

# EPA Authorised Officers

ENVIRONMENT PROTECTION AUTHORITY



# What is EPA and what do we do?

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The Environment Protection Authority (EPA) is Victoria's environmental regulator. It was established as an independent statutory authority under the *Environment Protection Act 1970* (EP Act).

Our vision is a healthy environment that supports a liveable and prosperous Victoria. Our role is to be an effective regulator and an influential authority on environmental impacts.

One way we achieve compliance with the EP Act is through targeted inspections conducted by our authorised officers of sites impacting on or posing a risk to the environment.

This brochure explains the role, powers and activities of EPA authorised officers.

## Reporting pollution or environmental risks

Business and the community have a vital role in protecting the environment.

To report pollution or an environmental hazard, call EPA on 1300 EPA VIC (1300 372 842).

On EPA's website you can find definitions of pollution and environmental hazards and how to report them. You will also find information on improving your environmental performance.

[www.epa.vic.gov.au](http://www.epa.vic.gov.au)



# What is the Environment Protection Act?

In general terms, the Environment Protection Act (EP Act) aims to prevent and control environmental harm and risks for the benefit of the Victorian community; control the impact of wastes, discharges and emissions into the environment; and provide fair treatment of all businesses and individuals who impact on the environment.

The EP Act provides a legislative framework for the protection of the environment by preventing and controlling air, land, water and noise pollution. It imposes responsibilities on all individuals and businesses to manage environmental risks or impacts created by their activities. It also gives EPA powers to direct a business to improve its environmental performance and prevent and control environmental harm and impacts.

The EP Act and other relevant regulations and policies are available on EPA's website.

# Authorised officers

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## Role

The primary role of EPA's authorised officers is to ensure that businesses, government and individuals comply with the EP Act. They do this by:

- inspecting businesses and premises
- providing guidance and advice about how to comply
- enforcing the law – requiring risks and detrimental impacts to be remedied and, where necessary, applying sanctions or punishment to deter non-compliance.

## Powers

EPA authorised officers have the following powers under the EP Act.

- Enter any site or workplace at any time and make inquiries and assess compliance.
- Direct or require immediate action to reduce an impact or potential impact to the environment.
- Issue a notice to require an environmental impact or risk to be remedied, including a requirement to clean up, stop works, install controls or change a process or activity.
- Require the name and address of any person who is occupying or is in control of premises or a process.
- Request assistance from any person on-site for the purpose of conducting the inspection.
- Bring any other person on-site for the purpose of conducting the inspection.
- Take photographs, films, audio, video or other recordings.
- Take samples, including drilling bores.
- Require information such as reports, books, plans or maps relating to pollution or waste discharge.
- Enter private property where it is reasonably suspected that pollution is occurring.

# Inspections

## Why

EPA authorised officers may be inspecting your site for the following reasons.

- To follow up a report of pollution from a member of the community, an EPA staff member or a co-regulator such as WorkSafe, Victoria Police or a local council.
- To check you are complying with a requirement of an EPA approval, licence, permit or notice that has been issued to you or that you hold.
- In response to an emergency incident or notification from an emergency services authority such as the Country Fire Authority or Metropolitan Fire Brigade.
- To check that you are complying with relevant policy, regulation or legislation.

## Your Obligations

You should at all times provide assistance to an authorised officer, or allow others to provide assistance, and respond to any reasonable enquiry from an authorised officer. You must not intentionally conceal from an authorised officer the location or existence of relevant documents, plant, substances, wastes or anything relevant to the inspection.

It is a serious offence, and significant penalties apply for anyone who:

- assaults, intimidates or threatens, or attempts to assault, intimidate or threaten an authorised officer or anyone assisting them
- intentionally hinders, delays or obstructs an authorised officer in the course of their duties
- refuses access to an authorised officer or anyone assisting an authorised officer
- ignores or does not comply with a lawful direction from an authorised officer
- provides false or misleading information to an authorised officer.

## Process

Before starting an inspection, an authorised officer will:

- explain the role of each EPA officer present
- show their authorised officer identification card
- explain the purpose of the inspection (e.g. follow up on a notice or in response to a pollution report) and how it will be conducted (e.g. photographs, interviews with staff, sampling)
- discuss any OH&S issues.

During the inspection, an authorised officer will do one or more of the following.

- Take notes, photographs and samples where necessary.
- Advise of any non-compliance or likely non-compliance.
- Seek immediate voluntary compliance or remedy from you, if needed.
- Direct that immediate action be taken where an immediate risk exists.
- Provide compliance advice or guidance material.
- Advise of issues that require remedy and of their intent to issue a remedial notice.
- Require further information to be provided.

At the end of the inspection, authorised officers will:

- give a summary of inspection findings and items needing immediate attention
- explain the next steps after the inspection, including the process for dealing with identified potential breaches of legislation
- complete an inspection report and provide a copy to the site contact via email or fax.

Following the inspection an authorised officer may also request further information or clarification.



# Feedback or complaints

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If you want to provide feedback about your experience with an EPA officer, call EPA on 1300 EPA VIC (1300 372 842).

If you wish to make a formal complaint about an authorised officer's conduct in exercising their powers, you must submit your complaint in writing. A response will be provided within 30 days of receiving a written complaint. All complaints about authorised officer conduct will be investigated.

Conduct complaints should be addressed to:

Manager Operations Support  
EPA Victoria  
GPO Box 4395  
Melbourne VIC 3001



If you need interpreter assistance or want this document translated, please call 131 450 and ask to speak with the Environment Protection Authority (EPA).



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