File No.: 17/1348#7

September 2017

Subject: Australian Response to Questionnaire  
Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment call for inputs on the environment and the rights of the child

Question 1. Please provide specific examples of legislation, policies and programmes in relation to the protection of children’s rights from environmental harm.

Over the past decade, the Australian Government has undertaken a range of monitoring programs intended to measure levels of chemicals of concern, including persistent organic pollutants (POPs), in humans (blood and breast milk samples) and the environment (air, biota, wastewater and landfills) in order to identify emerging risks to human health and the Australian environment caused by chemical exposure.

These programmes were to inform policy and regulatory decisions, confirm effectiveness of action, and meet Australia’s international obligations. Many of the results from commissioned monitoring projects are publicly available on the Department’s webpage, the Stockholm Convention’s webpage, and in peer‑reviewed articles.

In 2015, Environment Ministers from the Australian Government and state and territory governments agreed to develop a national cooperative framework to implement a National Standard for environmental risk management of industrial chemicals (the National Standard). The National Standard aims to prioritise pollution prevention and minimise chemical risks to the environment. The National Standard will require that the release of harmful industrial chemicals in the environment is limited or prevented, thus ensuring Australia’s water, air and land is protected, reducing human exposure to chemicals to the benefit of all Australians.

The National Standard is being developed to align with accepted international practices for environmental risk management. The proposed approach is consistent with the objectives of the Strategic Approach to International Chemicals Management (SAICM) and similar to approaches to environmental risk management of industrial chemicals adopted in other advanced economies.

The Australian Government supports Indigenous communities, particularly in remote Australia, to manage land and sea country, which results in social, economic and cultural co-benefits that contribute to the wellbeing of these communities, including children. For example, Indigenous Protected Areas (IPA) and ranger programs are slowing the rate of desertification and biodiversity degradation by establishing and managing connected conservations zones across Australia’s arid landscapes. Indigenous rangers conducting early season controlled burns in savanna country in Northern Australia are helping to reduce carbon emissions, limiting the occurrence and severity of uncontrolled wild fires and developing the Indigenous land-based economy. A number of these savanna fire management projects are registered under the Australian Government’s Emissions Reduction Fund and earn carbon credits contributing to the economic development of their communities.

Question 2. Please provide specific examples of good practices in environmental-related matters in the fulfilment of obligations to protect and promote children’s rights. Such examples may include practices related to: promoting the enjoyment of children’s human rights in general (e.g., rights to life, food, housing, health, water and sanitation, cultural rights, etc.); guaranteeing procedural rights of children (e.g., rights to information, participation and access to remedy); protecting children’s freedom of association and expression in this context; monitoring children’s rights affected by environmental related legislation, programmes and projects (e.g., rights to life, food, housing, health, water and sanitation, cultural rights, etc.); protecting children from adverse impacts related to environmental degradation and, in particular, children of indigenous and other minority communities; promoting children’s rights to environmental education and to play.

Australia’s Department of the Environment and Energy website includes content that is appealing and appropriate for all age groups, including children. School students regularly correspond with the Department and access its website for information relating to management of the environment, including by the Department. This includes information about what children can do as participants in such programs as Junior Landcare or as citizen scientists. The digital Australian State of the Environment Report, produced every five years, is actively promoted through schools as an important resource for young people. The Australian Antarctic Division within the Department has a number of programs for children, aiming to promote understanding of the importance of Antarctica to Australia and the world.

Booderee, Kakadu and Uluru-Kata Tjuta National Parks and the Australian National Botanic Gardens offer curriculum-based education programs, including self-guided programs for students aged from pre-school to year 12. These “living classrooms” allow students to explore the connections between people, plants and animals, and discover Australia’s rich natural and cultural heritage. Teacher and student resources are available to assist with learning outcomes. In 2015, approximately 16,000 school aged visitors participated in these school or group activities. The parks also offer school holiday programs free of charge, providing a series of fun activities for children and adults.

For example, the Healthy Learning Program developed by Booderee National Park encourages investigative learning about the marine environment and human impact on the environment. The park also participates in a restorative justice process with the Australian Federal Police to facilitate alternative arrangements to prosecution for offences committed in the park by young Indigenous community members. While this is still a trial, the outcomes are aimed at having youth understand environmental, reputational and cultural impacts on country.

The Great Barrier Reef Marine Park Authority's Reef Guardian schools program sees students, teachers, their communities and local environmental agencies make positive environmental changes for the marine environment. A key objective of the Reef Guardian Schools program is to create awareness, understanding and appreciation for the Reef and its connected ecosystems. Students team up with others in their community to actively participate in activities aimed at improving catchments, water quality, sustainability, and Reef health.

The IPA and Indigenous rangers programs have demonstrated success in achieving positive social, economic, cultural and environmental outcomes for Indigenous rangers, their families, and Indigenous communities. By facilitating connection to country, culture and language, these programs empower and support change in communities with positive flow-on effects for families and children. Studies have confirmed that rangers become role models for younger generations; strengthen relations between youth and elders to facilitate intergenerational transfer of traditional ecological knowledge; and have a positive impact on health, wellbeing and community safety by reducing incarceration and recidivism rates in these communities.

The Australian Government’s Learning on Country program, which targets school attendance, transition into work and transfer of cultural knowledge by introducing students to environmental and cultural management practices, was also found to strengthen inter-communal partnerships between the school, ranger groups and the community.

Through Australia’s aid program, the Civil Society WASH Fund supports work to improve the delivery of sustainable WASH services in poor communities in Malawi. The project works through schools and with local education and health officials to set up sanitation clubs and mothers’ support groups to improve hygiene and sanitation awareness, especially among girls. For example, at Mangazi school, the project has built a new sanitation block that is clean, well built, ventilated and has hand washing facilities. Providing better sanitation facilities at school means that girls will have better attendance, a better education, and better life prospects.

Question 3: Please specify, where relevant, challenges your Government has experienced in the integration of children’s rights protection in environmental-related matters (and vice-versa).

Nil.

Question 4: Please provide specific examples related to the regulation of corporations and other non-State actors in relation to the protection of children’s rights from environmental harm and the fulfilment of their obligations in this regard.

Nil.

Question 5: Please specify, where relevant, any laws or policies referring to the rights of future generations in relation to environmental matters.

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), which is Australia’s overarching piece of environmental legislation, contains (in section 3A) principles of ecologically sustainable development, including subsection (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

By identifying, protecting and managing our heritage, provisions under the EPBC Act, the Aboriginal and Torres Strait Islander Heritage Protection Act 1984, the Historic Shipwrecks Act 1979, and the Australian Heritage Council Act 2003, contribute to the conservation of valuable assets and to ensure that those places will continue to be enjoyed by future generations.

The Reef 2050 Plan was released by the Australian and Queensland governments in March 2015 and is the overarching framework for protecting and managing the Great Barrier Reef until 2050. The Plan sets clear actions, targets, objectives and outcomes to drive and guide the short, medium and long-term management of the Reef through seven themes that include heritage and community benefits. The heritage theme is focused on the cultural significance of the Reef, comprising all human values and meanings that might be recognised, including aesthetic, historic, scientific, social and spiritual. It encompasses Indigenous and non-indigenous values, such as experiences, traditions, historic events and stories. The long-term outcome of these actions is to achieve an informed community that plays a role in protecting the Reef for the benefits a healthy Reef provides for current and future generations.

The Environment Protection (Alligator Rivers Region) Act 1978, which was enacted for the purpose of protecting the environment in the Alligator Rivers Region of the Northern Territory from the effects of uranium mining operations, provides in part for the protection of Indigenous traditional owners’ (including children’s) rights and access to a healthy environment, clean water, clean soil, clean air, uncontaminated food, and an environment free from adverse levels of hazardous substances, wastes and radiological exposure.

The National Standard for environmental risk management of industrial chemicals will indirectly ensure that future generations are able to enjoy a cleaner, contaminant-free environment (see question 1 above).

Through the IPA program, the Australian Government recognises the decision by Indigenous communities to dedicate their land to be managed in line with international standards set by the International Union for Conservation of Nature (IUCN). Most IPAs dedicate under IUCN Categories 5 and 6, which promote a balance between conservation and other sustainable uses to deliver social and economic benefits for local Indigenous communities.

Dedicated IPAs are recognised by the Australian Government as part of Australia’s National Reserve System in perpetuity. The IPA program provides the foundation for long-term environmental planning by Indigenous communities who use communal decision-making to determine their aspirations for land and sea, to set the appropriate levels of protection to meet these, and to develop plans of management to guide activities. The Government provides funding through its Indigenous rangers program to support the cultural aspirations of Indigenous communities in relation to caring for country and maintaining and strengthening culture, using both traditional knowledge and Western science to support environmental management. Through the IPA and the ranger program, the Australian Government helps to safeguard and promote the rights of future generations to enjoy and use their land in accordance with cultural obligations while enabling flow-on effects for economic development and employment opportunities into the future.