

LETTER OF PETITION - CONFIDENTIAL

David C. Tipping
PO Box 6242
KINGSTON ACT 2604

17 March 2008

**Legislative Assembly for the ACT
GPO Box 1020
Canberra, ACT 2601**

Cc: Prime Minister of Australia; The Senate, Commonwealth of Australia

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

As a loyal citizen of Australia, I write to petition for your intervention, as the representatives of the people, to seek the establishment of a Royal Commission of Inquiry, into the preparation and execution of a plan the object of which is to introduce water processed from sewage and industrial wastewater for human consumption and personal and public hygienic purposes in Canberra. I believe such action to be a danger to the people of Canberra and by extension, to the people of Australia, if the plan is adopted without appropriate review.

Description of the situation

Australia and the Australian Capital Territory are faced with a most severe and long standing drought that has reduced potable water supplies to a historic minimum. In order to provide a solution to a potential shortfall in water for drinking and sanitation, there is serious consideration being given to treating Canberra's human and industrial wastewater stream and reusing the processed sewage/wastewater so recovered to augment the public drinking water supply by channelling the treated wastewater into the community's water supply storage facilities.

I, with many others, have considerable concern over this proposed action as there is significant scientific uncertainty as to the residual risk from treating sewage/wastewater for human consumption and hygiene purposes. This plan has the potential to have significant adverse consequences for human health in the ACT and by extension, for the population of Australia as a whole should this process become widely accepted and implemented. The proposed solution does not adequately address the fundamental and deeper issues of the increasing water shortages confronting Australia in line with accepted principles of social equity and economic sustainability. This problem is partly due to the potential for poor management, on a sustainable basis, of the drinking water that is available for consumption and sanitation needs.

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The proposed introduction of treated sewage/wastewater for human consumption and hygienic purposes constitutes the removal of a core public health protection. It will have an additional undesirable and unintended potential to be injurious to public health and delay serious public consideration of other more viable and sustainable options of providing adequate access to water and sanitation at the local level. The proposed plan touches on fundamental issues of national well being and security and should therefore be subject to indepth review by the elected representatives of this nation.

The plan if allowed to proceed without adequate and appropriate review will constitute an unprecedented level of interference in the delivery of a public good that affects public health and well being. The proposed plan by not providing a clear differentiation between the provision of wholesome and clean water, supported by the appliances of hydraulic engineering, raises an issue that I consider to lie beyond the competence and responsibility of unelected public bodies, and beyond that of professionals and technocrats of engineering and architectural disciplines. The implications require consideration at the highest level in order to ensure the best outcome for all Australians.

In consultation with international and local professionals with varying degrees of agreement on these views, I have prepared an interdisciplinary report outlining the various dimensions - social, sanitation and public health – that the implementation of the proposed plan will impact adversely. I have recorded shared views of deepening concern in respect of the proposed plan and the lack of proper review associated with it, as well as the serious consequences for the people of the ACT and of Australia. I would like to note here that Commander Peterson and Doctors Hanna, Long and Reckhow asked that their names be associated with this petition. I have kept others in various trade, engineering and academic appointments, anonymous, also, at their request.

I wish to bring the attached report to the attention of the Legislative Assembly with the objective of seeking your support for the petition that this whole issue be subjected to the review of an objective Royal Commission, with a view to determining whether the proposed plan and the process through which its introduction and implementation is being pursued are acceptable and in consonance with good governance under Australian rule of law, whether the process ensures that adequate legislation exists for the protection of the Australian people from such wide reaching action, and, whether the rights of our citizens as established under the Australian Constitution will be adequately protected.

I feel most strongly that this issue is of fundamental public interest as it has potential to place in jeopardy the good health of the Australian people. It also raises issues that touch upon the obligations of representative government and prejudice the fundamental rights and freedoms that are embedded in the democratic ideal.

I consider that the deepening water governance crisis warrants urgent review and independent public assessment, particularly as the proposed plan and procedures being adopted may constitute a precedent for other actions and decisions that may need to be considered by executive governments in considering remedial action for apparently intractable public goods delivery problems, such as ensuring the integrity of these critical public supplies and improving the delivery of essential services.

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The Australian public needs reassurance that a proper process of review will take place on any action contemplated that is of fundamental public interest, especially where public opinion is yet to be sufficiently sensitized and mobilised to properly consider, in the public interest, what the true impact of such decisions could be. The ensuing public debate, and the information and evidence for and against any intended action put in the public domain, will then make room for any dissatisfied Australians to resort to the Courts in defense of the general rights of the public.

In order to ensure that the fundamental problem of providing access to adequate water on a sustainable basis for consumption, in support of economic activities and for sanitation, it is important that an objective platform be provided for data collection, analyses and public debate of the relevant issues. The evidence thus gathered can then be rested against the current state of scientific knowledge in the area. Such a platform can only be appropriately provided in the form of a Royal Commission.

There are several factors that seem to support this petition for a Royal Commission of Inquiry into the whole matter of urban water governance in general, and in particular, community water and sanitation delivery systems and the intended use of processed sewage/wastewater for human consumption and hygiene:

- This is an issue that touches on ensuring the rights and freedoms of the general public in a participatory democracy are maintained
- The science underpinning the treatment of wastewater for consumption is fraught with uncertainty and poses risks for citizens, especially in light of emerging and non-regulated contaminants that are not captured in existing legally enforceable standards
- The processing of sewage and industrial wastewater into potable water does not address fully the fundamental problem of the potential for poor management or ongoing maintenance of the water resources of the nation and the medium to long term availability of adequate water on a sustainable basis
- This is an issue of ensuring that good governance under the Constitution is not undermined and that the process of public decision-making on issues of fundamental importance is accompanied with adequate public debate
- This is an issue of ensuring that critical policy decisions and activities of government agencies are subjected to due diligence and are not irrational or unfair, particularly where they may adversely impact on the democratic rights and freedoms of Australian citizens as benchmarked against international good governance practices
- The potential for the ultimate testing of such a plan in the Courts will also help advance the rule of law in Australia and further strengthen the foundation of our Constitution

The life expectancy of citizens is the strongest indicator by which to measure the efficacy of all public institutions devoted to serving the public interest. It is also the best testimony to success. Adequate access to water and sanitation contributed considerably to enhancing the longevity and quality of life of the majority of Australians over the past 150 years, by

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preventing excessive illness and death and improving health. The intended plan, by putting at risk access to good quality water that has been at the core of public health protection in Canberra (and elsewhere in Australia) may be a signal that participatory democracy as the cornerstone for public decision-making may be failing. The Legislative Assembly has an undeniable responsibility to conserve the health of Australian citizens, and this should be demonstrated by the Legislative Assembly ensuring that we continue to provide access to adequate water to all citizens for sanitation and public health. Instituting a Royal Commission of Inquiry into this issue will also ensure that the improvements which the progress of Australian civilization has already achieved in the value and quality of human life are maintained.

Summation of why a Royal Commission is needed

In conclusion, it is my firmly held view that we in Australia need to manage and husband our water resources more prudently than we presently seem to be doing. Access to good wholesome water is the core of our civilisation and the source of our national health and well-being. Substituting water processed from sewage and industrial waste for essential human needs has not been proven as wholly safe. It is not accepted whole-heartedly by the population. Governments should not be permitted to put the health of the public at risk. Even if the technology is assumed to be safe, the plan should not be implemented without appropriate public due diligence, conducted by an independent body.

I therefore deem deliberate and reasoned decision as essential now in order to preserve public health. The establishment of a Royal Commission of Inquiry into this affair would strengthen our democracy.

I have the honour to submit this petition as being in the general interest of all Australians. I humbly seek your support in ensuring that appropriate action is taken to assure the people of Australia access to adequate and good quality water and sanitation on a sustainable basis.

Yours most sincerely

David Campbell Tipping *MSc Civil (Environmental) Engineering, Master Plumber & Drainer*

Persons Consulted in the Preparation of this request:

CMDR David N Peterson RAN (Ret.), Dr. Elizabeth Hanna, John Wilson Esq, Dr. David Reckhow, Dr. Sharon Long...

NB. This list does not include those other local or national professionals consulted in the preparation of this request and/or the associated report, investigating the risks and threats of introducing processed sewage for human consumption in Canberra, who are not willing to be identified.

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The petition of certain residents of the Australian Capital Territory draws attention to the Assembly that: *Access to good wholesome water is the core of the Australian people's civilisation and the source of Australia's national health and well-being. Substituting water processed from sewage and industrial waste for essential human needs has not been proven as wholly safe. Safeguards to the health, well being and constitutional democracy of the Australian people may have been placed at risk, without appropriate public due diligence conducted by an independent body.*

Your petitioners therefore request the Assembly to: *Establish a Royal Commission of Inquiry into the preparation and execution of a plan to introduce water processed from sewage and industrial wastewater for human consumption and personal and public hygienic purposes in Canberra, which may constitute the removal of a core public health protection.*

Signatories

1. David Tipping – Director, Tipping Civil and Environmental Engineering, PO Box 6242 Kingston, 2604 ACT
2. Commander David N. Peterson RAN (Retired) – resident of Canberra, 39 Steinwedel Street, Farrer, ACT 2607 +61-2-62866283
3. Dr. Liz Hanna PhD, MPH, FRCNA - National Convenor Environmental Health, Public Health Association of Australia - PO Box 4109 Doncaster Heights. Vic, 3109, ph. +61-3-9841-6561
4. John Wilson LLB – Barrister-at-Law, PO Box 783 Wollongong East, 2520, ph.+61-2-4228-8977
5. Dr. Nana Tipping MD, FACS, FASCRS – Surgeon, PO Box 517 Forestville, 2087 NSW
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