

**Question on Notice
No. 906
Asked on 19 August 2004**

QUESTION:

MR RICKUSS asked the Minister for the Environment (Mr Mickel)—

With reference to enforcement actions for each of the last two financial years and for the year to date—

On how many occasions have enforcement actions against environmental vandals been discontinued and what was the reason in each instance?

ANSWER:

Each financial year, the Environmental Protection Agency (EPA) undertakes a range of enforcement actions against a range of entities for offences of varying degrees of seriousness.

These enforcement actions include prosecutions, restraint orders, and penalty infringement notices pursuant to the *Environmental Protection Act 1994*.

With reference to enforcement action taken in the last two financial years and for the year to date:

- one prosecution was discontinued, following legal advice that there was insufficient evidence to prove the alleged offence beyond reasonable doubt. The EPA considered that the case did not involve environmental vandalism. The case related to the alleged offence of causing boat noise outside of regulated hours and the prosecution was commenced after the defendant elected to contest a penalty infringement notice;
- five infringement notices were discontinued during this period for the following reasons:
 - four on the basis of legal advice regarding evidence; and
 - one on the basis that the defendant showed remorse and that the offence was of a minor nature; and
- no restraining orders were discontinued.

The discontinuation of enforcement actions must be viewed in the context of the many successful prosecutions over the last year, such as:

- Karreman Quarries Pty Ltd was fined a total of \$45,000 for two breaches of the *Environmental Protection Act 1994*. The company was fined \$25,000 for having extended its quarrying activities 11 hectares beyond its approved boundaries without the proper environmental authority. It was also fined \$20,000 for having allowed sediment to potentially cause environmental harm;

- four people were convicted on charges of killing a dugong in Moreton Bay in October 2003. None of the people convicted were native title holders or claimants in Moreton Bay, nor did they have the right to hunt in the area;
- Moonie Pipeline Company was fined \$300,000 for causing serious environmental harm after a rupture of the Moonie pipeline at Lytton leaked an estimated 1.9 million litres of light crude oil. The company was also ordered to pay the clean up costs, which were likely to be \$500,000; and
- a commercial tree transplanter was fined \$25,000 for illegally harvesting and keeping rare plants. Mr Anthony John Chester pleaded guilty to three charges under Section 89 of the *Nature Conservation Act 1992* of taking and keeping 70 *Livistona nitida* or Carnarvon fan palms taken from a Taroom property in August and December 2002.