

Prosecution Bulletin no. 10/2018

Summary

- On 27 July 2018 a company was fined \$160,000 by the Mackay Magistrates Court for one offence of causing serious environmental harm and one offence of contravening a condition of its environmental authority at a site in Central Queensland.
- The Court also ordered the company pay legal and investigations costs of \$4,260.
- No conviction was recorded.

Facts

The company operated under an environmental authority, permitting it to undertake environmentally relevant activities at its sugar mill in Central Queensland.

A condition of its environmental authority limited the circumstances in which effluent water could be released from the site, including specified release limits of compounds including biochemical oxygen and suspended solids.

On 23 August 2016, the company became aware of an uncontrolled release of effluent water which flowed directly into a nearby creek system. Company records indicated that the effluent water contained exceedances of the specified release limits of compounds in the water.

Departmental investigations identified four instances of fish kills at sites downstream of the company's uncontrolled release of effluent water. Contaminated water found in the nearby creek system was consistent with water released from the site, with effects extending up to 14.5km downstream.

The company provided an explanation for the uncontrolled release as having occurred during a time that an employee responsible for managing water was on unexpected leave, and their responsibilities were not otherwise re-allocated.

The release resulted in serious environmental harm to the nearby waterways and breached a condition of its environmental authority in respect of release limits of compounds in the effluent water.

Outcome

On 27 July 2018, the company pleaded guilty to two charges before the Mackay Magistrates Court and was fined \$160,000. The company was also ordered to pay both legal and investigation costs in the amounts of \$2044.33 and \$2215.68 respectively. No conviction was recorded.

In sentencing, the Court took into account the early plea of guilty, the cooperation by the company with the Department during the investigation and that the company had not acted wilfully.

The Court noted that the uncontrolled release simply should not have happened, and was an unacceptable breach of the company's environmental responsibilities.

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