*Environmental Protection Act 1994*

Application for reimbursement for orphan incidents clean-up

*This form is to be used when applying for payment under the Queensland Department of Environment, Science and Innovation (DESI) reimbursement scheme for orphan incidents.*

This application must meet all the application requirements as outlined Appendix A.

Please label all attachments and receipts alphabetically (e.g. ‘Attachment 1’).

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| **GUIDE**  If you require assistance in answering any part of this form, or have any questions about your application, please contact Permit and Licence Management. Contact details are at the end of this form.  If more space is required for any responses, please attach additional information as a separate signed statement. | **Application details** |
| Applicant details  |  |  | | --- | --- | | Council name | | | Postal ADDRESS | | | phone | ABN/ACN | |
|  | Applicant contact officer details  |  |  | | --- | --- | | name | POSITION | | PHONE | EMAIL | | postal ADDRESS | | |
| Please describe details of the orphan incident e.g. date, time, location, how the incident occurred, and the extent of environmental harm | Description of the incident and extent of environmental harm  |  | | --- | |  | |
| Please list notification details of when DESI was advised of the orphan incident e.g. when contacted—date, time, departmental officer and reference number | Notification to DESI of when incident occurred  |  | | --- | |  | |
| Please detail actions undertaken by council to clean-up the orphan incident. Attach any documents to substantiate the actions taken e.g. photographs taken before and after clean-up actions undertaken. | Clean-up action undertaken  |  | | --- | |  | |
| Please outline all costs (exclusive of GST and ordinary wages of council officers) associated with the clean-up of the orphan incident and attach and label all attachments and receipts alphabetically e.g. ‘Attachment A’.  Note: Council can only apply for reimbursement if the clean-up costs are greater than $5000. | Costs (please attach all receipts)  |  | | --- | |  | |
| Please demonstrate that all efforts were made to locate the person responsible for the incident and claim the costs associated with the clean-up. Attach any documentation to substantiate the actions taken. | Action taken to recover costs from person responsible for the incident  |  | | --- | |  | |

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|  | Declaration I declare that:   * I am authorised to sign on behalf of council. * The information provided is true and correct to the best of my knowledge. * I understand that this application will be bound by the requirements outlined Appendix A. * Where reimbursement is paid and costs are subsequently recovered from the person who caused or allowed the incident, net costs recovered will be returned to the Department of Environment, Science and Innovation. * I understand that failure to provide sufficient information may result in the application being refused. * I understand that all information supplied on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977.*  |  |  | | --- | --- | | APPLICANT’S NAME | | | APPLICANT’S SIGNATURE | | | POSITION OF SIGNATORY | DATE | |
|  | Applicant checklist Application form completed and signed  Supporting information attached (e.g. receipts)  Read and checked that the application meets all requirements as outlined in Appendix A. |
|  | Please return your completed application to:  |  |  | | --- | --- | | **Post:**  Permit and Licence Management  Department of Environment, Science and Innovation  GPO Box 2454  BRISBANE QLD 4001 | **Enquiries:**  Permit and Licence Management  Phone: 13 QGOV (13 74 68)  Email: [**palm@des.qld.gov.au**](mailto:palm@des.qld.gov.au) | |

**Appendix A – Additional information for reimbursement for orphan incidents clean-up**

# Background

The Queensland Department of Environment, Science and Innovation (DESI) administers a reimbursement scheme for orphan incidents to support local government in the clean-up of incidents where material or serious environmental harm has occurred and the polluter cannot be pursued.

This reimbursement scheme, administered by DESI, aims to:

* encourage local government to manage orphan incidents
* prevent environmental harm from incidents that represent an immediate risk to the environment
* ensure a timely response to orphan incidents that are not trivial or minor in nature.

# What funding is available?

To be eligible for reimbursement, the costs associated with the clean-up of orphan incidents, excluding ordinary wages for council staff, must be greater than $5,000. This aligns with the threshold amount for material environmental harm as defined in the *Environmental Protection Act 1994.*

Local governments will be required to notify Permit and Licence Management on 13 QGOV (13 74 68) as soon as possible if the costs associated with clean-up of orphan incidents are likely to exceed $50,000.

Where reimbursement has been paid and costs of clean-up are subsequently recovered from the person who caused or allowed the incident to occur, net costs recovered are required to be returned to DESI.

# What is the process?

When an incident occurs:

* council to contact the Permit and Licence Management team with the incident details and clean-up action being undertaken to manage the incident
* council to apply for reimbursement from DESI once clean-up has been completed and the person responsible for the incident was unable to be located.

# What are the application requirements?

Before seeking reimbursement the applicant is required to ensure that:

* all efforts have been taken to identify and locate the person who caused or allowed the incident to occur
* the person responsible for the incident cannot be pursued and it can be demonstrated that diligent efforts to locate and/or claim costs from such person have been made
* the reimbursement costs sought are reasonable
* the cost of providing the service is reasonable and do not include unnecessary or excessive costs
* the cost of providing the service has not included ordinary wages of local government officers (any expenses outside of ordinary wages will be reimbursed, e.g. overtime, allowances)
* the clean-up was safe, environmentally sound and cost effective
* the incident is **NOT** prior to the 1 July 2007 (being the commencement of the reimbursement scheme)
* the clean-up is **NOT** where a pollution incident results from fire fighting activities
* the incident is **NOT** related to land recorded on the environmental management register and/or the contaminated land register
* the incident is **NOT** from a motor vehicle accident
* the clean-up is **NOT** a removal, transport, processing and disposal of tyres
* the clean-up is **NOT** part of a litter collection campaign or regular local government clean up activity, which includes a roadside clean-up program
* the incident is **NOT** part of a clean-up or disposal of materials voluntarily picked up in a situation not involving an orphan incident, e.g.:
  + local government kerbside collection programs
  + Clean-Up Australia Day activities
  + removal of car bodies from any location
  + waste facility acceptance of hazardous materials
  + maintenance of stormwater drains.

# What information should be addressed in the application?

The application must include a description of:

* the incident, including date, time, location and how the incident occurred
* the extent of environmental harm caused by the incident
* details of when DESI was advised of the incident
* the clean-up action undertaken
* the costs associated with the clean-up (exclusive of GST and ordinary wages of council officers), including the submission of a tax invoice and all relevant receipts
* action taken to recover costs from person responsible for the incident.

# If person responsible for the incident is identified

Before seeking a reimbursement under the Scheme, the local government must ensure that reasonable steps have been taken to identify and locate the person who caused or allowed the incident to occur. However, if a reimbursement is paid and then in the future the costs are subsequently recovered from the person who caused or allowed the incident to occur, the net costs recovered from the person by the local government is to be returned to the department. Should this occur, contact Permit and Licence Management on 13 QGOV (13 74 68) to organise the return of funds.

# Further information

For further information contact Permit and Licence Management on 13 QGOV (13 74 68).

**Disclaimer:**

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment, Science and Innovation should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.