

Compliance and Enforcement Review Implementation

Information
bulletin



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EPA delivers on compliance and enforcement reform

Since the release of the Compliance and Enforcement Review (the Review) in February 2011, we have done a great deal of work to implement the Review's recommendations and we have now finalised 117 of the 119 recommendations. Over 15 per cent of our staff across 17 business units and our five directorates were project managers for these recommendations. The project managers were well supported by many other staff when delivering these projects which has changed the ways that all of our staff work.

One of the fundamental changes is the adoption of a risk-based and responsive regulatory model. The model ensures that our enforcement effort is targeted at issues that pose the greatest risk to human health and the environment, and that any enforcement action takes into account both the culpability of offenders and the risk or harm to health and the environment.

We have adopted eight principles to be held accountable to; we are targeted, proportionate, transparent, consistent, accountable, inclusive, authoritative and effective. These principles were part of our Compliance and Enforcement Policy that was released in June 2011. They are now integrated across our work from customer service and engagement to land-use planning.

Another key improvement has been the communication of our regulatory role through our operating model. EPA performs a range of activities to ensure duty-holders comply with the law and to protect the environment. We inform and educate, set standards, provide support, monitor compliance, enforce the law when necessary and encourage higher performance.

EPA recognises that transforming ourselves into a modern regulator will require continued and ongoing effort to fully implement the reforms identified in the Review. We are committed to embedding these changes into our standard practice and to realising the outcomes of this work now and into the future. This will be supported by a number of post-implementation reviews of recommendations currently being conducted.

The Review has been a catalyst to continue our transformation via reforms and over the next two years we will implement three more key reform projects:

- Approvals Reform – will streamline how EPA assesses, and makes decisions on, applications for approvals
- Audit Reform – will improve EPA's risk-based approach to the way we manage the environmental audit system. This will result in an audit system that is more efficient and a reduction in red tape. It will also help EPA to match its resources to the workload
- Science and Engineering Capability Reform – will result in EPA's science and engineering capability being more responsive to the needs of EPA's work and more focused on our role as both an effective regulator and influential authority.

Our commitment to the Victorian Community is that we will continue this journey to make us a more responsive, targeted and consistent modern environmental regulator.

A handwritten signature in purple ink, reading 'Cheryl Batagol'.

Cheryl Batagol

Chairman

EPA Victoria

Background to the Review

In order to improve its effectiveness and prepare for a more challenging future, EPA commissioned an extensive independent review of its compliance and enforcement activities. The [Compliance and Enforcement Review: A Review of EPA Victoria's Approach](#) was publicly released in February 2011 and contained 119 recommendations.

This is the last formal update on the implementation of the Review. More information on the Review and previous implementation updates can be found on the [EPA website](#).

Recent highlights

Published list of notices

EPA now publishes a list of remedial notices and post-closure pollution abatement notices through the EPA Interaction Portal on its [website](#). This addresses the first point of recommendation 9.12.

Restorative Justice Conference

In response to recommendation 20.5 EPA has been developing its capacity in community conferencing and convened its first Restorative Justice Conference in August 2012. The conference brought together the operators of the Hallam Road landfill, SITA Australia, and representatives of the communities surrounding the landfill. The conference provided a forum for community members to voice how offensive odour from the landfill had affected them and gave them the opportunity to provide input into the requirements of an enforceable undertaking (EU).

Prosecutions database

EPA now publishes searchable information on prosecutions on the [EPA website](#). Additional information on prosecutions is now also published, including the background of the offence and the reasons for the prosecution. This addresses recommendations 11.2, 11.3, 11.4 and 11.5.

Published guidance for company directors and officers

In response to recommendation 11.25, EPA has published a guidance document entitled [Your organisation's environmental responsibility - leadership actions for company directors and officers](#). This sets out how company directors and managers can lead their organisations in taking responsibility for protecting the environment.

Remedial notice review process

For the first time in EPA's history, duty-holders who receive a remedial notice from EPA [can apply to EPA](#) for an internal review of that notice. Previously, options for reviewing notices were limited to VCAT or the Supreme Court. The process is a tangible demonstration of how EPA is a transparent and accountable regulator. This notice review process, which is not just a pilot, addresses recommendation 17.1.

Authorised officer training

In response to recommendation 14.5, and to support the implementation of a number of other recommendations related to regulatory tools and their application, EPA developed a comprehensive and rigorous regulatory, interpersonal skill and technical training program for its authorised officers. All of EPA's currently authorised officers needed to successfully complete the training program in order to become re-authorised. The graduation ceremony for the first round of graduates took place at Parliament House in June 2013.

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EPA authorised officer graduates

Remaining recommendations

The following two recommendations require additional work before they can be closed out.

Recommendation 8.8: That EPA assign dedicated specialist resources to applying a systematic audit-based approach to complex industrial facilities including major hazard facilities and landfills.

Recommendation 11.1: That EPA significantly increase the level of prosecutions in order to ensure there are fair and appropriate consequences for serious offences under the EP Act.

EPA will continue to implement these recommendations. An update on their status is below.

Recommendation 8.8

The intent of recommendation 8.8 is that EPA has access to the specialist expertise necessary to regulate the most complex and highest-risk businesses. The establishment of EPA's Expertise Framework has provided a critical step toward achieving this as it helps EPA retain and develop expertise. This recommendation will be finalised through our Science and Engineering Capability Reform.

Recommendation 11.1

Recommendation 11.1 seeks to ensure a level of prosecution activity that provides an adequate deterrence to breaking the law. EPA has recently focused on large and complex prosecutions that have resulted in large penalties. There has also been a focus on securing a number of enforceable undertakings that have produced strong environmental outcomes and lifted the state of industry compliance with environmental obligations. EPA is currently reviewing its prosecution strategy to ensure the intent of recommendation 11.1 is met within three years.

Finalisation of these recommendations will be reported on the [EPA website](#).

Post-implementation reviews

EPA has begun post-implementation reviews of a number of recommendations. A post-implementation review is a quality check completed 12 months or more after a recommendation has been closed out to confirm that the intent of the recommendation continues to be addressed.