

EPA Victoria

2019 and beyond

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Chief Executive Officer

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Environment
Protection
Authority Victoria



Our environment, Our health



Our vision

A healthy environment that supports a liveable and prosperous Victoria, now and always.

Our purpose

We protect the environment and people by preventing and reducing harm from pollution and waste.

Our role

We are a world class regulator of pollution and waste

EPA's Strategic Goals



Prevent harm



Equip
community
and business



Be an
influential
authority



Respond to
harm



Organisational
excellence

Transformation is already underway

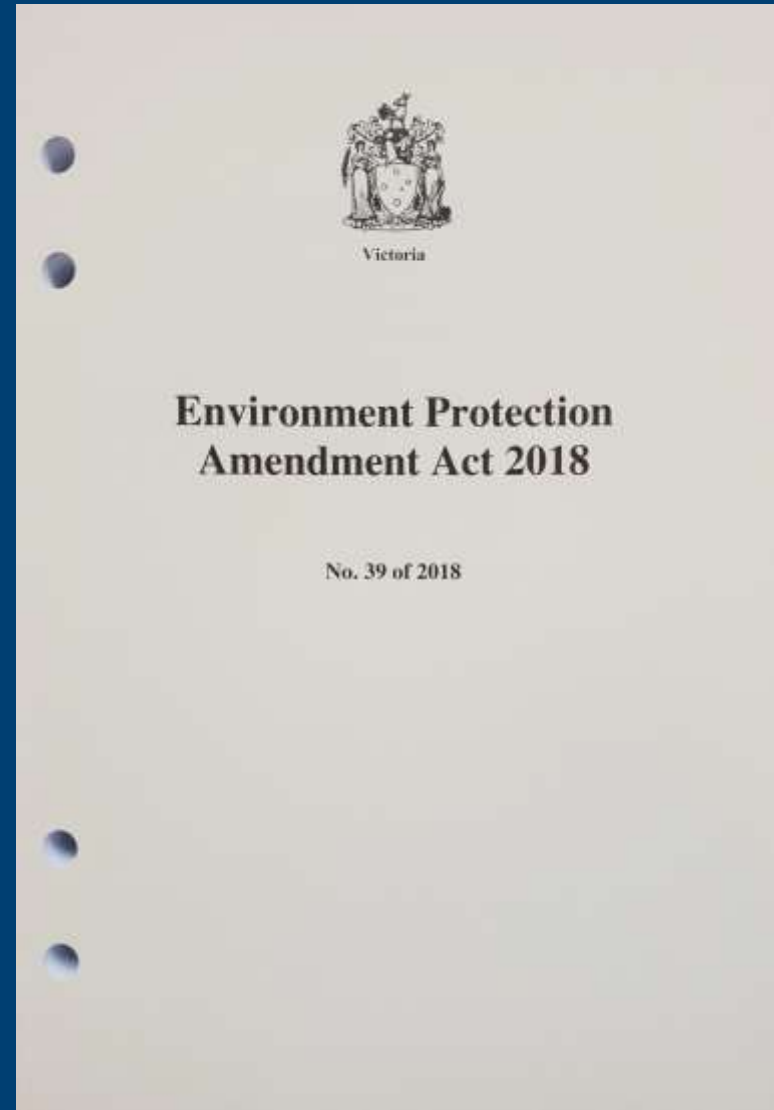
- Chief Environmental Scientist
- Land use planning referrals & guidance
- Officers for the Protection of the Local Environment
- Increased prevention (e.g Stawell tyres)
- Environmental Public Health Unit
- Emergency Management
- Incident Air Monitoring
- Industry Guidance
- Sanctions Strategy
- Environmental Protection Amendment Act 2018



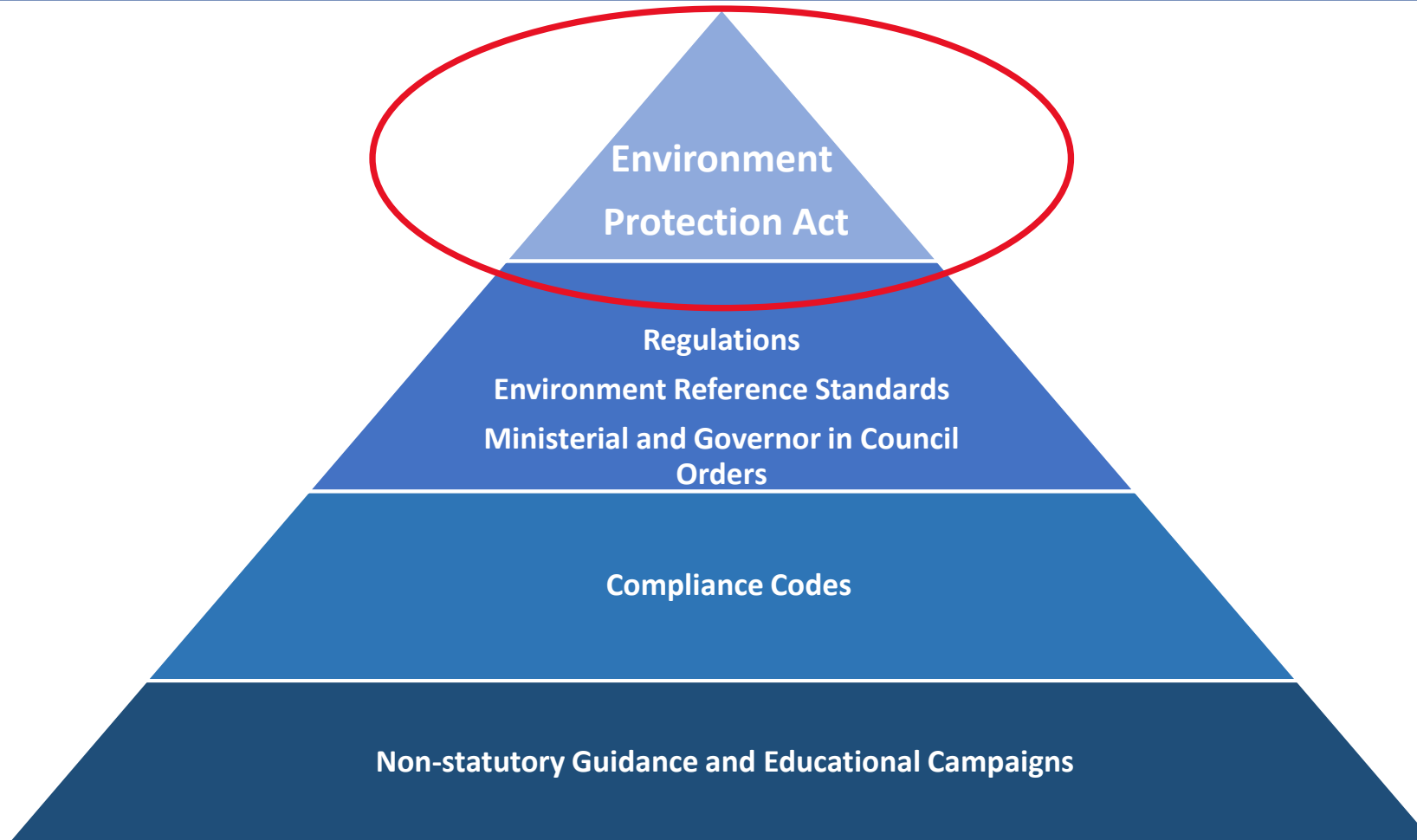
EPA Regulatory Commitments

- 1. Act, to protect**
- 2. Be informed and evidence based**
- 3. Target biggest risks**
- 4. Support and encourage**
- 5. Be accountable, hold others to account**
- 6. Be authentic, act with integrity**

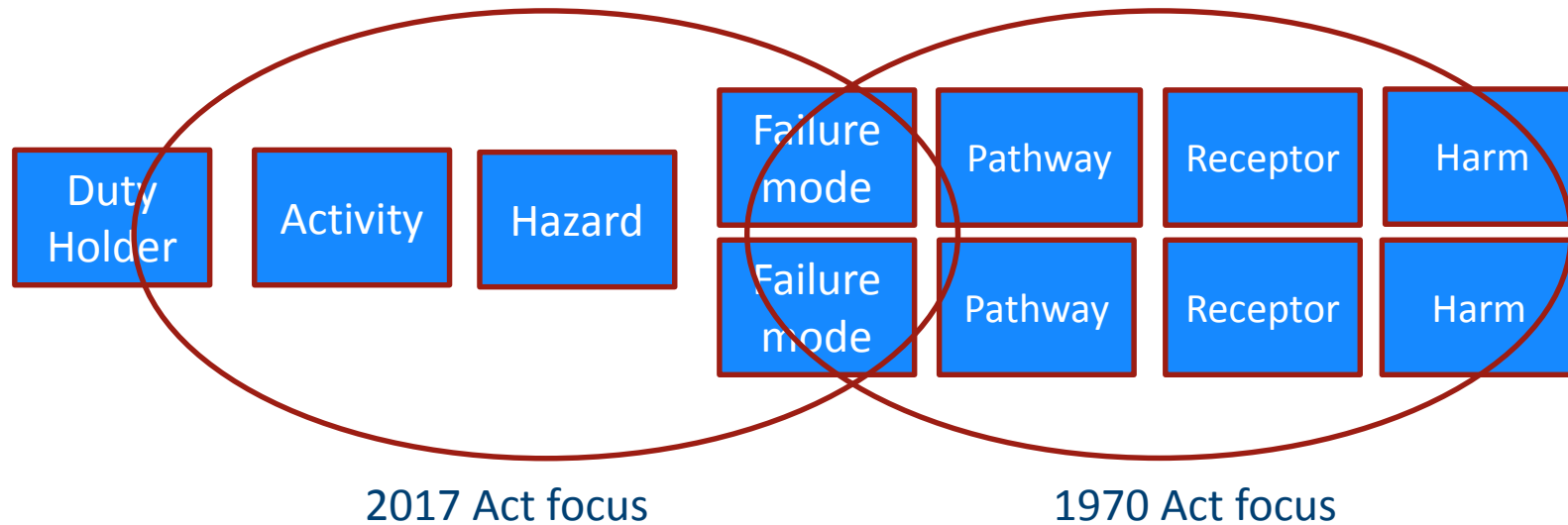
Legislative Overhaul



The Environment Protection Framework



Prevention v Protection



The EP Act 2017 predominantly focusses on **preventing** the pollution and waste.

The EP Act 1970 predominantly focusses on **protecting** the environment and human health from impacts of pollution and waste.

Why is the distinction important?

- The difference is subtle – but critical to a paradigm shift in mindset
- The EP Act 1970 is premised on a certain amount of pollution and waste being unavoidable.
- The EP Act 2017 is premised on a starting point of zero pollution and waste is possible.

General Environmental Duty (GED)

“A person who is engaging in an activity that may give rise to risks of harm to human health or the environment from pollution or waste must minimise those risks, so far as reasonably practicable.”

- Modelled on the OHS Act (established in Victoria since 1985)
- **Minimise** means to eliminate the risks (as far as reasonably practicable) and if not, reduce the risks.



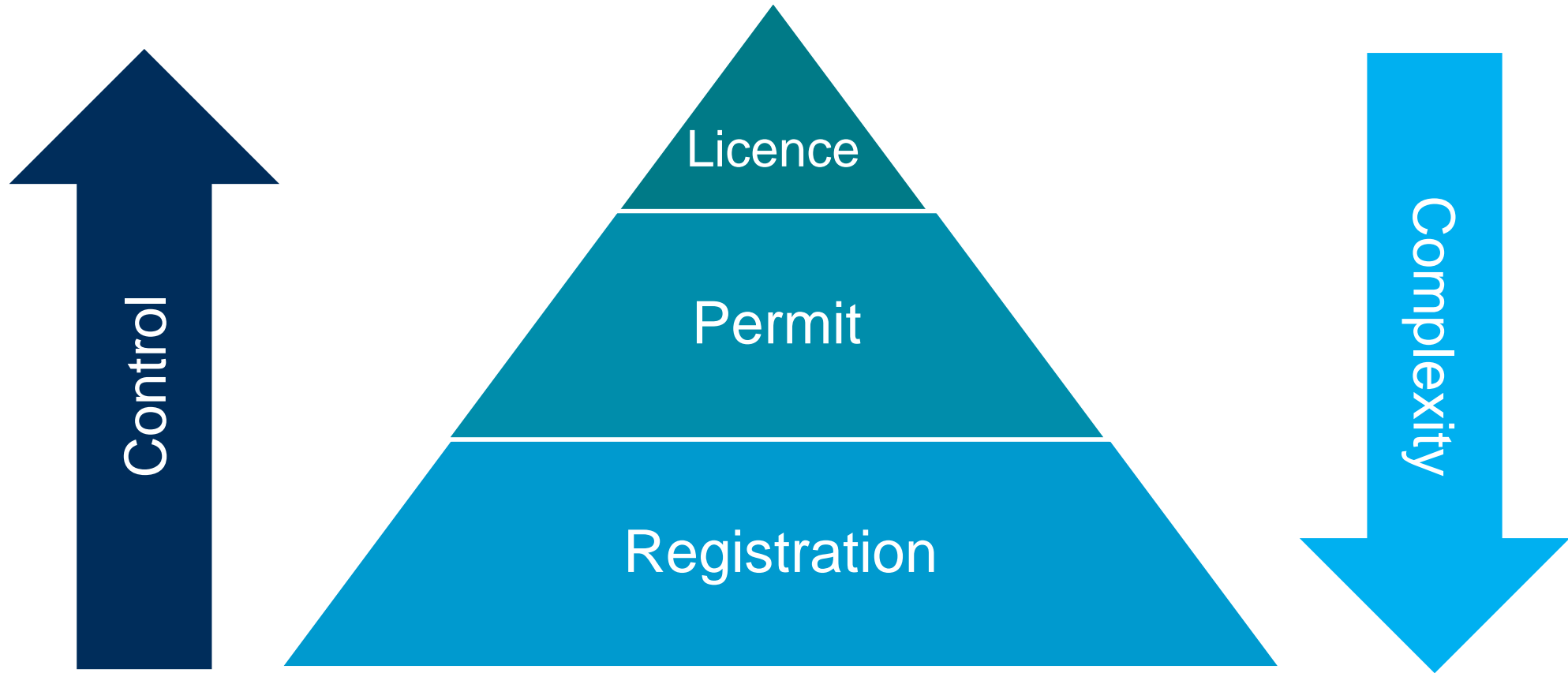
Reasonably practicable

- To determine what is reasonably practicable consider:
 - The likelihood of those risks eventuating
 - The degree of harm that would result if those risks eventuated
 - What the person knew or should have known about the risks and controls
 - The availability and suitability of ways to eliminate or reduce those risks
 - Costs of eliminating or reducing those risks.
- If the person is conducting a business, a serious breach can lead to criminal liability
- Serious criminal offence – maximum of approximately **\$1.6 million** for a company.

A duties framework

- General environmental duty (preventative duty)
- Duty to notify of event
- Duty to respond to harm and restore
- Duty to notify of contamination
- Duty to manage contamination
- Duty to manage industrial waste disposal
- Duties for priority waste

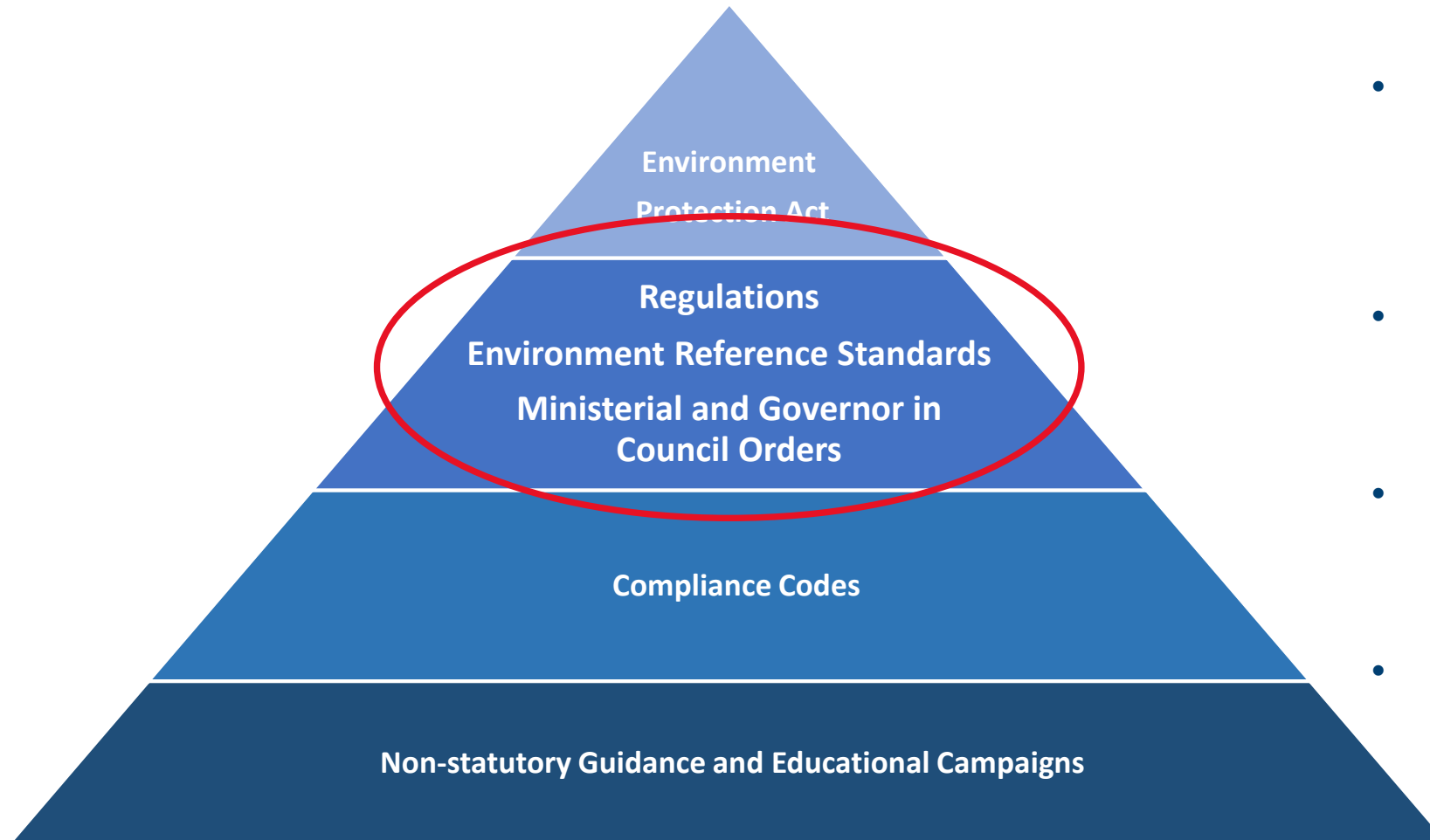
Permissions Framework



Increased maximum penalties

- The core offence of breaching the GED will attract a Penalty of up to \$322,000 for an individual or \$1.6 Million for a corporation.
- For an intentional or reckless breach of the GED that results in material harm, a higher penalty of up to \$644,000 and/or up to 5 years imprisonment for an individual, or up to \$3.2 million for a corporation will apply.
- For repeat illegal waste dumping offences jail time

The Environment Protection Framework



- Development of draft regulations, environment reference standards and landfill compliance code
- Settling the draft Regulatory Impact Statement and Impact Assessment
- Finalising stakeholder consultation and engagement (prior to public comment)
- Commencing public comment in mid 2019

Our legislation implementation commitment



We will help community and business understand the general environmental duty (to prevent risk or harm) and other changes in the legislation.



We will engage stakeholders on the changes that affect them and welcome feedback throughout implementation.



We will provide guidance to stakeholders about ways to meet their obligations and manage risks to the environment and human health.



We will provide timely and accessible information about EPA's regulatory approach under the new legislation.



We will continue to strengthen our effectiveness in responding to harm from pollution and waste offences.



engagement@epa.vic.gov.au

Thank you

Pm10 Exceedances

20 days with PM10 Exceedances in FY 2018-19

Meteorological data Assessment shows that:

- 17th January 2019: South Westerly winds, PM10 exceedance also recorded at Footscray. Transport from precinct not supported by prevailing SW winds.
- 14th January 2019: South Westerly winds, Transport from precinct not supported by prevailing SW winds.

