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| General standards policy |



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EPA acknowledges Victoria’s First Nations peoples as the Traditional Owners of the land and water on which we live and work. We pay our respect to their Elders past and present.

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# Purpose

‘Duties model’ - how does it work?

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

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 provides the framework for environmental protection. It is underpinned by the general environmental duty (GED) and duties for waste, contaminated land and incident notification and management.

General standards support people to understand and meet their environmental obligations under the Act. They are a diverse collection of tools. They range from instruments made under the Act that set legal requirements through to advisory guidance.

This policy provides an overview of general standards instruments and tools. It sets out the high-level approach to developing and using the best instruments and tools to address a problem.

The General Standards Policy guides our implementation of the Act, along with the:

* Permissions scheme policy (publication 1799)
* Compliance and enforcement policy (publication 1798)
* Regulatory communications and engagement policy (publication 1929)
* Charter of consultation (publication 1928).

1. Our approach

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.

Who is a duty holder?

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. Responsibility for preventing harm rests with anyone in management or control of the activity that may give rise to risks of harm.

The Act also includes additional powers that allow EPA to hold individual directors to account for the duties their company holds.

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.

The 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.

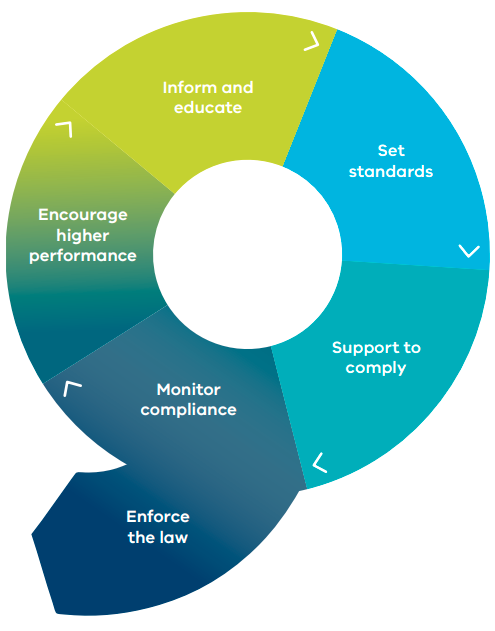
Our role is to ensure individuals, business and industry are complying with the laws. We do this through a mix of encouragement and deterrence. We aim to motivate action and deliver improved outcomes for Victorian communities and the environment (see Figure 1). This includes:

* 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



1. An overview of the general standards scheme

The Act’s preventative duties target risks of harm from pollution and waste. However, there are some situations and risks that the duties alone may not fully address. So there are a broad range of general standard instruments and tools under the Act and its Regulations. Some of these establish mandatory requirements. Others provide practical guidance on ways to minimise risks of harm.

General standards tend to have a broad affect and operation. This is in contrast to other instruments, like permissions or notices that are typically issued to a single entity or for a single activity or site. General standards support and work with the GED, other duties, permissions and compliance instruments under the Act (see Appendix) to:

* set environmental objectives and values to guide environmental protection
* define or prescribe minimum standards of risk control
* provide for variations from, exemptions to, or a way of meeting a requirement of the Act or Regulations
* support the understanding of obligations, the identification of risks and implementation of practices to minimise the risks of harm.

General standards tend to fall under one of the following categories (see Figure 1):

* Performance and conduct - defining compliance requirements or supporting the understanding of duties and approaches to identifying and managing risks
* Rulings and determinations - modifying requirements in a permission or regulation
* Environmental management or coordination tools - supporting government and community to understand environmental condition and manage risks.

Some general standard instruments and tools are developed collaboratively by the Department of Energy, Environment and Climate Action (DECCA) and EPA. EPA develops others directly.

Where relevant, general standard instruments and tools must also be developed in accordance with:

* Better Regulation Victoria’s Victorian Guide to Regulation
* the Subordinate Legislation Act 1994
* EPA’s Charter of Consultation.

Consistent with good regulatory practice, EPA considers what type of general standard is the most appropriate to motivate action and achieve the desired outcome for an identified problem. The decision on which general standards tool to use is informed by the:

* nature of the problem to be solved
* regulatory and legal context
* characteristics and needs of the industry or people concerned
* willingness and ability of duty holders to meet their duties
* need for flexibility or certainty in regulatory arrangements
* potential of advisory tools to achieve the same outcome as mandatory instruments
* net impacts (costs and benefits) to the community.

EPA will first consider the use of advisory general standards over mandatory standards. Advisory standards may be appropriate where they can help duty holders understand and manage their particular risks and harms. Where EPA forms a view that a risk cannot be adequately addressed through advisory general standards such as guidance, we look at whether mandatory or other instruments are suitable.

Where appropriate to the identified problem and instrument, EPA will work with our government partners and consult with relevant stakeholders when setting standards. We also work with duty holders to ensure that the intent and requirements are clear.

It is expected that general standards will evolve over time as environmental conditions and risks of harm change and advances in technology occur.

EPA will monitor and review the effectiveness of general standards. Where necessary, EPA may adjust the tools used to address a problem. This is to make sure they continue to be effective and have the greatest impact in achieving the desired outcomes.

**General Standards instruments and tools**

**Performance and conduct**

Guidelines

Compliance codes

Obligations of managers of land and infrastructure

Environmentally Hazardous Substance Orders

Regulations

Position Statements

**Environmental management or coordination tools**

Issue of environmental concern

Environmental reference standard

LEGEND:

Advisory

Mandatory

**Determinations, designations and class exemptions**

Permissions determinations

Waste determinations

Designations

Class exemptions

Contamination determinations

Figure 2 General standards under the Act and Regulations

# Performance and conduct

Standards of performance and conduct set obligations or support people to understand the expectations of the regulator and meet their environmental obligations.

These tools are most commonly used for environmental issues and risks that are aligned to duties under the Act. They will usually be developed collaboratively with industry or undergo formal stakeholder consultation processes.

## Guidelines

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.

The issuing of guidelines is an important part of the overall environment protection framework. It is central to the operation of the duties under the Act.

Along with information from other government sources or industry standards, guidelines issued by EPA contribute to the state of knowledge. They provide information to help duty holders understand:

* their obligations under the Act
* approaches to identifying risks
* practical measures to minimise risk of harm based on their individual circumstances.

They do not impose compliance obligations but contribute to the understanding of what is considered reasonably practicable. They will be used in assessing compliance with:

* the general environmental duty
* duties for contaminated land
* duties for incident notification and management.

Guidelines can incorporate or reference documents produced by reputable standard setting bodies. They may give general advice, or suggestions on how to comply with a duty.

Guidelines may cover specific technologies, outline processes or measures for controlling risk and may focus on:

* an industry (for example, construction)
* an impact (for example, odour)
* an activity that may lead to harm (for example, liquid storage and handling) or
* a combination of these.

EPA guidelines may also refer to, restate or clarify EPA’s approach to statutory obligations in general terms.

EPA will prioritise the use of guidelines over mandatory general standards when it can achieve the desired outcome for an identified problem. We will work collaboratively with industry and key stakeholders in their development.

‘Role of EPA permission conditions

Conditions may be set in a permission and can act to support and enhance the operation of the GED. Like other general standards, they may set minimum performance requirements, restrict certain actions or activities, or specify environmental outcomes for an activity to meet.

EPA may apply a standard condition where it is necessary to establish a common standard of performance across an industry sector or for a given risk, such as where there is a history of non-compliances in that industry. EPA may also develop site-specific conditions for complex sites.

Under the Act, a person is taken to perform a duty or satisfy an obligation if the permission conditions set out how the person is to perform that duty, and they comply with the relevant conditions to the extent that they address the relevant duty.

EPA will apply site-specific conditions in a targeted way. This means that where a risk is commonplace and an industry’s knowledge is well developed (including general guidance or compliance codes), permission conditions will not directly address that risk.

The Permissions scheme policy sets out EPA’s approach to applying and managing permissions, including the use of permission conditions.

## Compliance codes

Compliance codes provide practical guidance on how to meet specific duties and obligations under the Act or subordinate legislation.

While they are not mandatory, they do provide a means of compliance and outline what EPA considers to be ‘reasonably practicable’ in a particular context. Where a duty holder elects to follow a compliance code, EPA will assess the duty holder’s compliance against the content of the compliance code.

A duty holder is taken to perform a duty or satisfy an obligation if a:

* compliance code sets out how to perform a duty or satisfy an obligation and
* duty holder complies with the compliance code.

A compliance code may not be comprehensive of all risks or issues. Where different or additional risks not covered by the compliance code are identified, the duty holder must take additional action to achieve compliance with the GED or obligation.

A duty holder may adopt different means of achieving compliance than a compliance code. This is provided that they can demonstrate that their control measures achieve an equal or greater level of performance.

Compliance codes may be used:

* to confirm a settled standard of conduct well-understood by EPA and industry
* where the methods are not likely to become outdated
* to standardise conduct across an industry or risk
* to provide detailed practical guidance on how to perform a duty or satisfy an obligation, that would not be suited to prescription in Regulations
* where there are benefits to the environment and industry in creating regulatory certainty through ‘deemed compliance’.

It is expected that compliance codes will be used infrequently, compared to guidelines.

## Obligations of managers of land or infrastructure

Managers of land or infrastructure may be subject to a legislative order that sets out their mandatory duties and obligations under the Act.

Obligations of managers of land or infrastructure (OMLI) can set requirements regarding how the land or infrastructure should be planned, managed, operated or controlled. It may apply to:

* a council
* public sector body or
* infrastructure manager (or similar duty holders).

It can also play a role in addressing responsibilities outside of the direct focus of the GED. For example, risks arising from third parties using the land, rather than direct activities of the manager.

An OMLI can require the manager to take certain actions to reduce risk. This may be to:

* take a specific action
* consider a specific matter or
* comply with a specific document, code, standard or rule.

To set out how the obligation should be met, they may be complemented by:

* general standards of performance and conduct (for example, general guidance or compliance codes)
* agreements or other administrative instruments (for example, a better environment plan or remedial notices).

These types of orders are developed by DEECA, supported by EPA. They require formal consultation and regulatory impact assessment. They are not expected to be used frequently.

## Environmentally hazardous substances orders

The Act allows the Minister to recommend that an environmentally hazardous substance order (EHSO) be made to manage a substance if:

* it is found to be highly hazardous or
* pose a serious risk of harm to human health or the environment.

This might include:

* hazardous waste streams
* products made with or from hazardous substances or
* hazardous substances in storage.

An EHSO imposes mandatory obligations, such as requirements to:

* prohibit or control the hazardous substance or
* follow particular standards of management, record keeping or notifications to EPA.

The EHSO is a legislative order that provides an alternative to setting minimum standards through Regulations.

They may be considered where:

* the scope of the duties do not directly target the risk or
* where there is a need to ensure record keeping or reporting is maintained around an emerging high-risk product or substance of concern.

The development of these types of orders by DEECA and EPA generally requires a regulatory impact assessment. They are not expected to be frequently issued.

## Prescription in Regulations

Among other functions, Regulations set compliance requirements by:

* prescribing minimum standards of conduct for specific activities or risks
* setting required performance outcomes, such as maximum emissions levels
* prohibiting certain activities or actions
* requiring compliance with a specific standard
* creating or requiring participation in economic schemes.

These offer a duty holder no or limited discretion on the means of compliance.

Regulations may set out the standard of performance or conduct with a duty of the Act or create specific obligations. These obligations may carry offences and provide EPA the ability to access penalties, including penalty infringement notices for non-compliance.

DEECA and EPA may seek to develop Regulations where:

* the failure of a risk control may have significant negative consequences, and a Regulation is required to safeguard outcomes
* an obligation under the legislative framework cannot function or would not be enforceable without prescription
* there is a significant compliance and environment protection benefit in defining a rule for an area of conduct
* greater certainty is required to ensure consistent compliance with the duties and obligations under the relevant duty
* there is a known risk of mismanagement by duty holders, and the benefits of specifying the standard of conduct outweighs the negative impacts of prescribing only one approach
* there are clear benefits to industry and the environment in creating standardisation and regulatory certainty
* there is an enforcement and deterrence benefit in establishing a requirement with associated offences, especially for access to penalties.

Regulations made under the Act may also deal with a range of specific issues beyond setting performance standards. For example, they can:

* specify when a person is required to hold a permission to conduct an activity, under the framework set by the Act
* set categories for waste and requirements relating to lawful place
* regulate the way duties or obligations imposed by the Act or the Regulations are performed, such as the determinations and designations
* set out a range of other requirements and subject areas, such as for control of litter and residential noise.

Regulations can also create economic instruments, such as tradeable permit schemes and environmental offsets. When created under Regulations, economic instruments can define how a person is either complying with, or is exempt, from a regulatory requirement. For instance, a Regulation could state that compliance with a trading scheme (for example, noise emissions in an industrial estate, or sulfur emissions in a regional airshed) is taken as compliance with permission discharge limits or the requirements of a regulation. They are most likely to be considered where a market-based approach to coordinating environment protection responsibilities is an efficient way to allocate obligations across multiple duty holders within a defined area.

Regulations are statutory rules that usually expire and are reviewed every 10 years. They may also be amended at any time as required. They are subject to public consultation and regulatory impact assessment processes in their development.

## EPA Position statements

EPA may issue a position statement to:

* provide our interpretation of how the law applies to different groups or circumstances or
* describe how we exercise our discretion in applying the law in particular circumstances or matters.

They will be considered where EPA’s position is clear and relatively stable. This is to help duty holders understand our view and how they can expect us to act in relation to the issues a position statement covers.

While position statements are an instrument under the Act, they are not legally binding.

EPA may also prepare interim position statements. These can be useful where our position is:

* still developing, such as where knowledge of the risk is still evolving, or
* transitional in nature and only in place for a defined period.

1. Determinations, designations and class exemptions

The Act and Regulations establish a range of instruments that EPA can issue to modify duty holders requirements under a permission or Regulation. These can provide flexibility and responsiveness in the way issues are regulated.

For example, EPA may determine that a person does not have to hold a permission if they apply certain risk controls.

Determinations, designations and class exemptions can be used to reduce the burden on a class or group of duty holders that operate a similar activity. EPA can revoke or modify these over time to reflect changes in the state of knowledge.

Where applied as a general standard to a class of people or circumstances, determinations, designations and class exemptions are usually published in the Victorian Government Gazette. EPA will also generally undertake consultation during their development.

## Permissions determinations

The activities that require a person to hold a licence, permit or registration (permissions) are set out in the Regulations. Section 48 of the Act allows for EPA to make determinations that adjust the requirement to hold a permission.

These are designed to address situations where:

* the burden associated with a permission is disproportionate to the risk of certain activities or
* risk reduction may be better achieved through other means.

If a person meets the requirements of the determination, they may not have to hold a permission, or may be able to hold a lesser permission. For example, a determination might specify that:

* if a licensed activity falls under a certain production threshold and follows a standard set of risk control measures, it only requires a permit
* a site is not required to hold a licence for accepting small quantities of waste stream for temporary storage, subject to it adopting specific risk control measures
* facilities that already have a licence don’t need a development licence for minor modification works, to improve environmental outcomes or emergency preparedness.

In deciding whether to apply a permission determination, EPA will consider:

* the nature of the regulatory burden and the risk
* any potential impact to compliance or public review rights arising from the change from normal approval processes.

## Waste determinations

The Regulations set out a framework for where industrial waste must be taken, such as to a permissioned site, or managed under a Declaration of Use (DoU) completed by parties involved in waste transaction.

The Regulations also allow EPA to make a waste determination. Through this EPA can set specifications and conditions on where industrial waste can be lawfully received without the need for a permission or completed a DoU.

Waste determinations will generally be used where:

* standard conditions and controls can appropriately manage the risks of the waste and
* EPA oversight of further uses of the waste material is unnecessary.

For example, for receipt of a common low risk construction waste intended for use or sale.

Waste determinations work in combination with the risk management requirements of the GED and industrial waste duties. A waste determination may allow a waste to be lawfully received, but storage or use of the waste must still comply with the GED.

EPA can also issue waste determinations that set out specifications for receiving waste. This may include an additional requirement that the waste receiver makes a DoU.

## Contamination determinations

EPA can make a determination to help distinguish land that has been contaminated from:

* a particular activity or source or
* from land that has been contaminated by diffuse or non-point source activities.

These determinations can help to focus the application of the contaminated land duties to site-specific activities and sources of contamination, rather than areas with regionally elevated levels of contamination.

There are two types of contamination determinations. They may either specify:

* the background level value for a single contaminant or waste in a location, and the circumstances and limitations to which that value applies or
* a method to derive a background level in a range of circumstances.

## Designations

The Regulations set out how to classify industrial waste. This determines how the waste is managed and where it may be taken.

A designation can:

* fill gaps in waste classification or
* override the waste classification determined under the Regulations.

It allows EPA to account for novel circumstances and emerging issues around waste. However, it does not allow a waste to be excluded from the industrial waste duties in the Act.

Under a designation, EPA can classify or categorise a new waste or reclassify an existing waste. It may have state-wide, regional or site-specific application.

EPA may issue a designation of its own accord to a class of persons (a ‘general designation’) or to a single duty holder (a ‘specific designation’). A duty holder may also apply for a specific designation.

## Class exemptions

Under section 459 of the Act, EPA can issue a class exemption specifying circumstances where a requirement of Regulations or a legislative instrument does not need to be met. Class exemptions may be subject to conditions and individual exemptions may also be granted under this provision on application.

Exemptions only apply to requirements of the regulations or other subordinate instruments. They cannot exempt a person or class of persons from a requirement of the Act.

They are likely to be issued sparingly and EPA must not grant an exemption unless it is satisfied that the exemption:

* will not pose a serious risk of harm, and it is not practicable to comply with the requirement or
* is necessary to enable the efficient administration of a regulation or legislative instrument.

While the approach to exemptions will evolve with experience in administering the Act, EPA will:

* preference the use of other instruments, where these are available to address the issue
* seek to avoid any risk of an exemption indirectly reducing the level of performance expected under the Act
* target exemptions to specific requirements and ensure the risk control outcome achieved is equal to or greater than that set by regulations
* make its decision based on evidence about the nature of the regulatory problem and the risk, the risk controls provided by exemption conditions, and the level of residual risk or impact achieved with these controls
* use for administrative or other low-risk compliance requirements, rather than significant environmental risks.

EPA may choose to publicly consult on any proposed class exemptions.

1. Environmental management or coordination tools

The Act provides instruments to support the understanding and management of risks.

## Environment Reference Standard

The Environment Reference Standard (ERS) sets out the environmental values the Victorian community wants to achieve and maintain.

Standards for the environmental values are made up of:

* objectives to support different uses of the environment and
* measurable indicators to tell us whether those objectives are being met.

A standard specifies where it applies in Victoria. For example, a standard may apply to only Port Phillip Bay, or all of Victoria.

The ERS provides a basis for assessing and reporting on environmental conditions in Victoria. It enables an understanding of:

* the current condition of the environment
* changes in those conditions over time
* actual and potential risks to environmental values.

An ERS is not a mandatory compliance requirement. However, government decision makers must take the ERS into account when making certain decisions. For example, EPA must consider the ERS when assessing a development, operating or pilot project licence application.

When relevant, the ERS is also considered:

* in making Regulations
* when developing compliance codes
* when declaring issues of environmental concern
* when conducting environmental audits
* in review processes for EPA decisions
* by responsible authorities in planning decisions.

The development of an ERS by DEECA and EPA requires public consultation. Where the ERS or its amendment will impose a significant impact, it also requires an impact assessment.

While an ERS does not expire, it must be reviewed every 10 years. It can also be updated more frequently if new knowledge becomes available. For example, when our understanding of risks of harm change.

## Issue of environmental concern

The Act allows the Minister to propose that an issue be declared as an issue of environmental concern (IEC). An IEC can raise the profile of an identified or emerging environmental challenge.

An IEC order can also:

* be a starting point for the development of new standards to address emerging issues
* raise knowledge about risk and harms
* help determine what is reasonably practicable for that risk.

An IEC order is a statutory instrument under the Act. Development of an order is led by DEECA, supported by EPA, and requires statutory consultation on a proposal.

If the Minister declares an IEC, the order must:

* invite the parties that are required to address the issue to develop a better environment plan (BEP) and
* set out the actions that will be taken if the issue is not addressed.

A BEP is a statutory-based voluntary agreement between EPA and duty holders. It offers duty holders an opportunity to test innovative solutions to environmental issues or to agree ways in which they can exceed their environmental obligations. A BEP may also be proposed to EPA without the Minister declaring an issue of environmental concern.

While an IEC is not mandatory, it demonstrates to industry that the government is seeking voluntary action. It will also identify what actions the government will take towards regulatory intervention in the absence of credible voluntary action.

# General standards summary

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Category | General Standard | Legislative status | Mandatory obligation | Development requirements | Act or regulation reference |
| Performance and conduct | Guidance | Non- statutory | Checkbox Crossed with solid fill | EPA may develop with industry collaboration. | Section 359 |
|  |  |  | Published on EPA public register. |  |
| Compliance code | Statutory instrument | Checkbox Crossed with solid fill | Developed by DEECA and EPA, usually with industry collaboration.  Approved by Governor in Council on recommendation of the Minister.  Published on EPA public register and in Government Gazette. | Part 5.3 |
| Obligations of managers of land or infrastructure (OMLI) | Legislative instrument | Checkbox Checked with solid fill | Developed by DEECA and EPA.  Statutory consultation and RIS (unless granted exemption).  Made by Governor in Council on recommendation of the Minister.  Published in Government Gazette. | Part 7.3 |
| Environmentally  Hazardous substance order (EHSO) | Legislative instrument | Checkbox Checked with solid fill | RIS (unless granted exemption).  Declared by Governor in Council on recommendation of the Minister.  Published in Government Gazette. | Part 7.2 |
| Regulations | Statutory rules | Checkbox Checked with solid fill | Developed by DEECA and EPA  Statutory consultation and RIS (unless granted exemption).  Made by Governor in Council on recommendation of the Minister. | Part 15.2 &  Schedule 1 |
|  |  |  |  |
|  |  |  |  |
| EPA position statement | Statutory instrument | Checkbox Crossed with solid fill | EPA develops with statutory consultation.  Published on EPA public register and in Government Gazette. | Part 5.4 |
| Rulings and determinations | Permissions determination | Legislative instrument |  | EPA administrative instrument. | Section 48 |
|  |  | Checkbox Checked with solid fill | Published in Government Gazette. |  |
| Waste determination | Legislative instrument |  | EPA administrative instrument. | Regulation 5(3) |
|  |  | Checkbox Checked with solid fill | Published in Government Gazette and on EPA website |  |
|  |  |  |  |  |
| Contamination  determination | Legislative  instrument |  | EPA administrative  instrument. | Section 36 &  regulation |
|  |  | Checkbox Checked with solid fill | Published in Government Gazette and on EPA website | 5(1) |
|  |  |  |  |  |
| Designation (EPA issued) | Legislative instrument | Checkbox Checked with solid fill | EPA administrative instrument. | Regulation 86 |
|  |  |  | Published on EPA public register |  |
| Section s459 class exemption | Legislative instrument | Checkbox Checked with solid fill | EPA administrative instrument.  Published in | Section 459 |
|  |  |  | Government Gazette. |  |
| Environmental management and coordination tools | Environment Reference Standard (ERS) | Legislative instrument | Checkbox Crossed with solid fill | Developed by DEECA and EPA.  Statutory consultation and Impact Statement (unless granted exemption). | Part 5.2 |
|  |  |  | Made by Governor in Council on recommendation of the Minister. |  |
|  |  |  | Published in Government Gazette. |  |
| Issue of Environmental Concern (IEC) | Statutory instrument | Checkbox Crossed with solid fill | Developed by DEECA and EPA.  Statutory consultation. | Part 7.5 |
|  |  |  | Made by Governor in Council on recommendation of the Minister |  |
|  |  |  | Published in Government Gazette and on EPA website. |  |

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