

WASTE AND RECYCLING REFERENCE GROUP



Environment
Protection
Authority Victoria

Environment Protection Authority Victoria

MEETING TITLE	WASTE & RECYCLING REFERENCE GROUP – MEETING 3
TIME & DATE	10.00 -14.00, THURSDAY 21 NOVEMBER 2019
LOCATION	MELBOURNE BUSINESS SCHOOL, 168 LEICESTER ST, CARLTON
Chair	Rachel Gualano, Director, Regulatory Operations
Secretariat	Matt Nelson, EPA Victoria
EPA Board	Joan Ozanne-Smith

Members

Dale Imlach	Australian Metal Recycling Industry Association
Graeme Stewart	Waste Management and Resource Recovery Association of Australia
Michael McKenna	Victorian Automobile Chamber of Commerce
Brett O'Neil	Victorian Automobile Chamber of Commerce
Julie Went	Tyre Stewardship Australia
Roslyn Morgan	Australian Nursing and Midwifery Association
Michelle Lee	Metropolitan Waste and Resource Recovery Group
Zandy Powell	Metropolitan Waste and Resource Recovery Group
Peter Tricarico	Eco Guardians
Peter Brisbane	Australian Packaging Covenant Organisation
Nathan Potter	Victorian Chamber of Commerce and Industry

Guests

Stephanie Skordas	EPA Victoria	Miranda Tolmer	EPA Victoria
Matt D'Abbs	EPA Victoria	Alison Medhurst	EPA Victoria
Heather Hawkins	EPA Victoria	Ben Slattery	EPA Victoria
Dru Marsh	EPA Victoria	Tom Fisher	EPA Victoria

Apologies

Colin Sweet	Australian Landfill Operators Association	La Vergne Lehmann	Grampians and Central West Waste and Resource Recovery Group
Matthew Peake	Gippsland Waste and Resource Recovery Group	Mark Smith	Victorian Waste Management Association
Ashley Pittard	Barwon South West Waste and Resource Recovery Group	Nick Nagle	Goulburn Valley Waste and Resource Recovery Group
Michael Wood	Australian Organics Recycling Association	Jo Regal	Metropolitan Waste and Resource Recovery Group
Alex Serpo	National Waste and Recycling Industry Council	Phillip Spring	Eco Guardians



Summary of Actions E = external I = internal

1. Recirculate Subordinate Legislation link on EngageVic website
2. Send link to EPA the website. Notify members that bookmarks from previous website and links might not work. Use the search function on the website.
3. Include regulatory operations update as a standing agenda item. Look at how EPA can communicate regulatory action more publicly with taskforce inspections stats as an example.
4. Bring new conditions for permissions when defined as a focus to future meeting
5. Ask members for feedback on the tools to give EPA a sense of what they want to see on the portal and website.
6. Bring the EPA web-based tools at a state of future development back to next meeting for a workshop session
7. Bring the state of knowledge with battery guidance to next meeting or out via email
8. Present breakdown of industry specific submissions at the next meeting.

1. Welcome and Introductions

Rachel Gualano gave an apology for the standing chair Paul Stacchino and welcomed the Waste and Recycling Reference Group members and EPA Board member, Joan Ozanne-Smith.

Rachel provided summary of the last meeting which had a central focus on the subordinate legislation open for public comment and thanked members for engaging with the process of submission.

Rachel outlined the agenda by highlighting the commitment made by Chair Paul Stacchino as the main action from the last meeting to bring members practical information on how EPA plans on operationalising compliance and enforcement.

Rachel made a call to action to operate with a sense of shared responsibility as the basis of these reference groups. EPA's expectation is that information at these meetings on how to operate under the new Act is communicated to help their members implement the new legislation.

2. Previous Meeting Summary and Actions

No comments on the summary of the previous meeting, held on 16 September 2019.

Action 1: EPA to recirculate link to: Sub-leg public comment on Engage Vic – *Complete*

Action 2: Circulate Subordinate Legislation email address should members want to clarify questions – *Complete*

Action 3: EPA to identify themes to reflect to members at future meetings – *Ongoing*.

Action 4: EPA to develop communication products based on members feedback – *Ongoing*.

3. Regulatory Strategy 2020-2025 and our Headline Regulatory Policies

Matt D'Abbs provided an update on EPA's draft Regulatory Strategy 2020-2025 and the two key Regulatory Policies that together, with the Strategy, will set the foundations for operationalising our new legislation and its principles. Members were provided with: an overview of the Regulatory Strategy 2020-2025, it's framework with two key Regulatory Policies: Compliance & Enforcement and Permissions. Refer to slide pack.

- Regulatory Focus – In some ways this is the real substance of the strategy. In 2020-2022 the first focus is on an effective transition to the new scheme and focus on preventing main harms
- Second focus will turn to generating a higher level of compliance. In 2022-2024 it is assumed that our duty holders know what compliance looks like and work with them to a operate at a higher standard
- 2024-2025 – intend the regulatory scheme will be at full maturity where EPA and duty holders will have clear understanding of compliance requirements with both having effective input into the detail
- Holding people accountable is key to achieving compliance. Another aim is to try and ensure there is a level playing field for operators who put time, effort, and expense into compliance.

Graeme Stewart (WMRRAA) asked about the process and timelines involved with statutory reviews of infringement notices and internal review processes.

Dru Marsh responded Once the notice is issued there is a statutory timeline, 10 business days for notices, and 15 business days for VCAT. A formal internal review process occurs before an external review occurs to ensure we examine the decision made by an officer to look at it proportionally.

Dale Imlach (AMRIA) noted the power that EPA has in sending strong compliance expectations and signals to industry and to community as to what happens when you operate outside of the law. This was seen and discussed widely in the sector when the Recovery Taskforce issued a cease to accept waste notice onto SKM in March. Will there be more examples made of industry operators who operate outside the law?

Matt D'Abbs responded that EPA is not committed to necessarily using one tool over another to work with industry operators to achieve compliance however when negligent non-compliance is found EPA will use our full regulatory powers.

Dale Imlach (AMRIA) referenced how their members work alongside WorkSafe and Victoria Police to close the loop on the black-market operators in that industry and asked how EPA works to share information with other agencies.

Rachel Gualano responded that EPA looks at other regulators we operate with to ensure we are using the appropriate tools. She mentioned at the last meeting we heard from DELWP about the cross agency executive oversight group for dangerous goods and waste crime. This group is setup with regulators including Vic Police in regard to having broader visibility to ensure we work with one another to address high risk sites involving dangerous goods and waste crime.

Dale Imlach (AMRIA) asked that he often gets asked by members wondering on how to report things to EPA. Can we get a general review of compliance issues and make it more publicly available in regard to give visibility of compliance actions?

Rachel Gualano responded that at our last meeting we gave a focused overview of EPA regulatory operations and that this could be a standing agenda item if members requested.

4. Licence Transition

Tim Faragher (EPA) spoke about the transition process for current licences into the new Permissioning framework. If you have an existing permission (such as a licence) it will automatically transition into the equivalent permission in the new framework from 1 July 2020. In the first 12 months EPA will utilise provisions to amend licences to update conditions under the duty framework. If there is an application in progress it will automatically be considered an equivalent application under the new framework. EPA will continue to have periodic reviews of licences to make sure they stay up to date and risks are being managed. our priority in the first 12 months will be to amend licences and landfill works approvals.

We are currently working on new licence conditions. Conditions will look different with a duties model. Permissions are about risk and recognising that risk of an activity can't just be controlled by the duty. The focus is on the risks that make an activity require a permission. Around February EPA is aiming to have general operating licence conditions out for consultation. Refer to slide pack.

Michelle Lee (MWRRG) noted the need to engage on the draft conditions with local government operators for council transfer stations who will be into this style of regulation.

Tim Faragher answered the consultation in February will be general and focused on broad conditions and risk. It will be especially important for EPA to engage with the new players into the Permissioning framework.

Dale Imlach (AMRIA) asked if there will be a publicly available registry for industry and the public to see who is listed with a permission?

Alison Medhurst (EPA) answered in the legislation there is a requirement to put that information out into public view. EPA will have a public register from 1 July 2020.

5. Tools and Tech Showcase: New EPA products and Tools

Tom Fisher (EPA) spoke about the new performance options and approach of the revamped EPA website. The website is mobile friendly and designed to be used on the mobile platform.

Alison Medhurst (EPA) spoke about the new EPA Portal being built for industry to apply and report on their operations. The concept is to allow for predominately self-service based transactions.

Heather Hawkins (EPA) spoke about the new waste tracker program that EPA has put in place to provide better transparency to manage compliance and make sure that responsibilities of producer, transporter, receiver are clear and defined.

Graeme Stewart (WMRRAA) asked how people come on line as a registered transporter?

Heather Hawkins (EPA) answered that registering to use the system is one thing and seeking a permission to be a vehicle for transport is another. To apply for a permission, you will need to be registered to use the system as well. We are reaching out through testing groups to get the messaging and directions clear and helpful on this.

Julie Wendt (TSA) – talked about the importance of getting up to date information on infringement notices being difficult to get on EPA's website as it's never up to date. It would be good to see this in the register. We see regulatory action in the media sometimes before we see information on EPA's site.

Rachel Gualano (EPA) answered the regulatory strategy has the comms and engagement policy and EPA action needs to be captured there most likely on the public register. There might be some important prosecutions that help to lift the standards across the industry. This will be valuable to capture and give EPA examples to showcase significant regulatory action taken.

Dale Imlach (AMRIA) asked *how pollution reporting will occur with the new website?*

Alison Medhurst (EPA) answered that the new mobile website will function well for this and allows more dynamic information to be entered than most off the shelf applications. The EPA website and waste tracker were built for offline function in this space as well.

6. INDUSTRY GUIDANCE SUPPORT

Miranda Tolmer (EPA) provided an overview of the Industry Guidance Unit's prevention focused guidance model and talked through their ideas to support the sector transition to new legislation. A workshop style session was done with members to give EPA a better understanding from the waste sector on what they see as their hazards that require focus and the gathering of monitoring and evaluation base line data.

Michelle Lee (MWRRG) asked if local government had been included in this sector and guidance.

Miranda Tolmer (EPA) answered that not specifically but EPA has heard that a lot and we will go back and revisit the information and revisit that work.

Roslyn Morgan (ANMA) asked where the health sector fits into this?

Miranda Tolmer (EPA) answered the waste and recycling sector.

Dale Imlach (AMRIA) asked if specific guidance for lithium-ion batteries had been developed.

Rachel Gualano (EPA) the E-Waste Guidance is available on the EPA website and is applicable to this material. We are working with fire agencies and CSIRO to understand lithium-ion batteries better. It comes back to the General Duty in that its about understanding your hazards and the controls you have in place to minimise risk.

Michael McKenna (VACC) asked when auto-recycling guidance is going to be released.

Miranda Tolmer (EPA) answered that the final draft is being sent to the Victorian Automobile Chamber of Commerce, from there it will go into the publication process and is scheduled to be released in January 2020.

Dale Imlach (AMRIA) asked if there is going to be multi-level guidance as industry sectors have an interest in this.

Miranda Tolmer (EPA) responded in saying that the EPA is in the process of simplifying translations into fifteen different languages.

Graeme Stewart (WMRRAA) asked if guidance documents were dated.

Miranda Tolmer (EPA) responded in saying that all publications have a publication date, however some need to be reviewed on a shorter cycle than others. She went on to state that it's an ongoing challenge to keep all documents relevant.

Michael McKenna (VACC) asked if there was a breakdown of submissions by specific industry sectors.

Miranda Tolmer (EPA) responded by letting members know that demographics will be released over the next couple of weeks.

Dale Imlach (AMRIA) asked whether there was an update on circular economy.

Megan McDonald (DELWP) we are committed to providing an update when available on this topic.

Jacquie Stepanoff (EPA) stated that a few submissions asked the EPA to coordinate well with circular economy.

7. Subordinate Legislation Update

Megan McDonald (DELWP) provided a high-level update on the public comment period (now closed) and depth and range of submissions (e.g. number of submission and issues, themes identified to date etc). She spoke

about the review process and what is being considered and incorporated into the planning. Discussion was had with members on the interplay between the subordinate legislation and the Circular Economy process that DELWP is coordinating. See slide deck.

8. Other Business

Next meeting to be held in February/March 2020.

Members had a general discussion on the usefulness of today's session with a specific mention of the hands-on aspect of the toolbox component and the detail with the licence transition work.

9. Close

Rachel Gualano (EPA) thanked members and EPA Board Member, Joan Ozanne-Smith for attending the session, especially given the severity of the extreme weather.

She sought member feedback on the EPA website and waste tracker. We aim to make improvements as we go along in an agile approach towards 1 July 2020. She reaffirmed EPA's desire to work together with industry in shared responsibility to help provide guidance and support as we move together implementing the new Act.

10. Next meeting topic:

- Continuation of detail with implementation aspects of the new Act and compliance expectations
- Framework for new permissions. Further developed web-tools. Developing Guidance.

