

Environment protection reform



Environment Protection Amendment Bill 2018



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Environment Protection Amendment Bill 2018



May 2016 Independent Inquiry into the EPA



Jan 2017 Andrews Labor Government Response
to the Independent Inquiry into the EPA



July 2017 *Environment Protection Act 2017*
June 2018 Environment Protection Amendment Bill 2018

Overhaul of Environment Protection Act 1970

Environment Protection Amendment Bill 2018



Prevention

Flexible and risk-based

Information and justice

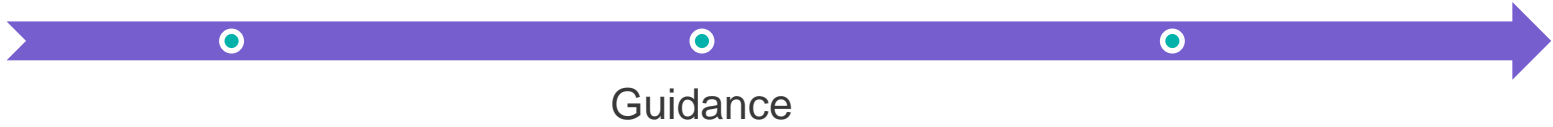
Modernising EPA

“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.”



EPA support and education

Compliance codes



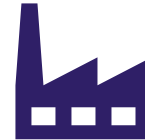
Scenarios



Low risk activity (e.g. retail)



Medium risk activity (e.g. petrol station)

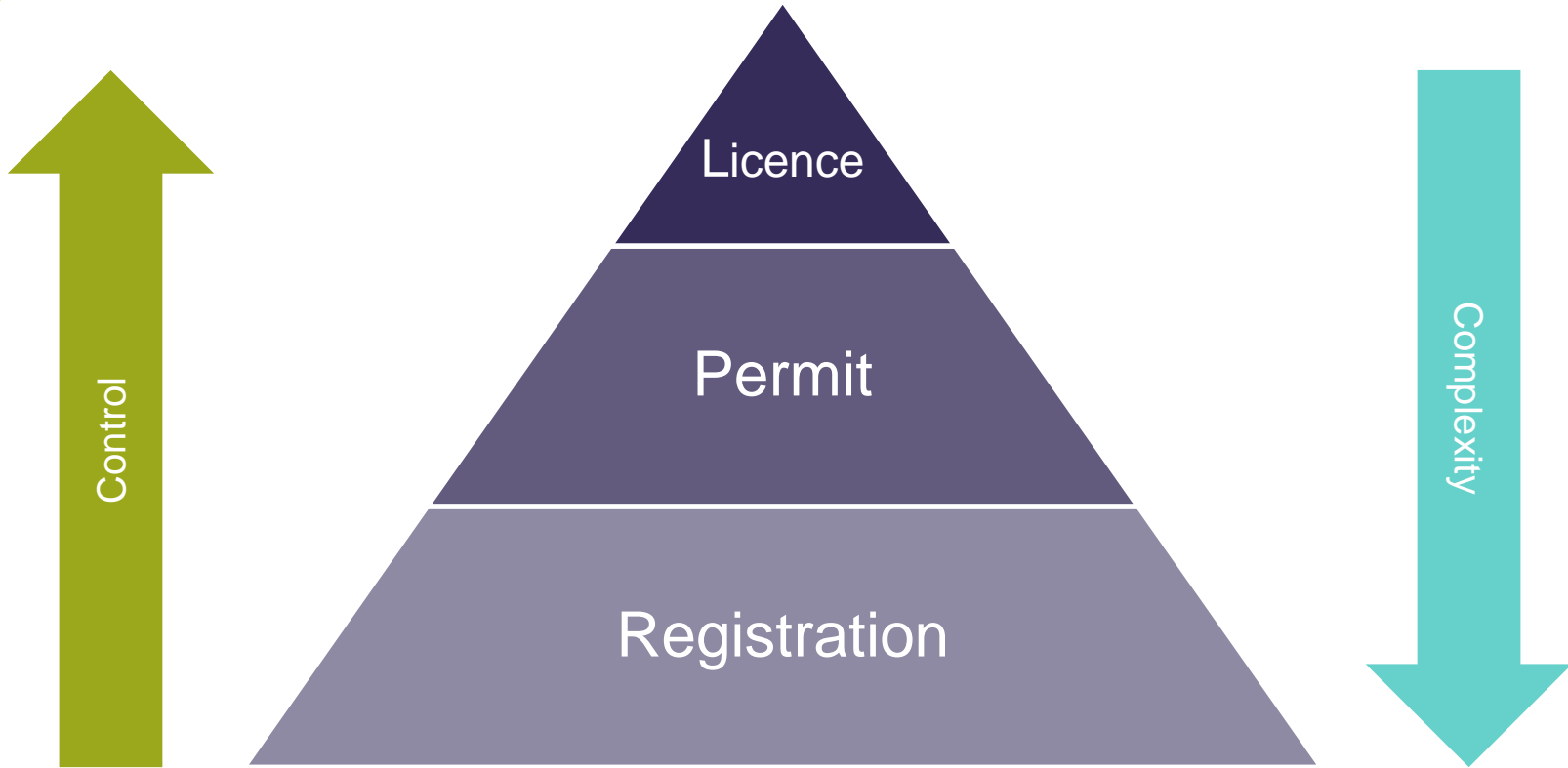


High risk activity (e.g. large industrial facility)

Prevention

Flexible and risk-based

Regulatory tools



Minimise waste impacts on human health and the environment, promote waste reduction, resource recovery and efficiency and minimise litter and waste disposal

General Environmental Duty

Risks of harm to the environment and human health from waste when conducting an activity

Waste classes subject to tiered controls

- Littering offences
- Industrial waste offences

Priority Wastes

Facilitate waste reduction, resource recovery and efficiency

Manage harmful industrial waste

Contaminated land posing risk of harm to environment or human health

Duty to manage contaminated land

Duty to notify of contaminated land

Outcomes

Sites are safe for current or intended land use
Significant offsite impacts are managed

Reformed process to increase flexibility and reduce cost





Support innovative compliance, voluntary action and leadership to protect the environment or remedy existing pollution

Scenarios

1. Businesses operating in an industrial estate collaborating to manage their collective dust impacts
2. A business working to remediate a portfolio of contaminated sites can seek EPA's endorsement of a plan that manages the clean up over an agreed timescale to address the most significant risks first
3. Guidance for an industry sector seeking to innovate by using new technology to meet the GED

Replacement of State Environment Protection Policies

ERS would set out the attributes of our environment Victorians value and the ambient standards required to protect them

The GED and complimentary regulations would pick up design standards and other controls to support meeting these standards

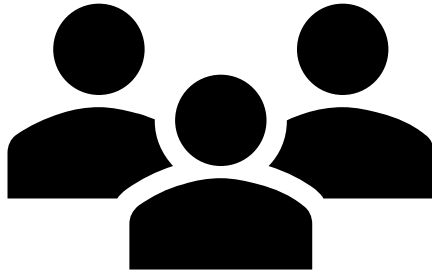


Duty to Notify of a Pollution Incident

- Notify EPA as soon as reasonably practicable

Duty to take action to respond to harm

- Person responsible for activity
- Restore affected area to state before the pollution incident as far as reasonably practicable



Compliance Codes

EPA position statements

Better Environment Plans

Environmentally hazardous substances orders

Regulations

Emergency approvals

Notices

Site Management Orders



Improved public access to information about environmental regulation and condition, such as

- Applications
- Permits
- Emissions data
- Compliance data



Sharing information with other regulators for more effective investigation and enforcement purposes, for example:

- With a council investigating waste dumping
- With WorkSafe investigating a single activity that might breach the OHS and environmental general duties.

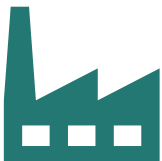
Civil penalties, faster and more efficient justice outcomes

Alternative sentences

- Funding practical environmental improvement projects
- Recovering financial benefits

Civil remedies

- Third party right for parties with an interest to seek civil remedies for breach of the law



- For corporations that breach the law, the most serious offence would attract maximum penalties of **\$3.2 million** (20,000 penalty units), doubling from **\$1.6 million** (10,000 penalty units) in the current Act.



- For individuals, an increase in the maximum penalty to **\$0.6 million** (4,000 penalty units) from **\$0.4 million** (2,500 penalty units).



- For corporations that conduct illegal dumping, a doubled penalty of **\$1.6 million** (10,000 penalty units), up from **\$0.8 million** (5,000 penalty units) in the current Act.

Thank you

