

Environmental Justice Policy

December 2024
Strategy Division



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1. Purpose

As the state's environmental regulator, we are committed to environmental justice. That is, supporting an environment where all people:

- enjoy equal protection from environmental harm
- have equal access to decision-making processes to maintain a healthy environment.

Achieving environmental justice needs cooperation between government, community, Traditional Owners and industry. We recognise that environmental justice outcomes are a shared responsibility.

EPA operates under the [Environment Protection Act 2017](#) (the Act) which supports environmental justice outcomes. It includes:

- environment protection principles of equity, accountability, shared responsibility and the precautionary principle
- a focus on prevention by identifying and preventing the risk of harm to human health and the environment through the duty's framework.
- opportunities for participation
- restorative justice including new options through enforcement proceedings.

We must administer the Act in a way that is consistent with, and gives application to, the environment protection principles.

This policy statement identifies the elements of environmental justice and how we apply them to our regulatory work. It outlines how we will prioritise and focus our efforts from 2025 to 2027.

This policy statement builds on EPA's regulatory policies and will:

- inform our engagement to better protect human health and the environment
- inform how we leverage our activities to support environmental and restorative justice outcomes
- foster shared responsibility in identifying, preventing and restoring environmental harm.

This aligns with our [Strategic Plan 2022-2027](#) and the outcomes we want to see by 2027. They are that:

- our environment is cleaner and communities are healthier
- all Victorians reduce their environmental risks
- we have impact and influence.

It delivers on the commitment in our [Environmental, Social and Governance Statement 2024 to 2027](#) to “Supporting an environment where all people enjoy equal protection from environmental harm and equal access to decision-making processes to maintain a healthy environment in which to live, learn and work.”

2. Understanding environmental justice

Environmental justice recognises we all depend on a healthy environment. But pollution and waste impact some communities more than others. For example, some people live in areas near industrial zones or with historical industrial use. Some people are more affected by pollution and waste because of existing social disadvantage. We have a shared responsibility to achieve a healthy environment for all people.

We refer to these situations as *overburden*, meaning there is a combination of factors that create an environment in which some communities experience a disproportionate and higher level of burden relative to others.

We understand there are 4 important elements to environmental justice:

Relational

We recognise the importance of relationships. The relationships we foster help us identify environmental risks and impacts, prevent and respond to harm. They help make us accountable for our regulatory actions. They open the door to cooperation, learning, restoring and healing of harm. We recognise the inter-connection between community, Traditional Owners, future generations and our environment.

Distributive

We recognise the importance of sharing environmental benefits. We work to prevent and minimise environmental burdens. This is particularly important for disadvantaged, vulnerable and sensitive populations. Being responsive to inequitable burdens requires us to understand the nature of the risk of harm. It also requires identification of mitigations and benefits that address those burdens.

Procedural/participatory

We recognise the importance of robust processes that achieve participation, transparency and accountability. Decision making processes that impact the health of people and our environment should be inclusive. This means access to reliable information, opportunities for public engagement and regulatory review.

Restorative

We recognise the importance of processes that achieve accountability and restoration. These are especially beneficial where a harm, wrong or unfair burden occurs. This includes learning from adverse outcomes to prevent future harms to human health and the environment.

3. Our regulatory approach

As a science-based organisation we understand, assess and respond to environmental risks. This includes risks to human health. We identify priority risks, considering social and environmental conditions and regulatory intelligence.

Our regulatory approach uses a mix of encouragement and deterrence. This motivates action and delivers improved outcomes for Victorian communities and the environment. Our regulatory approach supports environmental justice.

Inform and educate

We:

- provide accessible information to help people understand environmental risks and harms
- publish environmental monitoring data
- encourage community participation in regulatory decision making.

Set standards

We:

- use science and stakeholder insights to create standards to protect human health and the environment
- undertake human rights assessments when issuing licences and permits
- undertake health impact assessments
- work with Traditional Owners to recognise cultural values and traditional knowledge in our work
- provide advice on environmental impacts on planning and major development proposals.

Support to comply

We:

- support those with duties under the EP Act in understanding of best practice
- provide practical and constructive advice to support compliance
- publish industry guidance that contributes to the state of knowledge and provides practical support to industry to assist in discharging their obligations.

- deliver industry partnerships and programs that create opportunities for Victorian businesses to partner or collaborate with us in support programs.

Monitor compliance

We:

- monitor duty holder compliance to prevent risk of harm from pollution and waste
- target the areas of highest risk
- identify and are responsive to the highest risk and where we can make the biggest difference to reducing the risk
- respond to community reports of pollution.

Enforce the law

We:

- investigate breaches of duties and obligations under the Act
- use our powers to hold duty holders to account
- use the restorative tools to increase participation and deliberation about environmental law.

Encourage higher performance

We:

- foster a culture of environment protection across the Victorian economy
- encourage cooperation, innovation and planning to reduce risks from development activity.

4. Focus areas

In delivering our commitment to environmental justice we have identified 3 priority areas that will be our focus.

1. Developing tools to identify and address issues of overburden.
2. Strengthening opportunities for meaningful participation.
3. Applying restorative justice approaches.

4.1 Developing tools to identify and address issues of overburden

We will build our capability to identify the areas and issues of overburden. This will help us better address key environmental justice issues in Victoria. It will also help all stakeholders to understand where the burden of environmental justice exists and to support pathways to address these.

Our vision

- Duty holders, community and decision makers have a shared understanding of issues of overburden.
- We use demographic and environmental data to identify the cumulative risk of harm from pollution and waste.
- There is transparency in licence holder performance and environmental reporting.
- We work with government and industry partners to address the causes of overburden.

4.2 Strengthening opportunities for meaningful participation

Engagement is core to being an effective and responsive regulator. We recognise the connection between effective participation, transparency and accountability. This supports better decision-making for the protection of human health and the environment.

Our vision

- Our engagement builds a foundation of relationships that enable optimal environment protection.
- Our regulatory work provides opportunities for meaningful participation.
- Duty holders regard environmental justice as an opportunity to comply and build their social licence to operate.

4.3 Applying restorative justice approaches

Those likely to be impacted by harm must have a voice and inform outcomes. Restorative practices help us co-design better ways of achieving healthy environments and communities. These opportunities are recognised in the EP Act which provides tools that allow for restorative outcomes such as enforceable undertakings, the use of impact statements and restorative processes through enforcement proceedings.

Our vision

- We can implement the full suite of restorative options in the Act where appropriate.
- Our approaches to restorative justice apply across our regulatory work. We support greater participation and better environmental outcomes.

- Community and duty holders benefit from participating in our regulatory approaches.

5. Review and evaluation

We will engage with community, Traditional Owners, business and government on how we implement this policy.

We will measure the success of this policy statement in line with our annual reporting on our organisational priorities. This will help us understand how effective our actions are.

From this, we can adapt, evolve, and improve how we identify and prevent environmental justice concerns.

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