

T R A N S C R I P T

LEGISLATIVE COUNCIL ECONOMY AND INFRASTRUCTURE COMMITTEE

The Development and Expansion of Waste-to-Energy (WtE) Infrastructure in Victoria

Melbourne – Tuesday 26 May 2026

MEMBERS

Georgie Purcell – Chair

Richard Welch – Deputy Chair

John Berger

Gaelle Broad

Katherine Copsey

Moira Deeming

Tom McIntosh

Evan Mulholland

Sonja Terpstra

WITNESSES

Gayle Sloan, Chief Executive Officer, Waste Management and Resource Recovery Association Australia; and
Dr Jackie Wright, Director (*via videoconference*), Environmental Risk Sciences.

The CHAIR: I declare open the Legislative Council Economy and Infrastructure Committee's public hearing for the Inquiry into the Development and Expansion of Waste-to-Energy Infrastructure in Victoria. Please ensure that mobile phones have been switched to silent and that background noise is minimised.

I would like to begin this hearing by respectfully acknowledging the Aboriginal peoples, the traditional custodians of the various lands we are gathered on today, and pay my respects to their ancestors, elders and families. I particularly welcome any elders or community members who are here today to impart their knowledge of this issue to the committee or who are watching the live broadcast of these proceedings. I also welcome any other members of the public watching via the live broadcast and our members in the public gallery today.

On that note, you are all very welcome to be here in attendance today. I just need to reiterate, as per the previous sessions, that this is still a formal proceeding of the Parliament, and any interruptions from the public gallery could result in the hearing being closed down. We have had a wonderful track record so far, and today being the last day, hopefully we can keep it that way.

To kick off we will have committee members introduce themselves to the witnesses. We do have Dr Mansfield on Zoom, so we will start in the room with Mr Berger and then move to the screen.

John BERGER: John Berger, Member for Southern Metro.

Richard WELCH: Richard Welch, Member for North-East Metro.

The CHAIR: Georgie Purcell, Member for Northern Victoria.

David ETTERS HANK: David Ettershank, Western Metropolitan Region.

Rachel PAYNE: Rachel Payne, Member for the South-Eastern Metropolitan Region.

Sarah MANSFIELD: Sarah Mansfield, Member for Western Victoria Region.

The CHAIR: Wonderful. Thank you so much for appearing before us today. All evidence taken is protected by parliamentary privilege, as provided by the *Constitution Act*, and further subject to the provisions of the Legislative Council's standing orders. Therefore the information you provide during this hearing is protected by law. You are protected against any action for what you say during this 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. You will be provided with a proof version of the transcript following the hearing, and then transcripts will ultimately be made public and posted on the committee's website.

For the Hansard record, could you both please state your full names and any organisation you are appearing on behalf of. We might just start with Gayle, to make it easier.

Gayle SLOAN: Gayle Sloan, CEO of the Waste Management and Resource Recovery Association Australia. And online we have –

Jackie WRIGHT: Dr Jackie Wright, Director of Environmental Risk Sciences, or enRiskS.

The CHAIR: Wonderful. Thank you. We now welcome your opening comments but ask that they are kept to around 10 to 15 minutes maximum.

Gayle SLOAN: We have got a couple of minutes each, and then we will get into it.

The CHAIR: Wonderful – plenty of time for discussion and questions.

Gayle SLOAN: A well-oiled machine. Chair and committee members, thank you for the opportunity today to present on behalf of the Waste Management and Resource Recovery Association Australia. We are the national peak body for the waste and resource recovery industry, representing over 2300 members nationally, including 530 in Victoria. Our members span the entire gamut of the waste and resource recovery supply chain from design, repair, recycling and organics through to residual waste management, energy recovery and circular economy. WMRR's position is that waste-to-energy must be considered as part of an integrated waste and resource recovery system, not in isolation. It is not a substitute for waste avoidance, reuse, recycling or composting. Rather, it is a necessary solution for managing residual waste that cannot feasibly be recovered and therefore is preferable to landfill under the waste management hierarchy. Victoria is facing a real infrastructure challenge. We still send more than 5 million tonnes to landfill each year, and landfill capacity is declining. The state is not on track to reach its recovery targets; residual waste projections are increasing over the next decade.

We want to stress that modern waste-to-energy facilities are not the incinerators of the past; they are highly regulated facilities operating under strict emission controls, continuous monitoring and global best-practice standards developed over decades internationally. They look like any other power plant. More than 2000 facilities operate safely around the world, including in densely populated urban environments across Europe. Importantly, waste-to-energy complements recycling systems in managing not only residual waste after source separation has occurred; it also reduces methane from landfill, supports local energy generation, recovers valuable metals and improves systems resilience. Let us not forget that ultimately everything reaches end of life at some stage. However, WMRR is concerned that Victoria's current policy and planning framework lacks the strategic coordination and regulatory certainty needed to deliver essential infrastructure in time. The inconsistent planning framework and regulatory uncertainty risk delaying critical investment while landfill capacity continues to diminish, and nowhere is this more evident than the south-east of Victoria.

Finally, community confidence is essential, and we recognise that. WMRR supports transparent regulation, robust environmental safeguards and evidence-based public engagement. Government leadership will be critical in ensuring informed community discussion grounded in modern science and operational evidence. We welcome this inquiry as an important step in strengthening Victoria's long-term waste and circular economy framework, and we look forward to assisting the committee today. I will hand over to my colleague Dr Wright, who also was part of our submission to the inquiry.

Jackie WRIGHT: Thank you. I would also like to thank the Chair and committee for the opportunity to appear today and also in conjunction with WMRR. I have got over 35 years experience in conducting human health and ecological risk assessments throughout Australia for a really broad range of issues. My company enRiskS have five key specialists in this area, and we have assessed risks to human health and the environment from a whole wide range of waste management options, including landfills, resource recovery, composting and energy from waste. In relation to energy from waste we have conducted detailed scientific assessments on risks to human health focusing on the community for more than a dozen proposed facilities throughout Australia, so my evidence is in the context of the work that we do in this field.

Can I start by saying energy-from-waste facilities as designed and operated under modern standards are safe for the community in residential, commercial and agricultural areas. Like any proposed facility in Australia that has emissions to air or water or soil or anywhere else, Australia has really robust and agreed guidelines for assessing risks to human health. They have been established by enHealth and follow international best practice. These guidelines allow us to properly assess the emissions to air from energy from waste and assess the risks to human health using robust scientific methods. These are fundamental to doing any sort of assessment for energy from waste anywhere in Australia, including in Victoria.

When we do risk assessments for energy from waste, we look at all the ways the community could be exposed. This includes inhalation but also accumulation of persistent pollutants in soil, water and agricultural produce, and when we are looking at produce, we look at home consumption as well as sale to the market. The pollutants that we look at from energy from waste are already in the environment. This includes metals, dioxins and even PFAS. This means the community is already exposed to these pollutants every day from a wide range of existing sources and activities. Any assessment of emissions from energy from waste looks at whether these exposures could change and be different or measurable within the community. Emissions from energy from

waste are not measurable; they do not produce a measurable change from what is already in the environment. That includes in soil, water and produce.

Modern energy-from-waste facilities are not the same as old incineration technologies, and care must be taken to ensure that the facts about emissions and risks to human health from modern energy-from-waste facilities are not muddled with what the information is in relation to older incinerators. It is also common for the community to lean on epidemiological or other studies that are in literature. It is important to review those in detail to ensure that they are robust and relevant to modern energy-from-waste technologies.

Again, it is really important just to emphasise that we have a really good methodology for assessing the safety of human health and the safety of energy from waste in terms of human health, and that is our enHealth guidance. It is what we use in Australia, and it is important that we follow a robust scientific process to inform decisions about the suitability of these facilities in Australia. Thank you.

The CHAIR: Thank you so much. Members, we have plenty of time for questions, so I am going to put 7 minutes on my timer. If we have time left to go around again and members want to, we will do that. I will start with Mr Berger.

John BERGER: Thank you, Chair. Thank you both for your appearance this morning. I am interested to understand a bit more about the global best practices. We hear that term thrown around quite a bit in different areas. I am just keen to understand what it means in the waste-to-energy context in terms of the misinformation that seems to surround a lot of the information that comes out about how these facilities are going to work. Can you give the committee a bit of an insight as to what you think the term ‘best practices’ might mean in the context of where it is at the moment?

Gayle SLOAN: Jackie might be better as far as the health and science standards go. But I guess the beauty, dare I say, of coming later in the development cycle is that we will in Australia be able to benefit from the European industrial economic development, or IED standards – I am not quite sure what that stands for now I am thinking about it – for the best practice technology standards we need to follow. That is a rigorous process coming out of Europe that reviews and updates based on emissions, standards and technology. We will be using the BREF standards in Australia, which have very clear emissions levels and standards that we need to report to for these facilities and monitor in accord with. As Jackie was saying, NOx and those other elements are all part of that, and we need to make sure that we meet those. As an industry generally, not just EfW, we are heavily regulated and monitored. These facilities have that real-time monitoring of emissions coming out of stacks and air quality monitoring. And we will benefit from the development of the BREF standards in Europe. Jackie might want to add to that, because she has tested to a lot of these – air quality et cetera.

Jackie WRIGHT: In terms of the energy-from-waste facilities, the BREF is a really important document. It has been developed over decades in Europe. They also go back and look at data that comes out from these facilities to see how they are operating and how that can be refined over time. The most recent review was published in 2019, where they looked at tens of thousands of data points from existing facilities to refine and make sure that they are getting best practice out of these facilities. That is a key part about how they are designed to operate. The monitoring that goes in with them is part of just how they are set up – the technology that is used, the pollution control technology to make sure that they are pulling out as much as they can before anything is emitted from the stack. In Australia it has to be designed for the particular location. There will be best practice design put in place in terms of the stack height to ensure dispersion is maximised to the extent practicable at that location, and its location is chosen to be typically 1 kilometre or so away from residences. That is typically what is done in Australia.

There will also be a licence that is provided for these facilities that they have to comply with in terms of emissions and monitoring, and then again from a human health perspective we have international best practice guidelines for how we assess risk to human health. That is how we do things across the board for all these types of facilities.

John BERGER: How do our standards stack up against those of the European jurisdictions like Germany, Sweden and Denmark? Are there any subtle differences? They would say that their testing regimes are a lot higher than any other particular country. Where would ours sit in that scale?

Gayle SLOAN: All of the jurisdictions have adopted BREF for these facilities, so we are the same or higher, plus we have got in a number of jurisdictions also the clean air regs. They need to apply as well. BREF is actually higher than clean air regulations. We have actually been through a very long process in New South Wales to be really clear on what the standards are in both, and BREF is in fact higher than clean air. So we have made sure with the facilities we are proposing in Australia that they are the same or higher than Europe.

John BERGER: Jackie, do you have any further comments about the standard?

Jackie WRIGHT: No. What Gayle said was entirely appropriate.

John BERGER: Chair, that is probably where I was looking to head to.

The CHAIR: Thanks, Mr Berger. We will go to Ms Payne.

Rachel PAYNE: Thank you. And thank you to you both for presenting for us today. I want to discuss just in relation to compliance with licences and capturing emissions and targets around monitoring those emissions. Some of these companies operate internationally, and I am just curious as to whether there are good practices going on internationally or if there are issues where they have been fined, if there are issues where they have been found to not be complying with regulations or complying with licence requirements, and if there is any sort of concern around some of these operators potentially behaving that way here in Australia. Do you think that we have the appropriate regulatory model to be able to monitor that?

Gayle SLOAN: I cannot comment on the companies; I am here to talk about the industry. But I do believe with all the regulation that is in place in every state it is very robust. There are licensing requirements that have to be met. There are regulations. There are high standards. Every jurisdiction has to point to reference sites overseas that meet those requirements. So that is not a concern as an industry we have, given how strong and appropriate in many ways our EPA regulators are in this space.

Rachel PAYNE: Okay.

Jackie WRIGHT: Can I just add? I also cannot answer on behalf of the companies; I do not have their information in terms of compliance. But again, in terms of licensing, that is an important part of that. That review I talked about in terms of what Europe does in terms of the BREF, where they do, they review how the facilities are operating and they collect data from all those facilities. That is part of that process – can they comply with what is in the BREF? What things work and what things do not? What technology has been brought in recently to improve what they do? The compliance with the BREF is detailed in that 2019 document for all those facilities that they evaluate in terms of the BREF, and they show very good compliance with all of that. Because BREF is being adopted here in total for these facilities, that is not just the emissions limits. It is actually how the facility operates and the monitoring and the steps that are put in place to make sure it continues to operate in compliance with those limits.

Rachel PAYNE: Okay. Thank you. We recently saw with the Auditor-General's report that we are not doing well when it comes to the circular economy policy. You and I have spoken offline in regard to that as well. I guess there is concern that if we do start to get better with the circular economy policy – we start to reduce how much plastic and waste we create – this could have impact on those facilities and their contracted timeframes. As industry representatives, obviously the push is to get better by way of reducing, reusing, recycling. Is there concern there, then, that some of these incinerators will not fulfil their full-term contracts, or is it that we envisage that we will have enough waste to facilitate the need that these incinerators require to be operational?

Gayle SLOAN: Yes, we have spoken before, and I completely agree. Our goal is to create less waste. Our goal as an industry body is to create less waste and use material for longer. That is the way that we should set up the system, and part of that is fundamentally about how we design and what we place on market. In the absence of any rules in any jurisdiction, really – other than some we have got potentially coming in New South Wales – you can essentially put anything that you want on a shelf, whether it is recoverable, recyclable or reusable. Change in that space has been a lot slower than I think all of us would like. With the way that the jurisdictions continue to approach residual waste management – and all we are talking about is residual waste going into these facilities – we are miles off. Australia is at 66 per cent resource recovery in 2026. It is four years out from hitting our 80 per cent target that was set in 2014, and we have moved 3 percentage points. We

are not going to fix this quickly unless we start hitting the start of the supply chain. In all the jurisdictions, given how long these take to build and the size and scale, we will not – even if we manage to take everything out of landfill, which is unlikely because there will be some material that you cannot push for energy for waste – build sufficient of these. That will end up leaving them redundant.

Victoria has taken a decision that it will have a cap of 2.5 million tonnes. If you look at the data, we are putting 5.5 million into landfill at present. With the population escalation, that number will probably remain even if you hit the 80 per cent at around about 5 million recurrent. At present there is a cap in Victoria of 2 million. So no, I do not believe that that is the case. I think it is really important to recognise that when these facilities end they pack up and move like any other manufacturing facility. The challenge and the irony of this is we are continuing to put material into landfill that will be there ad infinitum and will continue to need to be managed from a leachate soil and gas emissions point of view. We would love as an industry to be creating less waste and putting less into residual output. We do not have control over that.

Rachel PAYNE: Just so we are understanding as a committee, and just to be clear: when it comes to some of those policy positions around manufacturing of goods for production, that would be a federal government policy position. Is that right?

Gayle SLOAN: No, we know that it can be both. Recently, because of the federal government inaction in this space, we have seen New South Wales, for example, step in and create a head of power for product stewardship in relation to batteries. So it is not one or the other. The reality is all jurisdictions have an obligation to act and we can put requirements on sustainable design at the state level as well as the federal level. We could, for example, ban through fair trading. You could restrict what you actually put on a supermarket shelf, for example. We could require labelling of products that contain PFAS so people do not buy them. But we are just not seeing sufficient action at the start of the supply chain.

Rachel PAYNE: Assuming that if the market required that packaging material especially was to be a set percentage of recyclable material, we would see a real shift in that?

Gayle SLOAN: Totally. We saw that with container deposit systems, so we know that states can act. It is not ideal for national consistency and it is definitely not ideal from a company-wide approach – all the states having their different approaches makes it very expensive for business. However, the alternative of not acting is often much more expensive for the economy and the environment.

Rachel PAYNE: Thanks for your response.

The CHAIR: Thanks, Ms Payne. We will go to Dr Mansfield.

Sarah MANSFIELD: Thank you. Thank you for appearing today and for your submission. I was interested in some of the statements and positions you have taken in your submission. For example, you have pointed out that the cap is unnecessary and can be counterproductive and that it limits infrastructure development, so there is that issue. But then on the other hand you have indicated that you do not believe that waste-to-energy displaces higher order recovery efforts, such as reducing waste, waste avoidance, recycling and composting. Some of the evidence we have received through this inquiry suggests otherwise – that waste-to-energy facilities, because of the volume of waste that they have, and particularly given the cumulative scale of the waste-to-energy facilities being proposed across Victoria, actually have significant potential to undermine investment in higher order waste recovery efforts. I was just curious to understand how you can argue against having a cap and also believe that waste-to-energy does not undermine those other waste recovery efforts.

Gayle SLOAN: I will start with the cap and why the cap is problematic. The cap is a very onerous, administrative and expensive process that gives no guarantee that you will ultimately get planning approval. So you have to go through – Victoria created, again, if we talk about regulatory uncertainty and inconsistency, a cap of 2.5 million on energy-from-waste. There is no cap on landfill, so we could put as much as we want into landfill, which, again, we do not want either; we want to keep material circulating. So the process in and of itself of the cap is problematic. It causes community concern that there could be a facility that may never actually get up at the end of the day from planning or other reasons. I think it is the difficulty of the cap process – how do you do that, in the sense of: do you go all at once, even if facilities are not all ready to go all at once? It is an unnecessary step, when you think that we have planning, licensing and other processes existing in every other jurisdiction globally, that Victoria has added. It causes concern, confusion and cost, which is unnecessary.

So that is the cap objection that we have as an industry, because you still have to prove that it is an appropriate location, that it is commercially viable and all the other things before you can actually get an EfW facility occurring.

The thing about residual material, which we acknowledge under the waste management hierarchy is lower order, is that you actually are building different facilities for different purposes in the sense that you are taking your yellow bin into MRFs and you are going to have a very different gate fee for energy from waste at the end of time compared with a MRF higher up the order – material recovery facility, sorry – which will be taking paper and plastic and actually making goods and products. We have different material streams in the 74 million tonnes nationally, or 16 million tonnes in Victoria, that have different pathways to both recovery and then end of pipe. It is kind of a misnomer that everyone wants the same feedstock and product. It is very different product that goes to very different facilities with very different commercial pathways that we are talking about. We are not competing for the same 16 million tonnes, for example, in Victoria. They can co-exist and complement. So you will see that residual streams from material recovery facilities would ultimately either go to landfill or energy from waste, once they have got sorted, taken the valuables out and created energy. They complement those higher up the hierarchy; they do not compete.

Sarah MANSFIELD: I appreciate what you have said there, but I think one of the concerns we have heard is that we already need to do a lot more to improve some of that higher order waste recovery: pre-sorting, streaming and some of that recycling and reuse of materials. A good example is FOGO. While some municipalities have got systems to remove FOGO from the general waste stream, we know that there is a long way to go there to get all organic waste out of our general waste bins. If that was to be the case, then that would significantly reduce the amount of residual waste. The argument that is put forward is that given the very large feedstock requirements of these waste-to-energy facilities in order to operate efficiently, let alone be commercially viable, it will completely undermine the economic incentives to invest in alternative technology streams and other pathways for that sort of waste. So it really reduces that incentive if you have got that waste-to-energy and waste incineration option on the table.

Gayle SLOAN: I am not dismissing these concerns, but I think it is important we step back and look at the system. There are 16 million tonnes of material generated in Victoria, and I will just talk to Victoria. We know that the highest and best resource recovery happens with separation at source, and to that end Victoria, with a number of other jurisdictions, have moved to separate bins at kerbside or in commercial and industrial. There needs to be far more done in commercial and industrial to create separation at source, because that is when we get the best recovery.

I will just continue with the organics example. We know if we separate at kerb, we have less contamination and we get a better product. We are not, as are energy-from-waste or landfill companies, looking for green bin waste; we are looking for red bin waste, which is already, in theory, residual waste. We are not in any way trying to move into green, yellow or even blue, if that exists – paper. We are not competing for that fraction. In fact, in many ways, we do not want organics in energy from waste because their calorific value impacts the operation of the facility. What we have to do is continue to focus on what goes on market, separate it at source and get that recovery. We will contract only for red, as in residual bins; we are not competing in any way, shape or form for that high-value resource-recovered product that goes through a recyclable or a compostable bin. They are quite different pathways. So much of that has got to be about the contracts that are set in the first instance to make sure that we are only asking for residual to be in those energy-from-waste contracts. We need to set the system up for success. We are not competing, we are complementing.

Sarah MANSFIELD: I think that is where the concern comes in. It is that the system is not set up for success, and that is where a lot of people have concern. I think they worry that once these facilities are established there is not the same incentive. Because we have got somewhere for that residual waste to go, there is not that incentive to address some of those systemic issues that you have acknowledged there as well. Perhaps it is not that you are competing for that waste, but the incentives to do something different with it might diminish if we have got waste-to-energy facilities.

Gayle SLOAN: Can I respond to that? I know we are out of time. Compliments to Victoria: when it went out with its *Recycling Victoria* strategy – I think it is called that – it said that we have to put the separation at source with the bins and the funding at first instance. So we can say in Victoria we have put that emphasis on increased separation at source at first instance. To set up that system they rolled out organics – 2025. We have

yellow bin separation. We have the container deposit system. The government in Victoria, very much at a household level, has recognised the need to get highest and best recovery with household products, set dates and move forward. We are not in any way, shape or form going to be delivering energy from waste till 2031 in Victoria at this stage. So those other steps in the chain have been planned and are being delivered to address exactly what you are saying.

The CHAIR: Thanks, Dr Mansfield. We will go to Mr Welch.

Richard WELCH: Good morning. Thank you for coming in. In your submission, regarding the policy framework, there is a statement to the effect that the planning framework is not fit for purpose and that it lacks site identification, spatial mapping and an overarching system narrative. What in your mind disqualifies a location for waste-to-energy?

Gayle SLOAN: I arguably was not saying that in relation to site-by-site approvals. But obviously depending upon the requirements that exist in any planning framework about appropriate transportation and appropriate land size, that would be what we would need. We know that we need to be able to move volumes of material without disturbing community amenity at scale to a facility, either a landfill or an energy-from-waste, because we are looking at around about 600,000 tonnes per year. That would enable it. We also know in Victoria we have land buffers, so we would need to comply with that as well. So we want to make sure that it is an appropriately sited location. We also want to make sure with these facilities that they are accessible, because in some ways I think it often gets forgotten that we are sending trucks out every day to collect from households, and those drivers need to do, on average, two runs a day at a reasonable timeframe to be able to service the houses. As someone who used to work in councils, the most calls you ever got was for missed bins. We want to collect the bins, take them to the facility, come back and do the next bins in that 10-hour timeframe and to meet our requirements as far as safe driving goes as well. We have to look at all of those, and we need to also recognise that often the place that has the most generation of material is the metropolitan, because that is where the people live. So those are the types of site considerations – nexus to volumes, access and egress, transportation and appropriate buffers – that we would look at.

My comment in relation to Victoria is on the confusion that has been created recently with the move from the SWRRIP to the VRIP. The statewide infrastructure strategy that we had with SV was one that made very clear that as a narrative, as a state, we all need waste and resource recovery – these are all of our challenges. The SWRRIP set up a paradigm that we were an integrated system of moving material between locations to facilities and those hubs of significance where we would build the transfers, because we recognise that not all facilities can be in every neighbourhood. People do not want that, but also it is not viable. We need to be able to move material around appropriately in Victoria to a facility at scale. We are finding that quite challenging to do at the moment, particularly given the challenges in the south-east that have been created.

Richard WELCH: Thank you for that. I know you have just started answering some of that. What are the other limitations of the new scheme compared to the old, or where would you want to see improvement?

Gayle SLOAN: We need certainty to invest, like any other industry. We are providing a community service to move material that is discarded to places to either be recovered, capture energy or be disposed of safely. That can be everything from a household to a hospital. We saw during COVID the real challenges of managing residual material from hospitals. We as an industry provide all of those. We need certainty to invest and respond. We have recently seen with the refusal of the Hallam Road transfer station that that has created real challenges for us for the south-east corner. I think you heard from the councils in the south-east corner; they thought they were contracted for an energy-from-waste facility for 2029. That is not going to be delivered now because we have had refusals through the planning process for that particular project. We now have a real challenge that at the end of next year, those councils, in theory, are out of contract with no aggregation point, or the current contracted aggregation point may not occur. How are we going to manage residual in the south-east of Melbourne? We need certainty just like any other industry because these are large, expensive pieces of facilities that we need to build.

Richard WELCH: There are now community objections to a number of waste-to-energy projects. To me, once is an incidence; twice, something is happening; three, it is theme.

Gayle SLOAN: Yes.

Richard WELCH: That does not bode well. Clearly something has gone wrong in the scheme around locations or, again, around consultation or expectations. We have even got the energy minister opposing a waste-to-energy in her own electorate, when it is their own policy to have waste-to-energy. Has the planning of this become a systemic problem now, and does it need a complete overhaul?

Gayle SLOAN: I think the challenge is the misinformation that we are constantly rebutting. Three weeks ago we had the chief scientist in New South Wales present at the New South Wales inquiry, and he said very clearly, after doing a number of reports on this, that energy-from-waste is a far better process for managing residual waste and landfill. I think if we look at any topic in isolation, without the broader system, it can look bad. What we are doing as an industry is managing residual material that we did not make, which we are taking safely from the community and managing appropriately.

Richard WELCH: So where is the misinformation coming from?

Gayle SLOAN: I think there is a lot, and I think it is really important that we have people like Jackie and the chief scientists involved in these conversations. I guess I find it really interesting because we are often dealing with, at the end of the chain, products like PFAS et cetera. Then when you sort of walk back up the chain you go, 'Actually the PFAS was put on the shelves.' We are not talking enough about that. So what we are doing as in industry is taking material that is already circulating. I think that conversation gets lost. It is already out there. We are all made of chemicals. There are chemicals everywhere, and we are actually looking at one part of the chain. I think it is really important – and I think government has a lot of responsibility for explaining this as well – to understand the system that we are working in and actually get the correct information out there.

Richard WELCH: Is that position now a bit confusing because you have got the government opposing waste-to-energy plants?

Gayle SLOAN: My understanding is that no government is opposing it. I appreciate you referred to a local member who is the minister. That is different.

Richard WELCH: For energy.

Gayle SLOAN: However, she is not the environment minister, and this government has an energy-from-waste policy and has recently approved caps.

Richard WELCH: Yes, but they are the government. You cannot say 'one local member'. A cabinet member is opposing. The minister for energy is opposing a waste-to-energy plant.

Gayle SLOAN: I think that is a question for government, with respect.

Richard WELCH: But the question I was asking you is: is this now a systemic problem? Something is clearly going wrong here, because you have got pretty profound inconsistency.

Gayle SLOAN: I would not pretend it is helpful, what is occurring, for those who are trying to invest and manage residual material at the end. We know these plants operate safely. They have been widely adopted overseas. We have two in WA. We have one operating currently in Melbourne. We know that these operate safely within the environment and the economy.

Richard WELCH: And yet in Victoria we have a number of objections, and the process says something systemically is wrong now.

Gayle SLOAN: I cannot argue with you with that. I think the challenge we have as an industry generally with waste and resource recovery is we find we do get a lot of objections when we talk about a facility in situ as opposed to looking at the broader system and the important role it plays. So it is our role, my role, to bring the bigger picture to the conversation and just bring as many facts and evidence to it as we can.

Richard WELCH: Thank you.

The CHAIR: Jackie, I just noticed you have your hand up.

Jackie WRIGHT: Yes. I just wanted to add to that, because we have had experience in these facilities all around Australia and we come across the same objections on all the facilities. I am not entirely clear about where the objections originally stem from. However, my own observations are they come from a range of different sources. There is a lack of understanding just within the community about chemicals. Chemicals are everywhere and we manage chemicals all of the time, and this is just part of that process. We have a community that is told things can be chemical-free. They are scared about chemicals, and there is this narrative. As soon as you start talking about any facility that that deals with any emissions that have a chemical in it, they do not understand what that is, so it creates fear all by itself. We have had – and I have seen this go around Australia – a very organised activist group that sends out the same package of misinformation that goes to all of the communities where energy from waste is located. It is the same misinformation, and we spend a lot of time dealing with that misinformation. Once it is out there we spend probably 10 times as long to try and re-educate the community about what the misinformation is.

One of the things that would really help with energy-from-waste is actually getting government to better understand the process, the whole process, and where it fits in well and also the safety of energy from waste so they can communicate well to the community that they are dealing with on a regular basis. That is all departments within the government. It should not be just left to proponents and the waste industry to deal with the misinformation; it should be a whole-of-government, whole-of-industry response.

The CHAIR: Thank you. That is a good lead-in to my questions, because I came into this inquiry I guess not as closely engaged as a number of other members of the inquiry. I should preface this with: my questions do not reflect my views that I have formed throughout it. But something that has been consistently said to us and that I think is actually really clear and I agree with is the lack of community consultation. Working on the crossbench, we often do find, without going too much into politics, that a lot of blunt instruments are used by the government at times, and rather than communicating with communities and taking them on a journey, they are told what is happening, and it can result in situations like the one before us right now. Do you have any views, noting that you are not the government and not the department, of how communities can be better consulted with so what you are describing as your belief of what goes on whenever these projects are proposed can be avoided? Because I think it is hard to change that narrative once it is out there.

Gayle SLOAN: I think Australian Paper is going to talk this afternoon. I think they are on the list. I vividly remember that – and similarly with a proposal in western Sydney – the consultation that was done through the planning framework on those developments was really large and extensive around the adjacent communities. So it is a difficult one in the sense that often – and I can point to definitely one in western Sydney that had community acceptance in situ with the adjacencies that impacted on the planning, and that was done over a period of, like, 18 months, two years. The community was very comfortable. However, Jackie talked about the campaigns, and we see a national connection of groups providing information that are not impacted close to the facility that are objecting loudly. So I think the planning process has demonstrated very strong engagement. I do think, however, the narrative around energy from waste needs to be addressed more systemically, and I think that we will continue to do that as an industry. But back to Jackie's point, I think it takes whole-of-system engagement for people more broadly to understand waste-to-energy. Having had the chief scientist, for example, in New South Wales make very unequivocal statements and publications has helped. It will never, never completely address it, but it helps to have a broader narrative that is informed by evidence and facts.

The CHAIR: Yes. I mean, from my perspective, again, it does really seem to be a class issue. I live close to Sunbury and have close interaction with that community, being in the nearby town, which has a lot of shared industries and communities. I am not the expert on the science; you guys are here to say that. But I understand why the community feel the way that they do, whether it is right or wrong. I guess I am wondering if you have ever gone to government to give this advice or the department to give that advice, because we have heard about consultation that was not really consultation; it was information sessions of 'This is basically happening', poor accessibility, consultation that was not available to CALD communities. I mean, this results in scenarios like this, right? So have you given the government any advice on how you think your views can be better expressed to communities like this? Because I presume you know this, but obviously there have been a number of projects proposed in the same area, and it does feel like it is the working-class and poorer suburbs that are constantly dealing with this, and it does not help the narrative that you are trying to combat.

Gayle SLOAN: I will let Jackie go first, then I might talk about the planning.

Jackie WRIGHT: From what we have seen – and certainly we have been involved in a lot of these sorts of projects and in the community consultation that has been undertaken as part of these projects. And I would agree with Gayle that for a lot of these jobs there has actually been quite a lot of extensive community consultation, including multiple-language information to address CALD communities and drop-in sessions. I think, from my perception, part of the disconnect seems to be: yes, in terms of proposing an energy-from-waste facility, there is that information-sharing and trying to provide information to refute the misinformation that is out there, to get the facts right. In terms of the community seeing that as a consultation process, it is about them providing their thoughts. What else do they need to know? How can we get more information to them that satisfies or gets better understanding of what their concerns are?

Most of the community that come are happy to listen and learn. There are some that do not want to listen and learn, and the only outcome that is successful to them for community consultation is stopping the facility, and that is not a sensible thing to have for community consultation. It is about trying to find information. I have certainly sat in sessions where the community has provided really valuable information about exposures that we have not thought of, about where people are living, where new developments are proposed, where there are things that have not come up through the normal processes that we have added in to help them understand things. One of the gaps is really having – and I have said it before – that knowledge that comes from the government and the planning system to also provide information and help allay community concerns early on and for government departments to be familiar with the process to make sure that that is followed correctly. Again, it is really hard for just the waste industry to manage all this community consultation. Government should be really front and centre and helping with this process.

Gayle SLOAN: Not to divert from the broader conversation, but that is the challenge of not having sufficient land use planning considerations and we are all struggling with urban sprawl. These sites that were bought many years ago with appropriate buffers – and we see the encroachment across Australia – which at that time had appropriate access, egress roads and sufficient buffer zones, are now being encroached. The best document we had in Australia for our industry for a long time was the SWRRIP, which made it very clear that there were appropriate aggregation points, locations, and appropriate land use that was available for us to build in because we are taking the waste that community creates. We have kind of lost that and we are now dealing with trying to retrofit, because no planning document talks about housing and commercial growth and the waste needs, and we are trying to retrofit facilities in appropriate locations based on where the volumes are. That is a great challenge for us.

The CHAIR: Thank you. I appreciate that. We have 10 minutes left. I know Richard has another question.

David ETTERS HANK: I have not had a turn yet.

The CHAIR: Oh, you haven't. Sorry. Yes, of course, Mr Ettershank. Please go ahead, and then we will have time for one more from Richard.

David ETTERS HANK: Thank you very much for your presentation today and also a very comprehensive submission. It is terrific. I am just going to try and pick up a few issues quickly, if I can. You have said that the cap is unnecessary and counterproductive in your submission. I think we heard in response to Mr Welch your rationale behind that. Based on that, am I assuming that you would envisage that there should be effectively a competitive market between different incinerators to deal with the unpredictability of the flows of waste. Is that a reasonable assumption?

Gayle SLOAN: There already is a competitive market in the sense that in order to make these facilities commercially viable, there will generally be tender processes that are competed for to contract the appropriate tonnes and volumes to get these happening. So the commercial market for these thermal facilities is already out there. The cap adds an overlay in the sense that the facility may not be at commercial viability or have gone through the planning process, and we are starting to talk about a facility in a location. That is the challenge of the cap. But the commercial environment or the competitive environment already exists; we are competing for tonnes for residual material.

David ETTERS HANK: That is terrific. Thank you. I just wanted to confirm that we have envisaged a commercial market. So then in that commercial market – and you talked about this as predominantly residual and red bin waste – if you are going to put a billion dollars into a Sunbury incinerator, clearly you are going to

need to have happy banks and whatever else. You are going to have to have some comfort that you are going to have that minimum volume. Presumably that is achieved through long-term contracts with councils. That would be, I presume, the predominant way in which a business case can stack up for one of the proponents?

Gayle SLOAN: Sometimes it is councils – MSW – because they are the ones that tend to go for the longer contracts. But there are also other commercial operators that go for longer term contracts. There are a number – for example, Woolworths, Coles and other bulky goods go for longer term commercial contracts as well for residual material. But you would want to be able to guarantee a minimum volume for your commercial viability, and as I said, there is 5.5 million tonnes going into landfill. There is sufficient out there to underwrite a 400,000, 600,000-tonne facility.

David ETTERSHANK: Right. But we are facing the potential for 11 of them, I think, if we look at the existing licences –

Gayle SLOAN: Seven, I think. There are seven caps and there are three –

David ETTERSHANK: That was actually what was in the round – I probably do not want to get into an argument about this. There were four licences sitting out there that predate the cap, which adds almost another million. Can I ask: you made reference to the European standards and that the industry would be complying with the BREF. Now, that is not codified in Victoria, is it? The industry, if it applies those standards, would be doing that effectively voluntarily, or would that be captured by the licensing conditions?

Gayle SLOAN: It is under their licence. It is in their licence.

David ETTERSHANK: Right. So are you envisaging that what we would get from the EPA would be that that compliance with the BREF, including all of the very, very comprehensive monitoring requirements that exist in Europe. They would all be conditions on licence.

Gayle SLOAN: Yes.

David ETTERSHANK: And that would that would provide some level of comfort to the public?

Gayle SLOAN: Yes.

David ETTERSHANK: Okay. Of course in Europe there is still a lot of internal criticism about the adequacy of those standards. Does that not concern you?

Gayle SLOAN: I am not aware of that criticism.

David ETTERSHANK: Well, I mean, Denmark is reducing its incinerator market by a third at the moment.

Gayle SLOAN: I think what we find is that facilities are contracted and they are not building more, as opposed to reducing.

David ETTERSHANK: Well, I think there is decommissioning happening, and they are scaling them out.

Gayle SLOAN: They might be at-end-of-life facilities, and also if we recognise that Australia has a 10 per cent reduction per capita, which is our goal, of waste, arguably there is no need to build further of them. It is not moving out of them.

David ETTERSHANK: Okay, we will take that on board. In terms of the waste stream itself, obviously that needs an enormous amount of infrastructure. We have already heard, for example, that a whole lot of councils are not in a position to resource enhancing their current waste disposal systems, and they have been told by the minister, ‘Well, in that case, you won’t have access to waste-to-energy’ as a sort of coercive element. I am just wondering, do you see that that infrastructure will be developed separately to provide for a safe and appropriate residue stream for these incinerators?

Gayle SLOAN: I am not exactly sure of the question, because most councils do not have, for example, their own landfill. We have worked for a very long time in Victoria on joint procurement across multiple councils in

order to provide sufficient scale and commercial viability, and the private industry has delivered that. So the model is not changing, from my perspective.

David ETTERSHANK: Okay. The planning framework you have described as not fit for purpose.

Gayle SLOAN: At times. Yes. Totally.

David ETTERSHANK: And we are now, as you said, retrofitting such that in Sunbury we have a proposed town centre in the planning scheme that literally adjoins the HiQ fence. Do we need to go back to scratch to some degree to actually come up with a logical planning framework, or are we just going to continue with this very flawed and haphazard structure that currently exists?

Gayle SLOAN: It is continual improvement and refinement. There is no scorched earth and starting again. We are constantly as an industry flying the plane and fixing it at the time. The waste keeps coming. That is what we keep forgetting. We keep buying products, putting them in bins and expecting someone to take them away, so as an industry we are very adept to continue to manage that stream as it comes in. It is not possible to start again.

David ETTERSHANK: Okay. Look, I do not disagree that we have a waste problem. There are big, big questions over what we do with that. The question, I think, in the community's mind is, with all those questions, is incineration the answer? The thing that strikes me is if locations are problematic, if the regulatory framework is problematic, if the actual ability to monitor is problematic and if the ability to actually have an agency in the form of the EPA have community faith – and I would have to say in Sunbury, where we have been doing a bit of work, that is non-existent. There is a long history with HiQ obviously of noncompliance and such like, which apparently did not stop them getting a cap licence. I think there have been 30 breaches in the last couple of years, including asbestos. Is it any wonder really that there is not a social licence? I guess doubly so – if I take Mr Welch's point – where we have the Victorian energy minister saying, 'Not in my backyard,' and Chris Bowen, the federal industry minister, having previously described this as I think it was literally 'a blazing dumpster fire'. How do you address the question of getting a social licence when so many people and so many experts contradict your position?

Gayle SLOAN: Sorry, was that a statement or a question?

David ETTERSHANK: I guess I am asking you: do you think that there is a social licence for this? And if not, how do you go about trying to establish one, given the sheer weight of public concern?

Gayle SLOAN: I think that often that concern is amplified. The one thing I can say, and the comments you made at the beginning about the concerns, the one thing there is no concern with – and they are your concerns, not mine – is with the technology or the efficacy of these facilities or the safety of these facilities. I think that absolutely it is incumbent on us to continue to demonstrate that these are safe and appropriate facilities for the management of residual waste, and we will continue to stress and demonstrate that.

David ETTERSHANK: Can I ask just as a follow-up, you cited before Western Australia. Kwinana – the public was told there would be transparency, and there was a commissioning report which was going to be released which has now been quashed and will not be released.

Gayle SLOAN: Not quashed; it is with the department.

David ETTERSHANK: Also there was a promise that there would be open access to the emissions data, and that is now not being released. Everyone said, 'Look at Kwinana. It's fabulous.' I guess I am wondering how you substantiate that position when what has been up until now the model for what we should all be looking at is obviously being wrapped up in confidentiality?

Gayle SLOAN: I think it is really important to get evidence and fact from government and not from people who represent themselves as being the experts. I would really encourage you to get the information directly from the department of water and energy about what is happening with those reports. Those reports are with the department, who at this stage have not published them. It is not that they do not exist. Could I really encourage you to get clarity from government in WA on what is occurring with those reports. I can speak clearly and safely to say that the proponent and the operator of that facility are very happy for those reports to be made

public. It is not them who are withholding the information in relation to those reports. They are working through a process with DWER about timing and release. I actually met directly with – because I listened to this inquiry the other day and the claims that were made. It is counterproductive to our industry that that information is not being publicly made available. It does add to the concern that we are hiding something, and we are definitely not. We believe totally in this facility, in this technology, in the safety. We are very happy to have it reported appropriately, and there is work underway to see what we could do as an industry to put that information out there. We are not hiding information.

David ETTERSHANK: Thank you very much.

The CHAIR: Thank you. Thanks, Mr Ettershank. That is right on time; in fact we have gone over. Thank you so much for coming along and presenting to us today.

Gayle SLOAN: Thanks for having me.

The CHAIR: That concludes the public hearing.

Witnesses withdrew.