

Prosecution Bulletin no. 12/2018

Summary

- A Hong Kong based mining company, Dianne Mining Corporation Pty Ltd (**Dianne Mining**), pleaded guilty to multiple offences under the *Environmental Protection Act 1994 (the Act)*.
- The offences involved breaching six conditions of its environmental authority (**EA**).
- An executive officer of the company pleaded guilty to six offences of failing to ensure Dianne Mining complied with its obligations under the Act.
- Dianne Mining was fined \$250,000 and ordered to pay legal and investigation costs. The executive officer was fined \$50,000.
- The sentence was delivered in the Cairns Magistrates Court on 4 September 2018.

Facts

Dianne Mining holds an EA authorising it to carry out environmentally relevant activities at the Dianne Mine, in the Palmer River area of Far North Queensland.

The Dianne Mine is an underground and open-cut copper mine that was operated from the late 1970s until 1982. Since its closure it has been in care and maintenance mode. The land comprising the mine site is uninhabited and is used as a cattle grazing property by its traditional owners. Dianne Mining assumed control of the mine site in 2008.

Inspections of the mine site by departmental officers in July and November 2016 identified several breaches of the EA, specifically that no measures were in place to contain a seepage of contaminated leachate from a catch dam, a release of contaminated water into an adjacent creek and water samples containing high levels of contaminants far beyond those allowed in the EA.

Further investigations revealed that Dianne Mining had failed to provide financial assurance in the amount of \$1.1 million, failing to provide environmental reports when requested, and failing to progressively rehabilitate the mine site as required.

Outcome

On 4 September 2018, Dianne Mining pleaded guilty before the Cairns Magistrates Court to six offences of wilfully contravening a condition of an EA contrary to section 430(3) of the Act.

Dianne Mining was fined \$250,000 and ordered to pay \$2,000 investigation costs and \$1,500 legal costs. A conviction was recorded.

Dianne Mining's executive officer pleaded guilty to six offences of failing to ensure that Dianne Mining complied with the Act. The executive officer was fined \$50,000.

In sentencing the defendants, whilst acknowledging the timely pleas of guilty and the defendants' cooperation with the Department's investigation, the Court accepted that both defendants had previously been before the court for offences against the Act.

The Court found that the defendants had breached the trust of the Department and the community over an extended period of time. The Court commented that the defendants' "actions posed a very serious risk of harm to the environment".

September 2018

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