

# TRANSCRIPT

## LEGISLATIVE COUNCIL ENVIRONMENT AND PLANNING COMMITTEE

### Inquiry into the Health Impacts of Air Pollution in Victoria

Melbourne—Tuesday, 29 June 2021

*(via videoconference)*

#### MEMBERS

Ms Sonja Terpstra—Chair

Mr Clifford Hayes—Deputy Chair

Dr Matthew Bach

Ms Melina Bath

Dr Catherine Cumming

Mr Stuart Grimley

Mr Andy Meddick

Mr Cesar Melhem

Dr Samantha Ratnam

Ms Nina Taylor

#### PARTICIPATING MEMBERS

Ms Georgie Crozier

Mr David Davis

Dr Tien Kieu

Mrs Beverley McArthur

Mr Tim Quilty



**WITNESS**

Ms Bronya Lipski, Lawyer, Environmental Justice Australia.

**The CHAIR:** I declare open the Legislative Council Environment and Planning Committee's public hearing for the Inquiry into the Health Impacts of Air Pollution in Victoria. Please ensure that mobile phones have been switched to silent and that background noise is minimised.

I would like to begin this hearing by respectfully acknowledging the Aboriginal peoples, the traditional custodians of the various lands we are gathered on today, and pay my respects to their ancestors, elders and families. I particularly welcome any elders or community members who are here today to impart their knowledge of this issue to the committee or who are watching the broadcast of these proceedings. I would also like to welcome any members of the public who may be watching the broadcast of these proceedings via the live stream as well.

I will take this opportunity to introduce the committee members to you at this time. I am Sonja Terpstra. I am the Chair of the Environment and Planning Committee. Also joining us via Zoom are Dr Catherine Cumming and Dr Samantha Ratnam, and other committee members will be joining us throughout the proceedings during the day.

All evidence that is taken today is protected by parliamentary privilege as provided by the *Constitution Act 1975* and further subject to the provisions of the Legislative Council standing orders. Therefore the information you provide during the hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat the same things, those comments may not be protected by this privilege. Any deliberative false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded. You will be provided with a proof version of the transcript following the hearing. Transcripts will ultimately be made public and posted on the committee's website.

If you could please get you, for the Hansard record, to state your name and the organisation you are appearing on behalf of.

**Ms LIPSKI:** Bronya Lipski, Environmental Justice Australia.

**The CHAIR:** Great, thank you very much. And with that I will hand over to you to make your opening remarks. If you could, please keep it to a maximum of 10 minutes; I will give you a bit of a warning as we approach the end of that time. That way that will allow plenty of times for committee members to ask questions of you. So thanks, Bronya. Over to you.

**Ms LIPSKI:** Thank you, Chair, and good morning, committee. I will start by acknowledging that I am currently on Boon Wurrung country and pay my respect to elders past and present and acknowledge that sovereignty was never ceded by the First Nations people of this country. I also acknowledge the Gunaikurnai First Nations people in the Latrobe Valley, where I am from and where I conduct a lot of my work around the environmental justice impacts of air pollution.

There is no safe level of air pollution. As the majority of the Victorian community experienced during the devastating 2019–20 bushfires, exposure to air pollution is pervasive and distressing. No-one can escape it. For communities who live in areas of Victoria where air pollution is a daily or seasonal reality, that distress is compounded. Unlike bushfires, the overwhelming majority of air pollution is controllable. Air pollution is predominately created by humans and is permitted by the Victorian government departments and agencies. Generally sources of controllable air pollution are tied to a utility or have utilitarian purposes, such as electricity generation, heating, vehicles and transportation, shipping and industrial processes. Of course the Victorian community needs these activities to occur, but these activities occur at the expense of community health to the tune of billions of dollars.

In nearly a decade, despite considerable input from community and health experts, consecutive Victorian governments have made bare minimum amendments to air pollution law and policy, and those amendments that have occurred were made at a glacial pace. This rate of change is inconsistent with the EPA and the

legislature's understanding of the gravity of the health impacts of air pollution, the environmental justice issues associated with air pollution and the enormous financial burden associated with the health impacts of air pollution in Australia, which is approximately \$24 billion per annum.

Victoria's three main sources of air pollution in order are coal-burning power stations; vehicle emissions, predominantly diesel emissions; and wood-burning heaters. All these sources of air pollution are controllable. In my work as a public interest environmental lawyer I have developed a deep understanding of the significant community frustration regarding a reluctance to address these forms of air pollution despite decades of advocacy. To help this community frustration, Environmental Justice Australia developed the *People's Clean Air Action Plan for Victoria* in collaboration with community, engineers and health experts to provide the Victorian government with the policy platform necessary to reduce the major sources of air pollution. Of course advocates, health experts and community members will have additional actions that the Victorian government should take to reduce air pollution in their localities, and I am sure you will hear a lot of that today.

Ultimately air pollution can be addressed through significant tightening of air quality objectives by making those objectives health based, enforceable and consistent with international best practice. Victoria has on occasion made ambient air objectives stricter than the national objective, and it can continue to do so if it has the will and if we have an EPA resourced enough to set strict limits to achieve ambient air standards that facilitate good health outcomes. The current position, however, is one where the question of cost-effectiveness for protecting health is used as a caveat for reducing air pollution, but the question is cost-effective for who? One example, during the review of the ambient sulphur dioxide, oxides of nitrogen and ozone standards led by the Victorian EPA, was that the cost-effectiveness of reducing power station pollution, for example, did not outweigh the cost benefits of community health outcomes in the Latrobe Valley. This puts the Victorian EPA directly in contrast with international best practice compared to places like the United States, where the law requires the cost to the community to outweigh the cost to industry.

The way to start mitigating the health impacts of air pollution is to ensure that the legal and the regulatory frameworks that control air pollution are consistent with international best practice. These are the guiding platforms from which all decisions about air pollution are considered and are made. Without significant strengthening of both ambient and point source emissions for air pollution, Victoria will continue to lag behind the rest of the world. And to facilitate the implementation and enforcement of air pollution laws consistent with international best practice, we need a well-resourced and robustly independent environmental regulator to stand firmly between pollution sources and community health. The recent brown coal licence review is just one example of how the EPA did not implement regulations consistent with international best practice. If we cannot rely on laws and regulation designed to facilitate good health outcomes and an EPA who is willing to ensure that best practice is implemented and enforced, we will not actually get anywhere.

The community depends on the EPA to protect our health from pollution. A robust, independent and well-resourced EPA can deliver statewide, practical, real-time, cost-effective mitigation strategies and ensure that Victorian air quality is tracked towards meeting or exceeding international best practice standards and is enforced. Thank you.

**The CHAIR:** Great. Thanks so much, Bronya. We will head over to questions from committee members now. Dr Cumming, we will start with you.

**Dr CUMMING:** Thank you, Bronya. I am just wondering, what do you actually believe the Victorian government could actually do in the way of policy actions for the people's clean action plan? What should we implement?

**Ms LIPSKI:** So the people's clean air action plan makes several policy recommendations to address those three major sources of air pollution, and controlling those sources of air pollution will have flow-on benefits for the entire community. Those policy recommendations—and we did include the people's clean air action plan as part of our submission, so those policy actions you will find in there—by way of summary: we need to significantly increase the amount of air pollution monitoring throughout the state, not just in those hotspot areas but certainly in other parts of Victoria. And the Victorian Auditor-General's Office has made that observation as well, in an investigation that it undertook around the way that air quality is monitored and made better by the EPA. That was a couple of years ago.

We need to be capturing those other sources of our pollution that do not just occur in places like the Latrobe Valley and in place like the western suburbs of Melbourne. We need to make sure that we are capturing air pollution in regional areas where there are a lot of wood-fired heaters and where there are logging coupe burn-offs during the autumn and spring periods.

In terms of reducing air pollution from those large sources, we do need stricter point source emissions limits to protect the ambient air quality. I was able to sit in on quite a few of the hearings yesterday, and it might be a good idea for me to run through how air pollution regulation actually works and where the onus lies in terms of state and federal responsibilities for air quality, because it is one of those areas of the law that is quite complicated and there are quite a few moving parts. So perhaps for the benefit of the committee we can go through that. Because then a whole lot of this other stuff is going to make more sense. When people are talking about reducing air pollution, they are talking about a few things.

When we are talking about air pollution, we are talking about two things: we are talking about ambient air quality and we are talking about the limits that come out of those point sources—whether that is a vehicle exhaust pipe or whether that is the chimney from a wood-smoke heater or whether that is a coal pollution stack. There is a direct relationship between those point sources of air emissions and the general ambient air quality, so perhaps it is a bit trite to say that the more that you control the point source emissions the better the ambient air quality is going to be.

Ambient air objectives are set by the National Environment Protection Council, which is a body of environment ministers and EPAs and their equivalents in the states and territories who get together and they determine what those objectives for ambient air quality should be. Those objectives are not actually health-based standards, so if you have ambient air standards that are set at a national level, that are not protective of health, then we are going to have a whole range of issues when it comes down to the state obligations around controlling those point source emissions from those particular facilities or from vehicles or from wood-smoke heaters, for example.

In Victoria and across all territories we implement those ambient air standards set at a national level into our legislative regime. At the moment that is through our ambient air state environment protection policy, and that will change to the environment reference standard when the new law comes into force on 1 July. So we have got these objectives that are set at a national level brought into the state level, and then point source emission limits are supposed to be set in such a way to achieve that ambient air standard. So when people are talking about controlling air pollution, generally they are talking about controlling air pollution at the source in order to protect the general ambient air quality. Hopefully that is very clear, but it is outlined in our submission as well.

Then in terms of the policy platform, the people's clean air action plan is dedicated to ensuring that those point sources of air pollution are made as strict as possible in order to achieve excellent ambient air outcomes, and that includes in places like the Latrobe Valley ensuring that best practice pollution controls are installed in coal-fired power stations or in the waste-to-energy facilities or in lead smelters. It means that there is a significant reduction in reliance on wood heaters as a way of heating homes. It means that our fuel standards need to be significantly tightened, and the EPA can play a role in that in making sure that diesel emissions are reduced in those areas where folks experience a lot of poor health outcomes associated with diesel pollution. And like I said in my opening remarks, so many community members who have worked on this issue for decades have some very specific ways to address those sources of air pollution in their areas, and I know that you are going to hear from them today. So it is a multifaceted approach, but it starts with ensuring that those point sources of air pollution are controlled and regulated as strictly as possible, and that is the role of the EPA.

**Dr CUMMING:** In other words, Bronya, you are saying by actually reducing the source, we would have better air quality, or we would not have air pollution if we were not allowing the pollutants to get into the air in the first place.

**Ms LIPSKI:** That is correct, and there are several mechanisms by which you can do that. You can certainly establish an emissions reduction policy that other jurisdictions have implemented as well, so there are ways to do it—

**Dr CUMMING:** But I am guessing if you actually just pick out the pollutants that you do not want in the air and then you ban them or you make sure that there are filters or, as you were saying, it we had better fuel

standards, then you are not actually allowing them to get into the air in the first place, so you are capturing it at the source rather than dealing with the problem afterwards.

**Ms LIPSKI:** That is correct, and like I said, there is a tension between the necessity for utility purposes—we need our ports, we need our cars, we need electricity generation, but there is a way to those things that does not come at the expense of human health. There are ways to create jobs in those types of industries without asking people to compromise their health and their health outcomes. So it is about controlling those sources of pollution, and there are ways to do so to significantly reduce air pollution from those sources.

**Dr CUMMING:** Yes. So better technologies, better filters, reducing the pollution getting into the air in the first place—picking the pollutants and saying, ‘No, we don’t want them in the air’, and making sure that we have the best technology to make sure that that does not occur.

**Ms LIPSKI:** Certainly the best technologies have been available for a very, very long time, and we have seen those technologies implemented in many other jurisdictions. And to use the coal industry as an example, because I know this came up yesterday, quite often brown coal, for instance, is treated as if it is some kind of impossible other substance that cannot be controlled. That is not the case. We work with engineers and experts in other jurisdictions who have seen the type of technologies installed in lignite power stations, for instance, that can absolutely be installed here. The technology is available, and it has been available for a very long time.

**Dr CUMMING:** And also, would I be correct in saying that there is a lot of technology that can be retrofitted? I know from even yesterday, if you were listening, there is a big push towards cleaner vehicles, but that is going to take a long time to achieve. There are technologies, as well as just dealing with our fuel and the quality of our diesel, the quality of our petrol—having a better standard as well as making sure that there are the retrofitting technologies that could be attached and filters of all different descriptions to make sure that we are not putting the pollution into the air.

**Ms LIPSKI:** That is correct, yes. The immediate step that we can take with respect to vehicle pollution is ensuring that the diesel standards are in line with EU standards for diesel fuel limits and then just reducing, eventually, the amount of diesel vehicles. And certainly having things like clean air zones in certain suburbs is another way that we can be reducing people’s exposure to that types of air pollution.

**Dr CUMMING:** I found yesterday interesting too about educating people about idling their car and idling around childcare centres or schools and those kinds of things. As a culture here in Australia we do not see the problem with your car idling. We would love a car sitting out the front already waiting for us, going.

**Ms LIPSKI:** Well, that is right. And I would also say that I do not think Australia necessarily appreciates the problem that it has with air pollution because a lot of the air pollution that is of the biggest concern is things like fine-particle pollution—tiny, tiny little particles of pollution; PM2.5 or smaller. They are small enough to be inhaled into the bloodstream, where they start to cause a whole range of health impacts. We cannot see that. If that pollution was purple, we would be having a very different conversation.

**Dr CUMMING:** As well as we cannot smell it.

**Ms LIPSKI:** That is right.

**The CHAIR:** Sorry, Dr Cumming, I am going to have to allow other people to ask questions here today as well. We will come back around. I am sure we will have plenty of time. I know Dr Ratnam is wanting to ask some questions as well. Dr Ratnam, over to you.

**Dr RATNAM:** Thank you very much, Chair. Thank you so much, Bronya, for being here and for all your work in this area and for EJA’s submission and work in this area as well. Just to go back to the regulatory framework, because I think that is a really important point, and picking up from some of questions and areas of concern that were raised yesterday, you were talking about the national standards which are set. I have a question, firstly, about you mentioned that they are not health-based standards. Can I ask why they are not health-based standards.

**Ms LIPSKI:** The answer to that is political as opposed to scientific or legal. My understanding of when those standards were set is they were not based on the best air quality we could actually achieve, they were

based on what industry could actually do with the technologies that were available at the time. So there is no requirement at the national level for there to be a reduction in those ambient air objectives. And I am deliberately calling them objectives because that is what they are. They are not enforceable, and they are objectives that we would like to achieve. Because they are not enforceable there is no repercussion for when those ambient objectives are—well, breached is probably not the right word because they not enforceable. And we certainly see that in places like the Latrobe Valley, certainly in the western suburbs of Melbourne and in areas where there are a lot of wood-fired heaters or where there is logging coupe burn-off or agricultural burn-off. And in places like the Upper Hunter Valley in New South Wales, which I know is not Victoria, there are regular breaches of that objective for certain pollutants and no mechanism through which to make it enforceable. So the only way to achieve those objectives is to be controlling pollution from its actual source.

**Dr RATNAM:** That is really interesting. So we have got kind of relatively weak standards at a national level that are set that are then embedded within the Victorian standards. And I noted that in your submission you also mentioned that Victoria is not bound to the national standards and can make much higher pollution standards. And in fact we have, is I think what your submission alluded to. So we have got weak standards that are then embedded in the state standard. In Victoria we have then gone, 'Okay, they're not good enough. Let's impose higher standards'. But we heard quite compelling evidence yesterday that these standards were not high enough and we were getting, for example, the coal-fired power stations being allowed to pollute at eight times higher a rate than comparable plants, say for example in Europe and other best practice examples.

So we have got Victorian standards which we are saying are higher than the national standards. They are still not high enough. And we have got that then translating—I am just trying to paint a picture, and correct me if I am wrong, trying to get a sense of what is happening. It sounds like then what we have got is that the point source emission standards to achieve those weaker standards are not strong enough as well. So it sounds like we have got layers of problems. Is that what is happening? So the standards are not strong enough, but then also the point source emission standards are not set strong enough to achieve even the weaker Victorian standards. Is that correct?

**Ms LIPSKI:** Yes, that is essentially correct.

**Dr RATNAM:** Right.

**Ms LIPSKI:** The EPA does attempt to achieve that objective, but that objective is already very high when you compare that to the ambient air objectives for other jurisdictions. So we have got an ambient air objective, that is not going to protect health, which is often exceeded. And so we have also got point source emissions limits, that are usually in licences for a large facility, for instance. Ultimately what you want the regulator to do is to be regulating those point source emissions to achieve that objective for ambient air quality. In certain places that is achieved, in a lot of places that is not achieved, but because the standards themselves are so high, we are not actually doing anything to mitigate the amount of air pollution and to have standards that are genuinely protective of health and facilitate good health outcomes.

**Dr RATNAM:** Okay, great. So it sounds like a thing that we can do is that Victoria could set stronger standards, which would then hopefully flow on to the point source emission standards also being stronger, to achieve much stronger Victorian standards. And we have the regulatory power to do that is what you are saying.

**Ms LIPSKI:** That is correct. So despite the fact that those ambient objectives are set at a national level, there is nothing in that legislative framework that prevents other jurisdictions from making those standards tighter in their own jurisdictions. And as you said, Victoria has absolutely done that before. We did that during the national review of the PM10 and PM2.5 ambient air objectives. Victoria went above and beyond what the NEPC, or the National Environment Protection Council, eventually decided on for the ambient air national environment protection measure and made them stricter. So we have done it before and we can do it again.

**Dr RATNAM:** And one more thing in terms of kind of trying to get the scenario of what is actually going wrong in Victoria: you also mentioned in your submission about the EPA's appetite for kind of regulation and compliance. I think in your submission you say the:

... EPA currently regulates ambient air pollution levels up to the limit.

It is:

... used inappropriately as a target rather than a worst-case scenario measure to avoid.

And you also mentioned one other thing, something about the EPA not exercising its kind of compliance authority. Are you able to talk about that? Because I guess the question is that the standards are not strong enough, but then also we have got the regulator apparently not enforcing even those weak standards. Is that what is happening? Correct me if I am wrong.

**Ms LIPSKI:** Well, I mean, the fact that the ambient air objectives are breached in certain areas is suggestive of the fact that the point sources are not being controlled as strictly as they can be, and that is absolutely the case. It is used as a benchmark for—you know, if you can get below it, that is excellent, but if you get up to it, that is okay. Actually there is no such thing as a safe exposure to air pollution. The most recent example of the EPA not putting into practice best practice standards was during the Victorian brown coal licence review. You will probably hear people talk about this quite a bit because it is an example of, firstly, the glacial rate at which change can be made, because it was a process that went on for three years, and, secondly, despite knowing that the stack emissions limits for coal-fired power stations are not as strict as they could be and certainly not as strict as what they are in other jurisdictions and despite being presented with expert evidence demonstrating that the air modelling that the power stations had done and the engineering responses to this whole brown-versus-black-coal furphy was just that, they had an opportunity to implement international best practice standards into the licences of the power stations and did not do it. Similarly the used acid lead battery recycling facility, or the secondary lead smelter in Hazelwood North, is another example of a works approval application going through that did not include international best practice pollution controls for that type of facility.

And so it is concerning that we are not implementing those international best practice standards now, and without an EPA that is willing to do so or does not feel like it is resourced enough to be able to do so—because I always say that there are a lot of very good people in the EPA who want to ensure that the right thing is happening—there is a blockage somewhere between ensuring that Australia is consistent with international best practice and actually making it happen.

**Dr RATNAM:** Thank you so much. I will come back if there is a chance for a second round of questions. Thank you.

**The CHAIR:** Great. Thanks. Mr Melhem, a question?

**Mr MELHEM:** Bronya, thank you for your presentation. If you were a minister today, what would you actually change? I know you have set some recommendations that you have already got in place as part of your submission. While I accept some of the evidence you are saying, I think we are not doing too badly in Victoria. I think we can always do better. There is no question about that. I think Victoria is leading, but there is always room for improvement. So what would you change first? What would be your top three priorities? And while you are addressing that, what sort of campaigns would you run to educate people? Because air pollution is a combination of multiple factors, whether it is industrial, whether it is cars on the road, trucks, fireplaces et cetera. It is a combination. So a lot of it could be just human behaviour and industries as well. It is a combination. So what would you specifically say are your top three, and what would you change?

**Ms LIPSKI:** So the first—

**Mr MELHEM:** We all want to have healthy, better air anyway—a healthy environment—so over to you.

**Ms LIPSKI:** Sorry, would you like to repeat that last bit?

**Mr MELHEM:** I said we all are striving to have healthy and clean air to breathe. I think no-one can disagree with that at all, so what would you do?

**Ms LIPSKI:** The first thing that I would do is I would legislate for international best practice ambient objectives for air quality in the environmental protection legislation. As I said in my opening remarks, those legislative frameworks are the platform from which everything else operates, and so if that is in accordance with international best practice, then we have the best platform to spring from.

The second thing that I would do is make sure that those standards are actually enforceable. Part of the problem is that they are not enforceable standards, and so there absolutely needs to be a mechanism by which those

objectives can be achieved and can actually be enforced—that there are carrot-and-stick approaches to ensuring that those standards are enforced.

The third thing that I would do is I would make sure that my environment department and my health department are talking to each other, because if we do not have good environmental health, we do not have healthy humans. And I realise, again, that is a trite thing to say, but there is such a disconnect between environmental departments and health departments. And I know that the EPA has done some work in trying to embed DHHS in some of its work but the relationship between good environmental health outcomes and good health outcomes for humans is paramount here, because a lot of the health impacts associated with poor air quality, for instance, are often bound in lifestyle factors that are often blamed for poorer health outcomes. But if your environment departments and your health departments are working in conjunction with each other to achieve good health outcomes based on good environmental health outcomes, then we are likely to see a significant improvement.

In terms of a public education campaign, there are a whole lot of things that can be achieved here. We do need to increase people's access to information around pollution generally, and certainly air pollution. There have been some gains made in Victoria around improving people's access to air pollution information, but I would use a New South Wales Office of Environment and Heritage example of what good access to air pollution information looks like. The community has information available to it in real time. They have got downloadable datasets that they can download for a range of pollutants in a range of areas, and it is right at their fingertips. The access to air pollution information that we have in Victoria is pretty poor compared to that. The EPA has tried to make some gains with, say, community access to air pollution information from coal-fired power stations, but what has been implemented is a traffic light system as opposed to helping people understand what those emissions actually are on a 24-hour basis. So certainly improving people's access to information is a way forward: helping people to understand that air pollution is a very real thing and it does have adverse health outcomes regularly, not just when there is a big bushfire event. Helping people to understand that there are measures they can take during those times is important, but when it comes to the mundane day-to-day reality of people's exposure, the education needs to be in where those pollution sources come from and not just putting the onus on the individual in order to change their behaviour to mitigate their exposure to these types of pollutants.

I feel like I could talk about this for hours, that is the thing. I have been thinking about this for half a decade, and there are a lot of responses to this. I am sure you will hear from a lot of community people who are impacted by air pollution on that mundane day-to-day basis who have got a lot of examples of what can be achieved: helping people to understand that, yes, there are things that they can do to mitigate their exposure but also there are a whole range of things that can be done at a policy level or a legislative level to reduce those sources of air pollution in the first place. And having everybody come together to work out the solutions to those problems and for the community to be engaged in the solutions is absolutely a way forward as well.

**Mr MELHEM:** Just a follow-up from that. You talked about some federal legislation versus state legislation, and I think there is always a crossover. Where would you see the Victorian government's, for example, emissions reduction 2050 plan? I think it is a very ambitious one in comparison with the feds and other jurisdictions. How do you see that sort of working toward implementing or achieving some of the outcomes you are talking about, and what other actions may be required from the feds in other jurisdictions? How do you combine the two of them? I mean, we have got a state plan to basically achieve these targets. How do you see that going to achieve that aim? Are we travelling in the right direction?

**Ms LIPSKI:** At the moment I would say no. And I would say that the Victorian government did initiate a clean air strategy quite a few years ago that has not been finalised, so as far as I am aware there is not actually an air pollution strategy for Victoria at this point in time. There are certainly flavours of that in other policy responses to different portfolios, but at the moment we do not have an overarching clean air strategy for Victoria. We are still waiting for that, and my understanding is that the Department of Environment, Land, Water and Planning is working on that, but again that has been a few years in the making.

So in terms of those immediate reductions that could be made at a legislative level, we have got this incredible new *Environment Protection Act* coming into force in a couple of days. There were certainly opportunities in that to embed robust regulatory frameworks for mitigating certain types of air pollution and for setting ambient air objectives that are consistent with international best practice, and they have not. Like I said before, we have

got that opportunity, despite those national objectives being set, to be implementing stricter standards in our own legislative framework, and, like I said, Victoria has done that before. And that is certainly the way to do that: to be reforming—to be tweaking—the environment reference standards that come into force in a couple of days and making sure that they go above and beyond the standards or the objectives that are outlined in the federal framework.

Again, to answer your question around the role of the feds here, because the National Environment Protection Council is made up of all jurisdictions, all those jurisdictions have to agree on what an appropriate objective is for ambient air quality, and it depends on the type of industries you have got in your jurisdiction the degree to which you think that you can meet those objectives. Health-based ambient air objectives are quite strict, and setting those health-based standards does really require all the jurisdictions to come to the table and say, 'We are going to do whatever it is that we need to do'. Whether that is ensuring that pollution controls are installed in highly polluting facilities or fuel levels are made better or we phase out wood-burning heaters, we need to do those things in order to achieve those health-based objectives. We do not have to, and Victoria does not necessarily, follow what the feds have to say about a whole range of things. That does not make us different on the air pollution front either.

**Mr MELHEM:** Just a quick one, the last one from me. I mean, Minister D'Ambrosio a few days ago announced a policy about reducing dependence on gas, and you talked about gas heaters and stuff. So do you think that is a good policy and the right direction? Because I am getting the sense that you are saying the state government is not doing enough, which I disagree with, but I am not getting into the debate of it. But I am actually interested in sort of what you are thinking about that policy. Is that another tool? If we deploy that correctly, it could help us well in achieving the outcome you are looking at.

**Ms LIPSKI:** Absolutely. That is absolutely a step in the right direction. But we would like to see it implemented in a range of other areas as well, you know? And I appreciate that government and regulators are always in a position where people are never satisfied; I understand that. When we know, though, that there are sources of pollution that cause considerable adverse health outcomes and those are not being addressed, the community frustration associated with that is palpable, and you are going to hear that today. And you heard some of that yesterday, because people do not feel that they are listened to and that there is enough being done, when those sources are controllable. So, yes, absolutely, reducing our reliance on gas and the policies being developed and the plans being developed for that is a step in the right direction, but it is one step in one direction with one type of source, when there is a whole range of other sources that the community desperately wants addressed.

**The CHAIR:** All right. Thank you. Bronya, I just might ask a question. In your submission, as has been commented, you have made a number of recommendations, but one of the ones you made was that the Victorian government should implement the policy actions in the people's clean air action plan. Would you tell us how that clean action plan was developed, what sort of consultation you did with local communities and what it has been based on? And, yes, just unpack that a bit for us, if you could.

**Ms LIPSKI:** Certainly. As a public interest environmental legal practice, we have access to so many communities throughout Victoria who are concerned about a whole range of things, and as a lawyer that works in the pollution space and in air pollution particularly, I have come to know a lot of people in the community who are concerned about a range of our sources of air pollution.

We started with the three main sources of air pollution as described by the National Pollutant Inventory, which is a national database of polluting facilities, and having a look at those and saying, 'What are the three main sources of air pollution in Victoria?'. They are electricity generation, vehicles—predominantly diesel vehicles—and wood-burning heaters. So we reached out to those community members who have been working in the air pollution reduction space on those areas for a very long time and said to them, 'If the government was going to produce policy on how to mitigate those sources of air pollution, what does it look like for you?'. We engaged with the community groups who are very concerned about those sources of air pollution to learn from them what it is that they would want to see implemented. We also worked very closely with health experts—so folks like Clare Walter, who I believe you heard yesterday, and Professor Lou Irving—and a range of health advocacy groups such as Healthy Futures, Asthma Australia and the Lung Foundation Australia, and put the same question to them: if you were going to develop policy to reduce air pollution, what does it look like for you?

We also engaged with international air pollution experts, one of whom was one of the head honchos of the US EPA who had a lot to do with ensuring that air pollution standards in the US were—sorry, he was the former director of the air enforcement division in the US EPA and a former director of the department of environment protection in Connecticut. So we talked to experts like that who know a lot about air pollution in a lot of jurisdictions who have been directly involved in setting health-based standards and ensuring that they are enforced to develop how you actually achieve those policy recommendations. That is why the people's clean air action plan has a schedule for the installation of pollution controls in coal-fired power stations, for instance, because it is one thing to say, 'We need to reduce air pollution, we need to make the law stricter, we need to do XYZ', but it is quite another thing to have a look at how you actually implement that, how you can provide the government with the policy solution to ensure that that is implemented. So we worked with a range of folks across all different kinds of portfolios to bring those policy recommendations together and to present the people's clean air action plan. I would say that the implementation of that is the start. If you were going to start with implementing policy, you would start with the people's clean air action plan. Like I said in my opening statement, the people that you will hear from today will have other quite specific policy recommendations and solutions to what can be achieved to mitigate the health impacts of air pollution as well, so the people's clean air action plan is essentially the framework and then all the detail can be filled in by those other interest groups who have been thinking about this for a very long time.

**The CHAIR:** Great. Thank you very much. We will go to a second round of questions. We have got about 15 minutes left, so I will start with you again, Dr Cumming.

**Dr CUMMING:** Thank you, Chair. Thank you for your presentation. It has been wonderful. Feel free to add more to this committee if you cannot answer these questions now. What I have got from you is you would like to see a whole-of-Victoria response to air quality, as in a reduction of air pollution. What I can also gather from you is you would believe that we need to amend our current legislation so that we actually have something that the EPA can enforce. Am I correct in that, and saying that you believe that here in Victoria what we have currently are great strategies and plans and we have got controls, but it is a lot of talk but not so much the ability to act and enforce? What I understand from you also is that you are hoping that we go to a level which is international best practice, and then from that we amend the current Act to make sure that it is enforceable by the EPA, rather than constantly having a strategy that we have been promised for years that is still being written up. And I guess one of the other things I have taken from you—do you believe that we have just been too slow on this issue for years and years and years and that we actually need to make it a priority for the whole of Victoria?

**Ms LIPSKI:** Thank you. The first thing I would say is that we have always advocated for stricter point source emissions limits to achieve ambient air quality. So in terms of whether this is a whole-of-Victoria approach or a whole-of-government approach, where we start is with those actual limits that are embedded and decided on for those industries and for those other sectors to ensure that ambient air quality is as robust as possible and is going to protect health. I am really sorry but I forgot the last part of your question.

**Dr CUMMING:** That is okay. Do you believe it is urgent, as in we are too slow—Victoria is being too slow in the way of, 'Oh, yes, it's great to have talk festivals and strategies and frameworks and controls', but a control is not the law, do you know what I mean? It is not a legal framework. We should strengthen our legislation. Do you believe it needs to be a whole-of-Victoria response, as in we have to educate the community that this is urgent, that even though you cannot smell the pollution, that even though you are not getting sick immediately—and some do; for some it absolutely triggers an asthma attack and they have a direct health response, an acute health response—we are slowly being poisoned. Currently our children are breathing in these pollutants because we have not got international standards. We can see the problems, and even this state government—we have a mental health plan but we know that air pollution causes Alzheimer's and it causes mental health developmental issues. We know all of this. So it is great to have a health response, but you also need a medical response. As you were saying earlier, you need both departments. But this is actually urgent. We are slowly poisoning our community, and our community does not understand it.

**Ms LIPSKI:** Certainly. I was speaking with a fellow I know in the Latrobe Valley who said to me once, 'If the SECV was still around, the issue of air pollution from coal-fired power stations would have been addressed already'. So to answer you: people have known about the adverse health impacts of, say, the coal-fired power stations in the Latrobe Valley for decades. Whether it is coaldust or whether it is poor pollution control, people

have known about that. And the SECV, in my understanding, was attempting to mitigate those sources of air pollution.

We have been burning coal for 100 years in the Latrobe Valley, nearly 100 years. That is a really long time to be aware of the health impacts of that type of pollution and to not do anything about it. So to answer your question around whether it is too slow—absolutely it is too slow. The way that our law is designed at the moment is not responsive to the scientific and technological and health developments that have occurred over the last several decades. We need to absolutely be ensuring that those health-based objectives are developed and they are legislated for and they are enforced in order to achieve better health outcomes.

We know what international best practice looks like. The European Union has been doing that in their directives for decades. The United States started doing that under their *Clean Air Act* decades ago. They have got emissions reductions processes embedded in those legislative frameworks. There is no legal barrier here at all. I do not know how to—

**Dr CUMMING:** It is political will.

**Ms LIPSKI:** I mean, I do not want to go there, right. I am a lawyer. I am concerned about robust laws. That is what I want to see implemented regardless of any political persuasions.

**Dr CUMMING:** I believe that you have got a government that wants to—

**The CHAIR:** Sorry, Dr Cumming. There are other committee members who would like a question. Dr Ratnam?

**Dr RATNAM:** Thank you very much, Chair. Just following up on a couple of things. Firstly, I do not agree with some of the assertions of my fellow committee members that Victoria is doing well, because we heard very strong evidence yesterday about the levels of air pollution—dangerous air pollution, high levels of nitrogen oxide and PM2.5—on major truck routes in the west, increasing asthma and preterm birth in the Latrobe Valley as a result of air pollution, and the list goes on of very compelling evidence about dangerous levels of air pollution, particularly in pockets of Melbourne and in pockets of Victoria. I was going to ask a question about monitoring, because you talk in your submission about the need for improved monitoring and data collection. We heard yesterday about continuous monitoring being a real gap in how we are able to assess the level of air quality in Victoria. Is that something you are concerned about and want to see as well, in terms of improved monitoring?

**Ms LIPSKI:** Absolutely we want to see a lot more air pollution monitoring throughout the entire state. I would add, though, that monitoring the problem is not solving the problem. It needs to be a step towards ensuring that air pollution is actually reduced. We are in a position at the moment where we do not have the type of data that we need in order to understand what the air pollution rates are like in the entire state. We have got it for some areas. I would say that the monitoring networks for a lot of areas, including the Latrobe Valley, are not good enough. It is certainly not good enough in the western suburbs of Melbourne, and it is certainly not good enough in places where there are a lot of wood-smoke heaters. But improved monitoring has to be a step towards mitigating the emissions. It cannot just be used as a solution; it needs to be part of an overall approach to ensuring that air pollution is reduced as much as it can be.

**Dr RATNAM:** Great. Thank you very much. It strikes me that you can get claims that, ‘Oh, we’re doing okay’, but if we do not have the data—but we have got really adverse health outcomes that are quite apparent in particular areas where we know there is pollution at much higher levels—we do not have all of the pieces of the puzzle, then, to tell the full story. So monitoring becomes really important, or the data collection becomes really important, in joining all the dots of what we know is happening.

Just one final question, following up on something I asked about regarding the EPA—and apologies, I was looking for this quote as well when I asked the last part of my first set of questions—you mentioned in your submission that to date the EPA has been extremely reluctant to utilise the legal framework it has available to reduce ambient or point source air pollution. You said the new EPA Act will come into force and significantly change how pollution is regulated and how standards are enforced, but you are concerned that the EPA will not use these newer laws to their fullest extent, and your clients and communities are, understandably, very concerned about this. As people who sit in the Victorian Parliament who have a duty of oversight, particularly

in the upper house, with the new EPA legislation coming into force, are there things that we need to look out for in the implementation of that Act to ensure that it is not too late and that we are not coming back in three years time saying, 'Oh, the EPA were reluctant once again to utilise these new powers despite having strengthened powers'? Are there things that we should be asking for in the immediate future to assess whether the EPA is actually utilising the stronger laws that we have legislated for them?

**Ms LIPSKI:** Yes. I would not mind taking some of that on notice, if that is possible, just because it is actually quite a big question and I do not know how much justice I can do it in a couple of minutes. But the shining star in the new legislative framework is around the general environmental duty and adherence to the general environmental duty, which is that activities that pose a health threat or a threat to environmental health must be mitigated so far as reasonably practicable. There is quite a lot to unpack there around what is reasonably practicable and the other moving parts that go into ensuring that the general environmental duty is complied with and is achieved. One of those things is the state of knowledge, and the state of knowledge includes: how much do we know about a polluting industry, what do we know about the technology, what do we know about the historical rates of emissions that are put out by those facilities, what do we know about international best practice, what do we know about a whole range of things, and how do we utilise that state of knowledge to ensure that things are undertaken to reduce the impact of those activities so far as reasonably practical? 'What is reasonably practicable' also includes a few moving parts, and one of those is 'How economic is it?'—the economic burden placed on facilities or operators to mitigate the impacts that they are having on the community.

Like I said in my opening statement, one of the questions that certainly I have and EJA has, and the communities that we work with have is: cost-effective for who? Who is it cost-effective for? Is it cost-effective for a single family in Latrobe Valley with a bunch of kids with asthma to have to go through, like, the financial burden of reducing their child's asthma, or is it cost-effective for a large corporation that does make quite a bit of profit to be putting in pollution controls to prevent that kids asthma in the first place? That question of cost effectiveness is usually in my experience imposed on community rather than the industries that can actually mitigate their activities to prevent those adverse health outcomes. I would like to take that on notice, because there are quite a few moving parts in that.

**Dr RATNAM:** Thank you so much. I really appreciate it.—

**Ms LIPSKI:** No problem.

**The CHAIR:** I might just have a question. We have only got 4 minutes left so we have run out of time. As you say, we can talk about this for hours and hours, really. Just on the monitoring aspect, what is your view about monitoring stations? We were hearing yesterday about a project that is happening in London where there are more monitoring stations in different spots so cyclists, for example, can get real-time access to pollution levels and they can make a decision about whether they might want to go down a particular route or wear a face mask or things like that. Is there any value in looking at those sorts of projects? Would something like that work in an area like the Latrobe Valley, where the population is not as dense, if you are looking at it, say, compared to a city area, where there are more vehicle emissions, there are more people. I accept your point. You are saying, 'For one thing, you've got to have data. But then what do you do with it and how do you respond to that data?'. So can you unpack that a bit? Do you think there is value in looking at some of those sorts of projects? And if there is, who—

We heard yesterday I think about the council—I forget their name, how they call themselves or describe themselves in London—or the borough of London or something. It seemed to be a kind of cooperative project between that council and universities. So do you see that there could be scope for more localised involvement as well, in some of those projects, or should it be centralised? Sorry, big question—and again, if you need to take it on notice, please feel free.

**Ms LIPSKI:** No, that is fine. I mean perhaps take it on notice just to flesh it out a little bit more, just as with Dr Ratnam's question. The first thing I would say is that regardless of population density, reducing air pollution is really important. The lives and the health of the people of Latrobe Valley are not any less worthy than the health outcomes of people in metropolitan regions. It cannot be one versus the other.

**The CHAIR:** I do not think anyone is saying that at all, I have got to say. No-one is suggesting that at all, but sometimes there is a question of scale. For something that might work in the city, is it going to work in, say, the Latrobe Valley? That is more the question. It is not a question of people do not deserve this or that, so please do not misunderstand where I am coming from with that.

**Ms LIPSKI:** Thank you. Thank you for that clarity. Again, I do think that increasing monitoring is really important to help people understand what it is that they are exposed to and what amounts that they are exposed to. But again, I think it was Clare Walter who said something quite similar yesterday: we can have all the monitoring in the world, but if that monitoring is not contributing to people being exposed to less air pollution as they ride their bike to work, thinking they are doing the right thing, either by the environment or by the climate, then—I would not go so far as to say that it is useless, but if it is not going toward mitigating the impacts and not mitigating that air pollution, then—

**The CHAIR:** Of little value?

**Ms LIPSKI:** Sorry?

**The CHAIR:** Of little value, perhaps, if it does not translate to action.

**Ms LIPSKI:** That is correct. If it is utilised as part of an overarching strategy to move towards the reduction of air pollution, then it is absolutely important. If it is going to assist in community campaigns to demand cleaner health in their locality, then absolutely it is worthwhile. But if it is not part of an overarching strategy to reduce the air pollution, then it is of little value. It is just telling us a problem, without us actually doing anything about the problem.

**The CHAIR:** Sure. Great, thank you so much for that. All right. Well, we are out of time, so thank you very much for your presentation and your evidence today.

**Witness withdrew.**