

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

WITNESSES

Ms Maggie Jones, Secretary, Advocating for the Latrobe Valley—ALiVe Inc.;

Ms Wendy Farmer, President, and

Ms Marianne Robinson, Secretary, Voices of the Valley; and

Mr Thomas Michael Ellis.

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 which 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 these proceedings via the live broadcast as well.

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 deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is being recorded, and 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.

I will call you individually of course, but I will invite all of you in a second just to please state your name and the organisation you are appearing on behalf of, for the Hansard record. Maggie, we will start with you.

Ms JONES: I am Maggie Jones, and I am representing AliVe, which is Advocating for the Latrobe Valley.

The CHAIR: Great. Thank you. Marianne.

Ms ROBINSON: Marianne Robinson. I am the Secretary of Voices of the Valley, and I am representing them, along with Wendy.

The CHAIR: Great. Thank you. Mike.

Mr ELLIS: My full name is Thomas Michael Ellis, and I represent myself.

The CHAIR: Okay. Do we have Wendy Farmer? I do not know if Wendy is on the line yet. Thank you very much for going through and indicating who you represent. I will just introduce—here is Wendy now—committee members to you. I am Sonja Terpstra. I am the Chair of the Environment and Planning Committee. Appearing also via Zoom are Dr Samantha Ratnam, Ms Melina Bath and Dr Catherine Cumming. Wendy, could I get you, for the record please, just to state your name and the organisation you appear on behalf of.

Ms FARMER: Wendy Farmer, Voices of the Valley.

The CHAIR: Great, fantastic. Now, there are four of you, so what I will invite you to do in a moment is just give a very short overview which will then allow committee members to ask plenty of questions of you. Perhaps we will start with you, Maggie, if you could kick off, for about 5 minutes, and I will give you a bit of a warning as we get towards the end of that time. That will allow us to ask lots of questions, so thanks. Over to you, Maggie.

Ms JONES: Thank you. Thank you for this opportunity to speak today. My name is Maggie Jones and I am speaking on behalf of AliVe, Advocating for the Latrobe Valley. AliVe is a community group made up of local Latrobe Valley residents who have a shared concern about the lack of scrutiny or regulatory oversight of toxic industries and who are campaigning to stop the development of a secondary lead smelter in the region. AliVe works with an alliance of community groups who oppose the secondary lead smelter, and it also facilitates an active Facebook community of 2500 members who oppose this development.

We recently sought to capture the stories of our community members in a qualitative, in-depth survey on the impact of the secondary lead smelter on their lives and in the region, and we are hoping to disseminate that report in the coming—

The CHAIR: Sorry to interrupt you there, Maggie. If I could get everyone to make sure their microphones are on mute while you are speaking, it will help to minimise background noise. Sorry. Continue, Maggie.

Ms JONES: That is all right. AliVe's submission to the inquiry focused predominantly on the development and approvals process for the Chunxiung Corporation's secondary lead smelter. This was for three reasons. The proposal and fast-tracking of the secondary lead smelter has drawn significant community opposition and has been a major campaign in the region. The approvals process is a case study of the inadequacy of the Victorian regulatory system, the EPA's lack of oversight and scrutiny and the lack of community voice in planning approvals. The fast-tracking of the lead smelter is also widely seen as a significant breach of previous Labor government promises to prioritise the Latrobe Valley since the horrific mine fires in 2014.

The proposed secondary lead smelter is close to homes, schools, towns, playgrounds, farms, local businesses and main roadways. Despite sustained community opposition and the Latrobe City Council declining the planning permit, the state government, via Minister for Planning Richard Wynne, approved the project and overturned a pending VCAT case. For many in the community this process reflected a longstanding belief that the Latrobe Valley community is seen as dispensable and a dumping ground for toxic industry. The decision robbed the community of their right to have a say in a just transition and a say in the future of the region. I am going to quote from one of our community members:

I have lived and worked here all my life. I have been waiting all my life for the valley to change and to become a better, smarter place and not just an industrial centre. It was finally starting to happen. Now it seems that a state-government-level agenda has all but allocated this area as the toxic centre of the state. At 56 years old I will not wait anymore. I have never seen a proposal cause so much deep grief in our community. The mental damage that this has done so far—and they are not even building it yet—has been enormous.

After the mine fires of 2014 the Labor government established the Latrobe health innovation zone. The government baldly claimed that they were going to prioritise the health of the Latrobe Valley, but what we now know is that the health innovation zone was never legislated. In January this year the community was told that the health innovation zone had no legal weight and was not relevant to planning decisions. Further, the health innovation zone has failed to address the elephant in the room: air pollution.

I am going to do another quote from a community member:

The fast-tracking of the proposal denied the residents of Hazelwood North and the surrounding areas a democratic voice in the process. The government failed to follow their own due process. Such a decision breeds mistrust and fails to take into account the health innovation zone and the lack of an environmental statement. The residents affected by the proposed lead smelter were asked to follow due process by the government regulatory authorities when the government itself broke rank.

That was by 'Anonymous' in Morwell.

The Latrobe Valley is a case study of failed corporate oversight, weak regulations and an EPA that is reactive rather than proactive. Our monitoring systems failed to capture the day-to-day reality of what our community live with and are exposed to, and our community suffer daily because of it.

The CHAIR: You have about a minute left, Maggie.

Ms JONES: Okay. I will skip that bit. Our region knows the reality of worst-case scenarios, and yet the EPA continues to assess new developments based on sunny-day conditions. The recent storms in Victoria impacted the Latrobe Valley significantly. If a secondary lead smelter had been in operation at the time, the issues we face now would be considerably worse. There is evidence to show that this plant would have flooded and that the electricity failure would have led to a minimum of 50 kilograms of lead being emitted from the

stack within the first 15 minutes of the power outage. It is very likely the surrounding area would have been poisoned by lead.

I stand here and ask you today to please prioritise the Latrobe Valley in the recommendations put forward by this committee. I ask that you seriously consider ALiVe's recommendations as detailed in our submission. We desperately need our pollution standards updated; an air monitoring system that tests for lead and other heavy metals; an investigation into heavy metals in our soil, air and water; and a thorough and cumulative assessment on the impact of current industry and legacy contamination. It is the minimum that our community deserves. As a community member recently stated:

We deserve a life. Some of us don't have the capacity to escape the poison we're about to be given.

The CHAIR: Great. Thanks so much, Maggie. Now, I am happy to go to any other person. Is there anyone who wants to go next? I do not mind. Wendy? Okay. Thanks, Wendy. So just about 5 minutes again, and I will give you fair warning when time is coming up.

Ms FARMER: I will cross to Marianne as well. We will be splitting ours a little bit, so if we can have the 10 minutes we will work together. Is that okay?

The CHAIR: Yes. See how you go.

Ms FARMER: Okay. I want to acknowledge that we are sitting on Gunnai/Kurnai land and pay our respect to our elders past, present and emerging and recognise that we advocate for the whole of the Gunnai/Kurnai land.

While we focus on the Latrobe Valley, we also want to recognise that the western districts are also impacted. We will focus on the Latrobe Valley but understand that other areas in Victoria are impacted. The health of the population of the Latrobe Valley has been affected by the coal industry for decades. Air pollution was accepted as inevitable and unavoidable for generations, hardly noticed except by visitors and newcomers to the area. Saying this, there was a social licence for the power stations to operate. Housewives at the time often complained of coal over their washing and over their homes. The health impacts were not discussed—maybe not known—at the time. As power stations and other industries started to install pollution abatement measures the air became clearer and the prevailing smell became less pronounced, but the underlying health issues continued, possibly unnoticed.

However, it was the Hazelwood mine fire that really made the Latrobe Valley community look at what was happening, and this is where Voices of the Valley was formed. In relation to health and pollution, it was left to the community, like the newly formed Voices of the Valley and Morwell Neighbourhood House, to prove that the pollution had impacted our health before government, health authorities and the EPA would address it. Many would not speak out about health impacts, as there was a fear of losing funding. Therefore they protected the industry rather than the health of the people in the area.

It was the subsequent inquiries that made Latrobe Valley residents more aware of the health costs of air pollution. It was evident during the 45-day mine fire that the health of the community was being impacted and that deaths were occurring from the pollution events. Evidence gathered by the second Hazelwood mine fire inquiry included sets of health data which demonstrated the detrimental health effects attributed to air pollution had been evident for some time. These included lower life expectancy than the Victorian average, higher rates of childhood asthma than the Victorian average and troubling incidents of cancers and heart disease associated with an industrial workforce. When these health issues had been raised previously, they had been dismissed as being lifestyle diseases attributed to poor choices made by individuals. It felt like they were blaming the victim rather than making any correlation between the environment and air pollution. However, the findings from the Hazelwood mine fire drew attention to the significant ill effects related to air pollution both during the fire and historically. Residents of the valley had become more aware and more critical of the conditions in which we live and more concerned with improving air quality and hence quality of life more generally. Personally, I live with coaldust constantly in my home, and I am not the only one.

The CHAIR: Thank you. Marianne?

Ms ROBINSON: Thank you. The Latrobe Valley is a microcosm of the problems of air pollution in Victoria. The conditions that we live with that impact air quality include, obviously, power stations and other

industries which emit pollutants under licence, and the licences specify how much pollution they can emit; they do not prohibit pollution. We live with dust which comes from mines and ash ponds and from power station stacks. We live with the smell from Australian Paper, and the smell indicates that there is something in the air. It is a problem that people who are close to the paper mill experience. The valley is subject to inversions, especially during winter, that trap pollutants. At times this is a visible, distinct brown layer which appears in the air above Latrobe Valley towns. I used to live in the hills south of the Latrobe Valley, and I could look out and see, right across the valley from Moe across to Traralgon and further east, a brown layer that was sitting just above all of the main towns. Colour in the atmosphere indicates particulate matter, which is an air-polluting problem.

As well as the pollution from industry and those aspects that I have mentioned, the valley is surrounded by bush and timber plantations, which carry with them the risk of bushfires from spring until autumn. We have had a number of significant bushfires in the past decade or so. We also experience the smoke from controlled burns and the burning of logging debris in autumn. This is a particular problem, because we start to get the inversion layers in autumn and the smoke persists for quite a long time. The window for burning off is very narrow, so we get intense burning off in autumn when it is really still.

As well as that, the Princes Freeway carries significant truck traffic through the Latrobe Valley with accompanying air pollution from fuel, and the area is seen as an industrial area which is an appropriate place to establish new polluting industries. So we are back to the idea that for the Latrobe Valley air pollution is seen as inevitable and unavoidable. Over the last few years we have seen a diminution of visible pollution with the closure of power stations, but certainly there is still evidence of air pollution across our community.

Back to Wendy for summing up.

The CHAIR: We are almost out of time. I want to throw to Mike soon, but have you got much to go, Wendy?

Ms FARMER: A little bit. I will try to be quick.

The CHAIR: Yes, please.

Ms FARMER: EPA just released the power station review of licences. In a way it failed. You know, it did not increase technology. While it was to give us live information, it gave us a traffic light symbol of green, amber and red. While we know there are much better ways available to monitor particulate, heavy metals and air quality with live equipment such as what we see in the Latrobe Valley Information Network with 45 sensors across the Latrobe Valley, in my experience this could be a good way for Victoria to accumulate good knowledge of what is happening across the state and for communities to be able to see what is happening in their regions and make informed decisions. On the recommendations, the Victorian government proclaimed the Latrobe Health Innovation Zone—we touched on that—but failed to implement that in the planning scheme. What is a health innovation zone if it is only on paper? How do we implement it into our planning and also environment into planning? Sorry, I am briefly going through this.

Today we saw a new report from the Hazelwood Health Study in respiratory diseases and the ongoing health impacts of the Hazelwood mine fire. It was familiar to groups that called for the Hazelwood Health Study, the health innovation zone et cetera. You know, this should have been up to governments to do. But while we have this, it is a good way of actually looking back at what has happened in history so that we learn from this history, and I think it is really important from the 2019–20 fires how we actually learn but how we educate communities. Let us not blame the victim that has diabetes or high blood pressure or respiratory, or their kids have asthma on their lifestyle; let us actually look at what the holistic side of that whole argument is, rather than blame. From today's Hazelwood mine fire study we will start to see some victim blaming—they choose to smoke, they choose to drink, they choose to—and let us stop doing that and actually look at that whole picture.

There have been discussions with the—sorry, I said that—Latrobe City Council. Look, we can do better. We must do better when it comes to health and pollution. We surely do not want to leave further environmental health and planning issues for the next generations. Thank you for your time.

The CHAIR: Thanks so much, Wendy and Marianne. I just did the same thing—I had my mute button on. I apologise for that. Mike, over to you. Mike, can you hear us?

Mr ELLIS: Yes, I can.

The CHAIR: There you go. Over to you.

Mr ELLIS: Whilst I acknowledge and I am extremely concerned about a lead smelter, the biggest problem for me has been smoke. Now, we all had those huge bushfires a long time ago—of course you cannot really put the blame on anyone for that—and that was so bad I could not stand it at all. There was smoke inside the house and outside the house. Eventually I got on a plane and I flew to a tropical island for a holiday for a month. When I came back the bushfires were under control, but then they started doing burn-offs. I am strongly opposed to doing burn-offs. Now, I know it costs less to do burn-offs than what it does to plough the remains of the previous year's crops into the ground, but the air was thick in Traralgon with the smoke from that. I had to go out and buy an air purifier, which would only cover one room, and I had to stay in that room for months. The other one is the burning of coupes. Now, I cannot understand why you have to go setting fire to the results of logging. Again, I think it is a money-saving thing—it is easier to burn it than to cart the debris away—and I really am strongly opposed to that.

I have written to the EPA about this, and they just seemed to be dismissive. They maintain that the air quality in the valley is quite good. I reminded them that the study by the ABC that came out a couple of years ago showed that postcode 3844 was the most polluted postcode in Victoria and the third-most polluted in Australia, and they seemed to be unaware of that. Of course there is also the problem from the Australian Paper mills. I have to say that it is not all that frequent, but that is also a problem.

In general I would just like to say that I do not think we should be burning anything. One of the biggest problems is wood heating in the homes, especially in winter. Summer is not too bad. As soon as winter comes, people start burning wood. In the country perhaps that is acceptable, but in built-up areas there is just a pall of smoke sometimes from wood-burning heaters, and I really believe that they should be phased out. There should be some plan that the government should introduce to perhaps buy them back and make people use gas or electricity. Man first started burning things 1 million or 2 million years ago; this is very dated technology for heating and cooking. We should be moving on. Even gas heating of course produces carbon dioxide, but basically we have to get away from burning solids which produce particulate matter.

My own brother is actually suffering from this. He has got pancreatic cancer because the wood smoke has got into his bloodstream and it affects every organ in the body, including his pancreas. He is fighting cancer right now. I do not want the same sort of thing to happen to me of course.

I have also spoken to the Latrobe City Council, and they seemed to dismiss it as well. They seemed to think that there was no problem. They cannot understand it. I think that is all I have to say on that matter.

The CHAIR: Thanks so much.

Mr ELLIS: Basically I think we have to ban the burning of wood in the home for home heating, coupes from logging and burn-offs on farms. Some countries disallow that. China is one that disallows the burning off of previous year's crops, and I think we should be doing the same.

The CHAIR: Great. Thanks so much for that contribution, Mike, and thank you all for your opening remarks. Now we will throw to questions from committee members. Ms Bath, we will start with you.

Ms BATH: Thanks, Chair, and thank you for presenting today. I would not mind going to Ms Jones first. Having read your submission and knowing a little bit about this topic and having attended many of those community meetings in Churchill and Hazelwood North, you speak about the flaws of the EPA's assessment in terms of their information. You speak about that you are frustrated that the EPA accepted the company's own emissions data from modelling from the Chinese—Chunxing's own plant in China—and there is other commentary around that frustration. Could you expand a little bit more on that? And also I am interested in your notion around, I guess, baseline data from the EPA about, we will say, toxicity in the soil and water and air. That is a fairly big first question, but expand to the committee a bit more about your frustration about the EPA and then some things that you think that they should be doing now.

Ms JONES: Great. Okay. One of the major flaws that we have seen with the EPA's assessment was that there were no literature reviews and there was no comparative analysis to existing secondary lead smelters

across the world despite there being considerable evidence, especially in states like California, which has a very proactive EPA who do their own air dispersion modelling and who are very proactive in testing the soil and the air for lead. They have a considerable amount of data on the impact of very similar plants to what is being proposed in the Hazelwood North area, and that was not tapped into. Normally when you are presenting a new proposal for a new plant you need to look at what evidence there is for the pollution controls that you are using and do all the engineering maths to do with it. What the company did was they said, 'Well, we have exactly the same plant in China, and we are just going to take the emissions data from there, divide it by the size that this plant will be, and therefore here's our data'. Instead of doing a literature review to see whether or not that was correct, instead of scrutinising that, the EPA just accepted it, so that was a major flaw. One of the issues that has come up is that with COVID of course the EPA could not attend China. But even if they had attended the plant, that is not the same as a literature review, a peer review and looking at what evidence there is worldwide on the impact of a secondary lead smelter.

There were multiple issues with the EPA's assessment. One of them was the lack of a cumulative assessment on lead. The Latrobe Valley is an air quality control region. I understand that the new EPA Act has not transferred that status over, but as Voices of the Valley and also Mike Ellis have mentioned, the air pollution in the valley is quite well-known. A part of having an air quality control region was that it was supposed to cap the amount of air pollution in the region, and if you were to look at new industry, you were supposed to see whether or not there was space in the airshed if that makes sense—I hope that makes sense—but the EPA never did a cumulative assessment on lead for the region. I actually received a response to some questions that I sent to the EPA's CEO, and I received this in late May. One of the questions that I had asked is, 'Did the EPA attempt to establish a baseline measure for lead in air across the region? If not, why not?'. And what they said was that the current policy that determines acceptable emission limits is based on data from across Victoria, but the EPA cannot be certain whether that baseline data included the Latrobe Valley. They also went on to say that there is no available ambient data after 2004. Without this data a reliable baseline cannot be established. The EPA does not have the resources or capability to undertake the complex process of attempting to extrapolate ambient data to establish a reliable baseline.

This is something that I feel is a major issue for our region. We do not know what heavy metals are in our air, in our soil or in our water. We do not know what is there from legacy contamination from over 100 years of heavy industry. The power station licences have only just required the power station to be testing for mercury and lead at the stack, so we do not have any reliable data to show what has been emitted in the air previously and what is being emitted in the air today. And yet we are still allowing a secondary lead smelter that is allowed to emit up to 54 kilograms per year of lead via the stack, not to mention fugitive emissions for which the EPA is allowing the company to decide where the fence-line monitors are and what is an acceptable emissions limit, and we will be relying back on the old standard of 0.5 micrograms of lead in the air, which has been proven worldwide to be unsatisfactory to protect the health of children and the development of children.

I kind of feel like I am ranting a little bit, so I will try and sum up. Those are, kind of in a nutshell, some of the issues that we have come up against with the EPA, and I think it comes down to a lack of resources, a lack of funding and a lack of political will to really investigate what is happening in our region and to identify what the health impacts of air pollution are right now and how we can improve that as well as recognising that there may not be space in the Latrobe Valley for more.

Ms BATH: Thanks, Ms Jones. That is most helpful. Notwithstanding that, the EPA approved the works approval in relation to this ULAB, then the council assessed it and the councillors voted, in effect, to oppose the position and then it was going to go to VCAT, so there was a process in place in my understanding. And in Parliament I called for an environment effects statement, which looks at the physical, social and environmental impacts of such a laboratory, a smelter. Indeed I know that in New South Wales, in Wagga Wagga, where there was a ULAB proposed 5 kilometres away from, say, a residential town et cetera, an environment effects statement was undertaken—they call it a different thing—and then the minister called it in at the end of last year. It might be something that, Wendy and Marianne, you might like to weigh in on. In relation to an environment effects statement, is that something that you would still think is warranted? If so, why, and if not, why not?

Ms JONES: I will just quickly say yes. I think at a minimum the project needs to be put on hold, that an environment effects statement needs to be undertaken and that it needs to be heard in the VCAT court. It has been scrutinised effectively. I recognise the risk is that it still may pass, but what we are seeing right now is a

lack of due process, which is fuelling the fears of our community. But I will pass to Wendy and Marianne to let them weigh in on that as well.

Ms FARMER: I have no doubt that an EIS is required and should have been part of the EPA approval. One of the things that I just want to correct Maggie on is that I have since spoken to the EPA. When the reform of the power station licences happened they actually said that lead would be monitored from the stacks at the power stations. They are now under a factor 3 level of pollutants. They have now said that that is actually a factor 2 and it will not be measured from the power stations, yet we know power stations also put lead into the atmosphere. Lead does not break down—it accumulates. It never breaks down. An example is when they did a Hazelwood health study between Morwell and Rosedale after the fires they found very high levels of lead inside roof cavities on the homes that sit close to the freeway, and they believe it was from the lead that was in cars before we banned lead. Absolutely we should have had an environmental impact statement, but also we should be measuring lead completely because, actually, if you go back, another health impact from pollution is the learning difficulties that the Latrobe Valley has. We do have a high rate of incidence of children with ADHD and other different factors, and the question could be why. Is it also connected to our air that we breathe every day?

Ms BATH: Thanks, Chair. I had more, but please.

The CHAIR: Dr Cumming, question?

Dr CUMMING: Thank you for your presentation. I am a firm believer, even though you are in the Latrobe Valley, that we all breathe the same air. I do not believe there is any safe amount of pollution. Even when you actually set standards and the like, there is no such thing as safe pollution. So I am just wondering, apart from maybe getting an environment effects statement, which was not done, and getting somebody to do that, are there any additional resources and support required? I am leaving it as a very open question for you all.

The CHAIR: Maggie, you can start there and we will go around. We will make sure you each get a chance at answering that.

Ms JONES: As part of ALiVe's recommendations we actually put forward the idea that there be a moratorium on further heavy industry—so not all industry but heavily polluting industry—in the region until we have a comprehensive analysis of what is in the air, water and soil of the Latrobe Valley. I think there was one study I was able to find—and that was from the Hazelwood mine fire; it was very limited—on what the levels of heavy metals are in the soil. It was based on a very small study in Morwell—Wendy actually just referred to it—that compared it to another section of the region. But we do not actually know what is in the soil, the air and the water. At the moment we have quite a large agricultural industry as well as people like me reliant on water tanks. I am not connected to town mains, and I do not know what is in my water tanks. I do not know how the air pollution is impacting that. So for me, that is one of the most essential things that we need to be able to go forward: we need to have the data to know where we are right now. Thank you.

Dr CUMMING: Great. Thanks.

The CHAIR: Wendy.

Ms FARMER: So, Dr Cumming, was your question in relation to the lead smelter or in general?

Dr CUMMING: It is a general air pollution question. This inquiry is about air pollution and air quality, but we obviously understand that when it rains the pollution goes into the soil and into the waterways. My question is around what other resources and support are required. When I put up this inquiry, in researching it, I understood that there was an inquiry into the Hazelwood fires in 2016–17; that the last time that this Parliament actually looked at air was a legislative committee in 1959; and that there were some reports, one being the Auditor-General's office's *Improving Victoria's Air Quality*, in 2018, and DELWP did a report also, estimating the health cost of air pollution in Victoria. It was a working paper with an expert panel, and that was in 2019. One of the things that you have contributed to within this inquiry was you actually mentioned the Hazelwood inquiry that occurred and the recommendations. Obviously you guys would have sat back and thought, 'Yep, the Parliament would have gone and done some legislation amendments or acted upon that inquiry in 2016–17'. So for myself, when I got this inquiry up—I live in the west; I have always had poor air quality—I knew of this. It has been a community push, just like your community have been pushing it for 20, 30, 50 years.

The CHAIR: Sorry, Dr Cumming, can you just restate the question for Wendy, please, so she could answer?

Dr CUMMING: I am just answering what Wendy had asked me, Chair. But I am more than happy—

The CHAIR: What was your question?

Dr CUMMING: Yes, Chair, I understand. We want you to contribute.

The CHAIR: But what was your question?

Dr CUMMING: My question was the same question as at the very start: what additional support is required by your community and what could we do as a Parliament to make sure that this is treated as urgent and things are done?

Ms FARMER: I think, one, we need governments to actually listen to communities and look at what is happening. We have data from the Hazelwood mine fire inquiries that could be acted on. We need legislation to make sure that decisions like what happened with the ULAB are not done again to any community, not just ours. We need legislation to make sure that if we are the Latrobe Valley health innovation zone with a health assembly, that that is actually legislated into planning, into what happens in the Latrobe Valley. We do not want just words. There is no point in having something that is just words. We want legislation for the best practice on industry, and we saw that failure in the reform of the power station licences. It seemed to be a pick-up of health over cost, rather than health should always come first when we are talking about people. And we want public health awareness with pollution and health, because really people do not understand what pollution does do to your health. Until you started finding, back from the Hazelwood mine fire—I would not have had any idea that pollution affected my everyday health and that of my family. You know, if I had had a child with asthma, I would have just thought, ‘They have asthma’. You know, so these are just simple things. I want to say ‘simple’ things, and I know some of it is not simple when you need to legislate. But we cannot continue to impact communities that are already doing it hard, and we need to actually support those communities because usually that is where the most pollution sits.

The CHAIR: Thanks, Wendy. Marianne, is there anything you want to add to that just quickly?

Ms ROBINSON: Yes. I would like to add that what we need is to have a more holistic view of what is going on, especially between agencies and government departments. We see the EPA making decisions on the basis of what are regulations, and health effects are tied to particular regulations. We see planning being done on the basis of planning regulations without any reference to health or pollution or anything like that. We need health and environment and planning talking to each other and assessing how a decision made in one context is likely to affect people, communities and industries in a whole range of things. We see so many decisions being made on the basis of very, very limited consideration of factors. We need that to be expanded so that when decisions are made about new industries or new developments, they include an assessment of health effects, pollution and so on. We need people to talk to each other and take into account the effects of their decisions beyond their immediate responsibilities.

Dr CUMMING: So would you say, Marianne, departments as well as local government, state and federal?

Ms ROBINSON: Yes. One of the things we found out as part of the Hazelwood mine fire inquiry was that various health agencies in the Latrobe Valley did not talk to each other—maybe they do now. We know when we took up with the EPA about burning-off smoke that they were only responsible for some parts of the burning off but not other parts. So they were responsible for VicForests’ burning off, but they had nothing to say about plantation burn-offs. We found that the health department did not have anything to say about the smoke at all. I mean, you can think of any number of examples where decisions are made which make sense within a very limited sphere but do not take into account what are the other effects that might occur.

The CHAIR: Thanks, Marianne. I will check with Mike. Mike, was there anything you wanted to add there?

Mr ELLIS: I agree with everything the previous speaker has said. My experience is there are too many different organisations which have varying points of view on the matter, and some of them you do not know

which one to go to. I think we need the EPA to take a much more proactive role. It seems to me that, from my experience talking to them, they are very—what is the opposite of ‘proactive’? Perhaps ‘useless’ is not really a good enough word, but they just do not seem to be sufficiently proactive in my opinion.

I really think that we need to have much stronger legislation. With regard to the lead smelter, we know that there are no safe levels of mercury and lead poisoning. They have done tests down to the smallest levels that can be measured in children, and there have still been measurable effects on their intellectual development. That is a huge concern to me. Of course it is not just children but everyone. I am nearly 75. One might think that perhaps my problems in breathing are just due to age. They are not. I am a fairly healthy, active person. Right now I am speaking to you from a camping site. I get out there, I do things, and I go to the gym three times a week. I do not have breathing problems generally. I am a pretty healthy person. But when there is that smoke around from burn-offs and coupe burning and everything, it just knocks me. To me it is a fundamental human right to have fresh, clean air, and that right is being abused. That is a fundamental human right.

I think also, as one of the previous speakers said, there seems to be a concentration on industry—‘We must have industry; you must provide jobs’ and so on. But people’s health has to come first. If we introduce any kind of industry, we have to make sure that industry is going to be safe. The lead smelter is definitely a huge concern. And I think also the burning of coupes and the burning of wood in people’s homes for heating—this is ancient technology—have got to be all phased out. There are some countries in the world, and I am not sure how many, but I do know for sure that in China—of course they have got enough pollution as it is—the burning of stubble is illegal. And I do not know about the burning of coupes in China, but I might well imagine that would be illegal over there as well. Now, if it is illegal in China, surely we can make it illegal here. It will cost more. If that means that carrots go up from 40 cents per kilogram or whatever it is to 45 cents per kilogram, I do not mind; I will pay the extra. But the air quality has to come first. I think that is about all I have to say.

The CHAIR: Thanks, Mike. I might just have a question. I am conscious we are running out of time. I again apologise, and if members have any further questions, you can submit them on notice. I know Dr Ratnam will have a question, but I would not mind getting in first, sorry. I have just got one; you might have a number. I just want to ask about the impact on mental health of this, because what I am picking up are very clearly the anxiety and stress levels that this is causing just thinking about where you live and the air that you breathe. Is there anything that you think government should act on in regard to that aspect? I know you are clearly saying that there needs to be more done around air quality, but I am clearly seeing and observing stress and anxiety in many of the witnesses that are coming through—and trauma, really; there are compounding effects of trauma—particularly because there have been some really serious damaging fires, which can have a legacy. I am interested to know what your thoughts are on that. Maggie, I might start with you first.

Ms JONES: Yes. Thank you. I agree. There are significant mental health impacts from air pollution, from what people are experiencing now, and also we have been focusing on the lead smelter, so we are picking up the mental health impacts from that. I guess I have two things to say about it. One is that I think we need to be quite careful that we do not approach the mental health impact, which is a secondary issue to the primary issue, and then have the primary issue be forgotten. And I feel like that is what happened with the health innovation zone—it did not actually address the real issue, which was air pollution, and it did not address the issue that the community was not listened to.

I wonder whether or not it is not just about facilitating those supports but also opening up avenues so what the community wants is actually taken into consideration and acted on and, for want of a better word, social licence is embedded in the planning scheme.

The CHAIR: Sure. Okay. Thanks. Wendy and Marianne, anything you want to just add there?

Ms FARMER: Look, there is no doubt that there are mental health issues and there are ongoing mental health issues from what has been a long-time issue in the Latrobe Valley. I think one of the things when we look at the whole of the Latrobe Valley in a holistic way is our community want jobs. Our community want hope for the future. They just do not want to be the dumping ground for Victoria, and they are sick of bearing the biggest health costs to actually survive. You know, one of the things that the Victorian government can do is actually look at this seriously. We are in a state of emergency at the moment. How do we develop Latrobe Valley and further Gippsland to be the renewable energy hub? Things will change. We do not have an option.

They will change. Make sure that Latrobe Valley is not left behind, because at the moment it looks like Latrobe Valley is being left behind—and the wider Gippsland.

The CHAIR: Thanks, Wendy. Marianne, is there quickly anything you want to add there? No? Okay. Mike, is there anything you want to add?

Mr ELLIS: Yes. One of the most disturbing pictures I have in my mind at the moment is: I was going for a walk during the burning of coupes—I was in Traralgon—and I walked past this football ground and there was a group of boys, maybe 13 or 14, from both teams. They were all gathered around the referee, I think it might have been, or the coach, listening to him. They were only about 20 metres or 30 metres from the footpath, and they were just sitting in this thin haze of smoke. That is just a lasting impression that I have got. Is this what we want for our children and our grandchildren? If we do not do something about it, then they will start developing all kinds of problems, mental and physical, all kinds of cardiorespiratory problems. We have a right to have fresh air. We should not just be stopping things like lead smelters but anything that causes particulate matter especially—burning of wood, coupes, stubble, wood in the homes and so on, and of course coal.

The CHAIR: Yes, right.

Mr ELLIS: I have just got that picture in my mind of those kids standing there in that haze, and this is on a playing field so of course once they start running around, they are breathing it in at an even higher rate.

The CHAIR: And that is distressing to see. Yes.

Mr ELLIS: It was just distressing. I just wanted to add that bit.

The CHAIR: Thanks, Mike. Dr Ratnam, very quickly—2 minutes. You might want to ask your questions on notice.

Dr RATNAM: Certainly. If they cannot be answered in time, I am very happy for them to be answered on notice if you could send us more information. Thanks everyone for all the incredible work, particularly on the ground, living in community and having to experience the distress and the frustration of years and years of advocacy often going around in circles. I really appreciate you being here and prosecuting the case so well. I had a quick follow-up question—particularly, Wendy, around your submission. You talked in some concluding points about planned burns—that planned burns undertaken by VicForests do not take into account the health risks associated with particulate matter, despite other industries being regulated around those pollutants. You also said smoke haze from most of the autumn burning of timber industry waste is apparently not subject to regulation by the EPA. I wanted to know what you all have received back, because obviously it sounds like you have probably had some back and forth where you have had responses, you have advocated for change and the EPA has said, ‘Sorry, this is not subject to regulation’, or, ‘We don’t have the resources to regulate’. I was interested to know what is actually going on there. Are there not enough laws to protect or regulate, or are they just not being applied—or a mixture of both?

Ms FARMER: I think it is a mixture of both, and I think the new EPA reform that comes in in a couple of days will cover some of that, but a licence to pollute should not just be a given. It happens right across Victoria, where especially waste burns are just put into piles and will smoulder for a week or so.

The real classic one there was that on the day of the opening of the Hazelwood mine fire court case, talking about the smoke and the impact on the community, the Latrobe Valley was—I woke up and I opened my windows in the morning—covered in smoke. It was thick and it was terrible. The radios went crazy about the smoke in the Latrobe Valley, and I was sitting there thinking, ‘We’ve now got a company in court because of the smoke and health impacts to the community, yet we are allowing these waste burns’. I had presented at HVP at a work training day that they had, and it was discussed how they do get rid of their rubbish, and it is cheaper. It was stated to me by one of the managers—actually he is not there anymore; I will not quote his name, though—that it is cheaper to burn, and the company do not want them to actually dispose of it any other way because of the cost to it, which is not okay when you impact on communities.

The CHAIR: I am sorry, we are now out of time. I would just like to thank all witnesses very much for your presentation. Your presentation was fantastic, and the evidence you have given today has been very much

appreciated and is very informative for this committee. I would just like to wish you all the best for the rest of the afternoon.

Witnesses withdrew.