

Environment Alert

Public Inquiry into Victorian EPA

Opportunity for major reforms

WHAT YOU NEED TO KNOW

- An independent Ministerial Advisory Committee will commence a major inquiry into the Victorian Environment Protection Authority on 1 June 2015.
- The terms of reference for the Committee have been released, and are very broad.
- Community, business and industry engagement will be a key part of the inquiry.

WHAT YOU NEED TO DO

- Review the terms of reference for the Committee, assess the relevance of these issues for your business, and consider what submissions you would like to make about the Environment Protection Authority and the operation of the *Environment Protection Act 1970* (Vic).
- Watch out for future Environment Alerts, which will include information about the progress of the inquiry, and how the Committee will engage with business and industry, so you do not miss your opportunity to participate in this fundamental review.

The Victorian Minister for Environment, Climate Change & Water, Lisa Neville, announced on Wednesday that an independent three person Ministerial Advisory Committee will commence a major inquiry into the Victorian Environment Protection Authority (**EPA**) on 1 June 2015. The Committee is to deliver a written report to the Minister by 31 March 2016. The Government has committed to releasing the Committee's report, and the Government's response to the Committee's findings and recommendations, in mid-2016.

Who will be involved?

The members of the Committee are:

- Ms Penny Armytage (Chair);
- Ms Jane Brockington; and
- Ms Janice van Reyk.

Community, business, industry and worker engagement is to be a key part of the inquiry. Local government and Victorian government agencies will also be consulted. It is not yet clear how the engagement and consultation will occur.

Terms of Reference

The Terms of Reference for the inquiry set out its scope and nature, and require the Committee to inquire into, report on and present any recommendations and/or options that it considers appropriate in relation to the matters specified below.

These matters are to be considered in the following order of priority:

1. The EPA's appropriate role in relation to public health issues, including at least:
 - community concerns such as exposure to asbestos, chemicals and other pollutants; and
 - the prevention and management of site contamination, air quality, and water quality in rivers and other waterways.
2. The Victorian community's and industry's expectations of the EPA as its environmental regulator.
3. The EPA's appropriate role in protecting the environment.

4. The ability of the EPA to ensure that:
 - the principle of environmental justice is adhered to;
 - the environment is protected for the benefit of the community; and
 - members of the community can be meaningfully involved in, and access fair treatment through, environmental regulation.
5. The ability of the EPA's current governance structures and funding arrangements to enable it to effectively and efficiently discharge its powers, perform its duties and implement its required functions.
6. The scope and adequacy of the EPA's statutory powers, and the effectiveness and efficiency of the suite of tools available to and utilised by the EPA, in enabling protection of the Victorian community and the environment, particularly in light of recent, new and emerging risks and issues.
7. Any other matter reasonably incidental to the above.

In conducting its inquiry, the Committee is to consider the best way to combine environment protection with economic viability and growing sustainable jobs in Victoria, including through improving regulatory efficiency and minimising regulatory burden.

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The Government expects evidence given before separate inquiries into the Country Fire Authority's Fiskville Training College, and the re-opened inquiry into the Hazelwood Mine Fire, to also inform the future policy direction of the EPA.

What has triggered the inquiry?

The inquiry comes as a result of a number of factors, including:

- the fact that the *Environment Protection Act 1970* was drafted in 1970, at a time when industry was establishing in Victoria, and does not therefore include the institutional tools that will be required to reflect the transition of many key strategic contaminated industrial sites to other land uses as a result of the changes to the manufacturing base in Victoria;
- the ad hoc and numerous (20+) amendments which have been made to the Act since its inception, which make it difficult to navigate and understand; and
- the Government's focus on recent events, such as the closure of Alcoa's Point Henry smelter, the discovery of widespread asbestos in Sunshine, the Hazelwood mine fire, and the closure of the Country Fire Authority's Fiskville Training College.

The time is therefore ripe for a major reform of the Act and the EPA that administers it.

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