



My name is Geoff Ralphs, representing the Victorian Government - I am the Principal Adviser for Impact Assessment.

EIA sits within the Planning portfolio in Victoria, within the Department of Environment, Land, Water and Planning.

I am also chairing this session.

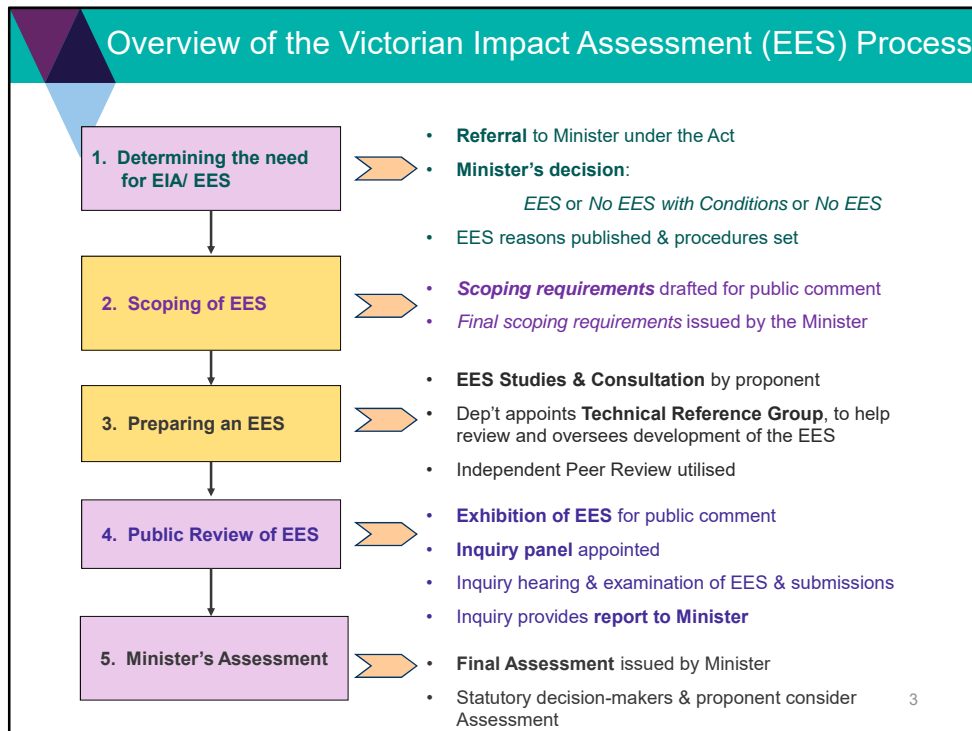
## History, Status & Maturity of Victorian EIA System



- Victorian Impact Assessment (EIA) system is based on the *Environment Effects Act 1978*
- Originally 4 pages, now a lengthy 12 pages... with limited statutory parameters for EIA.
- Overall EIA system has still evolved and matured despite this.
- Relatively modern Ministerial Guidelines (2006) and internal administrative processes provide the more detailed system codification
- It has provided a sound risk-based framework for assessing projects with significant environmental risk, particularly since 2006.



- The Victorian Impact Assessment system is somewhat of a paradox, based on an old Act of parliament from 1978, the *Environment Effects Act*. It has had only relatively minor changes over the last 40 years (it's grown from 4 pages to a lengthy 12 pages in the process!)
- There remains very limited statutory parameters for impact assessment in the Act itself and there is considerable Ministerial discretion.
- Despite this the EIA system has still evolved and matured towards best practice. Relatively modern Ministerial Guidelines and internal administrative processes work together to provide the more detailed system codification.
- We've become accustomed to not relying on legislative reform to bring about change and system improvement in Victoria.
- The legislative and non legislative components of Victorian EIA system work together to provided a sound risk-based framework for assessing projects with significant environmental risk, particularly since the introduction of revised Ministerial Guidelines in 2006.




This slide outlines the impact assessment process in Victoria, which is known as the Environment Effects Statement or EES process; it depicts the referral/ screening stage through to the final Assessment issued at the end of the process. The process has been used an accredited assessment for projects under EPBC Bilateral arrangement since 2002.

The process is only used for projects with the potential for impacts of a regional or state scale, so a relatively small number (between 6 to 12) of EESs are underway during each year.

The EES process is not an approval process as such, rather it produces an authoritative Assessment that's then used as an input to approvals decisions under other planning and environmental legislation. It is however treated as a quasi environmental approval for major projects, by the community, proponents and government agencies, providing the key decision on whether the project should proceed or not, and if so under what conditions/ modifications.

In the process chart I've highlighted the stages of the EES process that are explicitly covered by our Act (pink boxes), albeit with little or no process detail. Whereas the orange boxes depict the stages in the EES process that are not defined in the Act and are defined and codified by The Ministerial Guidelines.

## History, Status & Maturity of Victorian EIA System



**Evolutionary Stages for Victorian EIA system:**

- **1978** – *Environment Effect Act 1978* commenced 1<sup>st</sup> Oct 1978 (4 pages long!)
- **1990** – Rewrite of the Ministerial Guidelines was issued, with cartoons!
- **1994** – First changes to the Act of any real significance.
- **2006** – Some further changes were made to the Act and a completely new set of detailed Ministerial Guidelines was released. This followed a major review of the Act between 2000 and 2005.
- **2008 to 2013** – Successive governments reinitiated efforts to review and reform the Act / EIA system - none proceeded with implementation of reform.
- **2013 - 2016** – Internal review of administrative practices and development of a documented quality management system (QMS).

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This slide depicts the history and evolution of the Victorian Impact Assessment system, in particular the distinct lack of any significant legislative reform.

Given our time constraints I'll just quickly draw your attention to the periods from 2000 through to now. During this time there were two major reviews of the Act /processes and development of reform options, including some government commitment to reform. However none of them proceeded with major reform.

More recently between 2013 - 2016 we undertook an internal review of administrative practices, in order to scope the development of a documented quality management system (QMS). The department uses this QMS to embed continuous improvement and consistent good practice into our impact assessment system.

## Issues and Opportunities for Victorian EIA



Positive aspects of the current system / practices:

- Impact assessment process is quite scalable and flexible – deals with wide range of projects and environmental risks
- Well established system
- Remains relevant and consistently utilised by the Government
- Public input and transparency of the system is well founded
- The Minister can make guidelines under the Act to detail any necessary procedures or process requirements under the Act

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The evolution of the Victorian EIA system has definitely resulted in some positive aspects and practices:

- The impact assessment process is quite scalable and flexible - easily applicable to a wide range of projects and environmental risks
- It is a well established and robust system that the private sector and community are able to engage with
- It continues to remain relevant and is consistently utilised by Governments of different persuasions
- Public input and transparency of the system is well founded
- The Minister can readily issue guidelines and specific process procedures under the Act

**Issues and Opportunities for Victorian EIA**

Key issues/ problems with the system and/or practices:

- Inconsistent interfaces with approvals and limited explicit statutory links within Victorian Law.
- Limited opportunities to follow-up post EIA/EES - no legislative hooks in our Act.
- More process definition and certainty is often sought, including legal codification of some specific aspects of the process
- Legislative hooks and obligations could help ensure the system remains defensible and robust
- Inefficiency and cost-effectiveness of the process is often criticised.
- Accessibility and presentation of impact assessment information – and in an increasingly digital and time poor world
- Consistency and quality of EIA/ EES documentation

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This is a very brief outline of some issues/ problems with the Victorian impact assessment system or practices – just some food for thought for the next workshop components of this session:

- Our EES process doesn't always interface well with approvals, depending on the sector or risk we're dealing with – there are limited explicit statutory links between the EES process and approvals decision-making. This is however largely overcome by good administrative practice.
- There are quite limited opportunities to follow-up post EIA and no legislative hooks to do so in our Act or indeed in other, development approval Acts.
- Could benefit from more statutory clarity and certainty, including legal codification of some specific aspects of the process, such as scoping, sunseting of decisions.
- Could benefit from more explicit legislative obligations to help ensure the system remains defensible, robust and transparent
- The inefficiency and cost-effectiveness of the process is often criticised.
- An emerging issue is the accessibility and presentation of increasingly complex and technical information, in an increasingly digital and time poor world
- We also face issues with the consistency & quality of EIA documentation produced by proponents.
- I'll leave to you all to discuss whether we're in need of evolution or revolution during our workshops in a few minutes.



Thank you



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