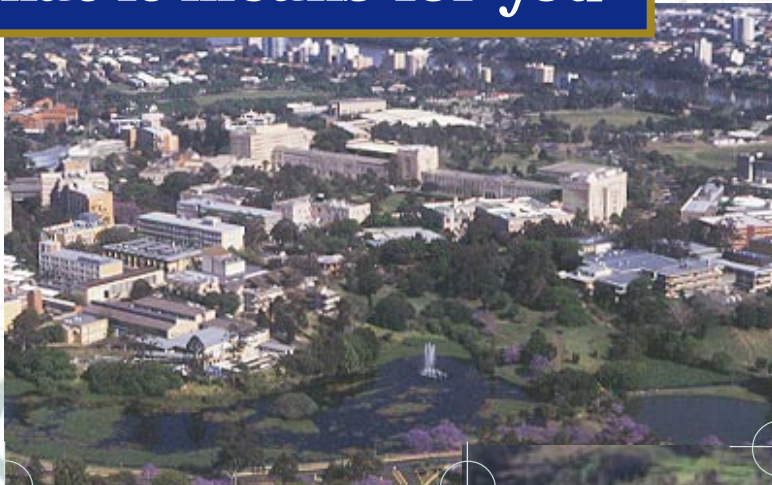


# Environmental Protection Act

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## What it means for you



THE UNIVERSITY  
OF QUEENSLAND

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## Environmental policy

The University's Environmental Policy is aimed at ensuring that the relevant environmental laws and regulations are complied with. It requires that all departments, independent operators and contractors on the University's campuses comply with the requirements set out in the Environmental Management System.

Under the system, Heads of Departments are required to:

- Ensure that departmental staff are aware of environmental management procedures.
- Ensure that departmental staff carry out environmental management according to the Environmental Management System.
- Provide adequate environmental management training.

If you or your staff become aware of any activity that may cause material or serious environmental harm, you have a duty to notify the Environmental Engineer who will:

- Verify the extent and degree of the problem.
- Advise you of the findings.
- Report any breaches to the Environmental Protection Agency.

Please contact the Environmental Engineer, Property and Facilities Division for further information on Extension 51587, or email: [unigreen@pf.uq.edu.au](mailto:unigreen@pf.uq.edu.au).

## Corporate liability

The *Environmental Protection Act 1994* makes legal entities and individuals liable for breaches of the Act:

- Where an offence is committed by employees/agents/officers of a corporation in the course of their employment, proceedings will usually be instituted against the corporation.
- If the offence was committed without the employer's knowledge or consent, proceedings will usually be instituted against the employees/agents/officers and not the employer.
- This assumes the employer fulfilled their duty to train staff adequately to avoid environmental harm.

Employees cannot use as a defence that they were acting under orders from a supervisor. The guiding principle in deciding whether to charge an employee is the degree of culpability or blame involved.

Where employees, in good faith and without negligence, follow a specific Environmental Management Program ... and an offence occurs, they should not be prosecuted.

### Directors and Executive Officers

The *Environmental Protection Act 1994* states:

The executive officers of a corporation must ensure that the corporation complies with this Act. If a corporation commits an offence against a provision of this Act, each of the executive officers of the corporation also commits an offence, namely the offence of failing to ensure that the corporation complies with this Act.

## University Chemical Store

The University's new central chemical store has reduced the need for a number of small chemical stores and their associated risks.

Benefits for departments include:

- Reduced overheads as a result of decreased chemical storage needs.
- Easy and quick access to small quantities of chemicals.
- An improved collection and disposal service.



## Disposal of chemicals and other hazardous materials



According to the *Environmental Protection Act 1994*, all staff whose activities could impact on the environment must be trained to competently handle and correctly dispose of the chemicals and other hazardous materials they may use or be in contact with. If they are not and they are found in breach of the Act, they and their employers could be subject to hefty fines.

## Noise

The University Security section is authorised to deal with environmental noise complaints on behalf of the University for all campuses.





## Air quality

The University needs to effectively control the air emissions from its educational and research activities.

Annual audits are scheduled to be undertaken on fumehoods and monitoring is carried out on a reactionary basis as required.

## Water

The effective management of our water resources is important.

Waste minimisation practices at the University of Queensland include:

- Source reduction through the use of reclaimed water and installing half-flush toilets in new buildings.
- Recycling by both treating wastewater and storing stormwater for irrigation purposes.



## Farm Biomass

Farm biomass that is generated at The University of Queensland is managed to promote resource conservation. This waste is re-used, recycled and/or composted to maintain a constant biomass balance.



## Your liabilities and responsibilities

The *Environmental Protection Act 1994* incorporates a general environmental duty (section 36). Hefty penalties for both individuals and bodies corporate apply to those who breach this section. Section 36 defines 'general environmental 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'.

### 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

No one has exemption if you are found in breach of regulations. Failure to notify the Environmental Protection Agency may attract a further penalty of up to \$7,500.

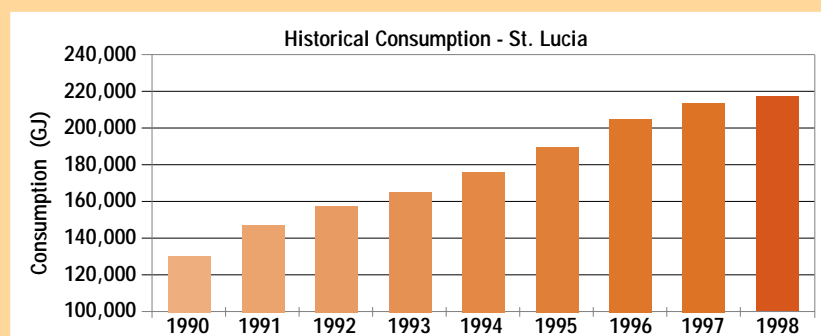
### Some examples of recent breaches of the EPA

Recent Queensland cases were highlighted in the May 1998 issue of Clayton Utz's publication, *Environment Issues* as follows:

- The Environmental Protection Agency successfully prosecuted an individual, for discharging between 200,000 and 300,000 litres of organic waste into the Coomera River. He pleaded guilty and was fined \$1000 and ordered to pay costs in excess of \$20,000 (including \$16,400 for capital works to prevent a recurrence).
- A company and one of its employees pleaded guilty to releasing ozone-depleting gas into the atmosphere. Refrigeration units in disused cold drink dispensers had been punctured prior to disposal. The company was fined \$20,000 and ordered to pay costs in excess of \$2000. The employee was fined \$1000 plus \$55 costs.
- An individual was prosecuted, for the offence of wilfully contravening an environmental protection order, and placing a contaminant where it could reasonably be expected to cause serious environmental harm. He had abandoned 430 44-gallon drums (containing a mixture of toxic waste) on a Gold Coast industrial estate. He pleaded guilty to the two charges, was convicted, fined \$10,000 and ordered to pay \$80,000 in costs.

**Clayton Utz points out that these cases highlight the importance for organisations to not only put in place, but enforce efficient environmental management systems.**

Energy consumption at St Lucia campus has been continually growing. Along with the continual increase in total floor area, department's technology requirements are increasing which requires more energy to support this technology and demands more air conditioning. It is expected that this trend will continue.





## Benefits of environmental management for the University and its departments

- Better waste management strategies through involvement of stakeholders in the decision-making process.
- Reduced overheads – for example, the new chemical store provides a central operation for the purchase, distribution and disposal of chemicals.
- Interaction between departments better utilises resources – for example, polystyrene packaging may be a waste problem for one department, but a needed resource for another.
- Reduced costs for the University means that the savings can be redirected to teaching and research.

## The Environment and Occupational Health and Safety

Safety and Environmental Leadership responsibilities cover similar elements:

- Ensure that risks and hazards are identified, assessed and controlled.
- Follow up and monitor safety and environmental related issues.
- Develop and maintain safe systems of work and ensure that they are being adhered to.
- Know what to do in an emergency situation.
- Develop and maintain a high level of safety and environmental management awareness.
- Ensure staff are well trained.
- Strive for continuous improvement.
- Hefty penalties apply to both safety and environmental breaches.



# What can you do

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## Policy

Display the University's Environmental Policy – a poster has been forwarded to all University departments. If you require further copies, they are available from the Environmental Services section, Property and Facilities Division.

## EMS Manual Holders

Ensure that your department's nominated EMS Departmental Manual Holder:

- Places the EMS Manual in an accessible area for staff and also informs all staff about relevant procedures.
- Incorporates relevant information in your Departmental Safety and/or other manuals.
- Keeps the manual up-to-date by replacing old procedures with new issues as they are distributed by the Property and Facilities Division.
- Provides relevant feedback to Property and Facilities Division.

## Training

Legally, Heads of Departments and Executive Officers are responsible for ensuring that all staff who undertake duties that may significantly impact on the environment are not just aware of environmental management but are trained to competently use and dispose of materials according to legislative requirements.

Departments should ensure that correct disposal methods are in place and that their staff are trained to competently dispose of wastes, particularly hazardous wastes.

The EMS Manual incorporates a training program. Contact Environmental Services, Property and Facilities Division for further assistance with training needs.

## For further information contact

Environmental Services, Property and Facilities Division  
on Extensions 52076 or 51587  
or email: [unigreen@pf.uq.edu.au](mailto:unigreen@pf.uq.edu.au)

