

Prosecution Bulletin no. 2/2021

Summary

- On 18 December 2020, Queensland Alumina Limited (QAL) pleaded guilty to one offence of unlawfully causing serious environmental harm and one offence of contravening a condition of an environmental authority (EA).
- On 8 September 2018, an uncontrolled release of alkaline bauxite slurry occurred at QAL's Gladstone alumina refinery resulting in extensive damage to property in a nearby industrial estate.
- QAL was fined \$500,000, of which \$100,000 was paid as a public benefit order. The company was also ordered to pay \$1,500 in legal costs and \$4,488 in investigation costs. Convictions were recorded.

Facts

QAL holds an EA to carry out various environmental activities, including chemical manufacturing, chemical storage and waste transfer at its alumina refinery in Parsons Point, Gladstone.

On 8 September 2018, an issue with an overpressure safety system caused the release of approximately 2–3 tonnes of alkaline bauxite slurry (containing contaminants, including sodium hydroxide) to the atmosphere.

The plume travelled approximately 11km south and caused serious environmental harm including damage to vehicles and office buildings in the South Trees Industrial Estate. The cost to remediate the damage was in excess of \$800,000.

Outcome

On 18 December 2020, the Gladstone Magistrates Court accepted the company's pleas of guilty to one offence of unlawfully causing serious environmental harm contrary to section 437(2) of the *Environmental Protection Act*

1994 (EP Act), and one offence of contravening a condition of an EA contrary to section 430(3) of the EP Act.

QAL was fined a total of \$500,000. Of that amount, \$100,000 was ordered to be paid to the Department of Environment and Science (the department) as a public benefit order for the purpose of grant funding for a project aimed at enhancing the environment in the Gladstone region.

QAL was also ordered to pay \$1,500 in legal costs and \$4,488 in investigation costs. Convictions were recorded.

In sentencing the company, the magistrate noted the serious nature of these types of offences, as well as the company's significant history of non-compliances with the EP Act, including five previous prosecutions.

The sentence imposed in this case was one of the largest penalties imposed for environmental offences in Queensland. It is a reminder to all operators that the department, as the environmental regulator, will take strong action in response to contraventions of the EP Act. It is also a reminder to operators that they are responsible for ensuring that proper processes and procedures are in place to manage risks on a site and that staff are properly trained.

January 2021

Disclaimer

This document has been prepared with all due diligence and care, based on the best available information at the time of publication. The department holds no responsibility for any errors or omissions within this document. Any decisions made by other parties based on this document are solely the responsibility of those parties.

