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Torres Strait Leaders' Climate Case Fails: Holding Governments Accountable

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Torres Strait Islander leaders Uncle Paul Kabai and Uncle Pabai Pabai lost their landmark Federal Court case, which argued the Australian government had a duty to protect their communities from climate change impacts. The ruling, dismissing claims of negligence, underscores the challenge of holding governments legally accountable for climate inaction. This article explores alternative avenues for accountability, emphasizing practical solutions over judicial overreach.

The Federal Court, led by Justice Michael Wigney, ruled on July 15, 2025, that the Commonwealth does not owe a duty of care to Torres Strait Islanders to mitigate climate change or fund adaptation measures like seawalls. Despite acknowledging that sea levels in the Torres Strait are rising twice as fast as the global average, threatening the Guda Maluyligal people's culture, Wigney deemed emissions targets a policy matter for parliament, not courts. Uncle Paul Kabai expressed devastation, telling ABC News, "This pain isn't just for me, it's for all people affected by climate change." The decision highlights the limits of negligence law in addressing climate harm, as noted by Dr. Riona Moodley, who suggested appeals courts could revisit the law's scope.

With legal avenues constrained, public advocacy and market-driven solutions offer stronger paths. Grassroots campaigns, like the Torres Strait Eight's Our Islands Our Home, have garnered over 47,000 signatures, pressuring governments through public opinion. Posts on X reflect frustration, with users like @Mon4Kooyong noting inadequate emissions targets. Economic incentives, such as carbon pricing or private investment in renewable energy, could drive accountability without relying on slow-moving bureaucracies. The Labor government's 43% emissions reduction target by 2030 falls short of the 50% urged by climate scientist Malte Meinshausen, yet critics argue top-down mandates burden businesses and taxpayers.

International pressure also plays a role. The 2022 United Nations Human Rights Committee (UNHRC) ruling found Australia's climate inaction violated Torres Strait Islanders' rights, urging compensation and action. While non-binding, such decisions amplify global scrutiny. Ultimately, accountability may lie in informed voting and economic innovation,

bypassing Labor's regulatory inertia to protect vulnerable communities like those in Zenadth Kes (Torres Strait) from rising seas and cultural loss.