

Submission

in response to

Inquiry into the Closure of the Hazelwood and Yallourn Power Stations

prepared by

Environmental Justice Australia

28 October 2021

About Environmental Justice Australia

Environmental Justice Australia (formerly the Environment Defenders Office, Victoria) is a not-for-profit public interest legal practice. We are independent of government and corporate funding. Our legal team combines technical expertise and a practical understanding of the legal system to protect our environment.

We act as advisers and legal representatives to community-based environment groups, regional and state environmental organisations, and larger environmental NGOs, representing them in court when needed. We also provide strategic and legal support to their campaigns to address climate change, protect nature and defend the rights of communities to a healthy environment.

We also pursue new and innovative solutions to fill the gaps and fix the failures in our legal system to clear a path for a more just and sustainable world.

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Submitted to: The Secretary, Legislative Council Economy and Infrastructure Committee

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Introduction

Environmental Justice Australia welcomes the opportunity to make a submission to the *Inquiry into the Closure of Hazelwood and Yallourn Power Stations (the Inquiry)* conducted by the Victorian Parliament's Legislative Council Economy and Infrastructure Committee.

Environmental Justice Australia (**EJA**) is a not-for-profit legal practice specialising in public interest environmental law. EJA works to support the Latrobe Valley community in their fight for a just transition away from coal-fired power, which prioritises the environment and the health and future prosperity of the community.

For decades, the Latrobe Valley community has suffered significant environmental injustice. The community has been exposed to toxic air pollution from poorly regulated, aging coal-fired power stations and has seen consistent regulatory failure to protect their health. Only 2% of Victoria's population lives in the Latrobe Valley, and yet they bear the unfair environmental and health burden of generating 85% of Victoria's electricity from aging and highly polluting coal-fired power stations.

The closure of the Latrobe Valley's coal-fired power stations brings opportunities for the community to embrace new industries and reduce their exposure to toxic air pollution. However, the community cannot capitalise on these opportunities and achieve a community-led, just transition without the Victorian government adopting early interventions, adequately funding and creating a permanent, independent statutory authority to facilitate the implementation of a community focused just transition plan.

Our submission provides commentary in relation to the following areas as they relate to the Terms of Reference:

- The benefit of coal-fired power station closure on the community's health and the mechanisms the Victorian government and power station operators should put in place to reduce harm to the community and the environment until the last power station closes, including installing pollution controls;
- The necessary framework for ensuring an environmental justice focused, community-led just transition in the Latrobe Valley, including:
 - The full rehabilitation of power stations, mine pit and coal ash dams to create a safe, beneficial amenity for the community;
 - Early planning well before power station closure to create local jobs in sectors that will not create a new toxic legacy for the local community to suffer from; and
 - A just, community-led transition funded and supported by the Victorian government and the power station owners.

Recommendations

EJA makes the following recommendations:

Recommendation 1: The Victorian government should impose an immediate obligation on power station operators to install air pollution controls to minimise the Latrobe Valley community's exposure to toxic air pollution from coal-fired power stations until the last power station is scheduled to close in 2048.

Recommendation 2: The Environmental Protection Authority should increase air quality monitoring stations in the Latrobe Valley and make monitoring data available in real-time on its website.

Recommendation 3: The Victorian government should assess the employment and economic opportunities in comprehensive power station, mine pit and coal ash remediation, and the economic and environmental consequences of failing to undertake comprehensive remediation.

Recommendation 4: The Victorian government should prepare a community-led, just transition plan which:

- a. Identifies the priorities of community members, community groups, first nations groups, power station workers and other relevant stakeholders;
- b. Adopts a 'bottom up' approach to create an overarching framework for the transition out of the coal industry;
- c. Assesses best practice power station, mine pit and coal ash rehabilitation and identifies the best outcome for the Latrobe Valley community and the first nations groups, which leaves the community with safe, usable amenities; and
- d. Incorporates the outcomes of the Victorian government's assessment of the employment and economic opportunities in comprehensive power station, mine pit and coal ash remediation to maximise job creation in this area.

Recommendation 5: The Victorian government should create a permanent, independent statutory authority governed by legislation and funded by the state government, based in the Latrobe Valley to facilitate a community-led, just transition.

Health impacts of coal-fired power station closure

The Latrobe Valley community has endured environmental injustice for nearly a century. Being home to four of the dirtiest coal-fired power stations in Australia, the community has seen devastating consequences to the local waterways, landscape and to people's health.

The closure of coal-fired power stations in the Latrobe Valley will have significant health benefits for the community. However, with current closure dates, the community will continue to be exposed to toxic air pollution until 2048, the date Loy Yang A and Loy Yang B power stations are scheduled to close. As currently conceived, that means at least another 27 years of risk to the environment and people's health.

In 2017 we released a report titled *Toxic and terminal: How the regulation of coal-fired power stations fails Australian communities (Attachment 1)*. The report uncovered failings in the regulation of the Latrobe Valley's power stations and pollution control measures. It revealed that in most cases, the pollution limits for the toxic substances emitted from Latrobe Valley power stations is well above World Health Organisation limits. The current pollution limits imposed on the Latrobe Valley power station operators have not been substantially revised since the 1980s. This is despite increases in the World Health Organisation ambient air pollution limits, which were most recently decreased in 2021.

In 2018, air pollution was declared a public health emergency by the World Health Organisation.¹ It has been classified as a human carcinogen by the International Agency for Research on Cancer,² and is able to damage every organ and every cell in the human body.³ Every year, approximately 2600-4800 people in Australia die as a result of exposure to toxic air pollution, at an annual health cost of \$24 billion.⁴

The most dangerous form of air pollution is PM_{2.5} and according to the most recent data, electricity generation from burning coal is the largest PM_{2.5} source in Victoria.⁵ There is significant evidence that PM_{2.5} exposure can cause adverse health effects and increased risk of death.⁶ People that live within

¹ Dr Tedros Adhanom Ghebreyesus, 'Air pollution is the new tobacco. Time to tackle this epidemic', *The Guardian*, (Article, 27 October 2018) <https://www.theguardian.com/commentisfree/2018/oct/27/airpollution-is-the-new-tobacco-time-to-tackle-this-epidemic>.

² World Health Organization, 'Media Release No. 221: IARC: Outdoor air pollution a leading environmental cause of cancer deaths', (Media Release, 17 October 2013) www.iarc.fr/wp-content/uploads/2018/07/pr221_E.pdf.

³ Dean E. Schraufnagel et al, 'Air Pollution and Noncommunicable Diseases: A Review by the Forum of International Respiratory Societies. Environmental Committee, Part 1: The Damaging Effects of Air Pollution' (2019) 155(2) *CHEST Journal*, 409-416 <https://doi.org/10.1016/j.chest.2018.10.041>;

Dean E. Schraufnagel et al, 'Air Pollution and Noncommunicable Diseases: A Review by the Forum of International Respiratory Societies' Environmental Committee, Part 2: Air Pollution and Organ Systems' (2019) 155(2) *CHEST Journal*, 417-426 <https://doi.org/10.1016/j.chest.2018.10.041>.

⁴ Bronya Lipski et al, 'People's Clean Air Action Plan for Victoria' (Report, 2020) 3 <https://www.envirojustice.org.au/wp-content/uploads/2021/02/VICTORIA-Clean-Air-Action-Plan-2021.pdf>.

⁵ Environmental Justice Australia, 'National Pollutant Inventory: 5-year audit shows little change to coal-fired power station pollution, while 4000 people die prematurely from exposure', (Media release, 6 April 2021) <https://www.envirojustice.org.au/national-pollutant-inventory-5-year-audit-shows-little-change-to-coal-fired-power-station-pollution-while-4000-people-die-prematurely-from-exposure/>.

⁶ Douglas Dockery et al, 'An Association between Air Pollution and Mortality in Six U.S. Cities' (1993)

50kms of coal-fired power stations face a risk of premature death as much as 3–4 times that of people living further away.⁷

PM_{2.5} is only one of the toxic chemicals coal-fired power stations produce. Exposure to NO₂, SO₂ and O₃ can also cause significant health issues, even at levels well below national standards for these pollutants.⁸ These issues include childhood asthma, impaired lung development, adverse neonatal outcomes including premature birth, low birth weight and foetal growth restriction, paediatric influenza and cardiorespiratory mortality.⁹ Coal-fired power stations contribute to 845 babies being born with low birth-weight, 14,434 children with asthma, and 785 premature deaths each year.¹⁰

Air pollution disproportionately affects the most vulnerable members of the Latrobe Valley community, including low income communities, the elderly, people with chronic diseases, children, pregnant women and unborn babies. The Latrobe Valley coal mines operate on the land of First Nations people of the Latrobe Valley and greater Gippsland region including the Gunaikurnai people. First nations people have not benefited from the economic benefits of the coal industry, yet they have suffered the health impacts, having the poorest health and socio-economic outcomes in the region.

The Environmental Protection Authority's measuring of ambient air quality across Victoria is poor. Air quality monitoring in the Latrobe Valley must be improved to enable to community to effectively measure their health risk from toxic air pollution. For example, in the Hunter Valley, the Office of Environment provides real-time air pollution information from its monitors and includes a mechanism to download air pollution datasets by users. A similar system should be implemented in the Latrobe Valley.

It is well established that there are health benefits for every tonne of pollution that a community is not exposed to, and every reduction in pollution exposure results in health benefits, such as lower asthma rates and lower hospital admission rates.

Earlier this year, EJA released *The People's Clean Air Action Plan for Victoria*, which calls for the Victorian government to reduce toxic air pollution and protect public health (**Attachment 2**). Coal-fired power stations are the most significant controllable source of air pollution in Victoria which can be significantly reduced with best practice control standards.¹¹ In the USA, the EU and China, most coal-fired power stations are required to install basic pollution controls that cut toxic pollutants by

329(24) *New England Journal of Medicine* <https://www.nejm.org/doi/full/10.1056/NEJM199312093292401>; D Krewski et al, 'Reanalysis of the Harvard Six Cities Study, part I: validation and replication' (2005) 17(7-8) *Inhalation Toxicology* 335-42 <https://doi.org/10.1080/08958370590929402U>.

⁷Epstein PR, Testimony for the Kentucky General Assembly, House of Representatives Committee on Health and Welfare. London, Kentucky: Kentuckians for the Commonwealth 2010
http://www.kftc.org/sites/default/files/docs/resources/dr_epstein_testimony.pdf.

⁸Clare Walter et al, 'Health-based standards for Australian regulated thresholds of nitrogen dioxide, sulfur dioxide and ozone: Expert Position Statement', (Expert Position Statement, 2019) 6-7
<https://www.envirojustice.org.au/wp-content/uploads/2019/11/Expert-Position-Statement-PDF.pdf>.

⁹Bronya Lipski et al, 'People's Clean Air Action Plan for Victoria' (Report, 2020) 12-13
<https://www.envirojustice.org.au/wp-content/uploads/2021/02/VICTORIA-Clean-Air-Action-Plan-2021.pdf>.

¹⁰Dr. Aidan Farrow et al, 'Lethal Power: How Burning Coal is Killing People In Australia' (Report, August 2020), pp 22-24 <https://www.greenpeace.org.au/wp/wpcontent/uploads/2020/08/GPAP-Lethal-Power-full-report.pdf>.

¹¹Bronya Lipski et al, 'People's Clean Air Action Plan for Victoria' (Report, 2020) 13
<https://www.envirojustice.org.au/wp-content/uploads/2021/02/VICTORIA-Clean-Air-Action-Plan-2021.pdf>.

more than 85%.¹² Air pollution control technologies could reduce the Latrobe Valley community's exposure to toxic air pollution until the last power station closes.

Recommendation 1: The Victorian government should impose an immediate obligation on power station operators to install air pollution controls to minimise the Latrobe Valley community's exposure to toxic air pollution from coal-fired power stations until the last power station is scheduled to close in 2048.

Recommendation 2: The Environmental Protection Authority should increase air quality monitoring stations in the Latrobe Valley and make monitoring data available in real-time on its website.

Framework for ensuring a just transition in the Latrobe Valley

When the Hazelwood coal-fired power station closure was announced in November 2016, the Latrobe Valley community reported experiencing significant stress, anxiety and economic uncertainty, particularly for those directly affected by job losses. The Latrobe Valley community were relying on the Victorian government to ensure:

- The full rehabilitation of power stations, mine pit and coal ash dams to create a safe, beneficial amenity for the community;
- Early planning well before power station closure to create local jobs in sectors that will not create a new toxic legacy for the local community to suffer from; and
- A just, community-led transition funded and supported by the Victorian government and the power station owners.

(a) Rehabilitation of power stations, mine pit and coal ash dams

With each Latrobe Valley power station closure, there will be both direct and indirect job losses for Latrobe Valley community members. To date, the Victorian government has not assessed job opportunities in environmental rehabilitation to mitigate the impacts of coal-fired power generation and the role of environmental remediation as providing opportunities as part of a just transition plan for coal communities.

Comprehensive rehabilitation planning well in advance of power station decommissioning provides impacted communities and power station employees with certainty regarding job prospects as well as environmental benefits. This includes identifying where local training and education providers can support transitioning workers to acquire the skills needed to work in ash dump remediation, as well as: preparing new workers entering the workforce with necessary skills; future land use planning potential on thoroughly remediated sites; "flow-on" employment benefits to other businesses and services in regions; and regional pride in workers being involved in the comprehensive rehabilitation and improvement of their home areas.

¹² Bronya Lipski et al, 'People's Clean Air Action Plan for Victoria' (Report, 2020) 13-15
<https://www.envirojustice.org.au/wp-content/uploads/2021/02/VICTORIA-Clean-Air-Action-Plan-2021.pdf>.

Fortunately, other jurisdictions have commenced this planning, including assessing the employment benefits for comprehensive rehabilitation and remediation of the environment where power stations and coal ash dumps are located.

Coal ash rehabilitation

Research undertaken by the Northern Plains Resource Council (**NPRC**) of Montana, United States, in collaboration with the International Brotherhood of Electrical Workers Local Union 1638, shows that there are substantial environmental benefits and employment opportunities in coal ash repository rehabilitation.¹³

Coal ash waste is the toxic by-product of coal-fired power. It is one of the largest waste streams in Australia.¹⁴ At each of the coal-fired power stations in the Latrobe Valley, the coal ash waste is mixed with water and dumped in a pit. Toxic coal ash slurry contains a cocktail of toxic compounds and elements, including heavy metals and dangerous pollutants like mercury, lead, arsenic, selenium and chromium.

In July 2019, EJA released the first comprehensive national analysis of coal ash waste management in Australia, *Unearthing Australia's toxic coal ash legacy* (**Attachment 3**). The report reveals the flaws in the management and regulation of coal ash dumps in the Latrobe Valley and the risk this poses to human health.

When the dumps are left to dry out, they blow ash dust onto nearby communities who breathe toxic particles deep into their lungs. The toxins in coal ash have been linked to asthma, heart disease, cancer, respiratory diseases, nervous system damage and stroke.

Comprehensive rehabilitation of coal ash dumps must be part of a just transition plan, so the community is not left to bear the burden of this toxic legacy. Effective remediation will also ensure that the community has a usable amenity after the power station operators have remediated the ash dam sites, and ensure that the Victorian taxpayers do not bear the financial burden of being left to clean up toxic ash dumps after power station closure.

Coal ash dump rehabilitation involves excavating coal ash from its current location. Treatment plants can then be built to clean up contaminated water and prevent ongoing groundwater and surface water contamination. These processes are much more comprehensive, labour intensive, and have much greater environmental benefits than the current rehabilitation approach in Australia, which is to "cap-in-place". That is, instead of excavating the coal ash, the coal ash dump is covered. Covering coal ash without remediating contamination can cause ongoing adverse environmental impacts.

Unearthing Australia's toxic coal ash legacy provides the Victorian government with guidelines that should be implemented to reduce the toxic burden of coal ash dumps on the Latrobe Valley community, and to minimise the threat to human and environmental health. To foster community

¹³ Western Organization of Resource Councils, 'Northern Resource Plains Council and International Brotherhood of Electrical Workers Local Union 1638, Doing it Right: Colstrip's Bright Future with Clean-up' (Report, 2018) https://northernplains.org/wpcontent/uploads/2018/07/DoingItRight_FullStudy_FNL_WEB.pdf.

¹⁴ Bronya Lipski, 'Unearthing Australia's toxic coal ash legacy' (Report, July 2019) 41 https://www.envirojustice.org.au/wp-content/uploads/2019/07/EJA_CoalAshReport-lr.pdf.

confidence, the Hazelwood ash dump rehabilitation plan should be made publicly available. There are currently no rehabilitation plans for Yallourn or Loy Yang ash dumps, however operators are required to prepare them under new licence conditions. Although this is a step in the right direction, rehabilitation plans should adhere to best practice rehabilitation and management, as outlined in the report guidelines.¹⁵

Coal ash reuse

The Hunter Community Environment Centre conducted research into the reuse potential of coal ash and highlighted the environmental and job gains in coal ash reuse.¹⁶ Beyond Zero Emissions (**BZE**) developed a strategy for replacing up to 50% of the cement used in concrete with fly ash from power stations and furnace slag from steelmaking.¹⁷ This strategy avoids the generation of greenhouse gases. Cement production is the source of up to 8% of global greenhouse emissions.¹⁸ Portland cement used in concrete can be blended with replacement materials. BZE proposed replacing up to 70% of Portland cement with fly ash, slag, clay and ground limestone. Over 10 years, this strategy would make beneficial use of 3.8 million tonnes of fly ash. BZE estimates that the stockpiles of coal ash remaining once Australia's fleet of coal-fired power stations are replaced by renewable energy are sufficient to supply domestic concrete production for 20 years.¹⁹

Repurposing of land

Failure to plan for rehabilitation and closure of ash dams has significant implications for future land use planning. Rehabilitation and closure planning for ash dams that excludes excavation of material to facilitate comprehensive remediation risks contamination occurring in the future and means that land is unlikely to be repurposed. Without comprehensive reconstruction of these ash dumps to contain ash in a lined repository and cap with impermeable material, the environment is likely to continue to be contaminated for decades and future land use planning will be uncertain at best, and impossible at worst.

Future land use planning in the area cannot maximise the potential for the highest possible use of land without local authorities being aware of and having access to comprehensive rehabilitation plans for power station ash dams. Communities who live around these sites must be provided with information about the intended rehabilitation planning, the health risks of exposure to coal ash and the risks that inadequate remediation poses to both human and environmental health. Most importantly, they must be given an opportunity to provide meaningful input into decisions about these matters.

¹⁵ Bronya Lipski, 'Unearthing Australia's toxic coal ash legacy' (Report, July 2019) 48
https://www.envirojustice.org.au/wp-content/uploads/2019/07/EJA_CoalAshReport-lr.pdf

¹⁶ Paul Winn et al, 'Out of the Ashes: Water pollution and Lake Macquarie's aging coal-fired power stations, Hunter Community Environment Centre' (Report, 2009) 64-69
<https://drive.google.com/file/d/1-3qbaitKC1rI7vFdkAQ8JQFsx22ybl/view>

¹⁷ Beyond Zero Emissions, 'Zero Carbon Industry Plan: Rethinking Cement' (Report, August 2017)
<https://bze.org.au/wp-content/uploads/2020/12/rethinking-cement-bze-report-2017.pdf>

¹⁸ Beyond Zero Emissions, 'Zero Carbon Industry Plan: Rethinking Cement' (Report, August 2017) 9
<https://bze.org.au/wp-content/uploads/2020/12/rethinking-cement-bze-report-2017.pdf>

¹⁹ Beyond Zero Emissions, 'Zero Carbon Industry Plan: Rethinking Cement' (Report, August 2017) 7
<https://bze.org.au/wp-content/uploads/2020/12/rethinking-cement-bze-report-2017.pdf>

Comprehensive laws and regulations to ensure that ash dump rehabilitation and on-going post-closure management has several benefits: job creation, environmental decontamination, and the potential use of coal ash as a resource for other industries. In order to facilitate job opportunities, economic development in coal ash dump remediation, and prepare for future land use planning in location government areas, the Victorian Government and regulatory agencies need to require that ash dump rehabilitation and closure plans are prepared well in advance of power stations being decommissioned.

Recommendation 3: The Victorian government should assess the employment and economic opportunities in comprehensive power station, mine pit and coal ash remediation, and the economic and environmental consequences of failing to undertake comprehensive remediation.

(b) Early planning

The Latrobe Valley Authority (**LVA**) was introduced in November 2016, only five months prior to the closure of Hazelwood power station.

The LVA was tasked with navigating the community through mass redundancies, safeguarding social capital and building resilience during the significant social and economic transition, with no just transition plan in place.

The lack of early planning resulted in the Latrobe Valley labour market being unable to cope with the volume of displaced workers. Although initiatives such as the Latrobe Worker Transfer Scheme and the LVA's Worker Transition Service were successful, the Victorian government announced the end of Transfer Scheme in 2019 and the LVA's future is in doubt after funding cuts in successive state budgets.

It is essential that the transition away from coal power in the Latrobe Valley is accompanied by a transition plan to ensure the environmental injustices suffered by those communities and first nations people for decades are not compounded by new social injustices.

The transition plan should include a robust framework that prioritises environmental, social justice and health considerations. It should adopt a 'bottom up' community-led approach to create a plan which prioritises the community and first nations people. It should include a best practice power station, mine pit and coal ash rehabilitation plans which leaves the community with safe, usable amenities. It should include employment opportunities in power station, mine and coal ash rehabilitation.

The process for creating the just transition plan should be designed and commenced as soon as possible.

The community is still suffering from the lack of early planning before Hazelwood power station's closure in 2017. The Yallourn and Loy Yang power station closures are looming and the community are at risk of suffering the cumulative effects of each power station closure.

Power station closure dates around Australia are continually being brought forward and in cases such as Hazelwood, at short notice. Having community-led plans in place will give the Latrobe Valley community a clear vision for their future prosperity and a plan for how to achieve it.

Recommendation 4: The Victorian government should create a community-led, just transition plan which:

- a. Identifies the relevant stakeholders, including community members, community groups, first nations groups, power station workers and their respective priorities;
- b. Adopts a 'bottom up' approach to create an overarching framework for the transition out of the coal industry;
- c. Assesses best practice power station, mine pit and coal ash rehabilitation and identifies the best outcome for the Latrobe Valley community and the first nations groups, which leaves the community with safe, usable amenities; and
- d. Incorporates the outcomes of the Victorian government's assessment of the employment and economic opportunities in comprehensive power station, mine pit and coal ash remediation to maximise job creation in this area.

(c) A just transition

The continued operation of the LVA is essential in developing just transition plans and facilitating a just transition for the Latrobe Valley community. The responsibility should not fall to the community to navigate the transition themselves, nor should it be a reactive response from the government only months before a power station closes.

Overseas case studies demonstrate that having a body facilitating just transitions away from coal and carbon intensive industries can lead to a successful and just transition process. Canada, Scotland, South Africa and Germany have each appointed effective just transition commissions to facilitate the closure and transition away from fossil fuel industries.²⁰ However these bodies differ from the LVA in permanence, funding and structure.

The continued operation of the LVA as a statutory authority is essential in providing the Latrobe Valley community with the long term, permanent support required to facilitate a just transition over the coming decades.

Adopting the most appropriate legal form and governance for the activities the LVA undertakes is crucial in its success. The *Legal Form and Governance Arrangements for Public Entities: Guidelines (the Guidelines)* provide guidance as to the appropriate legal forms and governance arrangements for such activities.²¹

Where an entity's function is to deliver services to the public, to play an ongoing function in a community, and deliver unique work, the most appropriate public entity is a statutory authority, not

²⁰Chris Briggs et al, 'How to transition from coal: 4 lessons for Australia from around the world', *The Conversation*, (Article, 15 May 2019) <https://theconversation.com/how-to-transition-from-coal-4-lessons-for-australia-from-around-the-world-115558>.

²¹Victorian Public Sector Commission, *Legal Form and Governance Arrangements for Public Entities: Guidelines*, 2013 <https://vpvc.vic.gov.au/wp-content/pdf-download.php?postid=5131>.

an administrative office.²² The Latrobe Valley community need ongoing assistance over the coming decades to facilitate a just transition. A permanent authority will allow for early planning, the development of just transition plans and on the ground support.

Having a permanent statutory authority on the ground to keep track of local opportunities for investment, attracting business, implementing programs for workers and identifying economic and social conditions is a unique ongoing function. The statutory authority structure would allow for the LVA to report back to the Victorian government on these areas and opportunities for investment and growth.

A statutory authority is formed and governed by legislation which would more clearly define the LVA's defined functions, objectives, role and purpose. It would allow for just transitions plans to be transparently implemented and allow the community to hold it accountable if it fails to do so. Finally, the Latrobe Valley community have suffered from a lack of transparency in relation to the health impacts of being exposed to coal pollution, power station licencing, coal ash management and mine rehabilitation. Having legislated accountability structures will help to build community confidence. This can include requirements such as requiring public availability of documents. It could also include setting public strategic plans, annual reports and statements of accounting.

Legislation introduced to make the LVA a statutory body should include:

- a. Clear objectives, functions and obligations;
- b. Transparency and accountability measures;
- c. A timeline for creation, implementation and review of the just transition and rehabilitation plans;
- d. Ministerial reporting to ensure new projects, industries and infrastructure upgrades are reported to the relevant Minister;
- e. Facilitation of the Worker Transition Service and Latrobe Worker Transfer Scheme;
- f. A framework to ensure meaningful and ongoing first nations and community consultation;
- g. A mechanism to frequently review opportunities to support, re-train and assist transitioning workers and their families, and to identify new opportunities for investment into new industries, that have the potential of contributing to our economy and generating large numbers of highly skilled well paid jobs.

Recommendation 5: The Victorian government should create a permanent, independent statutory authority governed by legislation and funded by the state government, based in the Latrobe Valley to facilitate a community-led, just transition.

²² Victorian Public Sector Commission, *Legal Form and Governance Arrangements for Public Entities: Guidelines*, 2013, Figure 1 <https://vpssc.vic.gov.au/wp-content/pdf-download.php?postid=5131>.