

Prosecution Bulletin no. 1/2020

Summary

- On 21 February 2020, a 41-year-old man (the individual), pleaded guilty to one offence of contravening an environmental protection order (EPO).
- The individual was required, amongst other requirements, to remove waste at a premises in Virginia, Queensland.
- The individual was fined \$30,000 and ordered to pay \$2,000 in legal costs and \$4,000 for investigation costs. A conviction was not recorded.

Facts

Between March and August 2016, wastes (including regulated and non-regulated waste) were transported by a waste company owned by the individual, to a site located at Virginia, Queensland (the **premises**).

The company held an environmental authority (**EA**), which required regulated waste to be transported to a facility lawfully able to accept the waste. The premises the waste was transported to was not lawfully able to accept the regulated waste, which included hydrocarbons, solvents and cleaning chemicals.

In March 2017, officers from the Department of Environment and Science (the department) conducted an inspection at the premises and observed a number of containers full of regulated waste that were not correctly stored and that some waste had spilled from the containers onto the land.

In May 2018, the department issued an EPO to the individual as a related person of his waste company. The EPO was issued to secure compliance with the general environmental duty under the *Environmental Protection Act 1994 (EP Act)* and to minimise potential risks of environmental harm.

The individual failed to comply with the requirements of the EPO, which required him to submit information about

the waste to the department and to remove the waste from the premises.

He was charged with one offence of contravening an EPO contrary to section 361(2) of the EP Act.

Outcome

On 21 February 2020, the Brisbane Magistrates Court accepted the individual's written guilty plea to one offence of contravening an EPO contrary to section 361(2) of the EP Act.

The individual was fined \$30,000, ordered to pay \$2,000 in legal costs and \$4,000 for investigation costs. A conviction was not recorded.

In sentencing the individual, the Magistrate recognised that both the individual and other waste industry participants need to be deterred from committing the same or similar offences, otherwise the amenity of Queensland's environment may be adversely impacted.

The Magistrate also noted:

- a significant penalty was warranted and that the department had engaged with the individual prior to issuing the EPO
- the unsightly nature of the waste and that some of the waste remains on the premises.

The penalty is a reminder that waste industry participants must comply with their obligations under the EP Act and requirements imposed by the environmental regulator.

June 2020

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