

TRANSCRIPT

LEGISLATIVE COUNCIL ENVIRONMENT AND PLANNING COMMITTEE

Inquiry into recycling and waste management

Melbourne—Friday, 3 May 2019

MEMBERS

Mr Cesar Melhem—Chair

Mr Clifford Hayes—Deputy Chair

Mr Bruce Atkinson

Ms Melina Bath

Mr Jeff Bourman

Mr David Limbrick

Mr Andy Meddick

Dr Samantha Ratnam

Ms Nina Taylor

Ms Sonja Terpstra

PARTICIPATING MEMBERS

Ms Georgie Crozier

Mr David Davis

WITNESS

Ms Bernadette Thomas, Acting Manager Sustainable Environment and Waste, Hume City Council.

The CHAIR: I declare open the Environment and Planning Standing Committee public hearing. I want to extend our welcome to the members of the public again. Just for the record, the committee is hearing evidence today in relation to the inquiry into recycling and waste management, and the evidence is being recorded.

I welcome Ms Thomas, the acting manager of sustainable environment and waste, Hume City Council.

All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Legislative Council standing orders, therefore the information you give today is protected by law. However, any comment repeated outside this hearing may not be protected. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament. All evidence is being recorded, and you will be provided with a copy of a proof version of the transcript in the next few days.

We have allowed 5 to 10 minutes for an opening statement—it is your call as to whether you want to go the full 10 minutes or just 5 minutes—and then we will have questions by members of the committee. So we are in your hands: whether you want to have an opening statement or you want to go straight to questions, it is your call.

Ms THOMAS: I have not prepared an opening statement, so I am happy just to take questions, I think.

The CHAIR: Well, maybe if you want to start by telling us a bit about your role at Hume City Council; that would be a good starting point.

Ms THOMAS: I am currently the manager of sustainable environment and waste, so that includes a wide range of environment portfolios like climate change, energy efficiency, biodiversity conservation engaging the community, as well as the waste portfolio, which includes the kerbside waste recycling and organics collection, operation of an active landfill and transfer station and a separate resource recovery site, and it also incorporates part of the emergency management responses to incidents like the Campbellfield fire.

The CHAIR: If I could just ask you specifically in relation to the Campbellfield site, what was the council's involvement with that site prior to 5 April in relation to either supervision or planning? Was there any sort of relationship with council? I am referring to checking on what they were doing et cetera.

Ms THOMAS: As far as I know—I mean, they have to have a permit to operate within the industrial area of Hume—as far as licensing their operations and the processing of the site, that is handled by the EPA. So ours really is the responsibility that council has under the planning scheme to assess the planning permit application to occupy the site for a specific use, and then in this case because the use was the processing of chemical waste and dangerous goods, then that licensing has gone off to the EPA. We refer that to the EPA and then they handle the licensing component.

The CHAIR: So the council does not really play any role in how their sites operate at all?

Ms THOMAS: No.

The CHAIR: Because it is all just transferred completely to the EPA?

Ms THOMAS: Yes. There is the building code, so of course our building inspectors inspect the building to make sure that it meets the building code. There is the planning scheme; the operators need to meet the requirements under the planning scheme. Sometimes if there is a breach of the EPA's legislation they will contact our planning investigation officers to say, 'We've got an issue here. Could you come with us and work on a joint investigation?'. We have done that previously on some of the other sites in industrial areas, but we would be called on, I guess, by the EPA to come in and lend our expertise, depending on what the issue is. But for this site it was the EPA who had responsibility for licensing that.

The CHAIR: Now if I move to post the fire—and I know SKM, for example, is another site which is basically within the City of Hume—what impact, in your view, has that had on the community in relation to their health and wellbeing? Are you able to reflect on that and what feedback you have received from the community post the fires?

Ms THOMAS: I think the first piece of feedback is that the community feels that the system is broken, it is not working. We have a system, but there are not enough resources given to auditing and compliance with the legislative requirements of operators like this; they can see that there is not enough perhaps coordination, either across state government or from state government to local government. And of course there are the direct health impacts that have come from a couple of the incidents. I think we have had about five or six major incidents in five or six years, so we are actually getting very used to responding.

Ms CROZIER: Could I interrupt you there, I am sorry, Ms Thomas? Could you explain the health issues that you have just described from those five or six incidents?

Ms THOMAS: Yes. We know that the workers within the Campbellfield site were impacted by chemical burns. That has been reported in the public previously. I think it was the SKM fire where there was ash that was sort of blown across residential areas into people's homes, and they needed to have their homes cleaned and some of them needed to be evacuated because they could not stay in their homes for a certain period. So there are those sorts of issues, and I guess the uncertainty of what is inside the chemical storage and what is being burned and then spread into the environment creates a lot of fear. So there is anxiety within the community about what the health impacts are—what the short-term health impacts are but also whether there are any long-term health impacts, from not just the individual incidents but the accumulated kind of impacts that might happen following the series of incidents that sort of generally speaking affect the same sorts of areas within Hume. So we have had that feedback.

Mr HAYES: Thanks, Ms Thomas. I want to ask a few questions, and anything you can do to flesh this out I would be happy with. I am concerned about the separation of different categories of recycling and rubbish, and I am just wondering—at the moment you probably have a lot of problems with co-mingled recycling and landfill stuff going together—whether there is any sorting of that? And what would you propose as being a workable way of sorting out, say, stuff for landfill, waste for recycling, organic waste and e-waste?

Ms THOMAS: Goodness, that is a big question.

Mr HAYES: It is a big question, but whatever your ideas are on it would be appreciated.

Ms THOMAS: There are difficulties with sorting waste, and one of those reasons is I guess that across all of the local government areas in Victoria it is not completely standard. There are issues. Once it is sorted and it goes to a recycling centre, those businesses do not have the capacity—as we have seen with SKM—to continually sort the product to the standard that it needs to be, to be sold somewhere else.

Do we have enough markets in Australia? I do not think so, and the SKM example from earlier this year has shown that. And there are difficulties, I guess, with how we develop markets not just within Victoria but across the country—it is not just a Victorian issue. So I think there are issues there around which level of government takes the lead on this and how the various governments across the country can work better together, because it is not an isolated issue whether you can nicely sort your organic waste out so that it can go to a composting facility or if you can nicely sort your recycling and then your waste. I know there were questions around waste to energy previously, about where that ends up—whether it is landfill or another disposal site.

We cannot expect that local government will be able to solve that issue on its own. Certainly it relies on state and federal governments, I think, regulating more heavily the types of products and packaging that can be used. There has been a lot of talk in the community about banning single-use plastics—you know, plastic bags, straws and all of those things. If we can remove those from having to 'do something with them', in inverted commas, then that leaves us with a smaller range of products to manage and to sell on to different markets to then be recycled into further products. So I think we need a national effort in terms of extended producer responsibility. There are a couple of product stewardship programs, but that is very limited to some electronic waste, tyres and a couple of other things. So banning single-use plastics and getting a broader number of products where producers are

responsible for the types of products they are producing which ultimately end up as waste, then we can kind of come down to collection and how that is sorted and what we are asking the community to do in terms of sorting it at the kerbside or at the transfer station and that sort of thing. It is a complex issue, and it is not one I think that can be solved by local government, because we are literally at the end of that line, picking it up and taking it somewhere else.

Mr LIMBRICK: You spoke about markets for these materials. If we take, for example, the materials that SKM was accepting and had problems with in the stockpiles and everything, my understanding is that one of the major problems there was that they had a large market in China but they could no longer send it to China anymore and then they had to stockpile et cetera. What sort of supply chain knowledge is there? Like, for example, when the recycling goes from the council to SKM, then to China, what actually happens to these materials once they get to China?

Ms THOMAS: I do not know. The council is not involved in that part of that end of the process. We have a contract with SKM to take the materials, and then once it is with them they sort of manage that part of the process—the business of on-selling.

Mr LIMBRICK: You do not actually know if it is being recycled or not?

Ms THOMAS: No.

Mr MEDDICK: Thank you, Ms Thomas. You were mentioning that in the process of setting up one of these in the initial phases this is a consultation process with the planning departments of council—and this is something that is repeated across the board—and the EPA. So the EPA will do a report on whether they think this is suitable and make recommendations to the planning department, and a building permit is granted through that planning phase. After the fact I know that quite often, whether rightly or wrongly, when the community see there is a problem with one of these places they see it as the remit of council, and often these planning departments are on the receiving end of some rather nasty phone calls about these problems rather than them going straight to the EPA. Do you feel that there is enough involvement or at least knowledge in the community that this is a problem for the EPA first and that is where they should be referred to because of this stockpiling et cetera? Do you feel there is enough support for council to be able to move those questions on to them?

Ms THOMAS: I think that understanding of responsibility is quite low in the community, but I think it is growing. Every time we have an incident council has been very clear with the community—or we have tried to be quite clear—about what the role of local government is in these kinds of incidents and what the role of the EPA is, and we will refer. When an incident happens, generally the EPA will take the lead on communications and key messaging for the community, and council will then sort of be the transfer of those messages.

Mr MEDDICK: Do you feel council is supported enough by the EPA in this area?

Ms THOMAS: Again, that is quite a broad question. I think we are learning following each incident. We are learning how to work together better, but of course it would be much better if we did not have these incidents to respond to. Perhaps the EPA is better resourced to implement their legislation and the regulations under which they work.

Mr MEDDICK: Thank you.

Ms TERPSTRA: That was a great question. You partially anticipated what I was going to ask. Thanks for coming today and giving your evidence. Just a question, and it really is going back to an answer that you gave earlier when you said the feedback that you gather from the community after one of these incidents is generally around concern around ongoing health impacts and also anxiety that might arise because people are fearful of not knowing perhaps potentially what there might be, if any there are ongoing. So there may be real anxiety but also perceived about not knowing. Would council then take any proactive steps to liaise with the EPA to get updated information to pass on to the community to help manage those concerns that have been brought to you? Is that something that you do as a matter of course from your own perspective? I note you mentioned earlier that from council's point of view you understand clearly what the remit of the EPA is, so I am just wondering how you facilitate assuaging some of those concerns that might be being funnelled back through to council.

Ms THOMAS: When an emergency happens it is designated as an emergency. There is a protocol around who is the lead agency, who are the support agencies and, generally speaking, council is a support agency. So we enact our emergency management protocols there. Generally also council runs through a recovery process after an incident. That is often where we will get that one-on-one communication with residents in the community to understand their fears. If we open an emergency recovery centre, for instance, anyone in the affected area can come in and we will have specialist staff on hand for psychological assistance or to direct them to services for housing and whatever else that they might need.

After the Campbellfield fire there were two community information sessions held, led by the EPA and WorkSafe and hosted by council. We had quite a lot of residents who came in and expressed their concerns and anxieties and asked a lot of questions mostly around public health and also the environmental impact and the ‘Why is this happening again?’ type questions in relation to the waste storage and the fire specifically. Once the recovery process starts, then that is when we will have, depending on the incident, quite a lot of interaction. Sometimes we will do doorknocking with the Victorian Council of Churches just to check up on people and see whether they need additional support, and we will refer them to the required agency for whatever that is. Depending on the incident we can have a lot of interaction with people or a small interaction. We do not just do residents, we also do communities. In the Campbellfield fire case a lot of the impact was on the surrounding businesses, so we were talking to them. We opened up our global learning centre if they wanted to come in and access our internet and make phone calls and set up pseudo-offices if they needed to. So we will supply a range of recovery support options.

Ms TERPSTRA: Just in regard to the Campbellfield fire, as you said, the EPA is the lead agency and you sort of work with them to facilitate these sessions, and they were giving information. How long did council continue to have a role after the fires in assisting in that kind of way? Was it weeks, months?

Ms THOMAS: We still have a role in Campbellfield. We have ongoing meetings through the emergency management governance process with the agencies and with council. So we are still doing that.

Ms TERPSTRA: And with the community directly?

Ms THOMAS: To my knowledge we have only had two open community meetings, but if somebody needed some specific support, then we would continue to provide that support until they did not need it again.

Ms TERPSTRA: That interaction with the community—is that immediately post the incident? So the other stuff you are talking about is more longer term with agencies post the event. I am trying to delineate between how much involvement after the event you had with the community and then the agencies.

Ms THOMAS: Yes. Just right after the event, when we had the two open meetings, we were involved in that. And then it is kind of more individual. So there are two parallel processes, I suppose: at agency level council will be part of those ongoing negotiations; and then, once it is into recovery mode and we do take over the recovery process, it will be mostly with the community, and that process will be less with the agencies. Although it might be that DHHS gets more involved with us through that process.

Dr RATNAM: Thank you, Ms Thomas, for presenting here today. I want to talk about a couple of things. Firstly in terms of the response to the fires—acknowledging that there have been an increasing number, particularly in the City of Hume, which has had to take on the bulk of the work—my understanding is also that in terms of the emergency responses there is a complex web of people who are involved in it as well. Can you explain to us what the Hume City Council’s responsibility was when the emergency plan was enacted? Did you have any responsibility? Was it left to other agencies, or did you have a formal responsibility in that too?

Ms THOMAS: We have a formal responsibility. So under emergency management legislation councils need to have a designated municipal emergency—I have forgotten the ‘R’—it is MERO, and it is changing to municipal emergency management officer. We need to have a role—somebody in council is designated to that role—so when an incident like Campbellfield happens the incident controller will be in touch with the MERO. So then the MERO is the officer in council who then directs resources and other support to the incident if it is requested by MFB, VicPol or other agencies.

Then within that we then have a hierarchy of officers within the council who will either directly supply that support or who will engage our contractors to offer that support. So it might be traffic management to close off streets, which is what happened with Campbellfield; it might be supplying sandbags to bund an area so that there is no run-off; it might be to supply garbage bins. There is a whole range of things. So we would then start to do that. But under the legislation it is very clear that the MERO is the officer in council that then needs to direct officers within the organisation.

Dr RATNAM: Great. That is helpful to know. Do you think in the experiences you have had that the roles and responsibilities between, for instance, the EPA, the chief health officer, Emergency Victoria and council were clear, and were they adhered to in the recent incidents?

Ms THOMAS: I think they are mostly clear. Sometimes there can be a changeover of personnel and in the ongoing incident things can get overlooked or missed. That is a human error issue and that is difficult to, I guess, overcome.

I think it does rely on having good relationships with the agencies—key emergency management staff within council having good relationships with those key staff within the range of agencies that will respond. Unfortunately for us, because we have had so many incidents, we are actually very good at that now. We were less well prepared the first time, but we have since tightened up a lot of those processes and built a lot of relationships so that now we respond quickly, our staff are ready and they know what to do. So through practice we have become more adept at responding quite well.

Mr LIMBRICK: With these markets that you send the different recycling waste streams to I assume you have some sort of contracts with these four volumes. Is that correct?

Ms THOMAS: Yes, so what has generally happened is that the Metropolitan Waste and Resource Recovery Group acts as sort of an agent, I suppose—I am not sure whether that is the right term—on behalf of councils and organises collective contracts that councils can opt in to. Generally speaking the pricings are based on guaranteed volumes versus—

Mr LIMBRICK: Guaranteed to a certain amount? So they would want you to supply this amount for a period of time?

Ms THOMAS: Yes, and perhaps grades of volume, so zero to 10, 10 to 20—that sort of thing—which will then attract a different pricing level.

Mr LIMBRICK: What would happen if there was a dramatic drop in that volume?

Ms THOMAS: Well, it depends on what is in the contract I guess. Yes, that is right, because it does actually depend on what is in the contract. Sometimes it is not an issue, but in other contracts it is an issue.

Mr LIMBRICK: So like some sort of penalty clause.

Ms THOMAS: It also depends on who you have got the contract with as to whether that is an issue for them, I suppose, in terms of where they onsell and whether that makes a difference to their ability to onsell the product.

Ms CROZIER: Ms Thomas, just following on from Dr Ratnam's question, which I think you have partially answered, I am just interested in that role of the chief health officer and whether you think, from a local government perspective, they apply an appropriate level of involvement, understanding that they are the government spokesperson relating to health matters, and how that fits in with you on the ground when you are also speaking to the residents and communities and giving health advice. Do you think they have got an appropriate level of involvement for these major events?

Ms THOMAS: I am not actually aware of what the role of the chief officer is in an emergency incident so I cannot confidently comment.

Ms CROZIER: Right. From a council level you are not?

Ms THOMAS: No. I do not know that they do play a role necessarily in the incident. From my personal experience when I have been on site at an incident it is usually the Metropolitan Fire Brigade and/or the CFA, Victoria Police, the EPA, WorkSafe and Melbourne Water who are generally there. Sorry, and the DHHS. So I have not had any experience directly with the chief health officer.

The CHAIR: Maybe if you can take that on notice as a council, and from your experience, because the chief health officer's role is obviously to issue health alerts to where it is affecting the population. Maybe if you are able to sort of discuss that internally and then forward a response from the council. Because you are at the coalface, and because unfortunately you have had to face two major fires—both SKM and the latest one, with Bradbury—I would be curious to get some sort of response in relation to that question.

Ms THOMAS: The Emergency Management Victoria alerts that come out will say things like, 'If you're in this area, there's pollution'. I am not sure what the exact words would be, but, 'Stay indoors. Don't turn your air conditioning on. If you've got significant respiratory problems, go and seek medical assistance'. So some of those health warnings are there with that process.

Ms CROZIER: And that is partly the role of the chief health officer, who will be advising the emergency management agencies in relation to those health-related concerns and speaking on behalf of government. But it would be good, as the Chair said, to get perspective from the council to see if more could be done or there could be better communication between DHHS and the chief health officer, with a localised perspective.

Ms TAYLOR: You were talking before about the problem there would be for neighbouring businesses who are at the mercy of these particular organisations who are not necessarily storing things appropriately, and I was just wondering if council had received any tip-offs from the community or neighbouring businesses. I am not saying they should have. I am just wondering if you got any.

Ms THOMAS: Not that I am aware, no. I guess, if you could imagine an industrial estate that is far away from where everybody else is doing their business: they are very unassuming sites. The ones that are storing the chemicals at the moment, they are unassuming—the gates are locked; it is very quiet. Neighbours might notice a little bit of traffic, but obviously when the materials are brought in, it is done under the cover of darkness, probably, and it is very difficult even for neighbours to know what is going on if they do not already have a relationship with an operator or something.

Dr RATNAM: So just following on from the emergency response question—I will just come back to that one; I have just lost my train of thought. I just want to change tack back to recyclable waste as well as the general recycling crisis. I believe your council was one of the councils that was contracted to SKM. Was that right?

Ms THOMAS: Yes.

Dr RATNAM: At the time it was not able to take any more recycling?

Ms THOMAS: Yes.

Dr RATNAM: Do you all have estimates of how much recycling you were forced to send to landfill and how much it has cost your council?

Ms THOMAS: I think we have about 70 000 collections a fortnight. You are testing me. Look, I think it was roughly about an additional \$20 000 a week for us. So we were taking it to one of our own landfills, some of it, and another one to a private landfill as well.

Dr RATNAM: And how many weeks in total were you having to do that?

Ms THOMAS: I think we were about four weeks.

Dr RATNAM: We have been talking a little bit today about the genesis of the crisis that we have got to in Victoria to the point at which SKM was not able to take any recycling and so much of it was to go to landfill and the China sword policy being one of the drivers in that—across the world as well. We have asked the department about when they were alerted to it, but also I understand that the warning signs were actually there years ahead.

Has the state government been in contact with you all? What has been the nature of the kind of relationship you all have with the state government in warning and preparing you for the changing environment in terms of recycling and what can be collected and what is changing at the moment?

Ms THOMAS: Immediately following the most recent issue with SKM, the Metropolitan Waste and Resource Recovery Group was in contact with all of the councils that had contracts through their collective contract process. They acted as sort of a liaison, I guess, between the EPA, who was the regulator of the site, and councils and SKM themselves. The MAV, the Municipal Association of Victoria, were also a part of those conversations, as was the Department of Environment, Land, Water and Planning, but the regional waste group was the lead around the conversations. There was a working group; a contingency, I think they were called, working group was put together to look at if the crisis went on for much longer. I think there are still one or two councils who are still maybe taking their recycling to landfill. So there were almost daily meetings for a few weeks, and then they have traded off—

Dr RATNAM: So in terms of state government's involvement, that was through the EPA? Is that the most formal involvement you all had from the state government in terms of that?

Ms THOMAS: Well, the EPA's role was as the regulator, so that was their involvement. The metropolitan waste group was leading discussions with groups of councils, and DELWP was a participant in those discussions.

Dr RATNAM: As part of the metropolitan waste group?

Ms THOMAS: Yes.

Dr RATNAM: And that is the group of councillors, right? That is that group across the state of councillors from different councils that come and meet as that waste group?

Ms THOMAS: Yes. So that is the metropolitan councils, that one. There are other regional-based groups as well. There was no one, I guess, state agency or department that was coming to councils and having discussions around what would happen—the regional waste group, which I think is an authority under legislation, but not a government department, I suppose.

Dr RATNAM: For example, last year, even prior to SKM closing their doors this year, the government I think announced about \$13 million that was going to councils to be able to help respond to the emerging crisis once the China sword policy was in full effect. Did you all receive any of that funding? What was the relationship at that point, when the state government announced they were going to try and provide a response and here was some money towards it? What did that actually look like for a council like yours, that was contracted to SKM, and was that adequate?

Ms THOMAS: Well, basically the money went straight to additional costs for the recycling contracts that we had there. We went from receiving money for our recycling to paying. And I cannot remember the exact figure because I was not in this role at that time, but it was a significant amount of money for all councils, no matter how well-resourced they were. It is quite difficult to find an additional \$1 million or \$2 million over time to continue a service that the community expects us to provide. So, yes, we did receive some of that funding, but it went straight into paying for the service.

Dr RATNAM: Okay. And prior to that—I am trying to think back to the last couple of years as well, as we have known this crisis is getting more and more extreme—has there been any formal relationship with the state government to prepare for those things or has it been around the money that came in last year and those funds?

Ms THOMAS: Not really, to my knowledge. If you read the MAV's *Rescue Our Recycling* plan, that outlines five points for the state government, five things local government should do and five things the federal government should do. The state government really needs to coordinate, I guess, a response for local government.

Dr RATNAM: One last question—it is my final question. I am going back to the emergency response, and that was a question I was going to ask earlier. Subsequent to a number of these fires and the most hazardous of situations happening in the City of Hume—and you will have been involved in the response and you were required to formally as well—have you all made a formal representation to the state government about the number

of fires and hazards that are occurring in your municipality, and can you speak to the nature of that? What is the ongoing conversation like?

Ms THOMAS: Yes. We have made more than one representation to the state government, as far as I know. The last one was post the Campbellfield fire. The council was in complete agreement that the state government needed to do more in this space to regulate businesses that were accepting chemicals and being paid to manage dangerous goods and chemicals of this type, that our communities and our local environments were suffering as a result of continued fires and incidences and that we saw it as a state government responsibility to manage the situations in an ongoing way and to invite, I guess, local government into that conversation. But clearly our councillors were quite clear: it is a state government responsibility and that system is not working. It is definitely not working for Hume.

Ms CROZIER: Did you get a response from government?

Ms THOMAS: Initially I know we wrote to the EPA and to WorkSafe. We have had some response from them. A notice of motion was passed in the council chambers post the Campbellfield fire. To my knowledge, I do not know whether we have had a satisfactory response.

Ms CROZIER: Would you be able to follow up, and would the committee perhaps be able to have a copy of correspondence that was sent to government?

Ms THOMAS: Yes.

Mr MEDDICK: Ms Thomas, do you feel that in terms of council's role in informing the community, and also liaising with the various government agencies, that would you benefit from being to have access to a database that contains information on the manifests of all of the types of chemicals and products that are contained at these particular facilities?

Ms THOMAS: That would probably be useful to some degree, and I think having some intelligence also around when the EPA was investigating—not that we need to share that with the community, but that the organisation itself can be prepared to respond or can kind of anticipate—

Mr MEDDICK: You could be better prepared in the event of these emergencies.

Ms THOMAS: Yes.

Mr MEDDICK: Thank you.

The CHAIR: On that note, Ms Thomas, thank you very much for your time today and your contribution. We really appreciate it. The secretariat will actually send you the questions that you were asked. I was watching: you were taking notes—

Ms THOMAS: Great.

The CHAIR: So we will send you those questions and look forward to your answers. Also, a copy of the transcript will be sent to you, so if you find any errors, please correct them and send them back. Thank you very much.

Ms THOMAS: Great. Thanks.

The CHAIR: With that, the hearing is adjourned, and we will reconvene on Friday the 10th.

Committee adjourned.