

# Prosecution Bulletin no. 7/2019

## Summary

- Queensland Alumina Limited (QAL) pleaded guilty in the Gladstone Magistrates Court to four non-wilful contraventions of its environmental authority (EA) contrary to section 430(3) of the *Environmental Protection Act 1994*.
- QAL was convicted and fined a total of \$130,000 and ordered to pay \$8,104.31 investigation costs and \$1,500 legal costs. Of the \$130,000 fine, QAL was ordered to pay \$50,000 to the Gladstone Healthy Harbour Partnership. A conviction was recorded.
- The sentence was delivered by the Gladstone Magistrates Court on 5 July 2019.

## Facts

QAL holds an EA for environmentally relevant activities including chemical manufacturing and chemical storage for its alumina refinery at Parsons Point, Gladstone.

On 24 September 2017, an incident occurred at the site which resulted in the release of approximately 65m<sup>3</sup> of 50% sodium hydroxide (caustic liquid) to the waters of Gladstone Harbour. The release was caused when two of three newly installed valves in the discharge pipe system were left open. No environmental harm was caused by the release, however, QAL failed to take all reasonable and practicable measures to prevent the release and as a result, contravened two conditions of its EA.

On 5 December 2017, a further incident occurred at the site which resulted in the release of a large amount of 50% sodium hydroxide to land and groundwater outside of the on-site process containment system. The release was caused by the failure of a storage tank which resulted in a wave of caustic liquid overtopping the bund surrounding the tank. No environmental harm was caused by the further release, however QAL contravened two conditions of its EA by releasing contaminants to land and to groundwater.

## Outcome

On 5 July 2019, QAL pleaded guilty before the Gladstone Magistrates Court to four non-wilful contraventions of its EA contrary to section 430(3) of the *Environmental Protection Act 1994*. QAL was fined a total of \$130,000 and ordered to pay \$8,104.31 investigation costs and \$1,500 legal costs. Of the \$130,000 fine, QAL was ordered to pay \$50,000 to the Gladstone Healthy Harbour Partnership under a Public Benefit Order. A conviction was recorded.

The Gladstone Healthy Harbour Partnership has various projects including developing scientific indicators of a healthy harbour, collecting and analysing data and reporting on Gladstone waterways, as well as community engagement and education programs.

In sentencing, the Magistrate noted QAL had entered early pleas of guilty to the offences, cooperated with the department's investigation and was a good corporate citizen, contributing to the economy and community programs. However, the Magistrate also recognised both the need to deter the defendant and likeminded corporations from committing similar offences. The Magistrate considered the first incident to be a systemic failure in that QAL had not taken more reasonable and practicable measures to minimise the likelihood of environmental harm and that the release created a significant risk of environmental harm.

As the environmental regulator, the Department of Environment and Science takes compliance issues seriously and where compliance issues are identified, it will take enforcement action in accordance with its enforcement guidelines available at [www.des.qld.gov.au](http://www.des.qld.gov.au).

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