



Long-standing problems with Australia's environmental laws and regulations continue to limit efforts to address biodiversity loss, protect the natural environment, reduce pollution and combat climate change.

The lead author of the Australian State of the Environment report says the biggest change of the last five years is the impact of climate change, but that "... stronger protection, innovative thinking and courageous leadership" could turn some problems around.

With this in mind, and in the midst of the state election, the Port Phillip Emergency Climate Action Network (PECAN) has prepared the following three case studies on issues that are impacted by Victorian environment protection law and policy.¹

In these papers you can see examples of what goes wrong with environmental law and what action needs to be taken by the new state government. We urge you to take up these matters with your local politicians both during the election and with the newly elected state government.

Each case study provides a list of actions we suggest the state government needs to take. **Please let your local candidates know that you will be voting for candidates who support these actions. And after the election, follow up with your elected state representatives.**

Labor has been in the news recently with its announcements around stronger renewable energy targets and closure of coal fired power stations. Whether you support the incumbent government or not, law and policy can be improved with your involvement. Whoever wins the upcoming state election needs to know where you stand on climate change action. For example, should gas exploration and mining continue and how is species protection affected by the current logging regime.

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Each of the three cases below are examples of environment protection going amiss. Two of the studies illustrate the devolution of responsibility to the Victorian government, thus removing the federal government from its statutory obligation to conduct environmental assessments. This has led to Victoria's grasslands, animal habitats and forests not being properly cared for and the incremental loss of biodiversity. The third case study touches on pollution, greenhouse gas emissions and the Victorian Environment Protection Act.

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A. How environmental protection can go amiss: Responsibility for species protection can be shifted to state government from the federal government without sufficient oversight accountability.

This case study illustrates how a regulatory system has allowed the Victorian Government to fail to do its job to protect significant grasslands and landscapes. Precious habitat has been destroyed, despite eye-watering layers of potentially protective law and policy.

¹ You may notice the case studies are the same studies PECAN sent to you prior to the Federal election but this time they're viewed through the lens of the Victorian State election



Victoria's grasslands

Grasslands are significant areas for providing habitat and a source of food for several endangered species, such as the striped legless lizard. But their capacity to survive has been reduced due to urban development and weed and feral animal invasion. Less than five percent of Victoria's grasslands still remain in our 'Volcanic Plain' area. Examples include the *Western Grasslands* - Craigieburn Reserve, Laverton North Grassland Reserve and Mortlake Common Flora Reserve.

These grasslands have been impacted by a 2009 agreement² between the Victorian and federal governments via an extension of the Melbourne urban growth boundary to facilitate development. Developers were allowed to pay an offset fee to clear native vegetation on newly released land. These fees were intended to be enough to fund the *Western Grassland Reserves*, a kind of "compensation for the clearing" of native vegetation in the new growth areas.³

How are they being 'protected'?

The Melbourne Strategic Assessment (MSA) program was designed to manage the environmental impact of urban development in Melbourne's growth areas. The state government could then streamline environmental approvals to enable urban expansion.

Our volcanic plain grasslands were listed⁴ as '**critically endangered**' under the Federal *Environment Protection and Biodiversity Conservation Act 1999* (Cth)(the *EPBC Act*) in 2008/2009 by the federal government, which then endorsed the Melbourne Strategic Assessment (MSA) program. Using **state government** systems of assessment and species protection in place of federal environment impact assessment, strategic assessments are meant to be an alternative tool to achieve *EPBC Act* objectives.⁵

But things have gone wrong

² The Melbourne Strategic Assessment program.

³ *Western Grassland Reserves Position Paper: Grassy Plains Network Towards making one of the world's great reserves*, Grassy Plains Network, 18 November 2021

⁴ Listing under the *EPBC Act* aims to help protect and recover critically endangered ecological communities and preserve their value as vital habitat for threatened species.

⁵ The *EPBC Act* offers two pathways for assessing and potentially approving an action that is likely to have significant impact on nationally significant native vegetation – the Environmental Assessment process or a Strategic Assessment process such as the MSA program.

Unfortunately, the MSA has failed to deliver the promised reserves. The decline in the extent and quality of the grasslands that the MSA was meant to stop, has continued. The Victorian Auditor General⁶ found that by December 2019 the Victorian Government had only acquired around 10 per cent of land in the Western Grassland Reserve (it is around 18% now). Additionally the small reserves that have been created are difficult and expensive to manage effectively and weeds have become a critical conservation problem.

So how has this regulatory regime failed?

An environment impact assessment at the federal level would normally be done by the developer who is standing to gain from federal government development approval. However, due to the use of the MSA, the Victorian government has undertaken the impact assessment and faced the financial and legal challenges the program has thrown up – all leading to cost blowouts and inadequate management. This failure of governance is also apparent in the poor and hastily collected data, leading to high-quality grasslands being offset to purchase poorer-quality grasslands.⁷

What does this indicate?

Victoria became the managing authority under the EPBC Act without sufficient accountability. The MSA program began before adequate data or informed targets were established.

Another example of our state government failing to protect environmentally significant habitat through this delegation of power is Victoria's *Bushfire Fuel Management Program*. Again, rather than environmental protection outcomes being achieved, the Victorian government cleared South-Eastern Red-Tailed Black Cockatoo habitat trees as part of fire management activities leading to net losses in ecological communities.

How could it be done better?

The Victorian government should:

- Ensure native grassland purchased is of high quality.
- Appropriately engage with suitably-resourced Traditional Owners.
- Increase weed management funding.
- Survey and monitor more closely.
- Set restoration targets and fund restoration activities.
- Establish an alternative governance model, replacing Department of Environment Water, Land and Planning (DWELP) Non Government Organisation, such as a grasslands taskforce representing a range of stakeholders.
- Improve information availability.⁸
- Advocate to the federal government to not allow streamlining or delegation to state governments without stronger, clearer, binding, national environmental Standards and stronger Federal oversight as argued in the independent review of the EPBC Act.
- Advocate to the commonwealth that all government environment regulatory activities, federal, state and local must be consistent with national Standards. Such Standards can also support greater integration of federal, state and territory environmental responsibilities.⁹

Please let your local candidates know that you will be voting for candidates who support these actions. And after the election, follow up with your elected state representatives.

⁶ Victorian Auditor General Report, *Protecting Critically Endangered Grasslands*, June 2020

⁷ Amendment to the MSA program has increased developer levies and increased funding for potentially improved on-ground management.

⁸ *Western Grassland Reserves Position Paper: Grassy Plains Network Towards making one of the world's great reserves*, Grassy Plains Network, 18 November 2021

⁹ Samuel, G, *Independent Review of the EPBC Act – Final Report*, Oct 2020.

B. How environmental protection can go amiss: the Victorian government is allowed to administer the law to poor affect through intergovernmental Regional Forestry Agreements.

This case study explains how a federally listed critically endangered species has become more endangered due to a poorly managed intergovernmental agreement process which in effect exempts Victorian forestry from federal environment protection laws.



The Leadbeater's Possum and logging Mountain Ash forests¹⁰

Victoria's complicated and inadequate laws have led to poor implementation and enforcement. And **VicForests**, the state-owned logging agency, has been said to be "practically operating under a system of self-regulation".¹¹

Background information

- New Intergovernment Panel on Climate Change (IPCC) reports¹² champion climate mitigation opportunities that achieve the co-benefits of fossil fuel mitigation **with** nature conservation. This makes it more clear that climate impacts and risk exacerbate trends of biodiversity loss and environmental degradation. The IPCC mitigation report named improved forest management and reforestation as the best current examples to promote enhanced outcomes for nature and carbon sequestration in plants.
- Australia has signed an international declaration on forests and land use which emphasises the interdependent roles of forests, sustainability and land use and their role to help mitigate and adapt to climate change.¹³

¹⁰ We acknowledge the use of *Devolving Extinction* (Oct. 2020), an Environment Defender's Office publication, and the Australian Conservation Foundation report, *Australia's Extinction Crisis, 2018*, in preparing this case study.

¹¹ *Independent Review of Timber Harvesting EPBC Act Regulation* in Victoria, 2018.

¹² *Sixth Assessment of the Intergovernmental Panel on Climate Change (IPCC)*, Feb 2022 – a report clearly grounding climate science in its interactions with ecosystems and biodiversity. With every increment of reduced global warming, threats to biodiversity decrease significantly. At 2°C warming, the portion of terrestrial species facing risk of extinction drops to 18 per cent, and at 1.5°C, just 14 per cent of terrestrial species are likely to be threatened with climate-related extinction.

¹³ Glasgow Leaders' Declaration on Forests and Land Use.

- The Leadbeater's possum, the Victorian state faunal emblem, has been up listed from endangered to 'critically endangered' under the federal *Environment Protection (EPBC) Act*. Leadbeaters live almost exclusively in the Mountain Ash forests of Victoria's Central Highlands.¹⁴ Only 1% of these forests are now old growth. These forests are some of the most carbon-dense on earth.
- These forests provide essential drinking water for Melbourne and regional Victoria.
- These forests are being logged.
- Severe bushfires also cause habitat loss. (There were less than 2,000 individuals remaining and 45% habitat loss after the 2009 fires).
- Logging further increases the severity of fire in the possum's Mountain Ash habitat. This includes salvage logging.¹⁵
- The cessation of logging in these forests would give Leadbeater's Possum its best chance of recovery and long-term survival, as recommended by the Threatened Species Scientific Committee (TSSC), but their habitat has not been listed on the federal Register of Critical Habitats, nor has a National Recovery Plan (under the *EPBC Act*) been implemented for the possum or its habitat.¹⁶

How has logging been allowed in such critical habitats?

The *Central Highlands Regional Forests Agreement (RFA)* is an intergovernmental agreement that devolves the federal government's responsibilities for environmental matters to the Victorian government.¹⁷ Governments are meant to balance a range of values (environmental, social, economic, heritage etc) when establishing RFAs, yet the RFA has failed to protect this forest-dependent species and there has been no suggestion of suspension of the RFA's accreditation. Further, the federal review and oversight measures, available under RFAs to protect this federally listed threatened species, have not been used.

Our state government has announced that the native timber industry will be phased out by 2030 but VicForests total harvest levels remain the same until 2024, potentially intensifying their efforts in Leadbeater Possum territory to maintain their timber supplies.

Further, the legal validity of the RFAs is in question. Do the RFAs still stand in the changed circumstances after the severe fires? And, can this exemption from *EPBC Act* assessment and approval requirements still stand post-fires when Victorian forest management systems are required to take into account changed circumstances and the precautionary principle?¹⁸

What is the link to water and bushfires?

Around 60% of Melbourne's water supply is stored here (Thompson Catchment). And these forests have recently suffered from severe bushfires.

Water quality and supply are affected by bushfires and logging.

The amount of water yielded from mountain ash forests is related to forest age. Catchments covered with old-growth ash forests yield almost twice the amount of water each year as those covered with young forests.¹⁹ Bushfires reduce the trees available for logging operations and place more pressure on fire-affected forests to recover.

Further, **emergency bushfire works** are exempted from consideration of threatened species and then also the protection of the *EPBC Act* leading to a further driver of biodiversity loss.

NGOs to the rescue!

It should not come to this, but it frequently does!! Frustrated by the continuing failure of governments, state and federal, The **Friends of Leadbeater's Possum** commenced Federal Court proceedings against VicForests in 2017. They argued that the exemption from *EPBC Act* protections did not apply, given VicForests logging operations were non-compliant with Victorian timber harvesting regulations. The Friends won the case. The

¹⁴ The Mountain Ash is eucalypt of the year!! (These are the beautiful trees we see as we drive through the Black Spur).

¹⁵ The science is clear. Logged forests add significantly to the fire burden in Victoria. Claims that salvage logging are essential to reduce the risks of wildfire are false and out of step with the extensive science on the effects of logging on fire risk. (Lindenmayer, D, The State Government is increasing our bushfire risk right now, *The Age* July 16, 2022.

¹⁶ More than 80 per cent of Australia's mammals and 90 per cent of our trees, ferns and shrubs occur nowhere else on earth. A number of these species, such as Leadbeater's possum, are unique to Victoria (VAGO 2021).

¹⁷ Regional Forests Agreements (RFAs) form the basis for an **exemption** from the usual federal threatened species protections [of the EPBC Act](#). These protections are replaced by a weaker, alternative mechanism, where assessment is conducted in accordance with a RFA.

¹⁸ *No longer tenable: Bushfires and Regional Forest Agreements*, Environmental Justice Australia, March 2020.

¹⁹ The logging is primarily for paper manufacturing and to supply the Maryvale mills (owned by the Nippon Paper Group) with native forest logs.

Judge found that VicForests was in breach of Victorian and *EPBC Act laws* and that past logging and planned logging were illegal. This judgement was overturned on appeal but only on a legal technicality²⁰.

And in a recent Supreme Court win for Eact Gippsland environment groups, VicForests has been found to have failed to protect threatened species of gliders through inadequate survey methods prior to logging. Applying the precautionary principle, the judge stated that VicForest “must survey the whole of any coupe proposed for harvest which may contain glider habitat. It must do so using a survey method that is likely to detect any gliders that may be present in the coupe, so as to locate the gliders’ home ranges wherever practicable. This is necessary in order that their home ranges can be excluded from timber harvesting operations.”²¹

Also on the issue of the precautionary principle and whether RFAs can stand after the Black Summer fires, the action group, Wildlife of the Central Highlands (WOTCH), has also taken VicForests to the Victorian Supreme Court, arguing that VicForests breached the precautionary principle because its management measures did not address the threat of serious or irreversible damage to relevant fire-affected species.

What can we conclude?

These cases demonstrates a **failure of regulatory systems to protect forests and threatened species**. Current requirements are buried within hundreds of pages of legislation, statutory documents, unenforceable guidelines and policies. Ministerial discretionary powers add to the problems of accountability and reduce trust in the system.²²

It shouldn’t be left to NGOs to undertake expensive and time-consuming legal challenges the actions to shine the light on their failures and to force them to follow their own laws and regulations.

What can be done?

The Victorian government should:

- Disallow log salvaging immediately and shift to plantation logging only.
- Challenge current RFAs so that the available regulatory mechanisms are applied and native forest logging that causes biodiversity loss is not enabled.
- Integrate First Nations’ strategies to inform biodiversity actions and recognise the rights and interests of Traditional Owners through increased negotiation and agreement making and employment of Indigenous rangers.
- Maximise the co-benefits of nature conservation and climate action. The success of each goal - reducing GGE and promoting biodiversity - can be enhanced by combining the two strategies and action groups working as allies.²³
- Restore and regenerate native forests thus building a regional forest management and regeneration industry²⁴.
- Advocate the establishment of a National Sustainability Commission to set standards for threatened species recovery that aims for *net gain in biodiversity rather than no net loss*. This could resolve the failures in the current system to prevent incremental biodiversity loss.
- Establish a new critical habitat register and a new approach to critical habitat listing that accounts for climate change adaptation and impacts.²⁵
- Advocate for the establishment of an independent and well-resourced national Environment Protection Authority and a threatened species fund.

Please let your local candidates know that you will be voting for candidates who support these actions. And after the election, follow up with your elected state representatives.

C. How environmental protection can go amiss:

²⁰ Appeal succeeded on a technical legal basis regarding the “statutory construction” of the RFA’s requirements and the exemption to *EPBC Act*. The Friends filed an appeal in the High Court but their appeal application was denied.

²¹ *Environment East Gippsland Inc v VicForests (No 5) [2022] VSC 707* (18 November 2022)

²² Samuel Review of *EPBC Act*, Oct 2020.

²³ *Parkwatch*, VNPA June 2022 No 289

²⁴ Labor Environment Action Network (LEAN), *A National Forest Protection and Workforce Plan for Australia*.

²⁵ This and the following two points are based on recommendations in the 2020 Samuel Review of the *EPBC Act*.

Insufficient regulation of greenhouse gas emissions

The following information is presented to explain some of the background and framework of Victoria's air quality regulatory system, in the context of Victoria's continued reliance on brown coal and gas, and to provide information to support your lobbying of your local candidates and politicians in the lead up to and after the state election.



Greenhouse gas emissions (GGE) and climate change regulation

We know clean air is important for human health and wellbeing and is an issue of community concern.²⁶ We also know that not only the immediate health risks of pollution are of concern, but that GGE cause significant damage to our climate.

Fossil fuels produce hazardous air pollutants, including sulfur dioxide, nitrogen oxides, particulate matter, carbon monoxide, and mercury, all of which are harmful to the environment and human health.

The International Energy Agency has proposed that no new development of fossil fuel production should occur. It has also pointed out that allowing existing fossil fuel infrastructure to operate for its economic life would drive additional global heating beyond the global aspiration of 1.5C.²⁷

La Trobe Valley brown coal stations

Recent announcements from the current state government regarding renewable energy to “end reliance on privatised coal and transition Victoria to cleaner, cheaper renewable electricity by 2035” are most welcome.

Meanwhile the brown coal power stations in the Latrobe Valley are responsible for 40% of Victoria's carbon pollution and are among the worst polluting power stations per kilowatt hour of electricity produced in the world. The national health cost of air pollution from coal-fired power was estimated at \$2.4 billion annually in 2009, and national mortality costs estimated at \$16 billion per year.²⁸

²⁶ A 2018 Victorian Auditor General report recognised this and the statistically significant correlation between poor air quality and negative health impacts, *Improving Victoria's Air Quality*, Report tabled 8 March 2018.

²⁷ Alan Pears submission to Gas Substitution Roadmap, Aug 2021.

²⁸ Inquiry into the Health Effects of Air Pollution in Victoria, Parliament of Victoria, Legislative Council Environment and Planning Committee, Nov 2021, p 118.

The community organisation *Environment Victoria* (EV) claims that in addition to climate damage, the carbon pollution from these power stations are the biggest single source of the most toxic air pollution to human health, including sulphur dioxide, fine particles and mercury, causing 205 premature deaths, 259 low birthweight babies, and 4,376 asthma cases in children each year.

The Environment Protection Act (Vic) 2017 (EP Act)²⁹

In Victoria, the Environment Protection Authority (EPA) is the agency primarily responsible for monitoring and regulating the activities of commercial and industrial operators and reporting on the state's air quality. Its objective is to prevent and reduce the harmful effects of pollution and waste on Victorians and the environment. Its functions are regulated by the *EP Act* and state policies, which incorporate national standards³⁰ in addition to United Nations Conventions and protocols. But despite these laws and regulations, the EPA is allowing the harmful effects of pollution to continue. Are the laws inadequate or is the EPA not exercising its powers in accordance with the law?

Climate Change Act (Vic) 2017

It is not only pollution that seems not to be properly regulated or enforced. Victoria's climate change legislation commits the state government to zero emissions targets and requires government agencies to include climate change considerations when making decisions and setting new policies.³¹ Nevertheless, the EPA has overlooked the impact of GHG emissions when evaluating the merits of coal fire power plants being relicensed and as a result, *Environment Victoria* (EV), a NGO, has challenged the EPA and the La Trobe Valley coal mines in the Supreme Court .

The EPA and La Trobe Valley coal - Background to this case

The EPA completed a brown coal licence review for the three power stations – AGL Loy Yang A, IPM Loy Yang B and Yallourn, in March 2021.³²

A parliamentary inquiry into the health impacts of air pollution in Victoria in 2021 reported on community concerns regarding the licence review³³:

1. Many saw it as a “missed opportunity to implement regulations and standards that are consistent with best international practice”.
2. The ‘minor changes’ made by the EPA to the license conditions were insufficient to “adequately reduce emissions and protect environmental and human health”.
3. The review outcome “did not result in the introduction of measures that aligned with best practice international standards”.
4. The EPA did not impose requirements for licensees to install basic pollution controls, such as filters.

The EPA made decisions about the licences for the three coal-fired power stations which did not impose limits on GGE ie. no reduction was required. And only limited restrictions were placed on other air pollutants.³⁴

The case - EV v EPA (Vic) and the three coal power stations.³⁵

EV is questioning the EPA's 2021 decision to **continue** the licences of three brown coal power stations in the La Trobe Valley.³⁶

²⁹ A new *EP Act* came into effect in July 2021. Importantly, the Act's focus has shifted to prevention where the previous Act's focus was on management of impacts after the fact ie. too late! Businesses are now, arguably, more responsible for reducing the risk of harm from activities to human health and the environment from pollution and waste. Risks must be minimised as much as is 'reasonably practicable' and businesses must undertake certain actions whilst fulfilling their 'general environmental duty'.

³⁰ Such as via the National Clean Air Agreement and the National Environment Protection Measure (Ambient Air Quality). Air pollution objectives and standards are also contained in the Environment Reference Standard (ERS). (NB: Reference standard not a compliance standard).

³¹ S 17 of the Act requires decision makers to have regard to climate change and GGE, direct, indirect and cumulative.

³² The EPA undertakes licence reviews of brown coal power stations approximately every 5 years to ensure that licence conditions remain consistent with current environmental legislation and regulations. This was the first systemic review of the licences for the three Latrobe Valley power stations.

³³ Inquiry into the Health Effects of Air Pollution in Victoria, Parliament of Victoria, Legislative Council Environment and Planning Committee, Nov 2021.

³⁴ Michael Mazengarb, *Renew Economy*, 23rd Sept 2021.

³⁵ *Environment Victoria Inc v. AGL Loy Yang Pty Ltd & Ors*.

³⁶ NB. The earlier EPA Act (1970) applied at this time

Did the EPA fulfill its obligations to regulate air pollution under two pieces of state legislation, the earlier EPAct (1970) and the CC Act 2017?

Were the decisions to vary the licences and not further limit GGE, made lawfully?³⁷

And did the EPA fail to consider the potential contributions to GGE and impacts of climate change?

EV is asking the Supreme Court to nullify the EPA's decision and require the authority to re-make it in accordance with the law.

Why is this case important?

When decision-makers tend to weigh the more immediate economic and social benefits of mining more heavily than the effects on the environment, their hand must sometimes be forced via court action. Both the EP Act and the CC Act require 'social' and 'economic' considerations to be taken into account and require these considerations to be integrated with 'environment' into planning and decision making. What is the right balance for these considerations in a time of climate change?

The case could lead to significant changes to future decision-making and stronger environmental policy, such as stronger pollution limits and a consideration of climate change impact to a much higher degree, not only in relation to coal mines but also in the production, storage and transportation of gas.

Also of interest – the “reasonably practicable” test in the EP Act (2017)³⁸

Where businesses and authorities are required to minimise risks to human health and the environment, their duty is only so far as it is “reasonably practicable” to do so. This is determined according to factors including the likelihood of risk, degree of harm from risks, cost and, interestingly, what the business or authority knows or ought to know about the risks (see next section). As you can see, there is room to move, both in the actions taken by the EPA and a business or authority and court action can shine the light on this discretion and how it is exercised.

Also of interest – a business's 'state of knowledge'.

This matter has potential for future community action. As stated above, according to current law, a business must minimise risks as much as is 'reasonably practicable' and their *state of knowledge* is an aspect of their 'general environmental duty'.

What does a business know, or what can they find out about the risks their activities pose?

Businesses are required to have, and seek out, knowledge about the risks their activities pose to the environment and human health and to know how to address them. It is about what they actually know and what they *should reasonably know* about the risks.³⁹

So what might it mean if community organisations and individuals alerted or informed businesses about the risks their activities posed for climate change and or human health?

Gas in Victoria

Gas is used widely for heating, hot water and cooking in homes and business, and in Victoria's manufacturing. Victoria consumes more energy from gas than from electricity.⁴⁰ Yet it is an expensive source of energy and responsible for a significant percentage of our GGE.

³⁷ Given the principles set out in Victorian law such as intergenerational equity, the precautionary principle etc. and given the state policy that calls for continuous improvement and best practice management. The relevant policy at the time of the EPA decision is clause 18 of the *State Environment Protection Policy (Air Quality Management)* which provides that generators of emissions must manage their emissions in accordance with the principle of environmental protection, and 'apply best practice' to the emissions management.

³⁸ s 6 Environment Protection Act (2017) Vic

³⁹ *Reasonably Practical*, Victorian Government publication 1856, Sept 2020.

About 19% of Australia's total greenhouse gas emissions come from natural gas (about 14% of total emissions from burning the gas and 5% from fugitive emissions). While natural gas combustion causes fewer emissions than coal, the amount of fugitive emissions is likely underestimated (think methane!), and thus the negative climate effect of natural gas might be even more significant.⁴¹

Almost 61% of fugitive emissions in Victoria arise from leakage of gases during the exploration, production, transmission, storage, and distribution of natural gas.⁴²

Gas and the key role of Victorian government⁴³

Our state government regulates energy retailers and network operators, and is expected by the community and business to 'keep the lights on'. It drives urban planning, housing and many other areas central to management of emissions and adaptation. The required carbon emissions targets need stronger achievements than those currently mapped out. Given our state government controls legislation that frames the behaviour of energy network operators, it can and must influence and regulate the behaviour of these businesses to drive rapid and effective action on emission reduction, consumer protection and equity as part of a gas transition strategy.⁴⁴

Victoria's Gas Substitution Roadmap was released in July 2022. We need to urge the next Victorian government to take this path and to take it further.

For example:

- remove existing regulatory barriers;
- improve network infrastructure;
- support energy efficiency;
- take account of equity issues;
- develop wider community understanding of the financial, health and environmental benefits of shifting to all-electric homes.

It is fair to say there is no pathway to meeting Victoria's ambition of net zero emissions by 2050 without the substitution of residential gas use.⁴⁵

So - do we really need:

1. The Viva Energy gas terminal and pipeline in Corio?

There are serious safety and environmental issues particularly given its proximity to a large city of 300,000 residents and to world renowned Ramsar wetlands, highly vulnerable to any on-water incident which may occur. And arguably, there is no longer a case for its necessity as alternative supply measures are in place and AEMO states that Victorian gas supply is secure until 2033.

2. Offshore gas exploration and production from the Otway basin?

This would enable the continuation of carbon pollution and reliance on carbon capture and storage, an unreliable and yet unproven technology.

What needs to be done?

The Victoria government needs to:

- Accelerate the transition to renewables
- To follow its Gas Substitution Roadmap and take it further

⁴⁰ *Gas Substitution Roadmap*, consultation paper, Vic govt. 2021, p.4

⁴¹ Grattan Institute, 2019

⁴² Gas Infrastructure Advice, Literature review, Infrastructure Victoria, April 2021. P 14

⁴³ The Victorian gas sector contributes to around 17% of our state's net greenhouse gas emissions.

⁴⁴ Alan Pears submission to Gas Substitution Roadmap Aug 2021.

⁴⁵ RENEW submission to the Victorian *Gas Substitution Roadmap* consultation paper, Aug 2021.

- Strengthen the EPAct and/or require the EPAuthority to prioritise impacts on environment and human health over economic and social considerations, so that climate impact and pollution that is harmful to all life is prioritised.
- Require the EPAuthority to exercise its authority in accordance with the law to avoid future Supreme Court challenges.

Have your say in relation to what is “reasonably practicable” and what “ought to be known” in a time of climate change. How do you think the considerations of environment, social and economic should be balanced?

During the election period, let the candidates know that you will be voting for candidates who propose the actions listed above. And after the election continue to lobby the newly elected state government to carry out these actions.