

Prosecution Bulletin no. 1/2021

Summary

- On 26 November 2020, a company pleaded guilty to one offence of carrying out an environmentally relevant activity (ERA) without an environmental authority (EA).
- The company held an EA to extract iron ore from a mine site in north Queensland, but did not hold an EA authorising mineral processing, which it carried out over a five month period.
- The company was fined \$50,000 and ordered to pay \$1,750 in legal costs and \$6,022.64 in investigation costs. A conviction was not recorded. The company was also ordered to pay \$46,561 to the Department of Environment and Science (the department) for unpaid EA fees.

Facts

The company held an EA authorising it to extract iron ore from a mine site in north Queensland.

Between December 2017 and May 2018, the company conducted a 'trial' involving dry magnetic separation of iron ore intended to achieve a higher iron percentage in the ore. This activity constituted ERA 31 - mineral processing.

After receiving information from a member of the public, the department conducted a site inspection in May 2018, and located two magnetic separator machines on-site. Departmental officers were advised by the company's staff that the separators were being used to process low grade ore.

Outcome

On 26 November 2020, the Cairns Magistrates Court accepted the company's plea of guilty to the offence of carrying out an ERA without an EA, contrary to section 426 of the *Environmental Protection Act 1994* (EP Act).

The company was fined \$50,000 and ordered to pay \$1,750 in legal costs and \$6,022.64 in investigation costs. A conviction was not recorded.

The company was also ordered to pay \$46,561 to the department for unpaid EA fees.

In sentencing the company, the magistrate recognised the importance of deterring others from committing this type of offence.

The magistrate noted that the purpose of EAs issued by the department was to minimise environmental harm.

The magistrate also noted that the offence was commercially motivated and was not the result of mere inadvertence.

The penalty is a reminder that all persons conducting ERAs in Queensland must be appropriately licensed and must comply with their obligations under the EP Act and the requirements imposed by the environmental regulator.

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