

**Submission to  
Environment Protection and Biodiversity  
Conservation Amendment  
(Retaining Federal Approval Powers) Bill 2012**

Submission from  
Doctors for the Environment Australia Inc.  
David Shearman, Hon Secretary &  
Dr Dimity Williams, National Management Committee  
College Park House, 67 Payneham Road  
COLLEGE PARK SA 5069  
Phone: 0422 974 857  
Email: [admin@dea.org.au](mailto:admin@dea.org.au)  
<http://www.dea.org.au>



The following are members of our Scientific Committee and support the work of  
Doctors for the Environment Australia

Prof. Stephen Boyden AM; Prof. Peter Doherty AC; Prof. Bob Douglas AO; Prof. Michael Kidd AM;  
Prof. David de Kretser AC; Prof. Stephen Leeder AO; Prof. Ian Lowe AO; Prof. Robyn McDermott;  
Prof. Tony McMichael AO; Prof. Peter Newman; Prof. Emeritus Sir Gustav Nossal AC; Prof. Hugh Possingham;  
Prof. Lawrie Powell AC; Prof. Fiona Stanley AC; Dr Rosemary Stanton OAM; Dr Norman Swan;  
Professor David Yencken AO

## **The proposed amendments to the EPBC Act are a health issue**

Healthy ecosystems provide the life support systems for humanity. We need clean air and water, healthy soils, a stable climate and a biodiverse natural environment to be truly well. Both land and marine ecosystems are being progressively compromised through harmful environmental changes and this consequently poses major and increasing threats to sustainability, population health and ultimately our own survival.

Clearly then, human health is indivisibly linked to these happenings, especially at the level of public health and in particular preventative health.

At the present time international health is threatened by rapidly progressing global environmental changes. The drivers of global environmental change are multifactorial and interconnected and include climate change, ocean acidification, land use change, biodiversity loss and nitrogen cycle imbalance. These determinants, and their interdependence, must be recognised and addressed if human health is to be protected. Furthermore, these threatened determinants are enmeshed in a wide set of 'global changes' exemplified by the growing scale, speed and intensity of social, economic and environmental change. In today's increasingly interconnected world, human health is recognised as having wide social, economic and environmental determinants.

It is no longer possible to compartmentalise these topics and one of the failures of governments everywhere is to use rigid portfolios for ministerial assessment and decision. For example it is apparent that a narrowly focused energy department can have a greater impact on human health through poor decisions resulting in environmental damage than a good health department and its Minister.

Almost a quarter of the disease burden and deaths in the world can be attributed to environmental factors. We cannot begin to alleviate this burden of ill-health unless we address the environmental pathways and antecedent causes.

Therefore, it is apparent that in order to protect the health of Australians we need strengthening of environmental protection laws and retention of Federal approval powers plays a role in this. Moving responsibility for environmental protection to State governments will only result in an acceleration of ecosystem decline and subsequent harm to human health.

## **Doctors for the Environment Australia**

Doctors for the Environment Australia is an independent organisation of medical doctors in all Australian states and territories. Our members work across all specialties in community, hospital and private practices. We work to address the diseases – local, national and global – caused by damage to our natural environment.

The medical profession's proud record of service to the community includes not only personal clinical care, but also involvement in global issues that threaten the health and future of humanity. We aim to use our scientific and medical skills to educate governments and industry, the public and our colleagues to highlight the medical importance of our natural environment.

Historically, medical doctors have been instrumental in identifying risks and advocating for change in many areas where environmental factors have caused illness ie. asbestos, cigarette smoking, lead poisoning.

## **How environmental degradation harms health**

Today's health threats include death and disease from pollution of our air, water and food growing systems. Just a few months ago the World Health Organisation declared exhaust from diesel vehicles a carcinogenic substance with similar toxicity to passive smoking yet we have extremely lax monitoring and reporting standards in Australia. In fact, there are a greater number of deaths from air pollution, largely caused by vehicular exhaust and coal fired power station emissions, than there are from road traffic accidents.

Chemicals released by the burning of these fossil fuels include fine, soot-like particles called PM's, hydrocarbons, sulphur and nitrogen oxides, benzene and mercury. The American Heart Association has called for exposure to air pollution to be listed as a risk factor for heart disease, as is high blood pressure, diabetes and smoking.

We also see an exacerbation of lung diseases such as asthma and lung cancer in populations exposed to poor air quality. Asthma is an extremely common disease in children and it is expected that climate change will exacerbate air quality problems with higher temperatures promoting the formation of ground level ozone, a potent airways irritant. Children are vulnerable at every stage of their development to these pollutants- from in utero exposure to PAHs (poly aromatic hydrocarbons) when their mothers breathe contaminated air which is associated with lower birth weight, reduced birth head circumference, premature birth and small size

for gestational age- to developmental delay and impaired lung development in early childhood.

Access to clean water is one of the foundations of our health and something which most Australians take for granted. Yet the current explosion in mining of fossil fuels including coal and unconventional gas both directly and indirectly compromises water quality. This point is expanded on later in this submission.

In addition to mining, logging of old growth and other native forests compromises water quality in several ways. Firstly logging in water catchments, as currently occurs in Victoria, reduces local rain fall, increases run off contaminating local water sources and contributes to climate change by releasing carbon dioxide into the atmosphere. Climate change is a threat to water quality as it is causing an increase in frequency of severe weather events such as floods, storms (with associated sea level rise), droughts, heatwaves and bushfires.

Many factors combine to impact on our water quality as is seen with algal blooms in our Murray-Darling river system and the Gippsland Lakes in Victoria. For example the algal bloom of the 2011/2012 summer in the Gippsland Lakes was contributed to by high water temperatures and increased run off following excessive rainfall . Algal blooms impact on human health by making the water unsuitable for swimming and other watersports and their marine life too toxic for human ingestion. There are significant indirect impacts on health as employment and recreation in tourism, farming and fishing is eroded.

Conversely, protection of our biodiverse natural ecosystems protects and nurtures human health. Biodiversity is the foundation of our health with 1/2 of all commercially available drugs coming from nature. It also provides us with a crucial buffer against climate change impacts. Natural ecosystems provide free, irreplaceable essential services for human health. In fact economic global modelling of services provided by ecosystems has been estimated to be US\$33 trillion per year.

World wide only 1.5 million species have been named, this is only 10-20% of all species and Australia is one of the most biodiverse countries on earth with 1/4 of the world's coral reefs. Our unique biodiversity provides healthy, long term employment in tourism, fishing as well as important places for recreation.

Regular contact with nature has been shown to provide many positive health and wellbeing benefits. These include mental health improvements such as an elevation in mood, reduction in stress, enhanced concentration and improved cognitive development in children. Of course, time outside in a natural environment also promotes activity which is crucial for the

prevention of diabetes, some cancers, heart disease and osteoporosis, all major health problems. These health benefits have been scientifically validated and are outlined in several large literature reviews. Given the protective health benefits time in nature has for us, protection of nature should be seen as a positive health action.

## **The maintenance of community health in Australia is linked legislatively to environmental laws**

Let us consider how we manage a large new development with significant economic potential. An environmental impact statement (EIS) has to be prepared by states which subscribe to national guidelines. Incorporated within the EIS is a health impact assessment (HIA) of the new development which is expected to harness expertise to prevent any current or projected health impacts to the community, both those around the development and in the wider community.

In our experience this EIS/HIA system functions badly and does not properly and responsibly address either environmental or health concerns. Many health guidelines are ignored thus placing the public health at considerable risk on occasion.

In summary some of the problems are:

- Lack of resources for the state EPA to function effectively
- Absorption of the EPA into other often less independent departments
- Problems in the selection of the terms of reference for the EIS
- Uncritical use of EIS preparation by 'independent' companies which favour the proponent of the development
- Provision of health advice which is not transparent
- Lack of available health expertise capable of addressing complex health issues in some States

***As a result we can find that the same development may be handled differently in different states resulting in different health outcomes and in many instances health is ignored altogether.***

We agree with the opening statement of the Wentworth paper:

*In August 2011, COAG agreed on major reform of environmental regulation across all levels of government to "reduce regulatory burden and duplication for business and to deliver better environmental outcomes". This sensible and responsible decision was overturned in April 2012 following lobbying by the Business Council of Australia, with the Commonwealth now agreeing to hand over its environmental approval powers to state governments.*

*This action by the Commonwealth, without any prior consultation with the wider community, will take environmental policy in Australia back decades. It will not only damage the environment, it will also result in project delays because of the inevitable opposition to such poor environmental protection.*

This statement is an equally important health concern when we substitute the word 'health' for 'environment'

We recognise that over the years the Federal Environment Minister has used the existing EPBC powers very sparingly and has influenced very few of the vast number of environmental approvals by State governments. We also recognise that the interventions that have occurred may, at first sight, have a tenuous link to community health. Not so all of them. The recent interventions on the cumulative impact of mining discharges in Queensland the lack of which we drew attention to two years ago in our submissions on Galilee basin mine EIS's are an important example. Furthermore the fact that these Federal powers exist and the States wish to avoid delay to their projects is important for good behaviour.

We commend the Wentworth paper and recognise that much of what it applies to environmental needs we can apply to human health needs, such is the indivisible link between our health and our environment.

We also make the point that under government proposals for accreditation of standards, HIA standards will also require a surveillance system run by the Commonwealth and this will have to have funding and expertise and provisions for enforcement.

We will illustrate some of the health aspects of current environmental process with our experience in reviewing permissions granted to developments in the national unconventional gas industry.

In Australia billions of dollars are being invested without adequate research, regulation and public health surveillance. The process of coal seam gas mining has potential environmental impacts on natural vegetation and land; potential health impacts from the use of fracking chemicals some of which may be carcinogenic and from the leaching of toxic hydrocarbons from coal seams  
Reported health impacts have lead to a USEPA investigation.

As health professionals we have grappled with the handling of the development of coal seam gas in several different states from the point of view of health impacts.

Some states in Australia have proceeded without any visible EIS, others have a moratorium on the use of fracking chemicals and no state has produced **any** guidelines on the health impacts such as those produced

for a Canadian province.

<http://s3.documentcloud.org/documents/468812/recommendations-shalegasdevelopment.pdf> Many of the recommendation of a bipartisan report of a Senate Committee have been disregarded.

Recognising potential problems the Commonwealth has responded with the formation of an Expert Scientific Committee to advise the states. **We make the point that it would be inadvisable to delegate more environmental power to the states when it is clear that their use of existing environmental and health powers is grossly inadequate.**

We note the Wentworth report says:

*The 2011 State of the Environment Report documented extensive evidence of the continued decline in the condition of Australia's land, water and marine resources.*

*These pressures on Australia's environment will only intensify with climate change and population growth, and the expanding global demand for energy, food and minerals. The expansion of coal seam gas is one example of the potential to create a series of compounding and additive effects that, if not carefully planned for, may be beyond the capacity of natural systems to absorb. Australia also faces the challenge of accommodating a projected 14 million more people by 2050, and most of this will be through urban development in vulnerable coastal areas.*

It then goes on to say:

*If COAG is to deliver on its August 2011 commitments, it needs to shift away from individual project-by-project development assessment and approvals, towards a more strategic and long-term approach to guiding development and sustainable use of natural resources, and managing the collective impacts of development on the environment.*

We support the Wentworth contention in relation to the coal seam gas industry and many other nation wide industries.

***In conclusion we believe this issue is integral to national security and advancement into a new economy commensurate with the rapidly changing world; it is also integral to human health and our desire to action preventable health issues.***

It is therefore distressing for us to see how little evidence the Business Council of Australia has produced to pressure the government for changes to the EPBC legislation. The proposed changes as they stand are not in their long term interests apart from the ability to dig holes in the ground quickly to secure sales in resources contracts in a favourable market. Nor



is it in the long term interest of the Federal Government. Their response is likened to the impatience of Henry II of England “Who will rid me from this turbulent priest”. But this priest, our environment, cannot be dismissed. ***We urge an in depth consideration of this issue using the Hawke report as basis and much wider consultation from all sectors but particularly the health and community sectors.***

## **Recommendations**

The states have a poor record of delivering responsible outcomes using their present environmental and associated health powers. The EIA process operated by the states incorporates an important health impact assessment process which has not been detailed in the COAG decisions. Steps must be taken in present and future processes to ensure that this functions properly in an independent, evidence based and transparent manner.

We recommend that this process should not proceed at COAG without further examination and consultation by all stakeholders. It would be prudent for the entire issue to be re-examined with the Hawke report as the starting point and steps taken to build a more secure assessment system taking into account the fundamental nature of the environment in the future of Australia, its stability, health and prosperity.

As a first step we support the Environmental Protection and Biodiversity Conservation Amendment Bill 2012 which calls for the Retaining of Federal Approval powers.

Prof. David Shearman  
Hon. Secretary  
&  
Dr Dimity Williams  
National Management Committee

7<sup>th</sup> January 2013