

Module	ENVIRONMENT
Jurisdictions	CTH, NSW, VIC, SA, TAS, WA, NT, QLD, ACT
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Module Application

Does the organisation conduct industrial, agricultural, developmental or other activities on its premises that are likely to impact the local area in respect of an environmental matter (such as the quality of air, water, land or habitat/vegetation)?

Do the organisation's activities have a significant impact, or are likely to significantly impact, on matters of national environmental significance such as world and national heritage areas, wetlands, threatened or migratory species, Commonwealth marine areas or nuclear actions?

Does the organisation occupy land that is contaminated or engage in activities that may cause environmental harm such as releasing into waterways, clearing vegetation, disturbing land or habitats, emitting gases, and spilling liquids?

Module Scope

The *ENVIRONMENT* module informs the Australian entity or organisation of their legislated legal obligations to the environment. The module also demonstrates effective practical advice and assistance to the entity to implement procedures and processes that will ensure compliance and regulatory accountability throughout all levels of the entity.

To fulfil its purpose the module focuses on providing practical assistance to the organisation or entity establishing and maintaining a robust foundational framework that determines;

- › How the systems and processes will function;
- › Who is the responsible decision maker;
- › What matters are relevant to the decision-making process; and
- › Whether the desired outcome has been achieved.

The aim of the module is to equip the subscriber with knowledge of their environmental obligations and the skills they require to establish relevant systems and processes to ensure compliance throughout their organisation.

The broad scope of the *ENVIRONMENT* module is to provide answers to these questions;

- › What are our legal obligations?
- › From where are our legal obligations derived?
- › How can we ensure that we are complying with our legal obligations?
- › What are the consequences if we are not complying with our legal obligations?

The *ENVIRONMENT* module covers all legislated environmental legal obligations of Australian organisations or entities and demonstrates practical assistance and guidance to ensure that these obligations are complied with through the implementation and maintenance of best practice processes throughout the organisation. The module also covers the role of the regulator as well as exemptions to the obligations, if applicable, and how they may or may not apply in particular circumstances.

The module fulfils this objective by comprehensively covering three areas;

- › Legislation;
- › Obligations; and
- › Consequences.

The legislative and regulatory landscape from which the primary legal obligations are derived;

- › Environmental Protection and Biodiversity Conservation Act 1999 (Cth);
- › Environmental Protection and Biodiversity Conservation Regulations 2000 (Cth);
- › National Environment Protection (Movement of Controlled Waste Between States and Territories) Measure 1998 (Cth);
- › National Environment Protection (National Pollutant Inventory) Measure 1998 (Cth);
- › National Greenhouse and Energy Reporting Act 2007 (Cth); and
- › National Greenhouse and Energy Reporting Regulations 2008 (Cth).

In addition to the commonwealth legislation the module also refers to legislation in all states and territories from which state based obligations related to the environment, planning, development, noise, and waste are derived.

The specific areas where legal and regulatory obligations apply to the Australian organisation or entity;

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| <ul style="list-style-type: none"> › Environmental approvals; › Applications; › Conditions; › Annual returns and renewal fees; › Amendments; › Transfer and surrender of approvals; and › Flora and fauna. › Environmental harm; › Notification requirements; › Assisting investigations; | <ul style="list-style-type: none"> › Duties of Directors' and corporate officers'; › Development approvals; › Planning approvals; › Commonwealth approvals; and › Clearing native vegetation. › Record keeping and reporting; › National pollutant inventory reporting; › Annual returns and renewal fees; › Notification of environmental harm; |
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- › Contaminated land reporting;
- › Greenhouse gas and energy reporting;
- › Controlled waste;
- › Air emissions management;
- › Complying with conditions;
- › Harm and nuisance;
- › Greenhouse gas and energy reporting; and
- › Odours.
- › Water management;
- › Pollution; and
- › Licences and approvals.
- › Waste management;
- › Storage;
- › Disposal and transport; and
- › Monitoring and reporting.
- › Noise management;
- › Premises;
- › Construction activities; and
- › Noise emitting goods.
- › Contaminated land;
- › Regulator notices and directions; and
- › Notifications to the regulator.
- › The provision of information for environmental audits.

The main environmental agency in each state and territory regulates most environmental compliance obligations. The regulators in each state are;

- › Australian Capital Territory: **Environment Protection Authority;**
- › New South Wales: **NSW Environment Protection Authority;**
- › Northern Territory: **Northern Territory Environment Protection Authority;**
- › Queensland: **Department of Environment and Heritage Protection;**
- › South Australia: **Environment Protection Authority South Australia;**
- › Victoria: **Environment Protection Authority Victoria;**
- › Tasmania: **Environment Protection Authority Tasmania;** and
- › Western Australia: **Environmental Protection Authority.**

Other regulators are responsible for specific areas such as;

- › Local councils are responsible for development applications;
- › The Commonwealth Department of the Environment is responsible for greenhouse gas reporting, the National Pollutant Inventory, and for approving actions that will have a significant impact on matters of national environmental significance; and
- › Other state and territory water agencies are responsible for water management.

Significant consequences can apply to Australian organisations or entities, their employees and authorised individuals found to have breached or not complied with their legal obligations. These consequences vary considerably between jurisdictions and depending on the nature and extent of the breach or failure. The *ENVIRONMENT* module covers specific consequences in detail. They can include monetary penalties, disciplinary measures, legal consequences and even terms of imprisonment for individuals found to have committed serious criminal offences. The most onerous penalties apply in the state of NSW.

The *ENVIRONMENT* module provides comprehensive coverage of the vast majority of environmental obligations however it does not cover obligations that are limited to a small number of highly specialised organisations such as those operating nuclear facilities.

The *ENVIRONMENT* module also does not cover the rights or entitlements of individuals who have suffered damages or losses due to breaches of obligations by Australian

organisations or entities. The module does not cover the process that an entity or an individual would follow to report or seek compensation for the breach or their loss.

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