



Statutory Policy Review

Business and industry workshop

5 August 2011



What I'll cover:

- What is statutory policy?
- **Objective, scope and timeframe** of Review
- How statutory policies developed – **the past**
- Why review the framework – **the present and future**

Statutory policies are law!

- *State Environment Protection Policies (SEPPs)*
and
- *Waste Management Policies (WMPs)*
under EP Act



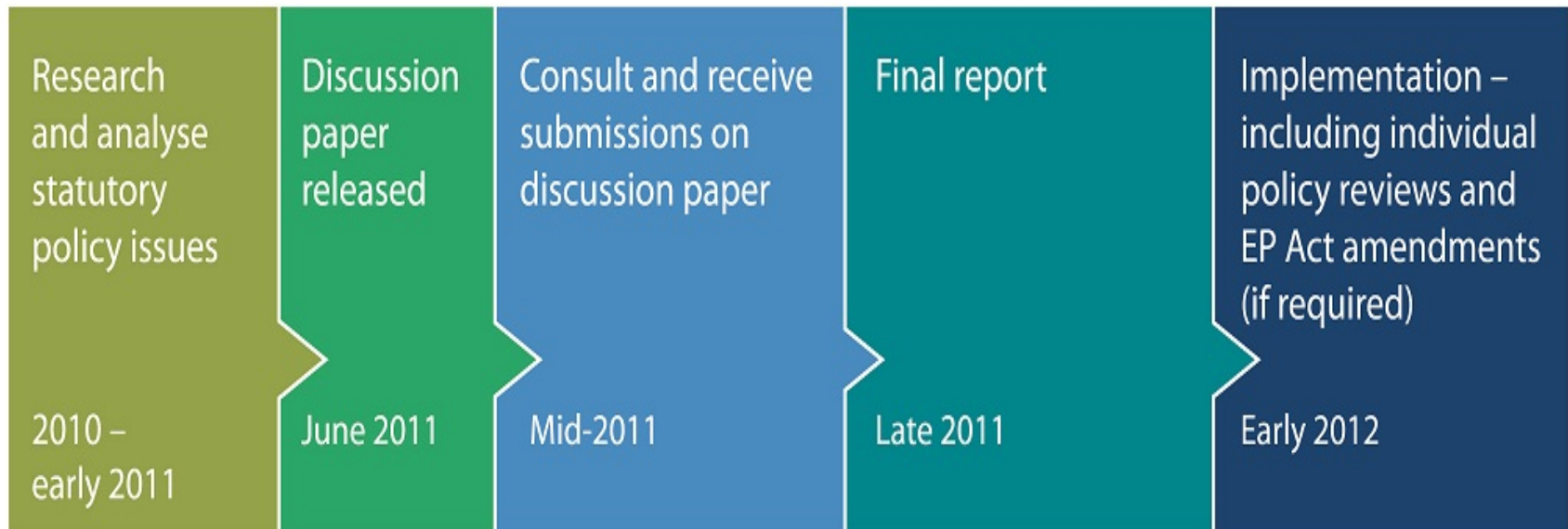
Statutory Policy Review:

Objective: Ensure statutory policy provides an effective *framework* to protect the environment in the future

Scope:

- Role, function, structure and management
- Not reviewing individual policies
- Not reviewing entire EP Act
- May make recommendations for legislative changes

Statutory Policy Review - timeline



When SEPPs first emerged...

- High levels of gross pollution
- Lack of national processes
- Lack of co-ordination
- ***Technology*** based rather than ***environmental quality*** based standards



Environmental quality standards

- What we **value** in the environment
- What **level of protection** it needs
- How we **monitor** whether objectives are met

SEPP WoV:

Ben use: Water for recreational use

Objectives: ref national guidelines

Indicators: pH, turbidity



Strategic direction

-purpose, principles and intent

Environmental quality standards

- beneficial uses, environmental quality objectives, indicators

Attainment program

- Obligations on emitters (industry)
- Responsibilities of EPA & other bodies

**WHAT we
want to
protect**

**HOW we're
going to protect
it**

Obligations on emitters (industry)

- Concepts of **best practice**
- **continuous improvement**
- managing emissions to **maximum extent achievable**

SEPP AQM: 'Generator of emissions must apply best practice to manage emissions'



Obligations on emitters (industry)

- More specific
- eg. minimum standards, modelling

SEPP AQM: 'Must do modelling in accordance with Schedule C'

Landfill WMP: 'Must use weighbridge to measure waste'



Responsibilities of EPA and other bodies

- Specific and broad

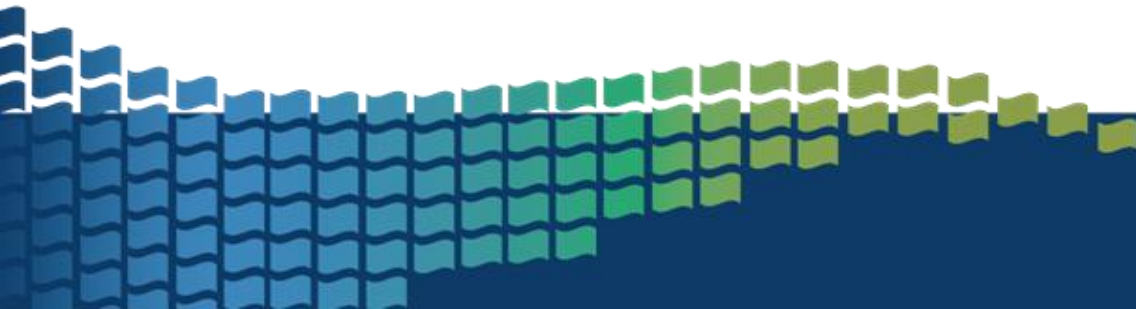
SEPP WoV: 'Water authorities have various responsibilities to provide water services in ecologically sustainable manner'

SEPP contaminated land: 'Planning authorities must consider any significant effects that use may have on environment'



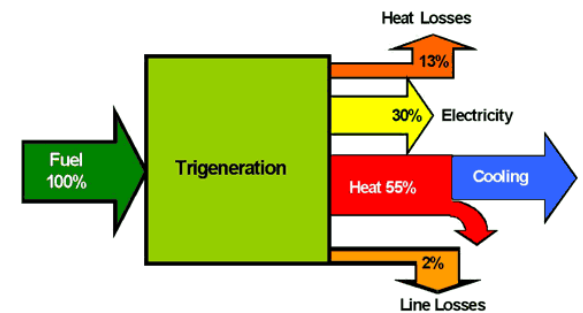
Policies evolve over time.....

- More innovative approaches
- Tackling diffuse pollution
- NEPMs in state law
- Specific issues of the day
- Now 15 individual policies



What's changed in 30+ years.....

- Less gross pollution events
- Changing physical environment
- Acceleration in technologies
- Need for more integrated approaches
- Stronger national processes
- Increased scrutiny on regulation



Further drivers to review statutory policy

- Clearer, more accessible standards
- Improve accountability
- Better measure value of policy



Group work #1

1. What's **useful** or **works well** about statutory policy, and will continue to work well in the future?
2. What's **not working** and won't work in the future?
3. Prioritise the top issues

Potential improvements to the statutory policy framework



Potential models and specific changes

Model 1

Minor changes

- still 15 policies or minor consolidation
- improve explanatory notes
- one document per policy
- clearer hierarchy of instruments
- improve guidance materials

Minor

Level of change

Major

Potential models and specific changes

Significant changes

- focus on ambient standards
- parts of statutory policy moved into Regulations or guidance
- number of policies reduced
- may need to change Act

Model 2

Minor

Level of change

Major

Potential models and specific changes

Abolish statutory policies

- rely on EP Act, Regs & guidance
- major amendments to EP Act
- *can ambient environment standards and concepts like best practice be housed in Regulations or elsewhere?*

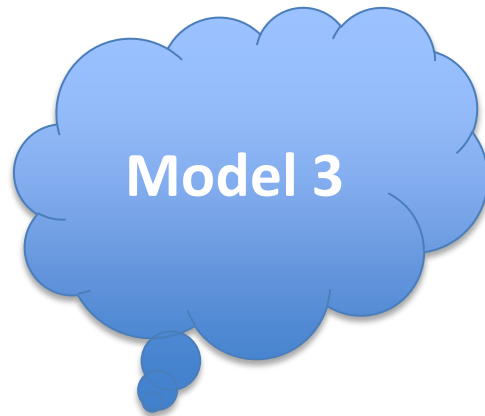
Model 4

Minor

Level of change

Major

Potential models and specific changes



Using statutory policy to drive regional or local approaches

- regional / local objectives and implementation plans
- with model 1 or model 2

Model 1

Model 2

Minor

Level of change

Major

Potential models and specific changes



Minor

Level of change

Major



Group work #2

1. What **changes**, if any, are needed for statutory policy to **address the priority issue**?
2. What are the **implications** of such a change?

Written submissions welcome

- Due by **Friday 19 August**
- Discussion paper and submit comments at:

www.epa.vic.gov.au/statpolicy

Thank you!