

Prosecution Bulletin no. 3/2020

Summary

- On 29 April 2020, a company pleaded guilty to one offence of wilfully contravening a condition of an environmental authority (EA), contrary to section 430(2) of the *Environmental Protection Act 1994* (EP Act).
- Under the EA, the company was authorised to operate a hard rock quarry within a designated area. The company contravened a condition of the EA by carrying out an environmentally relevant activity, namely extraction outside of the designated area.
- The company was fined \$20,000 and ordered to pay \$1,500 in legal costs and \$5,650.05 for investigation costs. A conviction was not recorded.

Facts

The company held an EA that authorised extractive and screening activities and chemical storage.

This involved operational activities including vegetation clearing and revegetation, stripping of topsoil and overburden, blasting of the quarry face, breaking rocks, crushing and screening of rocks to stockpiles for exporting.

The company's EA restricted its operations to a designated area.

In 2016, the Department of Environment and Science (the department) conducted a desktop review of aerial imagery of the site and carried out a site inspection. A comparison of the aerial imagery and observations made at the site inspection revealed that extraction had occurred outside the designated area.

In July 2017 and March 2018, the department carried out further compliance inspections of the site. It was apparent that the company had extracted material, cleared vegetation and diverted water around the perimeter, which were all outside the designated area. The total area of disturbance outside of the designated area was approximately 9 hectares.

Outcome

On 29 April 2020, the Bundaberg Magistrates Court accepted the company's plea of guilty to one offence of wilfully contravening a condition of an EA contrary to section 430(2) of the EP Act.

The company was fined \$20,000 and ordered to pay \$1,500 in legal costs and \$5,650.05 for investigation costs. A conviction was not recorded.

In sentencing the company, the magistrate commented that the company and other industry participants need to be deterred from committing the same or similar offences.

The magistrate referred to the reasons why Queensland environmental legislation exists including:

- to protect Queensland's environment
- to improve the quality of life for everyone
- EAs aim to minimise or mitigate impacts on the environment from activities conducted by industry participants.

The magistrate also noted the company:

- was culpable for potential impacts to the environment
- conducted the unauthorised operations wilfully and for commercial gain
- had continued to conduct the unauthorised operations despite no amendment being made to the EA.

The penalty is a reminder that extractive and screening industry participants must comply with their obligations under the EP Act and requirements imposed by the environmental regulator.

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