



Environmental
Defenders Office

**Submission to the Department of Health and Aged Care
on the National Health and Climate Strategy**

24 July 2023

About EDO

EDO is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our reputation is built on:

Successful environmental outcomes using the law. With over 30 years' experience in environmental law, EDO has a proven track record in achieving positive environmental outcomes for the community.

Broad environmental expertise. EDO is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.

Independent and accessible services. As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

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Submitted to:

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Acknowledgement of Country

The EDO recognises and pays respect to the First Nations Peoples of the lands, seas and rivers of Australia. We pay our respects to the First Nations Elders past, present and emerging, and aspire to learn from traditional knowledges and customs that exist from and within First Laws so that together, we can protect our environment and First Nations cultural heritage through both First and Western laws. We recognise that First Nations Countries were never ceded and express our remorse for the injustices and inequities that have been and continue to be endured by the First Nations of Australia and the Torres Strait Islands since the beginning of colonisation.

EDO recognises self-determination as a person's right to freely determine their own political status and freely pursue their economic, social and cultural development. EDO respects all First Nations' right to be self-determined, which extends to recognising the many different First Nations within Australia and the Torres Strait Islands, as well as the multitude of languages, cultures, protocols and First Laws.

First Laws are the laws that existed prior to colonisation and continue to exist today within all First Nations. It refers to the learning and transmission of customs, traditions, kinship and heritage. First Laws are a way of living and interacting with Country that balances human needs and environmental needs to ensure the environment and ecosystems that nurture, support, and sustain human life are also nurtured, supported, and sustained. Country is sacred and spiritual, with culture, First Laws, spirituality, social obligations and kinship all stemming from relationships to and with the Land.

EXECUTIVE SUMMARY

The Environmental Defenders Office Ltd (**EDO**) welcomes the opportunity to contribute to the Department of Health and Aged Care's (**the Department**) consultation on the National Health and Climate Strategy (**the Strategy**).

The EDO is the largest environmental legal centre in the Australia-Pacific. EDO is dedicated to protecting the climate, communities, and environment by providing access to justice, running litigation, and leading law reform advocacy. As an accredited community legal service and non-government, not-for-profit organisation, EDO uses the law to protect and defend Australia's wildlife, people, and places.

Our work is underpinned by an environmental justice and human rights framework. EDO recognises that the human rights of certain people and communities are disproportionately impacted by environmental harm, including the impacts of climate change. This guides EDO to focus on empowering overburdened people and communities to fight for environmental justice.

EDO endorses the Department's initiative in acknowledging the dangerous health impacts of climate change and in developing the Strategy. These are both important steps that will assist Australia to better combat climate change and its associated negative health implications. In this submission, we make 11 recommendations which, if adopted by the Australian government, will strengthen the Strategy and the government's broader climate adaptation and mitigation policies.

EDO has also had the benefit of reading a submission guide prepared by the Climate and Health Alliance (**CAHA**). In recognition of CAHA's leadership in health and climate research and advocacy, we are supportive of CAHA's position and encourage the Department to implement CAHA's recommendations.

In support of our submission, we **attach** the following documents:

- **Attachment 1** – [A Roadmap for Climate Reform](#) (EDO report, July 2022);
- **Attachment 2** – [A Healthy Environment is a Human Right](#) (EDO report, August 2022);
- **Attachment 3** – [EDO submission to the Climate Change Authority on setting, tracking and achieving Australia's emissions reduction targets](#) (30 June 2023).

Summary of Recommendations

1. The purpose and application of the Strategy must be expanded to guide activities in all federal portfolios and sectors beyond the health system and health sector.
2. The Australian government should have legal responsibility for investigating, monitoring, and addressing the health impacts of climate change.
3. Adopt EDO's recommendations in our *Roadmap for Climate Reform* (July 2022).

4. Increase Australia's current emissions reduction target to reduce greenhouse gas emissions by 74% of 2005 levels by 2030 and achieve net zero by 2035. Australia's emissions target must also include exported emissions and goals for the phase out of fossil fuel production.
5. Adopt EDO's recommendations in our submission to the Climate Change Authority on setting, tracking, and achieving Australia's emissions reduction targets.
6. The Strategy's emission reduction efforts must address scope 1, scope 2 and scope 3 emissions in all portfolios and sectors, including exported emissions.
7. Health implications must be considered in all planning and development projects assessed by the federal government and by state and territory authorities.
8. Expand the Strategy's principles to ensure the Strategy is underpinned by a human rights framework.
9. Enshrine the human right to a clean, healthy and sustainable environment (the 'right to a healthy environment') in federal human rights or other legislation.
10. Consult with First Nations Peoples in a culturally appropriate manner that is consistent with Australia's obligations under the *United Nations Declaration on the Rights of Indigenous Peoples*.
11. In relation to the health system, we recommend that:
 - a. the Strategy addresses scope 1, scope 2 and scope 3 emissions from travel and transport sources in the health system;
 - b. the Department ensures that all new vehicles within the health system are zero-emissions by 2035;
 - c. the Department takes steps to monitor and mitigate against the exposure of the public to pollution and associated health impacts caused by travel and transport sources in the health system.

OVERARCHING COMMENTS

Purpose and application of the Strategy

As noted in the Department's Consultation Paper, Australia is highly vulnerable to the effects of climate change including from temperature extremes, extreme precipitation and humidity, droughts, sea level rise, and increased risks of extreme events including bushfires and floods, all of which result in adverse impacts on human health.

The Consultation Paper states that the purpose of the Strategy is to protect the health and wellbeing of Australians from the impacts of climate change. However, from our interpretation of the Consultation Paper, it appears that the Strategy (as currently drafted) is focused primarily on the health system and health sector.

EDO endorses the Department's initiative in acknowledging the dangerous health impacts of climate change and in developing the Strategy, which are both important steps that will assist Australia to better combat climate change and its associated negative health implications. However, the purpose and application of the Strategy must be expanded to guide activities in all portfolios and sectors to achieve better climate and health outcomes.

We recognise that the Department has administrative responsibility for the health and aged care sectors, which may explain why the Strategy focuses primarily on the health sector. However, in EDO's view, people living in Australia who already and will increasingly experience impacts on their health from climate change are the responsibility of the Department, along with its state and territory counterparts. As climate change worsens, Australians' health care needs will only increase, resulting in a greater burden on Australia's healthcare system, including increased hospitalisations. The Department must therefore ensure that the Strategy includes measurement, mitigation, and adaptation measures for all portfolios and sectors that are contributing to climate change and its related health impacts.

For these reasons, **EDO recommends that the Strategy is expanded to have broader application to federal portfolios and sectors beyond the health sector.**

Recommendation 1: The purpose and application of the Strategy must be expanded to guide activities in all federal portfolios and sectors beyond the health system and health sector.

The role of the federal government

Following the 2019-20 Black Summer bushfires, the Royal Commission into National Natural Disaster Arrangements confirmed the need for the Australian government to have a greater role in natural disaster management, and that Australia needs a national approach to natural disasters that involves 'whole-of-nation', 'whole-of-government' and 'whole-of-society' cooperation and

effort.¹ Similarly, EDO considers that the Australian government must take a leadership role in Australia's efforts to combat the health risks of climate change.

The Australian government must play a proactive role in relation to the health impacts of climate change. It should not be left up to climate activists to identify and draw public attention to the unacceptable impacts of climate change; this should be the role of the Australian government.

EDO recommends that the Australian government should have legal responsibility for investigating, monitoring, and addressing the health impacts of climate change. This could include a responsibility for issuing the public with health warnings or notifying the public of health risks.

We understand that the Department of Climate Change, Energy, the Environment and Water will be responsible for the delivery of a National Climate Risk Assessment and National Adaptation Plan over 2023-24, which will consider a range of climate-linked health impacts at the national level. We are supportive of this initiative.

In response to Question 19 of the Consultation Paper, we are also supportive of the Department's proposal to develop a National Health Vulnerability and Adaptation Assessment and National Health Adaptation Plan. In response to Question 20, we agree there would be value in the Australian government promoting a nationally consistent approach to vulnerability assessment and adaptation planning for the health system.

Recommendation 2: The Australian government should have legal responsibility for investigating, monitoring, and addressing the health impacts of climate change.

Other climate reforms

We further recommend that the Australian government adopt EDO's recommendations in our 2022 report *A Roadmap for Climate Reform*.

Recommendation 3: Adopt EDO's recommendations in our *Roadmap for Climate Reform* (July 2022).

¹ *Royal Commission into National Natural Disaster Arrangements: Final Report* at [15], p 21; [37], p 23.

OBJECTIVES OF THE STRATEGY

Question 1 of the Department's Consultation Paper asks how the four objectives of the Strategy (ie, Measurement, Mitigation, Adaptation, and Health in all policies) could be improved to better support the vision of the Strategy.

EDO is supportive of the four objectives, in particular the adaptation and the Health in All Policies objectives. While EDO is supportive of the measurement and mitigation objectives, for the reasons explained earlier in this submission, the Strategy - including its objectives - ought to be expanded to have broader application beyond the health sector (**Recommendation #1**). The measurement and mitigation objectives should be amended to include measurement and reporting on greenhouse gas emissions from all portfolios and sectors, and acceleration of the reduction of greenhouse gas emissions in all portfolios and sectors. Below we have set out our additional recommendations on the objectives of the Strategy.

Australia's emissions reduction target

CAHA has recommended that the Strategy should articulate specific emissions reduction targets, including an updated Nationally Determined Contribution that aims to reduce national greenhouse gas emissions of 75% below 2005 levels by 2030 and net zero emissions by 2035 for all sectors, including healthcare, and including emissions from exports. EDO is supportive of this recommendation.

At present, the Department's Consultation Paper refers to and relies on Australia's current emissions reduction target, which is to reduce greenhouse gas emissions by 43% below 2005 levels by 2030 and achieve net zero emissions by 2050. These targets remain vastly inadequate to contribute to international efforts to limit global temperature rise to 1.5°C as agreed under the Paris Agreement. The current targets are not in line with the rapid and genuine emissions cuts needed to meet the Paris Agreements goals, do not reflect Australia's fair share of the global emissions reduction task, and should be updated to reflect the urgency of the climate crisis.

Global warming will continue to increase in the near term in nearly all considered scenarios and modelled pathways considered in the recent IPCC Assessment Report.² Deep, rapid, and sustained greenhouse gas emissions reductions, reaching net zero CO₂ emissions, and including strong emissions reductions of other greenhouse gas emissions are all necessary to limit warming to 1.5°C or less than 2°C by the end of century. These emissions reductions would also lead to improvements in air quality within a few years, to reductions in trends of global surface temperature discernible after around 20 years, and over longer time periods for many other climate impact-drivers. This has clear implications for the health and wellbeing of Australians.

However, we are not on track to realise the 2030 target,³ let alone the much greater reductions required to stay within the Paris Agreement temperature goals. This means a steeper decline rate

² Hoesung Lee et al., 'Synthesis Report of the IPCC Sixth Assessment Report (AR6)' (2023) IPCC, Figure 3.5, 56, https://report.ipcc.ch/ar6syr/pdf/IPCC_AR6_SYR_LongerReport.pdf.

³ Department of Climate Change, Energy, the Environment and Water, *Australia's emissions projections 2022* <https://www.dcceew.gov.au/sites/default/files/documents/australias-emissions-projections-2022.pdf>.

and lower emissions target will be required by 2035, including short-lived emissions that are so detrimental to short-term exacerbation of climate change triggers. Further, emissions targets must also account for reporting failures and inaccuracies in our emissions contribution.⁴ New targets should be set conservatively and should be based on the precautionary principle to ensure greater catch-up will not be needed as monitoring and accounting improves.

An equitable emissions target must also take into account Australia's fair share of the remaining carbon budget, acknowledging we have historically benefitted from the use of fossil fuels and continue to do so, including through our enormous fossil fuel exports. Australia also has the capability and capacity to mitigate, adapt, and respond to climate change. The current 2030 target, which is consistent with 2°C of warming, therefore not only spells disaster for our neighbours in the Pacific, but also abrogates Australia's responsibility as a global citizen. **EDO therefore recommends Australia adopt a target to reduce greenhouse gas emissions by 74% of 2005 levels by 2030 and achieve net zero by 2035.**

A non-ambitious target that does not effectively combat climate change will only increase the risk of Australians experiencing adverse health effects from climate change. It is therefore critical for the Australian government to accept our recommendation to increase its current emissions reduction target.

In addition, the Paris Agreement does not preclude nations from submitting targets and commitments beyond each country's domestic emissions. Given Australia's significant contribution to the climate crisis through our production and export of fossil fuels, and the health implications of climate change for Australia no matter where emissions are produced, **EDO recommends that Australia's emissions target must include exported emissions and goals for the phase out of fossil fuel production** (discussed further below).

We also encourage the Department to consider our broader recommendations on setting, tracking, and achieving Australia's emissions reduction targets in our recent submission to the Climate Change Authority (**Attachment 3**).

Recommendation 4: Increase Australia's current emissions reduction target to reduce greenhouse gas emissions by 74% of 2005 levels by 2030 and achieve net zero by 2035. Australia's emissions target must also include exported emissions and goals for the phase out of fossil fuel production.

Recommendation 5: Adopt EDO's recommendations in our submission to the Climate Change Authority on setting, tracking, and achieving Australia's emissions reduction targets.

⁴ The Guardian, 'Methane from Australian coal and gas could be 60% higher than estimated' (24 February 2023) available at <https://www.theguardian.com/environment/2023/feb/23/methane-from-australian-coal-and-gas-could-be-60-higher-than-estimated>.

Greenhouse gas emissions

The Department's Consultation Paper asks which of the various types of greenhouse gas emissions discussed in the Paper (scope 1, scope 2, and scope 3) should be in scope of the Strategy's emission reduction efforts (Question 3).

As noted in the Consultation Paper, Australia's emission reduction targets cover all scope 1, 2 and 3 emissions occurring within Australia, but do not include emissions occurring in other countries' jurisdictions. The Consultation Paper states that this approach reflects the Paris Agreement requirement that each member country estimate and report emissions occurring within its jurisdiction, in accordance with agreed rules and guidelines. However, as noted above, the Paris Agreement does not preclude nations from submitting targets and commitments beyond each country's domestic emissions.

Like CAHA, EDO unequivocally supports including scope 1, 2 and 3 emissions, as the health and aged care system must do its part and be as ambitious as possible in mitigating its emissions, without compromising quality patient care. However, as explained earlier in this submission, the Strategy ought to be expanded to have broader application beyond the health sector, and we recommend that the Strategy include emission reduction efforts to address emissions from all portfolios and sectors (**Recommendation #1**).

EDO recommends that the Strategy's emission reduction efforts address scope 1, scope 2 and scope 3 emissions from all portfolios and sectors, including exported emissions.

Exported emissions are emissions that are generated from the activities of overseas facilities from sources that originated in Australia and include all the emissions resulting from exported fossil fuel products combusted outside Australian borders.

According to 2018 findings by the Australia Institute, Australia was the world's largest exporter of coal and liquid natural gas by volume and was the third biggest fossil fuel exporter globally by CO₂ potential, coming behind only Russia and Saudi Arabia.⁵ A 2019 report by Climate Analytics for the Australian Conservation Foundation found that Australia's exported fossil fuel emissions represented around 3.6% of global emissions,⁶ and that if current government and industry projections for fossil fuel exports are realised, Australia could be responsible (including both domestic and exported emissions) for about 13% (between 11.9% and 17.4%) of Paris Agreement compatible global CO₂ emissions in 2030, with the largest growth coming from coal exports.⁷

However, there is currently no law or policy in Australia that requires constraining the production of fossil fuels or accounting for the emissions from their export. As a result, the contribution of Australia's exported emissions towards global CO₂ emissions remains unaddressed. Australia's

⁵ Tom Swann, *High Carbon from a Land Down Under: Quantifying CO₂ from Australia's fossil fuel mining and exports* (Report, The Australia Institute, July 2019) pp 1-2, 20-23.

⁶ Climate Analytics, *Evaluating the Significance of Australia's global fossil fuel carbon footprint* (Report, July 2019) pp 2, 16-17.

⁷ *Ibid*, pp 2, 22.

current and future planned expansion in the exploitation of fossil fuel resources goes against global efforts to combat climate change.⁸

In relation to the health system, scope 3 emissions include all emissions that arise as a consequence of the Australian health system including healthcare products manufactured overseas. EDO understands from CAHA that a high proportion of healthcare products are imported. If so, the health system must be responsible for their associated emissions.

For these reasons, we recommend that the Strategy's emission reduction efforts should also address exported emissions. There is also a critical need for the Australian government's broader climate adaptation and mitigation policies to begin accounting for, and addressing, Australia's exported emissions.

Recommendation 6: The Strategy's emission reduction efforts must address scope 1, scope 2 and scope 3 emissions from all portfolios and sectors, including exported emissions.

Health in All Policies

The Consultation Paper suggests taking a Health in All Policies approach, whereby sectors outside of the health sector are required to routinely consider and account for the health impacts of their policies, plans and implementation. EDO strongly supports and recommends the Health in All Policies approach.

In response to Question 22 of the Consultation Paper, **EDO recommends that health implications must be considered in all planning and development projects assessed by the federal government and by state and territory authorities.** This includes projects that are referred to federal government decision-makers under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (Cth), and to state and territory authorities under their planning and environment legislation. It is particularly critical for government to consider health impacts when assessing projects that will contribute to greenhouse gas emissions, such as fossil fuel projects. Governments must also consider health implications when developing planning policies, noting that poor planning outcomes – such as heat islands in metropolitan areas – can worsen health impacts.

Recommendation 7: Health implications must be considered in all planning and development projects assessed by the federal government and by state and territory authorities.

⁸ Ibid, 5.

PRINCIPLES UNDERPINNING THE STRATEGY

Question 2 of the Department's Consultation Paper asks how the six principles informing the Strategy could be improved to better inform the objectives of the Strategy.

Human rights

As the Department recognises in the Consultation Paper, climate change is associated with many adverse implications for both human health and the health of our environment. It has been increasingly recognised that human health and the health of our environment are dependent on one another and are indivisible. As humans, we are part of the natural environment. It is essential to have a healthy environment for humans to thrive.

Viewing the health of humans and our environment in this way, it is clear that climate change has a direct impact on human rights. It is therefore essential for the Strategy to include measures for acknowledging, considering and addressing the human rights implications of climate-related health impacts. **EDO recommends that the principles are expanded to ensure the Strategy is underpinned by a human rights framework.**

Human rights that are directly impacted by climate change include, but are not limited to:

- the right to life enshrined in Article 6 of the *International Covenant on Civil and Political Rights (ICCPR)*;
- the right to privacy and home (Article 17 of the ICCPR);
- the right to culture (Article 27 of the ICCPR);
- the right to an adequate standard of living enshrined in Article 11 of the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*;
- the right to health (Article 12 of the ICESCR);
- the right of children to special protection, opportunities and facilities under Principle 2 of the Declaration of the Rights of the Child; and
- the human right to a clean, healthy and sustainable environment, explained in further detail below.

Recommendation 8: Expand the principles to ensure the Strategy is underpinned by a human rights framework.

The right to a healthy environment

As noted above, we recommend that the principles are expanded to ensure the Strategy is underpinned by a human rights framework. One of the most important human rights in the context of climate change is the human right to a clean, healthy and sustainable environment.

In a landmark resolution on 28 July 2022, the UN General Assembly reaffirmed recognition of the human right to a clean, healthy and sustainable environment,⁹ after this right was explicitly recognised by the UN Human Rights Council in October 2021.¹⁰ The resolution passed with an overwhelming majority, with Australia voting in favour along with another 160 UN Member States.

The result is that the human right to a clean, healthy and sustainable environment (the ‘right to a healthy environment’) is now universally recognised as a human right that is important for the enjoyment of other human rights.

As Australia voted in favour of the UNGA resolution, Australia has a responsibility to implement its commitment to the international community by enacting federal legislation that enshrines the right to a healthy environment in law.

The right to a healthy environment recognises that the health of the environment is indivisible from human health and wellbeing. Our 2022 report *A Healthy Environment is a Human Right (Attachment 2)* describes the importance of the right to a healthy environment and calls on all levels of Australian government to enshrine the right to a healthy environment in Australian law. As explained in our report (p 10), the Special Rapporteur on human rights and the environment has recognised that access to a safe climate is one of the essential elements of the right to a healthy environment.¹¹ Other components of the right to a healthy environment include the right to clean air,¹² access to safe drinking water and sanitation,¹³ healthy biodiversity and ecosystems,¹⁴ toxic free environments in which to live, work and play,¹⁵ and healthy and sustainably produced food,¹⁶ all of which may be adversely impacted by climate change. Our report also explores the impacts of environmental harm, including from climate change, on Australians’ health and wellbeing (p 25).

⁹ UN General Assembly, *The human right to a clean, healthy and sustainable environment*, UN Doc. A/RES/76/300 (28 July 2022).

¹⁰ UN HRC, *The Human Right to a Clean, Healthy and Sustainable Environment*, GA Res 48/13, UN Doc. A/HRC/48/13 (18 October 2021).

¹¹ David R Boyd, Special Rapporteur on Human Rights and the Environment, *Human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*, UN Doc A/74/161 (15 July 2019).

¹² David R Boyd, Special Rapporteur on Human Rights and the Environment, *Issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*, UN Doc A/HRC/40/55 (8 January 2019).

¹³ David R Boyd, Special Rapporteur on Human Rights and the Environment, *Human rights and the global water crisis: water pollution, water scarcity and water-related disasters*, UN Doc A/HRC/46/28 (19 January 2021).

¹⁴ David R Boyd, Special Rapporteur on Human Rights and the Environment, *Human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*, UN Doc A/75/161 (15 July 2020).

¹⁵ David R Boyd, Special Rapporteur on Human Rights and the Environment, *The right to a clean, healthy and sustainable environment: non-toxic environment*, UN Doc A/HRC/49/53 (12 January 2022).

¹⁶ David R Boyd, Special Rapporteur on Human Rights and the Environment, *Human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*, UN Doc A/76/179 (19 July 2021).

If the Australian government is serious about protecting Australians' health from the impacts of climate change, it must accept our recommendation to enshrine the right to a healthy environment in federal legislation. As explained in *A Healthy Environment is a Human Right*, we recommend that the clearest way to achieve this would be to enact a federal Charter or Act of Human Rights and Freedoms that enshrines the right to a healthy environment in law (p 43). Alternatively, the government could legislate a duty for decision-makers to consider, and act consistently with, the right when exercising powers under federal legislation (p 45).

Recommendation 9: Enshrine the human right to a clean, healthy and sustainable environment (the 'right to a healthy environment') in federal human rights or other legislation.

Principles of intra- and inter-generational equity and justice

EDO endorses CAHA's recommendation for the principles to be expanded to include the principles of intra- and inter-generational equity and justice.

FIRST NATIONS

We understand that the Department intends to work in partnership with First Nations Peoples to develop and implement the Strategy.

Consultation with First Nations

The Department's Consultation Paper asks what existing First Nations policies, initiatives, expertise, knowledge and practices the Strategy should align with or draw upon to address climate change and protect First Nations Country, culture and wellbeing (Question 4), and what types of governance forums should be utilised to facilitate co-design of the Strategy with First Nations people to ensure First Nations voices, decision-making and leadership are embedded in the Strategy (Question 5).

We recommend that the Department ensures it consults with First Nations Peoples in a culturally appropriate manner that is consistent with Australia's obligations under the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)* including the right to participate in decision-making in matters which would affect their rights (Article 18) and the right to free, prior and informed consent (Article 19).

Consultation with First Nations Peoples must occur as early as possible and at all stages of development of the Strategy. Consultation should also be specifically designed alongside First Nations Peoples to ensure that the consultation process is accessible and culturally appropriate. In some circumstances, it may be appropriate for consultation to take place in person on Country, allowing First Nations to provide their views to the Department as First Nations peoples see fit, which may include orally. In addition, consultation takes up time and resources, which may already be limited. Some First Nations Peoples may experience consultation fatigue from being frequently consulted to provide input on a variety of government programs and policies. We encourage the Department to ensure that the First Nations people and organisations it consults with are appropriately remunerated for their work or receive adequate funding to provide these services.

In response to Question 5, we recommend that the Department consults with First Nations Peoples about the types of governance forums that may be appropriate.

In making this recommendation, it is important to note that the EDO is not a First Nations organisation and therefore cannot speak on behalf of First Nations Peoples. Further, due to capacity and funding constraints, we have not consulted with any external First Nations Peoples in relation to our recommendations. We instead make this recommendation based on our interpretation of human rights law and international best practice.

Recommendation 10: Consult with First Nations Peoples in a culturally appropriate manner that is consistent with Australia's obligations under the *United Nations Declaration on the Rights of Indigenous Peoples*.

MITIGATION

EDO supports the mitigation measures proposed in the Strategy. However, for the reasons explained earlier in this submission, the Strategy ought to be expanded to have broader application beyond the health sector (**Recommendation #1**). This would include expanding the Strategy to include measures to mitigate greenhouse gas emissions in all portfolios and sectors, and not just the health sector. We have set out our further recommendations on travel and transport below.

Travel and transport

As recognised in the Consultation Paper, air pollution from travel and transport is harmful to human health. EDO is strongly supportive of including mitigation measures for emissions from travel and transport in the Strategy.

EDO has long advocated for reforms to address emissions from the transport sector, and that transport planning should be better linked to strategic planning and emissions reduction targets.¹⁷ Given transport emissions account for 19% of Australia's emissions and the sector is projected to be the largest source of emissions by 2030,¹⁸ it is crucial for Australia to implement measures to reduce transport emissions. Although the Australian government is currently preparing a fuel efficiency standard, Australia's historical reticence in introducing a fuel efficiency standard means that we have fallen behind comparable countries in attracting low- and no-emissions vehicles.

For Australia to meet its own domestic emissions target of net zero by 2050 and to keep global warming below 1.5°C in line with our Paris Agreement obligations, Australia must be on a trajectory for all new vehicles sold by 2035 to be zero emissions.¹⁹

There are also public health benefits to decarbonising the transport sector. Pollutants from internal combustion engine vehicles – especially fine airborne particulate matter (PM2.5) and nitrogen dioxide (NO₂) – are estimated by recent research undertaken at the University of Melbourne to be responsible for more than 11,000 deaths annually in Australia.²⁰ This is significantly more deaths than Australia's annual national road toll, which in 2022 stood at 1,194

¹⁷ Environmental Defenders Office, *A Roadmap for Climate Reform* (2021) (**Attachment 1**); see also Environmental Defenders Office, *Submission on Better Fuel for Cleaner Air; Improving light vehicle efficiency; and Improving noxious emissions standards for light and heavy vehicles*, Submission to the Vehicle Emissions Working Group (10 March 2017) available at https://www.edo.org.au/wp-content/uploads/2019/12/Vehicle_and_fuel_standards_EDOs_of_Australia_submission_Mar2017.pdf.

¹⁸ Australian Government, Department of Industry, Science, Energy and Resources, *Australia's Emissions Projections 2021* (Commonwealth of Australia, Canberra 2021) 1, 21 available at https://www.dcceew.gov.au/sites/default/files/documents/australias_emissions_projections_2021_0.pdf.

¹⁹ Ketan Joshi, 'IEA says all new cars must be electric by 2035. Will Australia do it?', *The Driven* (19 May 2021), available at <https://thedriven.io/2021/05/19/iea-says-all-new-cars-must-be-electric-by-2035-to-meet-climate-goals/>; International Energy Agency, *Net Zero by 2050 Roadmap* (2022), available at <https://www.iea.org/reports/by-2030-evs-represent-more-than-60-of-vehicles-sold-globally-and-require-an-adequate-surge-in-chargers-installed-in-buildings>.

²⁰ Clare Walter and Kevin Say, The University of Melbourne, Melbourne Climate Futures, 'Health Impacts Associated with Traffic Emissions in Australia' (Expert Position Statement, February 2023) 1.

road-crash deaths.²¹ A further 85,000 Australians are estimated to be burdened with severe health conditions. This number includes hospitalisations for cardiovascular and respiratory emergencies, and the prevalence of asthma.²² While these health burdens are increasingly known to health professionals and researchers, Australia lacks a cohesive plan to reduce public exposure to transport pollution.

In relation to the health sector, Question 10 of the Consultation Paper asks for input on two initiatives to reduce emissions from travel and transport in the health system: increasing the adoption of electric and zero-emission vehicles within the health system in line with the Australian Government's National Electric Vehicle Strategy and increasing the utilisation of low-carbon fuels within the health system where continued use of liquid fuels is unavoidable.

While EDO is supportive of both initiatives, for the reasons explained earlier in this submission, we have recommended that the Strategy is expanded to have broader application beyond the health system (**Recommendation #1**). This would include expanding the Strategy to include measures to mitigate emissions from Australia's broader travel and transport systems at all levels of government and in all portfolios and sectors.

In relation to the health system and health sector specifically, **we recommend that the Strategy addresses scope 1, scope 2 and scope 3 emissions from travel and transport sources in the health system.**

We support the Consultation Paper's proposal to increase the adoption of electric and zero-emission vehicles within the health system. However, **we recommend that the Department ensures that all new vehicles within the health system are zero-emissions by 2035.**

We further recommend that the Department takes steps to monitor and mitigate against the exposure of the public to pollution and associated health impacts caused by travel and transport sources in the health system. These steps should encompass increased transport pollution monitoring by the Australian government as well as state and territory governments, and developing health warnings and exposure limitation policies that treat exposure to transport pollution in the same way as other significant health issues like tobacco smoking or skin cancer.

Recommendation 11: In relation to the health system, we recommend that:

- a. the Strategy addresses scope 1, scope 2 and scope 3 emissions from travel and transport sources in the health system;
- b. the Department ensures that all new vehicles within the health system are zero-emissions by 2035;

²¹ Australian Bureau of Infrastructure and Transport Research Economics, *Road Trauma Australia 2022: Statistical Summary* (Report, 2023) iii.

²² Clare Walter and Kevin Say, The University of Melbourne, Melbourne Climate Futures, 'Health Impacts Associated with Traffic Emissions in Australia' (Expert Position Statement, February 2023) 4.

- c. the Department takes steps to monitor and mitigate against the exposure of the public to pollution and associated health impacts caused by travel and transport sources in the health system.

*Thank you for the opportunity to make this submission.
Please do not hesitate to contact our office should you have further enquiries.*