

# 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](mailto:infringement.notices@ehp.qld.gov.au).

### 1. Identifying details

|                          |                |
|--------------------------|----------------|
| LIDU Officer             | Hannah Hollyer |
| Tracker Number           | 15160615       |
| File number              | 101/0017699    |
| 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. | 15 February 2016                                 |
| Date(s) & time of offence                        | 9:11pm<br>8 February 2016                        |
| Day of the week                                  | Monday                                           |
| Location                                         | Department of Transport and Main Roads stockpile |

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|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         |  |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|--|
|                                      | 75 Wuraga Rd, Bahrs Scrub<br>-27.72932, 153.19106                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |  |
| <b>Vehicle/vessel details</b>        | White Toyota Hilux 2008, Registration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 49-Sch4 |  |
| <b>Waste details</b>                 | Palm fronds                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |         |  |
| <b>Investigation Summary</b>         | <p><b>Chronological order of events:</b></p> <p><b>1 February 2016</b></p> <ul style="list-style-type: none"> <li>Hannah Hollyer and Annette Burton of the department placed two Reconyx motion sensitive cameras at the Department of Transport and Main Roads, Wuraga Road stockpile site. One camera was placed recording the track into the stockpile and one facing over the existing illegal dumping.</li> </ul> <p><b>4 February 2016</b></p> <ul style="list-style-type: none"> <li>The camera set up at the dump site captured a single cab ute with cage tray (registration [redacted]) driving onto the site at 7:30am 4 February 2016 with items on the tray and driving out with items still in the tray. Images showed a young male driving the vehicle (see file).</li> </ul> <p><b>8 February 2016</b></p> <ul style="list-style-type: none"> <li>The camera facing the existing illegal dumping captured a single cab ute with cage tray (registration [redacted]) driving into the site, reversing and driving just off camera. Palm fronds appear on the ground 1 minute and 19 seconds later (see file).</li> </ul> <p><b>15 February 2016</b></p> <ul style="list-style-type: none"> <li>Hannah Hollyer and Annette Burton retrieved the motion-sensitive cameras and conducted a site investigation on illegally dumped palm fronds found on the site.</li> </ul> <p><b>16 February 2016</b></p> <ul style="list-style-type: none"> <li>Julie Hoek search MINDA for the registration [redacted] and found that it was registered to [redacted] of [redacted] (see file).</li> <li>Hannah Hollyer searched google for [redacted] and found that it was [redacted]</li> </ul> <p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>File</li> </ul> |         |  |
| <b>Contact with alleged offender</b> | Nil                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |         |  |

### 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)(a) | WRR22            | Illegally dump waste less than 2500L - individual | WRR Act 2011 | 16            | 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                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| <b>Littering or Illegally dumping offence occurred</b> <ul style="list-style-type: none"> <li>Ownership / Occupier</li> <li>Consent of owner / occupier</li> <li>Bin or container provided</li> </ul> | Documentary      | Photographs from Reconyx motion sensitive camera IMG_0567 to IMG_0596                                                        | Photos from motion-sensitive camera set up by Hannah Hollyer and Annette Burton                            |
|                                                                                                                                                                                                       | Documentary      | EHP Site investigation report                                                                                                | Report detailing the site investigation conducted by Hannah Hollyer and Annette Burton on 16 February 2016 |
|                                                                                                                                                                                                       | Documentary      | Notes taken by Annette Burton in official notebook                                                                           | Notes taken during site investigation on 16 February 2016                                                  |
|                                                                                                                                                                                                       | Documentary      | Photographs taken of the illegally dumped waste numbered P1000871 – P10000877                                                | Photos taken by Hannah Hollyer on 16 February 2016                                                         |
| <b>Illegally dumped waste of volume greater than 200L</b> <ul style="list-style-type: none"> <li>Waste</li> <li>Volume</li> </ul>                                                                     | Volume estimate  | Simple volume $530 \times 390 \times 60 = 12,402$ litres<br>However waste was placed in an oval shape and the height varied. | Volume estimate calculated by Hannah Hollyer                                                               |
| <b>Date and time of offence</b>                                                                                                                                                                       | Documentary      | Photos (IMG_0591 – IMAG_0595) showing waste being deposited between 9:10:20pm and 9:11:41pm on 8 February 2016.              | Photos from motion-sensitive infrared cameras                                                              |
| <b>Location of dumping offence</b> <ul style="list-style-type: none"> <li>A place</li> </ul>                                                                                                          | Documentary      | EHP Site investigation report                                                                                                | Report detailing the site investigation conducted by Hannah Hollyer and Annette Burton on 16 February 2016 |
|                                                                                                                                                                                                       | Documentary      | Photograph P1000872 that showing GPS device in situ.                                                                         | Photo taken by Hannah Hollyer on 16 February 2016                                                          |
| <b>Identity of alleged offender</b> <ul style="list-style-type: none"> <li>A person</li> </ul>                                                                                                        | Documentary      | Photograph IMAG_0571 that showing vehicle number plate.                                                                      | Photo from motion-sensitive infrared cameras                                                               |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             |                                                                                            |                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------------------------------------------------------------------------------------|-----------------------------------------|
| <p><b>WRR Act 2011 – Schedule Dictionary – prescribed person, for a vehicle littering or illegal dumping offence, means—</b><br/> <b>(a) the person in whose name the vehicle associated with the commission of the offence is registered under a registration Act; or</b><br/> <b>(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.</b></p> <p><b>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.</b></p> | Documentary | MINDA search for vehicle<br>[redacted] and attached<br>driver's license [redacted] 49-Sch4 | MINDA search conducted 16 February 2016 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------------------------------------------------------------------------------------|-----------------------------------------|

### 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? |
|------|------------------------------------------------|----------------|
|      | Nil                                            |                |

### 6. Other enforcement options

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

|                                                                        |                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| What other enforcement options been considered?                        | Warning Letter <input type="checkbox"/> <b>Considered</b><br>Show Cause Notice <input type="checkbox"/> <b>Considered</b><br>Compliance Notice <input type="checkbox"/> <b>Considered</b><br>Penalty Infringement Notice (PIN) <input checked="" type="checkbox"/> <b>Considered</b>                  |
| What are the reasons for using or not using these enforcement options? | The evidence of illegal dumping and the identity of the driver of the vehicle that the waste came from was verified by photographs taken by a motion sensitive camera set up at the site. The vehicle that appears to have transported the waste to the site was registered in the name<br>[redacted] |

### 7. Recommendation

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

|                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I recommend that [redacted] be issued a Penalty Infringement Notice for a breach of s 104 (1) (a) of the WRR Act 2011 for illegally dumped green waste at TMR stockpile, 75 Wuraga Road, Bahrs Scrub. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## 8. Acknowledgement

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

| Recommending Officer |                     | Supervisory Review |                     |
|----------------------|---------------------|--------------------|---------------------|
| <b>Signature:</b>    | 49-Sch4 - Signature | <b>Signature:</b>  | 49-Sch4 - Signature |
| <b>Print Name:</b>   | Hannah Hollyer      | <b>Print Name:</b> | Annette Burton      |
| <b>Position:</b>     | Project Officer     | <b>Position:</b>   | Team Leader         |
| <b>Date:</b>         | 16/02/2016          | <b>Date:</b>       | 19 February 2016    |

## 9. Endorsement

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

| Decision for recommendation |                                                                                                                  |
|-----------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>Reasons for decision</b> | Photographic evidence that dumping was done by driver of vehicle registered to 49-Sch4<br>Approved to issue PIN. |
| <b>Signature:</b>           | 49-Sch4 - Signature                                                                                              |
| <b>Print Name:</b>          | Julie Hoek                                                                                                       |
| <b>Position:</b>            | A/Manager, Litter and Illegal Dumping Unit                                                                       |
| <b>Date:</b>                | 22/2/16                                                                                                          |

2016-02-08 9:09:23 PM

M 1/5

23°C



Released by the  
under the  
Act 2000

Release

HC600 HYPERFIRE



2016-02-08 9:09:24 PM

M 2/5



23°C



49-Sch4

HC600 HYPERFIRE





49-Sch4

Released by EHP  
under the  
RTI Act 2009



Released by EHP  
under the  
PAA Act 2009

Release



Release



49-Sch4

2016-02-08 9:13:32 PM M 2/5

23°C



Release

HC600 HYPERFIRE



2016-02-08 9:10:00 PM

M 1/5

24°C



HC600 HYPERFIRE



2016-02-08 9:10:01 PM

M 2/5

24°C



HC600 HYPERFIRE





49-Sch4



49-Sch4



49-Sch4



49-Sch4



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under the  
RTI Act 2009

49-Sch4

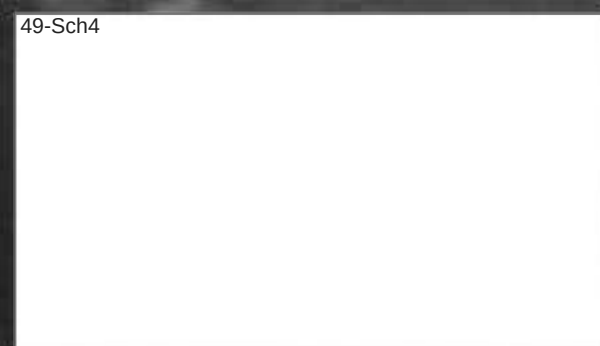


49-Sch4



Released by RHP  
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RTI Act 2009

49-Sch4



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49-Sch4



49-Sch4





49-Sch4





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M 4/5

24°C

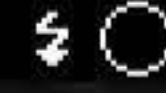


HC600 HYPERFIRE



2016-02-08 9:10:17 PM

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24°C



HC600 HYPERFIRE



49-Sch4

2016-02-08 9:10:19 PM

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2016-02-08 9:10:20 PM

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2016-02-08 9:11:40 PM

M 3/5



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HC600 HYPERFIRE

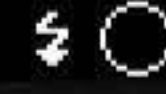
Release





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