

# Prosecution Bulletin no. 17/2018

## Summary

- A Maranoa Region company pleaded guilty to three offences of carrying out an environmentally relevant activity (ERA) without an environmental authority (EA), in contravention of section 426 of the *Environmental Protection Act 1994* (the EP Act).
- The defendant had been carrying out timber milling activities in excess of the ERA threshold of 5,000t a year for three years at its sawmill in the Maranoa Region in south west Queensland.
- The defendant was fined \$46,500 and ordered to pay \$1,500 in legal costs and \$774.58 in investigation costs. No conviction was recorded.
- The sentence was delivered by the Roma Magistrates Court on 5 December 2018.

## Facts

The defendant conducts timber milling at its site, sawing logs into recovered sawn product to supply the Australian market. The defendant purchased the sawmill in 2014.

Milling more than 5,000t of timber in a year is an ERA and an EA is required to lawfully carry out the activity.

In May 2014, the Department sent a letter to the defendant referring to its purchase of the sawmill and advising of the requirements under the EP Act to obtain an EA to carry out the ERA of timber milling in excess of the threshold of 5,000t of timber per annum.

In June 2016, the Department again advised the defendant that an EA is required to carry out an ERA. At that time the defendant could not provide an estimate of the volume of timber being milled at the site.

Departmental officers subsequently conducted an inspection of the site in June 2016 and requested information about the monthly quantities of timber milled at the site since 2014.

In November 2017, upon receipt of further information regarding the quantities of timber milled, it became

evident that the defendant had been carrying out an ERA without an EA since 2015.

The company has since taken steps to remedy the non-compliance by applying for an EA in November 2018.

## Outcome

On 5 December 2018, the defendant pleaded guilty in the Roma Magistrates Court to three offences of carrying out an ERA without an EA, in contravention of section 426 of the Act.

The defendant was fined \$46,500. The Court also ordered that the defendant pay \$1,500 in legal costs and \$774.58 in investigation costs. No conviction was recorded.

In sentencing the defendant, the Magistrate took into account the company's early plea of guilty and cooperation with the investigation together with the fact that no environmental harm was actually caused, however stated that:

- general and specific deterrence was an important sentencing factor for offences of this kind where there was a risk that environmental harm may be caused by corporations disregarding their environmental obligations;
- the offences were of a serious nature;
- the purpose of regulating industry activities is to protect the environment while allowing for development, in a way that maintains the ecological processes on which life depends, which is achieved through the environmental licensing regime.

The penalty is a reminder that those carrying out environmentally relevant activities must take their environmental obligations seriously.

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