

Notice

Environmental Protection Act 1994

Environmental Protection Order

This environmental protection order is issued by the administering authority pursuant to section 358 of the Environmental Protection Act 1994.

Ms Frances Gala
President
K'Gari Educational and Culture Centre Inc.
PO Box 290
HERVEY BAY QLD 4655

Your reference:

Our reference: CA28343_101/0008335

Dear Madam

Take notice: that under the provisions of the *Environmental Protection Act 1994* (the Act) this environmental protection order (EPO) is issued to K'Gari Educational & Culture Centre Inc. (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Heritage Protection (the department).

The EPO is issued in respect to the activities of K'Gari Educational & Culture Centre on land described as Lot 1 on FS92 situated Woralie Track, Fraser Island (the premises).

A. Grounds

This EPO is issued on the following grounds:

- To secure compliance with Condition F1 of Environmental Authority EPPR00512113.
- To secure compliance with the General Environmental Duty under section 319 of the *Environmental Protection Act 1994*.

The facts and circumstances forming the basis for these grounds are:

- At a compliance inspection carried out by authorised officers on 13 May 2015, it was found you are in breach of the conditions of your environmental authority EPPR00512113.
- Authorised officers observed poorly treated effluent from the sewage treatment plant on the premises being pumped to an unlined pond, and not to the authorised disposal area as required by condition F1 of your environmental authority.

B. Requirements

In accordance with this EPO, you are required to do the following:

- From this day forward you are required to cause all sewage generated at Lot 1 on FS92, Woral Road, Fraser Island to be removed from Fraser Island until such time as K'Gari Educational & Culture Centre Inc. can demonstrate compliance with condition F1 of environmental authority EPPR00512113.

C. Obligations

If you propose to dispose of the place or business to which the EPO relates, you **must** advise the buyer of the existence of this EPO.

If you cease to carry out the activity to which this EPO relates, you **must** give written notice of ceasing to carry out the activity to the department within 10 days of ceasing the activity.

Take notice:

- the requirements of this order take effect immediately upon service of the order;
- failure to comply with this order is an offence under the Act;
- this order remains in force until further notice from the administering authority.

D. Penalty

Failure to comply with an EPO is an offence.

- The maximum penalty for an individual for wilfully contravening an EPO is 6250 penalty units, totalling \$711,562.50 or five years imprisonment.
- The maximum penalty for a corporation for wilfully contravening an EPO is 31,250 penalty units, totalling \$3,557,812.50.
- The maximum penalty for an individual for contravening an EPO is 4500 penalty units, totalling \$512,325.00
- The maximum penalty for a corporation for contravening an EPO is 22,500 penalty units, totalling \$2,561,625.00

Failure to provide written notice to the buyer is an offence.

- The maximum penalty for an individual is 50 penalty units, totalling \$5,692.50.
- The maximum penalty for a corporation is 250 penalty units, totalling \$28,462.50.

Failure to provide written notice within 10 business days of ceasing the activity to the department is an offence.

- The maximum penalty for an individual is 50 penalty units, totalling \$5,692.50.
- The maximum penalty for a corporation is 250 penalty units, totalling \$28,462.50.

Section 2B of the Penalties and Sentences Regulation 2005 prescribes the monetary value of a penalty unit.

E. Reviews and appeals

The provisions regarding review of decisions and appeals may be found in sections 519 to 539 of the Act.

A person who is dissatisfied with certain decisions of the department, may be able to apply to have the department review that original decision.

Generally, a request to have a decision reviewed must be made:

- within 10 business days of the decision being notified to the person;
- be supported by enough information to enable the department to decide the application for review; and
- be made using the application for review of an original decision form (EM709).¹

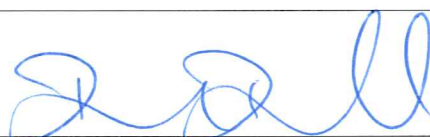
Where an application has been made for a decision to be reviewed, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

A person whose interests are or would be adversely affected by a decision of the department may also be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

For further information about reviews and appeals see the information sheet - internal review and appeal to the Planning and Environment Court (EM1866). You may have other legal rights or obligations and should seek your own legal advice.

Should you have any queries in relation to the notice, please contact Denise Batten, A/Principal Environmental Officer on telephone number (07) 4121 1889



Signature



Date

David Darvall
Manager(Compliance)
Delegate of the Chief Executive
Department of Environment and Heritage Protection
Environmental Protection Act 1994

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¹ This is the publication number. The publication number can be used as a search term to find the latest version of a publication at <www.ehp.qld.gov.au>.