2011

Environmental Compliance Handbook

Office of Sustainability

Contents

Introduction

The past decade has seen an ever increasing global awareness of environmental issues and the impact our decisions have on air, land and water quality. As such, there is a growing raft of legislation, including Acts, regulations, Standards and Codes of Practice, designed to enhance and protect our natural environment.

Individuals and businesses, including the University of Adelaide, face a greater level of scrutiny than ever before from Federal, State and local regulators. Enforcement mechanisms (such as monitoring, audits and penalties for non-compliance), incentives and the promotion of self-regulation, seek to put environmental compliance at the forefront of the majority of business decisions.

The management of environmental compliance is a key task if the University's reputation, resources, accreditations and long term survival are to be preserved.

This handbook draws not only on the University's Legal Compliance and Sustainability policies, but on the University's history of recognising the importance of environmental management and sustainability, both in the academic programs it delivers and the management of its campuses.

Compliance in general

Compliance is a difficult concept to explain. In the legal system, compliance usually refers to behaving in accordance with legislation, such as driving within the maximum speed limit or not endangering protected wildlife. More simply expressed, compliance is *a willingness to follow a prescribed course of action*, such as acting according to certain accepted standards, or observing official requirements – including legislation.

It follows that "non-compliance" is a failure to conform to those prescribed courses of action, either deliberately or inadvertently.

Non-compliance has very visible consequences, ranging from inconvenience, additional cost or loss of a contract, through to prosecution, fines or severe damage to the University's reputation. Compliance can sometimes be less tangible than non-compliance, as it tends not to have such visible consequences – we all tend to notice things when they go wrong, but ignore things when they are going right.

In order for a compliance system to be implemented successfully, it is important that each person recognises and accepts the role they play in legal compliance within the University. Individual commitment to a compliance culture is a critical factor in achieving compliance on a University-wide scale.

Legal Compliance Framework

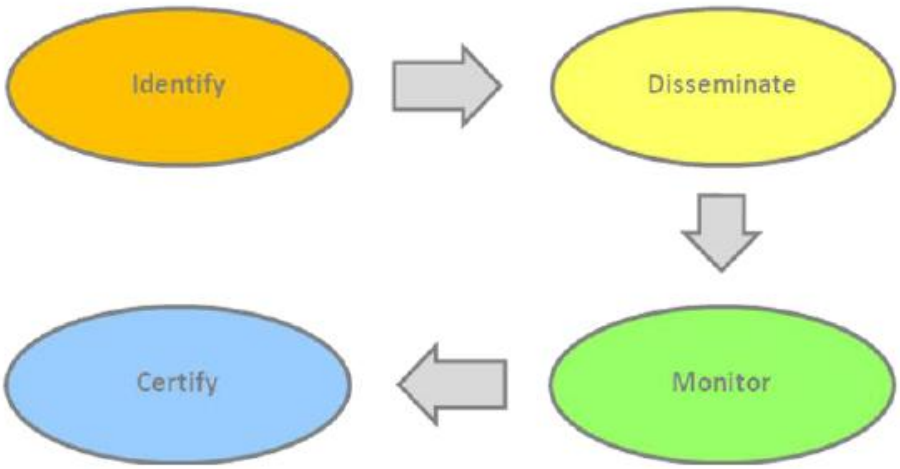
The University is currently implementing a Legal Compliance Framework across its Faculties, Branches and Controlled Entities. This Framework of systems, processes and governance activities, aims to provide a consistent approach to managing compliance and risk.

The Framework has been designed to foster a compliance culture at the University and to provide evidence to the University's external stakeholders (such as the Auditor General) that a system is in place to deal with non-compliance, should it occur.

The Legal Compliance Framework guides University personnel through a four-step process (figure 1) designed to achieve ultimate compliance;

1. Identify legislation applicable to the University and assign responsibility for it
2. Disseminate the requirements of the legislation out to the people who need to know
3. Monitor compliance with the requirements of an Act
4. Certify that the University is generally compliant and that compliance matters are being managed

Figure 1: Legal Compliance framework



For more information on the framework, download the Legal Compliance Handbook 2010.

Identifying and Classifying Legislation

Under the Legal Compliance Framework, legislation applicable to the University is classified according to;

- the extent of application;
- the obligations it imposes; and
- the seriousness of risk associated with non-compliance with the Act.

Legislation is classified by tier rating (table 1) and grouped into a number of categories (such as Hazardous Substances, Research Ethics and Property Management), according to where it is currently being managed in the University.

Table 1: Classification of Legislation

Tier	Explanation
Tier 1	University wide concern with high risks associated with non-compliance. Eg: Education Services for Overseas Students (ESOS) Act
Tier 2	University wide concern with lower risks associated with non-compliance Eg: Native Title Act
Tier 3	Local level concern with compliance notified centrally Eg: Transplantation and Anatomy Act
Tier 4	Local level concern - lower risk to the university as a whole but may be high risk to specific areas. Eg: Cremation Act
Tier 5	Awareness of legislation exists but no active compliance monitoring is required Eg: Dog and Cat Management Act

Categories of legislation are then allocated to staff in high-level management positions (University Compliance Owners), who are ultimately responsible for compliance with the Acts.

Roles and Responsibilities - Legal Compliance

Some University personnel will be more active in the compliance process than others. Some staff will primarily identify non-compliance, some will help to educate others as to their specific legal obligations and others will predominantly carry out tasks to ensure a compliance breach is resolved. Some staff may have no formal role, but *all* staff are expected to work together to actively promote a positive compliance culture at the University.

The Legal Compliance Framework defines the responsibilities of six roles to be played in identifying, disseminating, monitoring and certifying compliance;

- University Compliance Centre (UCC)
- University Compliance Owner (UCO)
- Designated Specialist Officer (DSO)
- Local Area Head (LAH)
- Head of Faculty/Division (HFD)
- Local Compliance Officer (LCO)

At the highest level, the University Compliance Owner is responsible for compliance from a whole-of-University perspective and is assisted day-to-day by Designated Specialist Officers.

The Local Area Head and Head of Faculty/Division are jointly responsible for compliance at a School or Faculty level and are assisted day-to-day by Local Compliance Officers.

The framework is coordinated and managed by the University Compliance Centre.

For a detailed description of the roles and responsibilities, see the Legal Compliance Handbook 2010.

Environmental Compliance Framework

Environmental Compliance makes up a small but progressively more important component of the University's overall legal compliance framework.

A number of key elements to the framework (outlined below) will allow the University to more effectively and efficiently manage compliance with environmental legislation.

1. Policy/Statement
2. Identification:
    a. Legislation Directory
3. Information:
    a. Environmental Compliance Handbook (and factsheets)
    b. 101's
    c. Staff Induction
    d. Contractor induction
4. Management:
    a. Committee
    b. Data reporting
    c. Register of permits, contractors
    d. Risk Assessment and Management
    e. Environmental notification and response to incident
5. Continuous Improvement and Review
    a. Sustainability Assessment
    b. Sustainability Licence

Identifying and Classifying Environmental Legislation

The Director Infrastructure, Property and Technology, has the overarching responsibility for legislation which sits within the category "environment" (listed in table 2). This legislation is outlined in more detail later in the handbook.

Table 2: Environmental legislation and contact details of administering government department

	Legislation	Organisation	Contact
Tier 1	Environment Protection Act 1993 (Cth)	Environmental Protection Authority	08 8204 2058 www.epa.sa.gov.au
Tier 2	Natural Resources Management Act 2004 (SA)	Department of Environment & Natural Resources	08 8463 6800 http://www.environment.sa.gov.au
	National Parks and Wildlife Act 1972 (SA)	Department of Environment & Natural Resources	08 8124 4707 http://www.environment.sa.gov.au/deh/legislation
	Wilderness Protection Act 1992 (SA)	Department of Environment & Natural Resources	08 8124 4738 http://www.environment.sa.gov.au/parks/management/wilderness.html
Tier 3	Climate Change and Greenhouse Emissions Reduction Act 2007 (SA)	Department of the Premier and Cabinet	08 8204 2999 http://www.climatechange.sa.gov.au
	Energy Efficiencies Opportunities Act 2006 (Cth)	Department of Resources, Energy and Tourism	1300 799 186 energyefficiencyopportunities@ret.gov.au
	Irrigation Act 2009 (SA)	Department of Environment & Natural Resources	
	National Greenhouse and Energy Reporting Act 2007 (Cth)	Department of Climate Change	1800 057 590 reporting@climatechange.gov.au
	Native Vegetation Act 1991 (SA)	Department of Environment & Natural Resources	http://www.environment.sa.gov.au/biodiversity/legislation
	Water Conservation Act 1936 (SA)	Minister for Water Security	
Tier 4	Antarctic Marine Living Resources Conservation Act 1981 (Cth)	Department of the Environment, Water, Heritage and Arts Australian Antarctic Division	03 6232 3347 http://www.aad.gov.au/
	Antarctic Treaty (Environment Protection) Act 1980 (Cth)	Department of the Environment, Water, Heritage and Arts Australian Antarctic Division	03 6232 3347 http://www.aad.gov.au/
	Aquaculture Act 2001 (SA)	Primary Industries and Resources SA	08 8226 0314 www.pir.sa.gov.au/aquaculture
	Fisheries Management Act 2007 (SA)	Primary Industries and Resources SA	08 8226 0498 www.pir.sa.gov.au/fisheries

This list is subject to change as new legislation is enacted or identified as being relevant to the University. (Check the Legal & Risk website for the latest updates.)

This section provides an introduction to the legislation, an explanation of its applicability to the University and our specific obligations under the Act.

Roles and Responsibilities – Environmental Compliance

The University and its employees have a "general environmental duty" to protect the environment, primarily through harm and pollution prevention, and all staff are expected to behave in a manner consistent with the University Sustainability Policy.

Further, Managers or staff acting in positions where their decisions may have significant environmental impacts must consider the more specific obligations under the legislation and behave accordingly.

Personal liability can be attached to Directors and Officers of the University whose decisions adversely affect the environment and fines or even jail terms may result from serious compliance breaches.

The University has appointed a range of experienced staff to be involved in the management of environmental legislation (table 3).

Table 3: Role of University staff in management of Environmental Compliance

Role	Name	Position	Branch/Division/Faculty
University Compliance Owner	Virginia Deegan	Director	Infrastructure, Property and Technology (S&R)
Designated Specialist Officer	Mathew Jeffrey	Environmental Projects Officer	Office of Vice President (S&R)
	Dale Washington	Manager Campus Services	Infrastructure, Property and Technology (S&R)
	Roger Parolin	Manager Project Delivery Unit	Infrastructure, Property and Technology (S&R)

As per the Legal Compliance Framework, the University Compliance Owner (UCO) is ultimately responsible for environmental compliance and is charged with directing the implementation of processes, systems and controls to ensure the University fulfils its obligations under various Acts.

The UCO is supported and assisted day-to-day by Designated Specialist Officers (DSO) who are staff with specialist technical knowledge and understanding of environmental legislation and how it impacts the University.

Environmental Legislation

This section provides an introduction to environmental legislation relevant to the University, an explanation of its applicability, and penalties for non-compliance.

Environment Protection Act 1993 (SA)
Tier 1

Introduction

The *Environment Protection Act 1993* provides the regulatory framework to protect South Australia's environment, including land, air and water. This legislation was the result of the streamlined integration of six Acts of Parliament and the abolition of the associated statutory authorities.

The Environmental Protection Authority (EPA) and other bodies administer the Act through a suite of legislative and non-legislative policies and regulatory tools to address environmental issues (see table 4). The EPA is also active in implementing and running various programs to raise awareness and educate the public and industry of their environmental responsibilities as a community.

Table 4: Legal instruments of the Environmental Protection Authority

Legal instruments	Explanation	Document
Environment Protection Policy (EPP)	Established under section 28 of the Act with accompanying consultation requirements, an EPP: • has the force of a standard imposed by Parliament • may impose mandatory provisions with penalties • is developed for a specific area, eg waste, water, air, noise .	• *Environment Protection (Air Quality) Policy 1994* • *Environment Protection (Burning) Policy 1994* • *Environment Protection (Motor Vehicle Fuel Quality) Policy 2002* • *Environment Protection (National Pollutant Inventory) Policy 2008* • *Environment Protection (Noise) Policy 2007* • *Environment Protection (Used Packaging Materials) Policy 2007* • *Environment Protection (Waste Management) Policy 1994* [to be revoked upon commencement of *Environment Protection (Waste to Resources) Policy* 2010] • *Environment Protection (Water Quality) Policy 2003* • *Environment Protection (Waste to Resources) Policy 2010*
Regulation	As subordinate legislation made under section 140 of the Act, regulations: • may give effect to administrative arrangements (eg container approvals under the beverage container provisions) • may provide details of issues broadly established under the Act • may be made for any purpose: 'such regulations as are contemplated by, or as are necessary and expedient for the purposes of, this Act' [section 140(1)].	• *Environment Protection Regulations 2009*

Legal instruments	Explanation	Document

Code of Practice (Code)	A Code regulates a specific activity and:
	• is enforceable, via an environment protection order (EPO) or a mandatory provisions of an EPP
	• provides direction and control over an industry
	• sets measurable outcomes, eg 'you must achieve certain defined levels/limits'
	• requires extensive consultation in development and alteration
	• can incorporate specific industry elements of umbrella policies (eg 'Piggeries' code may incorporate air, water, waste and noise provisions)
	• may link to and operate under legislation other than the *Environment Protection Act 1993*.
	• Compliance with a Code is a strong defence for an alleged offence under the Act if the EPA deems that this constitutes compliance with the general environmental duty in section 25(3) of the Act. This would also provide a defence against third party prosecution
		• Code of practice for aquifer storage & recovery
		• Code of practice for the environmental management of the South Australian abalone aquaculture industry
		• Code of practice for the environmental management of the South Australian oyster farming industry
		• Code of practice for materials handling on wharves
		• Code of practice for milking shed effluent
		• Code of practice for vessel and facility management (marine and inland waters)
		• Code of practice for wastewater overflow management
		  • Wastewater incident notification and communication protocol
		• Stormwater Pollution Prevention Codes of Practice (available on web only):
		  • Building and construction industry
		  • Community
		  • Local, state and federal government

Applicability to the University

The University must consult the relevant legislative instrument pertaining to the type of activity being undertaken.

The University has a licence under Part 6 of the Act to undertake activities of environmental significance under Schedule 1 Part A of the Act .Specifically, the licence relates to undertaking 'Activities Producing Listed Waste**'. – UNDER REVIEW**

For more information on how the Act impacts on the University, download the E101, which provides a succinct summary of the compliance obligations, including personal and institutional consequences of non-compliance with the Act, basic compliance obligations of staff and details of people and resources to assist in your understanding of the Act.

Penalties for non-compliance

Penalties for non-compliance with the Act are severe and may result in fines of up to $2m per breach or the suspension or revocation of the University's Environment Protection Licence.

Potential personal liability attaches to Directors and Officers of the University whose decisions adversely affect the environment and fines of up to $500,000 or 4 years jail may result.

National Parks and Wildlife Act 1972 (SA)
Tier 2

Introduction

The *National Parks and Wildlife Act 1972* allows for the protection of habitat and wildlife through the establishment of parks and reserves (both on land and in State waters) and provides for the use of wildlife through a system of permits allowing certain actions, i.e. keeping, selling, trading, harvesting, farming, hunting and the destruction of native species.

The Act is managed by the South Australian Department of Environment and Natural Resources under which a number of reserves and sanctuaries have been designated, including National Parks, Conservation Parks, Game Reserves, Recreational Parks and Reserves.

The Act outlines the requirements for preparation of Management Plans. A management plan is the most important source of clear management direction for a reserve and must be prepared as soon as practicable after the constitution of a reserve. A management plan is prepared to anticipate management directions over a ten-year period and as a strategic document, should identify the vision for the reserve and the objectives and strategies necessary to meet that vision.

The Act also covers the following issues, as they relate to reserves and sanctuaries:

- Conservation of native plants – relating to the unlawful taking, disposal and possession of native plants, and permits for commercial or other purposes;
- Conservation of native animals – including restrictions on the taking of native animals, keeping and sale of protected animals, declaration of open season, and permits for the taking of protected animals;
- Permits related to import and export of protected animals and plants;
- Farming of protected animals – such as the declaration of species for trial farming, permits for farming protected animals, codes of management and the application of fees and royalties;
- Harvesting of protected animals – such as permits for harvesting of protected animals and the application of fees and royalties;
- General provisions – such as unlawful entry on land, use of poison, restriction on use of certain devices and devices for the illegal taking of animals; and
- Hunting – such as hunting permits, and hunting and gathering by aborigines.

Table 5 highlights the range of legal instruments with which National Parks and Wildlife are managed in South Australia.

Table 5: Legal instruments of the National Parks and Wildlife Act 1972

Legislation	Regulations	
National Parks and Wildlife Act 1972	*National Parks and Wildlife (Hunting) Regulations 1996* *National Parks and Wildlife (Kangaroo Harvesting) Regulations 2003* *National Parks and Wildlife (National Parks) Regulations 2001* *National Parks and Wildlife (Parking) Regulations 1997* *National Parks and Wildlife (Whales and Dolphins) Regulations 2000* *National Parks and Wildlife (Wildlife) Regulations 2001* *National Parks and Wildlife (Unnamed Conservation Park—Maralinga Tjarutja Lands) Regulations 2004* *National Parks and Wildlife (Vulkathunha-Gammon Ranges National Park) Regulations 2005* *National Parks and Wildlife (Witjira National Park) Regulations 2007*	As at 30 June 2009, there were management plans for 201 of the 307 reserves under the *National Parks and Wildlife Act 1972* and the *Wilderness Protection Act 1992*. See http://www.environment.sa.gov.au/parks/management/plans.html for the most recent version

Applicability to the University

The legislation applies primarily to University staff travelling on or through designated reserves and sanctuaries for research or teaching purposes. It also applies in circumstances where plants and animals are being used for research or commercial farming.

Penalties of non-compliance

There is a range of penalties for conducting activities that contravene the Act, from $150 expiation fees for 'unlawful entry on land', to maximum penalties of $100,000 or imprisonment for 2 years for 'interfering with marine mammals'. Consult the Act for more details.

Wilderness Protection Act 1992 (SA)
Tier 2

Introduction

The *Wilderness Protection Act 1992* was established to provide for the protection of wilderness and the restoration of land to its condition before European colonisation.

The Act defines "wilderness" as:

- Land and its ecosystems that have not been affected, or have been affected to only a minor extent, by modern technology; and
- Land and its ecosystems that have not been seriously affected by modern exotic animals or plants or other exotic organisms.

Wilderness Protection Areas receive the highest protection offered by the Act. Wilderness Protection Zones are a secondary category established to provide a wilderness management framework over land in which there is an existing mining tenement.

Wilderness areas in South Australia are managed in accordance with the Wilderness Code of Management.

The Code establishes principles for the protection of wilderness values, ecosystems, flora and fauna, and Aboriginal and non-Aboriginal cultural heritage. The Code also establishes principles for the management of visitors, scientific research and fire management, and promotes a 'tread lightly' ethic to visitors.

There are currently 11 wilderness protection areas in South Australia covering 950,000 ha.

There are a range of regulations relating to the Act. In addition, there is a management plan for each Wilderness Protection Area (see table 6).

Table 6: Legal instruments of the Wilderness Protection Act 1992.

Legislation	Regulations	Management Plans
Wilderness Protection Act 1992	*Wilderness Protection Regulations 2006*	Cape Bouguer Wilderness Protection Area Cape Torrens and Western River Wilderness Protection Areas Mallee Parks of Central Eyre Peninsula Memory Cove Wilderness Protection Area Ravine des Casoars Wilderness Protection Area

Visitors to wilderness protection areas are encouraged to practice the principles outlined in the Minimum Impact Code brochure.

Applicability to the UniversityA range of penalties exist for conducting activities in contravention of the Act. Consult the Act for more details.

Climate Change and Greenhouse Emissions Reduction Act 2007 (SA)
Tier 3

Introduction

The *Climate Change and Greenhouse Emissions Reduction Act 2007* makes South Australia the first place in Australia to legislate targets to reduce greenhouse emissions.

The legislation sets out three targets:

- to reduce by 31 December 2050 greenhouse gas emissions within the State by at least 60% to an amount that is equal to or less than 40% of 1990 levels as part of a national and international response to climate change;
- to increase the proportion of renewable electricity generated so it comprises at least 20 per cent of electricity generated in the State by 31 December 2014; and
- to increase the proportion of renewable electricity consumed so that it comprises at least 20 per cent of electricity consumed in the State by 31 December 2014.

The legislation also commits the Government to work with business and the community to develop and put in place strategies that will put South Australia in a position to take early action to reduce greenhouse emissions and adapt to climate change.
The Act states that "to promote commitment to action within the State to address climate change" the following should be undertake:

- development of specific targets (as appropriate) for various sectors of the State's economy; and
- the development of various interim targets; and
- the development of policies and programs for reduction of greenhouse gas emissions.

Applicability to the University

The University is a signatory to the 'University Sector Agreement' (D2009/90040), which is the mechanism to achieve that stated above.

Energy Efficiencies Opportunities Act 2006 (Cth)
Tier 3

Introduction

The *Energy Efficiency Opportunities Act 2006* and associated program (Energy Efficiency Opportunities) encourages large energy-using businesses to improve their energy efficiency by requiring businesses to identify, evaluate and report publicly on cost effective energy savings opportunities. Industry guidelines and other program support material are also available to help large energy-using businesses understand their obligations.

The Energy Efficiency Opportunities program is designed to lead to:

- improved identification and uptake of cost-effective energy efficiency opportunities;

- improved productivity and reduced greenhouse gas emissions; and
- greater scrutiny of energy use by large energy consumers.

There are more than 220 corporations (incorporating around 1200 subsidiaries) registered for the Energy Efficiency Opportunities program. Participating businesses are required to undertake detailed energy assessments in order to identify opportunities to improve energy use, and to report publicly on the outcomes. Participation is mandatory for corporations that use more than 0.5 petajoules (PJ) of energy per year.

As a guide to businesses, those using more than 0.5 petajoules (PJ) a year may typically have an annual energy bill of more than $3-4 million for gas, $6-11 million for electricity, or $18-21 million for diesel fuel, depending on fuel prices. Put another way, 0.5 PJ approximately equals 139,000 MWh, 13 ML diesel, 9000 tonnes of LNG or 10,000 tonnes of LPG.

Applicability to the University

Although the University is not currently required to report to the program, there is a possibility that the trigger for mandatory reporting will be reduced in the near future.

In 2007/08 the University produced an overall total of 44.7 kilotonnes of GHG emissions, also known as CO^2 equivalents (CO^2e) and consumed 228.7 TJ of Energy. This equated to the University consuming under half of the energy required to trigger mandatory reporting – 0.23 petajoules.

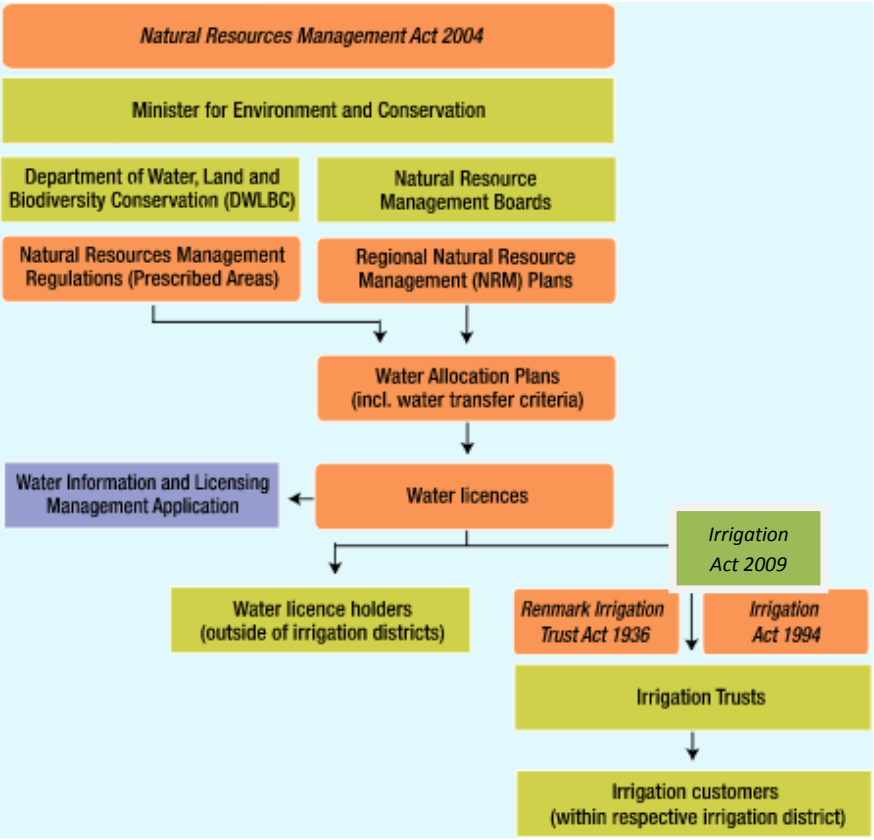
Irrigation Act 2009 (SA)
Tier 3

Introduction

The *Irrigation Act 2009* provides a framework for the management and operation of shared infrastructure for irrigation or drainage purposes associated with primary production in the State.

The following diagram (figure 2) demonstrates operation of the Act relative to related legislation and State government and regional management bodies.

Figure 2: Structure of water markets in South Australia.



For more information, view the Australian Governments National Water Commission's website.

Applicability to the University

This legislation applies primarily in a research context. If a water licence is held to conduct irrigation, there may be some interaction with an Irrigation Trust (bodies established under the Act to provide, maintain, operate and manage irrigation and drainage systems).

Penalties of non-compliance

Penalties exist for providing false or misleading information, interfering with an irrigation system and the unauthorised use of water. Consult the Act for more details.

National Greenhouse and Energy Reporting Act 2007 (Cth)
Tier 3

Introduction

The *National Greenhouse and Energy Reporting Act 2007* introduces a single national reporting framework for the reporting and dissemination of information about the greenhouse gas emissions, greenhouse gas projects, and energy use and production of corporations.

The objectives of the NGER Act are to:

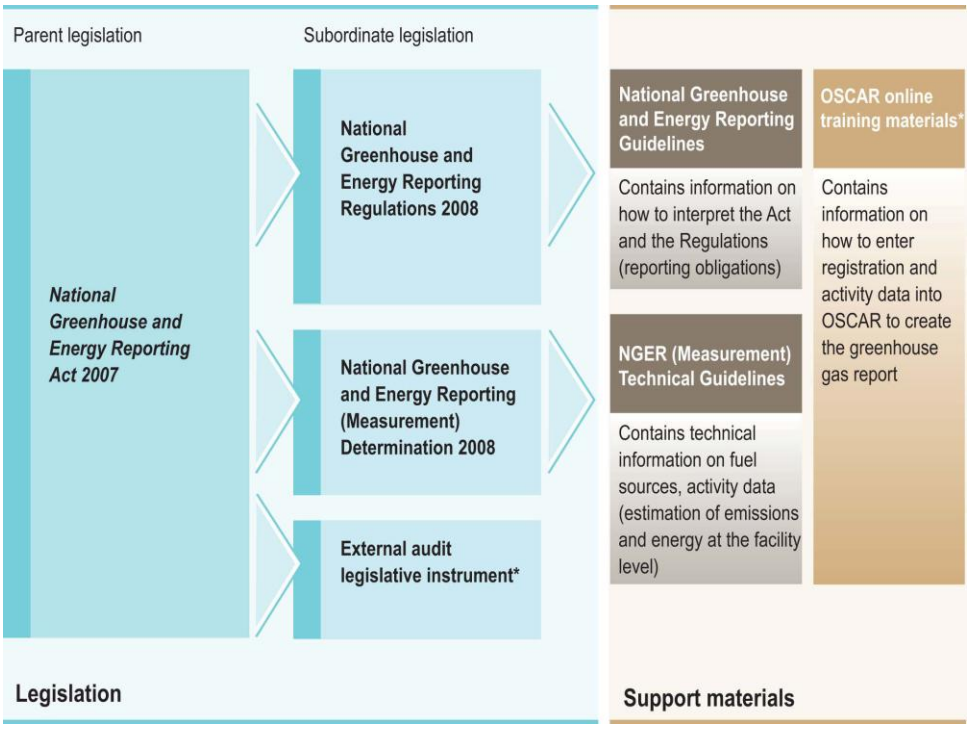
- underpin the proposed Carbon Pollution Reduction Scheme;
- inform government policy formulation and the Australian public;
- help meet Australia's international reporting obligations;
- assist Commonwealth, state and territory government programs and activities; and
- avoid the duplication of similar reporting requirements in the states and territories.

Corporations that meet an NGER threshold (such as the University) must report all:

- greenhouse gas emissions;
- energy production;
- energy consumption; and
- other information specified under NGER legislation.

The Act has a range of supporting legislation along with guidelines and information on its application (figure 3).

Figure 3: Legislative framework, reporting guidelines and other supporting materials



Under the NGER Act, there are two levels of thresholds at which corporations are required to apply for registration and report: facility thresholds and corporate group thresholds. In Section 13 of the NGER Act, the following thresholds have been specified:

- Facilities that emit 25 kilotonnes (kt) of CO2e or more, or produce/consume 100 terajoules (TJ) of energy or more in a financial year. These thresholds do not change over time.
- Corporate group thresholds apply progressively in the first three years of the system, starting in financial year (FY) 2008/09. The thresholds for greenhouse gas emissions and energy production/consumption for the first three FYs are:
    - FY 2008/09: 125 kt of GHG in CO2e or more, and/or 500 TJ energy consumption/production or more
    - FY 2009/10: 87.5 kt of GHG in CO2e, and/or 350 TJ energy
    - FY 2010/11: 50 kt of GHG in CO2e, and/or 200 TJ energy

The corporate group GHG emissions and energy data is determined from the aggregation of each facility's emissions and energy data under the operational control of the corporate group.

Applicability to the University

The University is registered under Section 12 of the NGER Act and must report its emissions for each financial year

Penalties of non-compliance

Currently seeking advice.

Native Vegetation Act 1991 (SA)
Tier 3

Introduction

The purpose of the *Native Vegetation Act 1991* is to retain and encourage management of South Australia's remaining native vegetation while providing a regulatory framework to allow clearance of vegetation where it is necessary for the State's economic development.

The objects of this Act include:

- the conservation, protection and enhancement of the native vegetation of the State and, in particular, remnant native vegetation, in order to prevent further;
    - reduction of biological diversity and degradation of the land and its soil;
    - loss of quantity and quality of native vegetation in the State; and
    - loss of critical habitat.
- the limitation of the clearance of native vegetation to clearance in particular circumstances including circumstances in which the clearance will facilitate the management of other native vegetation or will facilitate the sustainable use of land for primary production; and
- the encouragement of the re-establishment of native vegetation in those parts of the State where native vegetation has been cleared or degraded.

On land where there are significant areas of native vegetation or where land has been revegetated, a heritage agreement can be signed with the State Government. Under this agreement, a range of incentives are available to landowners to:

- manage the land, native vegetation on the land or any animals living on or visiting the land;
- preserving or enhancing native vegetation on the land;
- establishing native vegetation on the land; and
- undertaking research in relation to the preservation, enhancement or management of native vegetation on the land or of animals living on or visiting the land.

In some circumstances, native vegetation can be cleared upon consent by the Native Vegetation Council.

Applicability to the University

On occasion, land clearing may be necessary when undertaking building and construction. It may also be required when undertaking land based research, such as with the planting of crops.

The Native Vegetation Council should be contacted if there is any uncertainty on whether land be cleared.

Penalties of non-compliance

Maximum penalties of up to $100,000 exist for contravention of a number of parts of the Act. Consult the Act for more details.

Natural Resources Management Act 2004 (SA)
Tier 3

Introduction

The *Natural Resources Management Act 2004* provides the guiding principles for Natural Resources Management in South Australia through an integrated and sustainable framework. The Natural Resources Management (NRM) Council is the state-wide peak body for administration of the Act, who along with eight Regional NRM Boards across South Australia, audit, monitor and evaluate the condition of natural resources across the State.

The Act also establishes the key objectives for state-wide NRM, including:

- integrated management;
- protection of existing biological diversity;
- ecological restoration and rehabilitation;
- economic production;
- balancing ecological needs with the need to support the contribution of primary and other economic production systems to the State economy, such as agriculture and mining; and
- supporting and increasing people's capacity to participate in NRM, especially through educational initiatives.

Applicability to the University

All employees have a general statutory duty under the NRM Act to act reasonably and responsibly in relation to the management of natural resources.

The University, as a substantial land-owner, occupier, manager and developer, is subject to the State NRM Plan which requires the University to (among other things);

- control declared plants on University land;
- eradicate certain pests;
- obtain water-allocation permits;
- construct animal-proof fencing; and
- protect certain vegetation or habitats.

The Act applies more specifically to any University staff member or affiliate who works or interacts with natural resources (land, water, soil, plants and animals), but most specifically;

- staff at Waite and Roseworthy campuses;
- staff participating in field trips or research projects;
- members of the Infrastructure Branch who are responsible for the management of the University's property portfolio and the provision of Asset & Facilities Management.

Some University staff may also be a recipient of a NRM grant or undertake work as part of an NRM-initiated project. For more information on how the Act impacts on the University, download the E101, which provides

a succinct summary of the compliance obligations, including personal and institutional consequences of non-compliance with the Act, basic compliance obligations of staff and details of people and resources to assist in your understanding of the Act.

Penalties for non-compliance

Non-compliance with the NRM Act can result in fines of up to $70,000 per breach.

Offences under the Act may also constitute a breach of the Environment Protection Act of which harsher penalties apply.

Water Conservation Act 1936 (SA)
Tier 3

Introduction

The Water Conservation Act 1936 defines powers of the Governor and Minister related to water conservation.

The *Water Conservation Act* 1936 is dedicated to the Minister for Water Security however in practical terms many provisions are obsolete and serve no purpose. While the Act contains some broad powers, they are now subject to, and largely overtaken by, the regulatory provisions in the NRM Act and also the River Murray Act.

One of the actions of South Australia's Water for Good plan is the introduction of a single, over-arching Water Industry Act. It is proposed that the residual relevant provisions of that Act be transitioned to the proposed new Act and the *Water Conservation Act* revoked (Water Industry Act – discussion paper)

Applicability to the University

Those components of the Act which remain relevant and which are proposed to be transitioned include:

- Water Districts created under the Act [S 6]
- Agreements for the supply of water and pricing, rating and metering arrangements relating to those supplies [Ss 19 - 20, 40 & 43];
- Rights, responsibilities and controls over remaining water conservation reserves the responsibility of the Minister and SA Water [part Ss 9 & 10, and 60 - 64];
- Access arrangements to reserves and properties supplied [part Ss 9 & 10] and
- Agreements, licences and other administrative arrangements in place with parties occupying or using water conservation reserves and water and infrastructure located on those reserves.

Penalties of non-compliance

A range of penalties exist for conducting activities in contravention of the Act. Consult the Act for more details.

Antarctic Marine Living Resources Conservation Act 1981 (Cth)
Tier 4

Introduction

The *Antarctic Marine Living Resources Conservation Act 1981* is administered on behalf of the Minister for the Environment and Heritage by the Australian Antarctic Division. The Act implements the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) and regulates harvesting of, or research into, all living organisms that are found in the marine environment within the Convention area.

The Australian Fisheries Management Authority has responsibility for regulating Australian commercial harvesting of marine organisms in the CCAMLR area.

Applicability to the University

This Act has minor application to the activities of staff from the Science based Faculties and Schools undertaking research in the Antarctic.

- A permit will be required is any of the following activities are being undertaken;Harvesting living marine organisms of a specified kind or kinds;
- Carrying out research with respect to living marine organisms [this does not include terrestrial and freshwater invertebrates for which an Antarctic Treaty (Environment Protection) Act 1980 permit is required] of a specified kind or kinds; or
- Fishing for recreational purposes.

A permit can be sort through the Antarctic Applications Online (AAO) System. Applications must be submitted no less than six weeks before departure to the Antarctic.

Permit-holders are generally required as a condition of permit to provide a report within 30 days after expiration of the permit. This report is additional to the Australian Antarctic Science Programme reporting requirements.

Any queries can be directed to the Permits Officer on 03 6232 3347 or by e-mail permits@aad.gov.au.

Penalties of non-compliance

Penalties exist for contravention of the Act. Consult the Act for more details.

Antarctic Treaty (Environment Protection) Act 1980 (Cth)
Tier 4

Introduction

The *Antarctic Treaty (Environment Protection) Act 1980* applies to the area south of 60°S. The Act is administered on behalf of the Minister for the Environment and Water Resources by the Australian Antarctic Division (AAD). The Act and supporting regulations implements Australia's obligations under the Protocol on Environmental Protection to the Antarctic Treaty (the Madrid Protocol) and the Agreed Measures for the Conservation of Antarctic Fauna and Flora (Agreed Measures - Recommendation III-VIII under the Antarctic Treaty).

Restrictions and conditions apply to the granting of permits for the taking of animals and plants. Permits may only be granted for scientific, educational or cultural purposes and must be restricted to ensure that no more animals or plants are taken than can be replaced by the next breeding season and that the variety of species, the habitats and the balance of the natural ecological systems existing within the Antarctic Treaty area are maintained.

In addition, conditions and restrictions apply to the granting of permits for entry to protected areas and activities involving protected species.

Certain activities are prohibited under the Act and permits will not be issued including:

- taking non-sterile soil and polystyrene beads or chips (or similar packaging material);
- carrying on any activity that results in:
  (i) the habitat of any species of native fauna or flora; or
  (ii) any population of native fauna or flora being adversely modified to a significant extent
- undertake mining;
- bringing into, or keep any pesticide, unless it is for scientific, medical or hygienic purposes; or
- driving a vehicle in a specially protected area.

Other restrictions may apply and are provided in more detail on the website.

Applicability to the University

This Act has minor application to the activities of staff from the Science based Faculties and Schools undertaking research in the Antarctic.

Staff embarking on research in the Antarctic must carefully consider the activities they are planning to undertake to ensure;

a. the activity is not prohibited under the Act
b. a permit is not required for the activity.

Permits for Antarctic activities can be applied for using the Antarctic Applications Online (AAO) System.

Applications must be submitted no less than six weeks before departure to the Antarctic.

Permit-holders are required by the Act to provide a report. Permits are likely to have a condition requiring a report within 30 days after expiration of the permit. This requirement is additional to Antarctic Science Advisory Committee (ASAC) and Antarctic Animal Ethics Committee (AAEC) reporting requirements and the Protected Areas Site Visit Report.

Any permit enquiries concerning the ATEP Act can be directed to the Permits Officer on 03 6232 3347 or by e-mail permits@aad.gov.au.

Penalties of non-compliance

Penalties exist for contravention of the Act. Consult the Act for more details.

Aquaculture Act 2001 (SA)
Tier 4

Introduction

The purpose of the *Aquaculture Act 2001* is to regulate marine and inland aquaculture in South Australia.

The objects of this Act include:

- to promote ecologically sustainable development of marine and inland aquaculture;
- to maximise benefits to the community from the State's aquaculture resources; and
- to ensure the efficient and effective regulation of the aquaculture industry.

The Act sets the context for production of aquaculture policies and procedures to be followed. The Act also (among others):

- requires that those undertaking marine related aquaculture hold a licence and lease to operate; and
- establishes the circumstances in which matters are to be referred to the Environmental Protection Authority.

The Aquaculture Regulations 2005 contain general provisions that support the Act and the regulation of licensed activities.

Applicability to the University

If the University was wishing to undertake aquaculture research or operate a commercial entity in the marine environment, it would be required to secure a licence and lease over waters located in an approved aquaculture zone.

Penalties of non-compliance

Penalties exist for contravention of the Act and Regulations. Consult the Act for more details.

Fisheries Management Act 2007 (SA)
Tier 4

Introduction

The management and regulation of fishing in South Australia is mandated through the *Fisheries Management Act 2007* .

The Act:

- provides for a more ecosystem-based approach to managing fisheries, with conservation objectives, risk-based assessments of potential impacts on the ecosystem and tools to protect fish habitats
- provides for specific possession limits of fish species, above which a person will have committed an offence

The Act is underpinned by a co-management approach to fisheries management, with the establishment of a Fisheries Council to provide advice to the Minister.

Under the Act there are a number of Regulations, including:

- *Fisheries Management Regulations* dealing with management policies that need to be in place for particular fisheries, including licence terms and conditions;
- *Fisheries (General) Regulations 2007* dealing with restrictions on fishing, particularly recreational fishing such as size, bag and boat limits;
- *Fisheries Management (Fees) Regulations 2007* setting various applications under the Act and the fees charged;
- *Fisheries (Fish Processors) Regulations 2007* dealing with the fish processing industry;
- *Fisheries (Aquatic Reserves) Regulations 2007* providing for the establishment of reserves with restrictions on fishing and other activities; and
- *Fisheries (Vessel Monitoring Scheme) Regulations 2007* allowing the monitoring of movement of commercial fishing vessels.

Applicability to the University

This Act has minor application to the research activities of the Science based Faculties and Schools.

Situations where permission in the form a licence or exemption would be required might include;

- research that is to be conducted in an aquatic reserves;
- research on aquatic animals that are managed under the Act; and
- research that requires a commercial quantity of aquatic animals.

If research is to be conducted in aquatic environment or on aquatic species, consult the Act and Regulations to determine if a permit or exemption is required.

Penalties of non-compliance

Penalties exist for contravention of the Act and Regulations. Consult the Act for more details.

EPA Sustainability Licence for the University of Adelaide

EPA (Environment Protection Authority) Sustainability Licences are a commitment to improvement, and where excellence is demonstrated, a commitment to maintain that excellence. EPA sustainability licences are not available to all licensees. The EPA only enters into these agreements with licensees who have a demonstrated commitment to maintaining and improving:

- environmental compliance;
- environmental sustainability; and
- respectful relationships with the local community and other stakeholders.

EPA sustainability licences are built on a foundation of trust and transparency to deliver an effective and collaborative relationship between a licensee and the EPA. Any breach of this trust will be treated seriously by the EPA.

The EPA recognises that the University of Adelaide demonstrates the above requirements and as one of a select group of licensees, the EPA and the university have agreed continue to work together to pursue better environmental outcomes.

About this EPA sustainability licence

The EPA recognises that the University of Adelaide demonstrates a sound commitment to environmental compliance and sustainability, and as one of a select group of licensees, the university has agreed to continue to work with the EPA to pursue better environmental outcomes.

This EPA sustainability licence has been developed by the EPA and the University of Adelaide. It contains a mandatory EPA licence, and a voluntary environmental sustainability agreement that support the University's objective to go beyond compliance and to continuously improve its environmental sustainability.

Summary of commitments

This sustainability licence comprises two sections:

Part 1: The EPA licence contains the legally enforceable environmental performance conditions the University of Adelaide must comply with in undertaking its licensed activities. The University commits to continuing to meet the conditions of the EPA licence to manage listed wastes on its campuses at North Terrace, Thebarton, Roseworthy and Waite.

Part 2: The Environmental Sustainability Agreement contains the University of Adelaide and the EPA's public commitment to work together to improve the environmental sustainability and resource efficiency of the University's business operations. This joint voluntary commitment assists the University to pursue its corporate sustainability objectives of:

- Raising awareness and promoting sustainability to the University community;
- Reducing our environmental footprint; and
- Developing systems and processes to continuously improve environmental management.

As part of this commitment, the University of Adelaide will maintain their system to identify and mitigate environmental risks, and their effect on the community, arising from operations and its contractors.

The University's Sustainability Licence can be viewed in its entirety via the TRIM Records Management System (D2011/58691).