



CLIMATE AND  
HEALTH  
ALLIANCE

**SUBMISSION**

**TO**

**SENATE STANDING COMMITTEE ON ENVIRONMENT AND  
COMMUNICATIONS LEGISLATION COMMITTEE**

**INQUIRY INTO THE ENVIRONMENT PROTECTION AND BIODIVERSITY  
CONSERVATION AMENDMENT (BILATERAL AGREEMENT  
IMPLEMENTATION) BILL 2014 AND THE ENVIRONMENT PROTECTION  
AND BIODIVERSITY CONSERVATION AMENDMENT (COST RECOVERY)  
BILL 2014 [EBPC Amendment]**

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## **About the Climate and Health Alliance**

The Climate and Health Alliance (CAHA) is a not-for-profit organisation that is a national alliance of organisations and people in the health sector working together to raise awareness about the health risks of climate change and the health benefits of emissions reductions.

CAHA's members recognise that health care stakeholders have a particular responsibility to the community in advocating for public policy that will promote and protect human health.

Membership of the Climate and Health Alliance includes a broad cross section of the health sector with 27 organisational members, representing hundreds of thousands of health care professionals from a range of disciplines, health care service providers, institutions, academics, researchers, and health consumers. Our members are committed to protecting and advancing the health of Australians, now and in the future. In recognition of the significant influence of greenhouse gas emission mitigation policies exerts on current and future human health and well-being, some of our member organisations have also prepared submission to this inquiry, and we endorse their submissions.

The professional organisations represented collectively by CAHA speak to protect the health of their patients and clients, their communities, and the Australian population at large. Our specialist expertise lies in identifying health determinants. These are the factors that directly, and indirectly, contribute towards good health, or poor health outcomes, and cover risky behaviour patterns, harmful exposures, and policies that are likely to impact population health. It is on this basis that CAHA presents this submission to the Inquiry on the EBPC Amendment.

For more information about the membership and governance of the Climate and Health Alliance, please see Appendix A. For further information see [www.caha.org.au](http://www.caha.org.au)

*“The different political economies of water and energy should be recognized, as these affect the scope, speed and direction of change in each domain. While energy generally carries great political clout, water most often does not. Partly as a result, there is a marked difference in the pace of change in the domains; a pace which is driven also by the evolution of markets and technologies. Unless those responsible for water step up their own governance reform efforts, the pressures emanating from developments in the energy sphere will become increasingly restrictive and make the tasks facing water planners, and the objective of a secure water future, much more difficult to achieve. And failures in water can lead directly to failures in energy and other sectors critical for development.”*<sup>1</sup>

(WWAP. *The United Nations World Water Development Report 2014: Water and Energy*. UNESCO. 2014, page7)

CAHA endorses the above comments by the United Nations World Water Assessment Programme, and notes the high relevance to Australia. Furthermore, CAHA stresses that ‘failures in other sectors’ include protection of human health.

Given the gravity of the health effects that will inevitably unfold as a result of tardy, or ineffectual environmental and water security policies, the health sector regard it morally repugnant to wilfully risk the health of Australians by devolving policy frameworks that protect the nation’s current and future vitality.

### **Summary of Key Points**

- Access to sufficient and safe water is a basic human right.
- Modern human society has seriously perturbed and depleted Earth’s systems that sustain life.
- Humanity’s disruption of the hydrological cycle has also been immense.
- Healthy ecosystems are a fundamental common good, and must therefore be accorded the highest level of protection *for all*, including future generations, without risk of compromise for the benefit of a few vested interests.
- The central role of the hydrological cycle in furnishing basic human needs establishes water as a key priority for government, one that must remain central to the Federal government through a cohesive whole of systems evidence based policy framework.
- The Australian government has a duty of care to provide common goods and services that the public cannot provide individually or in small groups.
- A one-stop-shop managed centrally, prioritising interests of health and the environment from a national perspective, working in collaboration with regional state-based experts, could deliver the “one-stop-shop” outcomes sought by this government.

- The proposed EBPC Amendments will not deliver the sought shift and efficiency gains without compromising the integrity of the Act, and in so doing will be responsible for risking further environmental damage and resulting morbidity and human mortality.
- CAHA supports efficiencies that *do not compromise* protection of human health or the environment upon which human health, now and in the future, depends. CAHA cannot support moves to curtail government responsibilities that are likely to jeopardise the health of the environment and the Australian population.

This submission by CAHA relates to the EPBC Amendment summarized below:

## **Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014**

### *Summary*

Amends the

Environment Protection and Biodiversity Conservation Act 1999 in relation to bilateral agreements by providing that: states and territories **can be accredited for approval decisions on large coal mining and coal seam gas developments likely to have a significant impact on a water resource**; all states and territories can be declared under the Act for the purposes of requesting advice from the Independent Expert Scientific Committee; an approval process can be completed when an approval bilateral agreement is suspended, cancelled or ceases to apply to a particular action; state and territory processes that meet the appropriate standards can be accredited for bilateral agreements; a relevant bilateral agreement continues to apply to an accredited state or territory management arrangement or authorisation process despite minor amendments to the arrangement or authorisation process; and proponents do not need to make referrals to the Commonwealth for actions that are covered by an approval bilateral agreement.

## **Environment Protection and Biodiversity Conservation Amendment (Cost Recovery) Bill 2014**

### *Summary*

Amends the

Environment Protection and Biodiversity Conservation Act 1999 to: enable the minister **to set fees** for environmental impact assessments and for the assessment and approval of certain action management plans; and provide for administrative requirements for applications, processes for payment and for refunds, exemptions and waivers.

Australia's health sector strives to promote human health and survival. CAHA believes the proposed EBPC Amendments will not deliver the sought shift and efficiency gains without compromising the integrity of the Act, and in so doing will be responsible for risking further environmental damage resulting morbidity and human mortality. The following sections outline the basis for that belief.

- **Access to sufficient and safe water is a basic human right**

The United Nations adopted resolution A/RES/64/292 s on *The human right to water and sanitation* in 2010<sup>2</sup>. The United Nations General Assembly further notes that taking a human rights-based approach to water security addresses critical issues of protecting water integrity, and emphasizes the need for the establishment of regulatory frameworks, mechanisms to provide for population water needs, ensuring efficiency and accountability, and enforcement<sup>3</sup>.

Two of the key features of water security involve quantity and quality, that is, potable water supplies must be sufficient and safe, defined by the United Nations<sup>4</sup> as:

Sufficient. The water supply for each person must be sufficient and continuous for personal and domestic uses. These uses ordinarily include drinking, personal sanitation, washing of clothes, food preparation, personal and household hygiene. According to the World Health Organization (WHO), between 50 and 100 litres of water per person per day are needed to ensure that most basic needs are met and few health concerns arise.

Safe. The water required for each personal for domestic use must be safe, therefore free from micro-organisms, chemical substances and radiological hazards that constitute a threat to a person's health. Measures of drinking-water safety are usually defined by national and/or local standards for drinking-water quality. The World Health Organization (WHO) Guidelines for drinking-water quality provide a basis for the development of national standards that, if properly implemented, will ensure the safety of drinking-water.

- **Modern human society has seriously perturbed and depleted Earth's systems that sustain life.**

Throughout human evolution, we have been totally dependent upon nature and the ecosystem services it provides. The Millennium Ecosystem Assessment (MA), was called for by the United Nations Secretary-General Kofi Annan in 2000<sup>5</sup>. The MA developed the most authoritative conceptualization of the relationship between human well-being, human health, and nature, drafted through an international collaboration of more than 1360 scientists, collating and assessing relevant literature for a four-year period (2001–05). This group identified four main forms of ecosystem 'services': provisioning, culturally enriching, regulating, and supporting, as described below<sup>6</sup>.

Provisioning: Freshwater, food crops (e.g., wheat fields, rice paddies, market gardens), timber and fibre crops (cotton, bamboo), biofuels (e.g., from corn and sugar cane), animal products (e.g., sheep flocks, chicken farms), aquaculture ponds (fish stocks), medicinal products (e.g., codeine, pyrethrum), mangroves (fish nurseries)

Regulating: Forests on slopes that stabilize soil, lessening erosion; coastal protection from floods, storms and (partially) tsunamis (carbon stabilization); some cases of infectious disease limitation (e.g., Lyme disease, malaria in some cases, onchocerciasis)

Culturally enriching: Inspiration (charismatic landscapes and species, e.g., coral reefs, tiger reserves, old-growth forests), spiritual refreshment (sacred groves), religious observation, ancestral links, ceremonial decorations

Supporting: Soil fertility and nutrient recycling (microorganisms, earthworms, fungi), pollinators (insects, birds, bats), insect control (birds), seed dispersers (bats, birds, apes, elephants), detoxification, and nutrient recycling

Key findings of the MA noted that over the past 50 years, humans have changed ecosystems more rapidly and extensively than in any comparable period of time in human history, largely to meet rapidly growing demands for food, fresh water, timber, fibre and fuel <sup>5</sup>. The changes that have been made to ecosystems have contributed to substantial net gains in human well-being and economic development, but these gains have been achieved at growing costs in the form of the degradation of many ecosystem services, increased risks of nonlinear changes, and the exacerbation of poverty for some groups of people. The Assessment warned that these problems, unless addressed, will substantially diminish the benefits that future generations obtain from ecosystems.

The World Health Organization now estimates that one quarter of the global burden of health is attributable to environmental causes <sup>7</sup>. Continued global population growth, use of resources generation of industrial polluting waste is likely to continue this growing trend.

- **Humanity's disruption of the hydrological cycle has also been immense.**

On a global scale, no one examined or was able to predict the cumulative, global-scale effects that uncoordinated dam building, irrigation diversions and the related impacts of deforestation would have on the timing and extent of water availability and water quality. Similarly in Australia, the lack of big picture awareness delivered narrow focussed, state initiated over-allocation of water rights<sup>8,9</sup>.

The amount of freshwater on the planet is often over estimated. The total volume of water on Earth is about 1.4 billion km<sup>3</sup>, and the volume of freshwater resources is around 35 million km<sup>3</sup>, or about 2.5 percent of the total volume. The total usable freshwater supply for ecosystems and humans is about 200,000 km<sup>3</sup> less than 1 percent of all freshwater resources on the planet <sup>10</sup>. Demand is outstripping supply <sup>11</sup>, rendering residual resources diminished in quality. Global water stress is increasing. In Europe

and North America, water scarcity, hydrological variability and the impacts of climate change on water availability and energy production are increasingly recognized as critical – and related – issues.

The continuous pace of human development is threatening the capacity of ecosystems to adapt, raising concerns that ecosystems will reach a tipping point after which they are no longer able to provide sustaining functions and services<sup>11</sup>. Once those ecosystem tipping points are reached, there is no guarantee that we could recover their integrity and functions<sup>12</sup>. The consequences for humanity would be dire, especially when freshwater resources are degraded.

The World Water Assessment Programme (WWAP) reported in 2012 that agriculture consumes an average of about 80% of renewable water resources, but it is faced with the challenge of increasing food production in degraded ecosystems<sup>13</sup>. In addition, the report noted that irrigation sectors are generally inefficient, and demand-management mechanisms are ineffective where they exist. Water quality also suffers from the impacts of industrial development, urbanization and agricultural intensification. Of increasing concern is the rise in water conflicts. Water competition has led to increased water conflicts in many regions of the world, particularly over the past two decades. Conflicts within countries have dominated since 1990, with more than 120,000 water-related disputes in China alone during this period<sup>13</sup>.

*“Water security is also the foundation for food and energy security, and for overall long-term social and economic development. Water underpins health, nutrition, equity, gender equality, well-being and economic progress, especially in developing countries. But equitable water supply and quality problems are also threatening the security of some of the most developed countries in the world. In the USA, for example, water availability has already been identified as a national security concern, threatening its ability to meet the country’s water, food and energy needs.”<sup>3</sup>*

(Bigas H, (Ed). *The Global Water Crisis: Addressing an Urgent Security Issue*. United Nations University. 2013)

As Steven Solomon observed in *Water: The Epic Struggle for Wealth, Power and Civilization*<sup>14</sup>, the long record of the rise and fall of hydraulic societies throughout history demonstrates that an abundance of water is necessary for the development of a strong, independent sovereign state. Policies that fail to protect a nation’s water security therefore risk the health and viability of the population.

- **Healthy ecosystems are a fundamental common good, and must therefore be accorded the highest level of protection for all, including future generations, without risk of compromise for the benefit of a few vested interests.**

This relentless global drive towards increased provisioning of ecosystem services reflects the dominant social paradigm, and existing geopolitical systems that value the accrual and control of money-generating sources *above all else*. Such a mindset is destined to undervalue natural resources—to their detriment.<sup>6</sup> The inevitable result is environmental degradation, pollution of air, soil and water sources, which also compromise food quality. This undervaluing of ecosystem services is often combined with the misguided view that natural bounty is limitless, and is perpetually and perfectly regenerative; and following from that belief, that exploitation can therefore persist at higher and higher intensities without

ever depleting nature's capital. On a finite planet, and with a growing population, this view is not only myopic in ignoring basic scientific principles, it is frankly illogical. Further, underlying such ravages of exploitation is the motive pervasive in the Tragedy of the Commons<sup>15</sup>, which may be expressed simply as: "*common goods are there for the taking, I must maximize my personal gain before the chance is lost to others*".

Destruction or degradation of common goods equates to removing the goods, in that the action deprives fellow citizens of their equal right of access. The Tragedy of the Commons is indeed a story of theft; theft from others whose rights are being denied, and perhaps more importantly, theft from a group who receive insufficient attention in policy making, future generations<sup>16</sup>.

These fundamental principles of intergenerational equity are based on sustainability with the overarching objective that "no generation should needlessly, now or in the future, deprive its successors of the opportunity to enjoy a quality of life equivalent to its own"<sup>17</sup>.

Intergenerational equity is ignored in these proposed amendments on two counts. Firstly, current industrial rates of depletion of natural resources (such as a nation's mineral wealth) deprives access for future generations. Secondly, the associated waste pollutes the environment, which degrades the few resources left. All generations have an intergenerational contract to leave for those who follow behind, a planet in a fit state for them to grow and prosper.

Against a background of deliberate policies designed explicitly to expand future populations, ostensibly to provide for the needs of current generations, principles of intergenerational equity would then entail it appropriate to leave a legacy of a *larger, not a diminished* share of natural wealth. Wilfully expanding the population, and then depriving them a healthy future is immoral. Future generations are unlikely to regard such actions with anything other than contempt.

Evolutionary biology has shown that it is "rational" to care about others, including the welfare of future generations and non-human species.<sup>18</sup> We argue it is both rational and moral.

- **The central role of the hydrological cycle in furnishing basic human needs establishes water as a key priority for government, one that must remain central to the Federal government through a cohesive whole of systems evidence based policy framework.**

Australia is the driest inhabited continent on earth, with the least amount of water in rivers, the world's most variable stream-flow, and the lowest run-off, where one third of the continent produces almost no run-off at all. Only six per cent of the Australian landmass is arable, and large volumes of water are required from both surface and groundwater supplies<sup>19</sup>. In most areas of Australia, water resources are therefore scarce and extremely precious. Water insecurity has restricted the carrying capacity and agricultural output of inland areas since the British arrived, and probably also beforehand. Implications of climate projections suggest agricultural yield decreases up to 40% with a 32% drop in precipitation<sup>20</sup>.



More than 60 percent of the Australian mainland is entirely dependent on groundwater and in another 20 percent groundwater is the major source of water. In Australia about 21% of the water used is derived from groundwater sources, although reliance on groundwater usage varies considerably between states and territories<sup>21</sup>. Estimates suggest that groundwater use has increased very significantly in recent years, growing by around 90 percent over the past two decades (1985 to 2005)<sup>22</sup>. Aquifers are therefore a critical element of the Australian hydrological environment by supporting a vast variety of groundwater dependent ecosystems and providing base flows to river systems especially in times of drought. Communities, local economies, agricultural production and human health are dependent upon the integrity of these water resources<sup>23</sup>. The physical and chemical characteristics of groundwater determines its usefulness for industry, agriculture or drinking.

It is therefore critical to avoid contamination. The way we use the land can have detrimental effects on the quality of groundwater. Pollution may be associated with specific identifiable point sources or may occur over a wide area (non-point source). There are many ways through which groundwater may become contaminated: improper disposal, use and storage of chemicals; poor installation and maintenance of septic systems; landfills; leaking or poorly located storage lagoons used by industries, farms, municipalities, mining operations, oil/gas producers; over fertilisation with animal manure; excessive or ill-timed application of pesticides and other agrochemicals; land application of wastewater or urban run-off<sup>24</sup>.

Most of Australia's mining and petroleum resource industries, and much of the pastoral industry are located within the arid and semi-arid climatic zones, where water supplies are shared. Groundwater and surface water are fundamentally interconnected. In fact, it is often difficult to separate the two because they "feed" each other<sup>21</sup>. Aquifers in arid or semi-arid climates with infrequent and low rainfall and high evaporation, are replenished over a very long time (in the order of 100s to 1000s or more years)<sup>22</sup>. Australian aquifers that have been recharged in past geological times during different climate conditions are unlikely to be recharged in current climate conditions. For most planning and water management purposes, most aquifers in the arid zone of the continent should be considered non-renewable.

That there are multiple users dependent upon limited shared water supplies, that are non-renewable, and which are being extracted at increasing rates, presents an incontestable case for strong protection, good governance and management. Water is too important a resource to risk. The costs of failure are too great.

An important feature of groundwater contamination is that it can be very difficult to detect. Aquifer contamination may often be discovered only after a water supply bore has been impacted. It is also very difficult and time consuming to assess the true extent of the problem. Contaminants can be extremely hard to remediate, with pollution often resulting in permanent damage to the aquifer<sup>24</sup>. It is better to prevent groundwater contamination than risk contamination and subsequently spend large resources to clean it up.

The Bureau of Meteorology reports a great than 70% likelihood of another El Niño developing in 2014<sup>25</sup>. We do not know is how deep, intense or long this next event will last, yet it would be foolish to ignore recent findings that project large increases in extreme El Niño occurrences, and warn us to expect more occurrences of devastating el Niño related weather events<sup>26</sup>. Southern Australia will experience more prolonged droughts, increasing reliance on river flows, irrigation and aquifers.

The report “Connected Water”<sup>27</sup> (an Australian Government publication) suggested in 2009 that using aquifers as a water storage option is becoming a viable alternative, considering ongoing droughts, increased water demands, and the existing constraints of building new dams due to environmental concerns and general lack of suitable sites. The report stressed the need for a sound (scientifically based) understanding of the hydrological and biological processes involved, along with careful management to sustainably protect groundwater quality.

The challenge then for Australia, is to develop policies that are not short-sighted, and that deliver sustained and affordable water security *without compromising access for future generations, or their rights to access a healthy planet*. This is a big task, and centralised planning will be required. Folly arises from allowing local judgements to be made that are not informed or guided by scientific evidence, and ignore implications on the wider system. A striking example is the thousands of communities, individuals, a significant proportion of Australia’s agricultural production and ecosystems that are all still reeling from the historical over-allocation of water rights throughout the Murray Darling Basin. This short-sightedness, and lack of cohesive planning created an intractable problem and monumental suffering. It was bad policy. It was bad for Australia.

Important decisions of such national significance must be contextualized into the existing socio-environmental landscape. Australia’s highly variable rainfall patterns present unique challenges for agriculture and food security. Projected exacerbation of this variability further threatens the livelihoods of rural communities and future food security. *These are health issues*.

Agricultural systems are intrinsically linked with environmental conditions which are already under threat in much of southern Australian due to rising heat and aftermath of the millennium drought. Droughts are currently devastating northern rural communities, who a few years ago suffered the worst floods in recorded history. Australia’s future climate that promises more intense and more extreme heat waves and droughts is likely to bring deleterious effects directly to human health<sup>28</sup>, and indirectly by challenging the viability of agriculture and hence, communities dependent on primary production<sup>29</sup>. A continuation of this trend will inevitably herald the collapse of some communities<sup>30</sup>. Human health and social impacts arising from such transition would be profound, as demonstrated by investigation into rural communities during the Millennium Drought<sup>31</sup>. Water resources, above and below ground, must be protected to maintain viability of communities, of agriculture, of ecosystems and human health.

Agricultural decline sparks a cascade of community devolution, rural economies wither as people are forced off their land, and town populations shrivel to below the critical mass required to remain viable.

This translates to mental health issues<sup>32</sup>, notably suicides, domestic violence, and a raft of social and health manifestations<sup>33</sup>. Children are particularly vulnerable to these situations<sup>34</sup>.

- **The Australian government has a duty of care to provide common goods and services that the public cannot provide individually or in small groups.**

It is incumbent upon policy-makers to take effective action on public policy related to long-term water security, and this requires multi-term, non-partisan, and intergenerational political commitment<sup>3</sup>. Water does not respect state boundaries. Geography and connectivity between water systems dictate that better water management and planning are, in fact, national concerns that require national attention<sup>35</sup>.

Serious concerns across the globe are emerging about water quality degradation as an effect of coal mining. Without careful regulation, contamination from acid mine drainage can seriously compromise ground and surface water resources<sup>1</sup>. A recent water quality survey of the Grose River in Australia – an area with a history of more than a century of mining operations in an otherwise pristine region of the Greater Blue Mountains – detected a considerable level of water contamination, a result of leaching from the disused mines<sup>36</sup>.

This Grose River case reinforces the importance of integrated natural resource management for waterways and their catchments. The case study clearly demonstrates the need for all major sources of disturbance and pollution of a river within its watershed to be considered. The two pollution sources in the Grose River derived from relatively minor land uses, yet their collective impact produced a disproportionately negative influence on the water quality and ecological health of the Grose River. This study highlighted the failure of regulatory authorities to hold the owners of the coal mine responsible for long-term remediation of the drainage beyond the commercial life of the coal mine. As a direct consequence of ineffective governance and monitoring, the Grose River is now likely to join a growing international list of derelict mines that continue to contaminate high value rivers and lakes.

It is perhaps worth noting that the Grose River contamination occurred a) in an environmentally valued river, that b) flowed through the centre of such highly protected lands (National Park, Wilderness Area and World Heritage area), and c) the region was “thoroughly” regulated by NSW and Commonwealth Government agencies. A significant question arising from this example is: ‘If this continued drainage from a coal mine is allowed to continue to pollute a river in such an environmentally significant and protected area, what are the chances of similar pollution at less protected areas?’ Environmental protection in Australia needs strengthening, not weakening.

One of the main objectives (Section 3 Objective a) of the Protection of the Environment Operations (POEO) Act is *‘to protect, restore and enhance the quality of the environment in New South Wales, having regard to the need to maintain ecologically sustainable development’*. Under the licensing conditions of both water pollution discharges in this case study, the study authors regarded it unlikely that either waste discharge could have satisfied the objectives of the POEO Act<sup>36</sup>. In particular, they noted that both pollution sources failed to: ‘protect, restore and enhance the quality of the environment’.

Unfortunately, the Grose River is not an isolated incident, and environmental protection failings will not be restricted to one jurisdiction. In New South Wales, the legislative basis and intent for pollution licensing provides the Environment Protection Authority (EPA), with the regulatory authority for most pollution. In November 2011, legislative amendments elevated the function and responsibilities of the EPA, such that it now directly reports to the New South Wales Minister for the Environment. The amendments also reconstituted the Board, which reduced Board membership numbers from 10 to five, four of whom are part time. Increased workload per board member could be viewed as a strategy to reduce the time available for expert consideration of cases. Additionally, any resultant delaying of decisions, would set up conditions for increased complaints from industry.

Remit of the NSW EPA includes the ability to consider and protect a range of environmental values through the environment protection licensing system, yet experts argue it is repeatedly failing in this task<sup>37</sup>. The EPA has the power to enforce fines of up to \$2,000,000 for corporations, with a further penalty of up to \$240,000 per day for continuing offences for failure to report pollution, by responsible agents for causing the incident. Yet in practice, it is reported that these "teeth" are not utilised to their full capacity<sup>37</sup>. Far from achieving its aims to protect and enhance the quality of the environment, to maintain ecologically sustainable development, and to prevent degradation of the environment, current failures in the implementation of the pollution regulation framework, have resulted in the degradation of many waterways as a direct result of industrial waste discharges, licensed under the POEO Act. Repeated failures have attracted media attention and community outrage.

Slipshod, ineffective protection also occurs as a result of the manner in which Environment Protection Licences (EPL) are awarded. These are considered without consideration of the environmental values of the receiving environment, or importantly, the cumulative impacts of the total discharges within catchments. Cumulative impacts of multiple contaminants, can act in a synergistic way, to amplify the stress to aquatic ecosystems<sup>38</sup>. Despite this fact, and specific provisions under the POEO Act for the making of Protection of the Environment Policies (PEPs) for the purpose of managing the cumulative impact on the environment of existing and future human activities, individual premises currently appear to be considered in isolation<sup>37</sup>.

Contrary to laments by industry these examples demonstrate there are numerous loopholes in licensing frameworks. Governments have a duty of care to protect the environment and public health. Yet in real terms, current practices imply that little scope exists for public input into their own protection. For example public submissions are required to be considered in connection with an initial licence application, yet these are rarely required to be considered for licence variations. Subsequent variations to those licenses do not require public scrutiny, so may be approved without public knowledge. Furthermore, there are no public appeal rights to challenge the granting of a licence under the POEO Act.

There are clearly many areas for improvement in Australia's environmental protection that would enhance the protection provided. Detailed discussion of those can be found in the literature<sup>39</sup>, which beyond a few key points, fall outside the scope of this submission. Scientifically credible and

comprehensive environmental indicators that are consistent with Australian Water Quality Guidelines need to be regularly monitored in the receiving environment, as well as the waste discharge, to ensure that the impact is within specified limits. Environmentally robust discharge licences are needed to protect waters from pollution impacts and enable timely corrective actions to be taken to reduce, or remove, unacceptable waste releases. Licenses that are awarded must attract a price commensurate with the likelihood of damage and reparation costs. Routine license review, including breaches, and improvement in the monitoring, regulation and protection of rivers and aquifers from pollution would reflect an increasing public demand for protection of the environment, and would serve to protect human health, both now and in the future. This is what the public demand, and deserve of their government.

- **A one-stop-shop *managed centrally*, prioritising interests of health and the environment from a national perspective, working in collaboration with regional state-based experts, could deliver the “one-stop-shop” outcomes sought by this government.**

The Government has committed to delivering a one stop shop for environmental approvals that will accredit State and Territory environmental planning systems under the EPBC Act to create a single environmental assessment and approval process for nationally protected matters in each State and Territory. The amendments state that one-stop-shop policy aims to **simplify the approvals process for business**, lead to **faster decisions** and **improve Australia's investment climate**, while **maintaining high environmental standards**.

It can be seen how the proposal might achieve the first aim of simplifying the approvals process for business, and without reductions in staff numbers in the regulatory organizations, decisions may also be quicker with adoption of the amendments.

However, coalescing of environmental protection functions in Australia (forty years ago) resulted from the inability of the States to agree, and to perform their role effectively. There is nothing to suggest that States will be in a better position to perform this role today. Indeed, the above examples testify alarming weaknesses persist in environmental protection in Australia.

In recent years, Australia has benefited from a terms of trade windfall from the export of fossil fuel, predominantly coal, to support the appetites of developing nations. State budgets are dependent upon the royalties offered by mining companies. Rising demand for government expenditures, in accordance with rising population and unemployment, pressures States to chase the mining dollar further. The temptation for State Ministers and their agents to favour mining developments is too great when they operate under the belief that the state's finances are dependent, and by extension, their own electoral prospects at the next ballot box are therefore also dependent upon those royalties.

Such locally driven financial pressures are likely to continue in the future, and to drive policies attempting to justify the selling off state-owned common assets to meet “today's” costs, and the granting of lucrative mining licenses. As demand for Australia's mineral and fossil fuel resources declines,

the terms and conditions will inevitably tip towards favouring the investors in order to secure royalties. Existing state based environmental protection is weak. Further erosion is likely to allow (or otherwise refrain from prosecuting/punishing) practices that can be harmful to the environment. This factor places environmental and health protection at significantly greater risk of assuming a low priority against the prospect of immediate financial gain. The future of Australia is at stake. Without clean water and clean ecosystems, we have no health, and we have no future.

The Amendments propose to allow State or Territory representatives to manage arrangements and to authorize approvals of large coal mining or coal seam gas developments which have a significant impact on water resources. Australian legislation must be promulgated with an eye on the future, and with national long term interests forefront of considerations.

- **CAHA supports efficiencies that *do not compromise* protection of human health or the environment upon which human health, now and in the future, depends. CAHA cannot support moves to curtail government responsibilities that are likely to jeopardise the health of the environment and the Australian population.**

Psychological studies have repeatedly demonstrated that human rationality and judgment is thwarted by ascribing greater value to the short term, over the long term. Distortions in this discounting where we value the present much, *much* more than any time in the future, is known as *hyperbolic discounting*<sup>40</sup>. CAHA cannot support the dismantling of environmental protection in Australia. We argue this on the grounds that a healthy environment is a necessity for human health and wellbeing, and a necessity for a survival of rural communities and rural economies, and a necessity for Australia's future.

If Australia's health costs (current and future), were factored into the cost equation of all policies that affect human health, the cost effectiveness balance would be tipped significantly<sup>41</sup>. It would redirect policy decisions to adopt pro-health principles on economic grounds. The current practice of excluding health costs (current and future), and opportunity costs of loss of productivity of humans and of vital ecosystem services from the calculations establishes major distortions. Attempts to wind back environmental protection based on incomplete balance sheets is ill-informed at best, and misleading at least. It would be a travesty to risk Australia's most precious, and most needed commodity, water.

### **Concluding remarks**

The proposed EBPC Amendments will not deliver the sought shift and efficiency gains without compromising the integrity of the Act, and in so doing will be responsible for risking further environmental damage and resulting morbidity and human mortality.

Risk management involves not only considering trade-offs, but also taking synergies into account. These can make both preparation for and consequences of risk less costly. They can also diminish risks and increase expected benefits. These “win-win” situations are widespread and should be emphasized—which is not to say that they are costless or always easy to implement. Investments that secure Australia’s long term water security are also investments in human health, and in agriculture. Similarly, investments that actively reduce health harm equate to health promoting investments. They also deliver savings for the health budget, by reducing health care costs, and costs in disability allowances and welfare support. These strategies improve resilience and would make Australia more productive, whilst reducing our vulnerability to climate change, and to other shocks <sup>42</sup>.

However, ineffective environmental and water protection will subject Australians to dire consequences, and will further intensify the potential for damaging agricultural landscapes, food production and industry, livelihoods and people’s health.

Inaction on environmental protection threatens the lives and health of all Australians, now and in the future. Those most immediately affected include people in neighbouring areas, the disadvantaged poor. Yet, the wealthy and ‘advantaged’ are not immune. Eventually we will all be rendered to the vulnerable categories.

Water resources are trans-border assets. For inland communities living in the driest continent, water is a precious commodity and is the primary provider of life. Maintaining water security should hold **highest** priority for public policy.

## Recommendations

- Given the gravity of the health effects that will inevitably unfold as a result of tardy, or ineffectual environmental and water security policies, the health sector regard it morally repugnant to wilfully risk the health of Australians by devolving policy frameworks that protect the nation’s current and future vitality. CAHA recommends that these amendments are not accepted.
- Effective environmental and water resource protection policies are fundamental to protecting Australia’s future. To be effective, policies must have national cohesion, with bipartisan support, and be implemented in cooperation with state, territory and local governments, civil society and community organisations and businesses.
- As a national priority, and with the substantive response that a threat to national water security demands, urgent action must be taken to reduce risk of water degradation through mismanagement.

## **APPENDIX A**

### **Climate and Health Alliance Committee of Management**

Liz Hanna, CAHA President (Australian College of Nursing)

Fiona Armstrong, CAHA Convenor

Erica Bell (Australian Rural Health Education Network)

Brad Farrant (Australian Research Alliance for Children and Youth)

Bret Hart (Alliance for Future Health)

Peter Sainsbury (Public Health Association)

Kristine Olaris (Women's Health East)

Alice McGushin (Australian Medical Students Association)

### **CAHA Organisational Members**

Australian Association of Social Workers (AASW)

Australian College of Nursing (ACN)

Australian Council of Social Service (ACOSS)

Australian Hospitals and Healthcare Association (AHHA)

Australian Health Promotion Association (AHPA)

Australian Medical Students Association of Australia (AMSA)

Australian Physiotherapy Association (APA)

Australian Institute of Health Innovation (AIHI)

Australian Women's Health Network (AWHN)

Australian Nursing Federation (ANF)

Australian Psychological Society

Australian Research Council for Children and Youth (ARACY)

Australian Rural Health Education Network (ARHEN)

CRAN*plus*

Doctors Reform Society (DRS)

Friends of CAHA

Health Consumers' Network (Qld)

Health Issues Centre (HIC)

Kooverup Regional Health Service

Public Health Association of Australia (PHAA)

North Yarra Community Health (NYCH)

Services for Australian Rural and Remote Allied Health (SARRAH)

Women's Health East

Women's Health in the North

World Vision Australia

### **Expert Advisory Committee**

Dr Erica Bell, University Department of Rural Health, University of Tasmania

Associate Professor Grant Blashki, Nossal Institute for Global Health

Associate Professor Colin Butler, College of Medicine, Biology and Environment, Australian National



## University

Professor Garry Egger, School of Health & Human Sciences, Southern Cross University

Professor David Karoly, Federation Fellow in the School of Earth Sciences, University of Melbourne

Professor Stephan Lewandowsky, School of Psychology, University of Western Australia

Dr Peter Tait, Convenor, Ecology and Environment Special Interest Group, Public Health Association

Professor Simon Chapman, Professor of Public Health, University of Sydney

Dr Susie Burke, Senior Psychologist, Public Interest, Environment & Disaster Response, Australian Psychological Society

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