

# Guideline

## Environmental Protection Act 1994

### The duty to notify of environmental harm

*This guideline provides information regarding the duty to notify the Department of Environment and Science about matters listed in section 320A of the Environmental Protection Act 1994 (the EP Act), including those that may cause serious and material environmental harm, in accordance with the duty to notify provisions contained in sections 320 to 320G of the EP Act.*

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## Introduction

### What is the duty to notify?

Sections 320 to 320E of the *Environmental Protection Act 1994* (the Act) outline the requirements for the duty to notify of **environmental harm**. Section 320 of the Act sets out the matters that require notification, including:

- impacts to acquirers (from resource activities such as CSG/petroleum and greenhouse gas storage (GHG));
- **pollution incidents** and activities (not authorised under the Act) that are causing or threatening to cause **serious environmental harm** or **material environmental harm**;
- a change in the condition of contaminated land that is causing or threatening to cause **serious environmental harm** or **material environmental harm**; or
- a notifiable activity under Schedule 3 of the Act.

A person is obligated to notify the Department of Environment and Science (the department) within 24 hours of becoming aware of these matters, with the exception of notifiable activities which must be notified with 20 business days. Notification can be made to the department by phone, and then followed up in writing, either by email or registered post (see [how to notify](#)).

Please note that the duty to notify under sections 320 to 320G of the Act applies in addition to any other obligations that may arise under the Act, for example under an environmental authority (EA).

It is also noted that the duty to notify under the Act does not negate any other notification requirements under other Queensland legislation. Similarly, because a person has met the notification requirements under other Queensland legislation does not mean the notification requirements under this Act have been met. You must always notify the department if there has been a **pollution incident** that will cause, or threatens to cause environmental harm.

### What is environmental harm?

Whether a **pollution incident** or change in the condition of contaminated land is likely to cause or threaten **serious or material environmental harm** will depend on the scale and nature of the impacts on the receiving environment and a range of variable factors, including:

- chemical characteristics;
- toxicity and reactivity;
- amount or volume of release;
- extent of area impacted;
- pathways for contaminant release and spread;
- weather conditions at the time of the event or incident including exacerbating or mitigating factors like rain or temperature;
- proximity of urban areas; and
- proximity, size, value and sensitivity of adjacent environmental areas.

Short and long term impacts need to be considered, including contamination of land and waters, toxic effects on biota, such as plants and animals, and public health risks from exposure to chemicals.

Sometimes the full impact of a **pollution incident** or event is not known until sometime after the event has occurred. In these circumstances, the duty to notify will be triggered as soon as the person becomes aware that the event is causing or threatening **serious or material environmental harm**.

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If you are unsure as to whether an incident or event is likely to have caused or threatened **serious or material environmental harm**, we recommend you provide notice to the department in accordance with this guideline.

### Emergency

Emergency incidents, such as those involving the release of **hazardous contaminants** from fires, vehicle accidents, and the spillage of explosive, flammable or toxic chemicals, often involve public safety matters and require an immediate response from emergency services. As well as posing a public safety risk, these types of incidents may also threaten or cause **serious or material environmental harm**.

In circumstances where emergency events may not represent a widespread threat to life and property, and are categorised at a lower level, it is important to consider that the event may still cause or threaten **serious or material environmental harm** and should therefore not be discounted from the duty to notify requirements.

### Action not limited to when environmental harm is caused or threatened

Actions taken at an early stage in response to an incident may result in the **event** falling short of the threshold at which it would be considered to have caused or threatened **serious or material environmental harm**. While the duty to notify may not apply to these circumstances, other actions to prevent the harm or mitigate the impacts may be required.

The requirement to take such action may arise under a condition of an environmental authority, development approval, ERA standards (former code of environmental compliance), Codes of Practice, or other type of environmental approval or may arise under the general environmental duty<sup>1</sup>. The general environmental duty applies to all persons carrying out an activity and imposes an obligation not to carry out any activity that causes or is likely to cause **environmental harm** unless all reasonable and practicable measures to prevent or minimise the harm are taken. Also, any person carrying out an activity that involves a **relevant industrial chemical** is taken not to comply with the general environmental duty unless the person complies with any risk management measures for the chemical under a scheduling decision under the *Industrial Chemicals Environmental Management (Register) Act 2021* (Cwlth).

An approval condition that requires an operator to notify the department of an event will generally be more prescriptive (there will be more specific detail on information to provide) than the duty to notify provision in the Act and may require different information to be provided than that required under this guideline.

### When does the duty to notify arise?

The duty to notify the department arises in the following circumstances:

Role	When does the duty to notify arise?
Person <sup>2</sup>	While carrying out an activity (the primary activity), you become aware that an event has happened that causes or threatens <b>serious or material environmental harm</b> , because of an act or omission in carrying out the

<sup>1</sup> Section 319 of the *Environmental Protection Act 1994*.

<sup>2</sup> Section 320A(1) of the *Environmental Protection Act 1994*.

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This could be you as an employee, employer, the owner of the land, the occupier, a tradesperson or an operator or anyone carrying out the activity.	primary activity, or another activity carried out in association with the primary activity.
	<p>While carrying out a <b>resource activity</b> other than a mining activity, you become aware of the happening of one or both of the following events:</p> <ul style="list-style-type: none"> <li>• The activity has negatively affected, or is reasonably likely to negatively affect, the water quality of an aquifer; or</li> <li>• The activity has caused the connection of two or more aquifers.*</li> </ul> <p>*Note: This requirement does not negate the need for a person to notify in relation to a resource activity that is not related to an aquifer event.</p>
Owner or occupier of land <sup>3</sup>	<p>Becomes aware of:</p> <ul style="list-style-type: none"> <li>• The presence of, or happening of an event involving a <b>hazardous contaminant</b> on the <b>contaminated land</b>, causing or reasonably likely to cause <b>serious or material environmental harm</b>; or</li> <li>• A change in the condition of the <b>contaminated land</b> causing or reasonably likely to cause <b>serious or material environmental harm</b>; or</li> <li>• A notifiable activity having been carried out, or being carried out, on the <b>land</b>.</li> </ul>
An auditor performing an auditor's function under section 568(b) of the Act <sup>4</sup>	<p>Becomes aware of:</p> <ul style="list-style-type: none"> <li>• The presence of, or happening of an event involving a <b>hazardous contaminant</b> on the <b>contaminated land</b>, causing or reasonably likely to cause <b>serious or material environmental harm</b>; or</li> <li>• A change in the condition of the <b>contaminated land</b>, causing or reasonably likely to cause <b>serious or material environmental harm</b>; or</li> <li>• A notifiable activity<sup>5</sup> having been carried out, or being carried out, on the land.</li> </ul>
Local government <sup>6</sup>	<p>Becomes aware of:</p> <ul style="list-style-type: none"> <li>• The presence of, or happening of an event involving, a <b>hazardous contaminant</b> in the local government area, causing or reasonably likely to cause <b>serious or material environmental harm</b>;</li> <li>• A change in the condition of <b>contaminated land</b> in the local government area, causing or reasonably likely to cause <b>serious or material environmental harm</b>; or</li> </ul>

<sup>3</sup> Section 320A(2) of the *Environmental Protection Act 1994*.

<sup>4</sup> Section 320A(2) of the *Environmental Protection Act 1994*.

<sup>5</sup> See Schedule 3 of the *Environmental Protection Act 1994*.

<sup>6</sup> Section 320A(3) of the *Environmental Protection Act 1994*.

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	<ul style="list-style-type: none"> <li>• A notifiable activity<sup>7</sup> has been, or is being carried out on land in the local government area.</li> </ul>
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### Who has a duty to notify?

In circumstance where the duty to notify arises, the Act sets out obligations on the following persons to give notification **within 24 hours** after becoming aware of the event:

- employees;
- employers;
- other persons such as an employer or company principal;
- owners or occupiers;
- auditors (for the purposes of a contaminated land event);
- local governments; and
- rehabilitation auditors.

In some situations, the duty to notify extends beyond notifying the department, to notifying owners and occupiers of the affected land as well. This is to ensure that any potentially affected persons are aware of the occurrence of a **pollution incident, change in the condition of contaminated land or a notifiable activity being carried out on the land**, which exposes them, or their land, to potentially adverse impacts, and gives them an opportunity to take the appropriate action to respond to the situation and comply with their notification requirements.

**Note:** The duty to notify of a these matters also applies to persons who:

- hold an environmental authority; and/or
- operate under a development approval; and/or An ERA standard; and/or
- 
- carry out an activity for which an environmental approval is not required.

### Examples

In order to assist, below are some examples of how the duty to notify may apply to you.

#### Employees<sup>8</sup>

Role	When does the duty to notify arise?
Employees <sup>9</sup>	<p>If a person is carrying out a primary activity during the person's employment, the person must, no later than 24 hours after becoming aware of the event:</p> <ul style="list-style-type: none"> <li>• notify their employer of the event, its nature, and the circumstances in which it happened; or</li> </ul>

<sup>7</sup> See Schedule 3 of the *Environmental Protection Act 1994*.

<sup>8</sup> Section 320B of the *Environmental Protection Act 1994*.

<sup>9</sup> If the person is carrying out the primary activity as an auditor, performing auditor's functions mentioned in section 568, these requirements do not apply.

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	<ul style="list-style-type: none"> <li>if the employer cannot be contacted, provide the department with written notice of the event, including its nature and the circumstances in which it happened.</li> </ul>
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**Example:**

A truck carrying a container of regulated waste has arrived at its destination and the truck driver has become aware that a substantial volume of waste has leaked from the transport container along the route from the point of origin. The nature and volume of the leaked material is such that it is likely to cause or threaten serious or material environmental harm.

At the point at which the driver becomes aware of the event (i.e. the leakage of the material), the driver has a duty to notify their employer no later than 24 hours after becoming aware of the event.

If the driver cannot contact their employer within 24 hours after becoming aware of the event, the driver must provide written notice to the department.

The notice given to the employer does not have to be in writing but must contain sufficient detail of the event, its nature and the circumstances in which it happened. An employee should always keep a record of when and to whom they gave notice of an environmental harm event.

**Other persons<sup>10</sup>**

Role	When does the duty to notify arise?
Employer who observes the pollution incident but is not carrying out the primary activity.	The person must, no later than 24 hours after becoming aware of the event, give the department written notice of the event, its nature, and the circumstances in which it happened.
	<p>The person must also, as soon as reasonably practicable after becoming aware of the event, give written notice of the event, its nature, and the circumstances in which it happened to:</p> <ul style="list-style-type: none"> <li>any occupier of the affected land; or</li> <li>any registered owner of the affected land; or</li> <li>give public notice to persons on the affected land.</li> </ul>

**Example:**

A small business transports regulated waste around the state. The business owner drives a truck carrying a container of regulated waste and upon arrival at the destination becomes aware that a substantial volume of waste has leaked from the transport container along the route from the point of origin.

At the point at which the business owner becomes aware of the event (i.e. the leakage of the material), they have a duty to notify the department within 24 hours after becoming aware of the event. The business owner must also notify the owners or occupiers of the affected land as soon as reasonably practicable.

<sup>10</sup> Section 320C of the *Environmental Protection Act 1994*.

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Employers<sup>11</sup>

Role	When does the duty to notify arise?
Employer - becomes aware of an event <b>after</b> being informed by an employee.	After an employer has been informed of a notifiable event by an employee, the employer must, no later than 24 hours after becoming aware of the event, give the department written notice of the event, its nature and the circumstances in which it happened.
	An employer must, as soon as reasonably practicable after becoming aware of the notifiable event, give written notice of the event, its nature, and the circumstances in which it happened to: <ul style="list-style-type: none"> <li>• an occupier of the affected land; or</li> <li>• any registered owner of the affected land; or</li> <li>• give public notice to persons on the affected land</li> </ul>
<p><b>Example:</b></p> <p>A company transports regulated waste around the state. A person, employed as a truck driver for the company, has reported to the company that 12 hours earlier a substantial volume of waste leaked from the transport container along the route from the point of origin.</p> <p>As the employer is now aware of the event (i.e. the leakage of the material), the employer has a duty to notify the department in writing within 24 hours, and also has a duty to notify owners or occupiers of the potentially affected land as soon as possible.</p> <p>The employer will need to determine the best way to notify the owners or occupiers of the affected land who may be impacted by the event. This can be done by written notice to the owner or occupier or by way of public notice to persons on the affected land.</p>	

Owner, occupier or auditor<sup>12</sup>

Role	When does the duty to notify arise?
Owner, occupier or auditor	<p>An owner, occupier or auditor must, within 24 hours after becoming aware of the presence of, or happening of an event involving a hazardous contaminant, or a change in the condition of <b>contaminated land</b>, that is causing, or is reasonably likely to cause, <b>serious or material environmental harm</b>, give the department written notice.</p> <p>Note that <b>land</b> includes—</p> <p>(a) the airspace above land; and</p> <p>(b) land that is, or is at any time, covered by waters; and</p> <p>(c) waters.</p> <p>The written notice must include:</p>

<sup>11</sup> Section 320D of the *Environmental Protection Act 1994*.

<sup>12</sup> Section 320DA of the *Environmental Protection Act 1994*.

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	<ul style="list-style-type: none"> <li>the nature of the matter mentioned in section 320A(2)(b)(i) or (ii); and</li> <li>the circumstances in which the person became aware of the matter.</li> </ul>
	<p>Within 20 business days after becoming aware that a notifiable activity has been, or is being carried out on the <b>land</b> give the department written notice of the activity, unless the person has a reasonable excuse.</p>
<p><b>Example:</b></p> <p>An auditor is engaged to prepare an environmental report. During the course of the audit the auditor becomes aware that contaminated groundwater has migrated beyond the boundary of the site onto adjoining land and is causing or is reasonably likely to cause serious or material environmental harm. The auditor must give the department written notice within 24 hours of becoming aware of the event.</p> <p>The written notice must state the nature of the event and the circumstances in which the event or change happened.</p>	

Local government<sup>13</sup>

Who	When does the duty to notify arise?
Local government	<p>A local government must, within 24 hours after becoming aware of the presence of, or happening of an event involving a hazardous contaminant (in the local government area), or a change in the condition of <b>contaminated land</b>, that is causing, or is reasonably likely to cause, <b>serious or material environmental harm</b>, give the department written notice.</p> <p>Note that <i>land</i> includes—</p> <ul style="list-style-type: none"> <li>(a) the airspace above land; and</li> <li>(b) land that is, or is at any time, covered by waters; and</li> <li>(c) waters.</li> </ul> <p>The written notice must include:</p> <ul style="list-style-type: none"> <li>the nature of the matter mentioned in section 320A(3)(a) or (b); and</li> <li>the circumstances in which the local government became aware of the matter.</li> </ul>
	<p>A local government must, within 20 business days, after becoming aware that a notifiable activity<sup>14</sup> has been, or is being, carried out on land in the local government area, give the department written notice of the activity.</p>
<p><b>Example:</b></p> <p>A local government becomes aware of a property that appears to have an historical unlicensed landfill in an urban suburb. Upon inspection of the site, the local government officers identified buried waste of multiple types approximately 5m from a nearby creek. The officers also noticed the</p>	

<sup>13</sup> Section 320DB of the *Environmental Protection Act 1994*.

<sup>14</sup> As defined in Schedule 3 of the *Environmental Protection Act 1994*.



colour of the water at a point in the creek nearest to the buried waste was yellow in colour indicating likely discharge of leachate from the landfill site.

As the local government is now aware of this notifiable activity, the local government has a duty to notify the department in writing within 20 business days.

### When is notification not required?

The duty to notify does not apply to an event that is authorised under the Act<sup>15</sup>. An event is authorised under the Act if it is authorised to be caused under:

- an environmental protection policy; or
- a transitional environmental program; or
- an environmental protection order; or
- an environmental authority; or
- a progressive rehabilitation and closure plan (PRCP) Schedule; or
- a development condition of a development approval; or
- a prescribed condition for carrying out a small scale mining activity; or
- an emergency direction; or
- an agricultural ERA standard; or
- temporary emissions licence.

### Notice to occupiers of affected land<sup>16</sup>

Where the event occurs on land which is not owned by the person undertaking the primary activity, the owner and/or occupier of the affected land must be notified of the harm or threatened harm. The intention of notifying the owner/occupier is to ensure persons likely to be exposed to any adverse impacts of an event have adequate time to respond to the event. The ways in which a person may give written notice to an owner or occupier of affected land is not limited. However, a person is taken to have given written notice to an occupier or owner of affected land if the notice is:<sup>17</sup>

- left with someone who is apparently an adult living or working on the affected land; or
- if there is no-one on the affected land or the person has been denied access to the affected land, left on the affected land in a position where it is reasonably likely to come to the occupier's attention; or
- posted to the affected land.

Written notice that is posted to, or left at, affected land may be addressed to 'The Occupier'.

In circumstances where it is reasonable to believe that there are large numbers of registered owners or occupiers of the affected land, or there is uncertainty as to whom the registered owners or

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<sup>15</sup> Section 320A(4) of the *Environmental Protection Act 1994*.

<sup>16</sup> Section 320E of the *Environmental Protection Act 1994*.

<sup>17</sup> Section 320E of the *Environmental Protection Act 1994*.

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occupiers of affected land may be, it is appropriate to give public notice rather than individually notifying each owner/occupier.

Public notice has not been defined in the Act, however a common-sense approach should be adopted when deciding to give public notice. A public notice may include the following methods as a guide:

- radio or television broadcast to ensure there is rapid communication of the information;
- publishing of a written notice of the event in a newspaper;
- the erection of appropriately sized signs in the vicinity of the affected area.

### Example:

An explosion and subsequent fire occurs at a chemical factory resulting in the output of a large volume of noxious odours, fumes and gases causing or threatening serious or material environmental harm. Consequently, notification to the department and the owners or occupiers of affected land is required.

The contaminants would be initially airborne and likely to disperse over a wide area, resulting in a large number of potential owners or occupiers to whom notice would be required to be given. The person must, as soon as reasonably practicable after becoming aware of the event, give public notice of the event, including details of its nature and the circumstances in which it happened, to owners or occupiers in the area. Under such circumstances it would be appropriate to give public notice by press notice and radio or television broadcast, to provide notice to the widest possible audience in the shortest possible timeframe.

### Defence for failing to notify owners or occupiers<sup>18</sup>

Where failure to give notice to owners or occupiers occurs, it is a defence for a person to prove that, despite failing to give notice, the person made reasonable efforts to identify the affected land and give written notice to each registered owner or occupier of the affected land. As with notifying the department, it is not a defence for a person or employer to fail to comply with a duty to give notice on the grounds that the written notice, or the giving of the written notice, might incriminate the person.

### Notice to the department

The standard form – *Duty to Notify of Environmental Harm* may be used for providing written notice to the department. This document is available on the Queensland Government website at [www.qld.gov.au](http://www.qld.gov.au) using the publication number (ESR/2016/2230) as a search term. The form may also be used where a person is required to give written notice to owners or occupiers.

Use of the department's standard form is not mandatory, however providing the information specified in the template will assist persons giving notice, to meet the requirements of the Act.

### Penalties for failing to notify

Penalties exist for failing to notify as follows:

Offence	Max Penalty
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<sup>18</sup> Section 320F of the *Environmental Protection Act 1994*.

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An employee failing to notify their employer or the department	100 penalty units
An employer or other person failing to notify the department – primary activity	500 penalty units
An employer or other person failing to notify the department – resource activity	100 penalty units
An employer or other person failing to notify particular owners or occupiers of the affected land – primary activity	500 penalty units
An employer or other person failing to notify particular owners or occupiers of the affected land – resource activity	100 penalty units
An owner, occupier or auditor failing to notify the department of a matter mentioned in section 320A(2)(b)	500 penalty units

The *Environmental Protection Act 1994* prescribes the penalty units for the offences against the sections of the Act the offence is associated with.

- The *Penalties and Sentences Act 1992* (the PS Act), administered by the Department of Justice and Attorney-General, provides the definition of a penalty unit and a legislative mechanism for annual indexation increases to the value of a penalty unit.
- Section 3 of the *Penalties and Sentences Regulation 2015* prescribes the current monetary value of a penalty unit. The prescribed value increases on July 1 of each year.
- Schedule 1 of the *State Penalties Enforcement Regulation 2014* prescribes the offences for which Penalty Infringement Notices (PINs) can be issued and their corresponding penalty unit amounts used to calculate the fine.

For more information visit the Queensland legislation website at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) and search for the above-mentioned Acts and regulations.

### Reasonable excuse

A person will not be guilty of an offence for failing to comply with the duty to notify, where they have a reasonable excuse. Whether an excuse is a reasonable excuse will depend on the circumstances and facts of each case. Failing to comply with the duty to notify because notification may incriminate you does not constitute a reasonable excuse.

#### Example:

Where an incident occurred in an isolated area of the state and it was not physically possible to provide written notice to the department within 24 hours, this will amount to a reasonable excuse. However, all reasonable efforts should be made to notify the department within 24 hours in all circumstances. For example, where access to a computer or internet is not possible, a phone call to the Pollution Hotline should be made.

### A written notice cannot be used as evidence in court proceedings

A written notice given by a person is not admissible as evidence against the person in a prosecution for an offence against the Act, in relation to the event about which the notice is given. However, other

evidence obtained because of the written notice, or the giving of the written notice, can be admitted as evidence against the person in any legal proceeding.

### Providing joint notice

In some circumstances the duty to notify may arise for a number of different people concerning the same event. In such circumstances a number of persons may comply with their individual duty to notify by jointly issuing one notice advising of the event, where this can be achieved within the timeframes. To comply with the duty to notify, the notice should clearly state on whose behalf the notice is given.

If the notice does not clearly state by whom the notice is given, then it may not be sufficient to verify at a later date that a person has complied with their statutory requirement to give notice.

### Phoning the Pollution Hotline

In addition to providing the written notice, if a person becomes aware of an event which has caused, or threatens, **serious or material environmental harm**, the person should immediately call the Pollution Hotline on **1300 130 372** and report the event. Reporting the event through the Pollution Hotline allows the department to take necessary measures to prevent further harm and to mitigate the effects of an incident or event.

In addition to notifying the department, it is good practice to notify the relevant local government for the area where the event has occurred.

### Notification by emergency services

For major incidents that require response from emergency services, procedures are in place for Queensland Fire and Rescue Services (QFRS) to notify the department through the Pollution Hotline. Where notification is given by QFRS, the department will provide advice on appropriate actions and determine whether it is necessary to attend the site.

### How to notify

Written notification to the department must be given by one of the following methods:

- To notify the department of **pollution incidents**, activities (not authorised under the Act) or a change in the condition of contaminated land, submit written notification to the department by:
  - Email: [pollutionhotline@des.qld.gov.au](mailto:pollutionhotline@des.qld.gov.au) - Include **“Duty to notify of environmental harm”** in the subject line and include details as required by the relevant duty to notify provision or attach a completed copy of the *Duty to Notify of Environmental Harm* form available on the Queensland Government website at [www.qld.gov.au](http://www.qld.gov.au) using the publication number (ESR/2016/2230) as a search term.
- To notify the department of a notifiable activity having been carried out, or being carried out, on the land, submit written notification to the department by:
  - Email: [emr.clr.registry@des.qld.gov.au](mailto:emr.clr.registry@des.qld.gov.au) - Include **“Written notice of a notifiable activity”** in the subject line and include details of the notifiable activity or attach a completed copy of the form *Notifiable Activity* available on the Queensland Government website at [www.qld.gov.au](http://www.qld.gov.au) using the publication number (ESR/2016/1845) as a search term.

- By way of registered post, provide written notice including details as required by the relevant duty to notify provision or a completed copy of the form *Duty to Notify of Environmental Harm* (ESR/2016/2230) to:

Permits and Licencing

Department of Environment and Science

GPO Box 2454

Brisbane QLD 4001

In addition to any written notification, pollution incidents can be reported 24 hours a day, 7 days a week by phoning the 24/7 Pollution Hotline—1300 130 372 (option 2).

## Definitions

**Contaminated land** means land contaminated by a hazardous contaminant.

**Environmental harm** is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

**Hazardous contaminant** is a contaminant, other than an item of explosive ordnance, that if improperly treated, stored, disposed of or otherwise managed, is likely to cause serious or material environmental harm.

**Material environmental harm** is environmental harm (other than environmental nuisance):

- that is not trivial or negligible in nature, extent or context;
- that causes actual or potential loss or damage to property of an amount of, or amounts totalling, more than the threshold amount (\$10,000), but less than the maximum amount (\$100,000); or
- that results in costs of more than the threshold amount (\$10,000) but less than the maximum amount (\$100,000) being incurred in taking appropriate action to:
  - prevent or minimise the harm; and
  - rehabilitate or restore environment to its condition before the harm.
- The threshold amount will increase by the consumer price index at the start of each new financial year

**Pollution incident** includes, for example, an event involving a hazardous contaminant.

**Relevant industrial chemical** means:

- (a) a particular industrial chemical; or
- (b) a particular class of industrial chemicals.

As per section 7 of the *Industrial Chemicals Environmental Management (Register) Act 2021* (Cwlth).

**Serious environmental harm** is environmental harm (other than environmental nuisance):

- that is irreversible, of a high impact or widespread;
- caused to an area of high conservation value or special significance, such as the Great Barrier Reef World Heritage Area;

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- that causes actual or potential loss or damage to property of an amount of, or amounts totalling, more than the threshold amount (\$100,000); or
- that results in costs of more than the threshold amount (\$100,000) being incurred in taking appropriate action to:
  - prevent or minimise harm; and
  - rehabilitate or restore the environment to its condition before harm.
- The threshold amount will increase by the consumer price index at the start of each new financial year

**Resource activity** means an activity that involves a geothermal activity, a greenhouse gas (GHG) storage activity, a mining activity or a petroleum activity as set out in section 107 of the *Environmental Protection Act 1994*.

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### Version history

Version	Effective date	Description of changes
1.00	4 December 2015	Initial upload
2.00	5 July 2016	The document template, header and footer have been updated to reflect current Queensland Government corporate identity requirements and comply with the Policy Register.
2.01	26 August 2016	Links to the Duty to Notify Standard form.
2.02	24 September 2018	The document template, header and footer have been updated to reflect current Queensland Government corporate identity requirements and comply with the Policy Register.
2.03	26 June 2020	Incorporates guideline 'The duty to notify for contaminated land, EM1430' and examples for clearer understanding.
3.00	17 May 2021	Major additions including auditor requirements.
3.01	18 July 2022	Fix typing errors and currency review
4.00	16 April 2023	Major update for the <i>Environmental Protection and Other Legislation Amendment Act 2023</i> (EPOLA Act 2023).

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