

Prosecution Bulletin no. 19/2015

Summary

- Queensland Quarry Group Pty Ltd (ACN 160 549 388) ('QQG') has been convicted for three offences under the *Environmental Protection Act 1994* (the 'Act') and has been fined \$240,000 by the Brisbane Magistrates Court.
- The sentence was delivered in the Brisbane Magistrates Court on 16 October 2015 by Magistrate Cosgrove.
- QQG, which is in court-ordered liquidation, was convicted of one offence 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.
- No legal and investigations costs were sought, however QQG had convictions recorded against it.

Facts

In May 2013, QQG commenced operating a sand and hard rock quarry at Tingun near Roma (the 'site'). A related company had applied for and obtained a standard environmental authority for the environmentally relevant activities of extraction and screening below 100,000 tonnes per annum at the site. However, the standard environmental authority issued by the Department for the quarry was not effective until a development approval was sought and issued by the local government under the *Sustainable Planning Act 2009*.

In late November 2013, QQG applied for another standard environmental authority for extraction and screening at the site. In the application, the purported chief executive officer ('CEO') of the company stated that a development approval was not applicable to the activities. As a consequence of this false declaration, the application was processed by the Department and a standard environmental authority for extraction and screening was issued to the QQG in early 2014.

Due to complaints from surrounding landholders concerning the scale and impacts of the quarrying activities, the Department launched an investigation into the quarrying activities on the site in March 2014.

The Department's investigation found that QQG carried out a sand and rock quarry between 3 May 2013 and 22 October 2014 without an effective environmental authority (due to the lack of development approval for the site). During the Department's investigation, QQG's CEO provided production figures for the quarry which falsely indicated that the quarry was operating below the respective 100,000 tonne thresholds of the two standard environmental authorities relating to the site.

Outcome

On 16 October 2015, the prosecution proceeded to sentence in the absence of QQG (ex parte) before Magistrate Cosgrove in the Brisbane Magistrates Court.

The Court imposed fines of \$80,000 for each offence on the company (totalling \$240,000). It further recorded convictions against the company for each of the offences.

In sentencing, the Magistrate Cosgrove took into account the following:

- QQG's CEO deliberately misled the Department, and knew the information he provided in the standard environmental authority application form and the production records was false or misleading;
- QQG had an intention not to comply with the legislation;
- QQG was undertaking the activity for commercial benefit; and
- QQG's quarry activities significantly exceeded the applicable thresholds for size and quantity under the ineffective environmental authorities.

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