

Media Release

30 November 2017



GPO Box 2607 Adelaide SA 5001
250 Victoria Square Adelaide SA
T (08) 8204 2000 F (08) 8204 2020
Country areas 1800 623 445

EPA welcomes sentencing from ERD Court

The EPA is pleased that the protracted prosecution of the Adelaide City Council has been finalised with today's judgement from the Environment Resources and Development (ERD) Court in convicting the Adelaide City Council for breaching the Environment Protection Act 1993.

The Council was found guilty of two counts of contravening the Act for failing to comply with its licencing conditions to cap the former Wingfield landfill by 31 October 2012 to prevent harm environment.

In sentencing remarks, Judge Cole clearly indicated that the Council is subject to the law.

"A starting point in decision making must be to comply with the law. It is obvious from the evidence that the Council omitted to cap the necessary 16.04 hectares in total, purely because it was seeking to limit the extent of its expenditure.

"Every other legal person in South Australia is subject to the rule of law and it is unacceptable for anyone, but particularly for a public authority, to simply choose to disobey an Act of Parliament," she said.

The Council was fined \$90,000 and ordered to pay Victims of Crime Levy of \$160 and court costs.

EPA Chief Executive, Tony Circelli, said the penalty reflects the serious nature of ignoring licence conditions and putting the environment at risk.

"This outcome sets a strong precedent and demonstrates the EPA will take action against any organisation or individual not complying with the EPA requirements.

"As this case demonstrates, the penalties are significant and can be as high as \$120,000 for a body corporate," he said.

"The *Environment Protection Act 1993* is in place to protect, restore and enhance the environment and to prevent, reduce and minimise harm to the environment," Mr Circelli said.

These breaches occurred between 2007 and 2012.

The Adelaide City Council no longer holds a licence for this site.

For further information please contact EPA Media: 0439 137 641 or epamedia@sa.gov.au

Environment Protection Authority