



Environmental Protection Act 1994

A Guide to Submitting Your Annual Return

1.0 THE ENVIRONMENTAL PROTECTION ACT 1994>>

WHAT YOU NEED TO KNOW

Under the Environmental Protection Act 1994, businesses which have the potential to pollute the environment are called “environmentally relevant activities” (ERA’s). If you are conducting an ERA, you must obtain a development approval or licence (environmental authority’) to operate.

There are many benefits for you. For example, good operators can not be undercut by ‘cowboys’ i.e. Sub-standard operators who pollute the environment. Also, you will be given clear conditions of operation so you can be confident you will not be prosecuted under the Act for harming the environment. But you also have responsibilities and there is a cost.

2.0 WHAT MUST I DO?>>

ANNUAL RETURNS

By now you should have been visited by a council officer and subsequently issued with an “Environmental Authority” (licence) and/or development application. If not, you should contact us immediately.

Your licence asks you to provide certain information to the council with the initial Annual Return. Well, now is the time to prepare that information and return it to us. This guide is designed to assist you in preparing your Annual Return.

When you first received your licence or development approval, you would have noticed a number of conditions on the licence. In your

Annual Return you must show how you have complied with the conditions of your licence.

ENVIRONMENTAL MANAGEMENT SYSTEMS (EMS)>>

You may be required, as a condition of your development approval or licence, to submit an Environmental Management System (EMS) with your Annual Return. So what is an EMS?

An EMS is a plan for managing environmental risks and maintaining expected standards. All operators of ERA’s should consider preparing a basic EMS.

A major benefit for you in preparing an EMS is that it provides you with a defence against operator liability by demonstrating that all reasonable steps have been taken to ensure that the Act is not breached. Hence, you are acting with due diligence.

YOUR EMS

Remember, your EMS is a working document, not something to put on the shelf and forget about. It is implemented daily and all staff should be well aware of the contents and of their respective duties. The Act specifies responsibilities for everyone and operators can be held personally liable for not fulfilling their responsibilities.

Your Annual Return will be assessed by an Environmental Health Officer and a site visit will be made to discuss the contents of your EMS.

3.0 WHAT CAN I GET OUT OF THIS?>>

PROTECTION OF THE ENVIRONMENT

As mentioned, compliance with the Act brings with it some benefits for the operator. The most obvious advantage is that you can run your

business confident that you are contributing to the protection of the environment. Many industries are now discovering that a quality environment is good for business and investment.

COST SAVINGS

There are already many businesses profiting from implementing environmental controls. For example, many have discovered that there are substantial savings to be made through recycling and reuse of certain wastes. The need for the servicing of industrial bins is reduced along with the associated costs. Many of the services associated with recycling of materials either charge no fee or only a small fee for collection, and may even provide the bin free of charge.

Savings can also be made by improving daily housekeeping. The use of both water and cleaning products can be significantly reduced by sweeping and vacuuming rather than washing the workshop floors. Prompt clean-up of spills (by using waste products such as sawdust) and the use of spill trays further reduces the need for using water and cleaning products. Such measures can be implemented at little or no cost and are more likely to save you money.

TAX BENEFITS

There are a range of taxation deductions and savings which can be made in relation to pollution prevention measures (see Australian Taxation Office/ Commonwealth Environmental Protection Agency publication entitled "Business Tax Deductions and Environmental Expenses" which is available by contacting either of these organisations.)

4.0 WHAT IF I DON'T COMPLY?>>

The Act is quite clear in setting out the responsibilities of operators and the penalties for not complying. This includes the offences of failing to apply for a licence, not complying with licence conditions and unlawfully harming the environment.

Those who choose not to comply with the Act expose themselves as a liability. The operator activity that is not licensed will face fines up to \$24 000 and possible closure of their business.

The act also encourages businesses to regularly check their operations and immediately report any breaches of conditions or environmental harm. Those who report

breaches early can gain conditional immunity from prosecution while the problem is remedied.

5.0 NEED ASSISTANCE?>>

Townsville City Council will provide industry assistance to achieve compliance with the provisions of the *Environmental Protection Act 1994*. If you need assistance in completing this form please contact Environmental Services on **4727 9003**.

ENVIRONMENTAL PROTECTION ACT 1994>>

So how do you prepare an EMS? Well, we've tried to make it as simple and time saving as possible. Included in this material you will see the Annual Return Renewal Form. Completion of this form is the bare minimum that you need in order to provide your EMS (remember this EMS will need to be approved by Council after submission.

The EMS basically consists of five components

1. **Environmental Policy** – is the overall objective of the EMS.
2. **Environmental Plan** – is the document of your specific environmental goals which includes addressing site specific conditions. The plan may also include outcomes you wish to achieve above and beyond compliance important aspects of the plan include stormwater and waste management plans which you have been asked to submit in your annual return.
3. **Implementation Program** – is the 'doing' aspect of your EMS. It shows how you will put into action the environmental plan. This will include the carrying out of duties which have been allocated to individuals and the use of training programs for staff on environmental management.
4. **Feedback System** – is the monitoring and record keeping part of the EMS.
5. **Review** – is where you adjust and improve your EMS over time. You will note that your EMS is not a static document, rather one of continual improvement.

The Annual Return Form which is included in this material will guide you every step of the way in preparing your EMS. If your operation is fairly straightforward, then we don't expect a complex EMS. We will assist you wherever necessary