

## Media Release

23 February 2018



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# EPA welcomes landmark decision in court waste matter

The Environment Protection Authority (EPA) has today welcomed the Environment Resource and Development (ERD) Court's decision in sentencing Adelaide Resource Recovery after an appeal process found the company breached the *Environment Protection Act 1993*.

Adelaide Resource Recovery (ARR) was today convicted for failing to comply with its EPA licence condition for storage of construction and demolition waste (mixed) undercover at its waste depot in Wingfield between September and October 2013.

ARR was also fined \$25,000, was ordered to pay \$160 Victims of Crime levy and was ordered to pay the complainant a lump sum of \$8,250 for counsel fees, \$2,000 for an outline of submissions as well as 85 per cent of other legal costs to the Crown.

The matter arose out of ARR's view that the material in question was not waste and hence not subject to EPA's conditions and regulation.

In sentencing Judge Costello said there was no existence of any real ambiguity. Despite some processing of the material occurring it still came within the definition of waste in the Act.

His Honour held that if the construction and demolition waste had been stored undercover, it would have presented less of a potential risk to the surrounding environment.

EPA Chief Executive Tony Circelli said this successful outcome in the courts is significant as it provided greater clarity for the waste industry around what is deemed waste and what can be claimed as a product, an area of contention for the sector in South Australia and nationally.

"This case upholds and reinforces the EPA's regulatory approach and policies relevant to the waste sector. Licence conditions are placed on companies to ensure the environment and community are protected from harm and that waste depots manage waste responsibility to meet these obligations.

"This has been a protracted matter with the EPA appealing the initial decision of the ERD Court. On appeal by the EPA, the Full Court of the Supreme Court in February 2017 found ARR guilty of contravening a condition of their EPA licence by storing Construction and Demolition Waste (Mixed) out in the open.

"While the EPA acknowledges the improvements ARR has made to its waste storage practices since this event, the EPA will continue to take regulatory action against companies that contravene their environmental authorisations. More serious contraventions will be pursued through the court system," Mr Circelli said.

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Environment Protection Authority

“South Australia’s waste and resource recovery industry is a significant sector, with an annual turnover of around \$1 billion. Today’s outcome serves as another reminder that the EPA is committed to ensuring a level playing field and supporting compliant operators to bring greater confidence for industry investment in this sector,” Mr Circelli said.