

Health Risk Assessment Guidelines

Historically, the Department of Health (DOH) has provided advice to the Environmental Protection Authority (EPA) on matters of human health associated with the Environmental Impact Assessment (EIA) process. Previously however, there were no published guidelines about how human health issues were to be dealt with as part of the assessment under the *Environmental Protection Act 1986 (EP Act)*. That is, until now.

The DOH has recently released a document entitled 'Health Risk Assessment 'Scoping' Guidelines' (**Guidelines**), with the intent that the document be used to inform human health aspects of an EIA process conducted by the EPA.

The DOH has advised that the Guidelines are being introduced on a trial basis and for the framework to be used by proponents and the health sector, with a view to it being reviewed in 2011.

Issues

The principle focus of the Guidelines are to support the EPA risk-based approach to EIA, acknowledging the importance of recognising public health issues associated with project development.

The Guidelines in their current form, are predominantly concerned with detailing the consequence and likely matrix for human health risk assessment in the EIA process. Although the DOH has emphasised that the guidelines are not mandatory, the extent to which the EPA will choose to enforce the guidelines is not yet clear. Indeed, more problematic is the fact that the Guidelines appear to have been developed without any significant consultation outside of government.

Lavan Legal comment

The introduction of the Guidelines may have been an attempt by the DOH to bolster the EP Act until such time as the proposed Health Bill (incorporating similar reforms) is passed into legislation. What is problematic in these circumstances is that the Guidelines appear to have been promulgated without any formal consultation process and without any comment from relevant stakeholders.

As such, we are as yet unclear as to how the EPA is to interpret the Guidelines and whether or not the additional mechanism proposed (i.e. health impact assessment) would allow another

avenue for a conservative/negative consideration of proposals by the relevant decision making authorities.

It is our view that the EPA would need to give clear guidance as to how the guidelines are to be interpreted in the future and proponents would need to take care that proposals likely to impact upon human health, take into account the additional step in the EIA process. In addition, proponents would be best served to determine how other States in Australia are dealing with similar legislation and take the necessary care in order to ensure that their proposals are not stymied in any way.

If you have any queries and/or concerns in relation to how the Guidelines apply to you or how they are to be interpreted in relation to your operation please do not hesitate to contact me or any member of the Environment Team at Lavan Legal.

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