



Legislative Council Economy and Infrastructure Committee

Inquiry: Inquiry into the development and expansion of waste-to-energy (WtE) infrastructure in Victoria

Hearing Date: 26 May 2026

Question[s] taken on notice

Directed to: Recycling Victoria

Received Date: 26 June 2026

1. **David ETTERSHANK, page 51**

Question Asked:

Could I ask – and I would be very happy if you took this on notice; likewise Recycling Victoria – would you be able to provide us with some advice as to what environmental standards you will be seeking to apply? I guess future tense for EPA, past tense for RV. Are you able to provide that to the committee so that we have an understanding of just how stringent and how thorough it is? Because I think that strikes to a lot of the concerns in the community.

Tony CIRCELLI: We are happy to give you some specific information, but we have made it pretty clear what the requirements were that we expected from the proponents. ... They have quite a lot at stake to make sure that that investment exists over a long period of time, and those sorts of punitive, black-and-white powers available under the circular economy Act really, I think, strengthen and complement the Environment Protection Authority.

David ETTERSHANK: Can I say I am really happy – I am just cognisant of time and I do not mean to cut across you – for you to take that on notice. I think I tried to set a bar before, which was like, you may well have those huge powers, but obviously when we look at something like the Riddell Road dump it was a \$10,000 fine. So I think we would love to see that.

Response:

The Victorian Government has established a robust regulatory framework to ensure facilities meet best-practice environment protection requirements and contribute to circular economy outcomes.

The *Circular Economy (Waste Reduction and Recycling) Act 2021* sets a cap on the amount of permitted waste that can be processed by thermal waste to energy facilities each year. Recycling Victoria's role is to assess applications for existing operator and cap licences, and provide ongoing oversight and enforcement of regulatory obligations and licence conditions

to ensure they only process permitted amounts and types of waste. From 30 June 2026, these functions transfer to the Environment Protection Authority.

Licences under the *Circular Economy (Waste Reduction and Recycling) Act 2021* do not establish environmental standards for facilities. Those standards are set and enforced by the Environment Protection Authority under the *Environment Protection Act 2017*.

Please also refer to the response from the Environment Protection Authority to this question.

Additional questions on notice from David ETTERSHANK

2. Question Asked:

RV has released a small amount of information (under FOI) about the application for a cap licence from Prospect Hill International regarding the Lara EfW proposal. They omitted any information about how the application was assessed or about licenses that were granted. HiQ told us they would be happy for this information to be shared. Will RV release the documents outlining how assessments are conducted, as well as HiQ's application?

Response:

Individual applications were provided to Recycling Victoria in confidence and contain commercially sensitive information.

Under section 55 of the *Circular Economy (Waste Reduction and Recycling Act) 2021*, Recycling Victoria is required to keep commercially sensitive information obtained in exercising its functions confidential.

In relation to information released under FOI, the department processed the requests for documents and applied available exemptions in accordance with the requirements set out in the *Freedom of Information Act 1982*. This included consultation with relevant parties. In making the decisions, the department considered the consultation responses received. Some of the decisions are subject to review. It is not appropriate to provide a more detailed response while these reviews are underway.

3. Question Asked:

How does the regulatory impact statement impact licenses?

Response:

A Regulatory Impact Statement supports the making of subordinate legislation. It assesses the impacts of proposed regulatory settings. It does not grant, condition or affect any individual licence or licence application.

A Regulatory Impact Statement, *Amending Regulations to Increase Waste to Energy Cap Limit* was released for public consultation on 20 March 2025, closing 17 April 2025.

The cap was increased from 2 million tonnes to 2.5 million tonnes per annum in July 2025 following public consultation on the Regulatory Impact Statement.

Individual cap licences are issued under Part 5A of the *Circular Economy (Waste Reduction and Recycling) Act 2021*, with each application assessed on its merits against the mandatory and discretionary criteria. Cap licences granted must also not exceed the available cap.

4. Question Asked:

Have you verified feedstock for the proposed WtE sites and are proponents required to have contracts in place as part of their license application?

Response:

Access to feedstock was assessed as part of the cap licensing process. Applicants were not required to have binding contracts in place to be granted a cap licence. Recycling Victoria assessed the extent to which each applicant had secured, or had a credible strategy to secure, the waste it would need. This was informed by any contracts or memoranda of understanding, arrangements with councils and other providers that the applicant could demonstrate. Recycling Victoria also undertook its own analysis of the feedstock available.

5. Question Asked:

If not, why not and how do you know where the waste will come from?

Response:

Recycling Victoria assessed the feedstock that was available within a reasonable distance for each application.

6. Question Asked:

If so, has consideration been made regarding any waste reduction and diversion targets? For example, the roll out of Food and Organic waste bins by 2023, alongside increases to the container deposit scheme?

Response:

Yes. The cap limit ensures that waste to energy remains a complementary solution within Victoria's circular economy, prioritising waste reduction, reuse and recycling before energy recovery.

The cap was informed by modelling of permitted waste feedstock availability as outlined in the Regulatory Impact Statement. The model reflected projected improvements in recovery of materials due to the roll out of related Government interventions and anticipated industry-led initiatives, including:

- Rollout of kerbside FOGO service and improved organics processing
- Rollout of the container deposit scheme (CDS Vic)
- Improvements in source separation for C&I and C&D waste
- Processing infrastructure investment
- Advancements in recycling technologies
- Soft plastics recycling
- Introduction of product stewardship schemes.

Cap licences only permit the processing of permitted or exempt waste. Materials that can practically be recycled, including food and garden organics, household mixed recycling and glass, and eligible containers under the container deposit scheme, are classified as banned waste and cannot be processed in thermal waste to energy facilities, with significant penalties for doing so.