



THE UNIVERSITY
of ADELAIDE

Legal Compliance Education and Awareness

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Environment Protection Act 1993

(South Australia)

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What does the Environmental Protection Act do?

- Ensures measures are taken to protect, restore & enhance the quality of the environment
- Provides for a licensing regime for polluting or potentially polluting activities
- Sets standards for pollution & waste in Environment Protection Policies (EPPs);
 - *Air Quality*
 - *Burning*
 - *Waste Management*
 - *Water Quality*
 - *Motor Vehicle Fuel Quality*
 - *Noise*
 - *Used Packaging Materials*
- Promotes ecologically sustainable development

How does the Act apply to the University?

- The University & its employees have a “general environmental duty” to protect the environment through harm & pollution prevention
- Virtually all University activities as a land owner & occupier impact the environment
- Many teaching & research activities impact the environment, including through;
 - *production & disposal of waste*
 - *excavation or alteration of land*
 - *construction of fencing & buildings*
 - *housing of animals on campus (eg. pigs & horses at Roseworthy)*
- All ‘building work’ requires consideration & management of environmental risk, including the alteration & destruction of existing buildings
- The University requires ‘environmental authorisation’ (via a licence, works approval or exemption) from the EPA to undertake some activities

Environmental Protection Authority

- The [Environment Protection Authority](#) ('EPA') administers the Act

The EPA's Compliance & enforcement responsibilities include:

- Issuing warning notices (verbal or written & formal or informal) & fines
- Issuing administrative orders, such as environment protection order, clean-up order or authorisations
- Cancelling, suspending or varying an authorisation
- Auditing the environmental risk of activities producing waste
- Making recommendations for civil action & penalties or criminal prosecution or better compliance regimes

The University Licence

- The University's Environment Protection Licence (EPL) is a generic environmental authorisation which governs all of the University's 'environmentally significant' activities
- The licence regulates storage, treatment, packaging, transportation & disposal of wastes
- The licence also specifies that the University must have written approval from the EPA to undertake activities that have the potential to;
 - increase the risk of environmental harm
 - or
 - increase pollutants or emissions

The University Licence: Waste Production

- The University is authorised to undertake activities producing '***listed waste***', subject to the conditions of the licence
- ***Listed wastes*** include:
 - *Laboratory chemicals*
 - *Organic solvents*
 - *Pesticides*
 - *Paint sludge*
 - *Acids*
 - *Medical waste consisting of (among others);*
 - *Human tissue*
 - *Animal carcass*
 - *Needles & syringes*
- Most activities in which listed waste is produced, are restricted to laboratory activities, research & experiments undertaken in the Faculties of Sciences & Health Sciences

The University Licence: Waste Disposal

- The University has a **waste threshold** (specified in the licence) of more than 5 tonnes but not more than 100 tonnes of non-medical waste per year
 - The University must inform the EPA if it exceeds this limit
- Calculations of waste include estimates of disposed listed wastes from;
 - laboratory areas (such as animal parts & medical wastes); &
 - pesticides & chemicals
- Calculations do not include;
 - general wastes; &
 - listed wastes from excluded activities, such as building work, agriculture, carpentry & plumbing
- Calculations are cumbersome & rely on good record keeping practices

Approval for construction or 'works'

- Generally, as stipulated in the *Development Act 1993*, **Development Approval** must be granted prior to any 'work' being commenced
- If Development Approval is not required due to an exemption in the Development Act or Regulations a **Works Approval** may be required from the EPA if work has the potential to increase the risk of environmental harm, for example;
 - *Installation or alteration of plant equipment can increase the risk of harmful substances flowing into a drain*
 - *Alteration or destruction of part of an old building can increase the risk of exposure to asbestos in the walls or ceiling*
- Normally, EPA staff would ask for written confirmation from the relevant planning authority that Development Approval is not required before going through the Works Approval process
- The Works Approval process may require the University to liaise with the EPA & provide plans for counteracting the risk of noise, fumes or dust

Licence Exemption

- Some activities that have the potential for environmental harm, are **not** dealt with specifically in the University's licence, for example;
 - *A festival or major event held on University grounds (noise pollution)*
 - *Disposal of unidentified chemicals post research activities (waste disposal outside of ordinary disposal activities)*
- For these activities, the University must apply for a separate **licence exemption**, which allows the activity to take place under certain conditions
- Prior to activity commencement, a demonstrable management process to minimise potential harm must be in place

Offences under the Act include

- Environmental pollution caused by noise, air, water or waste
- Environmental nuisance:
 - unsightly or offensive conditions caused by waste
 - *smoke, noise, dust, fumes or odour*
 - any adverse effect on features, benefits or advantages of the local environment
 - any adverse effect on the value of an area as a result of building works, or a gas or water leak
- Contravention of environmental protection policies
- Undertaking an activity of environmental significance without a valid EPA licence
- Violating a condition of a licence
- Hindering, obstructing, abusing, threatening or assaulting an authorised EPA officer

What can happen if I don't comply?

- Penalties to the University & an individual for breaching the Act range according to;
 - *actual or potential harm to health & safety of people*
 - *scale of environmental impact*
 - *level of environmental nuisance*

Individual Consequences:

- Potential liability exposure for Directors & Officers of the University
- Fines of up to \$500,000 or 4 years jail
- A breach of the Act may be considered misconduct, actionable under the University's Enterprise Agreement

What can happen if I don't comply? (cont.)

University Consequences:

- Fines of up to \$2,000,000 per breach
- Ongoing daily penalties
- Suspension or revocation of the University's Environment Protection Licence
- Negative publicity
 - *Damage to the University's reputation*
 - *Attraction & retention of staff & students is compromised*
 - *Loss of funding or research grants*

University obligations under the Act: All Staff

- Do not cause environmental nuisance or environmental harm
- Behave in a manner consistent with the [University Sustainability Policy](#)
- Ensure that any storage & disposal of materials is carried out in an environmentally responsible manner
- Keep accurate & up-to-date records of waste storage & disposal (for use in waste calculations)
- Support the development of sustainability targets & environmental conservation on all university campuses
- Use resources efficiently & responsibly by;
 - eliminating the wasteful consumption of energy, water, other natural resources & manufactured goods
 - using (where practicable) recyclable & [recycled materials](#)

University obligations under the Act: All Staff (cont.)

- Learn to recognise environmental risk
 - undertake risk assessments for activities that may impact the environment
 - Contact [Anne Hill](#), Manager Risk Services for more information
 - 8313 4603
- Co-operate with & assist the Environment Protection Authority if need be

Immediately notify [Mathew Jeffrey](#) or [Dale Washington](#) if;

- you are contacted by the EPA; or
- any environmental incident occurs

If you are managing or supervising 'works' on University grounds

- Ensure you understand what works you are authorised to do on site
- Ensure that all contractors, site supervisors & site staff on University campuses;
 - are aware of University best practice environmental guidelines
 - comply with the requirements of the University Sustainability Policy
 - have an EPA licence (if required)
- Clearly set out the steps required to comply with an EPL in work procedures, for example;
 - *control of dust emissions*
 - *noise restrictions*
 - *conditions for operating plant*
- Clearly outline who is responsible for each aspect of EPL compliance & auditing of site activities

If you are managing or supervising 'works' on University grounds (cont.)

- Provide training & refresher training to site personnel when necessary
- Ensure the University is compliant with relevant legislation & regulations linked to the Environment Protection Act such as;
 - Occupational Health, Safety & Welfare Act
 - Development Act
 - Natural Resources Management Act
 - *Building Codes*
- ***REMEMBER: If the University engages a contractor to undertake works on campus, it is responsible (& liable) for the environmental harm & any breach of the University's EPL that may follow, regardless of whether the contractor was responsible for the contravention***

Additional Resources

- [Libby Dowling](#), Environmental Project Officer
 - 8313 5871
- [Tony Reynolds](#), Manager Campus Services
 - 8313 5556
- [University Sustainability Policy](#)
- [Sustainable Adelaide website](#)
- [University of Adelaide Collective Agreement](#)
- [Environment Protection Authority \(EPA\)](#)
 - Environment protection policies can be found under 'Legislation' on the EPA website
- [Environment Protection Act 1993 \(SA\)](#)



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Disclaimer

The content of this material is intended only to provide a summary & general overview of the *Environment Protection Act* as it applies to the University of Adelaide.

It is not intended to be comprehensive nor does it constitute legal advice.

Please contact *Mathew Jeffrey, Environmental Projects Officer* or Legal & Risk if you are unsure of your compliance obligations under the Act.