

## GED

The GED, as written in the *Environment Protection Act 2017* s.25 is included below:

### General environmental duty

(1) A person who is engaging in an **activity** that may give rise to risks of harm to human health or the environment from pollution or waste must minimise those risks, so far as **reasonably practicable**.

Notes: See section 6 in relation to the concept of minimising risks of harm to human health and the environment.

Section 314 provides that subsection (1) is a civil penalty provision. The penalty for contravention of this civil penalty provision is set out in the table in section 314. See also section 314(3).

(2) A person commits an offence if the person contravenes subsection (1) in the course of conducting a business or an undertaking.

(3) An offence under subsection (2) is an indictable offence.

Note: This offence may be heard and determined summarily (see section 28 of the Criminal Procedure Act 2009).

(4) Without limiting subsection (1), a person who is conducting a business or an undertaking contravenes that subsection if the person fails to do any of the following in the course of conducting the business or the undertaking, so far as reasonably practicable —

(a) use and maintain plant, equipment, processes and systems in a manner that minimises risks of harm to human health and the environment from pollution and waste;

(b) use and maintain systems for identification, assessment and control of risks of harm to human health and the environment from pollution and waste that may arise in connection with the activity, and for the evaluation of the effectiveness of controls;

(c) use and maintain adequate systems to ensure that if a risk of harm to human health or the environment from pollution or waste were to eventuate, its harmful effects would be minimised;

(d) ensure that all substances are handled, stored, used or transported in a manner that minimises risks of harm to human health and the environment from pollution and waste;

(e) provide information, instruction, supervision and training to any person engaging in the activity to enable those persons to comply with the duty under subsection (1).

(5) Without limiting subsection (1), a person who is conducting a business or an undertaking and engaging in an activity that involves the design, manufacture, installation or supply of a substance, plant, equipment or structure, contravenes that subsection if the person fails to do any of the following in the course of conducting the business or the undertaking and engaging in the activity, so far as reasonably practicable—

(a) minimise risks of harm to human health and the environment from pollution and waste arising from the design, manufacture, installation or supply of the substance, plant, equipment or structure when the substance, plant, equipment or structure is used for a purpose for which it was designed, manufactured, installed or supplied;

(b) provide information regarding the purpose of the substance, plant, equipment or structure and any conditions necessary to ensure it can be used in a manner that complies with the duty under subsection (1).

Section 6 (s.6) of the Environment Protection Act also defines “The concept of minimising risks of harm to human health and the environment” as per below;

- (1) A duty imposed on a person under this Act to minimise, so far as reasonably practicable, risks of harm to human health and the environment requires the person—
  - (a) to eliminate risks of harm to human health and the environment so far as reasonably practicable; and
  - (b) if it is not reasonably practicable to eliminate risks of harm to human health and the environment, to reduce those risks so far as reasonably practicable.
  
- (2) To determine what is (or was at a particular time) reasonably practicable in relation to the minimisation of risks of harm to human health and the environment, regard must be had to the following matters—
  - (a) the likelihood of those risks eventuating;
  - (b) the degree of harm that would result if those risks eventuated;
  - (c) what the person concerned knows, or ought reasonably to know, about the harm or risks of harm and any ways of eliminating or reducing those risks;
  - (d) the availability and suitability of ways to eliminate or reduce those risks;
  - (e) the cost of eliminating or reducing those risks.