

LEGISLATIVE COUNCIL ENVIRONMENT AND PLANNING COMMITTEE

Inquiry into Decommissioning Oil and Gas Infrastructure

Melbourne – Friday 6 March 2026

MEMBERS

Ryan Batchelor – Chair

David Ettershank – Deputy Chair

Melina Bath

Gaelle Broad

Jacinta Ermacora

Wendy Lovell

Sarah Mansfield

Rikkie-Lee Tyrrell

Sheena Watt

**Necessary corrections to be notified to
executive officer of committee**

WITNESSES

Dan Hunt, Director, Operations, Regional Victoria, Environment Protection Authority Victoria; and

Sam Jenkin, Chief Health and Safety Officer, and

Halil Ahmet, Principal Occupational Hygienist, WorkSafe Victoria.

The CHAIR: Welcome back to the proceedings of the Legislative Council Environment and Planning Committee's inquiry into the decommissioning of oil and gas infrastructure here in Victoria. We welcome representatives from the Environment Protection Authority and WorkSafe Victoria to this session.

All the evidence that we take is protected by parliamentary privilege as provided by the *Constitution Act 1975* and provisions of the Legislative Council standing orders. Therefore, the information you provide during the hearing today is protected by law. You are protected against any action for what you say during the hearing, but if you go elsewhere and repeat the same things, those comments may not be protected by this privilege. 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 proof version of the transcript following the hearings.

Thanks for joining us today. My name is Ryan Batchelor. I am the Chair of the Environment and Planning Committee and a Member for the Southern Metropolitan Region. I will ask members of the committee to introduce themselves, starting with Ms Watt.

Sheena WATT: Hi. I am Sheena Watt. I am a Member for Northern Metropolitan Region.

Tom McINTOSH: Tom McIntosh, Member for Eastern Victoria.

Sarah MANSFIELD: Sarah Mansfield, Member for Western Victoria.

Melina BATH: Melina Bath, Member for Eastern Victoria.

Wendy LOVELL: Wendy Lovell, Member for Northern Victoria.

The CHAIR: And joining us online we have?

David ETTERS HANK: Hi. David Ettershank, Western Metro Region.

The CHAIR: Thanks for joining us today. If each of you individually could state your name and the organisation you are appearing on behalf of for the Hansard record, then I will invite you to make an opening statement.

Dan HUNT: Dan Hunt. I am the Director of Regional Victoria area Operations at the Environment Protection Authority.

Sam JENKIN: Sam Jenkin, Chief Health and Safety Officer at WorkSafe Victoria.

Halil AHMET: Halil Ahmet, Principal Occupational Hygienist at WorkSafe Victoria.

The CHAIR: Wonderful. Thanks for joining us today. Over to you for your opening presentation. I am not sure how you are going to do it. I am in your hands.

Visual presentation.

Dan HUNT: Thank you, Chair. I would just like to begin with an acknowledgement. EPA acknowledges the Aboriginal people as the First Peoples and traditional custodians of the land and water on which we live, work and depend. We pay respect to Aboriginal elders past and present and recognise the continuing connection to and aspirations for country.

EPA Victoria's role – EPA Victoria is the state's environmental regulator. We are an independent statutory authority. We have overgoverning legislation in the *Environment Protection Act*, the Environment Protection Regulations and the *Pollution of Waters by Oil and Noxious Substances Act*. Our objective is to protect human health and the environment by reducing the harmful effects of pollution and waste. Our regulatory approach is a mix of encouragement and deterrence, and aims to motivate action and improve outcomes for the community and the environment. Our statutory remit of course is the protection of human health and the environment from pollution and waste across Victoria – and its coastal waters up to 3 nautical miles. Our operational regions include three metropolitan regions and four regional regions, including with offices located in Geelong and in Traralgon out in Gippsland. Our legislative construct is a mix of outcomes-based duties, to manage risks of harm and waste, and an approvals framework for specific activities.

In terms of our regulatory role in this instance, we ensure risks of harm arising from the transfer of dismantled structures onshore, including nearshore pollution risks under the general environmental duty, are identified, assessed, controlled and monitored appropriately. This includes the consideration of hierarchy of controls, the industry state of knowledge and what is reasonably practicable in managing and controlling those risks. We have a role in permissions approvals for activities that are conducted onshore at any transfer terminal. That is controlled under our permissions framework. We have an advisory role in statutory planning referrals in relation to any planning permit, provided certain trigger criteria are met for that referral. We have a support role under Victoria's emergency management framework in the event of an emergency incident. We have pollution response capabilities for any event within state coastal waters where we can deploy authorised officers and ORCA, the Oil Response Company of Australia, and we have live contracts with them. We also regulate waste management under the *Environment Protection Act* through the application of the waste management hierarchy, with the presumption of recovery and recycling, safe transfer and disposal of non-recoverable waste. That is all in accordance with the waste management duties under our legislation. Thank you.

The CHAIR: Wonderful.

Sam JENKIN: Sorry, I did not bring a presentation.

The CHAIR: That is okay.

Sam JENKIN: You will just have to listen to me instead. Just for background, WorkSafe is Victoria's workplace health and safety regulator and workers compensation insurer. With these two roles, we have dual purposes to reduce workplace harm and to improve outcomes for injured workers. WorkSafe operates under four principal acts of the Victorian Parliament: the *Occupational Health and Safety Act 2004*, the *Workplace Injury Rehabilitation and Compensation Act 2013*, the *Dangerous Goods Act 1985* and the *Equipment (Public Safety) Act 1994*. There are a range of other historical statutes, parts of which continue to operate, but they are the main ones. WorkSafe welcomes the opportunity to present to the committee today.

We have only recently really begun to become engaged in this decommissioning conversation by other, more deeply involved regulators. As the committee will already be aware, NOPSEMA is responsible for regulating health and safety, structural integrity and environmental management of offshore petroleum and greenhouse gas storage activities through its administration of the *Offshore Petroleum and Greenhouse Gas Storage Act* of the Commonwealth. Its jurisdiction covers activities in Commonwealth waters beyond the first 3 nautical miles of territorial sea. State and territory governments can confer regulatory powers and functions to NOPSEMA, and the Victorian government has indeed conferred regulation for health and safety and structural integrity within state waters to NOPSEMA. It is my understanding that Victoria is the only state or territory to have done so. That means, unlike our colleagues at the EPA, our Victorian legislation does not apply to offshore facilities, including any OH&S matters that arise during ExxonMobil's decommissioning activities when these occur offshore. Our legislation, the Victorian legislation, including the OH&S Act and the *Dangerous Goods Act* and their associated regulations, will only apply once decommissioning activities begin or decommissioned materials arrive at the Barry Beach marine terminal.

Now, that said, when it comes to health and safety, the general approach to the offshore and the Victorian safety frameworks are fairly similar. Both place a general duty on employers to protect the health and safety of employees and others in the workplace. Both frameworks also effectively extend those duties to others that may be involved in workplaces, including manufacturers, suppliers, principal contractors and subcontractors, and both frameworks contain the same high-level approach to health and safety, including the identification of

hazards, assessing risks and implementing measures to effectively eliminate and/or control those risks. Both frameworks also set out the need to respond to the risks posed by hazardous substances, though our understanding is that the Victorian requirements are a bit more prescriptive than those within the offshore framework, which you might want to touch on this afternoon with our colleagues from NOPSEMA. In Victoria these include hazardous substance labelling, the need for safety data sheets as well as atmospheric monitoring and health surveillance in relation to hazardous substances, all of which will need to be complied with once materials begin to land at Barry Beach. Notwithstanding these differences, given the practical controls in managing these issues, we are fairly confident that there will be a consistent regulatory approach as the decommissioning rolls out. This consistency will be supported by the memorandum of understanding between WorkSafe and NOPSEMA, which supports cooperation on OH&S matters of mutual interest.

To this end, WorkSafe was very recently invited by NOPSEMA to commence engagement on the decommissioning process, where our officials were advised on both preliminary understanding of the type of materials we can expect to be landed at Barry Beach and the timing of that work commencing. We will not only focus on the management of hazardous substances but also on the healthy and safe movement of heavy items and their deconstruction and subsequent transfer into either the waste stream, regulated by our colleagues at EPA, or back into the circular economy. We will be keen to understand the traffic management processes in and around Barry Beach to ensure onshoring and subsequent works can occur safely, and we will also be looking to ensure principal contractors and subcontractors involved in these works have the adequate training and licensing necessary. This is expected to include both asbestos removal work and high-risk construction work. We are encouraged to have the opportunity to be engaged early in the planning for this critical work and look forward to continuing to work with regulators and other relevant government and non-government parties to ensure the onshore work associated with the decommissioning is done in the safest possible way for the Victorian community. Thank you.

The CHAIR: Thank you, both. I might start with the EPA. We have just had a presentation about the condition of the pipes. Obviously jurisdiction extends to the 3 nautical mile limits, so there are pipes that run into and through Victorian waters. What research or investigations have you done or do you do about contamination leaking from those contaminants and those pipes, firstly? And secondly, do you have any views about the adequacy of the flushing procedure that occurs during the proposed decommissioning process?

Dan HUNT: We have a science department at EPA Victoria. We have freshwater and marine experts in that field. I would have to take the question on notice if we have actually gone and looked at those techniques, and whether they are adequate. However, I would say that the general environmental duty still does apply for those pipelines within those state waters, so they must monitor, they must manage their risks as far as reasonably practicable and where possible control those risks through that hierarchy of controls, which preferably starts at elimination.

The CHAIR: I was going to come to the general environmental duty, so I am glad you have raised it. That exists in addition to everything else that might exist in the regulation of oil and gas infrastructure. Maybe you could explain to the committee what role the general environmental duty plays with companies who own and operate those pipelines above and beyond what may exist under the NOPSEMA management framework?

Dan HUNT: NOPSEMA obviously applies beyond the 3 nautical miles. Within the 3 nautical miles, the EP Act and the general environmental duty apply – they do for all Victorians, individuals or companies, where they must minimise those risks of harm. Essentially if we were to be notified of an oil leak from that pipeline, which they would have an obligation to do as that would be a notifiable incident to the EPA and equally under POWBONS, for that matter – sorry, I am using an acronym, pollution of waters by oils or noxious chemicals – they would have to notify us of that leak, and we would then proceed to investigate that and ensure they are meeting their obligations under the general environmental duty.

The CHAIR: That obviously is most applicable when they are operational. When they are non-operational what sort of monitoring takes place? And one big question that is before the committee is: should there be a recommendation about whether pipelines should be left in situ post the decommissioning process, and how do we, as a general community, ensure the long-term safety, should they be left in situ, from contaminants over time?

Dan HUNT: We do not have an approval role in terms of whether the pipeline remains or does not remain. Does the general environmental duty still apply? Yes, it does, but in terms of state government approvals or regulation of the pipeline, we are not the direct regulator, hence why I referred to the general environmental duty in my response.

The CHAIR: But if the pipelines are left – if a decision is made by a regulator that the pipelines can be left in situ and the licence is handed back, there will be an ongoing risk. How would that risk be monitored?

Dan HUNT: We would need to have the company complete a risk management and monitoring program and ensure that they have assessed their risks. Then they monitor that appropriately, but it is not a licensed activity that EPA regulates. As I say, with our permissioned activities – under schedule 1 of the regulations we have a number of activities we regulate – oil and oil pipelines are not one of those scheduled activities. When we have a scheduled activity and a high-risk activity that we regulate we will convene regular inspections of those facilities to ensure they are meeting those obligations. That is not the case in terms of oil and gas as we are not the primary regulator of that in Victoria.

The CHAIR: I am just going to take a moment. If the pipelines are decommissioned and left in situ and the licences are handed back, who bears responsibility under the general order for the maintenance of the pipelines?

Dan HUNT: That would be the company that has left the pipeline there. They have the duty to maintain and minimise those risks as far as reasonably practical.

The CHAIR: Even if they have handed their licence back?

Dan HUNT: Yes. The general environmental duty still applies.

The CHAIR: Thank you. Mr Ettershank.

David ETTERS HANK: Thank you, Chair. We are getting into some interesting areas here. Can I ask the EPA: in terms of the risk assessment that you would apply to the issue that Mr Batchelor was referring to – in situ versus removal – what is your default setting in terms of the risk assessments associated with either removal or retaining in place inside that 3 nautical mile limit?

Dan HUNT: As I say, we are not the approval body in terms of making the decision about whether the pipeline remains or is removed. That would be done by DEECA. However, given our science expertise and our risk management expertise at EPA, I would expect we would be consulted for advice on that decision.

David ETTERS HANK: So do you have a default setting with regard to the risk profile associated with either?

Dan HUNT: No. We would ask the company that is proposing to either allow that pipeline to remain or be removed to undertake that risk assessment. We would then conduct a scientific review and ensure that that was robust and then provide advice to the relevant authority that is making the decision.

David ETTERS HANK: Okay. If we applied the same question of risk framework on removal versus in situ, do you have any comment in terms of pipes that are on land as opposed to in the water?

Dan HUNT: I could not comment. As I said, we generally would assess that the companies have the risk assessment, the controls and the monitoring in place to manage their risks, not so much looking at whether their risk assessment is appropriate. I guess you could kind of think of us as an auditing function over the top of their risk assessment and making sure they are meeting their obligations.

David ETTERS HANK: Okay. If I can just go to WorkSafe, you referenced the asbestos removal as an issue.

Sam JENKIN: Yes.

David ETTERS HANK: Where is that, because again, I presume it is within that 3-mile limit, isn't it?

Sam JENKIN: I am talking about asbestos that might be present in the piping or materials that are being onshored. Buildings of that type and that vintage are likely to contain a range of asbestos materials, whether that is in a fibreboard setting or whether that is in the casings of pipe that comes in. So we would want to ensure prior to the landing – and this is all subject to a decision that the decommissioning is going to occur and the materials are going to be brought onshore – that we are aware of the asbestos registers that the duty holders have in place so that we can ensure that any asbestos, friable or non-friable, is appropriately managed and effectively entered into an appropriate waste stream.

David ETTERS HANK: Okay, thank you. Did I hear you correctly say that Victoria is the only state that has ceded WorkSafe functions?

Sam JENKIN: That is my understanding, yes.

David ETTERS HANK: So what operational issues does that raise in terms of the interface between WorkSafe and NOPSEMA?

Sam JENKIN: Well, it certainly makes it very clear that we only do things that are on land. So from that perspective, it has not really created any significant operational issues for us.

David ETTERS HANK: So, literally, does that mean where there is, say, for example, a pipe removal, your authority starts at high tide?

Sam JENKIN: The shoreline, effectively, yes. When it comes to that stuff, it would be what is considered to be onshore and offshore.

David ETTERS HANK: Okay. Thank you. Back to you, Chair.

The CHAIR: Thank you, Mr Ettershank. Ms Bath.

Melina BATH: Thank you, gentlemen, for being here today. So just confirming, if the company, in this case Esso, hands back its licence at a certain point, Esso is still liable – and I will speak in the 3 nautical miles – for anything? If there is a leak in the pipeline, if there have been pipes left because it has been deemed to be whatever the safest option was decided, if something happens to that pipe, they are responsible for mitigating, for cleaning? If it springs a hole and substances leach out, they are responsible for cleaning that up?

Dan HUNT: Yes, as the duty holder. I mean, it is hard to predict in terms of when that may occur. It depends on who the owner is of the pipeline when that does occur. But at this point in time, yes, unless there is a change in company structures – of course, pipelines could be abandoned, companies can go into liquidation and the like.

Melina BATH: But Victorian legislation covers that, or is it federal legislation?

Dan HUNT: Covers what, sorry?

Melina BATH: It is not trailing liability, so I do not think it is actually that term, but we will call it that for want of a better term.

Dan HUNT: If the company that owns the infrastructure no longer exists –

Melina BATH: No, I am talking about if they exist.

Dan HUNT: If they exist, then yes, the general environmental duty applies. They are the duty holder under the legislation in terms of it is their asset.

Melina BATH: Yes, that is right. I just wanted to confirm that. The *Pollution of Waters by Oil and Noxious Substances Act 1986* – that seems to be about the time when this industry started up. Have there been any amendments to that Act since? You might need to take that on notice. But in your memory, have there been any substantial updates to that Act?

Dan HUNT: I would say yes, only because it references the EP Act 2017. There must have been amendments to that Act to enable that. It actually says that the EP Act 2017 prevails if there are any discrepancies under POWBONS.

Melina BATH: Okay. Thank you very much. Has Esso had any incidents, from your understanding, in the last, say, decade – I will say ‘major incidents’ or incidents?

Dan HUNT: I would have to take a question about their compliance history on notice. Nothing to my knowledge; however, I would need to extensively check our database to answer that question.

Melina BATH: Thank you. I would appreciate that. And again, you are constrained by what your oversight is. Also, in terms of Qube, we went down to Barry Beach the other day, and it is in my electorate and I know it quite well and am very passionate about the people that work for Qube and all the industry workforce. Has Qube had any major incidents, I will say, in terms of WorkSafe?

Sam JENKIN: I will take a similar approach. Nothing springs to mind that is immediate, but they are obviously a large provider of those types of logistical services throughout Victoria, so we can certainly provide some information, but in relation to their compliance history over a particular period of time, we regularly engage with them, as we do with Esso, in relation to major hazard facilities that exist in Victoria. So they are not an unknown duty holder to us, but we have both proactive and reactive regulatory activities, so while we may engage with Qube regularly, it might not be in relation to particular incidents. It might be just as part of our regular oversight of health and safety and logistics.

Melina BATH: And I guess our interest is in oil and gas, because I know it is a big field in operation. We have been told that they operate a very safe ship down there, or a safe platform down there at Barry Beach. I am just interested to see how WorkSafe views that.

Sam JENKIN: Well, when we received the invitation to come and attend and present and provide evidence to the committee, I must admit that I live on the western side of the bay and I come from Sydney; I had never heard of Barry Beach. When I asked my regulatory colleagues, they indicated that there had not been significant regulatory presence at Barry Beach.

Melina BATH: There you go. That is good. We will invite you down to Gippsland at some stage.

Sam JENKIN: I will look forward to it.

Melina BATH: Thanks very much, Chair.

The CHAIR: Thank you, Ms Bath. Mr McIntosh.

Tom McINTOSH: Thank you for being here. From the workforce perspective, how prepared do you think the workforce is for this decommissioning endeavour, and what risks do you think are associated with that work and how can they be mitigated?

Sam JENKIN: In the context of onshoring work?

Tom McINTOSH: Sorry, in the context of offshore. Well, the full body of work, because we have discussed pipes coming up into the dunes. When we were down at Barry Beach we saw the size of these platforms and the work to bring them off those ships onto the dock and then move them up. I understand you do not have oversight onshore, but what you can speak to, and the whole process, effectively.

Sam JENKIN: Certainly in the context of being recently engaged by NOPSEMA and undertaking some preliminary assessment of what is going to be happening, it gives us plenty of time to work with impacted workforces to understand the nature of the work that is going to be occurring and then the types of risks that are going to be associated with that, which are slightly different to what occurs at the Barry Beach terminal at the moment. What we do know is that the type of work is not unique. It has occurred elsewhere in the world, so there are plenty of opportunities to learn the lessons of the onshoring process and then the traffic management risks associated with that landing. Then we will have the opportunity to engage with the contractors and others that are involved in the process to ensure that they have the health and safety processes in place. As I said earlier, being able to become involved in this process at this early stage ahead of a body of work that is not

expected to kick off for some time provides us with an opportunity to work with impacted stakeholders and workforces to ensure the appropriate health and safety systems are in place.

Tom McINTOSH: You comment on that overseas experience and opportunity to learn from that. What tools do you currently have, and is the current legislation enough to ensure safety to the workforce and, I would probably note, the local environment too, when we are bringing asbestos and everything we have heard about with all the pipes and platforms and whatnot onshore to break those down?

Sam JENKIN: What I would say is that the *Occupational Health and Safety Act* is very broad in its application. It has a jurisdiction in every single square metre of Victoria when work is being done, so the general duties are broad and sufficient for the work. The potential hazardous substances that may be coming off the platforms and coming in as part of the materials should be well known ahead of time, and we will be able to ensure that the right processes are in place. We will be able to engage not only with the EPA and with NOPSEMA but others in the context – I was able to catch some of the evidence provided by ANSTO – be able to work with both them and local colleagues from the Department of Health radiation unit to ensure that anything that sits outside the hazardous substances and dangerous goods regime in the context of radioactive material can also be managed appropriately. But I have confidence that the breadth of the OHS Act and associated regulations can provide the regulatory scope for us to oversee the work.

Tom McINTOSH: Thank you. One for the EPA: obviously we need to effectively as quickly as possible stop all emissions into our atmosphere, so with these wells and the work from these platforms and the sector more broadly, keeping an eye on greenhouse gas emissions, what can be done to mitigate that?

Dan HUNT: That primarily would occur beyond our jurisdictional boundary of 3 nautical miles, so I would say that would probably be more an appropriate question for NOPSEMA.

Tom McINTOSH: Okay. I am out of time, Chair.

The CHAIR: Thank you, Mr McIntosh. Dr Mansfield.

Sarah MANSFIELD: Thank you for appearing today. Just picking up that thread, my understanding – correct me if this is wrong – is that any emissions that are in those Commonwealth waters off the coast of Victoria would be attributed to our total emissions for Victoria. Is that correct?

Dan HUNT: I am sorry, I cannot answer that question.

Sarah MANSFIELD: They have to be attributed to a state – is my understanding.

Dan HUNT: I am happy to take that on notice, but I am not aware of EPA having a direct role in that space.

The CHAIR: It might be a question for DEECA.

Sarah MANSFIELD: You indicated that you do not have an active role in monitoring oil and gas infrastructure – that you rely on that general environmental duty and self-reporting. It is both self-monitoring and self-reporting under that general environmental duty for the companies that own that infrastructure. I am aware that there is an investigation going on at the moment. There may not be any details you can provide, but the public reporting indicates that the EPA is investigating Woodside for the Minerva plastic clamps incident that occurred last year. Are you able to give us an indication of when you were notified about this and who notified you?

Dan HUNT: I can confirm EPA is investigating that incident, but in order to protect the integrity of that investigation I will not comment further on that matter.

Sarah MANSFIELD: You cannot even provide information about that. In general terms can you provide us with information about, say an incident like that were to occur, how the EPA would get involved? We understand notifications were made to NOPSEMA around that incident, but how were the EPA involved?

Dan HUNT: It is a number of ways. We can get reports from community members, individuals, sometimes people that work for companies themselves but are not necessarily reporting on behalf of a company either. Community are essentially our eyes and ears. They will tell us when they observe something that is not quite

right, and that is when we will deploy our authorised officers. We have to triage the amount of reports we get. We get about 30,000 a year, so it is significant. Depending on the severity of the incident we might immediately respond. We might call upon others. Particularly for things at sea we will call on our contract with ORCA to help facilitate the functions of an authorised officer in that instance.

Sarah MANSFIELD: In terms of just the regulatory frameworks that exist, because we have had a little bit of trouble getting a clear picture of who has got responsibility for what because there is overlap and there are possibly some gaps in some of it, if there is some sort of incident like this where there is going to be an environmental impact that is within those 3 nautical miles or onshore and therefore within the jurisdiction of the EPA, is there some sort of official chain of notification? Say NOPSEMA gets a notification about an environmental incident, are you then automatically notified by NOPSEMA that there is some sort of incident?

Dan HUNT: NOPSEMA, I do not believe would have a legal obligation to notify us. However, I would think that they would certainly and –

Sarah MANSFIELD: Even not legal but regulatory. Is there some sort of framework? Say there is some sort of environmental incident that occurs with some of this infrastructure offshore and there may be onshore impacts or impacts in Victorian waters. Is there some sort of flowchart that says these authorities should be notified about this, and is the EPA part of that as far as you are aware?

Dan HUNT: I do not believe there is a legal obligation on NOPSEMA or others to notify EPA. But, as I said, they may still do. Something I have discussed quite recently with NOPSEMA is the need to establish an MOU for those purposes, to make sure we are information sharing, even if it is purely for visibility or advisory. That would certainly be beneficial to ensure that happens.

Sarah MANSFIELD: Thank you.

The CHAIR: Thank you, Dr Mansfield. Ms Lovell.

Wendy LOVELL: Thanks very much for your presentation. We have been hearing a lot about the pipes and the potential for them to leak into the environment. We have also heard from the companies that they have the ability to clean the pipes quite extensively. I am just wondering about the disposal of the materials that are used to clean the pipes, because obviously the contaminants would be captured in that.

Dan HUNT: Great question. Under the waste duties we have various scales in terms of what we call industrial priority or reportable priority waste under the *Environment Protection Act*. With that scale of different wastes comes more or higher obligations that are placed on the duty holder or the waste producer to make sure that it ends up in a lawful place. For example, reportable priority waste, which I would think is what you are talking about because of the contaminants involved, it would be –

Wendy LOVELL: It is going to have mercury and radioactive materials.

Dan HUNT: Correct – that would be a reportable priority waste under our legislation, and therefore then there are certain obligations on all three parties involved. So the waste producer, the waste transporter and the waste receiver must all ensure it ends up in a lawful place and there must be notifications given to EPA at every step of that process – i.e. where is the waste, when it is being collected, what is in it, how have you classified it and where is it going to – to ensure it is lawfully disposed of?

Wendy LOVELL: So what does a lawful place look like? There is obviously going to be a lot of this.

Dan HUNT: Yes. Look, I cannot give specific examples, but there are many liquid waste facilities. There are many sites that EPA licenses as A01 permissions to treat reportable priority waste. There are a number of those throughout the state. In some cases waste even may move over state borders to make sure it has a lawful place where there may not be any in Victoria.

Wendy LOVELL: Okay. That is all I have got. Thank you.

The CHAIR: Thank you. Ms Watt.

Sheena WATT: I had some further questions to Wendy, so thank you so much for opening up the questioning about the waste. You said A01 permissions are granted by the EPA, is that right?

Dan HUNT: Correct.

Sheena WATT: So there are some places in Victoria that have these A01 permissions. Does that include the storage of nuclear – what is it called, the NORM? Naturally occurring –

Dan HUNT: Naturally occurring radioactive material.

Sheena WATT: There are a lot of acronyms, if you will excuse my –

Dan HUNT: EPA is not the primary regulator for radiation. That is the Department of Health, and specifically their radiation unit, so I will not be able to comment on that. However, your question around A01 –

Sheena WATT: Yes.

Dan HUNT: There are numerous A01 licences throughout Victoria. They are a high-risk activity, which is why they are scheduled under our regulations, so we have a licence. We regulate them under that licence and we inspect them quite frequently for that purpose.

Sheena WATT: If we were to decommission and put on shore some naturally occurring radioactive materials – NORMs – onto the land, then there are the bodies that transport these NORMs. Are they registered or whatnot by the Department of Health or by yourselves? I am just trying to work out what happens with these guys.

Dan HUNT: That would be a question for Department of Health.

Sheena WATT: So that is Department of Health. It is not your good selves.

Dan HUNT: Yes.

Sheena WATT: So the transportation of NORMs and the storage.

Dan HUNT: It would depend. If NORMs were to trigger as a reportable priority waste under our Act and they were classified in that manner, then certainly there would be conditions around their transport and where they could be lawfully disposed of.

Sheena WATT: Lovely. Are there any further comments from our WorkSafe friends on the transportation of NORMs and the storage of NORMs in our state and perhaps their intersection?

Sam JENKIN: Transportation of dangerous goods – do you want to take this one, Halil?

Halil AHMET: We deal with the Department of Health's radiation unit on occasions where radioactive materials are raised. We have already spoken to their radiation unit in relation to this type of set-up where they would be engaged in the process well before it is involved. And licensing may be required along the way. They have highlighted that, and they will be engaged.

Sheena WATT: So the duty holder throughout this period does change, I assume, from its being stored in a Department of Health regulated site from its decommissioning out of the ground. But then earlier we were talking about the fact that for Esso or whoever it is that is in fact the original – I do not know what the term is – owner of the materials, where do the duties change, and the duty holders, with respect to these NORMs? Will that always be the original holder or is it going to change? And at any point is the state the duty holder for naturally occurring radioactive materials? Basically we are moving a whole bunch of radioactive materials around the state, from in the water to some sort of waste centre somewhere, and I want to know who has the duty under the respective acts for its safe management.

Dan HUNT: Again, if it is classified as a reportable priority waste under the *Environment Protection Act* and regulations, then there are essentially three duty holders through that process.

Sheena WATT: Great.

Dan HUNT: So there is the waste producer, which in this case, as you have referenced, may be Esso if we are looking at this one.

Sheena WATT: It could be another provider.

Dan HUNT: Then the transporter has a duty to make sure that they are meeting their legal obligations under the Act, so they are notifying EPA of the collection, of how much they have collected, keeping accurate records of where they intend to dispose of it to and when that is likely to occur. Then you will have the receival facility, which is a lawful place to accept that type of material, because there are all sorts of types of waste we deal with in Victoria, and they must also then attribute to saying ‘We have received that material’ as per the other two records that we have.

Sheena WATT: So they are private businesses, the final waste – we do not have state –

Dan HUNT: Generally, yes.

Sheena WATT: Yes, all right. I am just trying to understand where we –

Dan HUNT: Whether there are state-owned ones, I cannot comment on – there may be – but generally they are private industries.

Sheena WATT: Generally private industries are the holder. All right. Just so I understand state responsibility. Thank you.

The CHAIR: Last question from me. Mr Hunt, you mentioned a couple of times if something is triggered under the EPA legislation as a reportable priority waste. What are the triggers? Particularly for substances that we are expecting to come out of these pipelines, whether they are NORMs or mercury, what are the triggers? How would the committee understand whether they are likely to be met or not? Is it volumetric? How do we know whether it is going to occur?

Dan HUNT: Yes. Thank you for the question, Chair. Apologies for not being overly clear.

The CHAIR: That is okay.

Dan HUNT: Essentially the trigger is: what is the waste? So what is the material or the predominant element of that waste? That determines whether it is classified as a reportable priority waste. So in terms of mercury, I can absolutely say mercury is a reportable priority waste because it has a high risk of harm to the environment or human health. So it is typically your wastes that are more hazardous will be reportable priority wastes. Your less hazardous wastes – municipal wastes and things like that – will tend to be classified as industrial waste, and they do not have the obligations that a reportable priority waste does.

The CHAIR: For want of a better term, the stuff coming out the pipes – I do not know what it is going to look like, but I cannot imagine it is going to look pretty – presumably is going to have mercury in it, because we understand that mercury is a common trace element in either the piping or the material that is coming through it. Are you proactively doing inspections of that given the expectation, or is it an obligation on the companies handling the waste, bringing it onshore, to be notifying you of whether there is a presence of this material or not? How do we make sure that the regulatory framework is enlivened given we expect there to be products that are likely to be reportable?

Dan HUNT: Yes, really good question. This is why I refer to scheduled premises and what we permission or license as EPA, because when we license a site, we have very stringent conditions in that licence that must be met. In terms of the waste that they are bringing in, we can assess that through their licence application, noting we do not have one at this point in time. We have got a pathways application, but we will assess all of that through that application. What do they intend to do at the site? What materials are they dealing with? How are they proposing to treat that? How are they classifying their waste? What type of sampling are they doing? When we have a permission in place, there is a level of rigour by the authority around those activities that are proposed and our oversight of them. In addition, we would regularly inspect a permission site, which this would be because it would require a licence under A01 – reportable priority waste – to monitor and make sure that they are meeting their environmental obligations both with the licence and the general environmental duty, so it is both. Does that answer your question, Chair?

The CHAIR: It does. Do you think the EPA currently has the capability and the capacity to do this monitoring work during the decommissioning process?

Dan HUNT: Absolutely, yes, I do. We have a duties-based Act that is akin to WorkSafe legislation. We are science based and evidence based as an organisation, so we have an entire department of scientists that are able to support us. We have an auditor framework where we can request audits of a duty holder in terms of their consultant's work or any reports that they are providing to us. There is a high level of rigour, and I am confident we are able to oversee those activities and regulate them.

The CHAIR: All right. Thank you all very much for coming in today. We really appreciate the evidence. It has been very helpful. You will be provided with a draft copy of the transcript in the coming week to review before it is published.

With that the committee will break for lunch.

Witnesses withdrew.