

VACC responds to public consultation on new Circular Economy Regulations: Mitigating risks to essential waste services

Dear Member

On 14 August 2023 the Victorian Department of Energy Environment and Climate Action (**DEECA**) released the draft *Circular Economy (Waste Reduction and Recycling) (Risk, Consequence and Contingency) Regulations 2023* ([Risk Regulations](#)), for public comment.

The Victorian Automotive Chamber of Commerce (VACC) welcomes the opportunity to comment on the new Risk Regulations via the government's Regulatory Impact Statement ([RIS](#)) which will support the implementation of a statutory risk, consequence and contingency planning framework (RCC framework) in the *Circular Economy (Waste Reduction and Recycling) Act 2021* ([Circular Economy Act](#)) that shares the management of risks between industry and government.

The Risk Regulations are the next tranche of regulations proposed to be made under the *Circular Economy Act* which came into operation on 1 July 2022. The Risk Regulations are relevant to the Victorian waste, recycling and resource recovery sector, particularly large operators (who hold 20 per cent or more of the 'Victorian market share' ^[1]) or those who have government contracts, who would be considered 'essential services' under the Risk Regulations. An Essential Service will be a 'Responsible Entity' as prescribed under section 6 of the draft regulations.

In considering VACC's position on appropriate regulation in this area, VACC has stressed the importance of maintaining harmonisation with national frameworks where possible, in order to ensure the ongoing growth trajectory of this sector for Australian businesses. Whilst VACC members will not be captured in the scope of the proposed Risk Regulations, due to the thresholds currently applied, VACC has made comment on the preferred framework options mentioned in the RIS. VACC has developed, in collaboration with the Environment Protection Authority Victoria, a [guide](#) ^[2] that provides clear guidance on practical measures that can be taken to prevent or minimise risk of harm to human health and the environment, as a result of auto recycling operations.

In addition, [Recycling Victoria](#) has been established as a new regulatory agency for the Victorian waste and resource recovery sector. VACC has requested that Recycling Victoria consults with VACC directly during the implementation period to discuss the learnings and findings of the proposed Regulations.

DEECA intends to submit the new regulations to the Governor in Council in November 2023, with the final Risk Regulations to come into effect on 1 December 2023.

To read VACC's submission please see [here](#)

Should you require any additional information or clarification of any points contained within, please contact Kathy Zdravevski, Industry Policy Advisor at kzdravevski@vacc.com.au

Kathy Zdravevski LLM (JD)
Industry Policy Advisor

^[1] Circular Economy (Waste Reduction and Recycling) (Risk, Consequence and Contingency Plans) Regulations 2023, section 6.

The Victorian market share held by an entity providing an essential service is the total volume of waste managed by the entity expressed as a percentage of the total volume of waste managed in Victoria. The total volume of waste managed in Victoria by all providers of a service, a component of a service or a service for a type of waste for a period is the volume specified in the CERCC Plan relating to a specified period.

^[2] Auto recyclers guidelines – Publication 1810. 1 October 2020 <https://www.epa.vic.gov.au/-/media/epa/files/publications/1810-1.pdf>