



EPA
VICTORIA



Regulatory communications and engagement policy

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EPA acknowledges Aboriginal people as the first peoples and Traditional custodians of the land and water on which we live, work and depend. We pay respect to Aboriginal Elders, past and present. As Victoria's environmental regulator, we pay respect to how Country has been protected and cared for by Aboriginal people over many tens of thousands of years. We acknowledge the unique spiritual and cultural significance of land, water and all that is in the environment to Traditional Owners, and recognise their continuing connection to, and aspirations for Country.

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1. Purpose

Environment Protection Authority (EPA) is Victoria's environmental regulator.

The *Environment Protection Act 2017* (the EP Act) creates duties for all Victorians to protect our environment and human health from the impacts of pollution and waste. It is important that people know what is expected of them under their duties, including EPA's role and powers and how they will be used.

EPA's Regulatory Communications and Engagement Policy sets out how we intend to give and receive information and work with people under the EP Act.

This means providing appropriate support, guidance and communications so people can meet their environmental obligations. It also means when obligations are not met, we are clear in communicating what the consequences will be and the actions we have taken.

The policy covers the principles and factors that guide how we communicate and work with people, and how we expect people to communicate and engage with us.

It supports and complements other key policies, including our *Compliance and enforcement policy* (publication 1798), *Permissions scheme policy* (publication 1799) and *Charter of consultation* (publication 1928), to collectively enable us to do our job to the best possible standard.

What is regulatory communications and engagement?

'Communications' is the provision of information through spoken, written and visual media as EPA undertakes its work as Victoria's environmental regulator. Effective communication is clear, fit for purpose and builds knowledge. It includes two-way communication, and the exchange of information to create shared understanding.

'Engagement' refers to how people participate in our work. It may include educating people about a project, consulting to obtain feedback at a key stage or milestone or working collaboratively to address local environmental problems. Public engagement is a planned process with the specific purpose of working with individuals and groups to encourage active involvement in decisions that affect them or are of interest to them.

Communications becomes engagement when our interaction becomes more than an exchange of information and there is an opportunity for individuals or groups to participate in conversations, decisions and problem solving with matters that affect them.

2. Our approach

The EP Act and its associated regulations provide a framework for protecting human health and the environment from the harmful effects of pollution and waste.

The cornerstone of the EP Act's focus on preventing harm is the general environmental duty (GED), which requires anyone conducting activities that pose risks of harm to human health or the environment to understand those risks and take reasonably practicable steps to minimise them.

EPA uses a range of activities to hold duty holders accountable for these responsibilities and other obligations under the EP Act, including:

- › supporting people to understand, own and address their impacts on human health and the environment
- › working with others to address complex pollution and waste problems
- › taking a no tolerance approach to non-compliance and proportionate regulatory action against those who fail to meet their obligations
- › reviewing and refining our focus and approach based on risk, evidence and impact.

When we use our regulatory tools, we ensure that they are focused on the problem and desired outcome. This approach uses a mix of encouragement and deterrence to motivate action, deliver improved outcomes, and involves several key elements; inform and educate, set standards, support to comply, monitor compliance, enforce the law and encourage higher performance (see Figure 1).

'Duties model' - how does it work?

Under the EP Act, the GED and other more specific duties will focus Victorian business, industry and the community on preventing harm.

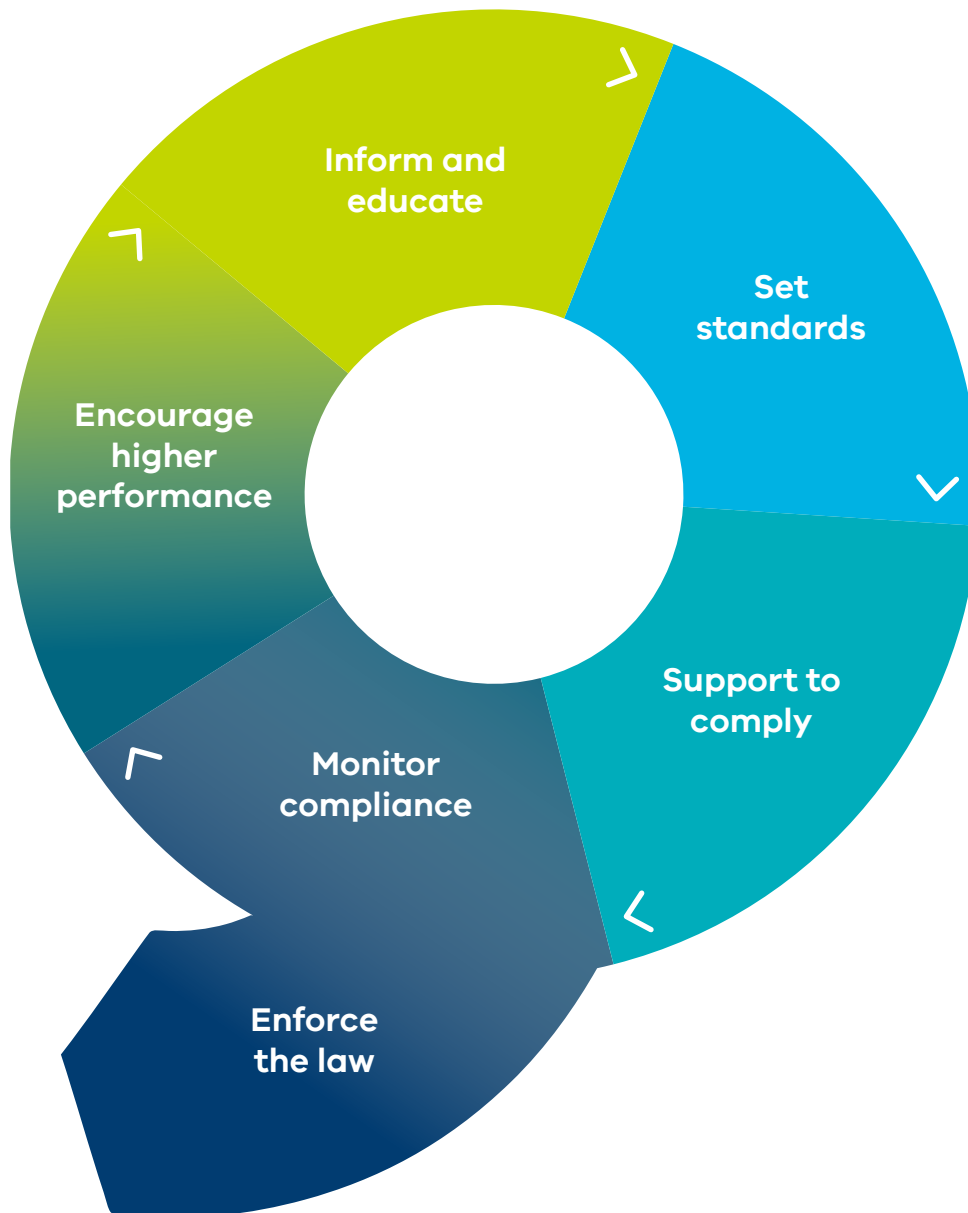
People are expected to be able to show what they are doing to make sure the environment and human health are protected from potential impacts from their activities.

Occupational Health and Safety laws work in a similar way, where we expect businesses to undertake steps to keep people safe at work and prevent workplace injuries and deaths from happening.

The GED aligns with the way many businesses and industries already manage risk—extending obligations to ensure the safety of human health and the environment as well.

The GED is complemented by duties requiring management of risks from contaminated land, management of waste across supply and disposal chains, and disclosure and notification of pollution incidents and significant contamination.

Figure 1 EPA's regulatory activities



Encourage higher performance:
Work with leaders and partners to encourage higher performance, to raise industry practices and inform future standards.

Inform and educate:
Raise awareness of environmental duties of care, the human health and environmental risks and impacts of activities, environmental quality, and EPA's role and jurisdiction.

Set standards:
Set clear and authoritative health and environmental standards based on strong science, understanding of community aspirations and industry best practices.

Support to comply:
Provide advice, guidance and build partnerships to ensure duty holders know what compliance is and improve their capability in identifying and managing their risks.

Monitor compliance:
Determine the level of compliance with duties and standards and maintain a credible risk of detecting non-compliance.

Enforce the law:
Address non-compliance with the law by requiring parties to remedy non-compliance, seek redress for any harms, and where appropriate, pursuing a penalty or punishment.

3. Regulatory communications and engagement

EPA's approach considers the most appropriate way to address any given situation in a way that will give us the best chance of minimising risks to human health and the environment, and to resolve any harms that may have occurred.

As we plan and undertake our regulatory activities, communicating and engaging with people is critical. How we do this will depend on the nature of the risks, the characteristics and needs of the people we are communicating or working with, and the behaviours and willingness of people to work with us and accept responsibility and their own duty to protect the environment.

3.1 Duty holders and Stakeholders

EPA refers to people who we communicate and engage with as 'duty holders' and 'stakeholders'. The difference between these terms is determined by the intent and purpose of our interaction.

A '**duty holder**' is someone who holds a duty under the EP Act to understand and manage risk of harm to human health and the environment from their activity, contamination or waste, or has a duty of disclosure or reporting. You don't need to have an EPA licence to be a duty holder. Landowners, for example, are duty holders because they have legal responsibility for what happens on their land.

Regardless of the size, scale or type of an activity, if it carries a risk to human health or the environment, the person in charge of the activity is a duty holder under the GED. The extent of their obligations under the relevant duty will depend on the size and scale of their activity and the associated risks.

A '**stakeholder**' is someone personally or professionally invested in outcomes from EPA's activities. Stakeholders may be from community, business, industry and government sectors. How a person identifies with a particular stakeholder group (for example, whether they consider themselves to be 'community' or 'business') depends on their primary interest in EPA's work at a given time.

We recognise that someone can be both a duty holder and a stakeholder and can exist between and within different groups as they enter and leave their working and non-working lives or engage with EPA. For example, someone may be a duty holder, and can also be a stakeholder if seeking information about the quality of their local environment.

Working with duty holders

All Victorians have duties and obligations under the EP Act. Duty holders may be subject to inspections by EPA authorised officers, in accordance with their power under the Act.

When we communicate and engage with people in their capacity as duty holders, first and foremost our role is to protect human health and the environment from the harmful effects of pollution and waste. During a site inspection, our officers provide clear and direct communication in a fair, proportionate and transparent manner.

When duty holders show willingness to comply, EPA will help them do so, but we will use our powers, including fines and court action against those who deliberately or recklessly cause harm.

Working with stakeholders

At EPA, we think strategically about communicating and engaging with our stakeholders with whom we typically have a mutual interest. We consider the most effective approach including considering interests and viewpoints, the engagement method most likely to work, predicting responses to our messages and planning accordingly.

If the need to engage with stakeholders is complex, ongoing or involves a high-risk matter, we may explore and plan our approach through a Stakeholder Engagement Plan. By thinking about our stakeholders, their interests and interactions with us and other parties, we are in a better and more informed position. Understanding the best ways to engage is important for clear and effective communication.

3.2 Our regulatory activities

Usually the problems we face require a combination of regulatory activities, coordinated to address the problem at hand. We help stakeholders and duty holders understand the condition of their environment, how they can work with us to develop standards, and what they can do to comply with legislation and improve their performance. We also monitor compliance with the law and enforce it when we need to.

To ensure the best chance of success, we adjust how we communicate and engage with people to address the need and the activities in question.

● Inform and educate

We support people to understand the condition of their environment and accept their responsibility to prevent harm from their activities.

We share information with people who need or want it, and work with them to improve their knowledge of their environment and our respective responsibilities. We use information to:

- raise awareness about EPA's role, functions and law enforcement activities
- build a positive environmental protection culture
- facilitate dialogue and drive continuous improvement and
- communicate the state of the environment, environmental risks and how to respond to them, including during emergency events.

We work with people to help them understand environmental harm or public health risk arising from pollution incidents, emerging environmental problems, or long-term legacy matters that may affect them and what they can do to respond to and minimise risks.

We make use of various media channels (social, website, radio, tv, print) and provide information through public statements, publications (e.g. guidelines and factsheets), targeted campaigns and other resources. EPA maintains public registers of regulatory information on its website. They include information about permissions issued, court proceedings, environmental audits, compliance codes, position statements and other information issued under the EP Act.

We continually improve how we deliver information, as communication technologies evolve and stakeholder expectations shift. By adapting to changing communication needs, we can more effectively raise the standard of knowledge on preventing harm to human health and the environment.

Communicating and engaging during emergency events

EPA's role during emergency events is to support the 'control agency' responsible for managing the government's response. The control agency is determined by the nature of the incident or event.

We provide technical and scientific information to the control agency by monitoring and advising on environmental and human health impacts of pollution and waste.

In collaboration with the Department of Health and Human Services, we inform the community on health risks associated with the event (e.g. smoke or impacted water quality), and provide advice on disposal of contaminated materials such as asbestos and dead livestock from the event. If there is an impact on air quality, EPA's role includes providing updated environmental information to the public on its website, and other media channels.

Our role also often extends to working with affected communities, councils, industry and recovery agencies both during and after the emergency event, where staff will be onsite to speak with people and assist with enquiries and recovery efforts.

● Set standards

EPA works with relevant government, business and community stakeholders in setting standards for how activities should be conducted.

We are science driven in setting standards that form a range of evidence-based regulatory

tools - environmental reference standards (ERS), Regulations, permissions, position statements, compliance codes and guidance.

EPA encourages public participation and engages with stakeholders to understand the existing state of knowledge, current and future risks, and community aspirations, to develop these standards and rules.

We work with industry and business sectors to design and develop appropriate guidance on risk and managing compliance, (e.g. 'reasonably practicable' actions to manage risks), and communicate published standards to relevant industry, affected community and other stakeholders.

What is the 'Charter of Consultation'?

EPA undertakes a wide range of regulatory engagement with duty holders and stakeholders.

The *Charter of Consultation* formally sets out our commitment under section 53 of the EP Act in two areas of EPA consultation:

- development of legislative standards (ERS, Regulations and position statements)
- permissions applications assessment.

The Charter outlines key aspects of the legislation that require or may benefit from consultation and describes how EPA may undertake this consultation.

● Support to comply

EPA helps duty holders understand what the EP Act and related legislation means for them, and what they need to do to comply.

We work to maximise compliance by working directly with people and extend this effectiveness through strategic partnerships with industry groups and networks. We work with peer regulators and maintain regular dialogue with stakeholders, such as through EPA's Industry and Community Reference Groups.

As we support duty holders to comply, we:

- clearly and consistently explain who we are, what we do, and what our expectations are
- provide relevant information, adapting our communication styles and methods as needed for our intended audience
- support and encourage two-way communication, using a variety of communication channels, and providing information to people in a way that works for them.

● Monitor compliance

As a regulator, a key role for EPA is to assess whether people comply with their obligations under the EP Act. We start with the assumption that most people want to do the right thing to protect human health and the environment from impacts from their activities.

Our authorised officers visit duty holders to check they are complying with the duties of environment protection and meeting any specific requirements or permission conditions. We encourage questions from duty holders on how to protect human health and the environment from their activities, whether they are complying and what they can do to address any risk of non-compliance.

We welcome feedback and input through our call centre, pollution reporting, citizen science programs, our reference groups and working with the community to extend our ability to detect when people are not meeting their statutory environmental obligations.

Respecting and supporting diversity and inclusion

EPA recognises, promotes, and celebrates the diversity of the people of Victoria. We respect and consider a person's cultural, religious, racial and linguistic background and ability. We adapt our conversations to provide alternative communications and engagement support when it is required. This might include sourcing a translation or interpretation service for people who have limited English skills, providing an Auslan interpreter for hearing impaired duty holders and stakeholders, publishing a document in larger font or braille for our stakeholders and duty holders with sight impairment, or accommodating religious or cultural needs.

● Encouraging higher performance

EPA encourages an ongoing approach to higher environmental performance through building the case for improved practices and influencing future standards.

We work with people in priority industry or business sectors, or in priority geographic areas in the design of solutions and approaches to continually 'raise the bar' of environmental performance.

We acknowledge efforts that result in good risk management and higher performance, and we communicate those examples of good practice by industry.

● Enforce the law

We address non-compliance with laws and standards by making sure those responsible are held to account for their actions. When people have caused risk or harm to human health and the environment, we make sure harms are fixed and the risks are addressed. This includes appropriate recognition of the impacts on local community.

When enforcing the law, our communications are clear and authoritative. We explain what has occurred and if the incident qualifies as a breach of law, the actions that need to happen, and what EPA intends to do next. Where appropriate, we apply sanctions to deter future offending.

To warn others of the consequences of non-compliance, we communicate the outcomes of our enforcement action. This improves the state of knowledge on risk and/or harm and encourages good practice.

What is a sanction?

A sanction is an enforcement tool EPA uses to penalise a business or person who has breached or not complied with the legislation.

Sanctions range from warnings to prosecutions, which could result in fines and/or the loss of a licence or permit.

We support responsive sanctioning, which means we use the process of sanctioning to improve environmental outcomes.

4. Working with Traditional Owners

EPA is committed to working inclusively with Aboriginal Victorians and Traditional Owners.

We seek opportunities to strengthen and extend our understanding and recognition of Aboriginal culture and perspectives across all areas of EPA's activity, and participation of Traditional Owners in our regulatory operations.

We value connecting with Aboriginal Victorians and Traditional Owners, building from existing relationships to find areas of mutual interest and partnership opportunities. We seek to strengthen EPA's work in protecting human health and the environment by:

- › developing our understanding of the diversity of Victorian Aboriginal culture, perspectives and customs to facilitate communications and engagement and inform our regulatory approaches
- › working in partnership with Aboriginal Victorians and Traditional Owners to understand their aspirations and matters of significance as we undertake our work
- › seeking opportunities to embed respectful relationships with EPA's business planning and operations, working consciously to identify opportunities for inclusion within regulatory practices
- › providing appropriate recognition and acknowledgement of Aboriginal Victorians as Traditional Owners and first custodians of the lands and waters that we now regulate in EPA publications, digital channels and in spoken form at meetings and presentations
- › celebrating National Aboriginal and Islander Day Observance Committee (NAIDOC) and Reconciliation weeks, with an emphasis on regional customary celebration activities.

EPA understands that decisions in Aboriginal communities are not made by individuals and that in many cases are made by a committee or council. We recognise the need to work with Aboriginal groups in our communications and engagement activities to identify how decisions are made and who has the responsibility and authority to make decisions on participation in EPA activities.

5. Working with us

We want Victorians to feel confident in communicating and engaging with us on matters relating to environment protection. We welcome conversations with people about their local environmental problems, and who want to work with us to address and resolve them. We recognise that sometimes this can be complex and difficult, and the solution may not be achievable overnight. However, we prefer to have the information we need so that we are in the position to do our job to the best of our ability.

We rely on our stakeholders and duty holders to tell us if there is anything we are doing that is not effective, or if we are not being true to what we say we will do. If there is something that we have missed, we need to know about it so we can address it.

We offer a variety of channels for people to connect with us, which provide for productive two-way dialogue. If confidentiality and anonymity is required, we will respect and honour this. Working with us should lead to a mutual understanding of the environmental problems at hand, what needs to be done to fix them, and what we should all expect to happen from here.

We support Victorians to have greater participation in matters that affect them, and work towards achieving the kind of environment that has its legacy environmental problems addressed and is protected from new problems occurring in the future.

