

Guideline

Guidance Note 015: Environmental Incident Management

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1 Purpose

This document outlines the process for reporting and managing an environmental incident. This process applies where MRTS51 *Environmental Management* has been included in a transport infrastructure contract, however, it should be noted that legislated notification and reporting requirements apply to all Department of Transport and Main Roads activities. Furthermore, the department's infrastructure projects that do not include MRTS51 *Environmental Management* as part of their contract documentation must still follow the general principles and intent of this process.

2 Context

An environmental incident is defined as an occurrence of a reportable breach of environmental legislation, an event that causes or has the potential to cause environmental nuisance or environmental harm as defined in the *Environmental Protection Act 1994*, or an environmental non-conformance with a transport infrastructure contract.

For the most current list of reportable breaches, contact the department's Environmental Legislation team.

An incident can be identified through a planned event (that is, through an inspection or audit) or through an unplanned event (for example, a complaint, an accident, rainfall event causing contaminated water including sediment laden water to be released offsite, a bushfire or a failure to act). A severity level is applied to environmental incidents – Level 1, Level 2, Level 3 or Level 4.

Appendix A provides further information on each of the levels and example incidents.

A Contractor's incident matrix within their own Management System may be different to the department's. It is important that a Contractor map their incident matrices with the department as part of Contract requirements to ensure there is no confusion about how environmental incidents should be categorised.

When an incident has been identified, it must be recorded in the department's Environmental Event Review and Improvement System (EERIS). This system records details about the incident, including the corrective action that has been undertaken. Recording of the incident in EERIS allows the department to review trends and determine when improvements to the Environmental Management System.

Note: Observations that are not environmental incidents may still be recorded in EERIS.

3 Process

The flow chart in Appendix B shows the process for managing an environmental incident, including when to enter the incident into EERIS. Each action in the process is further explained below. Note that these actions are numbered according to the flow chart and do not reflect how the procedure should occur sequentially.

Guidance on how to use EERIS can be found on the department's Environmental Management System (EMS) in *Guidance Note 016: Environmental Event Review and Improvement System (EERIS)*.

Actions – Contractor

1. Notify Site Supervisor

As soon as any Project staff (including sub-contractors) become aware of an issue or event that can be classified as an environmental incident, they must immediately notify their direct Supervisor of the environmental incident. Refer to Appendix A for incident examples.

2. Take immediate remedial actions

When safe to do so, site staff shall commence immediate control measures to minimise and remediate the environmental impacts (for example, containing a spill or stopping clearing works).

3. Report incident details to CA

The Contractor shall report incident details to the Contract Administrator (CA) as soon as practicable upon becoming aware of the incident, and no longer than 48 hours. For incidents that are potentially Level 3 or Level 4 (i.e. material or serious environmental harm), the CA shall be notified no later than 4 hours of becoming aware of the incident. When the delivery model of the project does not involve a CA, the role of the CA may be performed by the department's Environmental Officer (EO) or a departmental agent.

4. Report to Administering Authority in required timeframe

Certain types of incidents will need to be reported to an Administering Authority. Refer to Appendix C for timeframes required for reporting environmental incidents relevant to transport infrastructure contracts. Level 3 and Level 4 environmental incidents must be reported to Department of the Environment, Tourism, Science and Innovation (DETSI) within 24 hours of becoming aware of the environmental incident. Refer to Appendix A for examples of Level 3 and Level 4 environmental incidents.

Contact the department's Environmental Legislation team for the most current list of reportable incident triggers for all departmental activities.

The Contractor is responsible for all relevant notifications. Notification can be made via phone (with follow up email) or just by email. The Contractor is required to advise the CA and the department's EO of the notification either by copying them into the email or the follow up email. The following information should be provided:

- Contractor details (name, phone, address, email)
- alleged offender's details (name, business name, phone, address, email, website, number plate)
- time, date and location of incident or activity
- description of incident or activity and if it is still occurring, and
- description of environmental values being affected.

For notifications to DETSI by email, use pollutionhotline@des.qld.gov.au. For notification by telephone, use 24/7 Pollution Hotline – 1300 130 372.

The DETSI email account is only monitored during business hours and should not be used for reporting serious incidents where DETSI will need to co-ordinate management of the incident with other government agencies. In these circumstances, immediate notification should be by phone with a follow up email.

For notifications to other Administering Authorities, contact the department's Environmental Legislation team to determine the correct Authority based on the environmental incident and reporting trigger.

Note: There may be requirements to notify third parties (occupiers or affected owners of land impacted by an incident, i.e. adjacent land) or make public notice of an incident. In these instances, the Contractor is to consult with the department's Project Manager (PM) before any public / third party notices are given. Generally, these notifications will need to be made by the department.

5. Determine corrective action in addition to immediate remedial actions

It is the responsibility of the Contractor to determine the corrective actions that are required after immediate remedial actions have been taken (Step 2). Corrective actions may include the following:

- further investigation to identify the cause or determine the extent of environmental nuisance or harm
- revision of management plans and procedures
- implementation of revised or current management plans and procedures
- training of relevant personnel in existing or revised procedures, and
- identification of company / project EMS improvements.

6. Issue incident report to CA

Once the immediate risk from the incident is alleviated and the corrective actions have been implemented, the Contractor must issue an incident report to the CA within 20 business days of the incident. The report must include the following information:

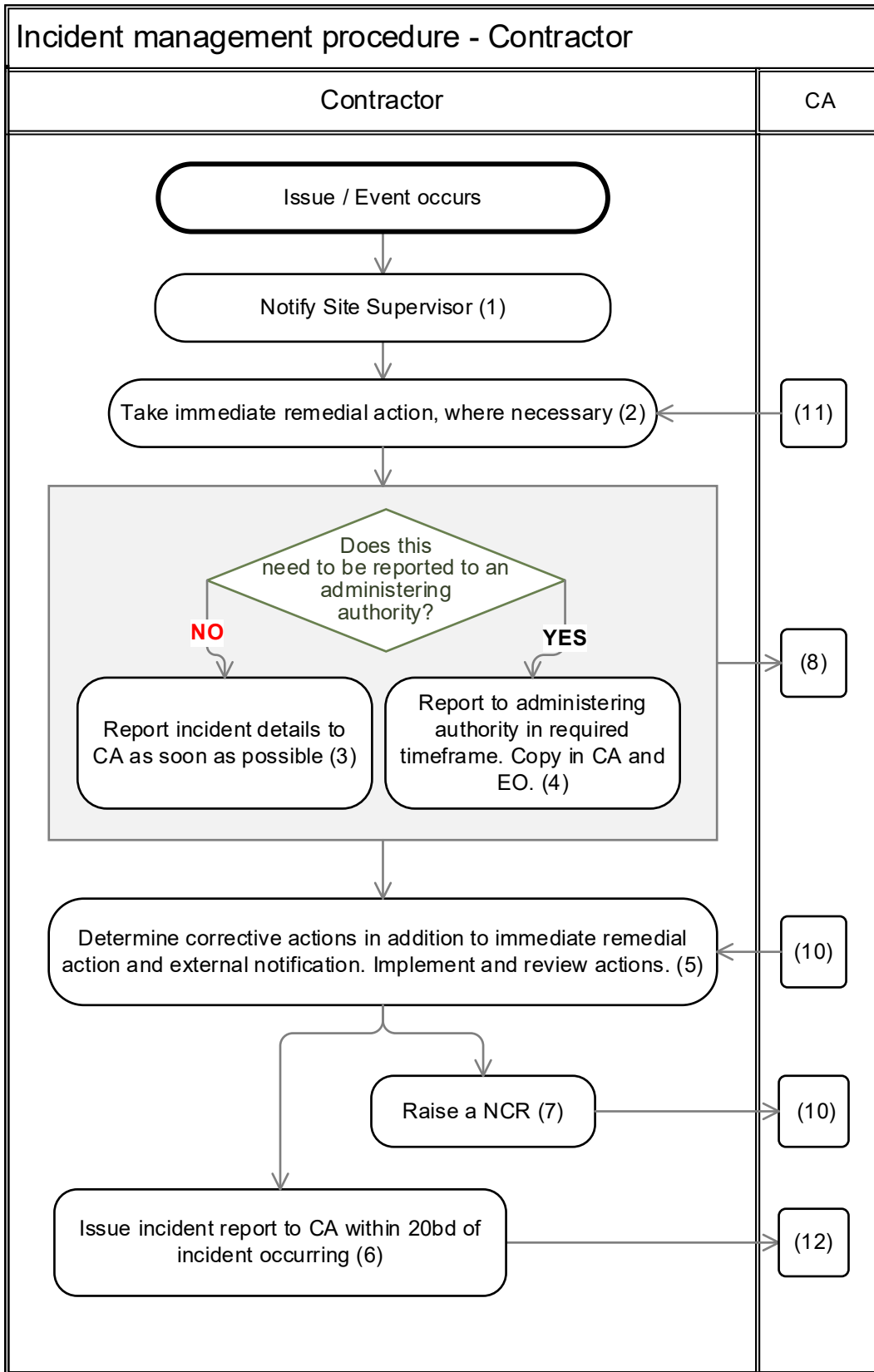
- the nature of the incident
- what Management Measures were in place to prevent an incident occurring
- probable cause of the incident, and
- what corrective actions have been undertaken to prevent incidents reoccurring.

The report may be in a separate incident report, Nonconformance Report (NCR) or included as part of other monthly reports.

7. Raise an NCR

Where the environmental incident is also a Nonconformance with the contract requirements and corrective actions are required in addition to the immediate remedial actions, the Contractor should document the incident as an NCR in addition to the environment incident report.

Figure 3(a) – Incident management procedure – Contractor



Actions – Contract Administrator

8. Review immediate remedial actions

The CA needs to review the immediate remedial actions to ensure that the Contractor has implemented appropriate control measures to minimise and remediate the environmental impacts. The CA should consult with an Environmental Representative or the department's EO on the suitability of the immediate remedial actions.

9. Report incident to the department's PM and EO

The CA needs to report the incident to the department's PM and EO within 24 hours of being notified by the Contractor, ensuring all details including immediate remedial actions.

Incidents that are potentially Level 3 or Level 4 (i.e. material or serious environmental harm) should be notified as soon as practicable, but no later than 4 hours of becoming aware of the incident.

10. Review corrective actions from NCR

The CA must review the corrective actions from the NCR to ensure they are suitable and proportionate to the incident. The CA should consult with an Environmental Representative or the department's EO on the suitability of the corrective actions.

The CA shall reject the NCR if the Contractor's nominated corrective actions are not deemed suitable nor sufficient.

11. Issue Corrective Action Request (CAR)

If, in the opinion of the CA, an incident / event has or will result in a serious Nonconformance, the CA may issue the Contractor a corrective action request (CAR) to immediately carry out any corrective and/or remedial action. A CAR applies a Hold Point beyond which the Contractor shall not proceed without written authorisation from the CA.

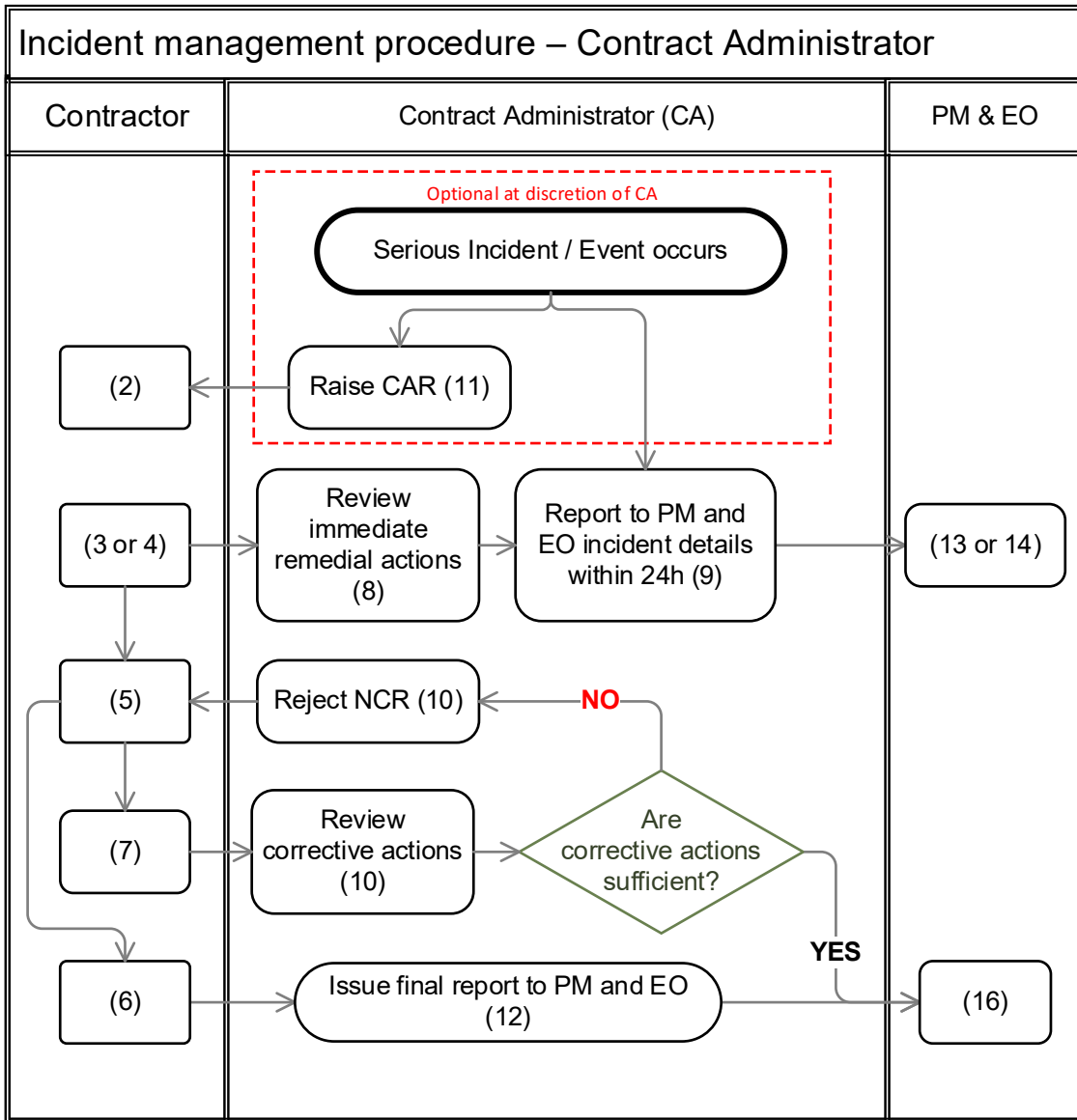
The CA has discretion to issue a CAR at any point throughout the incident management process. For example, a CAR can be issued by the CA immediately upon identification of a serious issues / event – prior to any action from the Contractor. A CAR can also be issued in response to CA rejection of an NCR or repeated poor performance.

12. Issue Final Incident Report to the department

It is the responsibility of the CA to ensure the Contractor's incident report is complete and correct prior to issuing to the department.

If an NCR was raised for the incident, the incident report should include all corrective actions and the NCR must be closed by the CA prior to issuing the final incident report.

Figure 3(b) – Incident management procedure – Contract Administrator



Actions – The department’s Project Manager

13. The department’s PM to notify Senior Management

The department’s PM shall consult with the CA and EO to determine, to the best of their knowledge, if the incident may involve serious or material environmental harm. If so, it must be reported to senior management immediately, but no later than 24 hours of being made aware of the incident.

The Program Management and Delivery (PMD) Manager (Environment) may be contacted to provide advice as to whether the incident involved material or serious environmental harm.

If further information is required to determine if the incident does involve serious or material environmental harm (for example, awaiting expert advice, analytical test results, findings of Contractor investigation) the PM shall provide senior management with an update upon obtaining the required information.

NOTE: Senior management varies dependent upon the relevant departmental branch or division (for example, District Director / Regional Director / General Manager (Program Delivery and Operations) / General Manager (Rail Infrastructure Delivery) / General Manager (Marine Services Queensland).

14. The department’s PM to notify the EO and Env Team Leader

The department’s PM is responsible for notifying the EO and Environment (Env) Team Leader of all environmental incidents that have been reported to an external agency. They must be reported to the EO and Env Team Leader immediately, but no later than 24 hours of being made aware of the incident.

The department’s PM may assist the EO in entering the incident details including corrective actions in EERIS (Step 15).

Actions – Environment (the department’s EO)

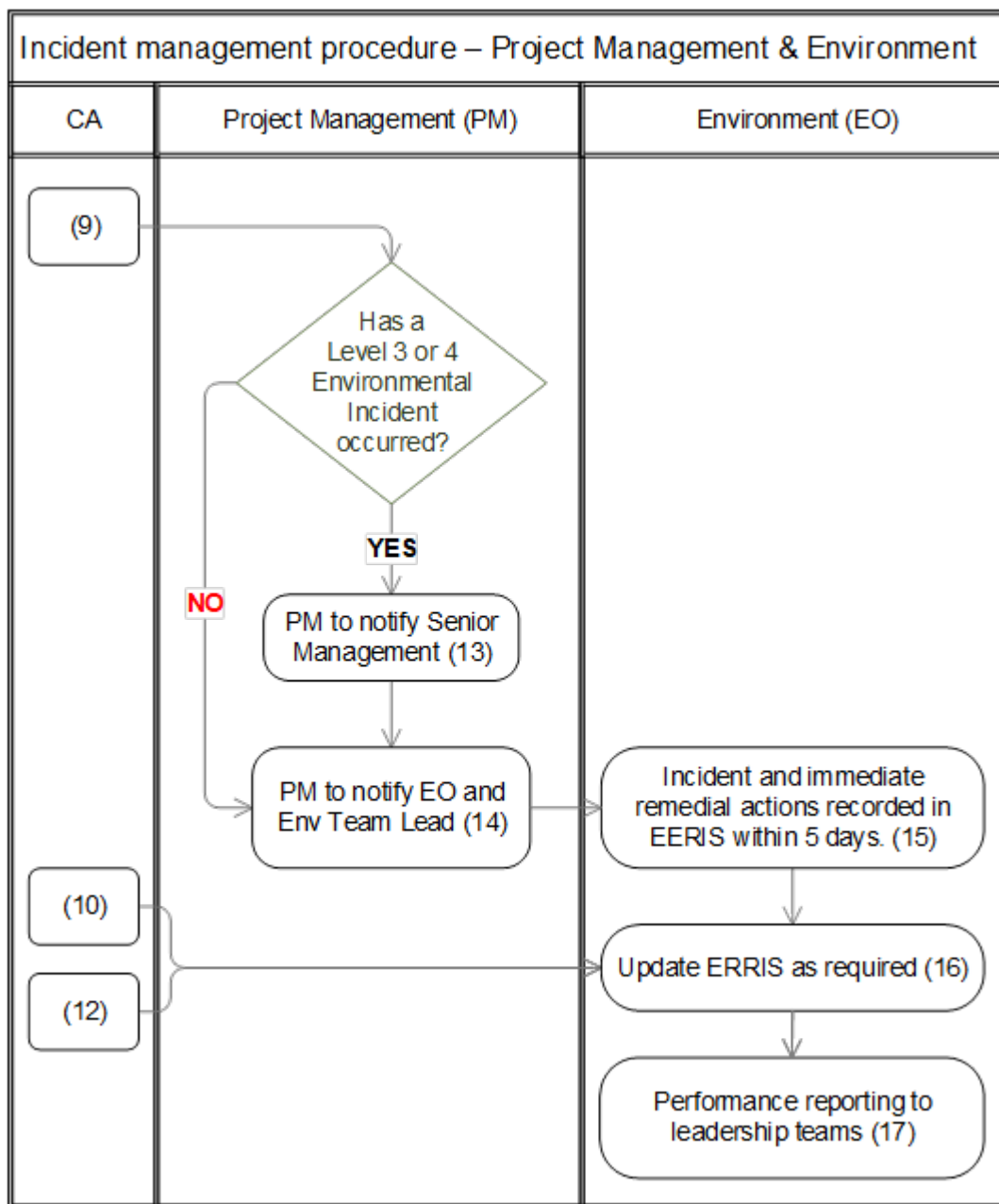
15. Record incident and corrective actions in EERIS

The incident must be recorded in EERIS within 5 days of the incident being identified. At a minimum, the event details and immediate remedial actions shall be entered. The incident shall be recorded by the department’s EO if not completed by the department’s PM.

16. Update EERIS as required

As the EERIS record will contain at a minimum the event details and immediate remedial actions, additional corrective actions that are identified / undertaken are to be added to the record.

Figure 3(c) – Incident management procedure – Project Management and Environment



4 Definitions

Reference	Definition
CAR	Corrective Action Request. These are issued by departmental Contract Administrators to the Contractor to instruct the Contractor to take specific action.
CA	Contract Administrator for a construction contract.
DETSI	Department of Environment, Tourism, Science and Innovation.
Duty to Notify	Requirements under the <i>Environmental Protection Act 1994</i> , Chapter 7, Part 1, to report any potential or actual environmental harm.

Reference	Definition
Env Team Leader	The department's environment officer in charge of each project / region / district's environment team For Maritime Safety Queensland (MSQ), this is the MSQ Senior Advisor (Environmental Management).
Environmental Representative	Responsible for advising the Contractor on environmental matters and is usually directly employed by the Contractor.
EO	The department's Environmental Officer.
MSQ	Maritime Safety Queensland.
NCR	Nonconformance Report. This is issued by Contractors to the department where a Nonconformance with the contract has been identified.
PDO	Program Delivery and Operations Branch.
PM	This is the Project Manager that is identified in the department's project management system (3PCM) for the project.
PMD Environment	Program Management and Delivery's Environment Team.

5 Contact Officer

Contact the PMD Environment Team on environment@tmr.qld.gov.au for more information.

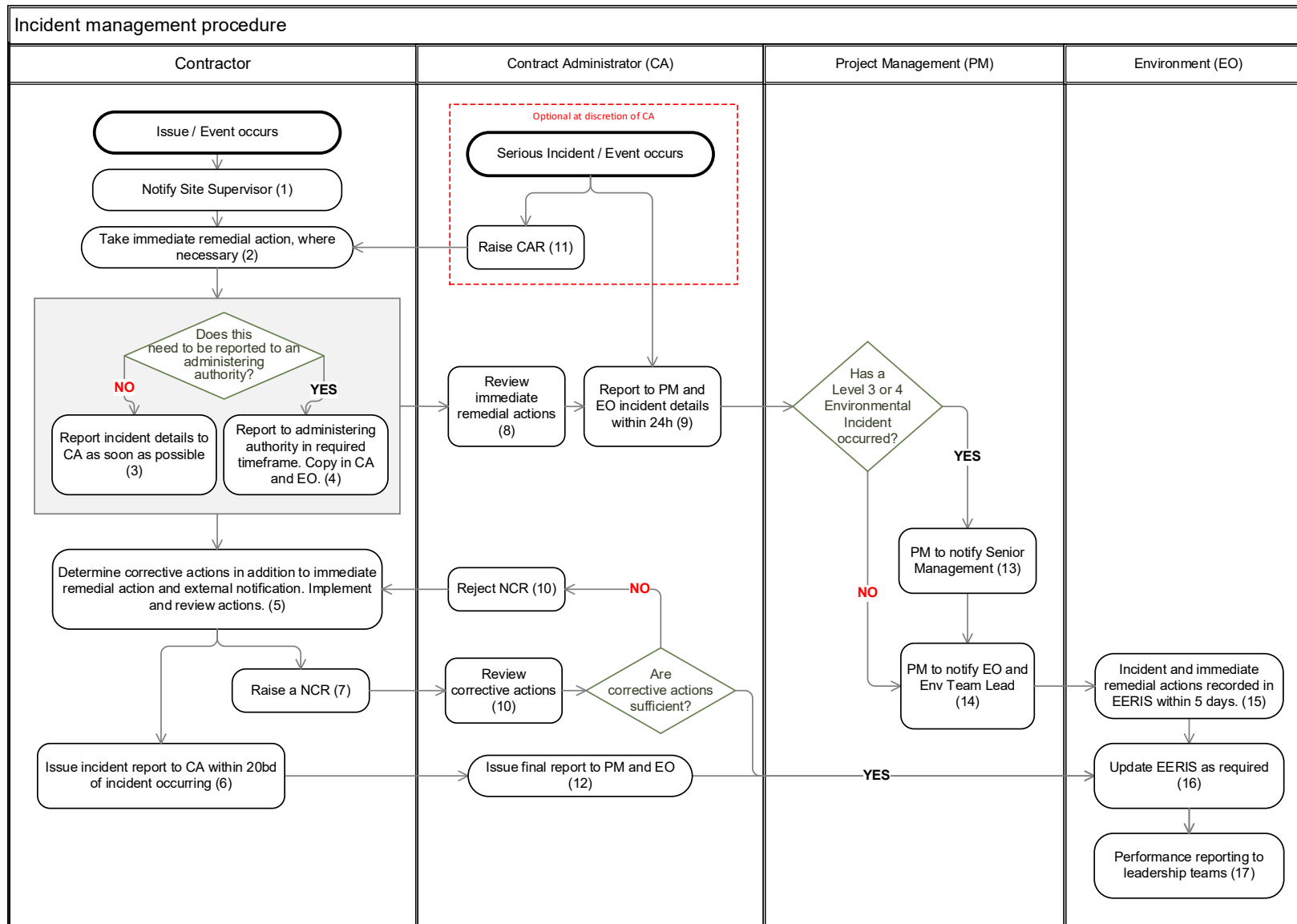
Appendix A: Environmental incident level guideline

The table below outlines common examples. It is not an exhaustive list. You must review the Level Description for each environmental incident and not rely solely on the example list for categorisation of the incident level. Classification of incidents must be done by persons with appropriate environmental knowledge, based on the environmental impact of the incident, not the cause.

Table A – Environmental incident levels

Level	Description	Common examples (not exhaustive)
Nil	Minor Incident Must be within project / worksite / depot boundaries, minor and easily cleaned up or rehabilitated.	<ul style="list-style-type: none"> Burst hydraulic hose within project boundaries that is immediately cleaned up. Small oil spill while undertaking plant maintenance that is immediately cleaned up. Paint spill that is contained and cleaned up.
1	Level 1 Environmental Incident Administrative breach of legislation or departmental policy or system requirement.	<ul style="list-style-type: none"> Failure to obtain permit / licence. Breach of licence / permit / guideline not causing nuisance or harm. No Environmental Management Plan. Incorrect storage of chemicals, bitumen, fuels and oils. Erosion and sediment controls not maintained.
2	Level 2 Environmental Incident Recurring event, or More intense impact (actual or potential) of an environmental value.	Limited environmental effect <ul style="list-style-type: none"> Over clearing or death of native fauna. Continued complaints regarding dust, noise etc. Minor sedimentation or pollution of waterbody. Unauthorised dumping of construction waste. No wash down of plant / vehicle coming from an area with biosecurity matters.
3	Level 3 Environmental Incident Material environmental harm as defined in the <i>Environmental Protection Act 1994</i> (contact the department's Environmental Legislation team for further information).	Significant environmental medium-term effect <ul style="list-style-type: none"> High levels of sediment entering a waterbody. Excessive over clearing or clearing of a sensitive area. Chemical / fuel / oil / bitumen spill to water. Incorrect disposal of regulated waste. No erosion or sedimentation controls in a sensitive area (potential).
4	Level 4 Environmental Incident Serious environmental harm as defined in the <i>Environmental Protection Act 1994</i> (contact the department's Environmental Legislation team for further information).	Major issues with potentially serious environment consequences and long-term impacts <ul style="list-style-type: none"> Unauthorised clearing in protected or sensitive area. Large scale unauthorised clearing. Major spill contaminating land or water. Exposure of acid sulphate soils resulting in fish kill.

Appendix B: Flow chart



Appendix C: Notification timeframes

The notification requirements provided below are for environmental incidents associated with transport infrastructure contracts.

For a full list of notifiable activities and reporting obligations relevant to all departmental activities refer to the Reportable Incidents webpage on the department's intranet or contact the department's Environmental Legislation team.

Table C – Notification timeframes

Legislation	Event	Timeframe
<i>Environmental Protection Act 1994</i> s320B – Employee witnessing or causing environmental harm as part of employment.	Employee that is involved in an activity that causes serious or material environmental harm must notify their Employer. Where the Employer cannot be contacted, the Employee must notify DETSI directly. Employee means all staff working on a Transport Infrastructure Project (for example, departmental staff, Principal Contractor, sub-contractors, consultants and sub-consultants).	Within 24 hours after becoming aware of the harm.
<i>Environmental Protection Act 1994</i> s320D – Employer being notified of environmental harm by employee.	Employer (i.e. the department) that is notified by an Employee that an activity is causing serious or material environmental harm must notify DETSI.	Within 24 hours after being notified by the Employee.
<i>Environmental Protection Act 1994</i> s320DA and s320A 3(a) – Landowner discovering past contamination or causing contamination to land.	Landowner (i.e. the department) who discovers the presence of, or an event involving, a hazardous contaminant that is causing, or reasonably likely to cause, serious or material environmental harm must notify DETSI. If the incident is a spill that is easily contained and cleaned up and does not 'contaminate' the land, this requirement does not apply. Contractors are not required to notify DETSI; must notify the department as per MRTS51 <i>Environmental Management</i> .	Within 24 hours after confirming that the hazardous contaminant is causing harm (i.e. after receiving a report with test results and analysis).

Legislation	Event	Timeframe
<p><i>Environmental Protection Act 1994</i> s320DA and s320A 3(b) – Landowner discovering contamination different to what the land was listed / known for the land.</p>	<p>Landowner (i.e. the department) who discovers contamination (previously there or caused by activity on the land) that is different to what the land is listed for on the environmental management register or contaminated land register where that contamination is causing serious or material environmental harm must notify DETSI.</p> <p>For example, when the land is listed on a register only for asbestos but, while doing earthworks, hydrocarbons are found and are confirmed to be causing harm.</p> <p>Contractors are not required to notify DETSI; must notify the department as per MRTS51 <i>Environmental Management</i>.</p>	<p>Within 24 hours of confirmation that the previously unknown contamination is causing harm (i.e. after receiving a report with test results and analysis).</p>
<p><i>Environmental Protection Act 1994</i> s320DA and s320A 3(c) – Landowner discovering past or current notifiable activities occurring on land.</p>	<p>Landowner (i.e. the department) who discovers that notifiable activities, past or current, are occurring on land, such as regulated waste disposal or storage, abrasive blasting, asphalt manufacture, and asbestos disposal, must notify DETSI.</p> <p>Contractors are not required to notify DETSI; must notify the department as per MRTS51 <i>Environmental Management</i>.</p>	<p>Within 20 business days.</p>
<p><i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)</p>	<p>Must notify killing or taking a listed threatened species or ecological community, listed migratory species, cetaceans or listed marine wildlife in a Commonwealth Area.</p>	<p>Within 7 days of becoming aware of the action or omission.</p>
<p><i>Biosecurity Act 2014</i></p>	<p>Must report Category 1 restricted biosecurity matter.</p>	<p>Within 24 hours of becoming aware of it.</p>
<p><i>Biosecurity Act 2014</i></p>	<p>Must report Category 2 restricted biosecurity matter.</p>	<p>Within 24 hours of becoming aware of it.</p>
<p><i>Biosecurity Act 2014</i></p>	<p>Report a notifiable biosecurity incident.</p>	<p>Advise an inspector of the incident when practical.</p>
<p><i>Protection of the Sea (Prevention of Pollution from Ships) Act 1983</i> (PotS PoPS)</p>	<p>If an incident takes place outside of Queensland coastal waters but within Australian marine areas, PotS PoPS should be applied. Most events that occur within Queensland coastal waters will likely fall under <i>Transport Operations (Marine Pollution) Act 1995</i>.</p>	<p>Without delay (as soon as practical, following the initial emergency response protocols).</p>

Legislation	Event	Timeframe
<p><i>Transport Operations (Marine Pollution) Act 1995 (TOMPA) and Transport Operations (Marine Pollution) Regulation 2018 (TOMPR)</i></p>	<p>A discharge or probable discharge of pollutants from a ship (all types of vessels including unmanned barges) such as oil or a noxious liquid substance in coastal waters.</p> <p>Untreated or treated sewage in the nil discharge waters (that is, waters where the discharge of sewage is not permitted). This also applies to declared ships.</p> <p>The jettisoning of a harmful substance (for example, dry or dangerous goods) carried in packaged form from a ship that happens in coastal waters. However, there are specific cases where such dumping is exempt as per the regulations.</p> <p>A ship's master must notify, without delay, an officer or employee of Maritime Safety Queensland (MSQ). Any ship pollution should be reported through a Marine Pollution report also known as a POLREP (F3968). Collisions and grounding should also be reported.</p>	<p>Without delay (as soon as practical, following the initial emergency response protocols).</p>

MSQ infrastructure projects must comply with all transport infrastructure project notification requirements, plus have additional marine compliance triggers that are not relevant to terrestrial transport infrastructure projects.

Rail infrastructure projects also have additional complexity with accessing the rail corridor (especially in a brownfield environment). Only Rail Industry Workers with the current and appropriate rail corridor access qualifications (for example, SARC and WET training) can access the rail corridor. Furthermore, when projects are within or adjacent an operational rail corridor, rail possessions may be required to rectify impacts associated with an environmental incident. Engagement with Queensland Rail is required.

