

# Prosecution Bulletin no. 1/2018

## Summary

- On 12 February 2018 a company was fined \$30,000 by the Beenleigh Magistrates Court for one offence of contravening a condition of its environmental authority at a site in Staplyton in Queensland.
- The Court also ordered the company pay legal and investigations costs of \$5,091.
- No conviction was recorded.

## Facts

The company operated under an environmental authority, permitted it to undertake environmentally relevant activities at its composting facility in Staplyton, Queensland.

A condition of the environmental authority required the site's dams to be constructed and maintained to ensure a freeboard of 0.5 meters. The site's dams were used for the storage and treatment of leachate and stormwater runoff from the site.

On 18 February 2016, the Department observed high water levels in a site dam. A measurement of the water levels found that the freeboard was not maintained to the level required by the environmental authority.

The company's conduct, in not managing an appropriate freeboard, put the dam at real and significant risk of overflow, especially at a time of year when extreme weather events are common. The site was located within a water catchment area and proximate to nearby waterways, elevating the risk of environmental harm in the event of the dam overflowing.

The company was charged with:

- Contravening a condition on an environmental authority contrary to section 430(3) of the *Environmental Protection Act 1994*.

## Outcome

On 12 February 2018, the company pleaded guilty to one charge before the Beenleigh Magistrates Court and was fined \$30,000. The company was also ordered to pay both legal and investigations costs in the amounts of \$1500 and \$3591 respectively. No conviction was recorded.

In sentencing, the Court took into account the timely plea of guilty, the cooperation by the company with the Department during the investigation and that the company had taken action to rectify the contravention.

The Court noted that the *Environmental Protection Act 1994* requires strict adherence to environmental obligations, with serious and significant penalties for operators who are found to have breached their obligations. Further, the Court reiterated that all breaches of the Act are serious, particularly where the breach may result in actual or potential damage to the environment and water catchment areas.

### February 2018

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