

Prosecution Bulletin no. 5/2020

Summary

- On 13 July 2020, a 42-year-old man (the individual), pleaded guilty in the Southport Magistrates Court to one offence of contravening an environmental protection order (EPO) contrary to section 361(2) of the *Environmental Protection Act 1994* (EP Act).
- The EPO required the individual to remove regulated waste from a premises in Arundel, Queensland, among other requirements.
- The individual was fined \$15,000 and ordered to pay \$2,000 in investigation costs. A conviction was not recorded.

Facts

In September 2017, five shipping containers full of regulated waste were transported by a waste transport company owned by the individual, to a site located at Arundel, Queensland (the premises).

The premises were not lawfully able to accept the regulated waste, which included ethers, solvents, phenols and mineral oils.

During September and October 2017, officers from the Department of Environment and Science contacted the individual to request information about the waste, including the nature of the waste and its intended final destination. The officers also conducted an inspection at the premises and observed that the storage of the waste posed a significant risk to the environment.

In June 2018, an EPO was issued to the individual to secure compliance with his general environmental duty under the EP Act and to minimise potential risks of environmental harm.

The EPO required the individual to submit information about the waste to the department and remove the waste from the premises. The individual failed to comply with these requirements.

Outcome

On 13 July 2020, the Southport Magistrates Court accepted the individual's written guilty plea to one offence of failing to comply with an EPO contrary to section 361(2) of the EP Act.

The individual was fined \$15,000 and ordered to pay \$2,000 in investigation costs. A conviction was not recorded.

In sentencing the individual, the magistrate noted:

- that obtaining an environmental authority comes with significant responsibility
- the individual was paid to transport the waste and had an obligation under his environmental authority to dispose of the waste to a site which could lawfully accept the waste
- the individual had been issued with an EPO previously and was aware of the requirements
- the penalty sends a message that requirements imposed by the environmental regulator must be complied with and this type of behaviour will not go unpunished.

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

September 2020

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