

## Non-disturbance notice (section 278)

An authorised officer can issue a non-disturbance notice if they reasonably believe it is necessary to do their job, for example to stop the use or movement of plant, equipment or a substance. The notice will specify how long it applies for (not more than seven days) and how to apply for a review of the notice.

## Your protection against self-incrimination (section 268)

If giving information to an authorised officer would incriminate you, you may have a reasonable excuse not to provide it. This excuse doesn't apply to producing documents and only applies to individuals, not companies.

## Enforcement powers

Authorised officers also have a range of compliance and enforcement powers. This means they can give you advice on how to comply with the law and issue notices and directions that require you to fix a problem.

## What happens if I don't comply?

You must assist an authorised officer or allow others, such as your employees to assist them.

If you don't comply with an authorised officer's lawful request, direction or notice, you may be committing an offence.

## Offences relating to authorised officers

Significant penalties apply to the following offences under sections 266 and 267 for anyone who:

- hinders, delays or obstructs an authorised officer or any person assisting them from doing their job
- conceals locations, persons or things
- uses abusive, threatening or insulting language to an authorised officer or a person assisting them
- assaults, directly or indirectly intimidates or threatens (or attempting to) an authorised officer or any person assisting them.

## More information

EPA's website [epa.vic.gov.au](http://epa.vic.gov.au) contains publications that further explain Victoria's environment protection laws, EPA's enforcement powers and the powers of authorised officers.

## Feedback or complaints

If you want to provide feedback about your experience with an EPA officer, call us on 1300 372 842.

To make a formal complaint about an authorised officer visit [epa.vic.gov.au](http://epa.vic.gov.au) to complete an online complaint form or call us on 1300 372 842.

## Accessibility

Call us on 1300 372 842 or email [contact@epa.vic.gov.au](mailto:contact@epa.vic.gov.au) if you need this information in an accessible format such as large print or audio.

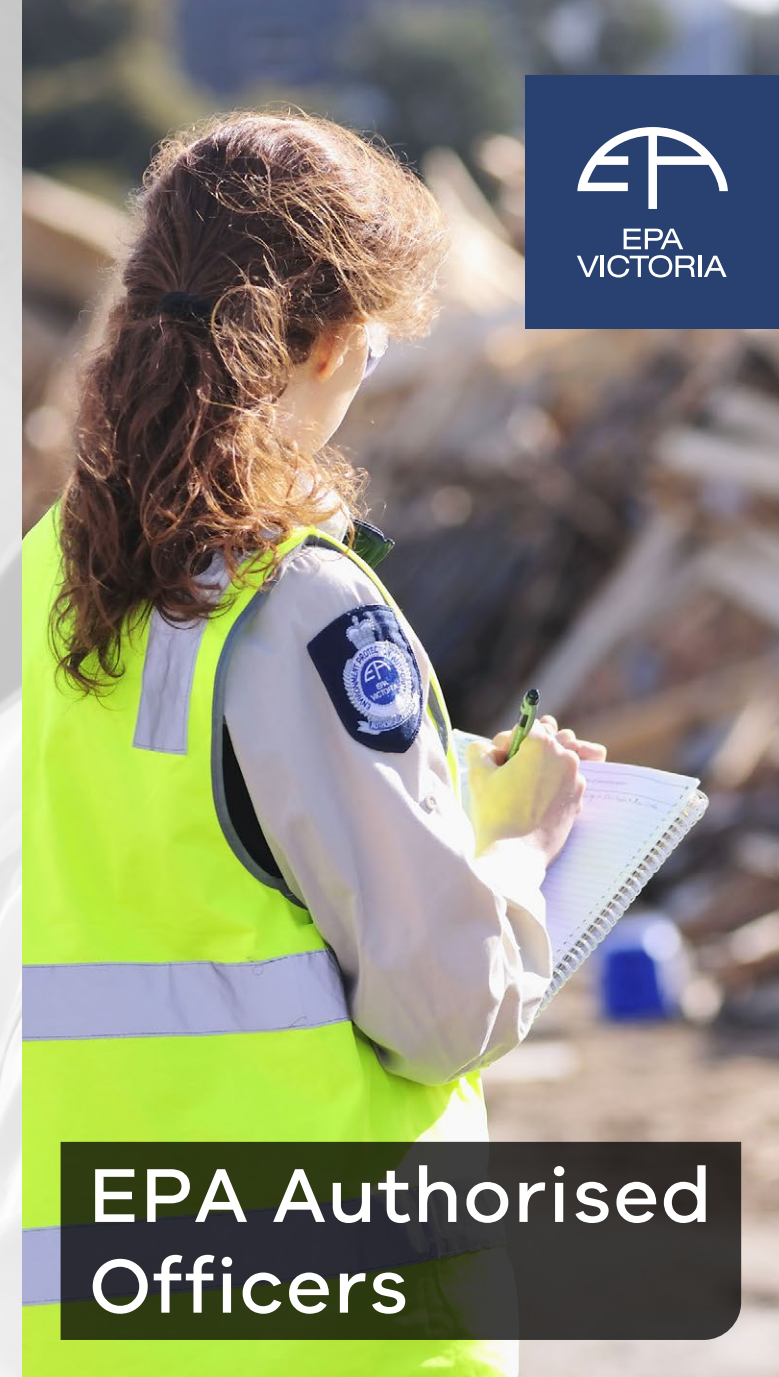


If you need interpreter assistance or want this document translated, please call 131 450 and advise your preferred language.

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service. For more information, visit [www.relayservice.gov.au](http://www.relayservice.gov.au).

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# EPA Authorised Officers





## What is the Environment Protection Authority (EPA)?

EPA is Victoria's environmental regulator. We are established as an independent statutory authority, to administer Acts including the *Environment Protection Act 2017*, *Pollution of Waters from Oil and Noxious Substances Act 1986* and associated subordinate legislation. We work with community, industry and business to reduce harm from pollution and waste.

## Who are EPA Authorised Officers?

EPA's authorised officers investigate and monitor compliance with the legislation above. Authorised officers can tell businesses and individuals how to comply with the law and can take enforcement action when necessary.

## What powers do authorised officers have to reduce harm from pollution and waste?

### Power to enter and inspect (section 246)

Authorised officers may enter your place or premises for purposes including to:

- determine if a person has committed an offence under the Act or Regulations
- monitor compliance with the Act or Regulations
- determine if there is a risk of harm to human health or the environment from pollution, waste or contaminated land
- inspect or test equipment or a vehicle.

### Times they can enter and inspect

(section 246(3) and 247)

Authorised officers may enter and inspect your place or premises at any reasonable time, including when open to the public. However, if they believe there's an immediate risk to human health or the environment caused by pollution or waste, they can enter at any time.

### Locations they can inspect

(section 246, 247 and 248)

Other than residential premises, there are no restrictions on the type of place or premises an authorised officer may enter and inspect.

Authorised officers may also enter and inspect a residential premises:

- with the occupier's consent
- under a search warrant or
- where they have a reasonable belief that an offence has occurred, or there is an immediate risk to human health or the environment. In this case they may only enter the necessary part of a residence.

### Announcement on entry (section 249)

An authorised officer will take all reasonable steps to let you know as soon as they arrive at your premises. They may also show you their identity card, unless that would interfere with or delay what the officer is doing or if you've been notified in advance of the inspection.

### Persons assisting authorised officers (section 250)

An authorised officer can bring any person to your site to assist them. This may for example be another EPA employee, local council officer, police officer or interpreter.

### Powers on entry (section 251)

An authorised officer can do anything they reasonably believe necessary to do their job. For example they may inspect, carry out testing, take photographs, record, photocopy or seize anything from the premises. They'll take all reasonable steps to minimise any disruption and will not remain at the premises longer than necessary.

### Production of documents (section 252)

Authorised officers may require you to produce documents necessary to do their job. They may also for example examine, keep or make copies of the document.

### Require information or answers (section 253)

If an authorised officer reasonably believes you have knowledge about another person's compliance with the environment protection laws, then you must give any information required or answer any question about it.

### Entry reports (section 254)

The authorised officer will give you a written report about the entry to your premises, as soon as practicable after the inspection.

### Information gathering notices

(sections 255 to 258)

An authorised officer may serve you with an information gathering notice. This means that you must provide any information or produce any document listed in the notice.

### Power to ask a person's name and address

(section 259)

An authorised officer can ask you to state your name and address if they reasonably believe you've committed, are committing or are about to commit a serious offence, or they think you can help them with their investigations. The authorised officer will tell you the reason why.

### Power to give directions (section 260)

An authorised officer can give you a written or verbal direction, if they reasonably believe it's necessary to address an immediate risk to human health or the environment caused by pollution or waste.

### Search warrants (sections 261, 262 and 263)

If an authorised officer has a search warrant issued by the Magistrates' Court, they may enter the place or premises listed in the warrant on one occasion to search for the thing named or listed in the warrant. If necessary, another person may enter with them to assist.

### Return and forfeiture of seized things

(sections 264 and 265)

Items that are seized from you will be returned as soon as possible unless there is a legal reason not to, for example if the owner can't be found. If EPA believes it is necessary to keep the item to prevent a crime from occurring, you'll be told in writing. If you wish, you can apply for a review of that decision in VCAT.