Environmental Enforcement Order

Section 362 of the *Environmental Protection Act 1994*

Contravention of condition of environmental authority

Queensland Government

Department of the **Environment, Tourism, Science and Innovation**

Order id:	STATE-100819451
Issued to:	Gerald Harvey For the purpose of this notice "you" means the recipient of this notice or your authorised representative.
Site address:	Lot 5 SP151770, 22623 BRUCE HIGHWAY, TINANA, 4650 ("the premises")
Issued by:	Chris Ashcroft, Compliance Delivery Manager, Department of the Environment, Tourism, Science and Innovation at 102 Lennox Street Maryborough, an authorised person of the administering authority ("the delegate").  _____ Signed by delegate
Date:	8 April 2025
Relevant matter/ enforcement grounds:	S359(e)(ii) to secure compliance with condition/s of your environmental authority, specifically conditions F1-1 of Environmental Authority EPPR00534613 effective 31 March 2011.
Service method:	Email

Why are we writing to you?

The delegate reasonably suspected that you had contravened section 430 of the *Environmental Protection Act 1994* (the Act) at the premises and had issued an oral Environmental Enforcement Order (EEO) to you under sections 369(2) of the Act to remedy the contravention, avoid further contraventions and keep the Department of the Environment, Tourism, Science and Innovation ("the department") informed.

This written EEO confirms the oral requirement made by authorised persons on 14 March 2025 following an inspection of your premises which identified a contravention of an enforceable matter.

What are you required to do?

The information provided by you on 14 March 2025 confirmed the following required actions of the oral direction issued to you earlier on that day have been complied with.

Required actions:

1. On or before 17 March 2025 you must secure compliance with condition F1-1 of Environmental Authority (EA) EPPR00534613 by ceasing the release of sewage effluent to areas outside of the authorised release area at Lot 5 SP151770 shown in Schedule I of the Environmental Authority.
2. By 18 March 2025, you must email confirmation to glenn.hayward@des.qld.gov.au and / or widebay.esr@des.qld.gov.au to demonstrate your compliance with the required actions above.

On 14 March 2025 the department confirmed that the EEO was no longer in effect as the above requirements have been met.

Terms used in this order have the meaning defined in the Background and Definitions section of the EEO, or if not defined, in the Act. If you have any questions about this EEO, please contact Glenn Hayward by email widebay.esr@des.qld.gov.au or telephone 074302 8589.

ABN 46 640 294 845

Environmental Enforcement Order

Background and Definitions

1. The department is the administering authority and has responsibility for enforcing the Act.
2. You are the holder of EA EPPR00534613 dated 31 March 2011.
3. You are authorised to undertake ERA 63 sewage treatment on Lot 5/SP151770 in accordance with EA EPPR00534613.
4. On 14 March 2025 at 9:15am departmental officers observed an irrigation effluent pipe leaving the property authorised under your EA EPPR00534613 and entering Lot 3/SP151770. You stated to authorised officers that effluent is being released at the end of the pipe.
5. On 14 March 2025 you stated to authorised officers that you own the property next door (Lot 3/SP151770), however, it has been confirmed via a title search that you are not the owner of the said property.
6. Condition F1-1 of your EA states:

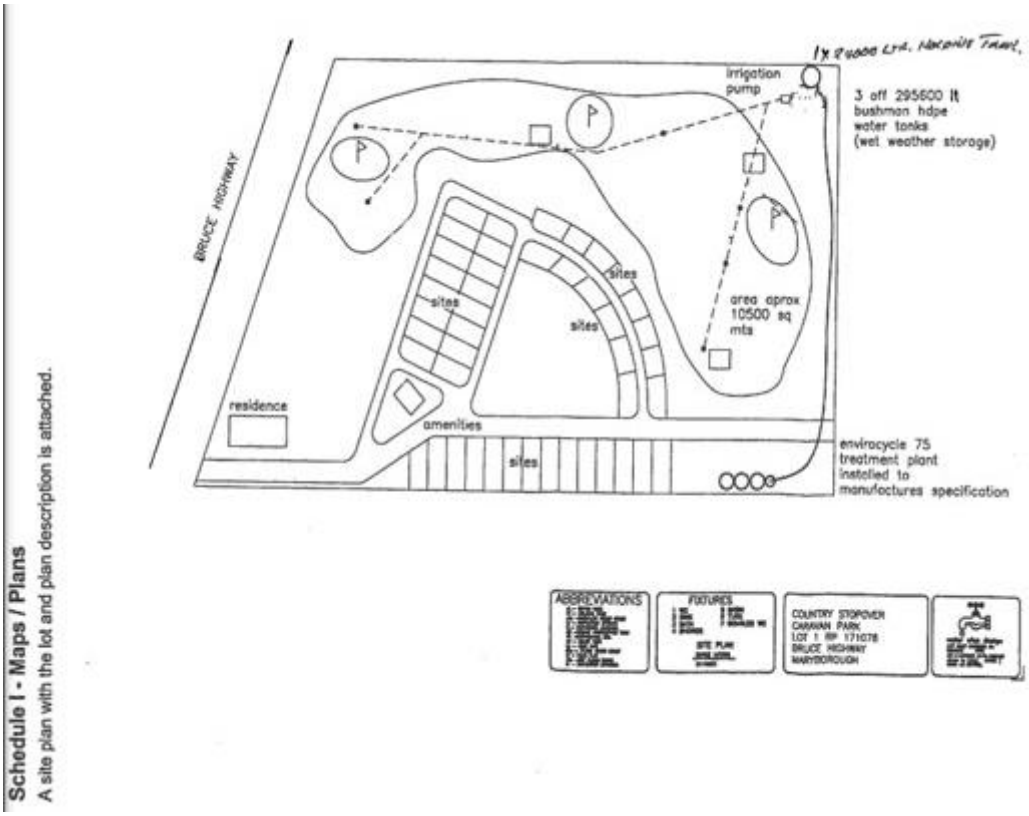
Schedule F - Land

Land disposal

(F1-1) The only contaminants permitted to be released to land are treated sewage effluents to the areas shown in the attached map in Schedule I, in compliance with the limit levels stated in Schedule F - Table 1 and the conditions of this authority.

Schedule I - Maps / Plans

A site plan with the lot and plan description is attached.



7. Lot 3/SP151770 is outside of your authorised irrigation area as per the EA map Schedule 1 above.
8. The department considers that releasing effluent to Lot 3/SP151770 is a contravention of condition F1-1 and is a breach of section 430 of the Act.
9. In summary, the delegate considers you have contravened section 430 of the Act, and it is reasonable to require you to secure your compliance with your EA.
10. The delegate has considered the circumstances and determined that the required actions are reasonable to remedy or otherwise address the relevant matters.
11. This EEO takes effect from the date service and remains in force until stayed, amended, revoked or finalised.

Warnings and information about this EEO

A PERSON WHO IS BOUND BY THIS EEO AND WHO FAILS TO COMPLY WITH THIS EEO, WITHOUT A REASONABLE EXCUSE, COMMITS AN OFFENCE UNDER THE ACT.

- The maximum penalty for wilfully contravening an EEO is 1665 penalty units, totalling $268,564.00 for an individual, or $1,342,822.00 for a corporation.
- The maximum penalty for contravening an EEO is 600 penalty units, totalling $96,780.00 for an individual, or $483,600.00 for a corporation.

Note that under section 493 of the Act that each executive officer of the corporation may be taken to have also committed an offence, of failing to ensure the corporation complies with the Act.

If you propose to dispose of the premises or business to which the EEO relates, you must advise the buyer of the existence of this EEO. Failure to provide written notice to the buyer of the existence of the order is an offence under section 369C of the Act with a maximum penalty of 50 penalty units, totalling $8,065.00 for an individual, or $40,325.00 for a corporation.

If you cease to carry out the activity to which this EEO relates, you must give written notice of ceasing to carry out the activity to the department within 10 days of ceasing the activity. Failure to provide written notice to the department is an offence under section 369C of the Act with a maximum penalty of 50 penalty units, totalling $8,065.00 for an individual, or $40,325.00 for a corporation.

Review and appeal rights

Under Chapter 11, Part 3 of the Act, a dissatisfied person may apply for a review of this EEO within 10 business days of receiving this EEO; and a dissatisfied person who is dissatisfied with the review decision may appeal against the decision to the Court.

A request for review is to be made using the approved form ‘Application for review of original decision’ (available at www.qld.gov.au). Applications for reviews are to be sent to Permit and Licence Management, Department of Environment, Science and Innovation: via email at palm@des.qld.gov.au, or by mail to the following address: GPO. Box 2454, Brisbane, QLD, 4001.

A person whose interests are or would be adversely affected by a decision of the department may be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

You may have other legal rights or obligations and should seek your own legal advice.