

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	Matthew Lyons
Tracker Number	14150553
File number	
Name of alleged offender	49-Sch4
Date of Birth	
Drivers licence number	
Address	
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.	6 February 2015
Date(s) & time of offence	Between - 23/01/15 – 30/01/15
Location	Lot 743 Plan SP262587 Quarry Rd Caloundra

	GPS Coordinates -26.790597 153.112604
Investigation Summary	<p>Chronological order of events:</p> <p>6 February 2015</p> <ul style="list-style-type: none"> LIDU received a report of illegally dumped waste on Quarry Rd. West Caloundra. Complainant 49-Sch4 [redacted] observed illegally dumped waste. [redacted] reported the illegally dumped waste to Sunshine Coast Council (SCC). SCC conducted an initial investigation and determined that the land was owned by the Department of Natural Resources and Mines. [redacted] reported the illegally dumped waste to the Litter and Illegal Dumping Unit. [redacted] weekend of the 24 – 25 January 2015 and had not observed the illegally dumped waste at that time. <p>10 February 2015</p> <ul style="list-style-type: none"> Matt Lyons and Gina Cavendish conducted a site investigation of illegally dumped waste at Lot 743 Plan SP262587 on Quarry Rd Caloundra. The illegally dumped waste contained: 1 queen size ensemble base, 1 queen size mattress, approximately 6 large plastic bags containing boys clothing, approximately 3 large cardboard boxes containing general household waste, empty cardboard boxes and loose general household waste. The following documents were observed in the waste and collected as evidence: <ul style="list-style-type: none"> Happy Birthday Card, To: [redacted] 5 X Pay Advices from [redacted] for [redacted] Medical Certificate for [redacted] [redacted] staff roster [redacted] appears as one name) [redacted] Pathology results, [redacted] Optus invoice for a sim card [redacted] The waste measured 4m long x 2m wide x .5m high (at the apex) / 3 (volumetric pyramid measurement). The total volume of waste equalled 1.3m³ or 1300 litres. <p>10 February 2015</p> <ul style="list-style-type: none"> Matt Lyons issued a Notice Requiring Relevant Information to [redacted] requesting the contact details for [redacted] Matt Lyons was contacted by [redacted] from [redacted] was the manager and that [redacted] was still currently employed there. [redacted] advise her to contact Matt Lyons. Matt Lyons explained to [redacted] that the NRRRI was issued to provide the requested information to the requesting officer. <p>11 February 2015</p> <ul style="list-style-type: none"> Matt Lyons was contacted by Mark McArdle elected state LNP member for Caloundra. Mark McArdle stated that he was in his office with [redacted] wanted to know why her manager at [redacted] had been issued an NRRRI to supply [redacted] contact information regarding illegal dumping. Matt Lyons stated that he could not discuss the investigation with an elected member until he had confirmed with the Department Liaison Officer that this complied with Departmental policy. Julie Hoek contacted the EHP DLO and requested approval for Matt Lyons to phone Mark McArdle and discuss the investigation into illegally dumped waste at Quarry Rd. DLO Gary Shaw confirmed with the Minister's office for EHP that this phone call could take place. Gary Shaw emailed Julie Hoek and advised that approval was granted to phone Mark McArdle. [redacted] called Mark McArdle and [redacted] Matt Lyons explained that illegally dumped waste had been located at Quarry Rd Caloundra and the Litter and Illegal Dumping Unit had commenced an investigation. Matt Lyons stated that the waste contained pay slips from [redacted] for [redacted] and that is why [redacted] had been issued an NRRRI for [redacted] contact information.

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- 49-Sch4 stated that she knew nothing about the illegally dumped waste and that she does not illegally dump anything.
- Matt Lyons explained that there was documentation belonging to a [redacted] in the waste and asked who [redacted] was.
- [redacted] was her partner.
- [redacted] neither she nor her partner had been doing any cleaning-out or illegal dumping.
- Matt Lyons asked [redacted] if her partner [redacted] may have illegally dumped waste without her knowledge.
- [redacted] stated there is no reason for them to illegally dump, it is not in their nature.
- Matt Lyons asked [redacted]

- Matt Lyons asked if [redacted] had taken any personal items to charity recently. [redacted] stated that she may have taken some of [redacted] clothes to St Vinnies maybe a little over a fortnight ago.
- [redacted] would talk to [redacted] about this and call Matt Lyons back. [redacted] phone number is [redacted]
- Matt Lyons asked [redacted] for [redacted] phone number.
- [redacted] didn't have it on her [redacted]

13 February 2015

- Matt Lyons contacted [redacted]
- Matt Lyons asked [redacted] if she had spoken to [redacted]
- [redacted] stated that Mark McArdle had offered to continue to handle this matter on her behalf and that Mark McArdle should have already contacted Matt Lyons about the matter.
- Matt Lyons asked [redacted] if [redacted] had offered any explanation about how their items became illegally dumped waste.
- [redacted] had spoken to [redacted] and he had said that the only explanation could be that their documents had been included with the clothes that they had taken to St Vinnies.
- [redacted] had taken plastic bags containing their son [redacted] clothes to the Salvation Army bins and placed them inside the bin. [redacted] stated that she must have had hers and [redacted] documents mixed up in with the bags of clothes.
- [redacted] did not offer any explanation on how her items got from inside a Salvation Army bin, to then be illegally dumped at Quarry Rd, Caloundra.
- Matt Lyons stated that he would be issuing her and [redacted] a Show Cause Notice and statutory declaration each to respond in writing, providing the information they had verbally provided to Matt Lyons regarding the clothes being taken to a charity bin.
- [redacted] stated that they would be moving house [redacted]
- Matt Lyons stated that he would wait until 2 March 2015 and contact [redacted] to obtain her new address.

2 March 2015

- Matt Lyons contacted [redacted]
- [redacted] have moved to [redacted]
- Matt Lyons issued [redacted] and [redacted] a Show Cause Notice to [redacted]

20 March 2015

- Matt Lyons spoke to [redacted] and explained that the Show Cause Notice was due on Monday 23 March. [redacted] Matt Lyons gave [redacted] an extension for one week until the 27 March 2015.

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25 March 2015

- Matt Lyons received two statutory declarations one from [49-Sch4] and one from [redacted], both stating that [redacted] had placed plastic bags of [redacted] clothes inside a St Vincent De Paul charity bin, but due to the bin being full she was unable to close the bin lid.
- Matt Lyons contacted [redacted] and explained that the documents that belonged to [redacted] and [redacted] that were found in the illegally dumped waste were not found in plastic bags.
- Matt Lyons stated that the next step in the investigation process for LIDU, would be to have [redacted] and [redacted] come in for a record of interview.
- Matt Lyons stated that instead of a record of interview it would be preferable to have the site completely cleaned of the waste.
- [redacted] stated that he would prefer to clean the site than receive a fine of \$182,000.
- Matt Lyons stated that when [redacted] cleans up the waste he would need to take photos of the clean-up and email the photos back to Matt Lyons. Matt Lyons emailed [redacted] the requirements to photograph the clean-up in an email.
- [redacted] called Matt Lyons and asked if he could dispose of the waste in a friends work skip bin. Matt Lyons stated that he required [redacted] to dispose of the waste at a lawful waste facility.

27 March 2015

- Matt Lyons received a call from [redacted] stating that he would be removing the waste on Tuesday afternoon and would be hiring a ute.

31 March 2015

- Gina Cavendish received a call from [redacted]
- [redacted] stated that he was at the site and could not locate the waste.
- Gina Cavendish explained to [redacted] where to find the waste on Quarry Road.
- [redacted] contacted Gina Cavendish and stated that he had located the waste and that there was an additional vehicle bumper bar and asbestos guttering on the waste pile.
- Gina Cavendish contacted Matt Lyons and advised him that there were additional items in the waste.
- Matt Lyons said to Gina Cavendish that [redacted] does not need to remove the additional items.
- Gina Cavendish contacted [redacted] and advised him that he did not need to remove the car bumper or the asbestos guttering.

7 April 2015

- Matt Lyons received multiple emails from [redacted] with attached photos of the clean-up. The photos also included [redacted] disposing of the waste at the waste facility.

16 April 2015

- Matt Lyons spoke to Jonathan Moore from State Land Asset Management and explained that illegally dumped waste had been investigated and cleaned up at Quarry Road, West Caloundra.
- Matt Lyons explained that there had been additional items added to the pile after the investigation that were not dumped by the alleged offender and these items had not been cleaned up.
- These items included; a vehicle bull bar and asbestos guttering.
- Jonathan Moore stated that SLAM would clean up these items. Matt Lyons emailed Jonathan an email identifying location..

Information to date:

- Illegally dumped waste was identified on the 30 January 2015.
- The waste had been dumped between 23 January 2015 and 30 January 2015.
- Matt Lyons and Gina Cavendish conducted a field investigation of the illegally dumped waste on the 10 February 2015.
- Documentary evidence found in the illegally dumped waste linked [redacted] and [redacted] to the waste.
- [redacted] both denied any knowledge of the illegal dumping.
- [redacted] stated in a statutory declaration that she placed plastic bags of [redacted] clothes into a St Vincent De Paul charity bin, but due to the bin being too full she could

	<ul style="list-style-type: none"> 49-Sch4 removed the illegally dumped waste from Quarry Road, West Caloundra on 31 March 2015 and deposited that waste at a lawful waste facility. Two illegally dumped items that were added to the waste after the waste had been investigated are being cleaned up by State Land Asset Management. <p>Attachments:</p> <ul style="list-style-type: none"> Case Closure Clean up Letter
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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
Littering or Illegally dumping offence occurred <ul style="list-style-type: none"> Ownership / Occupier Consent of owner / occupier Bin or container provided 	Documentary	Site Investigation Form	Site investigation.
Illegally dumped waste of volume greater than 200L <ul style="list-style-type: none"> Waste Volume 	Documentary	Site Investigation Form	Volumetric measurement of waste in situ
Date and time of offence	Documentary	Complainant	Email
Location of dumping offence <ul style="list-style-type: none"> A place 	Documentary	Illegally dumped waste	Garmin GPS
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> <i>(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.</i> <i>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.</i></p>	Documentary	Illegally dumped waste	Site investigation evidence collection

5. Other enforcement options

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

What other enforcement options been 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?	Show Cause Notice's were issued to 49-Sch4 and [redacted] Both persons provided a statutory declaration in which they denied knowledge of illegally dumping waste on Quarry Road West Caloundra.	

6. Recommendation

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

[redacted] and [redacted]	have both denied knowledge of illegally dumping waste on Quarry Road, Caloundra West.
[redacted] and [redacted]	removed all illegally dumped waste and disposed of the waste correctly at a waste facility. I recommend that [redacted] and [redacted] be issued each a Case Closure Letter relating to the breach of section 104 (1) of the WRR act 2011.

7. Acknowledgement

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

Recommending Officer	Supervisory Review
49-Sch4 - Signature	49-Sch4 - Signature
Signature: [redacted]	Signature: [redacted]
Print Name: Matthew Lyons	Print Name: Julie Hoek
Position: Authorised Officer	Position: Manager
Date: 28.4.15	Date: 28/4/15

8. 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	
49-Sch4 - Signature	
Signature: [redacted]	Print Name: Vicki Hall
Position: Director, Sustainability Outcomes	Date: 4-5-15





