(Vowles, 2024)

Report

Queering a Human Rights-Based Approach to Climate Change in Australia

Ryan Vowles

Recommendation

The Australian Government should implement a national human rights framework, including a queered Human Rights Act.

Australia needs a national Human Rights Act to address the human rights impacts of climate change and to hold the State accountable for its contributions, but this will only be successful if policymakers listen to the lived experiences of queer people, and everyone else who has been deemed non-human by international human rights law. A Human Rights Act that is created in partnership with stakeholders that have historically been excluded or subjugated by legal institutions would be a radical departure from Australia's current approach to policy, but this is exactly what is required of climate justice. This recommendation is supported by four underlying principles: participatory policy design, destabilising dominant knowledge systems, intersectionality, and urgent climate action.

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Executive Summary

(Bainbridge, 2024)

Research Aims

This report aimed to explore the connections between climate change, human rights, and queer legal theory. The purpose of exploring these connections was to identify potential issues with a human rights-based approach to climate change in Australia, and to understand the potential value of human rights reform in Australia's climate response. Where possible, this report prioritised the knowledges and experiences of queer people and other marginalised communities.

Key Findings

- Australia's climate inaction is already violating people's human rights
- Australia's human rights framework is inadequate
- International human rights law is often not aligned with climate justice
- Australia is the primary violator of human rights in Australia
- Australia's engagement with queer legal theory is very poor

Discussion

The right to a healthy environment
Although the right to a healthy environment risks entrenching anthropocentrism in Australia's legal system, it is necessary to understand the human rights dimensions of the climate crisis.

The right to peaceful assembly
Rights to peaceful assembly are being eroded in Australia and human rights reform must address the ways that marginalised communities experience this erosion disproportionately.

Recommendation

Australia should implement a national human rights framework. However, queer legal theory exposes the limitations and exclusions embedded in the foundations of international human rights law. Australia's Human Rights Act should be based on the following principles:

- Participatory policy design
- Destabilising dominant knowledge systems
- Intersectionality
- Urgent climate action

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Positionality Statement

Ryan Vowles (they/them) was born on the stolen lands of the Awabakal people as a descendant of British settlers. They recently graduated with a Bachelor of Laws and a Bachelor of Development Studies from the University of Newcastle and are aware how these disciplines are being used as tools of colonisation against First Nations peoples. Ryan is also especially conscious of the ways that settler colonialism and capitalist development are contributing to climate change in Australia. At 24 years of age, they have already lived through countless natural disasters. Additionally, as a queer person in Australia, homophobia and transphobia have been present in Ryan's life for as long as they can remember. They acknowledge that these same systems of oppression have also provided them with unearned privilege, and this has decreased their own vulnerability to climate harm. From this perspective, Ryan is interested in using their privilege to challenge harmful assumptions and produce practical solutions. Through a deep understanding of how their own liberation is intertwined with every other struggle for freedom, Ryan is committed to the ongoing process of decolonising their research so that their work is more intersectional. Crucially, Ryan recognises that oppression takes many different forms. At times, this report may be limited by its author's incomplete understanding of the diversity of queer knowledges and lived experiences.

Introduction

The purpose of this report is to use queer legal theory to assess the suitability of a human rights-based approach to climate change in Australia. As the climate crisis intensifies, the recommendations of the Parliamentary Joint Committee on Human Rights (2024) and the Australian Human Rights Commission (2023) to implement a federal Human Rights Act have become even more critical. However, queer legal theory, or the practice of analysing laws and policies from a queer perspective, will show that these proposals, which are largely based on international human rights law, exclude the knowledges of marginalised people and the planet. To demonstrate the transformative power of queer legal theory, this report will first identify the primary issues with a human rights-based approach to climate change in Australia and then it will critically analyse two internationally recognised human rights to illustrate their limitations and opportunities for reform. This report combines doctrinal legal research with queer legal methods to consider a wide variety of primary and secondary sources, producing one fluid recommendation that will directly benefit not only queer people in Australia, but the entire planet.

Findings

Human rights and climate change

For decades, experts have warned world leaders about climate change and the catastrophic effects it will have on people's human rights. The United Nations Intergovernmental Panel on Climate Change (2023, p. 46) has concluded that climate change is already impacting people's livelihoods through rising sea levels, food insecurity, weather extremes, ecosystem loss, and poor mental health. Australia has responsibilities under international law to mitigate these impacts, but it has not yet met its obligations in ways that adequately address climate harm. For example, in the Torres Strait Islands, Australia's inaction is causing a human rights crisis (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 (22 September 2022)). In this case, Australia's failure to effectively mitigate and adapt to climate change was found to have breached the human rights of First Nations peoples who have sustained life in this region since time immemorial. Climate justice is the only way that Australia can address the root causes of these abuses. A climate justice approach understands that global warming is making the climate crisis worse, but settler-colonial capitalism is to blame (Nursey-Bray et al., 2022, p. 7). Marginalised communities in Australia, who have contributed the least to the climate crisis, are suffering human rights violations disproportionately. For example, Lewis (2008, p. 12) has shown how "the environment often plays a more significant cultural and social role in Indigenous communities, increasing the potential for violations of cultural and social rights, especially where the response to environmental changes would entail relocation". The highly specific knowledges of these marginalised communities are essential to Australia's climate response, but they are ignored and erased "to protect settler norms and interests" (Van Holstein & Head, 2018, p. 41). Climate justice requires that a human rights-based approach to climate change in Australia centres the voices, stories and knowledges

of these marginalised communities. However, Australia is currently failing to address the human rights violations caused by the climate crisis, let alone centre the voices of marginalised communities in climate mitigation and adaptation. If the Australian Government hopes to stop the escalation of the climate crisis and address its own human rights violations, it must start thinking about how it can meaningfully begin engaging with human rights-based climate justice.

Australia's weak human rights framework

Establishing a link between climate change and human rights is essential, and yet most people in Australia are living without any human rights protections that relate to climate change. Human rights legislation can impose actionable duties on government and empower marginalised people to participate in effective climate action. For example, in *Waratah Coal Pty Ltd & Ors (No 6)* [2022] QLC 21, people in Australia were able to stop the expansion of a coal mine on Wangan and Jagalingou Country because its climate impacts would have breached numerous human rights under Queensland's Human Rights Act. Additionally, in other nations around the world, human rights-based climate litigation has been used as a tool to force courts to fill gaps in insufficient or non-existent climate legislation. As seen in *Urgenda Foundation v Netherlands (Ministry of Infrastructure and the Environment),* Rechtbank Den Haag [Hague District Court], C/09/456689/HA ZA 13-1396 (24 June 2015), unambitious climate policy from the Dutch Government was found to be in breach of the European Convention on Human Rights. However, without national human rights legislation, human rights-based causes of action which have been successful in other jurisdictions to prevent climate harm and facilitate climate justice are not available for many people in Australia (Preston & Silbert, 2023, p. 67). Bedford et al. (2021, p. 401) have shown that "[i]n the Australian legal system, where human rights protection is most effective when enshrined in domestic legislation, there needs to be a commitment to legal reform". Collaborating with marginalised people to implement a Human Rights Act is an opportunity to address these issues and provide practical solutions to human rights violations caused by Australia's climate inaction.

Bias in international human rights law

A Human Rights Act is clearly necessary in Australia to address climate change and facilitate climate justice, but it must be careful not to replicate the failures of international law. For example, there are many ways that human rights uphold the idea that an able-bodied, heterosexual, white, male worker is the subject by which all human value should be determined (Jones, 2022, p. 120). Policymakers must consider what is included, and therefore normalised, and what has been left out, and therefore othered, in human rights law. According to Gilleri (2023, p. 51), "[t]he 'others' are those whose rights are and have been historically denied on the basis of their social markers which are subordinate to the prevailing norm". Any time legal systems make universal assumptions about what a human is, policymakers must be aware of the inherent biases and exclusions that take place. Once policymakers have displaced the centrality of a particular human being, they must also consider the inherent anthropocentrism, or centring of human lives, that exists in

international human rights law. The idea that human beings are entitled to rights and protections because of their supposed superiority over the non-human world is dangerous and it is these same ideologies that have underpinned settler-colonialism, environmental destruction, and climate change (Kotzé, 2014, p. 258). Anthropocentrism is not useful when climate justice requires solutions that "take human enmeshment with climate seriously" (Verlie, 2021, p. 18). A Human Rights Act that recognises and rectifies these failures would be an opportunity for Australia to be a world leader in effective human rights-based approaches to climate change.

The role of Australia as the abuser of human rights

However, the issue is complicated further because the State of Australia is the primary violator of human rights in Australia (Thorpe, 2024, p. 355). The potential value of a human rights-based approach to climate change in Australia is diminished when the government takes seemingly contradictory positions, for example by confirming net zero targets while approving the continued extraction of fossil fuels without the free, prior and informed consent of First Nations peoples. Recently, the Australian government extended the country's largest fossil fuel project which allows Woodside Energy to continue operations until 2070 despite strong opposition from Traditional Custodians. This is also against the advice of climate experts and human rights organisations who are calling for a complete ban of new fossil fuel developments to prevent irreversible damage to the climate, culturally significant petroglyphs, and human rights (Hennessy, 2025). Similarly, Australia has obligations to protect human rights to peaceful assembly under "various sources including international law, domestic law and common law" (Mejia-Canales, 2024, p. 6). However, governments continue to target non-violent protestors through laws, court proceedings, egregious penalties and police violence. Al-Azzawi et al. (2021, p. 5) have shown how these strategies disproportionately affect climate protestors and raised concerns about the "unregulated political influence of the fossil fuel industry driving that repression". A Human Rights Act that does not acknowledge these contradictions will be ineffective in the fight against climate change. Therefore, if people are going to stand a chance in mobilising for climate justice, Australia needs a queered Human Rights Act to hold the State accountable for its contributions, deprioritise the commercial interests of the fossil fuel industry, and restrict the increasing criminalisation of climate protestors.

Australia's poor engagement with queerness

Queer legal theory has the potential to help Australian policymakers navigate these contradictions, but they continue to rely upon the same colonial knowledge systems that have allowed a climate crisis to occur in the first place. Fundamentally, queer legal theory "aims to fight the criminalisation, structural violence, economic deprivation, and general surveillance of queer people, using queer this time as a positive self-description reclaimed by the groups concerned" (Holzer et al., 2023, p. 8). There has been very minimal attention given to the ways that queerness can inform legal responses to climate change, and this is indicative of the legal system's repression of diverse ways of knowing and being. Queer legal theory is not about bringing queer people into so-called humanity; it is about

recognising those spaces where people have been deemed non-human, less-than-human, or in opposition to dominant norms. This is "a space where transformational political work can begin" (Cohen, 1997, p. 438). For example, trans and non-binary people can expose where human rights fail to include people by perpetuating harmful norms about gender and sex (Mazel, 2023), whilst also providing strategic insights into the fluidity that is required of Australia's legal response to climate change. Additionally, queer legal theory can inform policymakers about authenticity and its practicality in the context of climate change. For some queer people in Australia, being authentic means being subject to violence (Henningham, 2024). Despite this, queer people still choose to be true to themselves and there is radical power in these lived experiences. Queerness is not the only tool which can be used to critique Australia's potential Human Rights Act, and this report shows that there is value in considering a wide variety of knowledges, especially in the context of climate change. If Australia's Human Rights Act were queered, or informed by diverse ways of thinking and being, this would be an act of resistance against dominant knowledge systems and would therefore be far more effective in contributing to climate justice.

> "For to queer something is to simply take another course to where you need to be."
>
> (Gissell, 2023, para. 1)

Discussion

Right to a healthy environment

The purpose of this report was to evaluate the effectiveness of a human rights-based approach to climate change in Australia. The findings clearly suggest that national human rights reform has immense potential to facilitate climate justice when it is created in partnership with marginalised communities. The significance of these findings is best illustrated through the right to a healthy environment which has subversive potential once policymakers acknowledge and address its inherent limitations. A standalone human right to a healthy environment was first recognised in 2022 by the United Nations General Assembly to account for the interconnected relationship between human rights and environmental protection. It includes substantive rights, to things like a safe climate, clean air, access to water and adequate sanitation, and healthy food systems, but it also includes procedural rights, like access to information, participation in environmental decision-making, and access to justice.

However, while these rights are necessary to combat climate change, the framing of a human right to a healthy environment entrenches the idea that human beings are separate from the rest of the environment. This is supported by Lewis (2018, p. 2), who argues that the right to a healthy environment is problematic because it carries "an anthropocentric view of the planet…which perpetuates the sort of exploitative and possessory attitudes towards nature which have caused widespread environmental destruction". Similarly, Verlie

(2021, p. 7) suggests that Australia's legal response to climate change should focus on the more-than-human world which "destabilises the rational autonomous human…as its subject, through an appreciation of the inherent porosity, dynamism and entanglement of all worldly matter". Although humans have undoubtedly caused climate change, the nature of the problem is not as much about breaches of individual human rights as much as it is the rights of ecosystems and more-than-human relationships with millions of organisms (Bedford et al., 2021, p. 390). By framing the climate crisis solely through a right to a healthy environment, Australia risks excluding the agency and knowledge of the more-than-human world.

An option for legal reform is to grant legal rights to the environment itself. Rights of nature, or environmental rights, recognise that ecosystems are not solely the property of humans. Rather, a rights of nature approach understands that ecosystems are rights-holders with intrinsic value, regardless of their relationship to human beings. This challenges the unequal power dynamics that the law has created between ecosystems and human interests. Helpfully, rights of nature have been implemented in various jurisdictions around the world, and these experiences can guide Australia's approach. For example, Ecuadorians successfully achieved constitutional reform to recognise not only the human rights to a healthy environment, but also the environment's intrinsic right to exist and to maintain and regenerate its vital cycles, structure, functions, and evolutionary processes. In the Australian context, Country is an active stakeholder in Australia's response to climate change, with powerful lessons and solutions. An example of this is the way that "First Nations peoples have listened to Mangroves for a long time. We hear the lessons being told in their wood by noticing the ways that their branches grow" (Kianga Judge, 2024, para. 4). Therefore, to be successful, human rights law reform in Australia must respect Country as a knowledge holder instead of a resource to be managed.

> "The term Country means more than simply land but encompasses all more-than-human life, including sky, waters, spirits; as a multiplicity of sentient beings. Country has a past, present and future, and a plethora of more-than-human cultures and describes a consciousness or agency that feels, responds, directs, loves, nurtures, and, importantly, is the source of Indigenous legal systems, Laws, or Lores."
>
> (Dudgeon et al., 2024, p.387)

Similarly to Country, the knowledges of queer people have been excluded by Australia's legal system, and their voices will be useful when considering legal solutions that are more honest about the interconnectedness of everything on the planet. An environmental rights approach undoubtedly has value in Australia's legal response to climate change, but queer legal theory encourages policymakers to remain aware of the human rights elements of the problem. For example, according to Jones (2022, p. 125), "[m]any have never been fully human, including many racialized, gendered, sexualised, disabled and classed people.

Queer posthuman perspectives thereby add another element to the inhuman and nonhuman paradigm, pointing out that humans were never all or solely human." Jones argues that "[r]ather than focusing solely on the nonhuman, therefore, there is a need for legal discourse to note the interconnections between naturalised nonhumans…and de-humanised humans" (p. 126). Therefore, although it is important to understand how the climate crisis impacts the more-than-human world in Australia, policymakers must also understand the human rights dimensions of this crisis and the ways that human rights law has deemed marginalised communities as non-human or less-than-human.

From here it becomes clear how queer liberation is linked with environmental liberation. While a standalone human right to a healthy environment in Australia will likely be unable to encapsulate the complexity of human interconnectedness with the more-than-human world, a queered lens encourages policymakers to confront these contradictions with radical law reform rather than abandonment. Once policy makers are aware of these biases, they can address them in a way that produces practical, transformative solutions that are more aligned with climate justice. If Australia's response to climate change was queered, it would understand that humans are fundamentally connected with the more-than-human world but also that humans are not equal in who is feeling climate harm and whose knowledges and solutions are being prioritised. Ultimately, the right to a healthy environment should be included in Australia's Human Rights Act, but this must occur alongside environmental rights reform otherwise it risks systemically entrenching anthropocentrism and power inequality.

Rights to peaceful assembly

The value of a human rights-based approach to climate change in Australia can also be seen through its ability to strengthen rights to peaceful assembly. These rights include various interrelated human rights, including freedom of expression, freedom of association, the right to peaceful assembly and the right to protest. Essentially, they allow people to express their ideas with others in public and private spaces unless they promote violence or anti-democratic values. Critically, the methods used by protestors and the disruption caused by protests cannot be used to unreasonably limit these human rights. Rights to peaceful assembly are a cornerstone of democracy and have therefore been recognised as an implied right within Australia's Constitution. Additionally, various states have independently recognised rights to peaceful assembly within their own legislation. However, the findings of this report show that these rights are currently under attack by Australia, despite already being recognised by various sources of law in Australia. Therefore, human rights law reform is clearly necessary to strengthen rights to peaceful assembly.

A Human Rights Act has great potential to address these contradictions and limit the State's repression of peaceful assembly. For example, two sections of NSW's anti-protest laws that criminalised being near a major facility if doing so caused someone using the facility to be redirected were held to be an impermissible burden on the implied constitutional right to freedom of political communication (*Kvelde v State of New South Wales* [2023] NSWSC

1560). This case highlights the potential of a national Human Rights Act to protect environmental protest from the State's attempts to undermine it. However, implied rights to political communication are clearly not strong enough when other sections from the same anti-protest law are currently being used to prosecute climate protestors. In 2024, during the annual blockade of the world's largest coal port, nearly 200 protestors were arrested and are now facing maximum penalties of two years imprisonment or a $22,000 fine for disrupting the operations of a major facility (Beazley, 2025, para. 5). This experience is representative of a broader anti-protest regime in Australian law. As climate change worsens and political willpower falters, climate and environmental protest will be critical to human survival. However, without a national Human Rights Act, climate and environmental protestors are likely to face increasing repression from the State.

Pride March at the People's Blockade of the World's Largest Coal Port (Rose, 2024)

Additionally, queer legal theory can strengthen the rights to peaceful assembly by critiquing harmful public interest limitations. Currently, courts are required to balance rights to peaceful assembly against numerous factors and restrictions, including the broader public's interests. However, any time a legal system permits an assumption about a vastly diverse population, queer legal theory demands that lawmakers critically analyse those assumptions for ways that they perpetuate harmful norms and power structures. In *Commissioner of Police v Coglin* [2024] NSWSC 1412, it was held that the proposed protest at the world's largest coal port was too significant of an infringement on multinational fossil fuel "enterprises that are lawfully exporting coal under current government policies and legislation" (para. 35).

From a queer perspective, this confirms what many queer people already know; those with more capital have more power and political influence. While discussing the approach of the European Court of Human Rights, McHarg (1999, pp. 695-696) suggests that the Court has failed to "develop a coherent set of tests for determining when rights prevail over the public interest" because of "the absence of any theoretical solution". There is no doubt that Australia's Human Rights Act will need a process for resolving competing interests, but rather than using inequitable balancing exercises, queer legal theory encourages policymakers to generate more innovative solutions.

Instead of neoliberal, colonial capitalism, Australia's Human Rights Act should be grounded in queer legal theory and intersectionality. An intersectional foundation would require Australia's Human Rights Act, "not only to look for the adverse impacts of climate change on 'vulnerable' groups, but also to shed light on and problematise norms and underlying assumptions that are naturalised and regarded as common sense, but build on and reinforce social categorisations and structures of power" (Kaijser & Kronsell, 2014, p. 428). If decision makers were required to consider the human rights of protestors in the blockade of the world's largest coal port under a queered Human Rights Act, they would be more likely to problematise public interest limitations that naturalise a privileged and powerful worldview. This also supports the findings of Emerton and O'Sullivan (2018, p, 462), who note that knowledges which have been othered by dominant knowledge systems will be necessary "to counter a significant power imbalance between commercial enterprises (such as forestry and mining enterprises) and the general citizenry, providing a source of evidence which can lead to…action". Clearly, rights to peaceful assembly are critical to facilitating climate justice, but queer analysis urges policymakers to acknowledge and offset these unequal public interest limitations in Australia's Human Rights Act by engaging in deep partnership with marginalised communities.

Ultimately, queer legal theory understands that the excessive police presence at protests, the unreasonable use of public interest limitations, and the criminalisation of protestors is inherently linked with queer liberation. Not only are queer people more likely to participate in environmental protests (Swank & Fahs, 2019, p. 177), but they are also affected by arrest, police violence, and prosecution in ways that cisgendered heterosexual people cannot understand without learning from queer lived experiences. This supports the findings of Pride in Protest (2024, p. 21), who have shown how NSW police insist on using the deadnames of protestors, continue to wear deadly weapons to non-violent protests, and force already vulnerable people through the court process which is affecting the ability of queer individuals to access transition care. Climate change requires knowledges from a diverse range of actors, especially queer people who have specialised knowledges and valuable contributions. However, without a stronger commitment to national human rights reform in Australia, the rights of environmental and climate protestors are likely to be eroded further. As the criminalisation of climate protestors continues to increase, and marginalised communities continue to feel the impacts of this criminalisation disproportionately, Australia needs to address its human rights violations and strengthen rights to peaceful assembly through a Human Rights Act.

Recommendation

The Australian Government should implement a national human rights framework, including a queered Human Rights Act.

Australia needs a national Human Rights Act to address the human rights impacts of climate change and to hold the State accountable for its contributions, but this will only be successful if policymakers listen to the lived experiences of queer people, and everyone else who has been deemed non-human by international human rights law. A Human Rights Act that is created in partnership with stakeholders that have historically been excluded or subjugated by legal institutions would be a radical departure from Australia's current approach to policy, but this is exactly what is required for climate justice. This recommendation is supported by four underlying principles: participatory policy design, destabilising dominant knowledge systems, intersectionality, and urgent climate action.

Ultimately, this report found that a human rights-based approach to climate change in Australia has immense potential despite the contradictions, inequalities, and limits of human rights identified by queer legal theory. Therefore, it is recommended that the Australian Government implement a federal human rights framework, including a national Human Rights Act. This recommendation targets LGBTQIASB+, human rights, and climate justice minded policymakers. However, this report may also be useful in guiding meaningful partnership between marginalised communities and the Australian Government.

Critically, a federal Human Rights Act would promote a drastic reduction in Australia's greenhouse gas emissions, empower marginalised communities, and provide a necessary starting point to guide grassroots social movements. This method is justified by the widespread support for national human rights reform in Australia from community, government, and non-governmental organisations. However, further research and partnership with marginalised communities should explore ways to continue human rights reform and ensure that Australia's laws reflect the diversity of human and more-than-human experiences. Therefore, this recommendation and its underlying principles may require adjustment once policymakers engage with a diverse range of perspectives and knowledges.

Participatory Policy Design

The contents of Australia's Human Rights Act must be created in long-term partnership with Australia's most vulnerable people through co-design and a meaningful delegation of decision-making power. This will ensure that reforms to human rights law do not further entrench the paternalistic systems of power that have facilitated climate change and inequality. For example, for any solutions to climate change to be effective in Australia, the Government will need to reckon with its settler-colonial past and present. Queer legal theory encourages policymakers to recognise how these systems of power limit

participation in decision-making, so they can address them in a way that better aligns Australia's policies with climate justice. Only once Australia has addressed these barriers to participation can Australia's Human Rights Act be queered or continue to be created in partnership with marginalised people and knowledges.

Destabilising Dominant Knowledge Systems

One of the primary tasks required of policymakers is to be critical of the ways human rights law normalises or legitimises certain ways of thinking, knowing, and being, as this is the only way that Australian law can align itself with climate justice. There is a wealth of valuable knowledge that exists outside of the colonial knowledge systems that the Australian Government currently uses to inform policy, and Australia must be willing to utilise them if it hopes to address climate change effectively. Earlier in this report, it was shown how queer knowledge systems can help policymakers identify harmful norms and implement legal reforms that are more authentic and transformative. This is only a small glimpse into the vast knowledges that are available to policymakers, but they must first be willing to destabilise the dominant systems that have marginalised these knowledges and facilitated an inequality-fuelled climate crisis in Australia. A Human Rights Act that is grounded in queer legal theory and intersectionality would empower marginalised communities with the ability to combat the colonisation and domination of knowledge which has allowed fossil fuel corporations and the Global Minority to define what it means to be human and what rights deserve protection.

Intersectionality

Interpretation of Australia's Human Rights Act should be grounded in intersectionality. Intersectionality would require the interpretation of Australia's Human Rights Act to be informed by the ways that social inequality and oppression intersect across lines of race, class, gender, and sexuality (Mikulewicz et al., 2023). Embedding policy responses in the voices and knowledges of the marginalised communities is an essential aspect of queer legal theory and a requirement of climate justice. Adopting an intersectional participatory approach to human rights has many benefits for legal response to climate change, including "more effective, inclusive, and equitable climate action" (Singleton et al., 2022, p. 1). Intersectionality will also be critical to ensure that Australia's transition to a net-zero economy does not reinforce unfair power relationships and colonial patriarchal capitalism. The urgency of intersectional approaches to climate change is illustrated by Wijekoon et al. (2024, pp. 11-12), who show how "localised and sectorial analysis of climate injustices are necessary to strengthen scholarship, policy, and practice for 'just' approaches to climate change mitigation, adaptation, and disaster responses that centre the human rights of marginalised peoples". A queered Human Rights Act is an opportunity for Australia's legal system to take intersectionality seriously, and facilitate effective, human rights-based approaches to climate justice, rather than supressing them.

Urgent Climate Action

Finally, climate change is a real problem that is already having catastrophic effects on people's human rights, and the Australian Government must act now. The world has been warned about the consequences of inaction, but like many other governments in the Global Minority, Australia has been lethargic with its policy responses. A Human Rights Act has evidenced potential in other jurisdictions to alleviate some of this harm and compel governments to reduce greenhouse gas emissions. Yet, Australia continues to prioritise the profits of fossil fuel industries, rather than people's human rights, in their policy choices. A queered Human Rights Act has immense potential for marginalised people because it would empower them in a time of profound uncertainty. A queered Human Rights Act would provide people in Australia with hope that human solidarity and creativity can break them free from the intertwined systems of oppression that have enabled disproportionate climate harm to occur. A queered Human Rights Act is a once in a lifetime opportunity for the Australian parliament to combat the influence of these systems and address climate change with real action.

Conclusion

A queered Human Rights Act in Australia will not solve the multifaceted problem of climate change, but it will help facilitate people-based climate justice and this is the only way to address the root causes of climate change. Australia needs a Human Rights Act, but queer legal theory has illuminated the ways that human rights must be reformed to be effective. This report is only a small amount of the work that is required to queer a Human Rights Act, and there is scope for considerably more research into queer legal theory and its relationship with climate change in Australia. This work is not about producing static solutions, it is about working with marginalised people and incorporating their lived experiences into policy, both theory and practice. Ultimately, queer legal theory encourages policymakers to widen their field of enquiry to ways of being human that are more truthful about the everchanging nature of the problems faced.

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