

Submission on the Industrial Chemicals Environmental Management (Register) Bills 2020

My name is Andrew Gowans, and my background is in Environmental Management, Waste Management and chemicals. Having worked across both public and private sectors, and national waste companies, I have a keen interest in legislative processes, policies and practical compliance programs.

I previously made a relatively technical submission during the 2020 consultation phase of this legislation, that focussed more on the subordinate details of this package, and the challenges for practical implementation of this legislation. For this inquiry, I believe this detail is not specifically relevant, though the detail of that submission I hope will give context to the comments and views below.

I personally view this broader legislative package with a heavy scepticism of its potential effectiveness to achieve tangible environmental outcomes for Australia. The reason for this is that the purpose of this legislation is (effectively) to enable the development of a register, leaving the *implementation* of the register with the States and Territories.

As a practitioner in the environmental field in Victoria, I do not have much exposure to legislative frameworks outside this state, but I can say that within the context of Victoria, there are few current legislative tools available where the outcomes of this legislation could be implemented. Further, given we have gone through the largest re-write of Environmental legislation since the original Act, it is doubtful that there will be any further significant changes to the legislation (as would be required for implementation of *this* legislation) for a good number of years while we work through the implementation phases of the new environmental laws. I would envisage this also to be broadly true for other State and Territories.

I am conscious also that while the Head of the respective EPA's have been an integral part of the development of this legislation, I am not sure that they represent all the regulatory bodies that are relevant to this legislation. Specifically I am talking about Water Authorities, who regulate industrial discharges of trade waste into the sewerage network, and specify concentrations of contaminants (heavy metals, pesticides, PFAS-compounds etc) suitable for discharge. I would appear that one of the intents of this legislation is to prescribe sewer discharge limits (taken from the consultation Risk Management Measures), and if this is the case, then further legislative changes would be required than simply the Environmental legislation (in Vic, the Water Act for example).

Without a clear pathway forward for implementation, it is suggested that the "Roadmap to a New Law" as published on the department's website has grossly overestimated the ability for States and Territories to "roll out new systems in their regulatory frameworks", where this is slated for 2021 implementation. With the required RIS processes, industry/public consultation, and the actual drafting process for the legislation itself, it is doubtful that this could be implemented within a 3-5 year time period, let alone 10-12 months.

It is suggested therefore that this piece of legislation should be either put on hold, while the roll-out framework is developed with the States and Territories in more detail, or the scope pulled back to the 'big-ticket' items. By this, I mean to say that the Scheduling of materials fitting the definitions of Schedule 6 or 7 is a 'no-brainer' and the potentially the perfect mechanism to ratify the Stockholm

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Convention - something sorely overdue. Schedules 5 and below though could be potentially left out of the scope of the legislation, which is where the more difficult State implementation will be encountered. My fear for the broader economy is that the extra cost burden on chemical manufacturers, suppliers and importers will be 99.9% focussed on the lower-risk chemicals, rather than the key target chemicals, such as Persistent Organic Pollutants and higher-risk chemicals for which there are few current regulatory controls.

Regards,

Andrew Gowans