

Industry guidance: supporting you to comply with the general environmental duty



Environment
Protection
Authority Victoria



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Fact sheet

A new legal framework will come into effect on 1 July 2020 that will help drive environmental improvements by ensuring everyone takes responsibility for the risks they pose to the environment. The cornerstone of the *Environment Protection Amendment Act 2018* (the Act) is the general environmental duty (GED), which requires Victorians to understand and minimise their risks of harm to human health and the environment, from pollution and waste.

EPA will work with industry to help them understand how to fulfil their obligations, by providing guidance, advice and other support. Complying with the GED is about taking reasonable proactive steps and employing good environmental work practices.

Working under the general environmental duty

Generally speaking, most businesses would not have to do anything differently. Most businesses already follow good management practices and would find that these aid compliance with the GED. This can be through following responsibilities under OHS laws, meeting industry standards, adopting industry better management practices, and following other relevant legislation related to the environment. In effect, the GED just makes it clear that it is your responsibility to manage your business to reduce risk to the environment.

For businesses that may not be clear on what they should be doing to protect the environment, the GED also helps. By focusing on how you operate, the GED provides a clear framework that EPA and you can follow to understand risks and take steps to address them.

For those few who choose not to do the right thing, the Act not only clarifies their obligations, it also provides EPA with tools to pick up wrong-doing and bring people into compliance, levelling the playing field for everyone.

What is the GED?

Definition: "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."

Reasonably practicable means putting in controls that are proportionate to the risk.

It relates to the chance of harm occurring and potential impacts on the environment. It also relates to what controls are available, their cost, and considers what an industry generally knows about the risk and control options. This is termed the 'state of knowledge'.

Further information

Contact EPA: www.epa.vic.gov.au
1300 372 842 (1300 EPA VIC)

Industry guidelines:
www.epa.vic.gov.au/business-and-industry/guidelines

Transition to the new laws:
www.epa.vic.gov.au/newlaws

Understanding the new laws:
engagement@epa.vic.gov.au



Supporting you to comply with the general environmental duty

Understanding 'state of knowledge'

The expression, 'state of knowledge', describes the body of accepted knowledge that is known or ought to be reasonably known about the harm or risks of harm to human health and the environment and the controls for eliminating or reducing those risks.

Under the GED, you are required to have reasonable knowledge about the risks your activities pose, and how to address them.

Obtaining this knowledge means drawing on reliable, reputable sources. Existing knowledge may include business and industry knowledge, regulatory and government agency knowledge and independent organisations' knowledge.

- **Business and industry knowledge:** business documentation for safely performing activities, manuals and information from suppliers and contractors, safety data sheets and labelling, manufacturers' instructions for safe operating procedures, training provided in the use of equipment, contractual arrangements between parties participating in the activities. Standardised documents and manuals, guidance from industry associations and peak bodies distributed to members.
- **Regulatory and government agency knowledge:** EPA and other government authorities (including Sustainability Victoria, WorkSafe), guidance material, technical notes, compliance decisions and enforcement outcomes, advice (including advice given to your business specifically).
- **Independent organisations' knowledge:** reports from independent organisations such as Standards Australia, universities, and environmental engineers.

The state of knowledge will develop over time as new technology, systems and processes develop or where there is an emerging risk.

Role of guidance in contributing to state of knowledge

EPA will work collaboratively with industry and key stakeholders where there is a need to develop **industry guidance** to help businesses identify and control risks.

This may include:

- providing information to address significant human health and environmental issues
- supporting legislative and regulatory initiatives where guidance may be helpful to educate
- educating businesses following severe or repeated compliance breaches within that industry.

You can also contact your industry association.



For further information on how to manage your environmental impact

epa.vic.gov.au/business-and-industry/how-to-manage-your-environmental-impact