

Statement on Refusal by VCAT to Join Amanjit Gill to 'Veolia v EPA' Case Ref. P145/2025

Prepared by Amanjit Gill on 19 June 2025

The decision by VCAT to refuse my application to join the case 'Veolia v EPA' as an objector contains several errors. I shall address these now.

1. On my interest as a “generally concerned member of the Casey community”

This argument penalises me on the grounds that the adverse financial impacts I would suffer are the same as those that everyone in Casey would suffer. However, I cannot help that other people live in Casey and pay rates, too. I cannot help that they, too, would be affected by a rate increase.

If I experience an impact in common with my fellow residents, this does not make the impact overly general; it merely makes it more common. Moreover, an unreasonable impact does not become reasonable for its having been experienced by many people.

The Tribunal implies an expectation that the cited adverse impacts are unique to the individual. However, in cases related to environmental harm from industrial activities in urban areas, this threshold may never be met, because such harm is likely to affect classes (such as employees or residents) rather than individuals.

2. On the assertion that I provided “no detail on exactly how my interests may be affected”

This is incorrect. I have specified rate increases as the mechanism by which a penalty to the City of Casey would affect my interests. Moreover, I have provided evidence from a past incident to demonstrate the direct connection between an unplanned financial burden on the City of Casey and its subsequent decision to increase rates.

I have also provided specific monetary figures to illustrate the order of magnitude of penalties the City of Casey might incur (and pass on to residents), but I would hope the Tribunal does not expect me to quantify the penalties that might arise in a future incident. This would require me to predict which of several risks would materialise, the immediate antecedents to this event, the City of Casey's response to the event, the cost of remediation or repair, the size of any resulting compensation packages, and how much of this burden would be passed on to ratepayers. This would be far too onerous an expectation to place on an individual interacting with what purports to be an accessible tribunal.

3. On the assertion that the financial risk belongs to the City of Casey, but not me

This is incorrect. Oddly, the Tribunal has neglected the fact that rates are paid by ratepayers; therefore, any unplanned financial liability leading to a decision by Council to increase rates would affect me directly.

4. On the EPA's role as a “contradictor”, negating the need for a joinder

I have already submitted to VCAT that the EPA's involvement in the proceeding gives me no comfort that the technical issues with Veolia's proposal will be raised competently and

comprehensively. The EPA failed to consider these issues during the planning permit stage, despite its statutory obligation as a determining referral authority; moreover, it has not released its full argument refusing Veolia's development licence application. Therefore, I have no basis upon which to assume that the EPA is willing - or even capable - of making a technical argument of sufficient strength to demonstrate why Veolia's proposal cannot proceed.

5. On my invocation of Brookland Greens to illustrate my argument

It is incorrect to claim that I have equated the events at Brookland Greens to those that might occur at the proposed facility. I submitted during the hearing that I invoked Brookland Greens to demonstrate that it is not just the facility's operation that would be scrutinised after an incident; the conduct of past decision-makers, like the City of Casey, would be scrutinised too. Any mismanagement of risk by Veolia would not protect the City of Casey - or its residents - from liability.

END OF STATEMENT