
Tuesday, 4 May 2021

Conviction against Ashton Valley Fresh upheld

An appeal from an Adelaide Hills fruit juice company against two convictions has been dismissed by the Supreme Court of South Australia.

In August 2014 the Environment Protection Authority (EPA) officers identified a pollutant in Deep Creek and traced it to a wastewater treatment plant at Ashton Valley Fresh Pty Ltd.

The company was charged with discharging a pollutant in the form of wastewater from its site at Lobethal Road, Ashton into the waters of Deep Creek in contravention of the *Environment Protection (Water Quality) Policy*.

In August 2020 Ashton Valley Fresh was convicted on two counts of contravening an environmental protection policy contrary to the *Environment Protection Act 1993* after a trial lasting eight days in the Environment, Resources and Development (ERD) Court.

The company appealed the conviction to the Supreme Court arguing on appeal that it had taken all reasonable and practicable measures to prevent environmental harm and that an employee may have opened a tap attached to the plant, which treated wastewater from an apple juicing process.

Justice Lovell of the Supreme Court upheld the original convictions, stating Ashton Valley Fresh could have taken other reasonable and practicable steps to have prevented the discharge and that it was not established that an employee had operated the tap to discharge the wastewater.

Costs associated with the appeal are yet to be determined.