

Prosecution Bulletin no. 5/2017

Summary

- Brett Stevens has been convicted of four offences under the *Environmental Protection Act 1994* ('the Act') and has been sentenced to two months imprisonment for each of two of the offences by the Brisbane Magistrates Court.
- The sentence was delivered in the Brisbane Magistrates Court on 27 April 2017 by Deputy Chief Magistrate Gardiner.
- Stevens was convicted of two offences under section 426(1) of the Act for operating a quarry without an environmental authority, and two offences under section 480(1) of the Act for providing information to the Department that was false or misleading in a material particular.
- Convictions were recorded against Stevens for all four offences.

Facts

In 2013, Stevens was subcontracted by two companies to manage a sand and hard rock quarry, located at Tingun ('the site'). As manager of the quarry, he was responsible for applying for environmental authorities ("EA") for the site.

Stevens applied for an EA for a company on 26 April 2013 for extraction and quarrying activities at the site.

In January 2014, Stevens applied for another EA for the same activities at the site for a second different company, who he was also the manager for.

Development permits for extraction and screening activities at the site were required in order for the EAs to become effective. The development permits were not obtained and the EAs were therefore not in effect, resulting in the quarry operating without an EA, and the charges under s426(1) of the Act.

The two charges under s480 of the Act relate to the applications for the EAs that Stevens completed. He had falsely ticked the "N/A" box in response to the question as to the requisite development permit having been obtained under the *Sustainable Planning Act 2009*.

Outcome

On 27 April 2017, Stevens entered guilty pleas to the four charges in the Brisbane Magistrates Court.

The Court imposed two months imprisonment for each of the offences under s480 of the Act to be served concurrently with each other but on top of imprisonment already being served by Stevens for drug offences. The Court further recorded convictions against him for each of the four offences.

In sentencing, Deputy Chief Magistrate Gardiner took into account the following:

- Brett Stevens is presently incarcerated for unrelated drug trafficking offences and has been sentenced to 13 years imprisonment for those offences;
- Due to his lengthy incarceration, Stevens has no realistic capacity to pay a fine or costs.

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