

Media Release

Environment Protection Authority



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EPA successful conviction for illegal asbestos disposal

The Environment Protection Authority (EPA) has successfully prosecuted a local building contractor who, without permission, dumped a significant quantity of asbestos in a bin at the north-eastern suburbs premises of a well-known retail automotive dealership. The defendant was captured on CCTV at the time.

The successful prosecution in the Environment, Resources and Development (ERD) Court relates to the charge of unlawfully disposing of waste on 4 June 2013 in breach of section 34(2) of the Environment Protection Act 1993, pursuant to clause 10 of the Environment Protection (Waste to Resources) Policy 2003.

The defendant was convicted and fined \$15,000 (plus costs) on this single count.

While the defendant pleaded that he was unaware that the material contained asbestos, the Court argued that the onus of responsibility was on the person disposing of the material to ensure that all safety measures were taken to guarantee that the asbestos being disposed of was done legally, and in a licensed landfill.

The Court acknowledged the defendant's early guilty plea and co-operation during the EPA investigation. However, the Court found that this was a serious offence that had the potential for very grave social and environmental impact.

EPA Executive Director, Operations Andrew Wood said that the EPA was particularly pleased with the conviction, and the fine handed down. "A conviction will send a strong message of deterrence to those individuals who might consider such illegal action. Ignorance is not an excuse for poor management practices".

"As South Australia's leading environmental regulator, it is our role to protect the local environment and to ensure that everyone is fully aware of the severe consequences of causing potential harm to the environment, and to members of the public.

"The magnitude of this penalty is a stern reminder that the EPA is serious about pursuing those in breach of the *Environment Protection Act 1993*, and that this type of illegal activity will not be tolerated," said Mr Wood.

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