

Legal Duty to Notify – Section 32 of the Environment Protection Act 2017 (VIC)

Under Section 32 of the Environment Protection Act 2017, any person who is responsible for or aware of a notifiable incident must report it to EPA Victoria as soon as practicable.

A notifiable incident is defined as pollution that:

- Causes or threatens material harm to human health or the environment.
- Impacts an area of high conservation value or special significance.
- Requires clean-up or mitigation costs of \$10,000 or more.

This duty applies even if:

- The incident is contained to your site.
- No actual harm has occurred yet.
- The incident may expose your business to legal action.

General Legal Duty to Notify

All employees, contractors, and site personnel at the Tatura site must:

- Immediately alert management to any pollution incident or hazard.
- Notify EPA Victoria if they are the responsible party.

This includes:

- Leaks, spills, escapes, or unintended releases of substances.
- Incidents involving dangerous or toxic materials (e.g. chemicals, organic waste, fuels).
- Events that could harm water, land, air, or ecosystems.

Incident Management Protocol

Step 1: Immediate Response and notification

- Contain the incident if safe to do so.
- Call 000 if there is an immediate threat to human health or property.
- Call the 24-hour Pollution Hotline: 1300 372 842
- Notify EPA Victoria: 1300 372 842
- Notify Local Council
- Notify WorkSafe Victoria: 1800 136 089

Provide:

- Contact details
- Business name and address
- Date, time, and location of the incident
- Type and cause of incident
- Estimated volume released
- Potential impacts
- Management actions taken

Step 2: Submit Notification Form

EPA will email a notification form after your call. Complete and return it within 5 business days.

Community Communication Strategy

If the incident has the potential to affect neighbouring properties or the local community, once the appropriate authorities have been contacted and consulted, the most relevant communication strategy will be utilised, this could include:

- Media release
- Door knocking
- Letterbox drop, or
- Information signage at site entrance

Information provided will include:

- Type of incident that has occurred
- Potential impacts
- Site contact details
- Advice or recommendations based on the incident type and scale

Post-Incident Actions

- Review risk controls and systems.
- Restore affected areas as far as reasonably practicable.
- Engage with community and stakeholders.
- Document and evaluate the response for future improvement.