



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	Julie Hoek
Tracker Number	13140524
File number	101/0008559
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.	31 March 2014
Date(s) & time of offence	17 March 2014 8.30am
Day of the week	Monday
Location	Service road that runs down the southern side of Beckmans Rd, Tewantin. GPS coordinates -26.41200°N 153.03260°E

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s 104(1)(a)	WRR22	Illegally dump waste less than 2500L - individual	WRR Act 2011	16	12 months
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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	documentary	Barry Baxter	Witness statement
	documentary	photos	Emailed to LIDU
	statement	Admission from offender	Offender admitted to Barry Baxter that he had dumped the waste
Illegally dumped waste of volume greater than 200L	documentary	Barry Baxter	Witness statement
	documentary	photos	Emailed to LIDU
Date and time of offence	documentary	Barry Baxter	Witness statement
Location of dumping offence	documentary	Barry Baxter	Witness statement
	documentary	photos	Emailed to LIDU
	statement	Admission from offender	Offender admitted to Barry Baxter that he had dumped the waste
Identity of alleged offender <i>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.</i>	documentary	Barry Baxter	Witness statement
	documentary	photos	Emailed to LIDU
	statement	Admission from offender	Offender admitted to Barry Baxter that he had dumped the waste
	documentary	MINDA search	Search by Julie Hoek
	documentary	Statutory declaration received from <input type="text"/> 49-Sch4	Posted to LIDU

5. Alleged offender correspondence- relating to the alleged breach

Statutory declaration received from

6. 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 was issued 30 April 2014 and 49-Sch4 has admitted to dumping the waste.	

7. Recommendation

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

I recommend that a PIN for illegal dumping less than 2500L and a compliance notice for clean-up be issued to

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:	Julie Hoek	Print Name:	Vicki Hall
Position:	Senior Project Officer	Position:	Manager Litter and Illegal Dumping Unit
Date:	28 May 2014	Date:	28-5-2014.

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 Recommend that a PIN be issued as a result of investigations undertaken.

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Signature:	49-Sch4 - Signature		Print Name: Angela Siggery
Position: A/Director, Sustainability Outcomes			Date: 29 May 2014

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