

## **Environment Protection Authority Inquiry**

### **DELWP**

The merging of all environmental functions and accountabilities to the one dedicated Environment Department will enable an integrated whole of business approach in achieving desired outcomes. Given the evolving breadth of issues across the Environmental sphere the Department may well require an assistant Environment Minister and or parliamentary secretaries.

Respecting the essential work undertaken by the Environment Protection Authority (EPA) ensures their standing in Victorian communities and industry. Sending a powerful message to every stakeholder that the Victorian government is concerned for the wellbeing of all people's and serious about protecting the environment from current and emerging risks such as climate change.

The United Nations Global Compact is the world's largest Corporate Sustainability initiative with companies and participants based in 160 countries and has developed ten principles for corporate sustainability. Principles 7, 8, and 9 provide environmental guidance of particular importance.

### **Evolving the EPA's Environmental Citizenship Strategy**

Developing and delivering a public 'Environmental Awareness' campaign through the provision of a 'Green Card' (one day of training ) across Victoria free of charge to any concerned citizen wishing to avail themselves of knowledge, to actively protect their local communities and the environment from harm. The United Nations recently expanded their millennium goals in- part focusing on health outcomes encouraging communities to care for their Environment.

### **Industry Education and Training**

Industries whose activities pose a high risk to the Environment and Community Health, must provide awareness training in the form of a 'Green Card' for all their people-workforces. Encouraging a sense of risk awareness and responsibility to speak up regarding potential health and environmental concerns. Providing the EPA with invaluable assets on the ground in communities and industries across the state, ready willing and able to assist their organisations or notify the EPA.

I note that the construction industry requires all participants to have undertaken a 'Red Card' Industry Induction due to the nature of the risks associated with their work. I suggest a similar framework sharing environmental information via a 'Green Card'.

In Victoria section 67 of the *Occupational Health and Safety Act 2004* entitles Health and Safety Reps to attend OHS training with a refresher course each subsequent year.

Should an 'Environmental Stewardship' course of similar duration with environmental learnings be developed by the EPA for all workplace representatives, working across developments, projects, facilities and plants of environmental concern?

Forming part of a range of measures to be embedded in a new *Environment Protection Act (Vic)*

### **Law Reform**

The EPA must have a formidable array of methods to protect the environment, community health and Victorian workforces from harm. A minor percentage of recalcitrant organisations and individuals who systematically abrogate culpability for their 'acts and omissions' necessitates a range of preventative and punitive measures be available to the EPA.

Including financial resources to undertake major prosecutions as required.

Strengthening legislative obligations imposed on duty holders via the inclusion of a general duty that an 'employer must' will enable the EPA to administer its core function of protecting the environment. Section 21(1) OHS Act 2004 (Vic), is an obvious pro-active instrument to consider in developing twenty first century legislation for a present-day *Environment Protection Act*.

What level of HSE knowledge will enable the provision of informed strategic and operational advice given to proponents and duty holders from upstream concept diligence to development risks and the operational life of the plant or facility? Enabling the duty holder an opportunity to understand how environmental issues will impact on their operations and corporate responsibilities, positively influencing informed decisions (such as prioritizing resources) to protect their workforces-people, the public and the environment from harm. 'Duty of care is non delegable' see Inspector Ken Kumar v David Aylmer Ritchie [2006] NSWIRCOMM 323: Newcastle Wallsend Coal Company Pty Ltd and Ors v Inspector McMartin [2006] NSWIRCOMM 339:

### **Lessons Learned**

On a recent LNG Project in the Pilbara W.A. a contractor's workforce of 500 people required dedicated HSE Managers with ten years practical experience at this level. Two Co-ordinators and eight Advisors with operational experience and requisite academic qualifications, ranging from Diploma's to various specialist Masters Fields across Health Safety and Environmental learning's (a ratio of one HSE practitioner/professional for every fifty workers).

A resource projects best practice framework worthy of the inquiries consideration?

Risk Management associated with ecologically sustainable developments, plants and facilities across the State, many in remote places a long way from daily external regulatory scrutiny and professional operational advice and guidance can be challenging if suitably qualified personnel are not at hand in dedicated operational functions. The spatial footprint of operations often exacerbates this need.

### **Organisational Structure-EPA**

Establishing a new team of specialist Advisors to influence and mentor all stakeholders on an environmental journey of organisational transformation achieved via their holistic suite of skills, experiences and learnings with broad remit across the operational environmental sphere. Facilitating important risk awareness programs, advice, coaching and mentoring for all stakeholders. Focusing on their Organisational Practices from 'work as imagined to work as performed'. Leading industry in the integration of core values and sustainable HSE practices, achieving operational imperatives and preventing environmental harm, incidents and fatalities. Developing their organisational culture, people and brand making them an employer of choice. Endearing them to the communities in which they derive their profits ensuring they have social licence to operate.

It is clear that ethical governance and leadership create cultures based on reciprocal trust and respect. These relationships are the foundation of positive holistic organisational practices that enable business prosperity and community wellbeing on an environmentally sustainable planet.

The above embraces the intent and champions the objects of various legislative instruments, freeing up valuable time for the EPA's dedicated Environment Protection Officers to specifically focus on monitoring compliance with and enforcing the law.

## **Transitional Skills Acquisition**

A recent focus on innovative renewable energy developments in conjunction with the proposed closure of coal fired power plant(s) in the Latrobe Valley is a positive move in reducing Greenhouse Gas Emissions protecting the environment, community health and workforces. Presenting an opportunity to re- skill existing coal fired power plant workforces and the provision of new skills for the next generation of workers to gain employment in this exciting renewable energy sector.

Is this the responsibility of or an opportunity for the State Government, the EPA or an Industry organisation to establish an education and renewable energy training centre, in the Latrobe Valley providing a range of skillsets, training and environmental learnings?

**Judicious inquiry of the following decision and learnings** will proffer strategic insights into the Environmental risks, opportunities and challenges moving forward.

The ***Urgenda*** decision: adjudicated in The Hague Netherlands 2015. A presentation by Roger Cox the trial lawyer takes everyone on an inspirational journey using an ancient Inuit fable to explain the principle of the litigation and the fossil fuel greenhouse gas-renewable energy debate. On Ted X at <http://www.urgenda.nl/en/>

**OSLO Principles** on Global Climate Change Obligations: A set of principles crafted by an international group of eminent jurists, evidenced via International Law, Human Rights Law, Tort Law and International Environment Law.

The '**Australian Panel of Experts on Environmental Law**' are currently developing sagacious advice for next generation Federal Environmental Legislation which is enthusiastically anticipated.

## **Conclusion**

Confidently this submission stimulates a robust conversation amongst the Ministerial Advisory Committee, the Environment Minister and all stakeholders, influencing an intensified commanding role for the EPA via Law Reform of the *Environment Protection Act 1970* (Vic).

Societal expectations demand a principled governance and funding structure ensuring strategic and operational leadership facilitated by increased financial, technical and experienced human resources. Focusing on opportunities for sustainable environmental learnings and practices. Protecting the environment and all Victorian communities and workforces from harm, stimulating job creation and economic prosperity via investment in renewable energy projects and the EPA.

I welcome the opportunity to discuss any of these ideas and explore all insights you may have across the Environmental Sphere.

Regards

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