

Information sheet

Environmental Protection Act 1994 Environmental Investigation Notices

This guidance provides information to customers of the Department of Environment and Science (the department) who have been issued a notice to conduct or commission environmental investigations under [Chapter 7, Part 2 Environmental Evaluations](#) of the Environmental Protection Act 1994.

An **environmental evaluation** is designed to evaluate an activity or event that has caused, or is likely to cause, environmental harm, in order to facilitate a solution to manage the activity or event.

- ❖ It is used when the cause, nature or extent of an activity or event, or the solution to an activity or event, is unknown.
- ❖ It requires the person responsible for the activity or event to investigate (or commission someone to investigate) the activity or event and submit a report to the department. The submission of the report to the department will assist the department in deciding what needs to be done to facilitate a solution to manage the activity or event. Prescribed responsible persons are defined in the [dictionary \(schedule 4\)](#) of the Act.
- ❖ Environmental evaluations do not in themselves fix the problem, but they give the department the information needed to decide what action needs to be taken in relation to the activity or event, by providing guidance in answering the questions ‘what is happening?’ and ‘what is the solution?’

What are my responsibilities upon receiving a notice to conduct or commission an environmental investigation?

Upon receiving a notice to conduct or commission an environmental investigation, you are required to:

1. carry out the investigation by the date specified in the notice; and
2. upon completion of the investigation, provide an environmental report to the department, accompanied by
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 - a) declaration by the recipient of the notice; and
 - b) For a site investigation report, a statutory declaration by the suitably qualified person that carried out the investigation and the contaminated land auditor that certified the report.

What information is required in the declarations? For more information visit <https://environment.des.qld.gov.au/management/compliance-enforcement/guidelines>

Environmental investigations about environmental harm

This notice can be issued if the department is satisfied on reasonable grounds that:

- an event causing environmental harm has occurred while an activity was being carried out; or
- an activity, or proposed activity, is causing, or is likely to cause, environmental harm;

In these instances, a number of factors might need to be investigated, including obtaining information on how the release of contaminant/s came about, what could have been done to prevent it, what could be done to prevent it happening again and the extent of the harm caused to the environment by the release.

Environmental investigations about contaminated land or the contamination of land



This notice can be issued if all the following apply:

- the particulars of the land are recorded in the environmental management register or contaminated land register;
- the administering authority is satisfied, or suspects on reasonable grounds, the hazardous contaminant contaminating the land has the potential to cause serious or material environmental harm;
- the administering authority is satisfied a person, animal or another part of the environment may be exposed to the hazardous contaminant, whether on the land or not.

This notice can be used to decide:

- the source, cause or extent of contamination of the land, being caused; and
- the need for:
 - a site management plan for the land; or
 - the land to be remediated; and
- the source, cause or extent of any contamination to the surrounding land, or to the environment, being caused, or likely to be caused, by the contamination of the land; and any environmental harm being caused, or likely to be caused, by the contamination of the land.

What happens if I am not the owner of the land to which the environmental investigation relates?

In relation to environmental investigations, if you are not the owner of the land, you may enter the land to conduct the investigation only with the consent of the owner and occupier of the land, or, if at least 5 business days written notice has been given to the owner or occupier. The notice must inform the owner and occupier of your intention to enter the land, the purpose of the entry, and the days and times when the land is to be entered.

Can a notice to conduct or commission an environmental investigation be amended?

The department may correct clerical mistakes and errors. You will receive a copy of the amended notice.	Major or serious errors that include errors which may give rise to unintended changes of meaning may also be corrected by the department. You will be advised by way of written correspondence.	Significant amendments which affect your rights or liabilities will be detailed to you by way of a new notice. Significant amendments may include an extension of time for requirement due dates or imposing stricter requirements.
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How does the department know if the environmental report is satisfactory?

When deciding if the environmental report is satisfactory the department considers the sufficiency of information contained in the report, including enough detail to inform future actions, and the comprehensiveness of the report.

What happens once I have submitted the environmental report to the department?

The department (within 20 business days) has the options to;

1. accept the report; or
2. refuse to accept the report (if satisfied the report does not adequately address the relevant matters for the environmental investigation to which the report relates) and require another environmental investigation and a further report; or
3. require further information to be provided to decide whether to approve the environmental report.

You will receive written notice of any decision reached by the department.