



EPA Governance Charter

Acknowledgement of Country

1. 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 recognise the unique spiritual and cultural significance of land, water and all that is in the environment and the continuing connection and aspirations for Country of Aboriginal people and Traditional custodians.

Introduction

2. This Charter describes the governance arrangements of the Environment Protection Authority Victoria (EPA).
3. Where there is any inconsistency between this Charter and any documents that it refers to, then those documents have precedence over this Charter. If any document referred to in this Charter is amended from time to time, then this Charter should be interpreted as referring to the amended document.
4. Note: The Governance Charter is a summary document and does not include all details of the various internal governance arrangements that are in place to assist in guiding decision making for officers at an operational level.

EPA's objective

5. EPA's objective is to "protect human health and the environment by reducing the harmful effects of pollution and waste".¹
6. Our [Strategic Plan 2022-27](#) defines our purpose and the outcomes we want to see in this period. The plan describes the strategic choices we've made to secure those outcomes, what we aim to achieve and how we'll measure our performance.

Legislative framework

7. EPA is an independent authority established under the *Environment Protection Act 1970* (EP Act 1970).
8. On 1 July 2018, the Environment Protection Act 2017 (EP Act 2017) commenced. The EP Act 2017 provides for EPA to continue, but as a public entity with a Governing Board whose functions are:²
 - a. the governance, strategic planning, and risk management of EPA
 - b. pursuing the objective of EPA
 - c. to perform the duties, functions and exercise the powers of EPA.
9. The EP Act 2017 legislates for the position of a CEO, appointed by the Governing Board and

¹ Section 357 of the EP Act 2017

² Section 362 of the EP Act 2017

responsible for the administration of the day to day management of EPA.³

10. The EP Act 2017 also legislates for the position of the Chief Environmental Scientist,⁴ appointed by the Board and responsible for the provision of advice to EPA relating to:
- a. the objective of EPA
 - b. the duties and functions of EPA.

Powers, duties, and functions

11. The powers, duties and functions of EPA are stated in section 359 of the EP Act 2017.
12. EPA administers all or part of the following legislation:

- [Environment Protection Act 2017](#)
- [Environment Protection Act 1970](#)
- [National Environment Protection Council \(Victoria\) Act 1995](#)
- [Pollution of Waters by Oil and Noxious Substances Act 1986](#) (jointly).

Other legislation

13. EPA has a role in:

- [Climate Change Act 2017](#)
- [Planning and Environment Act 1987](#)
- [Environment Effects Act 1978](#).

14. EPA has responsibilities under other legislation and obligations including:

- *Public Administration Act 2004*
- *Financial Management Act 1994* and Standing Directions 2018
- *Equal Opportunity Act 1995*
- *Occupational Health and Safety Act 2004*
- *Public Records Act 1973*
- *Crimes Act 1958*
- *Privacy and Data Protection Act 2014*
- *Freedom of Information Act 1982*
- *Protected Disclosures Act 2012*
- *Independent Broad-Based Anti-Corruption Commission Act 2011*
- *Ombudsman Act 1973*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Child Wellbeing and Safety Act 2005*
- *Audit Act 1994*
- *Disability Act 2006*
- *Equal Opportunity Act 2010*
- *State Superannuation Act 1988*
- *Victorian Managed Insurance Authority Act 1996*
- *Disability Discrimination Act 1992 (Cth)*
- *Emergency Management Act 2013*
- *Surveillance Devices Act 1999*
- *Work Health and Safety Act 2011 (Cth)*
- *Workers Compensation Act 1958*
- *Workplace Injury Rehabilitation and Compensation Act 2013*

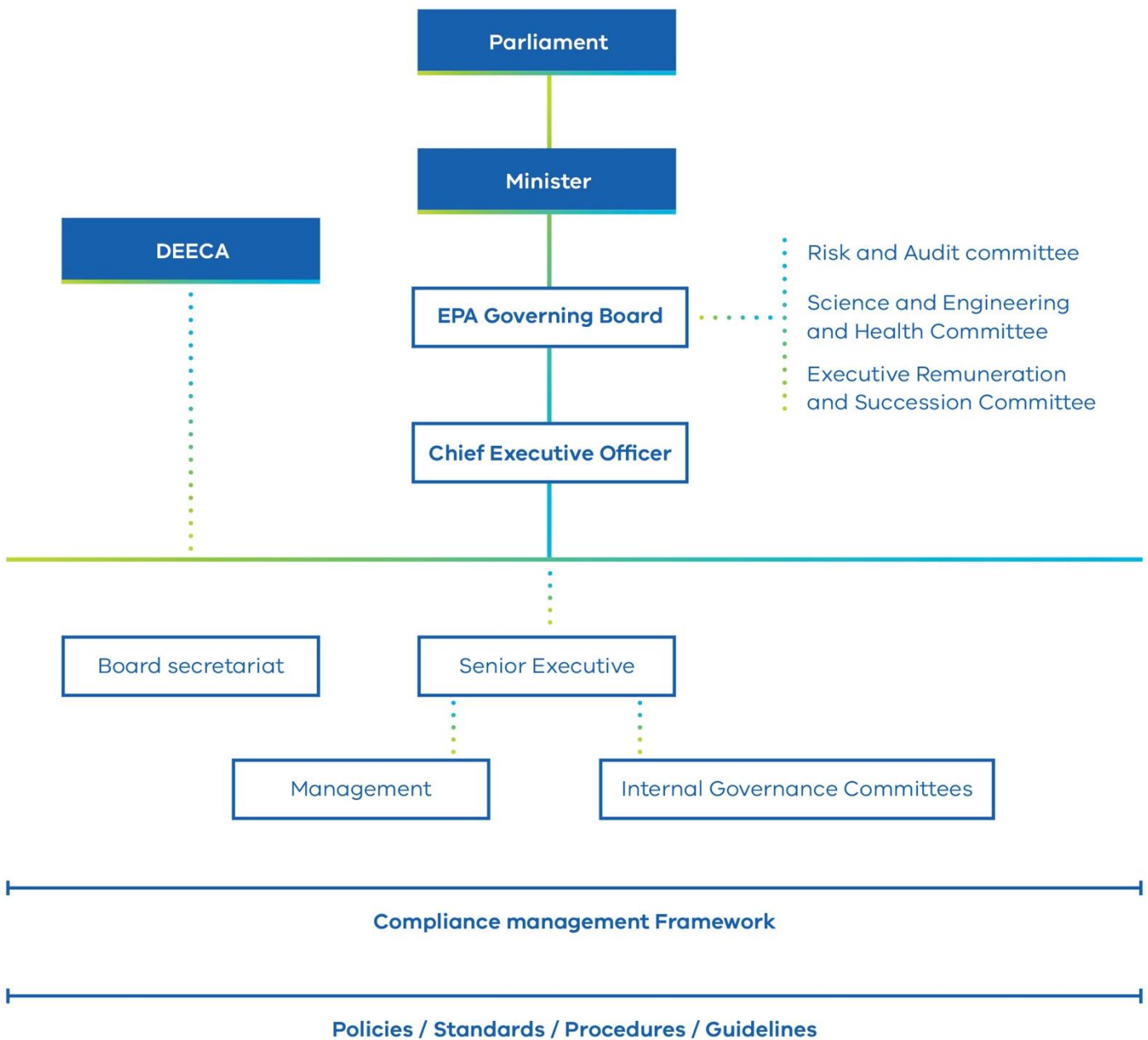
³ Section 373(4) of the EP Act 2017

⁴ Section 374(1) of the EP Act 2017

- All other laws and obligations that bind the EPA.

Governance structure

15. EPA is part of the Environment Portfolio and is accountable to the Minister for the exercise of its functions under the EP Act 1970 and EP Act 2017.
16. In its role as regulator, EPA works closely with the Department of Energy, Environment and Climate Action (DEECA) in its role leading and co-ordinating the development of environment policy and legislation. EPA also works closely with Sustainability Victoria (SV) and Recycling Victoria (RV) in relation to programs that support behaviour change and co-regulation respectively.
17. EPA's governance structure is represented below:



Relationship with Parliament

18. EPA exists to achieve objectives deemed by government to be in the public interest and operates using the powers conferred by Parliament. EPA is therefore accountable to Parliament through its Minister. EPA is required to provide the Minister with an annual report on its performance, and the Minister is required to table that annual report in Parliament.⁵ EPA is also subject to oversight by integrity bodies such as the Victorian Ombudsman, IBAC and the Victorian Auditor-General.

Relationship with Government

19. The elected Victorian Government, via its Minister, sets the broad environmental policy agenda, making agency and program funding decisions and through the introduction and amendment of legislation via the Parliament.

20. Parliament makes amendments to all legislation relating to EPA.

21. The Premier, by General Order, determines the Minister responsible for administering the EP Act 1970 and EP Act 2017.

22. The Governor in Council, on the recommendation of the Minister, appoints the EPA Governing Board.

23. The Governor in Council, on the recommendation of EPA, makes and amends state environment protection policies and waste management policies under s16 and s16A of the EP Act 1970.

24. EPA also contributes to environment policy development at a national level via DEECA in support of the Minister.

Relationship with Minister

25. As a regulator created under statute, EPA exercises its legislative powers independently from the Minister. For example, statutory decisions made by EPA regarding works approvals and licensing are not subject to direction from the Minister.

Role and responsibilities

26. The Minister is responsible for administering the EP Act 1970 and the EP Act 2017. The Minister is responsible to Parliament for:

- a. EPA's exercise of its functions⁶
- b. the performance of EPA
- c. ensuring that proper accountabilities and controls are established and maintained by EPA
- d. recommending amendments to the EP Act 1970 and EP Act 2017.

Decision making

27. The Minister makes recommendations to the Governor in Council regarding:

- a. the appointment of Governing Board members⁷

⁵ Section 45 FM Act 1994, Standing Directions for the Minister of Finance 2018

⁶ Section 85 PA Act

⁷ Section 361(2) of EP Act 2017 provides the Governor in Council, on the recommendation of the Minister, must appoint not less than 5 and not more than 9 persons to be members of the Governing Board.

- b. the appointment of a Chairperson⁸
- c. the appointment of a Deputy Chairperson⁹
- d. the making and amendment of certain Regulations and Statutory Policies made under the EP Act 1970 and EPA Act 2017 (these must also be accompanied by a formal EPA recommendation).¹⁰

Accountability

28. The Minister is held broadly accountable to Parliament for:

- a. proper governance and effective operations of EPA
- b. the advancement of Government policy objectives
- c. the establishment and maintenance of proper accountabilities and controls to ensure powers are exercised and public monies spent in a proper manner.

Relationship with the Secretary

29. The DEECA Secretary, as Department Head, is responsible for advising the Minister on matters relating to EPA including the discharge by EPA of its responsibilities under all relevant Acts.

30. The Secretary is also responsible for working with EPA on matters relating to public administration and governance.

31. EPA must provide the Secretary with any information required to enable the Secretary to fulfill these responsibilities.¹¹

Relationship with Department

Role and responsibilities

32. By convention, DEECA is an extension of the Minister and is the Minister's (and Secretary's) principal source of advice on portfolio matters including the performance of EPA and emerging risks. DEECA's role includes:

- a. leading and coordinating high-level policy and strategic planning functions in the Portfolio
- b. assisting with liaison between EPA and the Minister
- c. assisting with liaison between EPA and central agencies (the Departments of Premier and Cabinet, and Treasury and Finance).

EPA Governing Board

33. The Governing Board is established under section 361 of the EP Act 2017.

Appointment

34. Governing Board members are appointed by Governor in Council on the recommendation of the Minister. A member of the Governing Board holds office for a period not exceeding 5

⁸ Section 363(1)(a) of EP Act 2017 provides the Governor in Council, on the recommendation of the Minister, must appoint one member of the Governing Board to be the Chairperson.

⁹ Section 363(1)(a) of EP Act 2017 provides the Governor in Council, on the recommendation of the Minister, must appoint one member of the Governing Board to be the Deputy Chairperson.

¹⁰ Section 465 (Part 15.2) of EP Act 2017 sets out the Regulations that may be made by the Governor in Council.

¹¹ Section 13A PA Act

years; and is eligible for reappointment for one further term of office.¹²

Governing Board Subcommittees

35. The Governing Board may establish advisory committees for the purpose of providing advice and information to assist the Governing Board in the performance of its functions.¹³

36. The Governing Board has established three subcommittees:

- a. Risk and Audit Committee
- b. Science, Health and Engineering Committee
- c. Executive Remuneration and Succession Committee.

Chief Executive Officer

Appointment

37. The Governing Board must appoint a person to be the CEO of EPA.¹⁴ The CEO must not be a member of the Governing Board but may attend meetings of the Governing Board.

Role and responsibilities

38. The CEO has the responsibility for the administration of the day-to-day management of EPA in accordance with the law and government policies affecting EPA.¹⁵

39. The CEO provides strategic leadership and management to the organisation, ensures proper resource allocation and timely delivery of outcomes. The CEO also provides leadership in exemplifying the public sector and organisational values.

40. Responsibilities of the CEO include inter alia:

- a. employer of EPA executive and staff (by virtue of the delegation of employer powers from the Chairperson described above)¹⁶
- b. the management and prioritisation of EPA budget and resources to meet agreed outcomes
- c. supporting the Governing Board in setting the strategic direction of EPA and in particular setting the strategic plan and supporting annual plans
- d. keeping the Governing Board, Minister and Secretary informed on matters relating to the operation of EPA.¹⁷

41. The CEO is the accountable officer in the FM Act and has obligations including:

- a. ensuring that proper accounts and records are kept¹⁸
- b. providing the Minister or the Minister responsible for the FM Act any financial information they request¹⁹
- c. preparing financial statements and a report of operations²⁰
- d. writing off certain debts, losses or deficiencies in public accounts in accordance

¹² Sections 363, 364 and 366 EP Act 2017

¹³ Section 372 of EP Act 2017

¹⁴ Section 373 EP Act 2017

¹⁵ Section 373(4) EP Act 2017

¹⁶ Section 20 PA Act

¹⁷ Section 373(4) EP Act 2017 provides for the administration of the day to day management of the affairs of EPA

¹⁸ Section 43(2) FM Act

¹⁹ Section 44A(1) FM Act

²⁰ Section 45 FM Act

with the relevant Regulations²¹

- e. organising investigations into the loss, deficiency or destruction of public money or property that may have been caused by a serving or former officer and deciding whether to try to recover funds from the officer²²
- f. Consulting with the Governing Board in relation to the appointment or dismissal of the Chief Financial Officer.²³

Decision making

42. The CEO may delegate any power or function under the EP Act 2017 or the regulations to an officer or employee or the holder of an office or position under EPA.²⁴

Accountability

43. The CEO is accountable to the Governing Board for the administration of the day to day affairs of EPA.

Chief Environmental Scientist

Appointment

44. The Governing Board must appoint a person to be the Chief Environmental Scientist (CES) of EPA.²⁵

Role and responsibilities

45. The CES is responsible for the provision of advice to EPA relating to:

- a. the objective of EPA
- b. the duties and functions of EPA.²⁶

Decision making

46. The CES has no specified decision-making responsibilities, however, may be delegated authority to make decisions by the Governing Board or CEO.

Accountability

47. The CES is accountable to and can be directed by the CEO for the provision of advice to EPA.

48. The CES is an ex-officio member of the Science, Engineering and Health Committee which is a committee established by the Governing Board to provide independent strategic advice to EPA.

EPA Staff

Employment

49. The CEO authorises the appointment of senior executive service (SES) positions by virtue of the delegation of employer powers from the Chairperson.

50. EPA staff are employed under the Victorian Public Sector (VPS) Enterprise Agreement 2020. The EP Act 2017 contains transitional provisions ensuring that EPA employees that were

²¹ Section 55 FM Act

²² Section 57 FM Act

²³ Standing Directions 2018 Under the *Financial Management Act 1994* 2.3.1 (j)

²⁴ Section 373(5) of EP Act 2017

²⁵ Section 374 of EP Act 2017

²⁶ Section 374(3) EP Act 2017

employed by EPA pre the EP Act 2017 commencement continue to be employed by EPA on terms and conditions no less favourable than what was before.²⁷

Decision making

51. Certain EPA staff, such as EPA Executive Directors, Directors, Managers and in some instances staff with operational responsibility or expertise (such as Authorised Officers and Principal Experts) have been delegated decision-making authority under the EP Act 1970, subordinate legislation and other legislation, such as the Planning and Environment Act 1987.
52. Under Direction 2.5 of the Standing Directions of the Minister for Finance 2018 under the FM Act, the Governing Board, as responsible body, has delegated power to establish authorisations to the CEO. The CEO has authorised expenditure of EPA funds of specified amounts and activities to designated EPA staff.

Accountability

53. EPA staff are ultimately accountable to the CEO. EPA employees are part of the VPS and are bound by the PA Act, the VPS Enterprise Agreement 2020 and any standards issued by the Victorian Public Sector Commission.²⁸
54. It is a condition of employment that all VPS employees comply with the Code of Conduct for Victorian Public Service Employees 2015, and disciplinary action may be taken if the Code of Conduct is breached.

Values and Code of Conduct

Public Sector Values

55. EPA employees, Governing Board and subcommittee members are part of the VPS and are bound by the *Public Administration Act 2004* (PA Act).
56. Section 7 of the PA Act outlines the Public Sector Values which underpin and reflect the behaviours essential to the relationship between:
- the public sector and the Government
 - the public sector and the community
 - those who work in the public sector.

57. The values are:

Responsiveness

- providing frank, impartial and timely advice to the Government
- providing high quality services to the Victorian community
- identifying and promoting best practice.

Integrity

- being honest, open and transparent in their dealings
- using powers responsibly
- reporting improper conduct
- avoiding real or apparent conflicts of interest
- striving to earn and sustain public trust at the highest level.

²⁷ Section 469 of EP Act 2017

²⁸ Section 62 of PA Act

Impartiality

- making decisions and providing advice on merit without bias, caprice, favouritism or self-interest
- acting fairly by objectively considering all relevant facts and applying fair criteria
- implementing Government policies and programs equitably.

Accountability

- working to clear objectives in a transparent manner
- accepting responsibility for their decisions and actions
- seeking to achieve best use of resources
- submitting themselves to appropriate scrutiny.

Respect

- treating others fairly and objectively
- ensuring freedom from discrimination, harassment and bullying
- using their views to improve outcomes on an ongoing basis.

Leadership

- actively implementing, promoting and supporting these values.

Human Rights

- making decisions and providing advice consistent with human rights
- actively implementing, promoting and supporting human rights.

EPA Values and Behaviours

58. EPA's values and behaviours are;

- a. Excellence - doing the very best we can is our priority
- b. Integrity - we do the right thing and guide others to do the same
- c. Connection - we are unified, inclusive, transparent and open
- d. Tenacity - we are focused, determined, and accountable
- e. Courage - we're empowered to step up to our purpose.

Code of Conduct

59. The Code of Conduct for VPS Employees 2015 is based on and reinforces public sector values. It prescribes how, as public servants, we are required to conduct our business and treat:

- a. the public
- b. our clients
- c. each other as colleagues.

60. It is a condition of employment that all VPS employees comply with the Code of Conduct, and disciplinary action may be taken if the Code of Conduct is breached.

Related documents

61. [EPA Strategic Plan 2022-27](#)

62. [DEECA model policies](#)

63. [Code of Conduct for Victorian Public Sector Employees 2015](#)

64. [VPS Enterprise Agreement 2020](#)

65. [VPS employment principles](#)

EPA internal references

66. EPA Financial Delegation

67. EPA Human Resources Delegation

68. EPA Instruments of Delegation

69. Governing Board Charter

70. Risk and Audit Committee Charter

71. Science, Engineering and Health Advisory Committee Charter

72. Executive Remuneration and Succession Committee Charter

73. Senior Executive Committee Terms of Reference

Review and endorsement

74. The Office of the CEO will review this charter as required, to keep up-to-date with changes to laws, government policy, and EPA strategic plan etc. Where material changes are made, the Governing Board will approve the charter.

75. This charter was last approved in March 2023 and will be reviewed again in March 2025.

76. This charter is published on the EPA website.