



Victoria Government Gazette

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Subordinate Legislation Act 1994

NOTICE OF PREPARATION OF REGULATORY IMPACT STATEMENT

Proposed Environment Protection Regulations and Environment Protection Transitional Regulations

Notice is given in accordance with section 11 of the **Subordinate Legislation Act 1994** that a Regulatory Impact Statement (RIS) has been prepared in relation to the proposed Environment Protection Regulations and Environment Protection Transitional Regulations (proposed Regulations).

The reasons for the proposed Regulations, to be made under the **Environment Protection Act 2017** (the new Act), as amended by the **Environment Protection Amendment Act 2018**, are to:

- (a) prescribe further regulatory controls where risks of harm to human health and the environment can lead to significant consequences and where there is a known risk of mismanagement by duty holders; and
- (b) support consistent compliance with duties under the new Act.

The objectives of the proposed Regulations are to:

- (a) impose obligations in relation to environmental protection, pollution incidents, contaminated land and waste;
- (b) provide for activities and other matters relating to permissions under the new Act;
- (c) specify matters in relation to litter, water, air, land, noise and vehicle emissions for the purposes of the new Act;
- (d) encourage retailers and consumers to reduce the overall use of plastic bags to reduce litter to the environment;
- (e) set out matters in relation to environmental audits, the environment protection levy, the waste levy, and financial assurances;
- (f) prescribe infringement offences, penalties and fees payable under the new Act;
- (g) provide for exemptions from provisions of the new Act; and
- (h) provide for transitional arrangements from the **Environment Protection Act 1970** to the new Act.

Through a combination of stakeholder consultations, industry sector research and assessment using cost-benefit analysis, break-even analysis, multi-criteria analysis and qualitative analysis techniques, the RIS assesses the proposed Regulations and possible alternatives, and concludes that the proposed Regulations are the most efficient method of achieving the objectives. The results of the RIS are to make the proposed Regulations in accordance with the preferred options, which are summarised as follows:

- (a) Permissions – to prescribe activities that will require some form of permission, exemption or financial assurance;
- (b) On-site wastewater management systems – for Local Councils to continue to issue permits for the construction, installation or alteration of small scale on-site wastewater management systems;
- (c) Contaminated land – to enable the Environment Protection Authority (EPA) to make determinations on background levels and prescribe an alternative risk-based definition of notifiable contamination, specific exemptions to notifiable contamination, and the requirement for duty holders to provide a management response with their notification to EPA;

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- (d) Waste – to classify waste into industrial, priority, and reportable priority waste, reduce the risks of harm from waste mismanagement, provide for controls on the location and operation of landfills, and provide for the operation of the waste levy;
- (e) Litter – to prescribe offences for depositing material that may become litter and other litter-related offences, to be enforceable by EPA and other litter enforcement agencies;
- (f) Plastic bags – to ban from sale or supply in Victoria certain plastic shopping bags to address the litter and other harms they cause to the environment;
- (g) Air – to prescribe control measures for certain substances, requiring solid fuel heaters sold and manufactured in Victoria to comply with Australian and New Zealand standards, and provide for reporting requirements on businesses;
- (h) Water – to control the discharge of waste into water by vessel operators;
- (i) Noise – to prescribe standards for noise from commercial, industrial and trade premises, entertainment venues, and residential premises, provide a framework for establishing noise limits, define unreasonable noise in relation to the use of prescribed items at specified times, and to define aggravated noise; and
- (j) Vehicle Emissions – to prescribe standards for noise and visible emissions from motor vehicles and offences relating to petrol vapour pressure to minimise the release of petrol vapours into the environment.

Copies of the RIS and proposed Regulations can be obtained at www.engage.vic.gov.au, or by phoning 1300 EPA VIC (1300 372 842).

Public comments and submissions are invited on the RIS and the proposed Regulations. Written comments and submissions must be received no later than 5.00 pm, Thursday 31 October 2019 and can be sent:

- by email to: sublegreform@epa.vic.gov.au; or
- via Engage Vic website at: www.engage.vic.gov.au/new-environmental-laws/subordinate-legislation; or
- by post to:
Environment Protection Authority
Attention: Director of Policy and Regulation
GPO Box 4395
Melbourne, Victoria 3001.

All comments and submissions will be treated as public documents and published on Engage Victoria's website: www.engage.vic.gov.au unless the comment or submission clearly indicates that the comment or submission is confidential.

LILY D'AMBROSIO
Minister for Energy, Environment and Climate Change

Subordinate Legislation Act 1994

NOTICE OF PREPARATION OF IMPACT ASSESSMENT

Proposed Environment Reference Standard

In accordance with section 12I of the **Subordinate Legislation Act 1994**, I, Lily D'Ambrosio, Minister for Energy, Environment and Climate Change, and Minister responsible for administering the **Environment Protection Act 2017**, give notice of the preparation of an impact assessment in relation to the proposed Environment Reference Standard (ERS).

The reason for the proposed ERS is to support the protection of human health and the environment from pollution and waste by providing a benchmark to assess and report on environmental conditions in the whole or any part of Victoria. The proposed ERS seeks to achieve this by:

- (a) identifying environmental values to be achieved or maintained in the whole or any part of Victoria in relation to the ambient air environment, acoustic environment (with regards to noise), land environment, and both groundwater and surface water environments; and
- (b) specifying indicators and objectives to be used to measure, determine or assess whether those environmental values are being achieved, maintained or threatened.

The objectives of the proposed ERS are:

- (a) to promote a shared understanding of environmental values;
- (b) to improve assessment and reporting on environmental conditions; and
- (c) to ensure that relevant environmental regulatory decisions are informed by appropriate and consistent scientific reference information.

The impact assessment assessed the impact of the proposed ERS by comparing its intended operation with a base case in which the **Environment Protection Act 2017** as amended by the **Environment Protection Amendment Act 2018** and the proposed Environment Protection Regulations and Environment Protection Transitional Regulations commence and take effect without the proposed ERS. In summary, the impact assessment finds that, compared to the base case, the proposed ERS:

- (a) is likely to provide a benefit to government, industry and communities by promoting a shared understanding of environmental issues;
- (b) will provide clear, accessible benchmarks for assessing and reporting on environmental conditions in Victoria, and will improve the consistency and transparency of this assessment and reporting;
- (c) will not create additional assessment and reporting costs for government and other parties reporting on environmental conditions and may reduce overall costs for assessment and reporting activities;
- (d) will provide an authoritative set of reference standards to support regulatory and other decision making, which will support public confidence in these decisions; and
- (e) will not impose additional direct regulatory burden on regulated parties as, in its absence, alternative standards or sources of environmental reference information would be used to inform relevant decisions, with comparable impact on the regulated parties.

Copies of the impact assessment and proposed ERS can be obtained at www.engage.vic.gov.au, or by phoning 1300 EPA VIC (1300 372 842).

Public comments and submissions are invited on the impact assessment and proposed ERS. Written comments and submissions must be received no later than 5.00 pm, Thursday 31 October 2019 and can be sent:

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