

General Environmental Duty - New Laws, EPA Victoria

Dear member

A new legal framework under the Environment Protection Amendment Act 2018, the general environmental duty (GED) will come into effect on 1 July 2020. This will require Victorians to understand and minimise their risks of harm to human health and the environment, from pollution and waste. The Act will change the way EPA currently work with the public and businesses in Victoria, switching from responding to pollution events to focus on preventative measures.

Several VACC Divisional Committees are working collaboratively with EPA to develop industry guidance material, advice and support to help members understand how to fulfil their obligations. Most businesses already follow good practices in line with OHS laws, and other relevant industry standards. With this in mind, stakeholder engagement is important as it ensures impact on your business is kept to a minimum and that EPA better understands the nuances of the automotive service, retail and repair sector.

What is the GED?

“A person who is engaging in an activity that may give rise to risks of harm to human health or the environment from pollution or waste must minimise those risks, so far as practicable.”

Reasonably practicable means putting in controls that are proportionate to the risk. It relates to the chance of harm occurring and potential impacts on the environment. It also relates to what controls are available, their cost, and considers what an industry generally knows about risk and control options. This is termed the State of ‘knowledge’.

Understanding ‘state of General Knowledge’

This term describes the body of accepted knowledge that is known or ought to be reasonably know about the harm or risks of harm to human health and the environment and the controls for eliminating or reducing those risks.

Under the GED, you are required to have reasonable knowledge about the risks your activities pose, and how to address them. Existing knowledge may include business and industry knowledge, regulatory and government agency knowledge and independent organisations knowledge.

- **Business and industry knowledge:** business documentation for safely performing activities, manuals and information from suppliers and contractors, safety data sheets and labelling, manufacturers’ instructions for safe operating procedures, training provided in the use of equipment, contractual arrangements between parties participating in the activities. Standardised documents and manuals, guidance from industry associations and peak bodies distributed to members.
- **Regulatory and government agency knowledge:** EPA and other government authorities (including Sustainability Victoria, WorkSafe), guidance material, technical notes, compliance decisions and enforcement outcomes, advice (including advice given to your business specifically).
- **Independent organisations knowledge:** reports from independent organisations such as Standards Australia, universities, and environmental engineers.

For more information on how to manage your environmental impact please visit epa.vic.gov

Yours sincerely

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