

Australia: Deep divide between Government and community narratives on toxics fuels anger and distrust, says UN expert

Sydney (8 September 2022) -- Where the Australian Government sees efforts towards stronger regulations to address the risks of chemicals and pollution, communities and civil society denounce the capture of the State for the benefit of mining, oil, gas, agrochemical and other corporate interests, said Marcos Orellana, UN Special Rapporteur on toxics and human rights, following an official visit to Australia.

“Draconian restrictions on the right to peaceful protest in several states aggravate the distance between State and society,” said Orellana.

In his [end-of-mission statement](#), Orellana examines how toxic releases from coal mines and coal-fired power plants, uranium mines, and the spraying of highly hazardous pesticides are imposing heavy burdens on communities. Proposed petrochemical, offshore oil and gas, hydraulic fracking, and waste incineration projects pose serious health, water, agricultural and climate concerns.

Air quality standards in Australia are less protective than in other member countries of the Organization for Economic Cooperation and Development (OECD). Moreover, certain facilities have received exemptions from compliance with relevant standards, and communities pay the price.

The Special Rapporteur noted that a similar disconnect is apparent in the relations between companies and workers. Current regulations do not allow effective access to justice in cases of breaches of occupational health and safety standards, he observed.

The Special Rapporteur also noted the particularly acute distance between the Government and Indigenous Peoples. It is instructive that all siting initiatives by the Government for a radioactive waste repository have failed, leaving a legacy of division and acrimony in the communities.

The loss of lives and songlines resulting from exposure of Indigenous peoples to hazardous pesticides in the Kimberley region, from asbestos exposure in Wittenoom in Western Australia, and from the radioactive contamination following nuclear weapons testing South Australia, are all open wounds. “Alignment of regulations with the UN Declaration on the Rights of Indigenous Peoples is a critical step in the path towards healing open wounds of past environmental injustices,” Orellana said.

The Special Rapporteur welcomed the Government's efforts and goodwill for a constitutional amendment to secure a voice for the Indigenous People through the creation of an advisory body to the Parliament.

Orellana also highlights several good practices of Australia's management of hazardous substances and wastes. In efforts to making the concept of circular economy a reality, Australia has enacted a ban on the export of four waste streams: glass, tyres, mixed paper and plastics. It is also installing capacities for the recycling of those material streams. Product stewardship approaches complement these efforts, alongside new legislation on industrial chemicals management.

The Special Rapporteur also applauds the States' plans to prioritize removal of asbestos in the built environment. He commends citizen science initiatives. He welcomes the country's leadership in various international arrangements on chemicals and wastes. Orellana also underlines how parliamentary inquiries serve as an important tool for public debate and informed decision-making.

The ongoing parliamentary inquiry on an Australian human rights act illustrates how Australia is living an important moment in its journey towards strengthening human rights protections, including the incorporation of the right to a clean, healthy and sustainable environment in the Australian legal order, he said.

The Special Rapporteur will present a full report to the Human Rights Council in September 2024.

ENDS

Dr. Marcos A. Orellana is the [Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes](#).

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