

# Towards 1 July 2020

## Environment Protection Act

### *Draft content*

#### Victoria's new environmental laws

The biggest change in 50 years to environment protection is coming.

The new environmental legislation will take effect from 1 July 2020. Businesses will need to understand any risks they create to the environment and human health and take steps to prevent harm occurring.

#### What's changing

For almost 50 years, Victoria's environmental regulator, the Environment Protection Authority (EPA), has operated under the Environment Protection Act 1970, working with business to prevent harm to the environment. The new laws provide a modern approach that reflects how businesses and environmental risks have evolved.

This modernisation balances flexibility for responsible businesses to manage their risks in a way that matches their business needs, and a greater ability for the regulator to act on poor performers and ensure that a level playing field is maintained across industry.

The key change is the introduction of a series of clear obligations for business, referred to as 'duties', in particular, the general environmental duty (GED).

For businesses already managing their environmental risks, the GED generally means little to no change to how they operate. Most businesses already follow good management practices making complying with the GED easier. The GED now makes your responsibility to reduce risk to the environment clearer.

#### The new duties

The key duty for all Victorians is the GED, requiring businesses to minimise risks to the environment and human health from their activities. The better prepared a business is, the less chance there is of causing harm to human health or the environment, which is a good outcome for all Victorians.

The new laws require businesses to do several things:

- **Duty to Notify of Incidents** – Anyone whose activities cause a pollution incident must notify EPA.
- **Duty to Restore** – Anyone whose activities result in a pollution incident must restore the affected area
- **Duty to Manage Contaminated Land** – Anyone who manages or is in control of contaminated land must manage risks to human health and the environment.
- **Duty to Notify of Contamination** – Anyone who manages or is in control of land and becomes aware that the land is significantly contaminated must notify EPA.
- **Duty to Manage Industrial Waste** – Anyone generating or handling industrial waste must ensure it is deposited in a lawful place.
- **Duty to Manage Priority Waste** – Anyone handling priority waste must account for the waste and manage it according to risk.

EPA will continue to work with business and industry to help everyone prepare and improve under the new legislation.

### **What business can expect from EPA**

Protecting the environment for future generations is a shared responsibility, and EPA will work with industry, other regulators and the community to ensure their duties are understood and met.

EPA will:

- support businesses to meet their obligations with access to information and advice, and require those who don't do so to comply
- work with bodies such as industry associations to identify and share examples of good practice in their sectors
- coordinate our activities with other regulators to improve outcomes and reduce regulatory burden
- educate the community to increase awareness and have them help us identify environmental risks.

By doing this, EPA commits to support businesses to meet their legal obligations to understand and manage their environmental risks.

### **What EPA expects of you**

We expect businesses to understand the risks from their activities and proactively manage them. What you need to do will depend on how much risks your activities pose to human health and the environment.

It is no longer enough to rely on acting after an incident occurs.

You must act to prevent harm to human health or the environment. This new approach aligns to the new offences in the law. The better prepared a business is, the less chance there is of causing harm to human health or the environment, and that is an outcome that is good for all. EPA will continue to work with business and industry to prepare for and improve under the Act.

Where you are transparent and cooperative, this helps EPA to work with you to improve your risk management.

We expect your business to:

- show you have identified and assessed risks of harm to human health and the environment and put processes in place to minimise them
- respond quickly and seriously to EPA's advice and suggestions, and make changes when needed
- work to minimise environmental impact and repair damage
- answer questions, provide information and facilitate inspections
- ask for advice when needed and take suggestions on board.

For more information, call EPA on 1300 EPA VIC (1300 372 842) or visit [www.epa.vic.gov.au](http://www.epa.vic.gov.au)