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| Regulatory communications and engagement policy |



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Principles of environment protection and Charter of Consultation

Part 2.3 of the Act includes 11 principles of environment protection. EPA should have regard to the principles of environment protection in the administration of the Act and they must be applied in relation to certain decisions.

The principle of accountability (s22) clearly expresses the purpose and value of consultation. This policy also acknowledges the principle of shared responsibility (s16). This principle encourages EPA to provide opportunities for participation in environmental decision making.

The Charter of Consultation formally sets out our commitment to these principles and section 53 of the Act. The Charter outlines the key sections of the legislation that require or may benefit from consultation. It describes how EPA may conduct this for:

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

# Purpose

What is regulatory communications and engagement?

**Communications** is the provision of information through spoken, written and visual media as EPA conducts 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. It has 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. Engagement provides an opportunity for individuals or groups to participate in conversations, decisions and problem solving with matters that affect them.

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

EPA is an independent statutory authority under the Environment Protection Act 2017 (the Act). Our role is to prevent and reduce harm from pollution and waste.

We administer the Act and Environment Protection Regulations 2021 (the Regulations).

The Act creates duties, or requirements, for all Victorians to protect our environment and human health from the impacts of pollution and waste. It is important for 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
* work with people under the 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 Regulatory Communications and Engagement Policy guides our implementation of the Act, along with the:

* Compliance and enforcement policy (publication 1798)
* Permissions scheme policy (publication 1799)
* General Standards policy (publication 1983)
* Charter of consultation (publication 1928).

# Our approach

‘Duties model’ - how does it work?

Under the Act, the GED and other more specific duties 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.

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

The GED is complemented by duties that require the:

* management of risks from contaminated land
* management of waste across supply and disposal chains
* disclosure and notification of pollution incidents and significant contamination.

The Environment Protection Act 2017 and regulations provide a legal framework for protecting human health and the environment from the harmful effects of pollution and waste.

The general environmental duty (GED) is central to the laws. It requires all Victorians to manage risks to human health and the environment that their activities create. Everyone must take steps to understand their obligations and minimise their risks, so far as reasonably practicable. This includes all businesses, big or small.

Our role is to ensure individuals, business and industry are complying with the laws. We do this through a mix of encouragement and deterrence. We aim to motivate action and deliver improved outcomes for Victorian communities and the environment (see Figure 1). This includes:

* Informing and educating - raising awareness of the impacts of pollution and waste and building a culture of care for the environment.
* Setting standards – providing clear and authoritative standards based on science and community aspirations.
* Supporting to comply – providing practical, constructive and authoritative advice on how to comply with the law.
* Monitoring compliance – assessing compliance with the law and monitoring risks across industries and sectors.
* Enforcing the law – requiring individuals and businesses to take actions to prevent harm, make good any harm caused, and deter non-compliance.
* Encouraging higher performance – recognising good performance, building the case for improved practices and influencing future standards.

When we use our regulatory tools, we focus on the problem and desired outcome. We then apply our tools and powers in a consistent, transparent, and proportionate way.

You can read more about our regulatory approach on the [EPA website](https://www.epa.vic.gov.au/about-epa/what-we-do/epa-regulatory-approach).

Figure 1 EPA’s regulatory activities



# Regulatory communications and engagement

As we plan and conduct 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
* the behaviours and willingness of people to work with us and accept responsibility and their own duty to protect the environment.

## 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.

From government to business to community, all Victorians have duties and obligations under the Act. Anyone who holds a duty under the Act may be subject to inspections by EPA authorised officers, in accordance with their powers under the Act. EPA may take action even if harm has not yet occurred. The duties under the Act may apply to:

* employers
* contractors
* company officers
* other persons who manage or control the activity
* persons who manage or control land
* designers, manufactures, suppliers or installers of plant or equipment
* individuals whose activities may give rise to a risk of harm.

When we communicate and engage with people in their capacity as duty holders, our first and foremost role is to protect human health and the environment from the harmful effects of pollution and waste. During an inspection our officers will 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.

A stakeholder is someone personally or professionally invested in outcomes from EPA’s activities. Stakeholders may be from:

* a Traditional Owner group
* community
* business
* industry
* government.

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 someone can be both a duty holder and a stakeholder. They may 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.

Communicating and engaging during emergency events

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

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

In collaboration with the Department of Health, we inform the community on health risks associated with the event. For example, smoke or impacted water quality. We also provide advice on disposal of contaminated materials such as asbestos and dead livestock from the incident. 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. This includes both during and after the emergency event. In these situations, EPA staff will be onsite to speak with people and assist with enquiries and recovery efforts.

When communicating and engaging with stakeholders, we think about the most effective approach. This includes considering interests and viewpoints and plan the engagement method most likely to work for different stakeholders.

## Our regulatory activities

Usually, the challenges we face require a combination of regulatory activities to be 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
* 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 their responsibility to prevent harm from their activities.

We share information with people who need or want it. We use information to:

* raise awareness about EPA’s role, functions and enforcement activities
* build a positive environmental protection culture
* facilitate dialogue and drive continuous improvement
* communicate the state of the environment, 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 affecting them
* what they can do to respond to and minimise risks.

We make use of various media channels (e.g. social, website, radio, tv, print) and provide information through public statements, publications (e.g. guidelines and factsheets), targeted campaigns and other resources. EPA also maintains public registers of regulatory information on its website. They include information about:

What is reasonably practicable?

Taking reasonably practicable action means you have put in ‘proportionate’ controls to eliminate or minimise risks of harm. If you can’t eliminate the risk, a reasonably practicable action will include consideration of the following factors:

(a) the likelihood of those risks eventuating

(b) the degree of harm that would result if those risks eventuated

(c) what the person concerned knows, or ought reasonably to know, about the harm or risks of harm and any ways of eliminating or reducing those risks.

(d) the availability and suitability of ways to eliminate or reduce those risks

(e) the cost of eliminating or reducing those risks.

To find out more on what might be considered [**reasonably practicable**](https://www.epa.vic.gov.au/about-epa/laws/laws-to-protect-the-environment-and-human-health/reasonably-practicable-under-the-laws) and ‘[**state of knowledge**](https://www.epa.vic.gov.au/about-epa/laws/laws-to-protect-the-environment-and-human-health/state-of-knowledge-and-industry-guidance) for your activity, see the EPA website.

* permissions issued
* court proceedings
* environmental audits
* compliance codes
* position statements
* other information issued under the 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 state of knowledge on preventing harm to human health and the environment.

### Set standards

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

EPA encourages public participation in the development of standards and rules. We engage with stakeholders to:

* understand the existing state of knowledge
* current and future risks
* community aspirations.

### Support to comply

We work with industry to develop information and guidance to help duty holders understand how they can reduce the risk of harm to human health and the environment. Guidance supports compliance with duties under the Act. It provides approaches to identify and manage risks and comply with obligations without prescribing particular methods.

We aim to maximise compliance by working directly with people and extend this effectiveness through strategic partnerships with industry groups and networks. We understand that industry associations are often a preferred source of advice for businesses. We will work with them to get information to you. We also work with peer regulators and maintain regular dialogue with stakeholders.

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
* encourage two-way communication, using a variety of communication channels that works for them.

### Monitor compliance

Litter and pollution reporting

Litter and pollution reporting by the community helps us protect our environment and investigate potential non-compliance. This includes the thousands of reports of smoky vehicles, illegal dumping, industry pollution and litter from cars we receive each year.

We are committed to following up with reporters of pollution to share the outcome or actions taken in response to reports. We will also explain why we might not consider the report to be a priority at the time.

As a regulator, a key role for EPA is to assess whether duty holders comply with their obligations under the 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.

When our authorised officers inspect duty holders to check they are complying, we encourage questions from duty holders on:

* how to protect human health and the environment from their activities
* whether they are complying
* what they can do to address any risk of non-compliance.

We welcome feedback and input through our:

* Contact Centre
* pollution reporting
* community science programs.

Support from the community helps to increase our ability to detect when people are not meeting their statutory environmental obligations.

### Enforce the law

We address non-compliance with laws 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 the environment, cultural values and to local communities.

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. This could result in fines and the loss of a licence or permit.

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

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 is to improve the state of knowledge on the risks and encourage good practice.

### Encouraging higher performance

EPA encourages higher environmental performance by businesses and industry. We do this by building the case for improved practices and influencing future standards.

We work with people in industry or business sectors 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. We communicate those examples of good practice by industry.

# Working with Traditional Owners

EPA respects the knowledge and cultural values of Traditional Owners. We seek to learn from and include Traditional Owner cultural values as part of our work. This is achieved by developing sustainable and respectful relationships with Traditional Owners. It is the foundation for our understanding of Aboriginal culture and knowledge.

Our collaboration with Traditional Owners occurs across all areas of EPA’s activity. It helps to strengthen EPA’s role in protecting human health and the environment. We focus on:

* working with Traditional Owners to understand their priorities for Country and matters of significance.
* ensuring we respect the diversity of Aboriginal culture and knowledge about human health and the environment.
* working consciously to identify opportunities for inclusion within regulatory practices.
* providing a safe and inclusive approach, which includes appropriate recognition and acknowledgement of Traditional Owners and first custodians of the lands and waters that we now regulate in:
	+ EPA publications
	+ digital channels
	+ spoken form at meetings and presentations.
* celebrating National Aboriginal and Islander Day Observance Committee (NAIDOC) and Reconciliation weeks, with an emphasis on regional celebration activities.

EPA understands there are many ways Aboriginal people, as first peoples, are recognised in Victoria. We also appreciate decisions in Aboriginal communities are not made by individuals and in many cases are made by a committee or council. We recognise the need to continue to work with Traditional Owners and Aboriginal groups to be inclusive in our communications and engagement activities. We will ensure there are opportunities for participation in EPA activities.

# 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.

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
* providing an Auslan interpreter
* publishing a document in larger font or braille, or
* accommodating religious or cultural needs.

We recognise 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 we are able 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.

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 affecting them. We will work towards achieving the kind of environment that has its legacy environmental problems addressed and is protected from new challenges occurring in the future.

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Interpreter assistance



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