Environment protection reform
Kath Rowley
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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.”
Supporting compliance with the GED

EPA support and education

Guidance

Compliance codes

Scenarios

Low risk activity (e.g. retail)

Medium risk activity (e.g. petrol station)

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

Prevention
Flexible and risk-based

Control

Complexity

Licence
Permit
Registration

Flexible and risk-based
Waste management framework

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 environments

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

Preliminary Risk Screen

Rapid, low cost assessment of risks

Scaled Assessment Audit

Scale assessment to key risks
Better Environment Plans

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.
Information and justice

Dealing with pollution incidents

**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
Supporting compliance

Compliance Codes
EPA position statements
Better Environment Plans
Environmentally hazardous substances orders
Regulations
Emergency approvals
Notices
Site Management Orders
Information transparency and sharing

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.
New penalties and more flexible sanctions

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
Increased maximum penalties

• 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