

Report

Alleged Breach Report

This Alleged Breach Report will assist officers in recording information which supports a decision to take enforcement action i.e. issue a Penalty Infringement Notice (PIN) under the State Penalties Enforcement Act 1999 regime. This includes offences under the Environmental Protection Act 1994, Nature Conservation Act 1992, Forestry Act 1959, Recreation Areas Management Act 2006, Marine Parks Act 2004, Waste Reduction and Recycling (WRR) Act 2011, Chapter 3 of the Water Act 2000 and the Queensland Heritage Act 2000, as listed within the State Penalties Enforcement Regulation 2000.

Note: For information on writing and the management of PINs please refer to the [PIN Manual](#) or contact infringement.notices@ehp.qld.gov.au.

1. Identifying details

LIDU Officer	Hannah Hollyer
Tracker Number	15160258
File number	101/0016375
Name of alleged offender	49-Sch4
Date of Birth	
Drivers licence number	
Address	
ACN/ABN	
Contact details	

2. Background details of incident

Please outline any historical information relevant to this incident. This information may assist with the reasoning for the decision, assist in completing a review of the PIN and may be essential should the matter be referred to the Magistrates Court.

Date the department became aware of the offence.	28 September 2015
Date(s) & time of offence	Between 7 September 2015 (Milk bottle production date) and 28 September 2015 (find date)
Day of the week	Unknown
Location	Compartment 208 Bribie Logging Area

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	<p>Peele Road, Ningi</p> <p>-27.07719 153.052241</p>
Vehicle/vessel details	Unknown
Waste details	<p>Tyres, car parts (including red Holden ute tail gate), brake disk pads, cardboard boxes, car seat, wine and spirit bottles, children's toys, takeaway food wrappers, beer cartons (Corona), men's clothing and high visibility work shirts, women's clothing and general household waste.</p>
Investigation Summary	<p>Chronological order of events:</p> <p>28 September 2015</p> <ul style="list-style-type: none"> 49-Sch4 [redacted] reported to the Litter and Illegal Dumping Unit that [redacted] had found two large piles of waste on the southern side of Bribie Island Road, off Peele Road entrance, in Compartment 208 Bribie Logging Area. <p>1 October 2015</p> <ul style="list-style-type: none"> Hannah Hollyer and Deborah Wheate of EHP attended the illegal dumping site. The waste was split into two piles deposited on the side of the dirt track, separated by 200 metres (see map in file). The case relating to the smaller site (Site 2) was processed under tracker number 15160303 (please refer to file). Several items of evidence were found at the larger site (Site 1), including an [redacted] picking ticket in the name of [redacted] a Toll Priority shipping bag in the name [redacted] and a red 2002 Holden Jackaroo vehicle registration sticker [redacted] At Site 1 several cardboard car part boxes were found with [redacted] printed on the label. At Site 2 several cardboard car part boxes were found with [redacted] printed on the label. In addition to the boxes with [redacted] being found in the waste at both Site 1 and Site 2, there were also similar items in both piles, including [redacted] While investigating Site 1 a snake was sighted near the waste and attempts to secure further evidence was abandoned. Deborah Wheate called [redacted] who stated that there had been additional information in the waste that he had seen that had not been found in the site investigation. [redacted] had seen post bag sent by [redacted] to a [redacted] <p>2 October 2015</p> <ul style="list-style-type: none"> Hannah Hollyer searched Smart Maps Information Service for the title to [redacted] and found it was owned by [redacted] and [redacted] Hannah Hollyer searched for [redacted] and found it was a private company, [redacted] Evidence found at the site included a vehicle registration sticker. The vehicle was a red 2002 Holden Jackaroo, registration [redacted] Deborah Wheate searched MINDA and found that the last owner of the Holden Jackaroo was [redacted] Hannah Hollyer called [redacted] and spoke with [redacted]

	<p>[redacted] the name of the purchaser of the Holden Jackaroo.</p> <ul style="list-style-type: none"> Hannah Hollyer emailed [redacted] 49-Sch4 a Notice Requiring Relevant Information for the details of the purchaser of the Holden Jackaroo. [redacted] replied to Hannah Hollyer and stated that [redacted] was the purchaser of the Holden Jackaroo (see email on file). Hannah Hollyer searched Google Streetview for [redacted] and found that the property was a house [redacted] Hannah Hollyer searched Google for [redacted] and found a website called [redacted] that listed it at [redacted] [redacted] There was a link to a Facebook page https://www.facebook.com/[redacted] which listed an email address [redacted] Hannah Hollyer calculated the volume of the waste at Site 1 using the website www.onlineconversion.com and the elliptical tank formula as the waste was deposited in approximately the shape of an oval. The total estimate volume was 4488 litres (see file for screen shot of calculation). The length of the pile was measured on site (6.35m), however the width and height was conservatively estimated as it was not able to be safely measured due to a sighting of a snake in the waste. Estimate of width 3m and height 30cm (see detail for 22 October 2015 for revised volume). Hannah Hollyer searched Facebook by entering the mobile phone number found on the Toll Priority mail bag [redacted] and found an [redacted] www.facebook.com/[redacted] A photo on this page showed [redacted] Hannah Hollyer searched Facebook and found an [redacted] www.facebook.com/[redacted] who was friends with a [redacted] included a post that stated she could be contacted via LINE (a mobile phone application) on the username [redacted] On the [redacted] website it had listed a LINE contact of [redacted] Hannah Hollyer found on Facebook that [redacted] was friends with a [redacted] www.facebook.com/[redacted] who was listed as being from [redacted] <p>6 October 2015</p> <ul style="list-style-type: none"> Hannah Hollyer received an email from [redacted] who stated that he had visited [redacted] and taken a photograph from the footpath of [redacted] [redacted] The photo showed that [redacted] (see photo and email on file). [redacted] also stated that he had visited the dumping site and inspected some items that he had seen when the site was found but that Hannah Hollyer and Deborah Wheate did not retrieve due to safety concerning a snake within the rubbish [redacted] [redacted] email stated that he had seen a box from [redacted] addressed to [redacted] at [redacted] a doctor's prescription in the name of [redacted] and three [redacted] packages addressed to [redacted] at [redacted] (see email on file). <p>9 October 2015</p> <ul style="list-style-type: none"> Hannah Hollyer emailed [redacted] to ask when that compartment had last been cleared of waste or when staff had previously been at the location and no waste was found. Hannah Hollyer called Coles Supermarket customer service and
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submitted a request for the production date of a milk bottle in Site 1 that had a use by date of 22 September.

- Hannah Hollyer submitted an intelligence request to EHP Compliance Support for the full company details of [redacted] 49-Sch4

12 October 2015

- April White replied to Hannah Hollyer and stated that 208 Bribie was cleaned up in July 2015 and [redacted] had been along that track 10 August 2015 and the waste was not there (see email on file).
- Hannah Hollyer received an Information Request Result from Samuel Hedge of EHP Intelligence, which stated that [redacted] was owned and controlled by [redacted] (see copy on file).

13 October 2015

- Hannah Hollyer received a response from Coles which stated that the production date of the milk bottle at Site 1 was 7 September. Therefore the waste at Site 1 was deposited between 7 September and 28 September (see email on file).

15 October 2015

- David Drew and James Gooding of EHP visited Site 1, took additional photos and retrieved further items from the waste related to [redacted] and [redacted]. These items included a [redacted] letter addressed to [redacted] a contract for purchasing a [redacted] with a stamp [redacted] and a [redacted] letter addressed to [redacted] (see file note).

22 October 2015

- Hannah Hollyer, Deborah Wheate and Annette Burton visited the site and measured the height and width of the pile of waste. The width of the waste was 472cm and the height was 38cm (see photos, file note on file and Deborah Wheate's official notebook).
- The length was measure on the first site visit (635cm) and therefore the calculated volume was 11,389 litres. Calculated at the website www.onlineconversion.com using the elliptical tank formula the volume was 8945 litres. Both calculations of the volume are significantly greater than 2500 litres.

19 November 2015

- Show Cause Notices sent to [redacted] and [redacted] of [redacted] (see copies on file).

23 November 2015

- [redacted] called and spoke with Hannah Hollyer. [redacted] stated that neither she nor [redacted] had dumped the waste, [redacted] who did odd jobs for them had been asked to take the waste to the transfer station. His name was [redacted] (see file note on file for details).
- [redacted] stated to Hannah Hollyer that she would have [redacted] call her the next time he came in to see her. [redacted] gave Hannah Hollyer [redacted] postal address but said his mobile number was not working.

24 November 2015

- [redacted] called Hannah Hollyer and said that [redacted] had not been to see her that day.

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	<p>27 November 2015</p> <ul style="list-style-type: none"> • [redacted] called Hannah Hollyer and [redacted] 49-Sch4 was with her. Hannah Hollyer spoke with [redacted] and he admitted that he had dumped the waste at 208 Bribie. [redacted] stated that he would go and clean the waste up (see file note on file). • [redacted] stated to Hannah Hollyer that [redacted] would go with [redacted] to ensure that the waste was removed. • [redacted] emailed the Litter and Illegal Dumping Unit inbox a scan of her statutory declaration and a copy of a witnessed written admission from [redacted] (see copies on file). • [redacted] text messaged the Litter and Illegal Dumping Unit mobile phone photographs of [redacted] cleaning the two sites, the sites after cleaning and being disposed of at the waste transfer station (see photos on file). • Hannah Hollyer emailed Moreton Bay Regional Council to request images of the waste and vehicle used to dispose of the waste at the Caboolture transfer station. <p>1 December 2015</p> <ul style="list-style-type: none"> • Hannah Hollyer received photographs for Moreton Bay Regional Council that showed the vehicle and trailer used by [redacted] and [redacted] disposing of the waste on 27 November 2015 (see photos on file). <p>Attachments:</p> <ul style="list-style-type: none"> • File
Contact with alleged offender	Phone conversation 27 November 2015

3. Alleged offence details

Please delete offences not applicable to the assessment.

Section	PIN offence code	Offence description	Legislation	Penalty Units	Statute Limitation
s 104(1)(b)	WRR24	Illegally dump waste – individual	WRR Act 2011	20	12 months

4. Elements and supporting evidence

Please outline the elements of each of the offences listed above. Provide in detail what evidence is available to satisfy each and every element of the offence(s), the source, how it is/was obtained and when it will be/was obtained.

Elements	Type of Evidence	Source of Evidence	How evidence obtained
Littering or Illegally dumping offence occurred <ul style="list-style-type: none"> • Ownership / Occupier • Consent of owner / occupier • Bin or container provided 	Documentary	EHP site investigation report confirmed that dumping of waste had occurred by an unknown person on HQPlantations land.	Site inspection conducted by EHP officers Hannah Hollyer and Deborah Wheate 1 October 2015
	Documentary	Email to EHP from [redacted] notifying that [redacted]	Email from [redacted]

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		illegal dumping had occurred [49-Sch4]	
Illegally dumped waste of volume greater than 200L <ul style="list-style-type: none"> Waste Volume 	Documentary	Estimate of waste volume over 2500 litres	Waste estimate by Hannah Hollyer from measurement of pile
	Documentary	EHP site investigation report	Site inspection conducted by EHP officers Hannah Hollyer and Deborah Wheate 1 October 2015
	Documentary	Photographs taken of the waste 44 photos	Site inspection conducted by EHP officers Hannah Hollyer and Deborah Wheate 1 October 2015.
	Documentary	EHP site visit file note and authorised officer notes	Site inspection conducted by EHP officers Annette Burton, Hannah Hollyer and Deborah Wheate 22 October 2015
Date and time of offence	Documentary	EHP site investigation report	Site inspection conducted by EHP officers Hannah Hollyer and Deborah Wheate 1 October 2015
	Documentary	Photograph taken of milk bottle amongst the waste and contact with Coles. Placed established that the production date was 7 September 2015. Waste was found 28 September 2015.	Site inspection conducted by EHP officers Hannah Hollyer and Deborah Wheate 1 October 2015
Location of dumping offence <ul style="list-style-type: none"> A place 	Documentary	Email to EHP from [redacted] notifying that illegal dumping had occurred [redacted]	Email from [redacted] reporting the dumping
	Documentary	EHP site investigation report confirmed that the waste was dumping within HQPlantations land.	Site inspection conducted by EHP officers Hannah Hollyer and Deborah Wheate 1 October 2015
Identity of alleged offender <ul style="list-style-type: none"> A person <p><i>WRR Act 2011 – Schedule Dictionary – prescribed person, for a vehicle littering or illegal dumping offence, means—</i> <i>(a) the person in whose name the vehicle associated with the commission of the offence is registered under a registration Act; or</i></p>	Documentary	File note of phone conversation with [redacted] on 27 November 2015 in which he admitted that he dumped the waste.	Phone conversation with [redacted] on 27 November 2015.
	Documentary	File note of conversation with [redacted] in which	Phone conversation with [redacted] on

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<p>(b) a person named in a known user declaration or a sold vehicle declaration under the State Penalties Enforcement Act 1999 in relation to the offence.</p> <p>Acts Interpretations Act 1954 - Section 32D - In an Act, a reference to a person generally includes a reference to a corporation as well as an individual.</p>		<p>she names [49-Sch4] as responsible for dumping the waste.</p>	<p>23 November 2015.</p>
	<p>Documentary</p>	<p>Written admission from [] that he deposited the waste, witnessed by []</p>	<p>Written admission from []</p>
	<p>Documentary</p>	<p>Statutory declaration from [] that states [] dumped the waste</p>	<p>Statutory declaration provided by [] a person of interest.</p>

5. Alleged offender correspondence- relating to the alleged breach

Please detail correspondence related to the alleged breach that has been received from the alleged offender, or sent from the department to the alleged offender. Attach copies of the correspondence (including letters, emails, file notes of phone conversations, etc.).

Date	Type of Correspondence, including description.	Copy Attached?
<p>27 November 2015</p>	<p>Phone conversation (file note)</p>	<p>Yes</p>

6. Other enforcement options

Please detail what other enforcement options have been considered for this matter.

<p>What other enforcement options been considered?</p>	<p>Warning Letter ☒ Considered</p> <p>Show Cause Notice ☐ Considered</p> <p>Compliance Notice ☐ Considered</p> <p>Penalty Infringement Notice (PIN) ☐ Considered</p>
<p>What are the reasons for using or not using these enforcement options?</p>	<p>[] quickly clean up the dumping sites and was remorseful for depositing the waste. I believe that [] understands the serious nature of this offence and the potential repercussions. I consider this an acceptance outcome as it has changed behaviour around the responsible disposal of waste.</p>

7. Recommendation

The officer is required to make a recommendation in relation to the matter under investigation.

<p>I recommend that [] be issued a case closure warning letter for a breach of s 104 (1) (b) of the WRR Act 2011 for illegally dumped household waste at compartment 208 Bribie Logging Area HQPlantations.</p>
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8. Acknowledgement

The recommending officer and supervisor are required to sign and date below.

Recommending Officer		Supervisory Review	
Signature:	49-Sch4 - Signature	Signature	49-Sch4 - Sig
Print Name:	Hannah Hollyer	Print Name:	Julie Hoek
Position:	Project Officer	Position:	Team Leader
Date:	10/12/2015	Date:	15/12/15

9. Endorsement

The appropriate manager or supervisor is required to either support / not support the decision and sign and date below.

Decision for recommendation	
<p>Reasons for decision</p> <p><i>Alleged offender Admitted he did the wrong thing & took responsibility for his actions by cleaning up the site & disposing of the waste responsibly.</i></p>	
Signature:	49-Sch4 - Signature
Print Name:	Vicki Hall
Position:	Manager, Litter and Illegal Dumping Unit
Date:	17-12-15

15160258 Peele Rd, Ningi

Location of Site 1 and Site 2

Legend

Site



Site 1

Site 2







