

Prosecution Bulletin no. 8/2014

Summary

- A former Far North Queensland mine operator has been fined \$150,000, and ordered to pay legal and investigative costs of \$4,451, for spilling up to 300,000 litres of contaminated water into Jamie Creek in 2013.
- The mine operator pleaded guilty to two offences against section 430 of the *Environmental Protection Act 1994* (the Act).
- This is the second time in less than six months that the same mine operator has been fined for breaches of an environmental authority.

Facts

The mine operator had operated a medium sized copper mine near Herberton since October 2011. The mining activity was authorised by an environmental authority which contained a number of conditions—specifically conditions which prohibited the release of contaminated waters from the mine site into nearby waterways.

During a rainfall event on 23 January 2013, a water pump became overwhelmed on the site and approximately 200,000 litres of contaminated water at up to 500 times the approved contamination levels was released into Jamie Creek. The mine operator took steps to repair the pump and stop the release, however early the next morning there was a second release of 90,000 litres of heavily contaminated water into Jamie Creek.

The mine operator was well aware of the water management issues on the site, having previously been found guilty in late 2013 in relation to several releases of highly contaminated water into Jamie Creek in March 2012. The mine operator had pleaded guilty to several offences including contravening an environmental authority and failing to comply with an environmental protection order which had been issued over the site. The mine operator had been fined \$120,000 and ordered to pay legal and investigative costs of \$16,455 in November 2013.

Outcome

The mine operator, who is currently in liquidation and attempting to sell the mine, pleaded guilty to two offences against s430 of the Act, for breaching conditions of an environmental authority.

Magistrate Pinder imposed a fine of \$150,000, and ordered the company to pay legal and investigative costs of \$4,451. A conviction was not recorded.

The court considered the following matters to be significant, the:

- potential for serious environmental harm
- company's awareness of the water management issues at the site
- company's knowledge about its obligations under the environmental authority
- need for personal deterrence given the defendant's previous convictions
- need for general deterrence with respect to other operators engaged in these activities.

The department is committed to ensuring that both mine owners and operators comply with the conditions of environmental authorities, to avoid mining activities posing unnecessary risks to the environment and the surrounding community.

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