

## **EPA Powers and Penalties**

### EPA powers

The EPA is the environmental regulator in Victoria and has extensive powers to enforce the Environment Protection Act (2017).

EPA Authorised Officers have the power to enter and inspect a premises under Section 246 of the EPA Act (2017). This will generally occur in business opening times, however, if there is a belief that there is an immediate risk of harm, this can happen at any time.

The EP Act (2017) provides EPA with a range of regulatory options, subject to the severity of non-compliance to ensure compliance and enforce the law. These include:

- Warnings
- Infringement notices (fines)
- Enforceable undertakings
- Civil proceedings (including personal liability for Directors)
- Criminal prosecution
- Suspension or revocation of permissions

For further information on EPA Powers, refer to EPA publication 1815 – Guide to inspection and enquiry powers. Link: <https://www.epa.vic.gov.au/about-epa/publications/1815>

### **Fines (and penalty units)**

The EPA has extensive powers and these extend to issuing financial penalties (fines) to individuals and organisations for doing the wrong thing (including not managing risks appropriately).

Performing work for someone else does not exempt you from potential fines or criminal action. Both the company you work for, AND YOU PERSONALLY can be fined under the EP Act (2017)

The following section discusses penalty units as this is how fines are calculated.

When we discuss penalty units and fee units, the information can be found on the Department of Treasury and Finance - <https://www.dtf.vic.gov.au/financial-management-government/indexation-fees-and-penalties>.

Penalty units are updated each year, roughly in line with inflation.

# 1 July 2025 to 30 June 2026

- value of a penalty unit is \$203.51

For more information about penalty units, refer to the Environment Protection Act s.314, Part 11.5 Civil penalties, item 1., “s.25(1) Breach of general environmental duty” maximum penalties for individuals or body corporates.

If you breach your GED, the following (maximum) penalties can currently be applied:

Defendant	Penalty units	Penalty in AUD
Body Corporate	10,000	\$2,035,100.00
Natural person	2,000	\$407,020.00

As a person in the “lawful disposal pathway” there are many potential non-compliance penalties that may apply, see below;



*An EPA graphic used to show the 'chain of responsibility' when involved in lawful disposal pathway (as sourced from EPA Victoria's "Victoria's new waste framework").*

## Criminal prosecution

For serious breaches of the law, EPA have the power to start criminal prosecutions for individuals. This can mean Supreme Court action.