



Submission by:  
Australian Workers' Union - Victorian Branch  
6<sup>th</sup> June 2019

# **Inquiry into Recycling and Waste Management Committee Parliament of Victoria**

**Introduction:**

The Australian Workers' Union (AWU) welcomes this opportunity to make a submission to the Inquiry into recycling and waste management.

The AWU has broad coverage within the recycling and waste management industry and has members in various sections of this ever-growing industry. The AWU will focus on the difficulties it and its members face in this industry.

There has been a worrying increase in the number of accidents, fires and safety incidents in the recycling and waste management industry and the AWU is concerned for the safety of recycling and waste workers and the community.

**Background:**

The state of Victoria has seen unprecedented population growth with an estimated population of 6.25 million, with Melbourne having a population of 4 million people. This has led to a dramatic increase in production of both domestic and industrial waste.

The AWU supports this Parliamentary Inquiry and sincerely hopes that the recommendations from this inquiry will give impetus to deliver changes required to reform the recycling and waste management industry.

We acknowledge the efforts of the Victorian Government, though belatedly, to manage and control the current crisis and the establishment of policies and programs in this industry.

**Regulatory Approach to Compliance and Enforcement:**

The recycling and waste management industry has always attracted illegal activity; however, in recent times, the offences range from unlawful dumping of both household and industrial waste and evidence of the involvement of criminals and organised gangs.

This illegal waste activity poses an enormous cost to the state, public, environment and the emergency and first responders to suspicious fires at these facilities. Workers at these facilities are exposed daily to toxic waste products, dangerous conditions, and poor work practices; they are the forgotten ones. In large part, this can be attributed to the failings of the EPA and a lesser extent Worksafe Victoria.

Our members state that over the years they have had difficulties in accessing the EPA's complaints line, it's almost impossible to get through, and if they do they are unaware of the EPA addressing

their complaints as they remain unresolved. The AWU can categorically state that it is also the experience of its Organisers. Ben Davis, AWU Victorian Branch Secretary, Dave Swan, AWU Lead Organiser, and other AWU Officials met with the then CEO Nial Finegan several times to discuss concerns. Outcomes from these discussions were not followed up, and our subsequent calls were ignored.

Members tell us that the recyclers are given adequate notice of an intended EPA visit that allows the dodgy operators to move products off-site or allow it to be hidden from sight and we understand that this also happened at the Campbellfield site. A quick conversation with the workers employed at these places would bring this issue to light during an onpection.

In this industry, the majority of the complaints the AWU receives from its members are related to their working conditions including offensive odours, breathing difficulties, lack of hygienic amenities, allergic reactions, unsafe working conditions, lack of machine guarding, lack of personal protective equipment and manual handling issues as well as inadequate training and rest breaks and being forced to work excessive hours.

There are many employers in this sector that fail to provide a safe workplace, being in contravention of parts of sections 21 and 22 of the OHS Act 2004: Duties of employers to employees and duties of employers to monitor health and conditions. These companies refuse to engage with the AWU to improve safety conditions at their sites. The employees are largely drawn from the most recent migrant communities, employed as casuals or part-timers and seriously exploited.

The high casualisation in these industries had led to poor safety outcomes for workers who are unaware of their employer's duty to provide a safe workplace, establish safety committees and provide for the election of health and safety representatives if requested. The insecure nature of this employment, as well as the often precarious nature of migrant workers' visas, creates an atmosphere of apprehension around the reporting of safety issues. If they raise concerns about the conditions in their workplace they are most likely going to have their employment terminated.

Before the fires in Footscray, we do not believe that Worksafe Victoria had the capacity to identify and proactively inspect non-compliant recycling and waste management sites.

WorkSafe's response following complaints or incidents was reasonable; however, sections of the inspectorate do not want to talk to workers, or their representatives, who could provide valuable information. Every EPA or Worksafe inspection should as a matter of course include the inspector talking with workers in these workplaces. It is almost nonsensical to have to point this out but it needs pointing out, and implementing.

The recent fire at Bradbury, and the events leading up to it, point to many of the failings of the current regulatory regime. Whilst the EPA identified that Bradbury were receiving and storing volumes of waste that were well in excess of their Permit, and ultimately they suspended their operating permit, the fact remains that the EPA did not enforce a timetable of removal of the excess volume of waste. This was negligently lax in the opinion of the AWU. Nor did they seek to ascertain exactly what was being stored on site, being content merely to ascertain the volume. This was also an abrogation of their responsibilities. After the fire itself Worksafe and the EPA, in our view failed the community by not taking immediate control of the site and implementing a clean-up plan immediately, for which the occupier could be held financially responsible for. As a result, as of the date of this submission, no final clean-up plan has been approved by either regulator. This is simply not good enough.

Both Worksafe and the EPA need to urgently act to more aggressively prosecute those facilities that are in breach of the law. Within the industry they are both seen as weak, light touch regulators who are loath to prosecute. This needs to change. A more aggressive prosecution policy from both regulators will send the signal to the whole industry, both the dodgy operators and the legitimate operators, that there is a new attitude and aggressive intent on the part of the regulators. This can only be a good thing.

The AWU has been informed of WorkSafe's planned restructure of its Hazardous Industries Department to consist of Construction, Major Hazards, Dangerous Goods, Earth Resources and sections of Recycling and Waste Management. The AWU supports this move but notes that it should include all of the Waste management and Recycling Industry.

The AWU believes that a review of policies, regulations, guidance, licencing and regulatory bodies are urgently required to reform this industry.

The EPA engaged stakeholders in 2018; however, workers safety was of little importance, and this is our main point of contention with this regulator. A company that can provide a safe workplace, by meeting its OHS obligations will invariably be a safe operator in many respects. While WorkSafe regulates this duty, The EPA should refer this to their attention. That Worksafe and the EPA have a poor record of interacting with each other is plainly obvious.


The AWU supports the above mentioned restructure proposal of WorkSafe Vic; it is practical, will hopefully have an appropriately trained inspectorate, and will include a Stakeholder Advisory Group for the newly added section of the Hazardous Industry Department.

The Victorian Government should urgently move to develop and implement a closed loop system for the waste and recyclable materials instead of exporting to overseas markets. Many of the safety and environmental issues with regards to waste management come from the stockpiling of an

overabundance of flammable waste and hazardous materials. This has its roots in the closing of overseas markets for these materials and the lack of appropriate systems to manage the volumes being created.

The AWU are heartened by the State Governments announcement that they intend to implement a comprehensive waste tracking system. It makes no sense to track waste in to these facilities if the waste or processed product is not tracked out.

However, given that this crisis is of such magnitude, and has been occurring for so long, it requires a whole of industry approach. The State Government should urgently convene a summit of all relevant stakeholders to identify further and more comprehensive solutions. The community will tolerate nothing less. And nor should they have to.



Ben Davis,  
Victorian Branch Secretary,  
Australian Workers Union