

A Bill for an Act relating to the Identification and Management of Toxic Waste Products in Victoria Bill 2020.

To be enacted by the YMCA Victoria Youth Parliament;

## **Identification and Management of Toxic Waste Products in Victoria Bill 2020**

A Bill for an Act to establish procedures for construction contractors to follow when managing waste products on Victorian worksites. This Bill legislates for the mandatory testing of on-site waste products and provides a framework for the implementation of stricter, standardised, pre-construction testing. The Bill also highlights the actions contractors must undertake in the instance that a waste product is not characterised in the Dangerous Goods Act 1985. The Bill will implement a department to be known as The Department of Toxic Waste Management Victoria. Their responsibility shall be to classify and develop tests for waste products as well as consolidate a database of waste types, to be made publicly available.

The Bill is put in place for the biological, psychological and social welfare of Victorian communities. It aims to protect the environment and local ecosystems. This Bill avoids unnecessary long-term economic expenditure by putting in place proactive guidelines for commercial and residential contractors to manage waste. Indigenous and historical sites are also acknowledged and protected from potentially hazardous materials.

## PART I—Preliminary

### Clause 1 Purpose

The main purposes of this Act are—

- (a) To establish a firmer legal waste management system, providing companies with clear procedures to follow;
- (b) To aid in the protection of the Victorian environment and prevent further damage resulting from ill-informed waste disposal;
- (c) To protect the biological, psychological and social welfare of communities from exposure to hazardous materials;
- (d) To protect historical and significant indigenous sites from becoming waste disposal sites;
- (e) To avoid unnecessary economic expenditure due to unforeseen consequences posed by toxic materials.

### Clause 2 Commencement

This Bill shall commence upon receiving assent from the Youth Governor of Victoria.

### Clause 3 Definitions

In this Bill, we define the following to mean—

- (a) **Toxic Waste Products** means waste and industrial was as referred to under section 4 of the **Environmental Protection Act 1970**;
- (b) **Identification** means the process in which waste products are characterised into their respective categories in accordance with section 53C1 of the **Environmental Protection Act 1970**;
- (c) **Unknown toxic waste product** means a type of waste product which is not currently classified under the Dangerous Goods Act 1985;
- (d) **the Department** means the Department of Toxic Waste Management Victoria;
- (e) **the EPA** means the Environmental Protection Authority Victoria
- (f) **Commercial project** shall refer to any project through which a profit is intended to be made for a third party business or organisation;
- (g) **Non-commercial projects** means residential construction projects intended for direct use by the individuals funding the project.

**PART II—Establishment**

**Clause 4     Mandatory testing of all toxic waste products found on construction sites**

- 4.1     Before the commencement of construction work on any site an audit must be made of all pre-existing site materials.
- 4.2     All waste products must be tested and identified before a building permit can be granted. The following testing procedures must be conducted—
  - (a)     The Toxicity Characteristic Leaching Procedure (TCLP);
  - (b)     Testing of the Specific Contaminant Concentration (SCC).
- 4.3     In the instance that testing is unavailable contact must be made to the Department to complete the identification of the product. All work on the relevant sites must cease until the Department has mandated future work.
- 4.4     In the instance that results are inconclusive contact must be made to the Department to complete the identification of the product. All work on the relevant sites must cease until the Department completes extended testing and returns an appropriate waste management plan.

**Clause 5     Establishment of The Department**

- 5.1     The Department of Toxic Waste Management is to be established.
- 5.2     The Department will operate under the oversight of the National Association of Testing Authorities, Australia (NATA). The Department shall—
  - (a)     classify, test and identify materials that do not fall under the Dangerous Goods Act 1985;
  - (b)     consolidate a database of available tests;
  - (c)     extend a log of toxic waste products present in Victoria;
  - (d)     publicly publish all information and data within 30 days of development;
  - (e)     process all queries sent to the department by contractors within 30 days;
  - (f)     assume responsibility for state-based management of waste products outlined in its database.

**Clause 6 Building permit requirements**

- 6.1 Testing of all toxic waste products found on-site must occur in order to attain a rightful building permit for renovations, demolitions and construction projects on vacant land.
- 6.2 Contractors who fail to complete appropriate testing shall be penalised. Appropriate penalties shall be enforced by the EPA.

**Clause 7 Finances of testing**

- 7.1 Contractors shall be responsible for financing all testing done on commercial sites.
- 7.2 On non-commercial site testing is to be subsidised by the government.

**Clause 8 Mandate for sites currently in progress**

- 8.1 The testing of projects already in progress, following the commencement of the bill shall be subsidised by the government.