*Environment Protection Act 2017*

Part 8.2

The commitments in this better environment plan are offered to the Environment Protection Authority by:

*Click here to insert names of participants*

## Definitions:

In addition to terms defined elsewhere in this plan, the following definitions are used:

Act means the *Environment Protection Act 2017 (Vic)*

Authority means the Environment Protection Authority Victoria

BEP means this better environment plan

EPA means the Environment Protection Authority Victoria

Participants means any one or more of: Click here to enter name of participants

[Click here to add any other defined terms]

## 1. The participants

### 1.1 EPA’s role

1.1.1EPA is a statutory body created by the Act, which has primary responsibility for the administration and enforcement of that Act. EPA’s objective is to protect human health and the environment by reducing the harmful effects of pollution and waste.

### 1.2 Description of participants in the BEP

1.2.1 The participants are:

*[describe each participant in the BEP. Where relevant please include site details and explain the existing uses of the site, process and production rates]*

Click or tap here to enter text.

## 2. The objectives of the BEP

### 2.1 Duty or obligations under the Act that the BEP will address

2.1.1 The legal duty or obligation under the Act that is being addressed by this BEP is:

Click or tap here to enter text.

### 2.2 Risk to human health or the environment

*[Note that the combined information in 2.1 and 2.2 needs to be sufficiently clear and specific such that EPA can understand and assess the scope of the BEP]*

2.2.1 The risk/s of harm to human health or the environment that this BEP addresses is:

Click or tap here to enter text.

### 2.3 \*Relevant history to the management of this human health or environmental risk of harm

*[Please provide details relevant to how this issue has impacted upon the environment and community in the past. Provide details of any previous compliance notices issued under the Act (or predecessor to the Act, Environment Protection Act 1970, or any other legislation administered by EPA) or enforcement action taken on participants in this BEP in relation to the human health or environmental risk being addressed. This does not extend to any spent convictions within the meaning of the Spent Convictions Act 2021.]*

2.3.1 Relevant history to the management of this human health or environmental risk of harm includes:

Click or tap here to enter text.

*[\*A submission in relation to this part is not mandatory. However, if you choose not to make a submission in relation to this part, EPA may make an information request pursuant to section 182(3) of the Act, as EPA may consider this information necessary to determine whether to accept the proposed plan. If you have any concerns about including this part of your submission in this BEP and it being made public on the Public Register, please contact us for assistance.]*

### 2.4 Purpose of BEP: Innovation and/or exceed compliance.

*[Please tick the relevant box(es) below:]*

[ ]  This BEP provides an innovative way of complying with the Act.

[ ]  This BEP provides a way of exceeding compliance with the Act.

## 3. Addressing the risk of harm to human health or the environment

### 3.1 Current actions to address risk of harm

3.1.1 The current actions being undertaken by the participant in the BEP as a means of addressing the risks of harm outlined in clause 2.2 above are:

Click or tap here to enter text. If there are several participants in the BEP, then clearly set out the actions each participant completes to address risks of harm.

###  3.2 Actions or responsibilities being committed

3.2.1 The actions or responsibilities committed to under this BEP are set out in [Schedule 1](#schedule).

*[please complete schedule 1]*

3.2.2 Under sections 182 and 186 of the Act, the participants have offered, and EPA has agreed to accept, the commitments identified in [schedule 1](#schedule) as a means of complying with the obligations in the Act identified in clause 2.1 to the extent that the BEP makes provision for performing that duty or satisfying that obligation.

### 3.3 Information to support commitments

3.3.1 If the BEP is intended to provide an innovative way to comply with an obligation/s in the Act, please explain how the actions are innovative and how this has been verified.

*[Note: If the participants have engaged an appropriately qualified independent professional to provide an opinion as to the innovative nature of the commitments, please provide this supporting information here. If the participants have not sought this verification EPA may make an information request pursuant to section 182(3) of the Act, as EPA may consider this information necessary to determine whether to accept the proposed BEP.]*

Click or tap here to enter text.

3.3.2 If the BEP provides a way for compliance with the Act to be exceeded, please explain how this assessment (why and how the committed actions exceed compliance) has been made.

*[Note:**If the participants have engaged an appropriately qualified independent professional to provide an opinion as to how, and to what degree, the proposed commitments go beyond their industry’s established, effective practices to manage their risks, please provide this supporting information. If the participants have not sought this verification EPA may make an information request pursuant to section 182(3) of the Act, as EPA may consider this information necessary to determine whether to accept the proposed BEP.]*

Click or tap here to enter text.

## 4. Stakeholder consultation

4.1 Who is likely to be affected by the BEP

4.1.1 The community members, community groups, businesses or Traditional Owners that will be affected by the BEP are as follows:

Click or tap here to enter name(s) and contact details of people who have been identified as affected by the proposed BEP.

### 4.2 Consultation on the proposed plan

4.2.1 The parties identified in clause 4.1 have been consulted through the development of the BEP as follows:

Click or tap here to enter text.

### 4.3 Stakeholder influence

4.3.1 The consultation referred to in clause 4.2 has influenced the action being committed under the BEP in the following ways:

*[Note: EPA will not approve a BEP if appropriate consultation has not been undertaken by the participants and/or if it cannot be demonstrated by the participants that those who are likely to be affected by the BEP have contributed to its development.]*

Click or tap here to enter text.

4.3.2 The participants have committed to ongoing consultation with the stakeholders identified in clause 4.2 as detailed in the relevant [section](#consultation) of schedule 1.

*[Please include the ongoing consultation and engagement plan in* [*schedule 1*](#consultation)*]*

## 5. Reporting

### 5.1 Interim reporting schedule

5.1.1 The participants undertake to provide EPA with written progress reports on the following dates Click or tap here to enter date(s)outlining:

1. each participant’s actions undertaken to implement each action relevant to them as specified in Schedule 1
2. actions still to be completed to ensure compliance with the terms of the BEP, and when each action will be delivered
3. any foreseeable compliance issues and mitigation strategies the participants intend to employ to ensure delivery of all commitments in accordance with the terms of the BEP.

## 6. Verification of compliance

### 6.1 Each participant makes the following commitments:

6.1.1 The participants undertake that they will supply all documents and information reasonably requested by EPA to assess compliance with the terms of the BEP. They note that the Act provides that EPA is able to request information under section 255 of the Act, unless the participant has a reasonable excuse. For example, the documents or information are subject to legal professional privilege.

[*The use of an auditor, or other suitably qualified professional, is not a mandatory requirement, and the participants do not need to include it in the submission. However, if EPA considers that an auditor or independent expert is appropriate for reporting purposes, it may impose a condition to use an auditor, pursuant to section 182(5)(b) of the Act.*]

6.1.2 In addition to the interim reports provided under clause 5.1, each participant undertakes that within 14 business days of completion of the BEP, the participant will provide to EPA a certification from their CEO [or delegate] that the participant has fully completed all commitments.

6.1.3 Each participant undertakes that they will pay the costs of their compliance with this BEP.

## 7. Acknowledgements

* 1. Each participant acknowledges that:

a) In accordance with section 183 of the Act, each participant must notify EPA as soon as practicable after becoming aware of any circumstances that materially affect

1. any objective of the BEP
2. the capacity of any participant to comply with the BEP.

b) Participants may apply to EPA for an amendment of the BEP, in accordance with section 184 of the Act.

c) In accordance with section 184(4) of the Act, EPA may amend or revoke the BEP or remove all or any participant from the BEP if

1. EPA becomes aware of any circumstances that materially affect any objective of the BEP or the capacity of any participant to comply with the BEP, or
2. the submission of the proposed BEP contained false or misleading information, or
3. a participant in the BEP withdraws from the BEP under section 185; or
4. the Authority reasonably considers that the implementation of the BEP is failing to deliver objectives of the BEP.

d) Participants must give at least 20 business days’ notice if they choose to withdraw from the BEP, as required by section 185 of the Act.

e) EPA may publicly refer to this BEP.

f) EPA will make this BEP available for public inspection on a register of BEPs, in accordance with section 456(1)(j) of the Act and that this BEP will remain on the register while it remains in force. By submitting this BEP, the participant agrees to disclosure of any of their commercially sensitive information included as part of the BEP submission, as required by section 457(2) of the Act. [*if a participant does not consent, then any commercially sensitive information will be redacted before it is disclosed on the Public Register*].

g) It is an expectation that BEPs will also serve an additional purpose of improving the state of knowledge about how risks to human health and the environment can be better managed. To this end, participants are expected to actively share/publicize the innovations/manner of exceeding compliance to help drive industry wide improvements.

h) As provided in section 186 of the Act, compliance with this BEP by a participant is taken as performance of the duty or satisfaction of the obligation under this Act that the BEP addresses to the extent that the plan makes provision for performing that duty or satisfying that obligation.

i) Section 186 of the Act does not apply to a participant where the participant has withdrawn from the BEP, has been removed from the BEP or the BEP has been suspended or revoked by the Authority before the relevant participant’s commitments have been fulfilled.

j) Subject to section 186 of the Act, EPA’s acceptance of this BEP does not affect EPA’s power to bring proceedings against participants, to issue penalty infringement notices or instigate any other enforcement action against the participant/s in relation to any contravention or alleged contravention of the Act.

k) Subject to section 186 of the Act, the BEP in no way derogates from the rights and remedies available to any other person or entity arising from any conduct described in the BEP or arising from subsequent conduct.

### 7.2 Commencement of BEP

7.2.1 The participants acknowledge that the BEP has no operative force until accepted and signed by EPA, and the participants and EPA acknowledge that the date of the BEP is the date on which it is accepted and signed by EPA.

## 8. Effect of non-compliance on the BEP

8.1 Each participant acknowledges that:

a) in accordance with section 187 of the Act, failure to comply with any of the commitments agreed, or terms of this BEP may result in EPA:

* + 1. suspending the operation of the BEP;
		2. suspending the participation of the participant in the BEP;
		3. removing the participant from the BEP; or
		4. revoking the BEP.

## 9. Cessation of the BEP

9.1 Following verification of completion of the BEP in accordance with clause 6 above, EPA will provide written notification to the participants that the BEP is no longer in force.

## 10. BEP contact details

10.1 Any written notification to EPA pursuant to the BEP is to be provided to:

BEP administrator
200 Victoria Street,
Carlton, VIC, 3053

Any written notification to the participants pursuant to the BEP is to be provided to:

[*Participant to insert contact details*]

*[Please sign the document. Corporations must sign the document in accordance with section 127 of the Corporations Act 2001]*

|  |  |
| --- | --- |
| THE COMMON SEAL of THE COMPANYwas affixed in accordance with the *Corporations Act 2001* in the presence of: | ))  |
|  | Director  |
|  | Director/Company Secretary  |
|  |

Accepted by the Environment Protection Authority under Part 8.2 of the *Environment Protection Act 2017* by its CEO

|  |
| --- |
|  |

Lee Miezis

CEO of the Environment Protection Authority Victoria:

Click or tap to enter a date.

## Schedule 1

### Committed actions

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Action # / reference***Number/or add unique identifier to each action* | **Action***Please list each commitment as a clear, measurable action.**Each individual commitment must be able to be verified as complete. If the action is not clearly expressed, and verification of completion cannot be achieved, the Authority will not be able to agree to the BEP.* | **Who is responsible** | **Date for completion** | **Verification***Please provide the date of verification and name of party who verified completion**Note: the column is to be populated during implementation of the BEP as proponents deliver their commitments.*  |
| Click or tap here to enter number/ID | Click or tap here to enter commitment. | Click or tap here to enter name. | Click or tap to enter a date. | Click or tap to enter verification date. | Click or tap to enter name of person who verified completion |
| Click or tap here to enter number/ID | Click or tap here to enter commitment. | Click or tap here to enter name. | Click or tap to enter a date. | Click or tap to enter verification date. | Click or tap to enter name of person who verified completion |
| Click or tap here to enter number/ID | Click or tap here to enter commitment. | Click or tap here to enter name. | Click or tap to enter a date. | Click or tap to enter verification date. | Click or tap to enter name of person who verified completion |
| Click or tap here to enter number/ID | Click or tap here to enter commitment. | Click or tap here to enter name. | Click or tap to enter a date. | Click or tap to enter verification date. |  |
| Click or tap here to enter number/ID | Click or tap here to enter commitment. | Click or tap here to enter name. | Click or tap to enter a date. | Click or tap to enter verification date. | Click or tap to enter name of person who verified completion |
| Click or tap here to enter number/ID | Click or tap here to enter commitment. | Click or tap here to enter name. | Click or tap to enter a date. | Click or tap to enter verification date. | Click or tap to enter name of person who verified completion |

### Consultation, Engagement and Communications Plan

*[Please provide details about how and when the participants will consult with affected stakeholders through the life of the BEP and how the outcomes of the BEP will be publicized to help inform state of knowledge within the industry more broadly.]*

Click or tap here to enter text.

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.

