

Prosecution Bulletin no. 6/2019

Summary

- A company which operates an open-cut coal mine in central Queensland pleaded guilty to one offence of causing serious environmental harm and three offences of contravening a condition of an environmental authority (EA), contrary to sections 437(2) and 430(3) of the *Environmental Protection Act 1994*.
- The company was convicted and fined a total of \$200,000 and ordered to pay \$9,680.63 investigation costs and \$1,500 legal costs. A conviction was not recorded.
- The sentence was delivered by the Emerald Magistrates Court on 8 July 2019.

Facts

The company operates an open-cut coal mine situated in the central Queensland coalfields.

During June and July 2017, an unauthorised and uncontrolled release of mine-affected water occurred from the mine resulting in approximately 3,000t of sediment and silt being deposited into a nearby river, up to 2.5km from the mine.

Subsequent compliance inspections revealed contraventions of the EA for the site relating to the unauthorised release of mine-affected water, and the company's failure to adhere to site-based plans for water management and erosion and sediment controls.

Outcome

On 3 July 2019, the company pleaded guilty before the Emerald Magistrates Court to one offence of causing serious environmental harm and three offences of contravening a condition of an EA, contrary to sections 437(2) and 430(3) of the *Environmental Protection Act 1994*.

The company was fined a total of \$200,000. The Court also ordered that the company pay a total of \$9,680.63 investigation costs and \$1,500 legal costs.

A conviction was not recorded.

In sentencing, the Magistrate took into account the Defendant's early pleas of guilty and genuine remorse. The Defendant responded to the release in a timely manner and incurred considerable expense to rectify the damage and has put systems in place to prevent a similar issue in the future.

The Magistrate noted the serious nature of the offences including that the Defendant had been made aware, as early as 2012, of the potential for environmental harm. The Defendant failed to conduct visual inspections, regular maintenance or de-silting of the site's drains. The Defendant's breaches resulted in water from its mining activities being released into the nearby river.

The Magistrate highlighted the need for the Defendant to undertake regular inspections of the area where the release occurred, knowing that any damage would be unlikely to be readily identified if the area is infrequently utilised.

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

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