Australia has failed to set a 2030 NDC that aligns with best available science or which reflects its "highest possible ambition" to ensure compliance with its international human rights obligations⁹² and achieve the temperature goal set under the Paris Agreement.⁹³

- ii. Australia is actively engaging in conduct that continues to promote, subsidise and permit the expansion of fossil fuel production up to and beyond 2050, directly contravening its obligation to ensure mitigation leads to absolute emission reductions through the phasing out of fossil fuel production and use.⁹⁴ Australia’s contravention of this obligation must be seen in light of its position as a developed nation and a major emitter with greater capacity and responsibility to transition quickly.
 - iii. Australia has not complied with its obligation to ensure that people and communities who are impacted by climate change have access to effective remedies which allow them to seek redress for climate harms and to adapt to the climate crisis.⁹⁵ In the case of the Complainants, there are no available or effective domestic remedies to enforce their rights.⁹⁶ The Complainants’ human rights are not protected in the Australian Constitution nor by any other national legislation. The High Court of Australia has ruled that state organs do not owe a duty of care for failing to regulate environmental harm.⁹⁷
33. In the Complainants’ view, Australia’s engagement in the Relevant Conduct is deliberate and short-sighted. Australia has prioritised business-as-usual political, economic and policy conditions that are favourable to the extremely influential fossil fuel industry over protecting the rights of the Complainants, endangering their lives and foreseeably exacerbating the climate change that is undermining their human rights.⁹⁸
34. We elaborate below on each of these categories of acts and omissions, comprising the Relevant Conduct.

Australia’s inadequate 2030 NDC: inconsistent with limiting warming to 1.5°C

35. In accordance with its obligations under the Paris Agreement,⁹⁹ Australia has committed to an NDC to reduce its emissions by 43% below 2005 levels by 2030 (including via Land Use, Land Use Change, and Forestry (LULUCF)). This target has been legislated in the *Climate Change Act 2022* (Cth),¹⁰⁰ along with a target to reach net zero emissions by 2050. Australia claims that this reflects the government’s “resolve to urgently step up action and work alongside global partners to tackle the climate crisis, achieve the goals of the Paris Agreement, and keep 1.5°C within reach.”¹⁰¹
36. Australia’s assertions could not be further from reality. Australia’s 2030 NDC is manifestly inconsistent with protecting human rights. The target fails to reflect the urgency of the climate crisis and to recognise Australia’s role in causing and perpetuating the crisis as a major emitter and the leadership that it can and should offer in the transition away from fossil fuels. In that regard:
- i. Australia’s current NDC is consistent with warming of over 2°C and up to 3°C, not 1.5°C or below.¹⁰²
 - ii. Australia’s 2030 NDC is “at the least stringent end of what would be a fair share of global effort.”¹⁰³ According to a recent report authored by two leading scientists and

IPCC authors, as of 2021, Australia had already exhausted its fair share of its emissions budget.¹⁰⁴ As a wealthy country with one of the highest per capita emissions rates, for Australia to do its fair share, it must set an emission reduction target of 75% by 2030 and net zero by 2035.¹⁰⁵ These targets are scientifically robust, ethically responsible and consistent with keeping global efforts to limiting warming to 1.8°C.¹⁰⁶

- iii. The Australian government has not considered the best interests of the child when communicating and setting its NDC.¹⁰⁷ There is no legislative or regulatory framework for considering the best interests of the child when setting Australia's NDC.¹⁰⁸
- iv. In any event, Australia is not on track to meet its 2030 NDC – a fact acknowledged by Australia's Climate Change Authority (an independent body established under federal legislation).¹⁰⁹
- v. Further, Australia lacks policies that result in genuine emission reductions aligned with its 2030 NDC.¹¹⁰ This is because Australia's long-term emission reduction policies rely heavily on offsets and LULUCF that "prioritise sequestration over real-term emissions reductions."¹¹¹ In turn, the concerns with these approaches are as follows:

- a. **Use of offsets that do not represent genuine emissions reductions:** The *National Greenhouse and Energy Reporting Act 2007* (Cth) (**NGER Act**) regulates Australia's federal GHG emissions, requiring large industrial facilities¹¹² to reduce their emissions in accordance with limits or a baseline to contribute to the achievement of Australia's emission reductions targets.¹¹³ Facilities that exceed their baselines must manage their excess emissions or face a fine.¹¹⁴ However, facilities are permitted to use unlimited offsets under carbon credit schemes to meet these obligations. Australia's carbon credit schemes have been widely criticised, with significant evidence indicating that at least 75% of Australian carbon credits do not result in real emissions reductions.¹¹⁵

In practice, this means that the fossil fuel industry can continue to operate, expand and increase its emissions provided polluting facilities buy sufficient offsets to bring them below the legislated baselines. The ineffectiveness of the NGER Act coupled with Australia's approval of new fossil fuel projects primarily intended for export (discussed below) undermines Australia's ability to achieve genuine and ambitious emissions reductions.

- b. **Use of LULUCF inflates reductions:** Since 2018, the Australian government has repeatedly revised its LULUCF projections, creating the illusion of action and progressive emission reductions.¹¹⁶ In 2024, the government claimed that it had achieved net emission reductions of 28% below 2005 levels – including LULUCF – but without LULUCF, emissions had dropped by only 2%.¹¹⁷
- vi. Australia is among the world's wealthiest and most developed States¹¹⁸ and has the means and resources to rapidly decarbonise as a renewables superpower-in-waiting.¹¹⁹

37. Accordingly, Australia's NDC must be significantly higher than 43% below 2005 levels by 2030 to account for the destructive role it has played in fuelling the climate crisis. Australia's failure to set a 2030 NDC target which reflects its highest possible ambition and common but differentiated responsibilities as a major emitter and developed country indicates that it is not acting consistently with its human rights obligations or the Paris Agreement.¹²⁰

Australia's NDC for 2035

38. At present, Australia has not set its 2035 NDC nor has it indicated publicly when it might be set. Countries must submit their NDCs at least 9 to 12 months in advance of COP30 to be held in November 2025.¹²¹ The UN Climate Change Executive Secretary Simon Stiell has unofficially indicated that NDCs are required by September 2025.¹²²

Putting out a fire with gasoline: Australia's active expansion of its fossil fuel empire as the climate catastrophe surges

39. Despite Australia's disproportionate contribution to global GHG emissions, the Australian government continues to actively expand the country's fossil fuel sector through ongoing approvals for new and expanded coal and gas projects and fossil fuel subsidies. Meanwhile, Australia's limited climate laws and policies remain ineffective in curbing emissions, giving the illusion of climate action while failing to create the necessary prohibitions and incentives for a rapid decarbonisation of the fossil fuel sector.

40. These actions are inconsistent with Australia's human right obligations, as they foreseeably exacerbate the climate change that is undermining the human rights of the Complainants.

41. Australia's recent conduct in relation to expansion of its fossil fuel extraction and export industries is as follows:

- i. **Existing fossil fuel projects:** Australia's ongoing approval and expansion of its fossil fuel industry plays a major role in sustaining elevated global emissions.¹²³ Importantly, the national-level legislative scheme that governs the approval of fossil fuel projects¹²⁴ does not legally require the decision-maker to meaningfully and properly scrutinise and account for a project's contributions to climate change and the consequent impacts of that climate change on the Australian environment or its people,¹²⁵ much less to consider the impacts that a proposed project may have on children.¹²⁶ Further, the Australian government successfully argued in Court that the Environment Minister does not owe a duty of care to children (an even less protective standard than the best interests of a child) when the Environment Minister exercises discretionary powers to approve major projects such as coal mines.¹²⁷

In 2022, Australia had 93 operating black coal mines, 3 operating brown coal mines and 10 facilities that export Liquefied Natural Gas (LNG),¹²⁸ which accounted for approximately 1.2 billion tonnes of domestic and exported CO₂ emissions over their lifespans.¹²⁹ Since the election of the current federal government in May 2022, Australia has approved 10 new coal mines or expansions. This includes the approval of

7 coal mine expansions and extensions in September and December 2024. Three of these 7 projects are approved to run beyond 2050. These 10 projects will emit a further 2,449 million tonnes over their lifetime, meeting the scientific definition of a carbon bomb.¹³⁰ As noted above, the government did not adequately assess the contributions of these projects to climate change.

- ii. **Planning for ongoing fossil fuel expansion:** Australia has no national plan to phase out of fossil fuels. Instead, as of December 2024, there were 91 proposed coal, oil and gas projects in the pipeline for federal approval (69 publicly announced, 2 advanced feasibility and 20 committed projects).¹³¹

Of those proposed projects, 22 are for new or expanded coal mines. If approved, the emissions from these coal projects alone would amount to approximately 10.5 billion tonnes of lifetime GHG emissions – approximately 4.5% of the world’s remaining carbon budget on a 1.5°C pathway.¹³²

Australia also remains committed to the expansion of its gas industry beyond 2050. In May 2024, the Australian government published its *Future Gas Strategy* which stated that while “emissions from gas must...reduce significantly” to meet the goals of the Paris Agreement,¹³³ the Australian government is “committed to remaining a reliable supplier of LNG” and intends to ensure that its LNG exports meet demand until 2050 and beyond.¹³⁴ The Strategy earmarks 4 new gas pipelines and the expansion of 5 existing gas pipelines for commissioning by 2028.¹³⁵ This includes Woodside’s planned Burrup Hub expansion which, once approved, will result in more GHG emissions than all Australia’s existing coal power stations combined.¹³⁶ It is estimated that Burrup Hub expansions alone could lead to 6.1 billion tonnes of GHG emissions, which is approximately 2.6% of the world’s remaining carbon budget on a 1.5°C pathway.

- iii. **Australia’s oversized exported emissions:** According to a report published by science and policy institute Climate Analytics in August 2024, Australia’s fossil fuel exports were responsible for emitting 30 billion tonnes of CO₂ into the atmosphere between 1961 and 2023.¹³⁷ Climate Analytics projects that, by 2035, Australia’s fossil fuel exports will add another 15 billion tonnes to that cumulative total of GHG emissions.¹³⁸ From 2024 to 2035, Australia’s projected emissions from its fossil fuel exports is estimate to consume around 7.5% of the remaining global carbon budget on a 1.5°C pathway. When considering Australia’s emissions from both domestic and exported sources, this increases to 9.1%.¹³⁹ With no indication that the Australian government intends to cease approving and expanding fossil fuel projects or its exports, this fraction of the global carbon budget would continue to increase disproportionately in terms of both Australia’s population and its economic size beyond 2035.¹⁴⁰

- iv. **Subsidisation of fossil fuel production:** In 2023-2024, subsidies from all levels of government in Australia to fossil fuel producers and major users totalled \$14.5 billion.

This represented an increase of 31% on the \$11.1 billion of subsidies recorded in 2022–23.¹⁴¹ By way of comparison, in that same year, the Australian government committed around \$500 million to a new climate and energy partnership purporting to “support people, livelihoods and ecosystems in our region.”¹⁴² This represents a negligible 3% of the subsidies that Australia pays to its fossil fuel industries.

- v. **Australia fails to account for its disproportionately high exported emissions:** Despite Australia’s disproportionately high exported emissions fuelling climate change, Australia has no legislative framework in place to restrict, limit or phase out emissions resulting from Australia’s export of fossil fuels. Australia’s *Climate Change Act 2022* (Cth) which, upon its introduction, was touted as starting a “new era of climate energy and certainty”,¹⁴³ contains no reference to, and sets no targets for, the reduction of Australia’s exported emissions. This is also the case in relation to Australia’s emissions reduction framework, the NGER Act, which does not require facilities captured by the Act to account for their exported emissions when reducing their emissions against set baselines.

The absence of a legislative framework which accounts for Australia’s disproportionately high exported emissions represents an egregious gap in addressing the full scope of Australia’s climate impact, enabling the perpetuation of climate-related harms fuelled by increasing GHG emissions while evading responsibility for the emissions generated beyond its borders.

42. There is no reality now, or in the future, in which Australia’s ongoing and expanded fossil fuel projects can coexist with its human rights obligations to limit global temperature rise to 1.5°C, thereby mitigating the most catastrophic impacts of climate change.
43. Australia’s Relevant Conduct is not only harmful in its own right but it entrenches fossil-fuel dependence in the Australian economy, weakening any positive steps that the government makes towards climate action.¹⁴⁴ Australia is not merely failing to adopt and implement measures which will protect against climate change but is also taking positive steps that significantly worsen the climate crisis, thereby harming the Complainants.
44. The injuries that the Complainants have already suffered, and the life-long threats they face from climate change, are foreseeable harms that Australia has known about for decades.¹⁴⁵ The Complainants are experiencing a spectrum of climate harms already, for example, living through disasters like bushfires¹⁴⁶, cyclones¹⁴⁷, drought¹⁴⁸ and flooding¹⁴⁹, extreme weather events like supercell storms¹⁵⁰ and extreme heat¹⁵¹, to First Nations cultural degradation,¹⁵² the psychological effects of the climate crisis¹⁵³ and exacerbation of symptoms of chronic health conditions, like POTS and asthma.¹⁵⁴
45. The full detail of the Complainants injuries is documented in **Annexures A and B**. The injuries they suffer today and into the future were predicted years ago as likely outcomes of the global warming created by Australia and other states. Australia is also aware now that

the foreseeable risks to the Complainants' human rights will only worsen as the world gets warmer.

D. The Complainants have no avenues to seek redress for the climate harms they suffer

46. The Complainants do not have access to effective domestic remedies that would allow them to enforce their human rights in the face of Australia's violations.

47. The Complainants draw the Special Rapporteur's attention to the following examples:

- i. The Complainants' human rights are not protected in the *Australian Constitution* or any other legislation that binds the federal government.
- ii. The High Court of Australia has ruled that state organs do not owe a duty of care for failing to regulate environmental harm.¹⁵⁵ There is also no duty of care to avoid injuries caused to young people due to climate change,¹⁵⁶ nor is there a requirement that the impacts of climate change be considered when assessing fossil fuel projects under national environmental laws.¹⁵⁷
- iii. In 2024, a Senate Committee (comprised of all of Australia's major political parties) rejected a proposal put forward by an independent senator¹⁵⁸ to enshrine a statutory climate change 'duty of care' into legislation¹⁵⁹. The Australian government also agreed that it would reject a bill¹⁶⁰ that would have compelled decision-makers to protect young people and future generations from the impacts of climate change. The proposal built on a tireless campaign led by a group of young Australians to enshrine a climate-related duty of care within Australian law.¹⁶¹
- iv. The Australian Human Rights Commission (AHRC), a statutory body established under the *Australian Human Rights Commission Act 1986* (Cth), does have powers of investigation and conciliation of complaints under federal discrimination law. However, the AHRC is not a judicial organ and does not have the power to make binding decisions.¹⁶²
- v. The *Climate Change Act 2022* (Cth), which enshrines Australia's 2030 NDC and outlines the procedure for setting future NDCs, does not provide an avenue to challenge NDCs. There is no requirement to incorporate human rights considerations or the best interests of the child into the setting of Australia's NDCs.

The absence of avenues to seek redress for climate harms must also be understood in light of the significant influence of the fossil fuel industry on the Australian political process. Fossil fuel corporations have repeatedly and systematically intervened in the political process to defeat mining levies and carbon taxes and to lobby for heavy government subsidies of fossil fuels.¹⁶³ Further, media campaigns sponsored by fossil fuel companies have frustrated action on corporate taxation of GHG emissions,

drastically slowed efforts to mitigate climate change by promoting climate change denialism, and biased economic policy-making consistently to major corporation interests.¹⁶⁴

E. Concluding Remarks

48. The Complainants have inherited a climatic world that is vastly different to generations before them. Despite the fear they articulate that a changing climate brings, the resounding message from the Complainants is optimism. They believe there is still time for the Australian government to take meaningful climate action in a way that is commensurate with the catastrophic warming trajectory that the world is currently on. They believe there is another way forward that protects their human rights including their right to life, health, culture, a healthy environment, their rights as children and their right to an effective remedy. They believe it is time Australian leaders put people before profit so that children can have childhoods again.
49. A future with a safe climate is not just possible but essential for the Complainants. As Complainant Zhanāe Dodd states, “Australia stands at a crossroads, where the choices we make today will define our future and the legacy we leave for generations. As a proud Aboriginal woman, I call on the Australian government to take bold, meaningful action rooted in justice, respect, and environmental stewardship.”¹⁶⁵

ANNEXURE A: A SELECTION OF KEY HUMAN RIGHTS VIOLATIONS EXPERIENCED BY THE COMPLAINANTS

Climate change is harming the Complainants' right to life

1. Climate change is one “of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life.”¹⁶⁶
2. Many of the Complainants have experienced a spectrum of natural disasters and extreme weather events, ranging from events that were highly disruptive to their daily lives and frightening to ones that caused fatalities and destroyed entire ecosystems. The Australian Disaster Resilience Knowledge Hub notes that bushfires, cyclones, flooding, storms, extreme rainfall and extreme heat are all intensifying because of climate change.¹⁶⁷
3. Cyclones can kill and injure people, damage homes and infrastructure, cause power and communication outages, contaminate water supplies and more.¹⁶⁸ In 2021, **Chris Black** survived Cyclone Seroja¹⁶⁹ which was in an unusually southern part of Western Australia. Cyclones of this severity have appeared in this region only 26 times in the last 5000 years.¹⁷⁰ It has been described as one of Western Australia’s worst natural disasters.¹⁷¹
4. In 2015, **Zhanāe Dodd** was living and working in Rockhampton as a journalist¹⁷² when a category 5 cyclone made landfall at Shoalhaven Bay, approximately 115km away.¹⁷³ Cyclone Marcia later passed through Rockhampton as a category 2 cyclone.¹⁷⁴ During this time Zhanāe had to report on the storm and slept in the office overnight a number of times because it was too unsafe to try get home.¹⁷⁵
5. Bushfires can significantly impact lives, property and the environment, causing loss of life, injury, widespread destruction including destroying homes and infrastructure, and damage to vegetation.¹⁷⁶ **Maddie McShane** has endured a number of major bushfires.¹⁷⁷ In 2022, Maddie found herself in immediate physical danger when a bushfire started on the west coast of Tasmania and she was without any transportation.¹⁷⁸ The fire was only a few hundred metres away when a stranger offered her a lift in their car which took her to safety.¹⁷⁹ Research shows that extreme bushfires have more than doubled in frequency and intensity over the past two decades in Tasmania.¹⁸⁰
6. **Ruby Fox** has been evacuated from two bushfires.¹⁸¹ She particularly recalls a fire on Kangaroo Island in South Australia she experienced when she was young. Ruby said she could see the fire from where they were evacuated to and her dad had to leave her to defend the family farm.¹⁸² She said that as an adult now under certain weather conditions, especially in summer when its windy, she exists in a constant state of anxiety that a bushfire will develop and start destroying homes.¹⁸³
7. **Chris’** family almost lost a home in the Black Summer 2019/2020 bushfires.¹⁸⁴ Other people living nearby in the Blue Mountains lost their homes.¹⁸⁵ Chris has said this event has caused him a great deal of anxiety and fear especially knowing that the climate crisis will make catastrophes like this even worse.¹⁸⁶ The Black Summer Bushfires have been described as “landmark in Australia’s environmental history,”¹⁸⁷ burning more than 24

million hectares, part of a clear trend of worsening fire weather and ever-larger areas burned by fires fuelled by climate change.¹⁸⁸

8. Supercell storms are generally the most dangerous type of severe thunderstorm and can generate heavy rain, giant hailstones, lightning, and extreme wind gusts.¹⁸⁹ These storms are dangerous for people and damaging to crops, property and the built environment.¹⁹⁰ **Maya Farmer** lived through a supercell storm which swept through her community in 2021.¹⁹¹ Giant hailstorms and flooding destroyed hundreds of homes and local infrastructure.¹⁹² Maya was working at a chemist at the time which was flooded by the storm. All the stock was destroyed and the shop had to be relocated for approximately 7 months.¹⁹³
9. As a woman with disabilities that increase in severity in hotter temperatures, **Eliza Evers** is already struggling with a warming climate.¹⁹⁴ On extremely hot days, Eliza is unable to leave the house due to her Postural Orthostatic Tachycardia Syndrome (**POTS**).¹⁹⁵ She doesn't know how she is going to manage in the future as the situation worsens.¹⁹⁶ Eliza has equipped a van to live in in case of emergencies such as climate disasters to manage her health conditions.¹⁹⁷
10. **Maddie** also recalls a particularly bad heatwave in South Australia in early 2024 where there were five days above 37°C. She notes that heatwaves have been a big experience in her life in general.¹⁹⁸ For Maddie, these extreme heatwaves have also threatened her life. Severe droughts regularly coincide with extreme heatwaves in South Australia, restricting access to water throughout the State.¹⁹⁹ In December 2024, Maddie, while celebrating Christmas with her family in South Australia, ran out of water.²⁰⁰
11. Extreme heat has been affecting **Atticus** in tropical Darwin.²⁰¹ There are times when it is too hot to go outside when he is at school or home and the level of heat just does not feel natural to him.²⁰² The number of days per year over 30°C in Darwin has risen steadily, and Darwin can expect a significant increase in the average number of days per year above 35°C with projected increases from 11 (1981-2010) to 43 by 2030 and to between 111 and 265 days by 2090.²⁰³
12. **Yehansa Dahanayake** has also experienced extreme heat visiting family in Western Sydney.²⁰⁴ Western Sydney experiences the heat island effect, with temperatures on average 5°C hotter than coastal parts of Sydney.²⁰⁵ When Yehansa visits her family in Western Sydney, the heat gives her headaches and causes her stress levels to increase.²⁰⁶
13. **Connor Wright** has also lived through extreme heat in Melbourne that rendered his house uninhabitable, and he had to leave.²⁰⁷ Research shows that Melbourne is experiencing hotter days. It currently averages 11 days greater than 35°C. By 2050 Melbourne will experience an average 16 days greater than 35°C.²⁰⁸
14. Extreme weather and natural disasters have caused such significant emotional distress to the Complainants that they have felt their lives are destabilised – with some even questioning the point of life. **Ruby** feels that so much of herself is tied to the environment that she wonders whether life is worth living if “we no longer have these beautiful places

to go.”²⁰⁹ **Atticus** feels so pessimistic and thinks that if humanity never existed, climate change and its catastrophic impacts would never have happened.²¹⁰

15. **Maddie** gives evidence of how climate change has already destabilised her life and her future. Maddie relocated to Tasmania because she does not believe that South Australia can provide a safe climate future because of water scarcity, risk of drought and extreme heatwaves.²¹¹ Despite relocating, the experience of precarity remains and Maddie has decided to not have children because of climate change.²¹² Other Complainants, **Zhanāe**²¹³ and **Ruby**²¹⁴ are also questioning having children because of the increasingly unsafe world that climate change is creating.
16. Critically, the evidence shared by each of the Complainants captures what it is like to be a young person living at a time when climate extremes are already commonplace in Australia. The Complainants have all experienced significant mental stress from their fears of future catastrophic climate change.
17. The threat of climate change has forever changed their lives and the way that they make decisions about their future. Many have stated that they feel that their lives would be different if they did not have to worry about climate change. The Australian government, by recklessly causing and perpetuating life-threatening climate change through the Relevant Conduct, has made these threats even more apparent in the Complainants’ lives, thus violating their right to life.

Climate change is harming the Complainants’ right to health

18. Each of the Complainants has described circumstances in which their right to health²¹⁵ has been violated by the impacts of climate change.
19. **Eliza**’s life and health is already impacted by a warming climate, and she is unable to leave the house when temperatures are too high due to her POTS.²¹⁶ Eliza also does not know how she would cope if she was caught in a climate-fuelled disaster which requires evacuation as all her medical supports are at her home.²¹⁷ **Zhanāe** is similarly impacted by severe temperatures arising from her POTS. She attempted to relocate to a cooler climate overseas to manage her symptoms, but family and culture brought her home.²¹⁸
20. Climate change exacerbates **Chris**’ disabilities, including ADHD, Autism, OCD and POTS, and he foresees that these impacts will worsen over time.²¹⁹ He is aware that he is particularly at risk of climate-related harm as a person with disabilities when exposed to extreme weather events.²²⁰ Chris explains that he has an anxiety condition which can be triggered by thinking about climate change and the climate crisis, causing bad chest pains, difficulty breathing, a sore stomach and sometimes leaving him bed bound and unable to move.²²¹
21. For **Maya**, her extensive personal commitment to climate action and her uncertainty about the existential threat of climate change has affected her mental health.²²² She refers to this as climate anxiety.²²³

22. **Yehansa's** eco-anxiety is channelled into her climate advocacy, research and art but it has also led to burnout.²²⁴ As someone with Sri Lankan ancestry and close family who still live in Sri Lanka, her climate concerns include the fears surrounding the climate impacts faced in Sri Lanka which is particularly vulnerable to extreme weather events.²²⁵ As stated above, she also experiences headaches and increased stress levels when she is in Western Sydney visiting family on a hot day, which she does frequently.
23. **Atticus** has also stated that he worries for the future because of climate change²²⁶ and **Zhanāe** worries she cannot live on country because of climate change causing extreme heat and it exacerbating her POTS symptoms.²²⁷ For **Yehansa**,²²⁸ **Connor**,²²⁹ **Ruby**,²³⁰ **Maddie**²³¹ and **Maya**,²³² their anxiety is caused in part from a lack of meaningful climate action by the Australian government.
24. **Chris**,²³³ **Maddie**²³⁴ and **Ruby**²³⁵ are terrified of bushfires having been personally affected by them or evacuated from them. **Connor** could not leave his house for a time during the 2019/2020 Black Summer bushfires due to respiratory illness symptoms triggered by the bushfire smoke.²³⁶ These physical symptoms also carry a mental health burden.
25. **Maddie** has asthma and psoriasis which she says are particularly impacted by climate change, including during heatwaves and exposure to poor air quality.²³⁷ She was living in Adelaide during the 2019/2020 Black Summer bushfires, which was surrounded by fires burning in the Adelaide Hills and Kangaroo Island.²³⁸ These catastrophic fires were climate driven, and the smoke haze caused poor air quality.²³⁹ **Atticus** has a respiratory condition and eczema, and his family's relocation from Melbourne to Darwin was in part related to a huge improvement in his symptoms in tropical climates.²⁴⁰
26. In summary, by recklessly causing and perpetuating life-threatening climate change, the Australian government has failed to take necessary preventive and precautionary measures to guarantee the Complainants' right to health, a state of complete physical, mental and social well-being, and is thus violating Article 12 of the International Covenant on Economic, Social and Cultural Rights.

Climate change is harming the Complainants' right to culture

27. Australia's engagement in the Relevant Conduct demonstrates its failure to protect **Connor** and **Zhanāe's** collective ability to maintain their culture and traditional way of life and transmit it to future generations, and to use their land and sea resources. For **Zhanāe** and **Connor**, the climate harms to their culture, a protected right,²⁴¹ are a present-day reality.
28. For **Zhanāe**, a First Nations Ghungalu, Wadja, Kaanju, Birri and Wiri and Wungun woman, the increasingly extreme weather and environmental degradation caused by

climate change is threatening her connection to country, which is inextricably tied to her culture and spiritual identity.²⁴² Zhanāe has already seen how climate change is damaging her country and describes it as deeply painful to observe.²⁴³ Zhanāe explains that her DNA is tied to her country and losing it would be like losing part of herself: “every tree, rock, waterway, and animal holds the yuindi (the spirit) of my people and culture. They are an extension of our kinship system; we talk with the land, walk with the land, and take cues from the land for what happens in our next season of life.”²⁴⁴

29. **Zhanāe** notes how sea level rise, wildfires and land degradation caused by climate change are threatening sacred sites, traditional ecological practices and the continuity of her cultural heritage.²⁴⁵ She also sees how the seasons change and no longer align with traditional knowledge, which is affecting how she reads and navigates land and sky country.²⁴⁶ She notes the intergenerational impacts as her family does not know what knowledge to pass on to younger family members now that the country has changed.²⁴⁷
30. **Connor** is a Larrakia man who has existential concerns about the impacts of climate change on his country. Larrakia people have a deep spiritual connection with their country,²⁴⁸ and he notes how sea levels rising is destroying his traditional lands.²⁴⁹ For example, Mindil beach, a known burial ground on Larrakia country,²⁵⁰ is being eroded by sea level rises.²⁵¹ As Connor asks, “will my land be there”²⁵² as a result of climate change in a context where Larrakia people believe that the spirits of one’s ancestors also reside on country.²⁵³ Connor’s statement explores the indignity of watching one’s culture and cultural practice be destroyed by governments across the world through their inaction on climate change.²⁵⁴ Connor refers to climate change impacts as a secondary form of colonisation.²⁵⁵
31. **Connor** also notes that Larrakia ecological seasonal calendars are losing their accuracy.²⁵⁶ These highly specific ecological indicators enable Traditional Owners to be effective stewards of their country and engage in cultural practice, as they have done for thousands of years. Seasonal shifts due to a changing climate affect cultural practice dramatically and the ability of Larrakia people to engage in cultural timelines.²⁵⁷ Cultural responsibilities to care for land and water²⁵⁸ are central to Larrakia people, and climate change impacts are inhibiting these responsibilities already. Connor also notes that in addition to sea level rises leading to coastal erosion, there are other impacts which include ocean acidification and the destruction of mangrove and marine ecosystems.²⁵⁹
32. In light of the present-day impacts of climate change on **Zhanāe** and **Connor’s** cultures (which are expected to worsen over time), the survival and continued development of their culture is consistently threatened by climate change. As Zhanāe states: “the inaction of the Australian government on climate change is impacting the lifespan of our country, the wellbeing of our country, the longevity of our country.”²⁶⁰ Zhanāe and Connor’s testimony reveals a violation of the Australian government’s positive obligation to protect their right to culture.²⁶¹

Climate change is harming the Complainants' rights as children protected under the Convention of the Rights of the Child

Best interests of the child (Article 3)

33. **Chris**²⁶², **Yehansa**²⁶³ and **Atticus**²⁶⁴ have repeatedly identified that the expansion of the fossil fuel industry in 2025 is not in their best interests. They have communicated that they are uniquely at risk of environmental harm because the world is not on track for a 1.5°C pathway and they will be alive to experience the worst impacts of climate change. As **Atticus** has stated, “how do I want to inherit the world – burning, or pretty good? In the long term it’s not going to be them that deal with all the crap they created. It’ll be us.”²⁶⁵
34. **Chris**,²⁶⁶ **Yehansa**²⁶⁷ and **Atticus**²⁶⁸ are united in stating that they want stronger action on climate change from the Australian government. Chris states, “The Special Rapporteur needs to know that the Australian government is not taking any meaningful action on climate change, it is still approving fossil fuel projects and is not listening to people who are standing up and protesting about this.”²⁶⁹ A weak NDC and a business-as-usual approach to Australia’s fossil fuel industry does not align with their best interests.
35. **Chris**,²⁷⁰ **Yehansa**²⁷¹ and **Atticus**²⁷² have also identified that they want the Australian government to genuinely consult with them when it comes to environmental decision making. As Yehansa has powerfully articulated:

“The Australian government isn’t listening to us and I would really like them to listen and take proper action. Young people are more than capable at envisioning and designing a future that is stronger, more sustainable, and more equal, one that aims to solve climate change and its intersecting issues. I do believe it is the utmost responsibility of the Australian government to not only hear these plans but back them, and show true loyal support.”²⁷³

Right to be heard (Article 12)

36. **Atticus**²⁷⁴, **Chris**²⁷⁵ and **Yehansa**²⁷⁶ all feel that the Australian government does not consider young people in their decisions, especially when it comes to climate change. They are frustrated with the Australian government’s inaction and want the government to listen to them now and “centre young people first when it comes to climate change.”²⁷⁷
37. **Chris** has taken time off school to attend protests with the aim of having his voice heard and asking for action.²⁷⁸ Due to Chris’ autism and ADHD, attending protests is a distressing and overwhelming experience, sometimes leaving him unable to function due to headaches or overstimulation.²⁷⁹ But he says that he wants to still go because “it is important to me to help.”²⁸⁰ Chris has also attended protests where he was left feeling very scared, stressed and intimidated after police intervention.²⁸¹ He feels angry about being treated this way by police especially when he is just trying to hold politicians accountable for their failures on climate change.²⁸²

38. The experiences of **Chris, Atticus** and **Yehansa** indicate that the Australia government does not have age-appropriate, diverse, safe and accessible mechanisms in place to hear children's views regularly and at all stages of environmental decision-making processes that may affect them.²⁸³ Bodies such as the Climate Change Youth Advisory Group²⁸⁴ do not sufficiently meet the requirement of the right to be heard. This is for reasons such as its limited membership (many of whom are no longer children) and the confined focus to work within the policy agendas of the Department of Climate Change, Energy, the Environment and Water. In sum, the right to be heard continues to be violated for Chris, Yehansa and Atticus.

Australia's violation of the Complainants' right to enjoy a clean, healthy and safe environment

39. The Complainants are not living in a safe and stable climate as global temperatures have reached 1.5°C of warming, and temperatures are expected to “oscillat[e] near or above that level for the next few years.”²⁸⁵ Global temperature measurements include both land and oceans, so when a global warming level of 1.5°C is reached, most land areas will have warmed by considerably more than 1.5°C, which is true of land in Australia.²⁸⁶ This current temperature has already harmed the environment and will continue to cause exponentially more harm with every fraction of increased warming.

40. In 2021, the Human Rights Committee recognised the right to a clean, healthy and safe environment.²⁸⁷ In 2022, the United Nations General Assembly has recognised this right as a human right.²⁸⁸ Australia voted in favour of this resolution at the General Assembly.²⁸⁹

41. Climate change will wreak havoc on the Australian ecosystem and environment. The Complainants are deprived of healthy biodiversity and ecosystems. Australia ranks second in the world for biodiversity loss, leads the world in mammal extinctions and has been named as the only developed nation on a global deforestation hotspot list.²⁹⁰ The Complainants have provided extensive testimony about how they are being harmed and will be harmed by this environmental degradation.

42. **Ruby** has provided extensive commentary in her statement about environmental degradation caused by climate change. She notes that “it horrifies me that future generations might not even know what ice on Antarctica looked like, what a healthy climate and resilient ocean felt like, or the experience of a healthy global ecosystem... I believe that everyone has the right to live freely and healthily, to enjoy natural environments and gain all their benefits in balance. Yet, with the inbound effects of climate change, these ecosystems, and holistic human wellbeing, are slipping away. The inaction of the Government is threatening our way of life.”²⁹¹

43. **Yehansa** has noted that despite only being 16 years old, she's lived through the ten hottest years on record.²⁹² **Chris** has articulated his concerns about already living through a number of climate fuelled natural disasters, including a cyclone in Western Australia, and

has concerns about future extreme weather events he may live through, especially due to his vulnerabilities as a disabled person.²⁹³ **Atticus** has described his love of nature and the tragedy of watching places and habitats he loves disappear right before him due to climate change.²⁹⁴ **Maddie** has witnessed South Australia dry out from droughts, including the Millennium Drought (1996-2010), and intense heatwaves,²⁹⁵ and **Zhanāe** is concerned about increasing water scarcity on her country and elsewhere in Queensland too.²⁹⁶ Zhanāe has lived through severe floods, Cyclone Marcia and a three year drought in Rockhampton.²⁹⁷ **Maya's** high school years were interrupted by two climate-fuelled natural disasters: a super-cell hailstorm and the Black Summer bushfires.²⁹⁸ Chris,²⁹⁹ **Ruby**³⁰⁰ and Maddie³⁰¹ have all been impacted by a number of different bushfires.

44. As Inger Andersen, Executive Director, UNEP powerfully stated: “The recognition of the right to a healthy environment [by the United Nations Human Rights Committee] is a message to one billion children at extremely high risk of the impacts of a changed climate: a healthy environment is your right. No one can take away nature, clean air and water, or a stable climate from you.”³⁰² However, the Complainants’ enjoyment of this right has been taken away from them. Australia’s violation of each Complainants’ right to a healthy environment is at an advanced stage for these Complainants with clear depictions of ecological grief and solastalgia from the loss they have experienced and continue to experience.

Endnotes

¹ Country is a term used by Aboriginal and Torres Strait Islander people to describe the lands and seas to which they are traditionally connected. More than 260 Aboriginal and Torres Strait Islander Countries and language groups are represented across Australia: Department of Education, Queensland Government, [Welcome to Country and Acknowledgement of Country](#).

² Intergovernmental Panel on Climate Change ('IPCC'), '[Synthesis Report: Summary for Policymakers](#)' in Core Writing Team (IPCC) Hoesung Lee and José Romero (eds) *Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (IPCC, Geneva, Switzerland) ('AR6 Summary for Policymakers'). This report finds that human activities, principally through emissions of greenhouse gases, have unequivocally caused global warming and that risks and projected adverse impacts from climate change will escalate with every increment of global warming: at A.1, B.2.

³ These include but are not limited to: the Complainants' **right to life** ([International Covenant on Civil and Political Rights](#), opened for signature 19 December 1966, 999 UNTS 171 (entered into force 23 March 1976) art 6 ('ICCPR'); [Universal Declaration of Human Rights](#), GA Res 217A (III), UN GAOR, [UN Doc A/810](#) (10 December 1948) art 3 ('UDHR')); **right to health** ([Convention on the Rights of the Child](#), opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) art 24 ('CRC'); [International Covenant on Economic, Social and Cultural Rights](#), opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976) art 12 ('ICESCR'); UDHR, art 25); **right to culture** (ICCPR, art 27; ICESCR, art 15; UDHR, art 27); **rights as children** (CRC); **right to a healthy environment** (*The human right to a clean, healthy and sustainable environment*, Human Rights Council Resolution 48/13, [UN Doc A/HRC/RES/48/13](#) (18 October 2021, adopted 8 October 2021) [2]; *The human right to a clean, healthy and sustainable environment*, GA res 76/300, [UN Doc A/RES/76/300](#) (1 August 2022, adopted 28 July 2022) [2]); and the **right to an effective remedy** (ICCPR art 2.3. Also see: Human Rights Committee, *General comment No 31: The nature of the general legal obligation imposed on States Parties to the Covenant*, 80th sess, [UN Doc CCPR/C/21/Rev.1/Add.13](#) (26 May 2004) [17] ('CCPR/C General Comment 31')).

⁴ Human Rights Committee, *General Comment No. 36: on Article 6: right to life*, 124th sess, [UN Doc CCPR/C/GC/36](#) (3 September 2019) [62] ('CCPR/C General Comment 36'); Committee on the Elimination of Discrimination against Women, Committee on Economic, Social and Cultural Rights, Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities, *Joint Statement on human rights and climate change*, [UN Doc HRI/2019/1](#) (14 May 2020) [10]. See also Committee on the Elimination of Discrimination against Women, *Concluding observations on the eighth periodic report of Australia*, [UN Doc CEDAW/C/AUS/CO/8](#) (25 July 2018) [29(c)], [30(c)].

⁵ See, eg, '[Australia](#)', *Climate Action Tracker* (Web page, updated 13 November 2024) ('Climate Action Tracker Australia'): "The CAT rates Australia's climate targets, policies and climate finance as 'Insufficient'... The government has yet to take the necessary steps to put the country on track to limit global warming to 1.5°C below pre-industrial levels. ... Australia's target is at the least stringent end of what would be a fair share of global effort and is not consistent with the 1.5°C limit.... If all countries were to follow Australia's approach, warming would reach over 2°C and up to 3°C."; Malte Meinshausen and Zebedee Nicholls, [Updated assessment of Australia's emission reduction targets and 1.5°C pathways](#) (Report, June 2023) 3, 5; Climate Analytics [Australian election 2022 – Political party and independent climate goals: analysis](#), (Analysis, 2022) ('Climate Analytics Analysis').

⁶ Climate Action Tracker Australia (n 5).

⁷ AR6 Summary for Policymakers (n 2), B.5. This report was approved by 195 member governments of the IPCC, including [Australia](#).

⁸ Hannah Grant and Bill Hare, Climate Analytics, [Australia's global fossil fuel carbon footprint](#), (Report, August 2024) 35.

⁹ Ibid.

¹⁰ '[Australian Population \(Live\)](#)', *Worldometer* (Web Page).

¹¹ '[Australia in summer 2024-2025](#)', *Bureau of Meteorology, Australian Government* (Web Page, 3 March 2025).

¹² Please see the personal statements of the Complainants at **Annexure B** for further detail.

¹³[‘Secretary-General’s press conference on climate’](#), António Guterres, Secretary-General (Press Conference, United Nations, 23 July 2023).

¹⁴[‘Recent rainfall, drought and southern Australia’s long-term rainfall decline’](#), Bureau of Meteorology, Australian Government (Web Page, April 2025).

¹⁵ Calum Cunningham, [‘Extreme bushfires increasing in number and intensity’](#), University of Tasmania (25 June 2024).

¹⁶ Maya from Sawtell, NSW, Gumbaynggirr Country, [‘A supercell hailstorm smashed my town. We can’t let it become the norm’](#) ABC Heywire (online, 12 December 2023).

¹⁷ ABC News, [‘Kangaroo Island scrub fire in Western River area burning uncontrolled’](#), (online, 14 January 2016).

¹⁸ Annexure B, Statement of Zhanāe Dodd dated 18 March 2025 at [17].

¹⁹Bureau of Meteorology, Australian Government, [‘Flood summary for the Fitzroy River at Rockhampton – December 2010 and January 2011’](#) (Report, December 2010 and January 2011).

²⁰[‘Severe Tropical Cyclone Marcia: 15 February to 21 February 2015’](#) Bureau of Meteorology, Australian Government (Web Page) (**‘Severe Tropical Cyclone Marcia’**); Annexure B, Statement of Zhanāe Dodd dated 18 March 2025 at [18].

²¹ The States are: Western Australia, South Australia, Victoria, New South Wales, Queensland and Tasmania. The Territories are Northern Territory and the Australian Capital Territory.

²² Joëlle Gergis, *Sunburnt Country: The History and Future of Climate Change in Australia* (Melbourne University Publishing Ltd, 2018) ch 4.

²³ Blair Trewin, Damian Morgan-Bulled and Sonia Cooper, *Australia state of the environment 2021: Climate* (Report, 2021) 15-21, 47.

²⁴ Judy Lawrence et al., [‘Chapter 11: Australasia’](#) in Hans-O. Pörtner et al (eds) *Climate Change 2022: Impacts, Adaptation and Vulnerability, Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (Cambridge University Press, Cambridge, UK and New York, NY, USA) 1583 (**‘IPCC Ch 11 Australasia’**).

²⁵ Commonwealth Scientific and Industrial Research Organisation (**‘CSIRO’**) [‘State of the Climate 2024’](#) (Report, 2024) 2.

²⁶ IPCC Ch 11 Australasia (n 24) 1583.

²⁷See Joem Birkmann et al, [‘Chapter 8: Poverty, Livelihoods and Sustainable Development’](#) in Hans-O. Pörtner et al (eds) *Climate Change 2022: Impacts, Adaptation and Vulnerability, Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (Cambridge University Press, Cambridge, UK and New York, NY, USA) 8.2.2.2.

²⁸ For example, Eliza’s conditions are incurable and the symptoms she suffers from extreme heat will only worsen as temperatures rise: Annexure B, Statement of Eliza Evers dated 24 March 2025 at [41]. For Zhanāe and Connor, their culture is existentially threatened as warming causes damages to their Country and cultural practices: Annexure B, Statement of Zhanāe Dodd dated 18 March 2025 at [54] and Statement of Connor Wright dated 20 March 2024 at [11].

²⁹ See [‘FAQ3: How will climate change affect the lives of today’s children tomorrow, if no immediate action is taken?’](#), IPCC Sixth Assessment Report: Impacts, Adaptation and Vulnerability (Web Page).

³⁰ Annexure B, Statement of Atticus dated 9 March 2025 at [8], [13]; Statement of Chris Black dated 28 March 2025 at [14], [17]-[19]; Statement of Yehansa Dahanayake dated 17 February 2025 at [4], [7], [30].

³¹ See Annexures A and B.

³² Annexure B, Statement of Zhanāe Dodd dated 18 March 2025 at [29]-[34]. Statement of Eliza Evers dated 24 March 2025 at [6],[13]-[22].

³³ Annexure B, Statement of Zhanāe Dodd dated 18 March 2025 at [34].

³⁴ See Annexures A and B.

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- ³⁵ Annexure B, Statement of Ruby Fox dated 28 February 2025 at [43].
- ³⁶ IPCC Ch 11 Australasia (n 24) 1629.
- ³⁷ Ibid 1629 [11.4.1].
- ³⁸ Ibid 1630 table 11.10.
- ³⁹ ‘[Determinants of health for First Nations people](#)’ *Australian Institute of Health and Welfare* (Web Page, 2 July 2024).
- ⁴⁰ Australian Human Rights Commission, *Native Title Report 2006: Chapter 2: Economic Development Reforms on Indigenous land*, (Report, 2006).
- ⁴¹ See, eg, Nathan muddyi Sentance, ‘[Genocide in Australia](#)’, *Australian Museum* (Web Page, 12 July 2022).
- ⁴² IPCC Ch 11 Australasia (n 24) 1584, 1629.
- ⁴³ Annexure B, Statement of Connor Wright dated 20 March 2025 at [13].
- ⁴⁴ See, eg, IPCC, *Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (Full Report, 2021) 618.
- ⁴⁵ Noting the UDHR guarantees several rights impacted by climate change. See, eg, Ian Fry, *Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Promotion and protection of human rights in the context of climate change mitigation, loss and damage and participation*, [UN Doc A/77/226](#) (26 July 2022) [88].
- ⁴⁶ [Charter of the United Nations](#) art 1(2).
- ⁴⁷ Australia is a party to and had ratified the following international treaties at the time the alleged violations occurred: [Paris Agreement](#) (opened for signature 22 April 2016, 3156 UNTS 54113 (entered into force 4 November 2016)), ratified 9 November 2016; [ICCPR](#) ratified 13 August 1980 and acceded to the Optional Protocol on 25 September 1991; [ICESCR](#) ratified 10 December 1975. Australia has not acceded to the Optional Protocol to the ICESCR. [CRC](#) ratified 17 December 1990. Australia acceded to two Optional Protocols to the CRC relating to protection of particularly vulnerable children but has not accepted to the Optional Protocol containing the complaint mechanism; [Convention on the Rights of Persons with Disabilities](#), GA Res 61/106, [UN Doc A/RES/61/106](#) (24 January 2007, adopted 12 December 2006) (‘[CRPD](#)’), ratified 17 July 2008 and acceded to the Optional Protocol to the CRPD on 21 August 2009. [United Nations Declaration on the Rights of Indigenous Peoples](#), GA Res 61/295, [UN Doc A/RES/61/295](#) (2 October 2007, adopted 13 September 2007) (‘[UNDRIP](#)’), conveyed support of adoption on 3 April 2009.
- ⁴⁸ [ICCPR](#) (n 3) art 2(1); [CCPR/C](#) General Comment 31 (n 3) [5]. See in the context of emissions and harm to the environment: Committee on the Rights of the Child, *Decision adopted by the Committee on the Rights of the Child under the Optional Protocol to the Convention on the Rights of the Child, concerning Communication Nos. 104-107/2019*, UN Docs [CRC/C/88/D/104/2019](#), [CRC/C/88/D/105/2019](#), [CRC/C/88/D/106/2019](#), [CRC/C/88/D/107/2019](#) (11 November 2021) [10.10] (‘[Chiara Sacchi et al. v. Argentina, Brazil, France, and Germany](#)’); [The Environment and Human Rights \(Advisory Opinion\)](#) (Inter-American Court of Human Rights, Series A No 23, 15 November 2017) [95], [101]-[102].
- ⁴⁹ [CCPR/C](#) General Comment 31 (n 3) [8]; [CCPR/C](#) General Comment 36 (n 3) [7], [18].
- ⁵⁰ [ICCPR](#) (n 3) art 2(3); [CCPR/C](#) General Comment 31 (n 3) [15]-[16]; Committee on the Rights of the Child, *General Comment No 5: General Measures of Implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)*, 34th sess, [UN Doc CRC/GC/2003/5](#) (27 November 2003) [24]-[25].
- ⁵¹ [CCPR/C](#) General Comment 31 (n 3) [17].
- ⁵² Elisa Morgera, *Scene-setting report - Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change*, [UN Doc A/HRC/56/46](#) (24 July 2024).
- ⁵³ Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic report of Spain*, [UN Doc CRC/C/ESP/CO/5-6](#) (5 March 2018)[36]; Committee on Economic, Social and Cultural Rights, *Climate change and the International Covenant on Economic, Social and Cultural Rights*, [UN Doc E/C.12/2018/1](#) (31 October 2018); Committee on Economic, Social and Cultural Rights, *Concluding observation son the fifth report*

of Australia, [UN Doc E/C.12/AUS/CO/5](#) (11 July 2017); Committee on the Elimination of Discrimination against Women, *General recommendation No. 37 (2018) on gender-related dimensions of disaster risk reduction in a changing climate*, [UN Doc CEDAW/C/GC/37](#) (13 March 2018) [14]; Committee on the Elimination of Discrimination against Women, *Concluding observations on the ninth periodic report of Norway*, [UN Doc CEDAW/C/NOR/CO/9](#) (22 November 2017).

⁵⁴ CCPR/C General Comment 36 (n 3) [62]; Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities, *Statement on Human Rights and Climate Change*, [UN Doc HRI/2019/1](#) (14 May 2020) [10]. See also Committee on the Elimination of Discrimination against Women, *Concluding Observations on the Eighth Periodic Report of Australia*, [UN Doc CEDAW/C/AUS/CO/8](#) (25 July 2018) [29(c)], [30(c)].

⁵⁵ International Energy Agency, [Net Zero by 2050. A Roadmap for the Global Energy Sector](#) (2021), 13 and 18; IPCC Synthesis Report AR6 Summary for Policymakers (n 2) B.6.

⁵⁶ Committee on Economic, Social and Cultural Rights, *General Comment No 26: General Comment No. 26 (2022) on Land and Economic, Social and Cultural Rights*, [UN Doc E/C.12/GC/26](#) (24 January 2023) [56] ('CESCR General Comment 26').

⁵⁷ Human Rights Council, *Impact of New Technologies Intended for Climate Protection on the Enjoyment of Human Rights*, [UN Doc A/HRC/54/47](#) (12 July 2023) [71].

⁵⁸ Human Rights Committee, *Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 3624/2019*, 135th sess, [UN Doc CCPR/C/135/D/3624/2019](#) (18 September 2023, adopted 21 July 2022) [8.3] ('*Daniel Billy et al. v. Australia*'); Human Rights Committee, *Views adopted by the Committee under article 5(4) of the Optional Protocol, concerning communication No. 2728/2016*, 127th sess, UN Doc [CCPR/C/127/D/2728/2016](#) (23 September 2020) [9.11] ('*Ioane Teitiota v. New Zealand*').

⁵⁹ See, eg, CCPR/C General Comment 36 (n 3) [26], [62].

⁶⁰ Committee on the Rights of a Child, *General Comment No. 26 (2023) on children's rights and the environment with a special focus on climate change*, [UN Doc CRC/C/GC/26](#) (22 August 2023) [68] ('**CRC/C General Comment 26**').

⁶¹ Committee on the Elimination of Discrimination against Women, *Concluding Observations on the Eighth Periodic Report of Australia*, 70th sess, [UN Doc CEDAW/C/AUS/CO/8](#) (25 July 2018) [30(c)].

⁶² Human Rights Council, *Analytical study on the promotion and protection of the rights of persons with disabilities in the context of climate change*, 44th sess, [UN Doc A/HRC/44/30](#) (22 April 2020) [26] ('**HRC Analytical Study**').

⁶³ See, eg, *Daniel Billy et al. v. Australia* (n 58)[8.3]; *UNDRIP* (n 47).

⁶⁴ CESCR General Comment 26 (n 56),[98(b)], [17].

⁶⁵ CRC/C General Comment 26 (n 60) [98(b)], [16].

⁶⁶ *Ibid* [19].

⁶⁷ *UDHR* (n 3); *ICCPR* (n 3); *ICESCR* (n 3); Human Rights Council, *Resolution 50/9, Human Rights and Climate Change*, 50th sess, [UN Doc A/HRC/RES/50/9](#) (14 July 2022) [11]. See also David Boyd, *Issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment: Report of the Special Rapporteur*, [UN Doc A/HRC/40/55](#) (8 January 2019) [75].

⁶⁸ *Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights*, [UN Doc A/HRC/10/61](#) (15 January 2009) 30.

⁶⁹ Volker Turk, [Open Letter from the United Nations High Commissioner for Human Rights on priorities for human rights-based climate action at the 28th Conference of the Parties to the United Nations Framework Convention on Climate Change](#) (15 November 2023); Office of the United Nations High Commissioner for Human Rights, [Human Rights and Loss and Damage: Key messages](#) (Report, 2023); CRC/C General Comment 26 (n 60).

⁷⁰ *Daniel Billy et al. v. Australia* (n 58) para 11.

⁷¹ *Report of the Special Rapporteur on the rights of indigenous peoples*, [UN Doc A/HRC/36/46](#) (1 November 2017) [49]; HRC Analytical Study (n 62) [4]; Committee on the Rights of a Child, *General Comment No. 16 (2013) on*

State obligations regarding the impact of the business sector on children's rights, 62nd sess, [UN Doc CRC/C/GC/16](#) (17 April 2013)[27].

⁷² CRC/C General Comment 26 (n 60) [26].

⁷³ *Ibid* (n 60) [27].

⁷⁴ *Daniel Billy et al. v. Australia* (n 58) [7.8].

⁷⁵ AR6 Summary for Policymakers (n 2) [B.2.2].

⁷⁶ *Paris Agreement* (n 47) arts 3 and 4.

⁷⁷ *Ibid* arts 3 and 4(3). See also Christina Voigt and Felipe Ferreira “Dynamic Differentiation’: The Principles of CBDR-RC, Progression and Highest Possible Ambition in the Paris Agreement’ (2016) 5(2) *Transnational Environmental Law* 5, 295.

⁷⁸ *Paris Agreement* (n 47) arts 2(2) and 4(3).

⁷⁹ *Ibid* art 3.

⁸⁰ *Ibid* arts 4(2), (3) and (11).

⁸¹ *Ibid* art 4(2).

⁸² *Ibid* art 4(4).

⁸³ AR6 Summary for Policymakers, (n 2), [A.3]. See also IPCC, [Global Warming of 1.5°C: An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty](#). (2018) Cambridge University Press, Cambridge, UK and New York, NY, USA.

⁸⁴ *Ibid* [B.5].

⁸⁵ See, eg, Andrew L Fanning and Jason Hickel, [‘Compensation for Atmospheric Appropriation’](#) (2023) 6 *Nature Sustainability* 1077,1078.

⁸⁶ See also United Nations Environment Programme (‘UNEP’) et al, [Production Gap Report 2023: Phasing down or phasing up? Top fossil fuel producers plan even more extraction despite climate promises](#) (Report, 2023) 30-32 (‘**Production Gap Report**’).

⁸⁷ Australia has the highest per-capita emissions in the developed world: Meinshausen and Nicholls (n 5) 5.

⁸⁸ See, eg, Fanning and Hickel (n 85) 1078-1089; and *Paris Agreement*, (n 48), art 2.2.

⁸⁹ AR6 Summary for Policymakers (n 2) [B.1.].

⁹⁰ *Ibid*, [B.5].

⁹¹ Production Gap Report (n 86) 54.

⁹² See the Preamble of the *Paris Agreement* (n 47).

⁹³ *Paris Agreement* (n 47) art 4(3).

⁹⁴ See discussion in Part B of this Complaint.

⁹⁵ *Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights* (n 69); *Daniel Billy et al. v. Australia* (n 58) was the first decision by a HR treaty body to establish the State party’s duty to protect people under its jurisdiction from the effects of climate change and refers to the obligation to provide effective remedy at paragraphs 11-12.

⁹⁶ Confirmed by the Human Rights Committee in *Daniel Billy et al. v. Australia* (n 58).

⁹⁷ [Graham Barclay Oysters v. Ryan \[2002\] HCA 54](#).

⁹⁸ Each of the Complainants reflect on Australia’s conduct in their personal statements. See Annexure B.

⁹⁹ Australia became a party to the *Paris Agreement* on 22 April 2016 and ratified the agreement on 10 November 2016. See Minister for Foreign Affairs, ‘[Ratification of the Paris Agreement on Climate Change and the Doha Amendment to the Kyoto Protocol](#)’ (Joint media release, 10 November 2016).

¹⁰⁰ [Climate Change Act 2022](#) (Cth) s 10(1)(a).

¹⁰¹ See Australian Government Department of Industry, Science, Energy and Resources [Australia’s Nationally Determined Contribution Communication 2022](#) (2022) 3 (‘**NDC Communication**’).

¹⁰² See for example Climate Action Tracker Australia (n 5) (“The CAT rates Australia’s climate targets, policies and climate finance as ‘Insufficient’. The ‘Insufficient’ rating indicates that Australia’s climate policies and commitments need substantial improvements to be consistent with the Paris Agreement’s 1.5°C temperature limit. To improve its rating, Australia needs to set a more ambitious 2030 target for emissions reductions, establish policies to reach its objectives, and provide finance to support others. The government has yet to take the necessary steps to put the country on track to limit global warming to 1.5°C below pre-industrial levels. ... Australia’s target is at the least stringent end of what would be a fair share of global effort and is not consistent with the 1.5°C limit. ... If all countries were to follow Australia’s approach, warming would reach over 2°C and up to 3°C.”); Meinshausen and Nicholls (n 5) 3, 5; Climate Analytics Analysis (n 5).

¹⁰³ Climate Action Tracker Australia (n 5).

¹⁰⁴ Meinshausen and Nicholls (n 5) 3, 5.

¹⁰⁵ Climate Council (2021) Will Steffen et al, [Go Fast: Why emissions need to plummet this decade](#) (Report, 2021) 40.

¹⁰⁶ *Ibid.*

¹⁰⁷ NDC Communication (n 101).

¹⁰⁸ *Climate Change Act* is silent on this.

¹⁰⁹ Climate Change Authority, [2024 Annual Progress Report](#) (Report, 2024) 29.

¹¹⁰ See UNEP, [Emissions Gap Report 2024](#) (Report, 24 October 2024) 18 and 25, which notes that Australia is less likely to meet its NDC target with existing policies.

¹¹¹ Eleanor Carter and Hans Thulstrup, United Nations Educational, Scientific and Cultural Organisation, [Report on the Joint World Heritage Centre/IUCN reactive monitoring mission to the Great Barrier Reef \(Australia from 21 to 30 March 2022\)](#), (Report, 2022) 36.

¹¹² Australia’s highest GHG emitting facilities are captured by this Act – those emitting more than 100,000 tonnes CO₂ in a financial year.

¹¹³ See [National Greenhouse and Energy Reporting Act 2007](#) (Cth) s 3 (‘**NGER Act**’). Also see *Climate Change Act* (n 100) which sets the emission reductions targets.

¹¹⁴ *NGER Act* (n 113) s 22XF.

¹¹⁵ Alia Armistead and Polly Hemming, ‘[The Safeguard Mechanism and the junk carbon credits undermining emission reductions](#)’ *The Australia Institute* (Opinion, 27 January 2023).

¹¹⁶ Climate Action Tracker Australia (n 5). It is important to note that when Australia was negotiating the terms of the Kyoto Protocol, it lobbied successfully for the inclusion of what became known as the “Australia clause” which allowed countries to include LULUCF emissions in their accounting for emission reductions. For a discussion of this provision, see Kate Loynes, [Australia and the Doha Amendment: a quick guide](#) (2 December 2016). Recent analysis shows that Australia benefited the most from this clause.

¹¹⁷ Climate Action Tracker Australia (n 5).

¹¹⁸ Australian Government, [Australia is a top 20 country](#) (August 2022).

¹¹⁹ Paul Graham, ‘[Australia is touted as a future clean energy ‘superpower’ – but research suggests other nations will outperform us](#)’ *Commonwealth Scientific and Industrial Research Organisation* (27 July 2023).

¹²⁰ *Paris Agreement* (n 47) art 2.2.

¹²¹ *Report of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement on its fifth session, held in the United Arab Emirates from 30 November to 13 December 2023*, [UN Doc FCCC/PA/CMA/2023/16/Add.1](#) (15 March 2024).

¹²² Simon Stiell (UN Climate Change Executive Secretary), ‘[Ten years since the Paris Agreement: How far we have come & the journey ahead – UN Climate Chief delivers major speech in Brasilia](#)’ (Speech, Instituto Rio Branco in Brasília, 6 February 2025).

¹²³ Grant and Hare (n 8).

¹²⁴ *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (*‘EPBC Act’*).

¹²⁵ This issue has been litigated extensively in Australia and, most recently, in *Environment Council of Central Queensland Inc. v the Minister for Environment and Water* [2024] FCAFC 56 (known as the **Living Wonders** cases). The Full Federal Court rejected an argument that the Minister was required to take into account the climate impacts of fossil fuel projects and in doing so noted that this litigation underscored the “ill-suitedness” of Australia’s national environmental legislation “to the assessment of environmental threats such as climate change and global warming and their impacts on [protected species and places] in Australia”: at [140].

¹²⁶ In the *Minister for the Environment v Sharma* [2022] FCAFC 35 (*‘Sharma’*) the Full Federal Court ruled that the Minister for the Environment did not owe a duty of care to Australian children regarding potential climate harm from exercising powers under the EPBC Act.

¹²⁷ *Sharma*.

¹²⁸ ‘[Australia’s Energy Commodity Resources 2024: Coal](#)’ *Geoscience Australia, Australian Government* (Web page, 15 July 2024). ‘[Australia’s Energy Commodity Resources 2024: Gas](#)’ *Geoscience Australia, Australian Government* (Web page, 15 July 2024).

¹²⁹ Grant and Hare (n 8) 4.

¹³⁰ Kjell Kühne et al, ‘[“Carbon Bombs” - Mapping key fossil fuel projects](#)’ (2022) 166 *Energy Policy* 112950.

¹³¹ Office of the Chief Economist, Department of Industry, Science and Resources, Australian Government, *Resources and Energy Major Projects 2024 Report* (Report, December 2024) 7.

¹³² ‘[Key Targets](#)’ *Global Carbon Budget* (Web page).

¹³³ Office of the Chief Economist, Department of Industry, Science and Resources, Australian Government *Future Gas Strategy: Analytical Report* (Report, May 2024) 3 (*‘Future Gas Strategy Report’*).

¹³⁴ *Ibid* 49.

¹³⁵ *Ibid* 93.

¹³⁶ Stephen Long, ‘[Future Gas Strategy Takes Australians Through The Looking Glass](#)’ *The Australia Institute* (10 May 2024); *Future Gas Strategy Report* (n 133) 33. Note Burrup Hub is Browse and Scarborough

¹³⁷ Grant and Hare (n 8) 30-32.

¹³⁸ *Ibid*.

¹³⁹ *Ibid* 35.

¹⁴⁰ *Ibid* 36.

¹⁴¹ Rod Campbell et al, The Australia Institute, ‘[Fossil fuel subsidies in Australia 2024](#)’ (Report, May 2024).

¹⁴² Department of Climate Change, Energy, the Environment and Water, Australian Government ‘[Outcomes for Australia at COP29](#)’ (27 November 2024).

¹⁴³ See Prime Minister of Australia, Anthony Albanese and Minister for Climate Change and Energy, ‘Albanese Government passes Climate Change Bill in the House of Representatives (Media release, 4 August 2022); James Prest, ‘[Climate Change Bill 2022 \[and\] Climate Change \(Consequential Amendments\) Bill 2022](#)’, *Bills Digest* (Digest No 12 2022-23, 5 September 2022).

¹⁴⁴ *Production Gap Report* (n 86) 54-55.

¹⁴⁵ There is evidence to suggest that the Australian government may have known about climate change as early as 1976. See Elizabeth Smith and Stephen McMaugh, '[Australia's climate change policy to 2021: a chronology](#)' *Parliament of Australia* (15 May 2023).

¹⁴⁶ Annexure B, Statement of Ruby Fox dated 28 February 2025 at [11] and [12]; Annexure B, Statement of Maddie McShane dated 22 February 2025 at [31]-[35]; Annexure B, Statement of Chris Black dated 28 March 2025 at [17], [19].

¹⁴⁷ Annexure B, Statement of Zhanāe Dodd dated 18 March 2025 at [18]; Annexure B, Statement of Chris Black dated 28 March 2025 at [6]-[8].

¹⁴⁸ Annexure B, Statement of Maddie McShane dated 22 February 2025 at [9]-[10], [22]-[23].

¹⁴⁹ Annexure B, Statement of Zhanāe Dodd dated 18 March 2025 at [17]-[19], Statement of Chris Black dated 28 March 2025 at [9].

¹⁵⁰ Annexure B, Statement of Maya Farmer dated 12 March 2025 at [14].

¹⁵¹ Annexure B, Statement of Yehansa Dahanayake dated 17 February 2025 at [5] and [6]; Annexure B, Statement of Connor Wright dated 20 March 2024 at [9] and [18]; Annexure B, Statement of Atticus dated 9 March 2025 at [14] and [15].

¹⁵² See Annexure B, Statement of Zhanāe Dodd dated 18 March 2025 and Statement of Connor Wright dated 20 March 2024.

¹⁵³ Annexure B, Statement of Maddie McShane dated 22 February 2025 at [40], [47]; Annexure B, Statement of Maya Farmer dated 12 March 2025 at [29]-[30]; Annexure B, Statement of Yehansa Dahanayake dated 17 February 2025 at [7], [30]; Annexure B, Statement of Chris Black dated 28 March 2025 at [11]-[12], [14], [17]-[19]. Annexure B, Statement of Connor Wright dated 20 March 2024 at [20]-[25]. Annexure B, Statement of Ruby Fox dated 28 February 2025 at [12], [21]-[24], [33].

¹⁵⁴ Annexure B, Statement of Maddie McShane dated 22 February 2025 at [38]-[39]; Annexure B, Statement of Zhanāe Dodd dated 18 March 2025 at [29]-[34]; Annexure B, Statement of Eliza Evers dated 24 March 2025 at [6], [14] – [23], [25]. Annexure B, Statement of Atticus dated 9 March 2025 at [6] and [16]. Annexure B, Statement of Connor Wright dated 20 March 2024 at [20]-[21], Annexure B, Statement of Chris Black dated 28 March 2025 at [13].

¹⁵⁵ *Graham Barclay Oysters v. Ryan* [2002] HCA 54. Note: *Daniel Billy et al. v. Australia* (n 58) affirmed this.

¹⁵⁶ *Sharma* (n 127).

¹⁵⁷ [Environment Council of Central Queensland Inc v Minister for the Environment and Water \(No 2\) \[2023\] FCA 1208](#).

¹⁵⁸ Senate Standing Committees on Environment and Communications, Parliament of Australia, [Inquiry into the Climate Change Amendment \(Duty of Care and Intergenerational Climate Equity\) Bill 2023](#), (Report – June 2024).

¹⁵⁹ [Climate Change Amendment \(Duty of Care and Intergenerational Climate Equity\) Bill 2023](#).

¹⁶⁰ [Australian Government response to the Senate Environment and Communications Committee Report, Inquiry into the Climate Change Amendment \(Duty of Care and Intergenerational Climate Equity\) Bill 2023](#) (tabled 12 December 2024).

¹⁶¹ See the [Duty of Care Campaign](#) (Webpage).

¹⁶² Under the [Australian Human Rights Commission Act 1986](#) (Cth), the Australian Human Rights Commission has responsibilities to investigate and conciliate complaints of discrimination and human rights breaches, but these are not binding.

¹⁶³ Patrick Dunleavy 'Interest groups and corporate power' in Mark Evans et al (eds), [Australia's Evolving Democracy](#) (LSE Press 2024) 143, 158-159.

¹⁶⁴ Dunleavy, P. 2024. Interest groups and corporate power. In: Evans, M et al (eds.), *Australia's Evolving Democracy*. London: LSE Press. pp. 158-259.

¹⁶⁵ Annexure B, Statement of Zhanāe Dodd dated 18 March 2025 at [67].

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- ¹⁶⁶ *Daniel Billy et al. v. Australia* (n 58) [8.3].
- ¹⁶⁷ Australian Disaster Resilience Knowledge Hub, '[Natural Hazards and Climate Change](#)', *Australian Institute for Disaster Resilience* (Web Page).
- ¹⁶⁸ Jonathan Nott, '[Cyclone Seroja just demolished parts of WA – and our warming world will bring more of the same](#)' *The Conversation* (12 April 2021).
- ¹⁶⁹ Annexure B, Statement of Chris Black dated 28 March 2025 at [6]-[8].
- ¹⁷⁰ Nott (n 168).
- ¹⁷¹ Chris Lewis and Alice Angeloni, '[Tropical Cyclone Seroja recovery effort continues in Kalbarri three years after it smashed the town](#)' *ABC News* (11 April 2024).
- ¹⁷² Annexure B, Statement of Zhanāe Dodd on 18 March 2025 at [18].
- ¹⁷³ Severe Tropical Cyclone Marcia (n 20).
- ¹⁷⁴ Severe Tropical Cyclone Marcia (n 20).
- ¹⁷⁵ Annexure B, Statement of Zhanāe Dodd on 18 March 2025 at [18].
- ¹⁷⁶ '[Hazards: Bushfires](#)' *Australian Climate Service, Australian Government*.
- ¹⁷⁷ Annexure B, Statement of Maddie McShane dated 22 February 2025 at [31]-[35].
- ¹⁷⁸ Annexure B, Statement of Maddie McShane dated 22 February 2025 at [34].
- ¹⁷⁹ *Ibid.*
- ¹⁸⁰ Cunningham (n 15).
- ¹⁸¹ Annexure B, Statement of Ruby Fox dated 28 February 2025 at [11]-[12].
- ¹⁸² Annexure B, Statement of Ruby Fox dated 28 February 2025 at [12].
- ¹⁸³ Annexure B, Statement of Ruby Fox dated 28 February 2025 at [11].
- ¹⁸⁴ Annexure B, Statement of Chris Black dated 28 March 2025 at [16]-[17].
- ¹⁸⁵ Annexure B, Statement of Chris Black dated 28 March 2025 at [17].
- ¹⁸⁶ Annexure B, Statement of Chris Black dated 28 March 2025 at [17].
- ¹⁸⁷ David Crosling, '[200 experts dissected the Black Summer bushfires in unprecedented detail. Here are 6 lessons to heed](#)', *The Conversation* (6 February 2023).
- ¹⁸⁸ Garry Cook et al, '[Australia's Black Summer of fire was not normal – and we can prove it](#)', *CSIRO* (29 November 2021).
- ¹⁸⁹ Svetlana Printcev, '[What are supercell thunderstorms and how dangerous are they?](#)' *SBS News* (29 November 2021).
- ¹⁹⁰ *Ibid.*
- ¹⁹¹ Annexure B, Statement of Maya Farmer dated 12 March 2025 at [14].
- ¹⁹² Maya from Sawtell, NSW, Gumbaynggirr Country, '[A supercell hailstorm smashed my town. We can't let it become the norm](#)' *ABC Heywire* (online, 12 December 2023).
- ¹⁹³ Annexure B, Statement of Maya Farmer dated 12 March 2025 at [15].
- ¹⁹⁴ Annexure B, Statement of Eliza Evers dated 24 March 2025 at [6].
- ¹⁹⁵ Annexure B, Statement of Eliza Evers dated 24 March 2025 at [6], [18]-[21], [28]-[30].
- ¹⁹⁶ Annexure B, Statement of Eliza Evers dated 24 March 2025 at [34], [40]-[41].
- ¹⁹⁷ Annexure B, Statement of Eliza Evers dated 24 March 2025 at [39].
- ¹⁹⁸ Annexure B, Statement of Maddie McShane dated 22 February 2025 at [28].

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- ¹⁹⁹ Will Steffen and Lesley Hughes, [‘The Critical Decade: South Australian impacts’](#) *Climate Commission*, 3.
- ²⁰⁰ Annexure B, Statement of Maddie McShane dated 22 February 2025 at [24]. Also see [‘Drought: Rainfall deficiencies and water availability’](#) *Bureau of Meteorology, Australian Government* (Web page, 6 March 2025).
- ²⁰¹ Annexure B, Statement of Atticus dated 9 March 2025 at [14]-[16].
- ²⁰² Annexure B, Statement of Atticus dated 9 March 2025 at [14]-[16].
- ²⁰³ Northern Territory Government and City of Darwin, [‘Feeling Cooler in Darwin: Darwin Heat Mitigation and Adaptation Strategy’](#) (Strategy, 2021).
- ²⁰⁴ Annexure B, Statement of Yehansa Dahanayake dated 17 February 2025 at [5]-[6].
- ²⁰⁵ Milton Speer et al, [‘Why Western Sydney is feeling the heat from climate change more than the rest of the city’](#) *The Conversation* (27 March 2023).
- ²⁰⁶ Annexure B, Statement of Yehansa Dahanayake dated 17 February 2025 at [6].
- ²⁰⁷ Annexure B, Statement of Connor Wright dated 20 March at [18]-[19].
- ²⁰⁸ [‘Taking bold action on climate change’](#) *City of Melbourne* (Web page).
- ²⁰⁹ Annexure B, Statement of Ruby Fox dated 28 February 2025 at [33].
- ²¹⁰ Annexure B, Statement of Atticus dated 9 March 2025 at [8].
- ²¹¹ Annexure B, Statement of Maddie McShane dated 22 February 2025 at [27].
- ²¹² Annexure B, Statement of Maddie McShane dated 22 February 2025 at [8], [49].
- ²¹³ Annexure B, Statement of Zhanāe Dodd dated 18 March 2025 at [38].
- ²¹⁴ Annexure B, Statement of Ruby Fox dated 28 February 2025 at [22].
- ²¹⁵ *ICESCR* (n 3) art 12; *CRC* (n 3) art 24; *UDHR* (n 3) art 25.
- ²¹⁶ Annexure B, Statement of Eliza Evers dated 24 March 2025 at [6], [18]-[21], [28]-[31].
- ²¹⁷ Annexure B, Statement of Eliza Evers dated 24 March 2025 at [34], [40].
- ²¹⁸ Annexure B, Statement of Zhanāe Dodd dated 18 March 2025 at [26]-[28].
- ²¹⁹ Annexure B, Statement of Chris Black dated 28 March 2025 at [10] – [13], [18], [37]-[39].
- ²²⁰ Annexure B, Statement of Chris Black dated 28 March 2025 at [10]-[13].
- ²²¹ Annexure B, Statement of Chris Black dated 28 March 2025 at [12]-[13], [16]-[17].
- ²²² Annexure B, Statement of Maya Farmer dated 12 March 2025 at [29]-[35].
- ²²³ Annexure B, Statement of Maya Farmer dated 12 March 2025 at [4], [29]-[35].
- ²²⁴ Annexure B, Statement of Yehansa Dahanayake dated 17 February 2025 at [7], [28], [30].
- ²²⁵ *Ibid*, [10]-[12].
- ²²⁶ Annexure B, Statement of Atticus dated 9 March 2025, [17]-[18] and [24].
- ²²⁷ Annexure B, Statement of Zhanāe Dodd dated 18 March 2025 at [29]-[31].
- ²²⁸ Annexure B, Statement of Yehansa Dahanayake dated 17 February 2025 at [7] and [30].
- ²²⁹ Annexure B, Statement of Connor Wright dated 20 March 2024 at [13]-[22].
- ²³⁰ Annexure B, Statement of Ruby Fox dated 28 February 2025 at [24].
- ²³¹ Annexure B, Statement of Maddie McShane dated 22 February 2025 at [24], [40], [47].
- ²³² Annexure B, Statement of Maya Farmer dated 12 March 2025 at [4].
- ²³³ Annexure B, Statement of Chris Black dated 28 March 2025 at [15]-[19].

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- ²³⁴ Annexure B, Statement of Maddie McShane dated 22 February 2025 at [31]-[35].
- ²³⁵ Annexure B, Statement of Ruby Fox dated 28 February 2025 at [10]-[12],[21].
- ²³⁶ Annexure B, Statement of Connor Wright dated 20 March 2024 at [20].
- ²³⁷ Annexure B, Statement of Maddie McShane dated 22 February 2025 at [38].
- ²³⁸ Government of South Australia, '[2019-2020 Bushfires](#)' *Recovery* (Web page).
- ²³⁹ Iftekhhar Ahmed and Kylie Ledger, '[Lessons from the 2019/2020 'Black Summer Bushfires in Australia'](#)' (2023) *96 International Journal of Disaster Risk Reduction* 103947.
- ²⁴⁰ Annexure B, Statement of Atticus dated 9 March 2025 at [6].
- ²⁴¹ Article 12, International Covenant on Civil and Political Rights, Article 15, International Convention on Economic, Social and Cultural Rights, Article 27, Universal Declaration of Human Rights).
- ²⁴² Annexure B, Statement of Zhanāe Dodd on 18 March 2025 at [37].
- ²⁴³ Annexure B, Statement of Zhanāe Dodd on 18 March 2025 at [22].
- ²⁴⁴ Annexure B, Statement of Zhanāe Dodd dated 18 March 2025 at [36].
- ²⁴⁵ Annexure B, Statement of Zhanāe Dodd on 18 March 2025 at [37].
- ²⁴⁶ Annexure B, Statement of Zhanāe Dodd on 18 March 2025 at [43]-[44], [47].
- ²⁴⁷ Ibid, [37]-[51].
- ²⁴⁸ '[The Larrakia People](#)', *Larrakia Nation* (Web page).
- ²⁴⁹ Annexure B, Statement of Connor Wright dated 20 March 2024 at [14].
- ²⁵⁰ Mickey Dewar, '[A market for memories: understanding public history at the Mindil Beach site in Darwin](#)' *National Museum Australia* (27 May 2008).
- ²⁵¹ Jane Bardon, '[Darwin's Mindil Beach is experiencing erosion. But are dire climate change predictions for our beaches correct?](#)' *ABC News* (24 April 2024).
- ²⁵² Annexure B, Statement of Connor Wright dated 20 March 2024 at [14].
- ²⁵³ [Risk v Northern Territory of Australia \[2006\] FCA 404](#) at [736].
- ²⁵⁴ Annexure B, Statement of Connor Wright dated 20 March 2025 at [13], [25], [32].
- ²⁵⁵ Annexure B, Statement of Connor Wright dated 20 March 2025 at [13].
- ²⁵⁶ Annexure B, Statement of Connor Wright dated 20 March 2025 at [9]-[13].
- ²⁵⁷ Annexure B, Statement of Connor Wright dated 20 March 2025 at [11].
- ²⁵⁸ The Larrakia People (n 248).
- ²⁵⁹ Annexure B, Statement of Connor Wright dated 20 March 2025 at [14].
- ²⁶⁰ Annexure B, Statement of Zhanāe Dodd on 18 March 2025 at [4].
- ²⁶¹ *Daniel Billy et al. v. Australia* (n 58) [8.14].
- ²⁶² Annexure B, Statement of Chris Black dated 28 March 2025 at [26]-[41], [44]-[45] and [50].
- ²⁶³ Annexure B, Statement of Yehansa Dahanayake dated 17 February 2025 at [14], [17], [33].
- ²⁶⁴ Annexure B, Statement of Atticus dated 9 March 2025 at [13], [18]-[23].
- ²⁶⁵ Statement of Atticus dated 9 March 2025 at [13].
- ²⁶⁶ Annexure B, Statement of Chris Black dated 28 March 2025 at [41], [44]-[45], [48], [50].
- ²⁶⁷ Annexure B, Statement of Yehansa Dahanayake dated 17 February 2025 at [30]-[33].
- ²⁶⁸ Annexure B, Statement of Atticus dated 9 March 2025 at [13], [20]-[22].

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- ²⁶⁹ Annexure B, Statement of Chris Black dated 28 March 2025 at [50].
- ²⁷⁰ Annexure B, Statement of Chris Black dated 28 March 2025 at [46] and [50].
- ²⁷¹ Annexure B, Statement of Yehansa Dahanayake signed 17 February 2025 at [37]-[38].
- ²⁷² Annexure B, Statement of Atticus dated 9 March 2025 at [23]-[24].
- ²⁷³ Annexure B, Statement of Yehansa Dahanayake signed 17 February 2025 at [37]-[38].
- ²⁷⁴ Annexure B, Statement of Atticus dated 9 March 2025 at [13], [23].
- ²⁷⁵ Annexure B, Statement of Chris Black dated 28 March 2025 at [46], [49]-[50].
- ²⁷⁶ Statement of Yehansa Dahanayake signed 17 February 2025 at [3], [33]-[35], [37]-[38].
- ²⁷⁷ Statement of Yehansa Dahanayake signed 17 February 2025 at [33].
- ²⁷⁸ Annexure B, Statement of Chris Black dated 28 March 2025 at [4], [25]-[35].
- ²⁷⁹ Annexure B, Statement of Chris Black dated 28 March 2025 at [25].
- ²⁸⁰ Annexure B, Statement of Chris Black dated 28 March 2025 at [25].
- ²⁸¹ Annexure B, Statement of Chris Black dated 28 March 2025 at [33].
- ²⁸² Annexure B, Statement of Chris Black dated 28 March 2025 at [32]-[33], [49]-[50].
- ²⁸³ CCPR/C General Comment 36 (n 3) [27].
- ²⁸⁴ Australian Government Office for Youth, '[Climate Change and Water Youth Advisory Group](#)' (Web page, 7 March 2025).
- ²⁸⁵ James E Hansen et al, '[Global Warming Has Accelerated: Are the United Nations and the Public Well-Informed?](#)' (2025) 67(1) *Environment: Science and Policy for Sustainable Development* 6.
- ²⁸⁶ State of the Climate 2024 (n 25).
- ²⁸⁷ *The human right to a clean, healthy and sustainable environment*, Human Rights Council Resolution 48/13, [UN Doc A/HRC/RES/48/13](#) (18 October 2021, adopted 8 October 2021).
- ²⁸⁸ *The human right to a clean, healthy and sustainable environment*, GA res 76/300, [UN Doc A/RES/76/300](#) (1 August 2022, adopted 28 July 2022).
- ²⁸⁹ UN GAOR, 76th sess, 97th plen mtg, [UN Doc A/76/PV.97](#) (28 July 2022).
- ²⁹⁰ '[Australia leads world in mammal extinction and biodiversity loss](#)' *Radio National Breakfast* (ABC Listen, 25 March 2024).
- ²⁹¹ Annexure B, Statement of Ruby Fox dated 28 February 2025 at [33]-[34].
- ²⁹² Annexure B, Statement of Yehansa Dahanayake dated 17 February 2025 at [27].
- ²⁹³ Annexure B, Statement of Chris Black dated 28 March 2025 at [6]-[8], and [36]-[39]
- ²⁹⁴ Annexure B, Statement of Atticus dated 9 March 2025, at [4], [7], [9],[14], [17], [18] and [24].
- ²⁹⁵ Annexure B, Statement of Maddie McShane dated 22 February 2025 at [9], [28].
- ²⁹⁶ Annexure B, Statement of Zhanāe Dodd dated 18 March 2025 at [40]-[43].
- ²⁹⁷ *Ibid*, [17]-[19].
- ²⁹⁸ Annexure B, Statement of Maya Farmer dated 12 March 2025 at [13]-[15].
- ²⁹⁹ Annexure B, Statement of Chris Black dated 28 March 2025 at [15]-[19], [23].
- ³⁰⁰ Annexure B, Statement of Ruby Fox dated 28 February 2025 at [10]-[12],[21].

³⁰¹ Annexure B, Statement of Maddie McShane dated 22 February 2025 at [31]-[35].

³⁰² [Statement by Inger Anderson on UN recognition of the Right to a Healthy Environment](#) (8 October 2021).