

MUNICIPAL ASSOCIATION OF VICTORIA

20 November 2019

The Manager
Communications and Engagement Group
Environment Protection Authority

Via email: charter@epa.vic.gov.au

Dear Sir/Madam,

Draft Charter of Consultation

Thank you for the opportunity to comment on the EPA's Draft Charter of Consultation.

We strongly support the EPA's commitment to consulting with the Victorian community under Section 53 of the amended Environment Protection Act 2017. The methods outlined in the Charter to involve individuals, communities and businesses in its key regulatory activities and decisions are practical and clear to understand. They will strengthen achievement of better environmental outcomes across the state and deliver on the accountability principles required by the Act.

The Charter would benefit from specifically acknowledging the role of local government where it plays the role of co-regulator. This is particularly important where local government resources are involved in minimising the risk of harm to the environment and public health from pollution.

Victoria's 79 councils play a special role in the achievement of environmental outcomes across the state. They do this in their role as community leaders, co-regulators, planning authorities, managers of land and infrastructure and licence holders where high-risk of pollution activities need to be undertaken. Allowing time for councils to be briefed and consider regulatory changes will increase the opportunities for their local insights to inform the design of new reform proposals. This in turn will strengthen their delivery and achievement for the benefit of the environment and health of the community.

Providing more time for consultation on significant regulatory impact statements and statutory guidance will be a practical way to deliver on the principles outlined in the Victorian Local Government State Agreement. The Agreement recognises the need for state government agencies to consult with local government where new responsibilities for councils are being proposed.

We suggest that there should be at least a 60 day consultation period for Regulatory Impact Statements, in line with the Victorian Government's policy outlined in the Victorian Guide to Better Regulation.

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Statutory guidance developed by the EPA also needs to be referenced in the Charter, along with details about the consultation mechanisms that will be followed. This is particularly relevant in the local government context where EPA guidance imposes administrative and legal liabilities on councils. Our aim is to minimise situations where unilateral decisions are taken by the EPA without regard for their impact on councils and local communities if council resources need to be diverted from other community priorities.

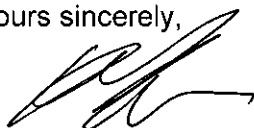
We also note the gap arising from the lapsing of the consultation requirements currently associated with the attainment clauses of the State Environment Protection Policies (SEPPs). These clauses have not been included in the Environmental Reference Standards and will no longer be required to undergo any formal consultation process. This is a gap which could be addressed by the Charter including details about the consultation processes and timelines for proposals requiring actions by agencies of an order such that gazettal notices are required.

We reiterate our recommendation in our recent submission to the subordinate legislation regulatory impact statement that EPA enter an MOU with local government to clarify roles and responsibilities and establish agreed approaches to collaborative implementation. While this would not need to be explicitly referenced in the Charter itself, delivery on this MOU would provide meaningful implementation of the Charter's principles.

Thank you once again for the opportunity to provide comment on the Draft Consultation Charter. I look forward to your positive consideration of these proposals.

Should you require further information, please contact Claire Dunn, Manager Environment and Regulatory Services, email cdunn@mav.asn.au.

Yours sincerely,



KERRY THOMPSON
Chief Executive Officer