



EPA enquiry

Qenos input

General

Qenos do not have issues with the terms of references for the enquiry and recognise them all as important areas for the EPA.

Key areas of expertise/issues that we see for the EPA in the future are

1. Technical Environmental expert.

The EPA needs to maintain strong technical environmental science expertise. They need to be comfortable as a subject matter expert when dealing with community, business and other agencies. This requires a communicative ability and processes to be able to explain the environmental science behind regulations and process decisions. In maintaining this level of expertise the EPA should tap into and learn from the world's leading environmental regulators and science rather than have to develop everything.

2. Risk Management

A risk management approach based on the strong technical environmental expertise is needed to inform good regulations and apply them. The existing EPA regulatory approach model in the Compliance and Enforcement Policy would seem to be a valid risk process

3. Engagement of stakeholders

EPA should be comfortable to engage with all stakeholders to enable optimum risk based solutions. The EPA should have a facilitative inclusive process and be able to apply their strong technical expertise when stakeholders have opinions that are inconsistent with the science.

Currently it is difficult for a complex business to liaise with EPA since the Client Relationship Officer model was disbanded. You have to spend time discussing the issue with the receptionist to try who will judge who to work an issue with and try and forward your call to them. Follow up Email correspondence from EPA seems to purposefully not provide any contact numbers which leaves business with the option of trying to have a conversation via email or calling the front desk again.



4. Policy , regulation development

Good policy or regulation can only be achieved by considering all points of view. This requires a process that considers all points of view to develop a draft and then have adequate time to review the draft prior to issuing. The EPA should avoid rapid policy/regulation implementation because of a sectional view or need to be seen to be doing something.

5. EPA boundaries with other agencies

There needs to be more clarity on the boundaries of responsibility and authority for environmental issues between EPA's role and other agencies roles including

- Municipal authorities.
- Planning authorities.
- Other government agencies with environmental roles.
- Safety and Health regulators

Business interface into government regulations would benefit from the concept of a one stop regulation facilitation portal. This could be a process that covers environment, health and safety regulations.

It would also provide the legislators and regulators more insight into the breadth of the overall red tape burden and perhaps identify reductions and streamlined process.

Potentially licensing could move to amalgamated licenses where a business which has to meet multiple regulations works with lead regulators to obtain an overall licence.

Eg. An MHF facility having the MHF licence that has addendums for other licenses such as Environment (EPA), Pipelines (ESV) and Benzene (DOH). This would lead to a lot less administrative work of describing the same safety management system in different templates for different regulators who each develop their own requirements independently.

6. EPA Funding.

The EPA's role is for the protection of all Victorians and the whole of Victoria's environment and should be publicly funded rather than a cost recovery model. Looking to broadly fund EPA from licencing fees and similar activities such as works approvals would not be adequate or would place a disproportionate burden on licensed premises compared to all the other diffuse sources of environmental impact. All Victorians have an environmental impact from their behaviour's including waste generation/management, resource efficiency, air/greenhouse emissions and impacts on land and waterways and having the EPA publicly funded is consistent with the impact.



Any changes to the existing licensing fees needs to consider business impacts, competitiveness and should avoid price shocks. The current licensing concept which includes charging per unit of emissions does not collect fees from the diffuse emission sources. These can be more significant than licenced premises that also have the cost of monitoring and reporting.

Being able to recover costs of specific activities such as processing a works approval would seem to be reasonable

Land Use Planning/encroachment

1. EPA should maintain a standard for buffer zones to be referenced in planning decisions and works approvals. The buffer zone standards should include the science behind the selected buffer zone, and the beneficial use or segment of the environment that is being protected by the buffer zone. The buffer zones should be consistent with other agencies/regulations such as MHF regulations.
2. The EPA should play an educative role for planning agencies to ensure that they are aware of the buffer zones and be available to provide clarification on them if required.
3. The EPA should act as an advisory body and technical expert in planning decisions rather than being responsible for the planning decision. The role is to ensure that the bodies making planning decisions understand the buffer zone standards on a technical basis. This would allow the EPA to be an impartial technical expert in any appeals or actions relating to planning decisions without any conflict of interest.
4. The concept of agent of change should be captured as a potential way of managing issues when planning decisions are not complying with standard buffer zones.

Environmental Outcomes

1. The EPA needs the strong technical knowledge of current environmental science and applies it in policy and enforcement/monitoring activities to protect the environment. Having strong links to leading environmental regulators who have similar issues to Victoria will assist EPA in this area. The EPA should not need to call for independent audits as a base method of knowing whether activities will deliver the right environmental outcomes.
2. Regulation and policy should specify the required environment and social outcomes and not prescribe how they are to be achieved. This can stifle innovation and could be at odds the economic viability aim. It is however important that EPA provide guidance on methods of achieving compliance through guidance notes and practices. Smaller organisations will seek sound science guidance to be able to comply.



3. It would also be beneficial for EPA to recognise new innovative ways people have achieved improved environmental outcomes and to promote them to enhance their take up. We would encourage EPA to continue their current practice of engaging industry groups and running industry workshops. These forums seem to do a reasonable job of engaging scheduled premises but probably do not do as well with SMEs who are not required to have a licence. These diffuse source impacts need to be better monitored into the future.
4. Where there is community concern about the environment or an activity, the EPA needs to have facilitative and or collaborative processes to reach a common understanding of the issue. This could mean educating a business on the environmental impact or increasing the community's knowledge to address their fears. Waiting until there is significant unrest where the community band together to address an issue is often too late. Setting up a facilitative process at this point usually involves a long process that ends up with a compromised outcome.

EPAs role in combining environment protection and economic viability

1. Need to have policies, procedures and regulations that are based on principles and required outcomes on a risk basis. If they are too process based it may not allow space for innovation and improvement. To use this approach the EPA has to keep current technical knowledge.
2. EPA could use their knowledge base to foster innovation and show case examples of good practice.
3. There is a significant level of reference and discussion of environmental justice principles as an element of this enquiry. While most people would support this as a concept environmental justice is not yet discreetly defined and has the potential to mean different things to different groups. We would expect that the enquiry would support the notion of environmental justice however believe that there should be good definition of what the enquiry deems environmental justice process to be. Qenos would draw to your attention the Assessment criteria for the EPAs Earned Autonomy Pilot Program (EAPP) as being relevant and a good reference point for defining environmental justice.
4. The "AND" concept should be used. Getting an environmental benefit "AND" improving economic viability to the extent practicable. A different funding model can possibly be used to achieve this. See point 5 below.
5. There is often a balance issue between environment protection and economic viability. This is particularly the case with amenity issues. One party gets the benefit of another party's expense. This will become a bigger issue as encroachment bites deeper. Balancing the continued existence of a business against noise or odour for some community members is difficult. Businesses can rarely put capital towards low



payback or purely defensive projects. Perhaps funds that are collected from waste levies, PINs, fines etc, could be hypothecated as an environmental fund that can be accessed for any environmental projects. The hypothecated funds could potentially be used as both grants and/or low interest loans to fund projects that might otherwise not get off the ground

6. Where there are specific zones for scheduled activities with buffer zones the policies should consider graduated risk based impact zones. For example the GLC's for air quality may be more based on worker TLV levels for in industrial zones. SEPP N1 includes this type of approach based on the time of day and provides stricter limits to allow sleeping.
7. Careful thought needs to be given in the drafting and application of policy under the environmental justice umbrella. If poor planning decisions are made that allow inappropriate development that is inside recommended buffer zones it would be a perverse outcome to then require a business to have the expense of restoring the environmental justice.
8. The Vic EPA should be wary of introducing policy that would place Victorian business activity at a competitive disadvantage to other states. The state EPAs should continue to work with other jurisdiction's at an Australian level to maintain an even playing field. Exporting impacts interstate generally does not get a better outcome.
9. Greenhouse gas is a global issue and local Victorian based punitive policy (anti-competitive) should be avoided. Victoria should be trying to shape Australian policy or developing bipartisan policy with the other state jurisdictions and or COAG.