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	15160324
File number	101/0016580
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.	27 October 2015
Date(s) & time of offence	12:32pm, 21 October 2015
Day of the week	Wednesday
Location	Corner of Volz Road, Ningi -27.07402, 153.04271

Vehicle/vessel details	49-Sch4
Waste details	Three chairs, table top and green waste.
Investigation Summary	**Chronological order of events:** **27 October 2015** • called Deborah Wheate of the department and notified a person illegally dumping waste on the corner of Volz Road, Ningi. • emailed Deborah Wheate photos of the dumping • 21 October 2015 and showed a silver Nissan Navarra dualcab, with registration drive to the side of the pull off area at Volz Road, back up and a man and a woman exit the vehicle. The man and woman both remove items (chairs and smaller items) from the tray of the vehicle and items appear on the ground The vehicle drives off (see photos on file). **28 October 2015** • Deborah Wheate forwarded the report from to Hannah Hollyer. • Hannah Hollyer searched MINDA and found that the silver Nissan Navarra was registered to date of birth address The car registration was expired (see file). • Hannah Hollyer searched MINDA for the linked driver's license for and found the same address as the car registration and that his license was suspended by the State Penalty Enforcement Registry (see file). • Hannah Hollyer searched facebook and found • Hannah Hollyer calculated the volume of waste found at the site was greater than 200 litres (see calculation on file). Three chairs were dumped at the site, the volume of each of these chairs (in a rectangular shape) was over 200 litres. In addition there was green waste deposited and a table top. **29 October 2015** • Hannah Hollyer searched Smart Maps Information Service for the title for and found that it was owned by (see file). **30 October 2015** • emailed Hannah Hollyer photographs These photos showed that on 21 October 2015 a silver Nissan Navarra dualcab, registration pulled up to the edge of Volz Road and two people exit the vehicle. Only the male was visible The photos showed chairs and other waste appeared on the ground and one chair leaving the hands of the male. The photos clearly showed the male driving the vehicle as it left the site. • Hannah Hollyer called Caboolture Police Station and spoke to 73(2) 73(2) who stated that: ○

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	49-Sch4 ○ ○ ○ • Hannah Hollyer informed 73(2) that the department had images of driving an unregistered car while unlicensed. 73(2) was interested in being provided with a copy of this information and Hannah Hollyer informed him that she would email it to him. 73(2) gave his email address - 73(2) See file note on file). • Hannah Hollyer forwarded images of illegal dumping to 73(2) 73(2) • Hannah Hollyer searched Smart Maps Information Service for the title for and found that it was owned by **Attachments:** • File
Contact with alleged offender	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
Littering or Illegally dumping offence occurred • ***Ownership / Occupier*** • ***Consent of owner / occupier*** • ***Bin or container provided***	Documentary	Witness Statement	Statement from
	Documentary	Photographs	Photos from
Illegally dumped waste of volume greater than 200L • ***Waste***	Documentary	Photographs	Photos from

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• ***Volume***			49-Sch4
	Documentary	Volume estimate	Volume estimate calculated by Hannah Hollyer
Date and time of offence	Documentary	Witness Statement	Statement from
	Documentary	Photographs	Photos from
Location of dumping offence • ***A place***	Documentary	Witness Statement	Statement from
	Documentary	Photographs	Photos from
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	Photographs	Photos from
	Documentary	Car registration details	Car registration details from MINDA

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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?
	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 ☐ **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?	The evidence of illegal dumping and the identity of one of the individuals that illegally dumped was verified by the photographs from 49-Sch4 The vehicle is registered to and the male shown in the photos matches photos of from facebook.

7. Recommendation

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

I recommend that be issued a Compliance Notice and a Penalty Infringement Notice for a breach of s 104 (1) (a) of the WRR Act 2011 for illegally dumping household waste at compartment 204 Bribie Logging Area HQPlantations.

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:** Annette Burton
Position: Project Officer	**Position:** A/Team Leader
Date: 30/10/15	**Date:** 30/10/15

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

Evidence to support compliance Notice and PIN

Signature: 49-Sch4 - Signature	**Print Name:** Vicki Hall
Position: Manager, Litter and Illegal Dumping Unit	**Date:** 4-11-15

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086°F 030°C 10/21/2015 12:33:12

49-Sch4
104°F
040°C
10/21/2015 13:13:35

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Information copied from LIDU Excel tracker for HQP#106

Additional Information

27/10/2015 DW rec email from 49-Sch4 with 12 photos and a witness statement for illegal dumping at Cpt 204 Bribie Logging area. This investigation will be actioned by HH.
28/10/15 - MINDA search was conducted.
28/10/15 - Offender Rego expired and license suspended.
28/10/15 - Found on facebook
28/10/15 - Calculated waste, over 200L.
30/10/15 -Received more photos from
30/10/15 -spoke to 73(2) police officer, see file note. New address provided,
30/10/15 -referred photos of to Police.
4/11/15 - ABR approved, Compliance Notice and PIN express posted.
4/11/15 - HH emailed to let him know PIN and compliance notice being sent.
5/11/15 -Aust Post delivered 10:34am
9/11/15 - Email from 73(2) (Police had moved from current property
18/11/15 - HH emailed to ask him to let me know if the material has been removed.
18/11/15 - From - They have gone, picked up by someone else possibly to recycle, had a couple of young kids on camera take them.
HH emailed PINs to ask for update when paid/SPER.
7/12/15 - 73(2) from Caboolture police station called to say they had in the station and did we need anything. Ask her to email his current address.

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