

Executives in firing line on environment

A prominent Queensland legal firm has warned executives to take heed of new environmental laws that have personal as well as corporate consequences.

According to Karen van den Brand, the local government, planning and environment partner at *msl*-Michael Sing Lawyers, while most established businesses recognise the need to be good corporate citizens in an environmental sense, it now makes legal sense as well.

"Although it is simply smart business to run your company in a manner that is environmentally sustainable, executive officers of a company should be aware that they can be held personally liable in circumstances where a company is deemed to have breached the level of care required," said Ms van den Brand.

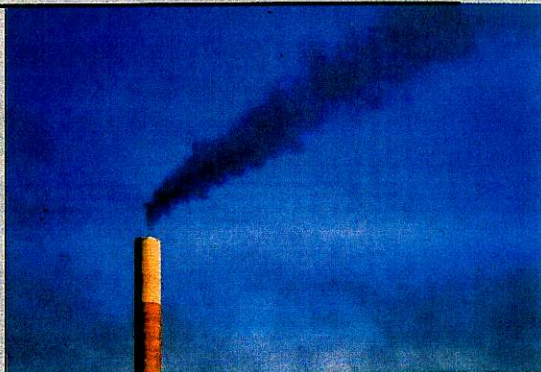
She said cases prosecuted out of the *Environmental Protection Act 1994* clear-

ly imply that the executive officers of a corporation must ensure that corporation complies with the Act. This extends from the commission of environmental offences, to complying with the general environmental duty.

However, the Act goes even further, to provide that if a corporation commits an offence against a provision of the Act, then each of the executive officers of the corporation also commits an offence – the offence of failing to ensure the corporation complies with the Act.

"Executive officers of a company may therefore find themselves in a position where the actions of employees in allowing or causing environmental harm to occur, expose them to criminal liability," Ms van den Brand said. "All that is required is evidence that the corporation has committed an offence.

"Other environmentally based leg-



Smoke and fire in executive responsibilities.

islation, such as the *Integrated Planning Act 1997*, the *Vegetation Management Act 1999*, the *Fisheries Act 1994* and so on, holds similar provisions attaching liability to executive officers.

"The other worrying aspect of executive officer liability is that with environmental legislation, the action taken against an executive officer will be criminal, with a fine being the most common form of punishment, although jail terms have been imposed," said Ms van den Brand.

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