

# Environmental Duty of Care and Reporting Incidents

## 1. Duty of Care

The *Environmental Protection Act 1994* was enacted by the Queensland Parliament as a piece of legislation to provide protection for the Queensland Environment.

The Act incorporates the “general environmental duty”. Section 319 defines this duty as ‘A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm’.

Breaches of this section will be met by hefty penalties for both individuals and bodies corporate.

### Penalties:

#### Individuals

- \$3,750 (minor breaches)
- Up to \$312,375 plus five years in prison (wilful and serious breaches)

#### Bodies Corporate

- Up to 1.56 million dollars.

For further information, refer to the Environmental Management Guidelines - [Enforcement Guidelines 2010](#).

## 2. Reporting Environmental Incidents

### 2.1 Duty of Notification

**You have a duty to notify the Manager Sustainability**, Property and Facilities Division, as soon as you become aware of any occurrence/accident that may cause material or serious environmental harm. You should:

- Initially contact Security on 53333 and/or the Manager Sustainability on Ext 51587.
- Follow all instructions from Security.
- Try to minimise harm if safe to do so.
- After the incident, contact the Manager Sustainability, The Sustainability Office, Property and Facilities Division to complete the incident investigation process.

### 2.2 Breaches of Environmental Legislation

Upon your notification, the Manager Sustainability will:

- Verify the extent and degree of the environmental occurrence;
- Advise you of the findings; and
- If the occurrence breaches the *Environmental Protection Act (1994)*, the Manager Sustainability will report the occurrence to the Department of Environment and Resource Management (DERM)

Failure to notify the administering authorities may attract penalties of up to \$7500 under the *Environmental Protection Act (1994)*.

### 2.2.1 Notification to the Department of Environment and Resource Management

The Manager Sustainability (on behalf of the University of Queensland) shall advise the Department of Environment and Resource Management in writing of any activity that is in breach of any environmental legislation to which the University is liable. The *Environmental Protection Act (1994)* provides protection against prosecution based on the information disclosed for any breach.

### 2.2.2 Liaising

The Manager Sustainability will liaise with the Department of Environment and Resource Management and the manager/responsible person of the non-conforming activity with respect to legislative requirements, licence conditions, environmental regulations and other matters pertinent to the activity.

### 2.2.3 Corrective Actions

- If the breach relates to environmental harm, the activity, if it continues to harm or has potential to continue the harm, should be stopped immediately.
- If the breach is caused by an accident, the activity (upon agreement by DERM) may continue to operate but may be subject to conditions enforced by DERM or The Sustainability Manager to minimise environmental impacts.

For further information, please contact The Sustainability Office, Property and Facilities Division, Extension 51587 or 52076; or email: [sustainability@uq.edu.au](mailto:sustainability@uq.edu.au)

For further information contact The Sustainability Office, Property and Facilities Division:		
Contact	Telephone	Email
Manager Sustainability	336 51587	s.green@pf.uq.edu.au
Project Officer Sustainability 1	336 57580	l.burgess@pf.uq.edu.au
Sustainability Coordinator	336 52076	s.davis@pf.uq.edu.au
Project Officer Sustainability 2	336 51105	c.calderon@pf.uq.edu.au
or email: sustainability@pf.uq.edu.au		