

Prosecution Bulletin no. 1/2019

Summary

- On 4 February 2019, Tyremil Group Pty Ltd (in liquidation) (Tyremil), was convicted of 58 offences including five offences of contravening an Environmental Protection Order (EPO) and two offences of providing a document containing false or misleading information to the administering authority.
- The company had been carrying out tyre recycling activities at its site in Kingston in south east Queensland and also transporting regulated waste (tyres) within Queensland and New South Wales.
- The company was fined \$305,000 and ordered to pay \$1,500 in legal costs and \$1,516.49 in investigation costs. A conviction was recorded.

Facts

Tyremil is the holder of an Environmental Authority (EA) which authorises it to conduct the environmentally relevant activities of tyre recycling and transporting waste within Queensland. The EA was granted in December 2014.

Since the EA was granted, the company accumulated a large amount of tyres and tyre scrap products which were stored at the Kingston site. The EA required the tyres to be stored in a way that reduced the risk of fires.

In March 2015, departmental officers conducted an inspection at the site and observed tyres stored in a manner which posed a fire risk.

The Queensland Fire and Emergency Service issued a Requisition by Commissioner, which required the company to take measures to reduce the risk of fire at the site.

The Department issued an EPO to Tyremil requiring tyres to be stored in a manner to reduce the risk of fires posed to the community and environment. The company failed to comply with this requirement, including by excessively stacking tyres and failing to maintain a firebreak around the perimeter of the site.

The Department also undertook a review of the waste tracking information provided by the company and found a number of inaccurate records. Tyremil had transported waste (tyres) into Queensland from New South Wales without having a consignment number assigned, in addition to a number of other waste tracking offences where it failed to carry, record, or provide prescribed information when transporting tyres.

In August 2017, the Department issued a notice requiring the company to attend a stated place and answer questions in relation to the above contraventions and it failed to comply with the notice.

Tyremil was subsequently charged with:

- Five offences of contravening an EPO contrary to section 361(2) of the *Environmental Protection Act 1994* (EP Act);
- Two offences of providing a document containing false or misleading information to the administering authority contrary to section 480 of the EP Act;
- Two offences of failing to attend a stated place at a stated time contrary to section 476(2); and
- Forty-nine waste tracking offences contrary to the *Environmental Protection Regulation 2008*.

Outcome

On 4 February 2019, Tyremil was found guilty in the Brisbane Magistrates Court of 58 offences against the EP Act including contravening an EPO; providing a document containing false or misleading information to the administering authority; failing to attend a stated place at a stated time; and forty-nine waste tracking offences (concerned with, for example, failing to provide the Department with prescribed information about waste received by Tyremil, and transporting waste into Queensland without consignment numbers).

Tyremil was fined \$305,000 and ordered to pay \$1,500 in legal costs and \$1,516.49 in investigation costs. A conviction was recorded.

In sentencing Tyremil, the Magistrate recognised the ongoing risk posed to the community by the conduct and the detriment to the landholder and the Department by the effective abandonment of the tyres on the site. The Magistrate also noted the serious nature of the offences and Tyremil's lack of cooperation with the Department.

The penalty is a reminder that those carrying out environmentally relevant activities must take their environmental obligations seriously.

February 2019

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