



## Case Law update - EPA v Aargus Pty Ltd; Kariotoglou; Kelly

**Date :** February 27, 2013

The EPA has successfully prosecuted both a company and its employees for making false or misleading statements in the issue of a soil classification report and asbestos clearance certificate. The prosecution was the first instituted for offences against s144AA of the *Protection of the Environment Operations Act*, pursuant to which it is an offence to make a false or misleading statement regarding waste in the course of dealing with waste.

The company was fined \$15,000 for each offence, ordered to publish a notice in the Waste Management Environmental Magazine and to pay all of the EPA's investigation costs and half of its prosecutor's costs. The two employees were ordered to pay fines of \$4,500 and \$3,000 respectively for each offence and a proportion of the prosecutor's costs.

This case serves as a reminder to all those dealing with waste and required to sign clearance statements not only of the importance of carrying out thorough inspections but also of the need to be careful to ensure that certificates are only issued if they accurately reflect the findings of any inspection.

[Click here \(link is external\)](#) to read the full judgment.

**MatthewsFolbigg Lawyers, Parramatta, are specialist environmental and planning lawyers who are able to advise in relation to all matters relating to waste disposal. Call an environmental law expert today on 1800 300 308.**