

Prosecution Bulletin no. 4/2016

Summary

- A Brisbane company was fined \$40,000 by the Wynnum Magistrates Court after pleading guilty to three waste management related offences.
- The sentence was delivered by Magistrate Schubert in the Wynnum Magistrates Court on 26 November 2015.
- The company pleaded guilty to two waste tracking offences, contrary to sections 23(1) and 23(2) of the *Environmental Protection (Waste Management) Regulation 2000*, and one offence of breaching a condition of a development approval, contrary to section 435(2) of the *Environmental Protection Act 1994*.

Facts

On 8 October 2012, four vessels containing the regulated waste ethyl mercaptan were transported from a petroleum refinery to a scrap metal yard by a waste transporter. Ethyl mercaptan is a highly odorous liquid used to give LP gas a recognisable odour.

The defendant was required to give the transporter and the Department prescribed information, including information about the type, amount, and characteristics of the waste. This information was not provided to either the transporter or the Department as required.

A condition of the development approval held by the defendant required the regulated waste to be disposed of at an approved regulated waste facility. The scrap metal yard that the ethyl mercaptan was moved to was not an approved waste facility for that waste.

Outcome

On 26 November 2015 in the Wynnum Magistrates Court, the defendant company pleaded guilty to the offences of failing to provide prescribed information to a transporter of regulated waste and failing to provide prescribed information to the Department, contrary to

sections 23(1) and 23(2) of the *Environmental Protection (Waste Management) Regulation 2000*. In addition, the company pleaded guilty to one offence of breaching a condition of a development approval contrary to section 435(2) of the *Environmental Protection Act 1994*.

The company was fined \$40,000 and ordered to pay \$7,652 investigation costs and \$1,000 legal costs.

In sentencing, the Court considered:

- the timely plea of guilty;
- the defendant company's cooperation with the Department;
- the fact that there was no commercial gain related to the incident;
- the company had no previous convictions; and
- that the defendant acknowledges and regrets the incident and took the breaches seriously.

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