

Tab 1 – EPA Action Plan Update September 2019 – Response to ICAC				
Recommendation	EPA Action (s) -September 2017	EPA Action (s) - August 2018	EPA Action (s)- September 2019	Status
Recommendation 3: That the Environment Protection Authority (EPA) strengthens its involvement in the WS RIDS Management Committee to ensure it properly directs and oversees the WS RIDS’s strategic and operational performance.	<p>The EPA has strengthened all RID squad and RID funding agreements to require management committee members to be authorised to make decisions on behalf of their Council. The committee member must hold a manager position or above.</p> <p>The EPA will chair matters relating to strategic and operational performance at RID squad management committee meetings. Rid squad funding agreements commenced 1 July 2017.</p>	RID squad funding agreements capturing these requirements came into effect 1 July 2017. These agreements are in place until 2021.	N/A	Completed Effective from 1 July 2017
Recommendation 4: That the EPA strengthens the WS RIDS’s Funding Agreement to include additional specifications consistent with regulatory good practice, such as evaluating regulatory performance against strategic outcomes.	<p>The EPA has strengthened the reporting requirements in the new funding agreement, including a project evaluation framework, with a performance target of 30 per cent reduction of illegal dumping in RID squad council areas by 2020. This target aligns with the state target set out in the Draft NSW Illegal Dumping Strategy 2017–20.</p> <p>RID squads must complete annual strategic plans, progress reports and annual reports on project outcomes and budget expenditure.</p>	RID squad funding agreements capturing these requirements came into effect 1 July 2017. These agreements are in place until 2021.	N/A	Completed Effective from 1 July 2017
Recommendation 5:	RID Squad officers are employees of the host council. Mandating training would require the	The EPA hosted training for all RID squads in October 2017 at its annual 2-day workshop that	The EPA continues to host a two-day workshop for all	Ongoing

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<p>That the EPA strengthens and mandates the technical training of WS RIDs officers to ensure that all officers carry out compliant and effective regulatory activity.</p>	<p>agreement of the host councils. However, the EPA outlines the following actions.</p> <p>Training continues to be provided by the EPA through the Protection of the Environment Operations Act 1997 (POEO Act) course which has been designed to equip authorised officers within local government with the necessary knowledge to fulfil their responsibilities as outlined in the POEO Act. This training includes exercising regulatory powers under the Act and an understanding of delegations as the appropriate regulatory authority.</p> <p>The EPA is hosting training for all RID squads on 24 October 2017 which includes Corruption and Prevention Training being conducted by the ICAC. To support compliant and effective regulatory activity, RID funding agreements require:</p> <ul style="list-style-type: none"> • a Standard Operating Procedure for incident management be developed and implemented. • member Councils must develop a protocol for the allocation of incidents to the RID squads • incidents investigated by the RID squads to be reported on at all Committee meetings • The RID coordinator is to maintain adequate oversight of all incidents investigated by their respective RID program officers and oversee employee conduct in relation to corruption risks and corporate governance procedures. <p>The draft <i>NSW Illegal Dumping Strategy 2017–20</i> identifies key actions that will support this recommendation. These include:</p> <ul style="list-style-type: none"> • delivering an online Illegal Dumping toolkit. 	<p>is attended by all RID squad officers. The workshop included Corruption and Prevention Training delivered by ICAC. The EPA did again facilitate this event in October 2018. The workshop agenda is guided by training requirements and knowledge gaps that will be workshopped during a meeting with the RID squad coordinators.</p> <p>In addition to this event, the EPA meets with the RID coordinators quarterly. Training requirements is included as a standing agenda item.</p>	<p>RID squad officers. A workshop was held in October 2018 with another annual workshop scheduled for October 2019. These workshops provide the RID squad officers with a variety of technical training opportunities to enhance their ability to carry out compliant and effective regulatory activity. This year's workshop agenda has been organised in collaboration with the RID squad coordinators to ensure any gaps in technical knowledge are addressed at this training event.</p> <p>In addition, quarterly meeting arrangements remain in place.</p>	
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	<ul style="list-style-type: none"> • providing support and promote the use of surveillance and prevention techniques by local councils and public land managers. • delivering compliance campaigns with each RID squad/program to target local illegal dumping issues. <p>The EPA will continue to work with Australasian Environmental Law Enforcement and Regulators Network (AELERT) to ensure RID squads and local councils can access training relating to investigating illegal dumping.</p>			
<p>Recommendation 6: That the EPA, in partnership with the host council, reviews WS RIDS position descriptions to ensure they reflect the skills and personal attributes necessary to be an effective RIDS manager or field officer.</p>	<p>The host councils are currently undertaking a review of RID Squad Position Descriptions. The review outcomes will be provided to the EPA for comment as required by the new funding agreements. This review will be completed by 30 November 2017.</p> <p>The funding agreements require that the RID coordinator position does not take on patrolling responsibilities, with core duties involving oversight of RID officers and incidents being investigated. The RID coordinator will also be responsible for overseeing employee conduct in relation to corruption risks and corporate governance procedures.</p>	<p>As required by the funding agreement, all RID coordinator and RID investigator position descriptions were reviewed and if necessary updated to align with the EPA's funding conditions.</p> <p>Specifically, these agreements were updated to list the role of the RID co-ordinator as not taking on patrolling responsibilities, and to ensure adequate corporate governance and corruption risk duties were included.</p>	N/A	Completed
<p>Recommendation 7: That the EPA develops a case management system to be used by all RIDSs that will also support compliant</p>	<p>The case management system is currently in development</p>	<p>The RIDonline case management system was launched in August 2018. A number of features have been included to support compliant processes, allow-in built approval levels for key decisions and provided metrics to improve</p>	N/A	Completed

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<p>processes, allow in-built approval levels for key decisions and provide metrics to improve oversight of the WS RIDS.</p>		<p>oversight of the RID squads as a whole. These include:</p> <ul style="list-style-type: none"> • approval of regulatory action by the coordinator • addition of case file notes and logs • a dashboard of the status of all incidents 		
<p>Recommendation 8: That the EPA works with relevant stakeholders to develop a scheme whereby sites where asbestos is present can be certified and information provided to the relevant local council for inclusion in a register of such sites</p>	<p>The Commonwealth Asbestos Safety and Eradication Agency (ASEA) estimates that one in three Australian homes built before 1990 contains asbestos. Having information on whether asbestos is present would allow homeowners to make more informed decisions about its management, and also allow better informed conditions of consent for removal and disposal of asbestos in subsequent development applications. However, this is a complex area, and issues such as liability where registers are incorrect or incomplete, along with privacy matters, need to be considered and worked through. The EPA will work with the Heads of Asbestos Coordination Authorities (HACA) group to further explore the development of such a scheme, including linkages with the actions noted in response to Recommendation 9.</p>	<p>The EPA has recently assumed responsibility for the administration of HACA and will shortly be commencing development of a new state-wide Asbestos Plan. Consideration of this recommendation will be made through that process.</p>	<p>EPA has commenced discussions with DPIE Planning and Customer Service – Fair Trading. In addition the EPA is currently establishing the new NSW Asbestos Coordination Committee (NACC) and continuing to develop the NSW Asbestos Plan.</p>	<p>In progress</p>
<p>Recommendation 9: That the EPA works with relevant government agencies to explore ways to improve and link DA processes and</p>	<p>The Draft NSW Illegal Dumping Strategy 2017–20 has identified illegal dumping of construction and demolition waste as a key area to target. The strategy acknowledges the need to improve current practices in the “planning process”.</p>	<p>Phase 1 of the illegal landfilling program, which included research into understanding the problem, was completed in July 2017. Phase 2 of the illegal landfilling program commenced October 2017. This includes the implementation of actions that have been</p>	<p>The draft NSW Asbestos Waste Strategy 2019-21 proposes to investigate a range of options to improve handling, transport and disposal of</p>	<p>Ongoing</p>

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<p>conditions of consent relating to the handling, transport and disposal of waste from construction and demolition sites.</p>	<p>Specifically, the strategy outlines three key actions:</p> <ul style="list-style-type: none"> • Undertake social research of the construction and demolition industry to understand knowledge, attitudes and behaviours on waste management, transport and disposal - Commenced May 2017 • Partner with planning authorities and services to achieve better outcomes and ensure that approvals lead to lawful waste management - to commence September 2017 • Deliver a multi-phase compliance campaign targeting illegal landfilling, with a focus on waste generation, transportation and disposal - Ongoing work. Phase 1 (data gathering) completed July 2017. Phase 2 (implementation) commencing August 2017. 	<p>identified through phase 1. As part of the ongoing work for the project improving and linking DA processes and consent conditions will be undertaken through better waste management at generation sites, improvement of up-front controls, education and awareness raising for industry and community to make lawful decisions.</p>	<p>asbestos waste from construction and demolition sites, including from the point of generation, through to disposal.</p> <p>In addition, the EPA has drafted a <i>Construction and demolition waste: a management toolkit</i> and <i>Owner's guide to lawful disposal of construction and demolition waste</i> provide guidance for procurement officers and construction managers on how to manage waste and contractors to prevent unlawful disposal. This was released in September 2019.</p>	
<p>Recommendation 10: That the EPA explores ways to reduce tipping fees for those who dump asbestos loads at licensed landfills.</p>	<p>At most landfills in NSW, tipping fees per tonne are higher for asbestos waste than for mixed solid waste. Currently, the waste levy of \$136 per tonne (metropolitan) applies equally to both types of waste.</p> <p>The EPA is exploring a number of initiatives to make it easier and cheaper for the community to dispose of asbestos waste. One of the reforms being explored includes removing the levy when</p>	<p>Included as an action under the Draft NSW Asbestos Waste Strategy 2018-22 – ‘Investigate options to make it cheaper to dispose of asbestos waste’. The EPA is exploring options to reduce the cost of lawfully and approximately disposing of wrapped, bonded asbestos.</p>	<p>Included as an action under the draft NSW Asbestos Waste Strategy 2019-21, one of the proposed actions is to investigate amendments to the Protection of the Environment Operations (Waste) Regulation 2014 to</p>	<p>Ongoing</p>

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	asbestos is disposed of at a licensed facility, provided it is not mixed with other waste and is properly transported and managed in accordance with the Protection of the Environment Operations (Waste) Regulation 2014. The final terms of a waste levy exemption will be developed in consultation with key stakeholders, including local councils and industry.		make separated, bonded and wrapped asbestos waste exempt from the requirement to pay waste levy contributions.	
Recommendation 11: That the EPA strengthens its regulatory response to illegal dumping by developing a suite of approaches to incentivise proper asbestos waste disposal	The EPA is currently undertaking a range of work to better understand the barriers and drivers around asbestos management and disposal, including financial, economic and behavioural analysis. EPA is developing a Draft Asbestos Waste Strategy for consultation, which will identify a range of policy, program and regulatory reform options that will make it easier and cheaper for the community to lawfully dispose of asbestos and deter commercial operators from doing the wrong thing with asbestos.	The EPA has developed the draft Asbestos Waste Strategy 2018-22 which is currently being finalised for public consultation.	The draft NSW Asbestos Waste Strategy 2019-21 was released for public consultation in October 2018. All 55 submissions received during the consultation process have been carefully reviewed to help inform the strategy which is currently being finalised for public release.	Ongoing
Recommendation 12: That the EPA develops clear guidelines to ensure that confusion regarding the application of waste disposal laws is eliminated.	The EPA recognises that there is currently some confusion around who is the 'appropriate regulatory authority' in relation to illegally dumped waste. The EPA will review the relevant legislation and seek to clarify any ambiguity. It should be noted the EPA does not administer or have delegation under the Environmental Planning and Assessment Act 1997 or the Local Government Act 1993 that ICAC refers to in the report.	The EPA will continue to review the legislative framework with respect to waste or asbestos waste in NSW with a view to removing any ambiguity. The EPA is in the process of evaluating options with respect to addressing the issue of unlawfully disposed of asbestos waste. In addition, a review of the POEO waste regulation will commence in 2019, and includes a thorough review of how the waste regulation works.	In light of the development of the 20-Year Waste Strategy and the NSW Asbestos Strategy, the statutory review of the POEO waste regulation has been postponed so that any amendments to the Regulation are part of a more fundamental review that may be required in light of those strategies.	In progress

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<p>Recommendation 13: That the NSW Government considers enacting a specific and serious standalone offence for the disposal of asbestos waste.</p>	<p>The EPA is considering standalone offences for illegal dumping and asbestos waste.</p>	<p>Included in the NSW EPA Draft Asbestos Waste Strategy 2018-22 is to investigate legislative amendments to deter unlawful behaviours.</p>	<p>The <i>Protection of the Environment Operations Act 1997</i> was amended to:</p> <ul style="list-style-type: none"> • create new standalone offences for illegally disposing, recycling or re-using asbestos waste, with a maximum fine of \$2 million for corporations and \$500,000 for individuals • enable the EPA and councils to issue penalty notices for the new asbestos waste offences • double the maximum fines for existing land pollution and waste offences involving asbestos waste to \$2 million for corporations and \$500,000 for individuals • require the courts to consider the presence of asbestos when sentencing offenders under the Act. <p>The provision introducing the presence of asbestos</p>	<p>Complete</p>
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			as a sentencing consideration will commence on a date appointed by proclamation no earlier than 29 November 2019. All other changes commenced on 25 January 2019.	
Recommendation 14: That the NSW Government gives consideration to the establishment of a single coordinating authority, with appropriate regulatory powers and funding, that has statutory responsibility for overseeing all asbestos waste matters in NSW.	The NSW Ombudsman's 2017 report Asbestos: How NSW government agencies deal with the problem makes similar recommendations to ICAC's Recommendations 14 and 15. The EPA is presently working to provide input to the whole of Government response to the Ombudsman's report, which will address this matter and will be tabled in October 2017.	The NSW Government has responded to the Ombudsman's report by deciding to retain and strengthen HACA, rather than creating a stand-alone agency. The administration of HACA passed to the EPA in July 2018. It will be reconstituted as an advisory committee under the <i>Protection of the Environment Administration Act 1991</i> , and the Government has allocated over \$5 million in the 2018/19 budget to improve asbestos management. The EPA has created a new Asbestos Coordination Directorate to ensure that asbestos management has a strong focus, and is currently recruiting to fill the team.	The Government has approved the establishment of the NSW Asbestos Coordination Committee (NACC) to replace the HACA. It is currently being set up. It will ensure coordinated whole of government response to asbestos issues, continuing and reinvigorating the work of HACA and which fulfils the spirit of the Ombudsman's recommendations. Specific funding for whole of government action has also been provided by Government.	In progress
Recommendation 15: That Heads of Asbestos Coordination Authorities (HACA) continues to act as an	The NSW Ombudsman's 2017 report Asbestos: How NSW government agencies deal with the problem makes similar recommendations to ICAC's Recommendations 14 and 15. The EPA is presently working to provide input to the whole	The NSW Government has responded to the Ombudsman's report by deciding to retain and strengthen HACA, rather than creating a stand-alone agency. The administration of HACA passed to the EPA in July 2018. It will be	The Government has approved the establishment of the NSW Asbestos Coordination Committee (NACC) to	In progress

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<p>executive committee to any newly-created coordinating authority.</p>	<p>of Government response to the Ombudsman's report, which will address this matter and will be tabled in October 2017.</p>	<p>reconstituted as an advisory committee under the <i>Protection of the Environment Administration Act 1991</i>, and the Government has allocated over \$5 million in the 2018/19 budget to improve asbestos management. The EPA has created a new Asbestos Coordination Directorate to ensure that asbestos management has a strong focus, and is currently recruiting to fill the team.</p>	<p>replace the HACA. It is currently being set up. It will ensure coordinated whole of government response to asbestos issues, continuing and reinvigorating the work of HACA and which fulfils the spirit of the Ombudsman's recommendations. Specific funding for whole of government action has also been provided by Government.</p>	
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