

Prosecution Bulletin no. 3/2017

Summary

- A gold mining company pleaded guilty to two offences under sections 361 and 430 of the *Environmental Protection Act 1994* (the 'Act') respectively for contravening an Environmental Protection Order (EPO) and contravening a condition of an Environmental Authority (EA).
- A company director pleaded guilty to one charge that as an executive officer, the director failed to ensure that the company complied with the Act.
- The company, Wirralie Mines Pty Ltd (Wirralie) was fined \$40,000 and ordered to pay \$1,830 investigation costs and \$250 in legal costs. A conviction was recorded against Wirralie by the Townsville Magistrates Court.
- The court fined the director \$15,000 and did not record a conviction.

Facts

In 1985, the Belyando Mine commenced operation as a gold mine on part of Mazeppa Station, about 70 kilometres north of Clermont, Queensland.

Wirralie holds an EA for mining activities at that site, however it has been in care and maintenance mode since 2007. In November 2013, the Department of Natural Resources and Mines cancelled the associated mining lease for the site due to non-payment of fees.

The Department of Environment and Heritage Protection (EHP) issued Wirralie a requirement to make a surrender application for the EA as well as a rehabilitation report.

On 26 February 2015, EHP issued Wirralie with an EPO on the grounds of securing compliance with a surrender notice and to secure compliance with a condition of the EA. The condition of the EA was to provide financial assurance in the amount required by the administering authority, which was decided to be \$4,784,000. The amount remains unpaid.

The director, in a record of interview, stated that Wirralie could not pay the required financial assurance nor could it comply with the surrender requirements, due to substantial debt.

Outcome

On 5 December 2016, the charges were first mentioned in the Clermont Magistrates Court and then transferred to Townsville after both defendants indicated they would be pleading guilty.

On 16 February 2017, Wirralie and the director pleaded guilty to the charges.

The Court imposed a fine of \$40,000 against Wirralie and ordered it to pay the EHP's legal costs of \$250 and investigations costs of \$1,830. A conviction was recorded.

The director was fined \$15,000 and no conviction was recorded.

In sentencing, the Magistrate took into account the following:

- The plea of guilty to the charge;
- The defendant company had no prior convictions;
- The historical circumstances of the subject mine;
- The defendants fully co-operated with EHP during the investigation;
- The financial situations of both Wirralie and the director.

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