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1. Purpose

This code of conduct outlines the expected behaviours and standards for persons appointed as an accredited consigner by EPA when carrying out their appointed role.

An accredited consigner is a person appointed by EPA to advise waste industry duty holders on how to classify and manage specific types of waste.

Accredited consigners are appointed under Section 245(2) of the *Environment Protection Act 2017* (the Act). (epa.vic.gov.au/about-epa/laws/new-laws)

They perform the functions set out in the Environment Protection Regulations 2020 s88-92.

This code, together with the Act and Regulations, and any specific conditions set in the instrument of appointment, set the expected behaviours and expectations for the individual appointed to role.

Accredited consigners can play a key role to support duty holders discharge their waste management obligations.

They provide a specific service on behalf of duty holders to ensure their waste duties are met.

One of the ways that a duty holder can demonstrate that they have taken [reasonably practicable](http://epa.vic.gov.au/about-epa/laws/new-laws/what-is-reasonably-practicable) steps (epa.vic.gov.au/about-epa/laws/new-laws/what-is-reasonably-practicable) to lawfully manage their waste is to engage the services of an accredited consigner.

Accredited consigners can assist businesses to meet their waste duties by:

- lawfully managing and classify specific types of priority waste on behalf of a duty holder
- ensuring the waste is consigned to an authorised transporter so that it reaches a [lawful place](http://epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/lawful-place) (epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/lawful-place)
- completing a waste record and maintaining visibility of waste movements in the waste tracking system on behalf of their clients
- ensuring the duty holder meets their waste duties (epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste)

It is important to note that accredited consigners are not 'delegated' these duties.

The duties under the Act apply to both the accredited consigner and the waste producer who has hired them.

EPA Victoria appoints accredited consigners for up to five years.

Accredited consigners are not employees of EPA Victoria.

EPA may suspend, vary, or revoke an instrument of appointment when an accredited consigner does not adhere to:

- expected behaviours and standards
- legislative duties
- conditions of appointment.

2. Principles of conduct

This code sets out five core principles that Accredited Consigners must adhere to when performing functions in their capacity as an accredited consigner:

2.1 Act in accordance with the law, public interest, and safety

- Not give false or misleading information to EPA or to any other person in carrying out a function under the Act or Regulations.
- Not issue a waste record or document which is false or misleading in carrying out a function under the Act.
- Notify EPA of an environmental or human health risk or hazard as soon as practicable after becoming aware of the risk or hazard in the course of carrying out a function under the Act.

2.2 Demonstrate integrity

- Not conceal any relevant information or documentation from EPA or from any other person when carrying out a function under the Act.
- Not give false or misleading information to the authority or any other person when carrying out the function of appointment.
- Not being reckless as to whether information may be false or misleading.

2.3 Practice competently

- Exercise due care, diligence and professional judgement to a standard which may be reasonably expected of appropriately qualified and experienced waste professionals.
- Act in a professional manner at all times.
- Offer services only in areas of competence and only exercise powers relevant to waste types list in the instrument of appointment.
- Continue to develop relevant knowledge, skills and expertise.

2.4 Manage conflicts of interest

- Take reasonable steps to manage situations that could be an actual, perceived or potential conflict of interest.
- Do not engage in fraudulent, corrupt, or criminal conduct.

2.5 Document and maintain records

- Keep a record of all relevant information collected while performing the functions of the appointment as is reasonably required or expected
- Consider that some or all records collected in the course of performing functions as an accredited consigner may need to be provided to third parties as part of future regulatory or legal processes
- Examples of documents to be retained include (but are not limited to):
 - agreements and records of instructions and meetings
 - correspondence
 - product testing results.

3. Key functions

The responsibilities of accredited consigners are defined under Regulations 88 - 92.

Accredited consigners will receive an Instrument of appointment which will include:

- an individual accredited consigner number
- conditions attached to the appointment
- length of the appointment

All appointments will be listed on EPA's public register.

Table 1 below outlines these key functions and legal obligations.

Table 1 – Functions and legal obligations of accredited consigners

Functions and legal obligations	Legal Reference
Classify (select) wastes on behalf of a waste producer in accordance with Victoria's waste classification system set out in the Regulations.	Section 135, 137, 139, 142 of the Act Regulation 88 of the Regulation
Categorise (select) wastes (soils and industrial wastes) on behalf of a waste producer to identify management purposes for the wastes as set out in the Regulations.	Section 135, 137, 139, 142 of the Act Regulation 88 of the Regulation
Create waste records on behalf of a waste producer. This includes classifying the waste, engaging a permissioned transporter (where applicable) to transport the waste off site and selecting a lawful place authorised to receive the waste.	Section 142 of the Act Regulation 88 of the Regulation
Identify a lawful place that is authorised to receive the waste generated by the waste producer.	Section 135, 139, 142 of the Act Regulation 88 of the Regulation
Engage a permissioned transporter (where applicable) to transport waste off-site, considering the appropriateness of the vehicle/s used to safely transport higher risk wastes (Reportable Priority Wastes).	Section 135, 139, 142 of the Act Regulation 88 of the Regulation
Engage suitably qualified service providers (or undertake the services themselves) to sample and test the wastes to support the classification process.	Section 135, 137, 139, 142 of the Act. Regulation 88

An individual must not purport to be an accredited consigner if their appointment is suspended, revoked, or expired; penalties may apply.

Failure to comply with the above requirements may lead to enforcement action in accordance with EPA's compliance and enforcement policy.

4. Quality assurance

Compliance with the instrument of appointment conditions and the code of conduct will be monitored by EPA. This may include an assessment of the quality of decisions made by accredited consigners.

EPA may suspend or revoke an appointment if the appointment conditions or code of conduct is not complied with.

EPA will consider information about compliance performance when assessing renewal applications and reinstatements following suspension.

4.1 Complaints

If a complaint is received about the conduct of an accredited consigner, EPA may:

- provide information about the complaint to the accredited consigner
- review and discuss the complaint with the accredited consigner
- decide to proceed with further investigation
- decide no further action is required
- make a recommendation regarding the status of appointment
- make a decision impacting the appointment of an individual including suspending or revoking the accreditation

This publication is for general guidance only. You should obtain professional advice if you have any specific concern. EPA Victoria has made every reasonable effort to ensure accuracy at the time of publication.

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EPA acknowledges Aboriginal people as the first peoples and Traditional custodians of the land and water on which we live, work and depend. We pay respect to Aboriginal Elders, past and present and recognise their continuing connection to, and aspirations for Country.



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