

Annual strategic compliance priorities 2022–2023 final report



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INTRODUCTION

Our vision

Our compliance effort protects the health of Queensland's environment and communities. As Queensland's environmental regulator, the Department of Environment, Science and Innovation (the department) aims to be a strong and customer-focused regulator that is efficient, modern, responsive, transparent, and collaborative in its efforts to protect environmental values while supporting Queensland's economy. Our Annual Strategic Compliance Priorities (ASCP) provide a targeted and transparent approach to compliance, ensuring our compliance effort is focused on actively reducing risks to the environment and communities, and informing regulated operators about what to expect.

The strategic focus areas were identified using a range of data, tools and intelligence. In 2022–2023, the three strategic compliance priorities were:

- waste management compliance
- petroleum and gas
- the Great Barrier Reef.

The compliance activities and outcomes contained within this report relate to these three strategic compliance priorities only.

During 2022–2023 our compliance efforts have continued across many industries and activities across the state, and the outcomes of these compliance activities are available on the department's website.

We also continued to work with operators to understand their circumstances, escalated our intelligence efforts, and utilised Remotely Piloted Aircraft Systems to detect non-compliance. Our adaptable compliance framework enabled us to continue to implement a risk-based regulatory approach that focused on environmental harm and serious non-compliance.

Notable prosecution outcomes:

- A Queensland coal seam gas (CSG) company was fined \$60,000 and ordered to pay \$7,027.20 in costs for charges relating to the contravention of conditions of their environmental authority.
- A Southwest Queensland based company was fined \$5,000 and ordered to pay \$2,609 in costs in relation to unlawfully operating a waste disposal facility without an environmental authority.
- A company was fined \$75,000 and ordered to pay \$41,463 in costs in relation to the unlawful disposal of contaminated soil and causing material environmental harm in Southeast Queensland.
- A North Queensland based company was fined \$25,000 and ordered to pay \$2,422.38 in costs in relation to unlawfully operating a resource recovery and transfer facility without an environmental authority.
- An individual was fined \$60,000 and ordered to pay \$9,873.39 in costs relating to two offences of wilfully contravening an environmental protection order at a waste facility in Southeast Queensland.
- An individual was fined \$20,000 and ordered to pay \$3,546.78 in costs for offences relating to taking protected plants, carrying out assessable development without a development approval and wilfully and unlawfully depositing a prescribed water contaminant in waters in Central Queensland.

STRATEGIC COMPLIANCE PRIORITY:

Waste management compliance

What we set out to achieve:

- The integrity of the waste levy framework is protected through compliance and enforcement.
- Non-compliance at waste management facilities and during waste transport is deterred.
- Poor performing and unlicensed operators are held to account.
- Illegal dumping is deterred.
- Waste material generated is lawfully transported, reused, recycled or disposed of by licensed facilities.
- Improved community confidence in the regulation of the waste industry.

Waste Levy Compliance

Priority	Ensuring correct calculation, reporting and payment of the waste levy.
Achievements	Regulatory insights
<p>The department actively engaged with all licensed operators to communicate our expectations relating to waste levy obligations. Communications included the importance of complying with waste levy obligations and the department’s approach to enforcement, the release of the Guideline- Volumetric Surveys under the Waste Reduction and Recycling Act 2011 and communications relating to approval of wastes as exempt waste (for onsite operational purposes).</p> <p>Inspections and targeted audits including volumetric surveys and Queensland Waste Data System (QWDS) data audits were completed at 95 landfills across the state to address waste levy risks identified through recent intelligence data.</p> <p>100% of the 12 landfill sites that account for the highest contributions to Queensland’s waste levy were audited resulting in:</p> <ul style="list-style-type: none"> • 9 formal warnings issued. <p>One formal investigation commenced for multiple instances of weight measurement and data breaches.</p> <p>The following enforcement outcomes were generated by inspections and audits at the remaining 83 landfills:</p> <ul style="list-style-type: none"> • 2 Compliance Notices • 7 Show Cause Notices • 6 Penalty Infringement Notices (PINs) • 38 Warnings 	<p>This was the third consecutive year that the operators of the 12 landfill sites which account for the highest contributions to Queensland’s waste levy have been a focus for the department.</p> <p>During this period the department’s expectation is that operators understand their levy obligations and comply with levy requirements has had a positive effect on industry behaviour.</p> <p>Specifically:</p> <ul style="list-style-type: none"> • Noticeable increase in industry led engagement with the department to ensure their compliance. • Improved levels of voluntary compliance resulting in reduced enforcement response being required. <p>Regulatory activities at the remaining 83 landfills identified offences related to failing to measure and record waste movements and failing to accurately report those movements in data submissions. These offences were attributed to a lack of understanding of the legislation, a lack of formulated process on site, and a lack of training for those responsible for the operation of the site.</p> <p>Compliance Notices including relevant conditions, for example to mandate the implementation of site procedures that cover the waste levy framework and require the training of weighbridge operators on proper use of weighbridge software.</p> <p>Regulatory engagement with these operators is expected to result in improved compliance outcomes at these sites.</p>

Unlicensed and illegal activities

Priority

Detecting unlawful waste activities including transport, stockpiling and disposal of wastes.

Achievements

Regulatory insights

Unlicensed activities in Southeast Queensland

- 36 reports of alleged unlicensed waste activities operating in Southeast Queensland were received by the unlicensed waste team.
- 54% were inspected within 4 weeks of referral.
- 28 site inspections were conducted resulting in:
 - ▶ 16 Direction Notices
 - ▶ 1 Environmental Protection Orders
 - ▶ 10 fines, totalling \$112,715.
 - ▶ 2 environmental authority applications being lodged and approved within the reporting period.

The department continued to prioritise the regulation of unlicensed operators with the provision of a dedicated team to respond to reports of unlicensed waste operations across the state in a timely manner.

Our compliance officers engage with unlicensed operators throughout the compliance process providing education on their obligations and responsibilities under the Environmental Protection Act 1994 and assisting them to manage their business activities lawfully (below the environmentally relevant activity threshold) until an environmental authority is granted. Compliance tools including direction notices, environmental protection orders and fines are utilised to secure compliance with the Environmental Protection Act 1994.

The department's provision of a reactive compliance response to reports of unlicensed waste activities is a deterrent to non-compliance and promotes an even playing field for licenced operators in the market.

Officers report poor environmental management practices within many unlicensed sites. The department's intervention reduces the risk of environmental impacts.

Operation Tensile

As part of the program of works to tackle unlicensed operators the department led a highly successful multi-agency targeted compliance operation, focused on unlicensed scrap metal operators in Southeast Queensland.

- 46 inspections completed of 32 sites.
- 7 sites confirmed to be operating lawfully.
- 22 businesses identified as operating unlawfully.
- 23 Direction Notices
- 17 fines totalling \$150,218.
- 2 amended Direction Notices
- 3 Environmental Protection Orders
- 3 environmental authorities were issued in the reporting period.
- 7 applications for environmental authorities lodged and awaiting approval.
- 8 sites were brought into compliance by reducing their activities under the licensable threshold.
- 6 cases remain under active investigation.

Operation Tensile has successfully resulted in compliance action to ensure that identified unlicensed scrap metal operators are operating lawfully in southeast Queensland. As a result, operators either obtained the required environmental authority, ceased their activity or reduced their activity to below the licensable threshold.

This overt multi agency compliance program resulted in improved confidence in regulation of the industry amongst key stakeholders including the community, licensed operators and industry groups.

This operation enabled the Office of Fair Trading and Queensland Police Service to identify and action offences within their jurisdiction. The Office of Fair Trading and Queensland Police Service will participate in similar operations in future.

The need for operators to implement fire prevention and management measures was identified at sites inspected. Operators were encouraged to review their procedures relating to emergency preparedness and ensure that they are taking all reasonable and practicable steps to prevent environmental harm in an emergency.

Unlicensed and illegal activities

Priority

Detecting unlawful waste activities including transport, stockpiling and disposal of wastes.

Achievements

Regulatory insights

Illegal dumping

- 353 reactive illegal dumping reports received.
- 100 % of reports of illegal dumping incidents received by the department had investigations commenced or were referred to local government within four weeks of being received.
- 11 PINs issued for illegal dumping.
- 201 reports referred to local government.

The department receives, investigates, and takes enforcement action in response to reports of illegal dumping. Where a matter is outside the jurisdiction of the State, reports are immediately referred to local governments to investigate and respond to. Many of these local governments are participants in the department's Local Government Illegal Dumping Partnerships Program.

Media releases have resulted in a higher level of awareness in the community. Local Government Administration (LGA) data indicates that illegal dumping hot spots are being dealt with successfully.

Local Government Illegal Dumping Partnerships Program.

Supported local governments to tackle the issue of illegal dumping by providing funding and training for council officers in investigation and enforcement techniques.

Successful recipients of the Local Government Illegal Dumping Partnerships Program (LGIDPP) Round 2A are midway through their activity. 26 councils are participating with over 6100 illegal dumping reports received. 264 PINs have been issued, totalling \$408,000, with 10 million litres of waste removed from the environment.

LGIDPP Round 2B commenced in late 2022, with an additional 20 councils coming onboard to expand the program to a total of 46 local governments across Queensland, which now includes 9 indigenous local governments.

Licensed waste management facilities

Priority	Increased proactive compliance at waste management facilities to detect and deter non-compliance at waste management facilities including a focus on composting and landfills.	
Achievements	Regulatory insights	
Targeted Compliance Program: Scrap Metal Recyclers		
<p>A targeted compliance program focused on licensed scrap metal recycling facilities was delivered in Southeast Queensland, to detect and deter non-compliance.</p> <p>Environmental risk assessments were conducted on 219 scrap metal recycling facilities across Southeast Queensland.</p> <ul style="list-style-type: none"> • 21 inspections were conducted across 17 sites, identifying non-compliance at 47% of sites. • 5 Formal Warnings issued for non-compliance with environmental authority conditions. • 2 Direction Notices issued relating to unlicensed activities. 	<p>Non-compliances identified related to improper handling of stored chemicals and fuels, and the failure to have or implement written procedures.</p> <p>The need for operators to implement fire prevention and management measures was identified with only 38% of operators with a fire and emergency plan in place, and 25% of sites able to contain fire water onsite in the event of a fire.</p> <p>Engagement with this sector of the waste industry via this targeted compliance program is expected to deliver improved compliance outcomes at the site, including prevention and management of fire.</p>	
Targeted Compliance Program: Pre-wet season inspections ERA 53 sites (Southeast Queensland)		
<ul style="list-style-type: none"> • Composting activities located within areas with the potential to be impacted by floods in the Sunshine Coast Region were identified and inspected to ensure their preparedness of the wet season. • 3 operators were identified. • 3 site inspections completed. 	<p>Engagement with operators via this inspection program resulted in operators addressing identified matters of concern within a timely manner ensuring their preparedness for the coming wet season.</p> <p>Identified matters of concern were directly related to erosion and sediment control measures, including the management of disturbed areas to minimise loss of sediment, maintenance of dirty water drains and diversion of clean storm water.</p>	
Inspect priority landfills and composters in levy zone		
<ul style="list-style-type: none"> • 124 site inspections were conducted across 64 sites resulting in: <ul style="list-style-type: none"> ▶ 3 Direction Notices ▶ 2 PINs ▶ 2 Environmental Protection Orders 	<p>Investigations into non-compliances relating to unlicensed activities at one site remain in progress.</p> <p>One operator is working towards compliance with their environmental authority conditions via Transitional Environmental Programs at two of their sites. The department will continue to utilise compliance tools to ensure this operator meets their regulatory obligations.</p> <p>Regulatory engagement with these operators is expected to result in improved compliance outcomes at these sites.</p>	

STRATEGIC COMPLIANCE PRIORITY:

Petroleum and Gas

What we set out to achieve:

- Registered resource producers and resource users are operating in accordance with the End of Waste Framework.
- Queensland’s environmental offsets framework is implemented by industry, in particular financial settlement offsets.

Priority	Ensuring compliance with the End of waste (EOW) framework.	
Achievements	Regulatory insights	
Implementation of an EOW compliance program		
<p>A compliance program was implemented, and the activities of registered resource producers and registered resource users assessed against EOW Codes related to the Petroleum and Gas industry and EOW approvals.</p> <p>Compliance activities included:</p> <ul style="list-style-type: none"> 9 site inspections of registered resource producers and/or associated resource users were completed. Identified non-compliances were addressed with: <ul style="list-style-type: none"> 1 fine totalling \$14,375 4 formal warnings 4 matters of concern 	<p>Interactions with operators focussed on improving their understanding of the EOW framework and their obligations as registered resource producers or associated resource users. It is expected that this will have a positive impact on operator performance in future.</p> <p>Operators are encouraged to notify the department of their ceasing use of EOW approvals/codes to prevent unnecessary regulatory interactions.</p> <p>The department will continue to monitor compliance with the EOW framework</p>	

Priority	Ensuring compliance with environmental offset requirements.	
Achievements	Regulatory insights	
Audits of approved financial environmental offsets		
<p>Compliance audits were completed of 10 Petroleum and Gas environmental authorities that have offset requirements that are being delivered via a financial offset. This includes 6 site inspections and 4 desktop inspections.</p> <ul style="list-style-type: none"> 5 of the 10 audits required no further action. 4 operators remain under investigation. 1 investigation of a major Petroleum and Gas project with both offset and environmentally sensitive area (ESA) impacts resulted in: <ul style="list-style-type: none"> 3 fines totalling \$41,355 for unauthorised petroleum activities within ESAs or their protection zones. 4 warnings for further unauthorised petroleum activities related to ESAs. 1 warning for failing to secure an offset prior to causing a significant residual impact on a prescribed environmental matter. 	<p>The department will continue to work closely with operators to monitor impacts to offsets and ESAs when the impacts are being made and when approvals are provided.</p>	

STRATEGIC COMPLIANCE PRIORITY:

Great Barrier Reef

What we set out to achieve:

- The compliance program for existing and newly regulated areas and commodities is implemented.
- Agricultural producers are informed about their obligations under the Great Barrier Reef protection regulations and voluntarily comply with their requirements.
- Enforcement action occurs when voluntary compliance does not occur.

Priority	Bolstering reef compliance capacity	
Achievements	Regulatory insights	
<ul style="list-style-type: none"> • The department has expanded our reef compliance team from 17.9 FTE in 2021-22 to 29.4 FTE in 2022-23. • Compliance staff are distributed across the office locations of Cairns, Townsville, Bowen, Mackay, Rockhampton and Brisbane to service the different reef regions. 	<p>Employing staff with compliance officer capabilities and understanding of agricultural land practices provides agriculture industry clients with greater confidence in the compliance decisions made. Increased staff numbers at regional locations reduces travel time to inspection sites and enables greater number of inspections to occur.</p>	

Priority	Drive and enhance voluntary compliance with the Great Barrier Reef Protection Measures.	
Achievements	Regulatory insights	
Engagement and education program		
<ul style="list-style-type: none"> • Outreach and engagement activities directed towards agricultural advisors, industry, the community and Natural Resource Management (NRM) and Landcare Groups were delivered to promote understanding of the Reef regulations and the requirements of the ERA standards. • Outreach and engagement activities were targeted at newly regulated areas and newly regulated commodities. • 30 agricultural advisers were engaged throughout the Fitzroy and Burnett Mary Region. • 3 NRM and Landcare groups were directly engaged. • 40 engagements with industry and community representatives. 	<p>Engagement with agricultural advisors and industry representatives enabled efficient delivery of key messaging across all the GBR regions and improved the accuracy of the information provided to farmers.</p> <p>Engagement activities facilitated the provision of valuable feedback from industry regarding the practical issues they face in understanding and complying with the requirements.</p> <p>Agricultural producers and advisors are more informed about the requirements under Chapter 4A of the <i>Environmental Protection Act 1994</i> (EP Act).</p>	
Licensing of Environmentally Relevant Activity 13A (ERA) (Commercial cropping and horticulture in Great Barrier Reef Catchment)		
<p>Applications for new or expanded cropping in the Great Barrier Reef regions were assessed and 8 ERA13A environmental authorities were issued: 3 with site-specific conditions and 5 with standard conditions.</p>	<p>New or expanded cropping is regulated to minimise impacts on Great Barrier Reef catchment water quality.</p>	

Priority	Prioritise compliance effort to detect and deter non-compliance based on client and locational risk to water quality.	
Achievements		Regulatory insights
Continued expansion of the compliance program to include newly regulated areas and commodities.		
<p>In 22-23 the compliance program was expanded to deliver inspections and assessments of participation in practice change or accredited programs across the Great Barrier Reef Catchments as follows:</p> <ul style="list-style-type: none"> • 92 in the Wet Tropics region • 61 in the Burdekin region • 38 in the Mackay Whitsundays region • 43 in the Fitzroy region • 1 in the Burnett Mary region <p>The compliance program delivered:</p> <ul style="list-style-type: none"> • 91 assessments of producers who are adopting or changing specific farming practices • 144 physical inspections consisting of: <ul style="list-style-type: none"> ▶ 57 sugarcane farms ▶ 15 banana farms ▶ 72 grazing properties <p>Resulting in the issue of:</p> <ul style="list-style-type: none"> • 18 formal warnings • 1 statutory notice • 3 penalty infringement notices • 19 investigations of community reports of suspected environmental harm from agricultural activities. 	<p>The compliance program prioritised sugar cane farms, banana farms and grazing properties for inspection based on highest risks to water quality.</p> <p>On farm inspections achieved compliance through a combination of voluntary behaviour change following increased awareness, directed compliance using warnings and statutory notices, and sanctions where continued non-compliance is occurring.</p> <p>Producers yet to be inspected have increased awareness of the regulations, benefits of improved farm practices and consequences for non-compliance. This drives behaviour changes and improved practice.</p>	

