

HOPE Lindsay

From: GOLDSWORTHY Stephen
Sent: Tuesday, 13 March 2018 11:00 AM
To: LOWE Trinity
Cc: ESR; IRELAND Anne-Maree; BRIDGE Tracy
Subject: FW: Alert - Schedule 4 -



Trinity

An update to an earlier Alert.

Regards

Stephen.

On Schedule 4 - CTP1 pleaded guilty to one of each of the following offences:

- carrying out an environmentally relevant activity without an environmental authority (s426(1) EP Act);
- being a generator who failed to give prescribed information to the department (s81(2) *Environmental Protection Regulation 2008*);
- wilfully failing to comply with a clean-up notice (s363I(1) EP Act);
- providing false or misleading information (s481(1) EP Act); and
- wilfully and unlawfully causing material environmental harm (s438(1) EP Act).

He was fined \$45,000 and ordered to pay investigation costs of \$8,138.04 and legal costs of \$1,500. A conviction was recorded.

Stephen Goldsworthy

Senior Director, Litigation

Environmental Services and Regulation

Department of Environment and Science

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s.73 - Not Relevant

HOPE Lindsay

From: GOLDSWORTHY Stephen
Sent: Wednesday, 7 March 2018 12:27 PM
To: LOWE Trinity
Cc: ESR; BRIDGE Tracy; IRELAND Anne-Maree
Subject: FW: ESR ALERT – Hahn Group Pty Ltd [Schedule 4 - CTPI]



Queensland
Government

Stephen.

Trinity

An update to the Alert from last year below.

If you would like this placed in a fresh (full) Alert, please let me know.

Regards

Stephen Goldsworthy

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connect ...make the move

From: BRIDGE Tracy
Sent: Wednesday, 7 March 2018 12:22 PM
To: GOLDSWORTHY Stephen <Stephen.Goldsworthy@des.qld.gov.au>
Cc: IRELAND Anne-Maree <Anne-Maree.Ireland@des.qld.gov.au>
Subject: FW: ESR ALERT – Hahn Group Pty Ltd [Schedule 4 - CTPI]

Dear Stephen

Please see below an update the Alert for Hahn [Schedule 4] for your approval:

- On 7 March 2018, before the Caboolture Magistrates Court, Hahn entered pleas of guilty to 17 charges, including wilfully causing serious environmental harm to the adjacent wetland contrary to s437(1) of the EP Act, wilfully contravening EA conditions contrary to s430(2) of the EP Act and providing false and misleading information contrary to s480(1) of the EP Act.
- [Schedule 4] entered pleas of guilty to 14 charges of being an executive officer who failed to ensure Hahn complied with the EP Act including in relation to causing serious environmental harm and wilfully contravening EA conditions.
- Hahn was fined \$130,000 and ordered to pay investigation costs of \$30,623.64 and legal costs of \$1,500. A conviction was recorded.
- [Schedule 4] was fined \$40,000. A conviction was not recorded.
- The Court also ordered that Hahn contribute \$28,319.50 of the fine to Conservation Volunteers Australia by way of a Public Benefit Order.
- As no conviction was recorded against [Schedule 4] the department cannot publish [Schedule 4] name.



Tracy Bridge
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S.73 - Not Relevant

Published on DES
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From: GOLDSWORTHY Stephen
Sent: Friday, 11 May 2018 12:02 PM
To: LEWIS Kieran
Cc: BROWN Glen; Media DES; ESR; CATER Cosmo; LENZ Anne (DES); BUTLER Hamish
Subject: FW: Draft media statement
Attachments: image003.png; image005.png; image006.png



Queensland
Government

Hi.

This version, which incorporates your changes, is fine with us Kieran.

Regards

Stephen Goldsworthy
Senior Director, Litigation

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The Department of Environment and Science (DES) has welcomed the \$4.5 million in fines and convictions recorded against Linc Energy Limited, handed down in the Brisbane District Court today (11 May).

Following a ten week trial, the Brisbane District Court sentenced Linc Energy Limited to a total fine of \$4.5 million for five offences of wilfully and unlawfully causing serious environmental harm, over a period of seven years, in contravention of the *Environmental Protection Act 1994*. Convictions were also recorded against the company.

The sentence follows guilty verdicts returned by a jury; committal proceedings defended by the company, and the endorsement of the Director of Public Prosecutions to proceed on indictment.

This is the highest penalty ever imposed under Queensland law for environmental offending.

Given that the company's liquidators chose not to defend the proceedings, the prosecution case was required to be 'strictly proved' meaning that a significant volume of documentary evidence needed to be tendered, and approximately 80 witnesses needed to be called.

In sentencing, Judge Shanahan spoke to the appropriateness of fining a company in liquidation where there is a need for denunciation and general deterrence.

His Honour described a range of inadequacies and failures on the part of Linc, Linc's knowledge of the damage being done and its attempts to hide that damage from the regulator. He also said that the offending was persistent and in clear breach of Linc's obligations under the

Environmental Protection Act 1994. The judge also described the offending as 'ecological vandalism' undertaken for commercial reasons.

His Honour ultimately imposed fines of \$700,000 for each of counts 1, 2 and 3 on the indictment, and \$1.2 million for counts 4 and 5 on the indictment, making a total fine of \$4.5 million.

Environment Minister Leeanne Enoch said the prosecution sends a strong message that the environmental regulator is committed to thoroughly investigating and prosecuting allegations of serious harm.

"I congratulate the department on the excellent work it has done in coordinating and managing what was the state's largest environmental investigation.

"We have some of the highest environmental standards in the world and Queensland has a strong record when it comes to environmental compliance.

Legal action involving Linc Energy continues, with a number of executive officers of the company also being prosecuted."

<image002.png>**Stephen Goldsworthy**

Senior Director, Litigation

Environmental Services and Regulation

Department of Environment and Science

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