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Queensland Government

Department of
Environment and Heritage Protection

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	15160140
File number	101/0015847
Name of alleged offender	49-Sch4
Date of Birth	
Drivers licence number	
Address	
ACN/ABN	
Contact details	

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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.	20 August 2015
Date(s) & time of offence	Between 1 August 2015 and 20 August 2015
Day of the week	Unknown
Location	Ringtail State Forest, Ringtail Creek Latitude -26.34361 Longitude 152.94639

Vehicle/vessel details	Unknown
Waste details	Armchair, fridge, mattress and ensemble base, pedestal fan, boxes of paperwork including certificates, diaries and notebooks, clothes, tent, digital camera, general household waste. Estimated at 3120 litres (see attached Waste volume estimate.docx)
Investigation Summary	**Chronological order of events:** **20 August 2015** • Gain Cavendish received a report of waste dumped at Ringtail State Forest from Peter Cavendish of Queensland Parks and Wildlife Service (QPWS). The email from Peter Cavendish included the location and photos. • Gina Cavendish conducted a SmartMap search from the GPS co-ordinates. • Gina called 49-Sch4 and asked if the location was advised that it was Queensland Parks and Wildlife Service land. • Gina called (the person who reported the illegal dumping to QPWS). stated that she had found the illegal dumping the morning of 20 August 2015 in the area. didn't know when it had been dumped. it didn't look as though the waste had been there for very long as there had been rain there a few weeks ago and the waste did not look water damaged to it looked as though someone had moved house as there was a fridge, a couple of mattresses, a lounge chair and other items. Gina Cavendish advised that she didn't want to go rummaging through the waste paperwork was on top of the waste. Gina Cavendish asked could take photos of the evidence in situ. • Gina Cavendish received an email from with photographs of paperwork found at the site. One photo an item with the name on it. Contact details could be seen for Other items also identified date of birth • Gina Cavendish searched Facebook and found • Gina Cavendish called moved out of the property mentioned in the evidence and moved to had a contractor take some items to the dump contractors name was

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21 August 2015

- Hannah Hollyer and Gina Cavendish of the department conducted a site investigation in the company of John McQueeney of QPWS.
- Further items were found at the site that belonged to 49-Sch4
  Evidence found at the site also included several items that belonged to
- The evidence relating to was dated between 12 December 2011 and 8 January 2014. The evidence relating to was dated between 8 March 2013 and 16 June 2014.

1 September 2015

- Hannah Hollyer emailed John McQueeney and Justin Eslin of QPWS and asked if they had spoken to HQPlantations regarding when they had last driven along that track to assist with determining timeframe for the dumping.
- Justin Eslin responded to Hannah Hollyer to say couldn't help.
- Hannah Hollyer searched Facebook and found that was friends with on Facebook.
- Hannah Hollyer called who asked to be sent photos to identify the waste and said that she had spoken to and he did not know anything about the dumping. Her email address was
- James Gooding searched MINDA for address in MINDA was
- Hannah Hollyer searched for and found that it was advertised for rent at the time
- Hannah Hollyer called and spoke to

2 September 2015

- Hannah Hollyer searched Facebook, google and white pages to locate contact details for but no information was found.
- Hannah Hollyer searched Facebook page and found that was listed as
- Hannah Hollyer conducted a google search and found a listed as working for on LinkedIn and

4 September 2015

- Hannah Hollyer phoned stated that:
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49-Sch4

- Hannah Hollyer said to [redacted] that she would email some photos of the waste for her to discuss with [redacted]
- Hannah Hollyer emailed [redacted] photos and asked her to contact EHP regarding the matter.
- Hannah Hollyer called [redacted] would call the department next week.

8 September 2015

- Hannah Hollyer checked MINDA and [redacted] was not in the database.
- Hannah Hollyer phoned [redacted] and she stated that:
  - She had spoken to [redacted] who had said it was not him that dumped the waste.
  - She said that she didn't know [redacted] mobile number off by heart.
  - [redacted] had recently moved [redacted]
  - She had said to [redacted] that if it was him that dumped the waste then he would need to go and clean it up.
- Hannah Hollyer explained to [redacted] that the fine for illegal dumping was more than $1800. If [redacted] was to go and clean up the waste he would need to provide before and after photos and a transfer station receipt. [redacted] took Hannah Hollyer's phone number to pass onto [redacted]
- Hannah Hollyer called [redacted]
  - Both she and [redacted] were certain that it was not [redacted] who had dumped the waste.
  - [redacted]
  - [redacted]
  - [redacted] thought that he recognised the couch in the photos.
  - [redacted] had called [redacted] and asked him if he had been dumping stuff in Ringtail State Forest. [redacted] had said that he hadn't.
  - [redacted] was trying to work out who dumped the waste as he did not want to be in trouble.
  - [redacted]
  - [redacted]
  - [redacted] had forwarded [redacted] the email from Hannah Hollyer so he had the department contact details.
- Hannah Hollyer explained to [redacted] that it would be best if [redacted] called her to let her know what he knew about the dumped waste and his suspicions. The department was able to investigation and seek further information rather than [redacted] attempting to locate the offender on his own.
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9 September 2015

- [redacted] called the department and spoke to Annette Burton [redacted] to say that [redacted] had cleaned up

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the waste.

11 September 2015

- Hannah Hollyer called 49-Sch4
  - had gone to clean the waste.
  - She had pictures of the waste on the ute but not of before and after.
  - She asked for a mobile number to text the pictures to.
  - helping move and as it was night and dumps weren't open he dumped it in the State Forest.
  - She was very embarrassed and apologetic.
  - was apparently concerned about the cost of the dump.
  - She did not know his postal address or mobile number off by heart.
- Hannah Hollyer stated that she would text from the LIDU mobile so that she could send the photos and also requested a picture of the dump receipt. Hannah Hollyer asked that text mobile number and requested permission for the department to send mail care of address agreed. Hannah Hollyer explained due to the amount of waste dumped there was a $2356 penalty but she would be speaking with her manager about how to proceed and take into account that had allegedly cleaned up the waste.
- Hannah Hollyer called Tewantin QPWS base and spoke to John McQueeney who said he would be able to go out along that track and take some pictures and check the waste had been cleaned up.
- Hannah Hollyer text messaged from the LIDU mobile phone and asked her to send in the pictures and mobile number.

14 September 2015

- John McQueeney of QPWS attended the site of the dumping and sent Hannah Hollyer photos that showed all of the waste had been removed.

17 September 2015

- Hannah Hollyer messaged to ask if she had sent photos of waste collected.

18 September 2015

- responded to Hannah Hollyer to say she had sent photos through to the LIDU mobile number but would try again.
- Photos were still not able to be received from Hannah Hollyer contacted IT Support to solve the problem and Telstra activated multimedia messaging for the LIDU mobile.
- Hannah Hollyer received photos of what looked like all of the waste on the tray of a white Mazda ute. Hannah Hollyer asked for the day and transfer station that the waste was sent to. responded to say it was the Wednesday before she had originally sent the photos through, 9 September 2015. The waste was disposed of at the Doonan Transfer Station at approximately 8:00am.
- Hannah Hollyer asked via text message to provide the registration number for the vehicle used to dispose of the waste in order to trace it at the transfer station. responded that she would have to check the details with

21 September 2015

- Hannah Hollyer called Noosa Council and spoke to Ian Florence to request verification of the waste being deposited at Doonan Transfer

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	Station. • Hannah Hollyer emailed Ian Florence of Noosa Council to ask for verification that a load of waste on a white Mazda trayback ute containing a mattress, fridge, armchair and household waste was lawfully deposed of at Doonan Transfer Station on 9 September 2015 at approximately 8:00am. **24 September 2015** • Hannah Hollyer received, from Ian Florence of Noosa Council, an email containing screenshots of CCTV footage at Doonan Transfer Station of a white ute, rego 49-Sch4 deposing of a load of waste matching the waste from the site and photos. The date was 9 September 2015 and the time was 8:40am. **Attachments:** • File • Warning letter ***Note: original reports and photos of illegal dumping from Peter Cavendish and are not included in the file yet due to staff member absence from work.
Contact with alleged offender	Nil - Despite attempts to get contact details they were not provided to Hannah Hollyer

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 • *Ownership / Occupier* • *Consent of owner / occupier* • *Bin or container provided*	Documentary	EHP site investigation report	Site inspection conducted by EHP employees Hannah Hollyer, Gina Cavendish and QPWS ranger John McQueeney.
Illegally dumped waste of volume greater than 200L • *Waste* • *Volume*	Documentary	Estimate of waste volume from photographs	Waste estimate by Hannah Hollyer from photos and item sizes.
	Documentary	EHP site investigation report	Site inspection conducted by EHP

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			employees Hannah Hollyer, Gina Cavendish and QPWS ranger John McQueeney.
Date and time of offence	Documentary	EHP site investigation report	Site inspection conducted by EHP employees Hannah Hollyer, Gina Cavendish and QPWS ranger John McQueeney.
	Documentary	Report of waste dumping.	Illegal dumping report submitted by 49-Sch4
Location of dumping offence • ***A place***	Documentary	EHP site investigation report	Site inspection conducted by EHP employees Hannah Hollyer, Gina Cavendish and QPWS ranger John McQueeney.
Identity of alleged offender • ***A person*** ***WRR Act 2011 – Schedule Dictionary –*** *prescribed person, for a vehicle littering or illegal dumping offence, means—* *(a) the person in whose name the vehicle associated with the commission of the offence is registered under a registration Act; or* *(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.* ***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.*	Documentary	Evidence obtained amongst the waste	Site inspection conducted by EHP employees Hannah Hollyer, Gina Cavendish and QPWS ranger John McQueeney.

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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?
	No direct contact was made with the offender.	

i. Other enforcement options

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

Vhat other enforcement options een considered?	Warning Letter	☒ **Considered**
	Show Cause Notice	☐ **Considered**

	Compliance Notice ☐ **Considered** Penalty Infringement Notice (PIN) ☐ **Considered**
What are the reasons for using or not using these enforcement options?	49-Sch4 quickly removed all illegally dumped waste and disposed of it correctly at a waste facility. I consider this an acceptable outcome as it has changed behaviour around responsibility of waste.

7. Recommendation

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

I recommend that [redacted] be issued a Warning Letter for a breach of s 104 (1) of the WRR Act 2011 of illegal dumped household waste at Ringtail State Forest. Alleged Offender [redacted] did not admit to the offence to the department, however he acknowledged his responsibility to [redacted] and did not require direction to where the waste was to collect it for disposal. [redacted] quickly removed all illegally dumped waste and disposed of it correctly at a waste facility.

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 - Signature
Print Name: Hannah Hollyer	**Print Name:** Vicki Hall
Position: Project Officer	**Position:** Manager
Date: 8/10/15	**Date:** 8/10/15.

9. Endorsement

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

Decision for recommendation	
Reasons for decision Noted that waste has been cleaned up and disposed of appropriately.	
Signature: 49-Sch4 - Signature	**Print Name:** Angela Siggery
Position: A/Director, Conservation Partnerships	**Date:** 9 October 2015

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Release

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Release

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