

Environment and Communications Legislation Committee

Climate Change Amendment (Duty of Care and Intergenerational Climate Equity) Bill 2023

November 2023

Advocacy and collaboration to improve access and equity

Royal Australian and New Zealand College of Psychiatrists submission

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About the Royal Australian and New Zealand College of Psychiatrists

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) is responsible for training, educating and representing psychiatrists in Australia and New Zealand. The RANZCP has more than 8000 members, including around 5800 qualified psychiatrists.

The RANZCP welcomes the opportunity to contribute to the Environment and Communications Legislation Committee's inquiry into the [Climate Change Amendment \(Duty of Care and Intergenerational Climate Equity\) Bill 2023](#) (the Bill) drafted by Senator David Pocock. The recommendations contained within this submission are based on consultation with the RANZCP Committees, including the Faculty of Child and Adolescent Psychiatry, Section of Perinatal and Infant Psychiatry, Section of Youth Mental Health, Climate and Sustainability Steering Group and the Section of Leadership and Management. These Committees are made up of community members and psychiatrists with direct experience. As such, the RANZCP is well positioned to provide assistance and advice about this issue due to the breadth of academic, clinical and service delivery expertise it represents.

Recommendations

- Intergenerational equity regarding health and wellbeing should be included in the objects of the Bill.
- Mental and physical health should be explicitly included in the definition health and wellbeing.
- Alterations to the wording of the definition of health and wellbeing will promote a more expansive and diverse understanding of what decision-makers are required to consider.
- Including in the Climate Change Act 2022 scope 3 emissions and exported emissions is a key priority.
- Establishing a clear and statutorily enshrined scale of priorities which would allow competing considerations to be easily and consistently weighed by decision-makers.

Introduction

The RANZCP supports the intent of the Bill to enshrine the health and wellbeing of current and future children in decision-making.

The RANZCP takes a strong position on the issue of the climate emergency, including having commissioned a Climate and Sustainability Steering Group to make recommendations to the RANZCP Board regarding actions and advocacy. The RANZCP is also divested from companies exposed to fossil fuels, as noted in the [2022 Financial Report](#).

The RANZCP also has published resources highlighting the effects and interactions of climate change on mental health and the psychiatry profession, including [PS35: Addressing the mental health impacts of natural disasters and climate change-related weather events](#) and [PS106: The mental health impacts of climate change](#). These resources, along with the consultation with our members and the [RANZCP Strategic Plan](#) have guided the details of this submission.

This submission provides feedback on items in the Bill that are relevant to the RANZCP; it does not address every proposed change.

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Summary

The RANZCP supports the Bill in its purpose to enshrine the health and wellbeing of current and future children as a key consideration in administrative decision-making in the [Climate Change Act 2022 \(Cth\)](#) (the Act). As noted in the [explanatory memorandum](#) for the Bill, the current Act has no provision to protect the needs health and wellbeing of children despite their unique vulnerabilities.

As set out in the RANZCP [PS106: The mental health impacts of climate change](#), children and adolescents are particularly vulnerable to the physical and mental health impacts of climate change. The climate crisis has been linked to rising rates of mental health distress and suicidal behaviours as well as having an overall impact on mental health.[1] These effects occur both in direct and indirect manners.[2,3] These impacts are particularly visible in children and adolescents.[1] Climate anxiety can cause young people to experience despair for the future which is exacerbated by real and/or perceived inaction from authority figures and institutions – such as Governments.[4] The mental health of young people is also affected by the impacts of climate change on the wider spectrum such as increased risks to unemployment, poverty and food insecurity, relationship stresses and family breakdown and community and societal fragmentation.[1]

Young Australians are engaged with the climate crisis and the actions of Governmental departments and figures and want tangible actions to mitigate the effects of climate change.[5] Given the risk to their health and wellbeing, and those of future generations, the RANZCP supports the objects of the Bill.

It is important to note that the RANZCP strongly supports the Health in all Policies approach outlined in the [National Health and Climate Strategy](#).

This submission provides feedback on the items of the Bill that are relevant to the College.

Intergenerational Equity

The RANZCP recommendations are based on the understanding of ‘intergenerational equity’ as defined by the Section 3.5.2 of the 1992 Intergenerational Agreement on the Environment:

The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.[6]

Australia is a signatory to the [United Nations Convention on the Rights of the Child](#), demonstrating a commitment to protect children from current and future harm.

Item 1 of the Bill

The RANZCP strongly supports the inclusion of promoting intergenerational equity in the Objects of the Act. As noted above, perceived apathy towards the climate crisis, and the impacts of the crisis themselves can adversely affect the mental health of children and adolescents. By enshrining the health and wellbeing of current and future children in the Act, the Bill shows tangible action by Government to address the impacts of the climate crisis on young Australians.

Item 4 of the Bill

The RANZCP welcomes the inclusion of emotional, cultural and spiritual health. These facets of health are crucial parts of an individual and communities' overall physical and mental health. The RANZCP recommends the expansion of the definition of health and wellbeing to explicitly include mental and physical health and wellbeing to ensure their inclusion in the decision-making processes outlined by the Bill.

It is also recommended that the definition wording is changed to:

“**health and wellbeing** includes, but is not limited to, the following...”

This wording change will allow a broader interpretation of the health and wellbeing of current and future children that will account for the subjective and changing nature of understandings of personal and societal health and will foster a more inclusive and diverse understanding of individual health needs.

The RANZCP strongly supports the inclusion of the definition of **scope 3 emissions** and the explicit acknowledgement of the need to account for exported emissions. As noted in the RANZCP [submission](#) to the National Health and Climate Strategy, emissions should be accounted for in both domestic and international production and procurement.

Item 6 of the Bill

Section 15C – Definition of significant decision

The RANZCP supports the proposed definition of a ‘significant decision’.

Section 15D – Duty to consider the health and wellbeing of children

Psychiatrists as clinicians are inherently familiar of the nature of duties of care both legally and ethically. For clinicians, when a duty of care is established, there is a need to consider the best interests of a consumer. The RANZCP acknowledges that decision-makers must balance multiple, often conflicting, interests when undertaking their official duties. Clinicians are often faced with the same concerns, however there is an established prioritisation of the interests of the consumer above all other considerations. By establishing ‘the health and wellbeing of current and future children in Australia as the paramount considerations’ the Bill provides decision-makers with a set priority when undertaking their duties.

The RANZCP supports the establishment of a clear and statutorily enshrined scale of priorities which would allow competing considerations to be easily and consistently weighed by decision-makers engaged in making ‘significant decisions’.

Conclusion

The RANZCP wishes to thank the Environment and Communications Legislation Committee for the opportunity to engage with the proposed Bill and would welcome the chance for further consultation. The RANZCP supports all initiatives to mitigate and prevent the effects of climate change and would urge the Government to expand the scope of legislative work on broader considerations, such as environmental pollution and biodiversity loss.

If you have any queries regarding this submission, please contact Nicola Wright, Executive Manager, Policy, Practice and Research Department via nicola.wright@ranzcp.org or on (03) 9236 9103.

References

1. IPCC, *Climate Change 2022: Impacts, Adaptation and Vulnerability*. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change (H.-O. Pörtner, D.C. Roberts, M. Tignor, E.S. Poloczanska, K. Mintenbeck, A. Alegría, M. Craig, S. Langsdorf, S. Löschke, V. Möller, A. Okem, B. Rama (eds.)). 2022: Cambridge University Press.
2. Cianconi P, Betrò S, Janiri L. The Impact of Climate Change on Mental Health: A Systematic Descriptive Review. *Front Psychiatry*. 2020;11: 74-.
3. Berry HL, Bowen K, Kjellstrom T. Climate change and mental health: a causal pathways framework. *Int J Public Health*. 2010;55(2): 123-32.
4. Burke SEL, Sanson AV, Van Hoorn J. The Psychological Effects of Climate Change on Children. *Current Psychiatry Reports*. 2018;20(5):35.
5. *Sharma v Minister for the Environment* [2021] FCA 560, *Minister for the Environment v Sharma* [2022] FCAFC 35
6. Australian Federal Department of the Environment and Energy, Intergovernmental Agreement on the Environment 1992