

## Response to comments – Draft Charter of Consultation



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The *Charter of Consultation* (publication 1928) is now on EPA's website: <https://www.epa.vic.gov.au/about-epa/publications/1928>. Environment Protection Authority Victoria (EPA) thanks those who took the time to make comments on the draft.

The *Draft Charter of Consultation (DCC)* was publicly available for comment on Engage Victoria over 10 weeks from September 2019. During the consultation period the DCC received:

- 1242 views
- 1096 visits
- 800 visitors
- 17 responses.

Separate submissions were provided by Environmental Justice Australia, Anti-Toxic Waste Alliance, Terminate Tullamarine Toxic Dump Action Group (TTTDAG), Mondo and Municipal Association of Victoria (MAV).

Most respondents described themselves as community members. Following this was:

- 'other'
- community advocates
- working for business regulated by EPA
- government
- engagement professional.

Comments on the DCC varied considerably, from suggested text edits to recommendations on scope and form of the *Charter of Consultation*.

EPA was able to address some of the feedback on the DCC directly in the document, relating to its function and capacity to provide the community with information on consultation offered under the *Environment Protection (Amendment) Act 2018*.

Other suggestions relating to specific consultation could not be addressed in the document itself, needing to be considered in EPA's systems and work practices. EPA continues to develop many of these elements and will continue to evolve its operations under the *Environment Protection Act 2017* (the Act)

## Feedback on the Draft Charter of Consultation

The following themes were raised in response to the *Draft Charter of Consultation*, listed below according to how often mentioned:

Comments	Discussion	How addressed in Charter / Recommendation
<p><b>Feedback</b> –EPA should provide consistent feedback, or a ‘consultation statement’ at the end of consultation so that submitters and the public can see how their contributions were addressed in decision-making.</p>	<ul style="list-style-type: none"> <li>• Providing feedback on consultation goes to the fundamental issue of transparency, as well as the integrity of consultation (and regulatory) processes.</li> <li>• “Feedback – reporting back on how people’s input has been taken into account in decision making” is one of six consultation principles outlined in the Draft Charter of Consultation (page 9). There is also a ‘feedback’ column in each of the guidelines relating to permissions and standards.</li> </ul>	<ul style="list-style-type: none"> <li>• The intent of this comment cannot be addressed directly in the Charter of Consultation, as the matter relates to ongoing processes of feedback on the substance of specific consultations.</li> <li>• EPA proposes to develop a standard form/template for provision of feedback to be published with relevant decisions. EPA will endeavour to make the form of this consistent and accessible for permissions and standards (as described in the Charter of Consultation), noting these different types of assessment and decision making may require different forms.</li> </ul>
<p><b>Development licences (DL) comments period</b> – Extend comments period for DLs.</p>	<ul style="list-style-type: none"> <li>• The DCC sites the minimum 15 working day comments period.</li> <li>• Requested comments periods ranged between 20 – 40 business days.</li> </ul>	<ul style="list-style-type: none"> <li>• Addressed in Charter of Consultation through revised wording for the relevant section: ‘Consultation timelines’ (page 11), enabling EPA to set appropriate timelines for DL comments period at the start of the consultation period. The legislated default time period of 15 working days remains in place.</li> </ul>
<p><b>IAP2 public participation spectrum</b> – Include reference to (International Association of Public Participation (IAP2) spectrum and expand scope of engagement outlined in the Charter of Consultation.</p> <p>This was often with reference to the lack of opportunities for ‘collaboration’ and ‘empowerment’ (terms used in the IAP2 spectrum of participation) outlined in the DCC.</p>	<ul style="list-style-type: none"> <li>• The IAP2 spectrum of participation has become a commonly accepted standard for describing public participation. It has tended to problematise the conventional use of the term ‘consultation’, used in legislation, that is, Charter of ‘Consultation’.</li> <li>• Charter of Consultation is the term used in the <i>Environment Protection Act 2017</i>.</li> <li>• Consultation is a term that dates back many centuries.</li> <li>• Advisory Panels (s 235 of the Act) has been added to the section: Key components of consultation (page 10), providing an additional mechanism for</li> </ul>	<ul style="list-style-type: none"> <li>• IAP2 spectrum of public participation has been added as an appendix, referencing a broad suite of EPA engagement tools and processes.</li> <li>• Definition of ‘consultation’ provided (page 20)</li> <li>• Included Advisory Panels (s 235) in the Charter of Consultation (page. 12)</li> </ul>

Comments	Discussion	How addressed in Charter / Recommendation
	consultation enabling further collaborative opportunities.	
<b>Industry-led engagement</b> – Create guidelines for Industry-led engagement. <ul style="list-style-type: none"> <li>Require a plain English version of DL proposals.</li> <li>There was cynicism in some responses about industry-led engagement.</li> </ul>	<ul style="list-style-type: none"> <li>Some respondents to the DCC were critical concerning the potential for obfuscation or ‘greenwashing’ in industry-led (pre-application) engagement. There was also some acknowledgement of its importance in the process, given the earliest opportunities for consultation occur prior to formal application for permissions.</li> </ul>	<ul style="list-style-type: none"> <li>EPA to develop separate guidance to support industry-led engagement, requiring clear documentation of processes, and including EPA expectations and reporting requirements for example, for development licence applications.</li> <li>EPA to consider requiring plain English version of proposals.</li> </ul>
<b>Culturally and linguistically diverse communities</b> – Consider ways to support inclusion of culturally and linguistically diverse (CALD) communities (translations, ethnic media, networks and so on).	<ul style="list-style-type: none"> <li>Concern about inclusivity and engagement of CALD communities who may be affected by proposals.</li> <li>Translations in key languages may increase accessibility and inclusion, however, multicultural organisations suggested a more pragmatic approach, translating specific guidelines rather than the whole document, for example, development licence.</li> </ul>	<p>The Charter of Consultation highlights the following commitment to consultation:</p> <p>‘Recognition: recognising the diversity of culture, language and ability in our community, and identifying the potential impacts of our decisions on stakeholder groups and the broader public’ (page 9)</p> <p>Recommended EPA work:</p> <ul style="list-style-type: none"> <li>Develop appropriate protocols for public notification of permissions to identify and inform CALD communities, and inclusive engagement more broadly.</li> <li>EPA to seek further advice from Victorian multicultural organisations to assist in communicating with CALD communities.</li> </ul>
<b>Regulatory Impact Statement (RIS)</b> - Extend consultation period.	<ul style="list-style-type: none"> <li>The Office of Better Regulation recommends a 60-day comments period for RIS.</li> <li>Early information from stakeholders is also invaluable in informing the scope of any regulatory review prior to the RIS.</li> </ul>	<ul style="list-style-type: none"> <li>The Charter of Consultation states ‘EPA endeavours to provide a 60-day comment period’. However, the default 28-days period for RIS provided in legislation is still referenced.</li> </ul>

Comments	Discussion	How addressed in Charter / Recommendation
<b>Aboriginal Victorians</b> – Provide acknowledgement and commitment to consultation with Aboriginal Victorians in the Charter of Consultation.	<ul style="list-style-type: none"> <li>This is recognised as an omission in the DCC.</li> <li>EPA's Aboriginal inclusion plan provides a framework for engagement with Victorian Traditional Owners and custodians.</li> </ul>	<ul style="list-style-type: none"> <li>Acknowledgement of Aboriginal Victorians developed for the Charter of Consultation opens the document.</li> <li>Also included a more specific commitment in key components of consultation section: 'Consultation with Aboriginal Victorians' (page 13).</li> </ul>
<b>Language</b> – plain English and make language consistent, for example, stakeholder/community/public.	<ul style="list-style-type: none"> <li>Feedback on the language of the DCC was generally positive, however, some advocated simpler language.</li> <li>There was some confusion expressed about use of terminology, for example, stakeholder/community/public. These are all relevant terms helpful in explaining the purpose of consultation.</li> <li>Standard plain English recommends no words longer than three syllables, which is not possible, for example, consultation, communication, permission. There is also a level of detail needed to properly explain the functioning of EPA operations in administering the legislation.</li> </ul>	<ul style="list-style-type: none"> <li>Reviewed language. Significant changes to text to improve clarity.</li> <li>Included appendix with definitions.</li> </ul>
<b>Registration process</b> – Provide a registration process for default notification of Development Licences (DL) applications.	<ul style="list-style-type: none"> <li>The public notification process required by legislation for DLs can be bolstered by enabling stakeholders to register to receive updates.</li> <li>EPA's community stakeholders who have a role in public advocacy indicated a preference to be able to register to receive notification of DLs.</li> </ul>	EPA put in place a registration system on <a href="#">Engage Victoria</a> (complete) referenced in 'Public notification' section (page 10).

Comments	Discussion	How addressed in Charter / Recommendation
<b>Mentioned small number of times</b>		
<b>Permissions:</b> <ul style="list-style-type: none"> <li>• Provide a uniform or consistent commitment to engagement on Development licences (DL).</li> <li>• Concern about EPA commitment to consulting on permits and operating licence reviews.</li> <li>• Include information sessions as part in Charter of Consultation.</li> <li>• EPA should take oral submissions.</li> </ul>	<ul style="list-style-type: none"> <li>• DL process does not allow for uniform commitment to consultation. Engagement is resource intensive and therefore risk based.</li> <li>• There is no standard notification process required for consultation on permits and operating licence reviews.</li> <li>• Consultation on permits will be the exception rather than the rule.</li> </ul>	<ul style="list-style-type: none"> <li>• No change to DL consultation process.</li> <li>• EPA to consider consultation with respect to Permits and Operating Licence Reviews based on factors outlined in <i>Permissions applications profile assessments</i> (page 11).</li> <li>• 'Information sessions' has been included in the 'Key components of consultation' section. (Page 12).</li> <li>• EPA to explore opportunities to take oral submissions, particularly during information sessions.</li> </ul>
<b>Consultation and engagement:</b> <ul style="list-style-type: none"> <li>• Some respondents did not like the term 'consultation'.</li> <li>• See, commentary above on IAP2 spectrum of public participation.</li> <li>• Would like to see a framework for engagement.</li> <li>• Consider disability and accessibility.</li> <li>• Reference climate change in the Charter.</li> </ul>	<ul style="list-style-type: none"> <li>• 'Consultation' is the term used in legislation.</li> <li>• Commitments to consultation section addresses key principles of statutory consultation and includes specific guidelines. EPA's <i>Regulatory Communications and Engagement Policy</i> (publication 1929) (<i>Regulatory Communications and Engagement Policy</i> (publication 1929) (<a href="https://www.epa.vic.gov.au/about-epa/publications/1929">https://www.epa.vic.gov.au/about-epa/publications/1929</a>) outlines additional aspects of EPA regulatory engagement.</li> <li>• Accessibility is addressed by EPA through event management protocols, and in providing accessible web content. EPA aims to create online resources that are accessible to the widest possible audience. More about our website accessibility is available at: <a href="https://www.epa.vic.gov.au/accessibility">https://www.epa.vic.gov.au/accessibility</a></li> </ul>	<ul style="list-style-type: none"> <li>• Changing the title from the legislated term, 'Charter of consultation' was not considered appropriate.</li> <li>• The Charter of consultation and EPA's <i>Regulatory Communications and Engagement Policy</i> provide appropriate framing of EPA consultation within the framework of the <i>Environment Protection Act 2017</i>.</li> <li>• Disability and accessibility to be addressed via EPA protocols relevant to event management.</li> <li>• EPA commitment to 'Recognition' (page 9) acknowledges diversity of ability.</li> </ul>

Comments	Discussion	How addressed in Charter / Recommendation
	<ul style="list-style-type: none"><li>Specific environmental issues, including climate change, are not addressed in the Charter of Consultation because of the need to apply to a broad range of matters.</li></ul>	

The following table lists specific comments received on the *Draft Charter of Consultation*.

The first two sections are responses to questions posed on Engage Victoria consultation. These are followed by comments referenced to section of *the Charter of Consultation*.

Comment	Response	Edit?
<b>Did you find it useful outlining participation?</b>		
It was quite focused, and we were able to highlight the areas where community engagement, participation and consultation are not as easy as they could be.		N/A
Somewhat. The language needs to be more basic and inclusive, to allow members of the public to participate more actively in keeping themselves up to date with the law, and in providing feedback and comments.	Language has been revised to improve clarity.	Y
Extremely. It gives a reasonably good outline of EPA's responsibility under the new Act.		N/A
Extremely. Local communities have a vital role to play in protecting Victoria's environmental assets. The Draft Charter of Consultation will allow members of the public to provide comments, questions and data on many facets of a proposed project that may have an environmental impact. Improving communication channels between EPA and individuals, communities and businesses/organisations will further protect the Victorian public and ecosystems.		N/A
Greater clarity around the language of consultation (see above).	Appendix reflecting the relationship between EPA consultation tools and the IAP2 spectrum has been added.	
Somewhat useful, see comments above - it feels limited/conservative and a difficult/dry document to read for the public - it is good though that it is in one place and that the types of processes are starting to be defined. Difficult job!	Charter remains a formal document, but work has been done to reduce its complexity where possible.	N/A
<b>Easy to understand?</b>		
Extremely. It was clearly written and well set out.		N/A

Somewhat. Same as above. You need to assume little or no prior knowledge, and provide a thorough glossary of terms, and of acronyms	Definitions section has been added	Y
Easy. Clear and concise information that is easy to understand.		N/A
Easy. It avoids much underlying complexity which I personally prefer being more explicit about but understand the wish to reach more widely in this unnecessarily time poor world.		N/A
<b>Introduction and context (page 2-5)</b>		
Suggest making it clearer that these [principles in the Act] are from legislation.	It was considered sufficiently clear that the quoted principles are from legislation. That is, 'legislative and regulatory context' and references saying they are principles in the <i>Environment Protection Act 2017</i> .	N
Acknowledgement to Country and information about how EPA acknowledges and values Traditional Landowners.	Acknowledgement of Aboriginal Victorians included at front of document, plus a section in 'Key components of consultation', 'Working with Aboriginal Victorians'.	Y
Yes, the name - could it be 'Draft charter of engagement' why consultation?	Charter of Consultation is a legislated title.	N
Principle of accountability - when you say 'appropriate forms' what does appropriate mean?	Legislated wording: one reading would be 'appropriate' to the circumstances, given that the Environment Protection Principles apply broadly so the Act cannot be too specific.	N
The charter would benefit from specifically acknowledging the role of local government where it plays the role of co-regulator, particularly where they are providing resources.	Local government is acknowledged in 'pre-application engagement', and the 'Development licence' guideline.  Local government play an important joint regulatory role with EPA but typically manage separate consultation processes.	N
The revised language of the principle of accountability in the Act includes that "members of the public should be engaged and given opportunities to participate in decisions made under this Act". <sup>3</sup> In our view, this creates a requirement for the Charter of Consultation to ensure that mechanisms of engagement and	Engagement and Participation are both specific 'overarching commitments' (p. 9) to consultation, with accompanying explanatory text.	Y



participation, rather than just consultation, are embedded in the way EPA conducts its decision-making processes	Consultation is a broad term that encompasses aspects of engagement and participation.  IAP2 spectrum in appendix also provides further context. (Page 21)	
Must articulate an expanded scope that engages and consults with members of the public on matters broader than permissions and standards, including a clear approach to engaging with community during: emergencies; the aftermath of emergency situations or pollution events; and community updates on EPA investigations noting that these investigations may be criminal.	Emergencies situations require optimal communication; engagement is crucial during recovery phase. They often involve many agencies and EPA is a typically a response support agency.  <i>Regulatory Communications and Engagement Policy</i> (publication 1929) ( <a href="https://www.epa.vic.gov.au/about-epa/publications/1929">https://www.epa.vic.gov.au/about-epa/publications/1929</a> ) (RCEP) also addresses emergency situations.  A definition of consultation is provided in appendix 1 (page 20)  IAP2 spectrum in appendix also provides further context (page 21).	Y
Recommendation 4: The Charter of Consultation must genuinely foster the principle of shared responsibility. Shared responsibility, and how members of the public can feel a sense of shared responsibility for the environment, is not articulated in the Draft Charter. The Draft Charter must genuinely foster the principle of shared responsibility by articulating how the Charter of Consultation can be utilised to assist people to feel a sense of ownership in their surrounding environment and more broadly in the decision-making process for Victoria generally.	The focus of the document is on community participation through consultation, which is an important aspect of EPA's commitment to the principle of shared responsibility. It is in this context that shared responsibility is referenced in the Charter of Consultation.	N
While providing some legislative context to consultation, we feel the legislative references included on page five could be removed as the principle of accountability and shared responsibility are articulated elsewhere throughout the document.	Principle of accountability is referred to by name alone in 'Our commitments to consultation' (page 8-9), but not explored elsewhere except in the section detailing Legislative and regulatory Context (page 4-5).	N
We suggest under each of the two central components simplifying it to include "what" and "how". The "what" being what a permission or standard is, and the "how" explaining how and why consultation is sought. In addition, it may be pertinent to include the different types of permissions and standards, as they appear in the tables on pages 15-19.	Implemented in Charter of Consultation.	Y

Consider a reference to s38 of Victorian Charter of Human Rights and Responsibilities in the Charter (conduct of public authorities).	Not included as it was not considered adding value to the Charter of Consultation.  The legislative and regulatory context provided refers to Acts EPA applies directly in undertaking public consultation: The <i>Environment Protection Act 2017</i> and the <i>Subordinate Legislation Act 1994</i> .	N
<b>Why consultation matters (page 6 -7)</b>		
There seems to be a huge focus on EPA's role as a decision maker of works approvals. There seems no mention of the other responsibilities that EPA has, including environmental monitoring and hazardous Waste management.	The Charter of Consultation appears in the section of the Act relating to permissions and is focused on statutory consultation.  EPA has also released its <i>Regulatory Communications and Engagement Policy</i> (publication 1929) ( <a href="https://www.epa.vic.gov.au/about-epa/publications/1929">https://www.epa.vic.gov.au/about-epa/publications/1929</a> ) which includes other elements of engagement with duty holders.  Broader context of EPA engagement added in IAP2 spectrum (Appendix 2)	Y
“Supporting community awareness of relevant matters and proposals and providing suitable opportunities for stakeholders to participate in decision making”. This internal view limits EPA’s ability to deeply engage with the Victorian community on decisions made under the Act.	This wording remains in place, in keeping with the focus on statutory consultation.  EPA will also release its <i>Regulatory Communications and Engagement Policy</i> (publication 1929) ( <a href="https://www.epa.vic.gov.au/about-epa/publications/1929">https://www.epa.vic.gov.au/about-epa/publications/1929</a> ) which covers other aspects of engagement conducted by EPA.	N
Under 'why consultation matters - we think there should be an extra dot point about providing feedback on how stakeholder/community input has affected decisions'	This change has been made.	Y
Perhaps refer to IAP2 core values 'giving people a say'. This is why consultation matters ...	This has been incorporated into text.	Y
Page 6: Suggest changing wording to: ‘Our role is to: support community awareness <b>and understanding</b> of relevant matters and proposals ...’	A change to this effect has been made:  Make the community aware and help them understand relevant matters and proposals ...’	Y

Our commitment to consultation (previously 'The consultation values we commit to') (page 8-9)		
Using 'stakeholders' for document that is for general public.	<p>Definition provided for stakeholder. It is important and useful to distinguish stakeholders from the general public to benefit the targeting of communications. Stakeholders have a stake in matters that the 'general public' may not.</p> <p>Action: Definitions provided in appendix 1.</p>	Y
There is significantly different use of words and meaning for language around community 'engagement'. The Auditor General's reports have referred to IAP2's Public Participation Spectrum and this should be used as a basis for describing what EPA is intending to do or offer, and these definitions should be shared with the community, and what is being offered made explicit. This includes through provision of the first stage 'informing' as a critical foundation for any engagement. Consultation is not genuine if people are not empowered to make informed decisions. Information needs to be objective and balanced and also complete, too often simplification leads to misconceptions (and manipulation). EPA needs to expand its approach in the La Trobe Valley to a genuine partnership with community across Victoria, and genuine commitment to a healthy environment. I am particularly concerned that this must include air quality, which must not be abandoned to ill-informed local government which is lacking the expertise required and betraying their communities' trust.	<p>Appendixes outlining definitions, and EPA engagement with reference to IAP2 has been added to the document in Appendix 2.</p> <p>The 'commitments' acknowledge the importance of information as the foundation for engagement along the spectrum. The Charter of consultation sites the principle of Accountability, which also invokes the importance of information (s22 (a)).</p> <p><i>Information sessions</i> has been added as one of the key components of consultation (page 12)</p>	Y
'The consultation values we commit to' could be better phrased to 'Our Engagement Commitment' or 'Our Engagement Promise'	The term consultation is set by the Act. This section has been renamed 'our commitment to consultation'.	Y
Processes for participation in decision-making could include: co-design, extended conferences of interested persons, including community reference committees in the development of licence conditions. · supporting communities to engage independent consultants to advise on siting of new facilities, pollution elimination and reduction, and site remediation. P 5	<p>EPA may use co-design where it is feasible to do so and appropriate to the type of decision-making taking place.</p> <p>Advisory Panels has been included in the Charter, providing flexible options to incorporate deliberation by a range of actors in decision-making processes. These could extend to a co-design approach where appropriate.</p> <p>Conference of interested persons are described in the Charter as a flexible tool.</p>	Y

	<p>Community reference committees are typically run by duty holders, with discussion occurring around licence compliance.</p> <p>EPA's focus is on resourcing fit for purpose best practice engagement. Where EPA considers independent consultants, it is to benefit consultation processes as a whole. Siting of facilities is usually determined by applicants in consultation with planning authorities.</p>	
The Charter should as a minimum: Clearly outline the way in which EPA will engage with the community, or only consult;	<p>Engagement is made fit for purpose. It is not possible to pre-determine what may be appropriate in any given instance.</p> <p>Tools and processes to support engagement are outlined in the Charter of consultation.</p>	Y
Clearly articulate the decision-making process for discretionary matters that means the public will/won't be consulted;	<p>Different decisions demand differing types and levels of engagement. EPA takes a risk-based approach to resourcing consultation 'about specific applications' that is articulated in 'Permissions application profile assessments' (page 11)</p>	N
Clearly articulate EPA's intention to include the community in its decision-making process, including engaging the community more substantially in some matters;	<p>'Our commitment to consultation' (page 8-9) articulates this intention.</p> <p>The section 'Key components of Consultation' and particularly, the section 'Permissions applications profile assessments' outlines the considerations that underpin EPA's allocation of resources to consultation for permissions assessments.</p> <p>Note: Development Licences and RISs anticipate written submissions regardless of any additional face to face engagement undertaken by EPA.</p>	N
Require EPA to release a consultation statement that details how community submissions were considered, and how EPA's decision did or did not change as a result;	<p>Another of the 'consultation values we commit to' (page 8-9) is Feedback.</p> <p>Feedback template to be developed and used in response to statutory consultation.</p>	N
Seek to build partnerships with our stakeholders that bring opportunities for greater collaboration and empowerment in environmental decision-making". <sup>11</sup>	<p>Definition of stakeholder provided in Charter. Stakeholders are varied and specific to each consultation.</p>	Y

However the Draft Charter does not provide clarity as to how EPA intends to achieve this, nor does it clearly articulate who the stakeholders are.	Partnerships emerge from alignment in purpose and goals, which cannot be presumed or predicted. It implies EPA seeks to bring about open dialogue, understanding and alignment where possible.	
Must articulate a robust consultation framework to deliver on its role to support community awareness of relevant matters and proposals and provide suitable opportunities for stakeholders to participate in decision making.	Key components of consultation section (pages 10-13) include relevant factors supporting community awareness. Note: Development Licences and RISs anticipate written submissions regardless of any additional face to face engagement undertaken by EPA. A registration option for notification of new Development Licence applications on Engage Victoria (in place).	Y
The lighter blue breakout box could be made a little clearer by rewording the third sentence to: “On some matters it is a requirement for us to consult, while on other matters we choose to consult because it represents good practice.”	This has been changed to ... ‘because of our commitment to accountable and inclusive governance.’	Y
We note the following statement on page 8 of the Draft Charter: ‘Where possible, we will seek to build partnerships with our stakeholders that bring opportunities for greater collaboration and empowerment in environmental decision-making’. However, we do not see specific references in the charter to what kinds of higher-level participatory mechanisms EPA will use to achieve this.	Charter has been amended to include IAP2 spectrum aligned to EPA activities, which provides some indication of potential engagement across the spectrum. Advisory panels have also been included (page 12)	Y
Calling this important document, a Charter of <i>Consultation</i> and using the term ‘consultation’ liberally throughout, opens the way for future dilution of the Charter by political and EPA leaders who may have less commitment to genuine engagement and participation. It also risks perpetuating views that EPA is distant from the community.	Charter of consultation is a legislated term.  The term ‘consultation’ pre-existed the IAP2 spectrum (by six centuries) and is appropriate to encompass a range of engagement approaches. Scope for engagement and participation is not limited by the term consultation, but by the context and parameters of decision making.	N
Recommendation 6: That the additional consultation values of ‘Curiosity’ and ‘Open-mindedness’ be added into the Charter. (p 9)	EPA is tasked with statutory consultation on a variety of matters, including applications put before it. It is open to all input but, as above, decision-making, and consultation attached to it, typically occurs within parameters that exist outside EPA discretion. For example, previously set laws, Regulations, and standards.	N

Recommendation 7: That the content of the new Charter explicitly supports and protects a culture within EPA of practicing informal as well as formal community engagement to ensure decisions are grounded in real-world understanding.	A culture of engagement is crucial to reinforcing the quality and appetite for engagement and supporting best practice.  EPA is committed to such a culture of engagement, reflected primarily in the Charter of Consultation and the <i>Regulatory Communications and Engagement Policy</i> (publication 1929) ( <a href="https://www.epa.vic.gov.au/about-epa/publications/1929">https://www.epa.vic.gov.au/about-epa/publications/1929</a> )	Y
consider accommodating people with disabilities	EPA commitment to 'Recognition' (page 9) acknowledges diversity of ability.  Accommodating people with disabilities is matter addressed primarily in planning and managing events.	N
<b>Key components of consultation (page 10-13)</b>		
<b>Public notification (page 10)</b>		
Request direct notification of consultation (approvals and standards?) via registry	The public can now register to receive notification of new works approvals on Engage Victoria. As of 1 July 2021 works approvals will become development licences. <a href="https://engage.vic.gov.au/epa-works-approvals">https://engage.vic.gov.au/epa-works-approvals</a>	Y
I would like to see EPA Victoria have an email newsletter service that notifies the public of new consultations and also reminds the public when current consultations are about to close (for example, 7 days' notice). This would encourage more Victorians to participate in public consultations and provide EPA Victoria with more data and comments from the public.	The public can now register to receive notification of new works approvals on Engage Victoria, which provide timelines for assessments and comments periods. Engagement activity often extends beyond these through conference of interested persons.  <a href="https://engage.vic.gov.au/epa-works-approvals">https://engage.vic.gov.au/epa-works-approvals</a>	Y
Recommendation 11: That the Charter requires EPA to conduct a thorough process of community awareness raising, education and two-way engagement around development applications and permissions. This is particularly important for licence renewals and applications involving waste management operations, the stockpiling and/or incineration of waste, and other activities with the potential to generate significant stand-alone or cumulative pollution risks.	EPA applies a risk-based approach to consultation on permissions. It is targeted because not all permissions and development applications require the same level of communication and engagement.  Public notification and a comments period are required for all development licences.  Although consultation/engagement is not required for many permissions, EPA is mindful of the risk profile associated with	Y

	activities and the potential of community interest and is prepared to conduct further consultation activities where warranted.	
The 3rd paragraph is overly long and does not make grammatical sense. Suggest rewording and breaking it into 2–3 sentences.	Section has been edited for improved clarity.	Y
<b>Permissions applications profile assessments (previously Finding the right pathway) (page 11)</b>		
Referring to 'finding the right' permissions pathway, should just read 'permissions pathway'. ...	Unfortunately, pathway is a term used in a different element of permissions assessment. Heading has been changed to 'Permissions applications profile assessments'.	Y
We would like to see regional impact and significance added	Strategic significance includes consideration of regional impact.	N
The key components of consultation section - seems a bit confusing - could be better stepped out - maybe 'finding the right pathway' should be up front rather than 'public notification'	The ordering has been left unchanged, because public notification is the first stage in the consultation process that occurs for all development licences though also relevant to other processes. 'Permissions applications profile assessments' provides consideration about further consultation activities that typically occur following public notification (except pre-application engagement).  Ordering the section chronologically seems less confusing.	N
Must articulate the circumstances under which EPA would choose not to consult with a stakeholder, including members of the public who are directly impacted by the decision, and ensuring that the decision not to consult with the community are clearly articulated.	Development licences have a statutory requirement for notification followed by a consultation period allowing for responses on the DL application.  Further engagement may be added to the process as per 'Permissions applications profile assessments'.  Consultation on other lower risk permissions is considered using a risk-based lens, that is, 'Permissions applications profile assessments'.	N
<b>Conference of interested person (page 12)</b>		
Not happy with 'World Café' format	Process of Conferences are devised between the convenor (typically independent) and EPA. This is a strength of the model. A variety of	N

	engagement techniques have and will continue to be used to support the process.	
The conference of interested persons - could be interpreted differently by different people. How does evaluation of consultation occur? The biggest tool in your consultation arsenal appears to be 'conference of interested persons' which always happens late in a process - when people are unhappy about a development licence - is there anything else?	Information sessions included in Charter. Advisory panels included in Charter. EPA has flexibility about the timing and application of conference of interested persons. EPA typically asks participants to rate their experience following use of conferences and most other engagement events.	Y
The 20B Conference report has a lovely list of our issues and totally avoids saying what impact we had on the decision-making process. No rationale is given for the rejection of our ideas. We feel we wasted our time in a biased process.	EPA is required to formally consider conference report recommendations during assessment. Standardised feedback template/consultation statement proposed for development in 2021.	N
Recommendation 8: That the Charter explicitly embraces the evidence-based 'perspective giving' approach, to support a culture of enabling community members to share their stories and perspectives with EPA, Government, duty holders and applicants, and vice versa.	This is an interesting approach to conflict resolution, particularly in interpersonal conflict. Most statutory consultation is determined by laws, Regulations, relevant standards etc. However, consultation processes such as conference of interested persons allow for sharing of different perspectives.	N
<b>Pre-application engagement (page 13)</b>		
Can we embed requirements for engagement with community by industry?	The pre-application engagement section underlines an expectation that businesses will undertake relevant engagement in developing their application. EPA will develop separate guidance to support industry-led engagement.	Y
It would improve community engagement if applicants were required, not just encouraged, to engage with all relevant stakeholders at the earliest stages of developing proposals, noting that neighbours and local community should be identified as stakeholders from the beginning. The current practice of identifying all levels of government, parliamentary representatives, business organisations	EPA will provide additional guidance to support industry-led engagement. Given the large range of permissions applications, including many that will not benefit from community engagement, this is not a requirement.	N



and development organisations as the key stakeholders tends to leave out members of the community who do not fit into these categories.		
Is great to have, if we can be assured that the proponent is not just consulting and reporting so, without providing details to EPA or stakeholders of their response to all concerns.	EPA will provide additional guidance to support industry-led engagement, which will include EPA expectations and reporting requirements.	N
It would suit a project proponent to simply present EPA with a summary of key issues from members of the public rather than properly investigate community concerns about a project or make changes to the project to meet community expectations, reduce harm to the environment or remove risks and hazards that threaten human life.	As above.	N
Clearly articulate the expectations EPA has of development proponents in their engagement with the public.	As above.	N
Must articulate the level and type of consultation that members of the public can expect when approached by a development licence applicant or permit applicant who is required to undertake consultation as part of the permit application process	As above.	N
Cynical about company led engagement Lack of equal participation in process for community. Lack of parity – time, expertise. Not seen as equals in the decision-making process.	The ‘consultation timelines’ (page 11) section addresses the need for decisions per each application, including consideration of community capacity and time needed.	N
We don't get a chance to say it in our way in our time. Suddenly we are supposed to be experienced in an area that we are unfamiliar with and no one seems interested in giving us the time to really get our heads around proposals in detail.	EPA will provide additional guidance for industry-led engagement. A component of this will outline EPA expectations and reporting requirements.  See ‘consultation timelines’ (page 11)  See ‘Information sessions’ (page 12), which are used to assist community in understanding proposals.	N
<b>Consultation Guidelines (page 14)</b>		

We disagree with the following wording describing EPA's statutory role: 'It requires us to balance opportunities for economic development with people's right to live in a clean and healthy environment.' We believe 'people's right to live in a clean and healthy environment' to be an absolute right. This wording indicates a compromise, a weighing up of economic benefit versus adverse community health impacts.	The term balance is not intended to imply compromise. The purpose of the statement is to be clear about the scope of EPA's role and its limited discretion in assessing applications. EPA must take an impartial stance in weighing up considerations from both applicants and the community, whilst protecting peoples' right to live in a clean and healthy environment.	N
The section on the 'consultation guidelines' is ok - it could be laid out better to avoid confusion - are all the min timelines in? We were wondering why the reactive consultation you do around breaches to licences or through complaints processes is not listed??	The Charter of Consultation focus is statutory consultation. Engagement conducted in the course of EPA's regulatory work is outlined primarily in the <i>Regulatory Communications and Engagement Policy</i> (publication 1929) ( <a href="https://www.epa.vic.gov.au/about-epa/publications/1929">https://www.epa.vic.gov.au/about-epa/publications/1929</a> ) which complements the Charter of Consultation.	N
Mondo supports the tabular approach to explaining each of the consultation processes, as this provides an easy to digest format. However, we suggest the inclusion of indicative timeframes for each process where possible (potentially as an additional column). This may require a slight re-design of each table, with the "What are they?" section removed from the table and included as a paragraph before the table.	Flow charts have been provided in the Charter of Consultation as appendixes 3 and 4, which provide timeframes for assessment of permissions applications.  See 'consultation timelines' (page 11) for Development Licence comments/submission periods within the assessment period.	Y
<b>Development Licences (page 15)</b>		
Longer periods for community consultation about applications. The short period currently available to become familiar with the issues and to develop a coherent response can limit consultation and give the impression that there is not much public interest.	The 'Consultation timelines' section (page 11) has been reworked to better reflect the legislation, which allows EPA to determine timelines per application. This section is referenced in the DL guideline. There is however a default minimum 15 business-day timeline for Development licence applications that is set by legislation.	Y
The Draft Charter of Consultation should also include references to the <i>Environment Effects Act 1978</i> to ensure project proponents provide "... a good understanding of issues of harm or risks of harm to human health and the environment."	Reference to Environment Effects Statement (EES) provided in Development Licence Guideline.	Y

I hope the Principle of Accountability will provide adequate detail on the level of consultation between EPA a project proponent and the general public as well as providing timely information on the risks and hazards of a proposed project to members of the public. This Principle will be function correctly if all questions and comments from members of the public on a proposed project are individually recorded in writing and responded to in writing by the proponent.	EPA will provide additional guidance to support industry-led engagement, which will include EPA expectations and reporting requirements.  EPA will develop feedback template to respond to public comments.	Y
The community should be given at least 20 working days to respond with submissions, and where possible longer, with respect for their frequent lack of resources and need to complete responses on top of work/family/community commitments, often with no warning. More respect and consideration are generally needed to the considerable time and effort community members contribute, often on behalf of a broader, uninformed community.	The 'Consultation timelines' section (page 11) has been reworked to better reflect the legislation, which allows EPA to determine timelines per application. There is however a default minimum 15 business-day timeline for development licence applications that is set by legislation.	Y
Must articulate Information on how EPA will require development licence proponents to condense development licence applications into easily accessible formats for members of the public	EPA will provide additional guidance to support industry-led engagement, which will include EPA expectations and reporting requirements.	N
Recommendation 3: Increase the timeframe for community to make submissions on development licences and permissions to 20 business days.	The 'Consultation timelines' section (page 11) has been reworked to better reflect the legislation, which allows EPA to determine timelines per application. There is however a default minimum 15 business-day timeline for Development licence applications that is set by legislation.	Y
The established timeline disadvantages communities who are responding, in their spare time, on unfamiliar topics, without the resources to call upon experts. We maybe expert "crap detectors" but this time frame is a serious deterrent to participation. We need 30 business days.	As above.	N
Are you willing to take oral submissions only?	This is a good suggestion that EPA will explore following commencement of the new Act.	N
Recommendation 9: That the Charter requires EPA to proactively raise community awareness, provide accessible information and supportive education	<i>Information sessions</i> (page 12) are designed for this purpose, along with a range of communications to stakeholder, including the use of	Y

to enable informed lay responses to proposed changes in laws, Regulations and standards.	EPA's website and Engage Victoria: <a href="https://engage.vic.gov.au/epa-works-approvals">https://engage.vic.gov.au/epa-works-approvals</a>	
Recommendation 10: That the Charter stipulates a minimum of six weeks for community feedback on development applications, and up to 12 weeks for potentially sensitive permissions that warrant greater community awareness and scrutiny.	Development licence assessments run at a maximum of 4 months, though some less complex or controversial applications are addressed in much shorter timeframes. As such, in order to incorporate submissions from the community into the assessment process, the default comments period must be limited. As above, EPA can determine consultation timelines at the start of advertising of the application.	N
Under 'Consultation Approach', 'Joint publication' appears in the second row, immediately above '- Joint consultation'. Is it meant to be there or should it only be 'Joint consultation'? The connection between the two is unclear. 'Joint publication' also appears above, in the 'What are they?' section.	The terminology in this part of the guideline for DLs has been changed to 'Joint Consultations', as recommended.	Y
<b>Permits (page 16)</b>		
The default should be to assume public interest rather than wait for it to be demonstrated before going to a consultation process. The principles of accountability and responsibility (p. 5) imply encouraging greater public interest.	EPA anticipates that because permits represent a lower order of risk to the environment, there will be less need for consultation. Consultation on permits will be the exception rather than the rule. It is not suggested that any consultation would be reactive to community interest.  EPA will consider the need for consultation on permits in line with the 'Permissions applications profile assessments', (page 11) which does include community interest.	N
We are deeply concerned that some topics may or may not be consulted on. Have you asked us if we agree that your moderate risk rating is sufficient reason to disregard any consultation process in some instances?	EPA is not able to commit to consultation on all permissions, which encompass a broad range of environmental risks, including those for which consultation would be inappropriate.  EPA anticipates that because permits represent a lower order of risk to the environment, consultation will be the exception rather than the rule.	N
<b>Registrations (page 16)</b>		

Inconsistent copy for public register	Reference to Public Register has been made consistent in the Charter.	Y
<b>Review of operating licences (page 17)</b>		
There should be public notification of a review in order to be sure of reaching all stakeholders, including neighbours.	The section states: There is no default public notification process but we seek to identify and notify relevant stakeholders.	N
<b>Consultation on Standards and Regulations (page 18)</b>		
Providing more time for consultation on significant regulatory impact statement and statutory guidance will be a practical way to deliver on the principles outlined in the Victorian Local Government State Agreement, especially where local government responsibilities may increase.	Section now reads '28 days for the public to comment on the RIS. EPA always endeavours to consult for at least 60 days'.  The section also now states: 'Early information from stakeholders is invaluable in informing the scope of any regulatory review prior to the RIS'.	Y
We suggest that there should be at least a 60-day consultation period for RIS, in line with Victorian Guide to Better Regulation	Section now reads '28 days for the public to comment on the RIS. EPA always endeavours to consult for at least 60 days'.	Y
Statutory guidance developed by EPA also needs to be referenced in Charter, 'where EPA guidance imposes administrative and legal liabilities on councils.'	EPA seeks to engage relevant stakeholders in developing guidance. There is a reference to 'Guidance development' in Appendix 2'. (Page 21)	Y
<b>Environment Reference Standards (page 19)</b>		
Should explicitly include climate change. We would also like to see consideration of future land use and protection of measures already taken to ameliorate climate change.	The Charter of Consultation does not highlight specific matters, as consultation described must have a wide range of applications.	N
Seek to understand cumulative impacts 'when they may potentially contribute to cumulative pollution'	Cumulative pollution has potential to be considered during consultation where cumulative pollution forms part of the assessment process.	N
<b>Definitions (Appendix 1)</b>		

The “environment” to clearly reference ecosystems and native species.	There is no definition in the Charter. The <i>Environment Protection Act 2017</i> defines Environment: “environment means— (a) the physical factors of the surroundings of human beings including the land, waters, atmosphere, climate, sound, odours and tastes; and (b) the biological factors of animals and plants; and (c) the social factor of aesthetics;”	N
The word "environment" which is never used to mean what it is assumed to mean and should be replaced by "ecosystems" where that is a true interpretation of intent, and a thorough explanation when it isn't.	As above.	N
There are several definitional areas which we think should be defined better – for example, stakeholders (do they include community?), the consultation values - how do they link to the definitions from IAP2?	Definitions included in Appendix 1. Stakeholder – A <i>stakeholder</i> is someone personally or professionally invested in outcomes from EPA’s activities. Stakeholders may be from community, business/industry and government sectors. The consultation values we commit to, now titled ‘Our commitment to consultation’ has a different, more functional character and purpose than the IAP2 spectrum. However, ‘Access to information’ could be said to align with ‘inform’ on the IAP2 spectrum.	Y
<b>Overarching comments</b>		
Could have elaborated more on consultation rights, to support informed submissions, for example, what to expect when EPA consults.	EPA consultation is risk based and fit-for-purpose. See these sections: ‘Our commitment to consultation’, ‘Key components of consultation’ and ‘Consultation Guidelines’.	N
When EPA makes a decision post consultation. There should be a report circulated to all attendees or those that were consulted by other means, with details of the outcome and why that was the outcome. Also, with an explanation to individuals	A feedback template/consultation is proposed to be developed for standard use.	Y

on the assessment of their comments and reasoning; if their comments were not to be acted upon and why.		
I support EPA being required to provide a consultation statement that gives details of how community submissions were considered and have resulted in changes or why no changes occurred.	As above.	N
What can be said about consultation in emergency situations?	The Charter of Consultation focuses on statutory consultation. Appendix 2 – references emergency situations and emergency recovery. <i>Regulatory Communications and Engagement Policy</i> (publication 1929) ( <a href="https://www.epa.vic.gov.au/about-epa/publications/1929">https://www.epa.vic.gov.au/about-epa/publications/1929</a> ) addresses engagement in emergency events.	Y
Recommendation 1: That the Charter be revised to refer to the importance of EPA proactively engaging directly with communities during and immediately after major pollution incidents and emergencies. This includes taking a leadership role out in the field to ensure that affected householders and workers are kept informed and their needs are being heard and relayed to other relevant authorities. That the Charter also explains how this ‘emergency situation’ engagement will be conducted.	As above.	Y
We would like to see climate change added and highlighted throughout the Charter. It is through EPA community consultations that communities are most likely to be able to have their concerns about climate change legitimately articulated and heard.	The Charter addresses mechanisms and processes of consultation. It does not highlight specific environmental issues.	N
The Charter could be strengthened with further consideration and documentation about: How EPA will implement a range of engagement and communications techniques to ensure that people from a diverse range of backgrounds, communities and contexts can have their say. For example, people living in regional/rural Victoria, people with a disability, older people, younger people, people from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islanders.	‘Our commitment to consultation’ acknowledges many of these aspects: ‘recognition – recognising the diversity of culture, language and ability in our community, and identifying the potential impacts of our decisions on stakeholder groups and the broader public.’ (page 9) Consultation with Aboriginal Victorians section added (page 13)	Y

	Accessibility is managed through event planning and with reference to the community context of specific consultations.	
Must articulate a commitment to providing access to information in languages other than English so that the entirety of Victoria's community can be engaged with and/or consulted on matters under the Act.	Peak multicultural bodies did not recommend wholesale translation of the Charter, but a more targeted approach. EPA will explore developing specific fact sheets for, for example, development licences.	N
Can we publish in a variety of languages?	As above.	N
Consideration of recognising the contributions people make when they engage via payments, supports to enable engagement to occur such as child care and transport assistance. The Office of the Latrobe Health Advocate has recently undertaken 12 months of engagement to design and develop an engagement model that considers all of the above. We would be happy to share our learnings and discuss further with EPA.	Participation in consultation is typically undertaken on a voluntary basis.  EPA does plan to make consultation events more accessible according to the nature of a consultation, such as use of open house and events running after business hours.	N
The whole thing might need a summarised commitment upfront. It's quite a complex document for a public document - could it be more visual? Seems quite conservative as a 'consultation charter'. We liked the 'access to information' piece	EPA may consider an infographic in the future however, the priority is likely to be for specific processes such as development licences to be provided a fact sheet.	N
Overall, it feels like you have very limited consultation approaches and could stretch yourselves more. Generally, is there a way to engage earlier with people - it doesn't mention this in the principles which would be great	The following has been added to <i>Our commitment to consultation</i> : 'participation – creating appropriate and effective opportunities, as early as possible in decision-making processes, for the public to participate in consultation' (page 9).	Y
EPA should provide guidance to help the community understand the technical information and prompts to critically engage with the material	EPA understands technical language can pose a challenge to community members participating in EPA consultation.  Specific guidance cannot be addressed in the Charter of Consultation because of the large range of technical subjects relevant to EPA consultation. However, EPA will continue to provide support to aid understanding during consultation, including the use of information sessions.  Guidance to be developed for industry-led engagement can also encourage improved communication.	N



Recommendation 2: The Charter of Consultation must be broader in scope.	The scope of the Charter has not changed, primarily addressing statutory consultation. <i>Regulatory Communications and Engagement Policy</i> (publication 1929) ( <a href="https://www.epa.vic.gov.au/about-epa/publications/1929">https://www.epa.vic.gov.au/about-epa/publications/1929</a> ) complements the Charter of consultation.	N
EPA needs to consider a greater suite of consultation processes. Melbourne Water's co- design process on refreshing their River Health policy was not perfect but it was respectful. We could see where our community input influenced the approach.	The Charter addresses statutory consultation. The example is a different kind of process. EPA has previously undertaken and will continue to use co-design processes where appropriate to consultation.  Standardised response to comments should ensure appropriate feedback on consultation.	N
Finally, there is no indication as to how you will engage with Traditional Custodians or non-English speaking citizens. Have you approached Traditional Custodians for feedback?	Acknowledgement of Aboriginal Victorians statement and Consultation with Aboriginal Victorians section now included in the Charter of Consultation.	Y
As an overall comment, Mondo recommends writing the document in plain language wherever possible and the consistent use of capitalisation.	Language has been simplified across the document where possible.	Y
Recommendation 2: That the title of the charter be changed to reflect an open commitment to all levels of public participation, including two-way engagement approaches. We suggest: 'Charter of Public Participation' or 'Charter of Community Engagement'.	Charter of consultation is a legislated term.	N
Recommendation 3: That EPA formally adopt the IAP2 Spectrum of Public Participation as an internal best practice guide and tool, refer to this in the Charter and train community-facing staff how to apply it in the field.	EPA has been an IAP2 member for a considerable period and is committed to best practice engagement. EPA references the IAP2 spectrum when planning engagement.  Appendix 2 describes EPA consultation tools and processes with reference to IAP2 spectrum.	N
Recommendation 5: That EPA removes the Decide, Announce, Defend (DAD) approach from its decision-making practices and applies the Engage, Deliberate, Decide (EDD) approach instead, supported by higher-level community engagement approaches	EPA's approach is to undertake consultation and engagement appropriate to the context of decisions and its decision-making role.	N

and mechanisms – and that this is reflected in the wording of the Charter.		
The title and terminology appear too much like the ‘old EPA’ with some promising but still too vague signs of change.	Language has been simplified wherever possible. EPA statutory decision making sometimes introduces specific language reflected in the Charter of consultation.	N
What is required to align the charter and EPA’s culture with the intent of the new Act, is a paradigm shift towards a higher level of public participation and engagement – at least at the ‘involve’ and ‘collaborate’ levels in the IAP2 spectrum.	EPA’s approach to public participation and engagement is outlined in ‘Our commitment to consultation.’ (Page 9)	N
<b>Appendixes</b>		
Recommendation 4: That the Charter, or a companion appendix document, feature examples of the circumstances under which each level of engagement in the IAP2 Spectrum would be applied by EPA in practice and what engagement mechanisms will be used. The intention must be to increase EPA’s willingness and capability to operate at the higher levels of ‘Involve’, ‘Collaborate’ and, when feasible, ‘Empower’.	EPA tools and processes mapped to IAP2 spectrum has been added as an appendix.	Y

#### Further information

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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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