



CLIMATE^{AND}
HEALTH
ALLIANCE

Submission in response to
Victorian EPA draft guidelines for
managing greenhouse gas emissions

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Contact

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1. About

The Climate and Health Alliance (CAHA) is a national charity and the peak body on climate change and health in Australia. CAHA and its members work together to raise awareness about the health risks of climate change and the health benefits of taking climate action.

The membership of CAHA includes a broad cross-section of health sector stakeholders with over 90 member organisations, representing healthcare professionals from a range of disciplines, as well as healthcare service providers, institutions, academics, researchers, and consumers.

For further information see www.caha.org.au

2. Summary

Given the serious and increasing risks to human health and wellbeing from climate change, as well as to the natural world on which human health depends, CAHA welcomes the characterisation of greenhouse gas (GHG) emissions as posing a risk to human health and the environment. However, it is CAHA's assessment that offering a guidance document for voluntarily managing GHG emissions, rather than preventing or reducing them, is wholly inadequate to prevent risks to human health. Further, CAHA asserts that the Environment Protection Authority (EPA) should utilise the full range of legal instruments available under the *Environment Protection Act 2017* (EP 2017) in order to drive down emissions and fulfil the EPA's mandate. This includes legally enforceable duties under the EP 2017 and the *Climate Change Act 2017* applying to any person engaging in activities that give rise to harm to human health or the environment from GHG emissions.

We recommend that:

- The guidelines are redrafted to reflect the preventative focus of the EPA, and set out the responsibilities of licence and permit holders under the EP 2017 and CC 2017 to consider their contribution to GHG emissions, and reduce and prevent those emissions.
- The EPA utilises the power as set out in the EP 2017 to create legally enforceable duties that limit and reduce harmful GHG emissions in Victoria.
- The EPA creates a mechanism that will allow businesses and other licence holders to report their scope 1,2, and 3 emissions, in order to improve transparency, consistency, and accountability with respect to GHG emissions. This would greatly expand the publicly available knowledge base, fulfil requirements for accountability under the EP 2017, and improve the ability of the EPA to regulate emissions.

Our recommendations draw on CAHA's policy framework; *Healthy, Regenerative and Just: Framework for a National Strategy on Climate, Health and Well-being*.¹ The framework highlights the need for establishing appropriate governance arrangements in order to effectively respond to climate change and health risks at national, state/territory, and local levels. CAHA encourages the EPA to draw upon the recommendations in *Healthy Regenerative and Just* when making policy decisions and developing guidance on climate and health.

3. Prevention rather than management

CAHA urges the EPA to redraft the guidelines to emphasise emissions prevention, and to further utilise the legislative toolkit and mandate available to the EPA to reduce GHG emissions, rather than managing them. The *EP 2017* lays out the “principle of primacy of prevention”, that is, that “prevention of harm to human health and the environment is preferred to remedial or mitigation measures”.² Thus, the EPA’s primary role is to prevent harm to human health and the environment. It is CAHA’s assessment that a guidance document on how to manage GHG emissions is not an appropriate measure to meet the requirements of the principle of primacy of prevention as set out in the Act.

The draft guidelines would be greatly improved by more clearly articulating this need for *prevention* rather than management. The guidelines must set out the interaction between the *EP 2017* and the *CC 2017*, which require licence and permit holders to consider how their activities will contribute to Victoria’s climate emissions, and their obligations to reduce those emissions. This is particularly relevant given licence and permit holders are some of the main sources of GHG emissions in Victoria.

As acknowledged in the draft document, GHG emissions pose a serious risk to human health and the environment. As such, the legislation gives the EPA the power to make regulations, including legally enforceable duties and environmental reference standards, that will drive down Victorian GHG emissions, meet the state’s 2050 net zero targets, and tackle climate change. The best way to minimise the serious health and environmental risk arising from GHG emissions, is to address and eliminate the sources of that risk in the first place.

4. Fulfilling the EPA’s mandate through transparent emissions reporting

While encouraging businesses to measure their GHG emissions, including scope 3 emissions, is an important part of tackling emissions, the strength of the guidelines and the EPA’s ability to regulate emissions are unfortunately weakened by the lack of a centralised reporting mechanism.

As the draft guidelines state:

*Through the CC 2017 Victoria has legislated a long-term target of net zero emissions by 2050 consistent with the Paris Agreement goal. This provides a clear signal to sectors of the Victorian economy for sustained and significant actions to reduce emissions and adapt to a changing climate.*³

However, sectors need a way to consistently report their progress in this endeavour, and the EPA needs a mechanism to track and regulate emissions in Victoria.

Rather than setting out voluntary reporting avenues such as the The World Resources Institute/World Business Council for Sustainable Development’s Greenhouse gas protocol corporate accounting and reporting standard, the EPA should endeavour to compliment these guidelines by creating a reporting

mechanism, run by the EPA, to which businesses must report their GHG emissions, to enhance the consistent and transparent monitoring tracking and inventory of emissions in Victoria.

CAHA has recently released a policy framework, *Healthy, Regenerative and Just*, in which it has laid out governance recommendations that would contribute to the reduction of GHG emissions and the safeguarding of environmental and human health. The policy framework recommends governments to:

*Create reporting mechanisms that ensure transparency in Australia's efforts to take action on climate change, as per the obligations of the Paris Agreement.*⁴

And:

*Ensure all Australians have equal access to information and knowledge about climate change and health impacts and solutions via digital services and technology through a centralised data repository.*⁵

A centralised emissions reporting mechanism in Victoria, run by a government regulator such as the EPA, would deliver three outcomes.

Firstly, Victorian businesses would have a means to track and report emissions in order to adhere to reductions targets, as part of their general environmental duty (GED) under the *EP 2017* and in contribution to the state's net-zero target under the *CC 2017*. This would greatly improve the effectiveness of the guidelines set out in the draft document.

Secondly, such a mechanism would fulfil the requirements for transparency set out in Section 22 of the *EP 2017* which defines the principle of accountability:

Members of the public should—

(a) have access to reliable and relevant information in appropriate forms to facilitate a good understanding of issues of harm or risks of harm to human health and the environment and of how decisions are made under this Act; and

(b) be engaged and given opportunities to participate in decisions made under this Act, where appropriate to do so; and

*(c) have their interests taken into account in decisions made under this Act.*⁶

Thirdly, such a mechanism would provide the EPA with a data set that would improve evaluation, transparency and efficiency in Victoria's efforts to reduce GHG emissions. Such a mechanism could thereby become an essential tool in fulfilling the EPA's responsibility to prevent harm to public health and the environment from pollution and waste (GHG emissions are defined as waste under the Act). This would also further the ability of the EPA and other regulators to facilitate and enforce emissions reporting as required under the *CC 2017*, and contribute to driving down emissions in line with the state's target of net zero by 2050 as also set out by the Act.

5. Recommendations

- For the EPA to redraft the guidelines to reflect the preventative focus of the EPA, as well as the responsibilities of licence and permit holders under the *EP 2017* and *CC 2017* to consider their contribution to GHG emissions, and reduce and prevent those emissions.
- For the EPA to utilise the power set out in the *EP 2017* to create legally enforceable duties that limit and reduce harmful GHG emissions in Victoria.
- For the EPA to create a mechanism that will allow businesses and other licence holders to report their scope 1,2, and 3 emissions, in order to improve transparency, consistency, and accountability. This would greatly expand the publicly available knowledge base, fulfill requirements for accountability under the *EP 2017* and improve the ability of the EPA to regulate emissions.

References

1. Climate and Health Alliance (2021). *Healthy Regenerative and Just: Framework for a National Strategy Climate Health and Well-being*, <https://www.caha.org.au/framework>.
2. *EP 2017* (VIC) s. 15 (Austl.).
3. Environment Protection Authority (2022), *Guidelines for managing greenhouse gas emissions: Draft for consultation*, p5.
4. Climate and Health Alliance (2021). *Healthy Regenerative and Just: Framework for a National Strategy Climate Health and Well-being*, <https://www.caha.org.au/framework>, p58.
5. Climate and Health Alliance (2021). *Healthy Regenerative and Just: Framework for a National Strategy Climate Health and Well-being*, <https://www.caha.org.au/framework>, p54.
6. *EP 2017* (VIC) s. 22 (Austl.).

Appendix A

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CoHealth
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Lowitja Institute
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Medical Scientists Association of Victoria (MSAV)
Metta Health & Psychology
MinterEllison
Motion Energy Group
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Naturopaths and Herbalists Association of Australia (NHAA)
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Pharmacists for the Environment Australia (PEA)
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